Four-year cycle
2017-2020

Questionnaire
GENERAL INFORMATION

1. Region: State Party: 
   Canada

2. Submission of previous national reports
   2.1. 2013-2016 cycle

3. Actors involved in the preparation of the national report
   3.1. Government institutions responsible for the protection of cultural property
   3.2. National Commission for UNESCO
   3.3. Military expert
   3.4. Independent experts
       If other actors have been involved, please indicate them

4. National Focal Point
   According to paragraph 120 of the Guidelines for the Implementation of the Second Protocol: "Unless a Party requests otherwise, the presumed focal point would be its Permanent Delegation to UNESCO." If you do not consider the Permanent Delegation as a focal point, you are invited to provide the Secretariat with the name and address of a national focal point who will receive all official documents and correspondence related to the national periodic reporting.

<table>
<thead>
<tr>
<th>Institution:</th>
<th>Email:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
<td>Tel.:</td>
</tr>
<tr>
<td>Address:</td>
<td>Fax:</td>
</tr>
</tbody>
</table>
I. The Hague Convention of 1954

1. Article 3 - Safeguarding of cultural property

This Article provides for the obligation of the High Contracting Parties to adopt relevant peacetime safeguarding measures against the foreseeable effects of an armed conflict.

- Has your State undertaken such measures?

YES: [ ] NO: [ ]

You can complete your answer below, taking into account the guidelines in the model report.

In Canada, preparatory measures undertaken in peacetime for the safeguarding of cultural property in the event of armed conflict exist within a larger framework of emergency/disaster preparedness. Such efforts take place both within the heritage community, and through the inclusion of certain cultural property within national disaster preparedness efforts that are not directed exclusively at heritage.

The Canadian Conservation Institute (CCI), an agency of the Department of Canadian Heritage, is the tool through which the Government of Canada helps build emergency preparedness capacity within Canada's heritage community. It is also a resource available to assist with emergency response efforts in Canada when heritage is threatened or impacted by emergencies. The Institute undertakes pro-active efforts in emergency preparedness by delivering training to individuals and institutions within Canada's heritage community. Workshops and instructional materials address the development of response plans, risk assessment and reduction, and skill development for collections salvage and emergency response decision making. CCI is also involved in emergency and disaster response, primarily through advisory services and occasionally, when warranted, through direct on-site involvement by conservation staff or through the treatment of damaged artifacts.

Within the Government of Canada, a Memorandum of Understanding has been established among a number of federal heritage agencies and institutions, including CCI, Canada's national museums, Library and Archives Canada, the Parks Canada Agency, and the National Capital Commission. This collaborative mechanism has among its functions the development, implementation and testing of contingencies for protecting cultural property (movable and immovable) for which these federal institutions and agencies are responsible. This agreement facilitates the cooperation in sharing facilities, equipment and expertise in the event of an emergency that threatens the cultural heritage held by these organizations.

From a wider perspective, certain cultural property (cultural institutions, national sites and monuments) considered to be “key national symbols” fall under the broad heading of “critical infrastructure” with respect to emergency management and national security. In Canada, critical infrastructure resilience is a shared responsibility that involves the cooperation of all levels of government (federal, provincial/territorial, municipal) and the private sector. Under the National Strategy and Action Plan for Critical Infrastructure, all levels of government, first responders and private sector partners are working together to address threats facing Canada’s critical infrastructure, as well as improving collective readiness to swiftly respond and recover when disruptions occur. Since the launch of this Strategy in 2010, Canada has made concrete progress to strengthen the resilience of critical infrastructure, including building public-private sector partnerships, delivering site assessments and risk management guides, and conducting exercises.
2. **Article 6 - Use of the distinctive emblem for the marking of cultural property**

The 1954 Hague Convention creates a distinctive emblem for the exclusive marking of cultural property, with a view to ensure its recognition, particularly in the event of armed conflict. The marking of cultural property is one of the preparatory measures that can be undertaken in time of peace.

- **Has your State marked cultural property by using the distinctive emblem of the Convention?**

  YES: ☐ NO: ✗

  You can complete your answer below, taking into account the guidelines in the model report.

  Canada is not currently making use of the emblem to indicate cultural property.

3. **Article 7 - Military measures**

This Article provides for the obligations of the High Contracting Parties with regard to the introduction in their regulations or instructions for the use of their armed forces of provisions to ensure compliance with the Convention, as well as to plan or establish within their armed forces, services or specialist personnel whose purpose will be to secure respect for cultural property and to co-operate with the civilian authorities responsible for safeguarding such property. These are obligations to be implemented in time of peace.

- **Has your State introduced provisions in the regulations and instructions for your armed forces to ensure compliance with the Convention?**

  YES: ☑ NO: ☐

  You can complete your answer below, taking into account the guidelines in the model report.

The Canadian Forces Military Law Centre (CFMLC) is the military legal education and training delivery organization for the Canadian Armed Forces (CAF).

The CFMLC executes a CAF wide mandate to provide legal education and training materials and services to military members in order to assist them in preparing to meet the challenges associated with current and future operations. Established as a Directorate of the Canadian Defence Academy (CDA), the CFMLC is a joint effort of the CDA and the Office of the Judge Advocate General (Office of the JAG) to provide innovative legal research, education and training to the CAF. Legal education and training delivery at CFMLC is aimed at enhancing discipline across the CAF and at ensuring that the CAF is capable of carrying out its current and future missions in accordance with all applicable domestic and international laws.

All Canadian military personnel (officers and non-commissioned members) receive instruction concerning respect for cultural property as part of Code of Conduct lessons during basic training. Additional education on the Law of Armed Conflict (LOAC) (including that concerning cultural property) is offered across the country on average nine times annually to senior non-commissioned members and commissioned officers. CAF Officers
receive further detailed instruction in LOAC (including the Hague instruments) through the Joint Operations module of the Canadian Armed Forces Junior Officer Development Program. The CAF also details its obligations in relation to cultural property in armed conflict in CAF published doctrine, specifically in the joint doctrine manual, Law of Armed Conflict at the Operational and Tactical Level.

In addition to this general training, all mission-specific pre-deployment training for Canadian military personnel includes information about the country in question – at this point specific information about sites (particularly those designated for enhanced protection under the Second Protocol) could be provided as part of this training. The Code of Conduct for CAF Personnel details obligations related to the protection of cultural property and places of worship, and instruction on the Code of Conduct is provided in pre-deployment training.

- Has your State established services or designated specialist personnel within your armed forces to ensure respect for cultural property?

YES: ☒ NO: ☐

You can complete your answer below, taking into account the guidelines in the model report.

Within the CAF, the Operational Law Division of the Office of the Judge Advocate General (JAG) is responsible for providing legal support to the CAF and the Department of National Defence in relation to operational law. The legal officers in the Operational Law Division advise the CAF chain of command at the tactical, operational and strategic levels on the application of applicable international and Canadian law to CAF activities, including the law relating to the protection of cultural property and the necessity to ensure its respect. In addition, when elements of the CAF deploy on operations, legal officers from the Office of the Judge Advocate General deploy with those elements to provide dedicated legal support to commanders and staff on the ground.

4. Article 25 - Dissemination of the Convention

Regulations relating to the protection of cultural property in time of armed conflict must be included into the programmes of military and, if possible, civilian training. The objective is to ensure that the principles of the Convention are known by the whole population, especially the armed forces and personnel engaged in the protection of cultural property.

- Has your State disseminated the provisions of the Convention within the armed forces as well as among target groups and the general public?

YES: ☒ NO: ☐

You can complete your answer below, taking into account the guidelines in the model report.

All Canadian military personnel (officers and non-commissioned members) receive instruction concerning respect for cultural property as part of Code of Conduct lessons during basic training. Additional education on the Law of Armed Conflict (including that concerning cultural property) is offered across the country on average nine times annually to senior non-commissioned members and commissioned officers. Instruction in international humanitarian law (including the Hague instruments) is also mandatory for all
students in officer training at both Canadian Military Colleges (the Royal Military College, in Kingston, Ontario; and Royal Military College – St. Jean, Quebec).

In addition to this general training, all mission-specific pre-deployment training for Canadian military personnel includes information about the country in question – at this point specific information about sites (particularly those that will be designated in the future for enhanced protection under the Second Protocol) could be provided as part of this training. The Code of Conduct for CAF Personnel details obligations related to the protection of cultural property and places of worship and instruction on the Code of Conduct is provided in pre-deployment training.

Beyond those efforts directed specifically at military personnel, the general public are made aware of their obligations to respect cultural property abroad, and penalties provided for under Canadian law for acts against cultural property, in the publication “Bon Voyage, But…” published by Global Affairs Canada (GAC). The information is available electronically to Canadians travelling internationally on the Department’s website and through a wide range of public awareness-raising activities conducted by GAC. Because the offences created in Canada’s Criminal Code to implement Article 15(1)(e) of the Second Protocol are not limited to acts committed in other States Parties, or only to those acts that take place during armed conflict, the information contained in “Bon Voyage, But….” does not specifically mention the Hague instruments.

The public is informed that it is a criminal offence to import cultural property into Canada that has been illegally exported from a foreign state on the Department of Canadian Heritage website. A link to the 1954 Hague Convention can also be found on the website.

5. Article 26(1) - Official translations

This Article requires that the High Contracting Parties communicate to one another, through the Director-General of the United Nations Educational, Scientific and Cultural Organization, the official translations of the present Convention and of the Regulations for its execution:

Please submit a copy / copies of such translation(s), in electronic format, if possible, to the Secretariat”

Please annex an electronic copy of your translation(s) to this report:

Attach the document

Translation is unnecessary as the Convention and Protocols already exist in both of Canada’s official languages, English and French.

6. Article 28 - Sanctions

This Article provides for the obligations of the High Contracting Parties to take, within the framework of their ordinary criminal jurisdiction, all necessary steps to prosecute and impose penal or disciplinary sanctions upon those persons, regardless of their nationality, who commit or order a breach of the Convention.

• Has your State introduced in your domestic legislation all necessary steps to prosecute and impose penal or disciplinary sanctions against a conduct contrary to the obligations set out in the Convention?
You can complete your answer below, taking into account the guidelines in the model report.

The relevant statutes:
- The National Defence Act;
- The Crimes Against Humanity and War Crimes Act;
- The Criminal Code; and
- The Cultural Property Export and Import Act.

The first two statutes contain sanctions related generally to war crimes or the law of armed conflict (i.e., without specifically naming the 1954 Hague Convention or Protocols), and the latter two contain sanctions related to specific provisions of the Convention and/or its two Protocols.
II. Resolution II of the 1954 Conference

- Has your State established a National Advisory Committee in accordance with the wish expressed by the Intergovernmental Conference (1954) in Resolution II?

  YES: □  NO: [x]

  You can complete your answer below, taking into account the guidelines in the model report.

  n/a

- In the event that you have established a National Advisory Committee, has it been incorporated into a national commission for the implementation of international humanitarian law?

  YES: □  NO: □ [If we must select an answer, we will click on ‘no’; if we aren’t required to, we’ll leave it blank]

  You can complete your answer below, taking into account the guidelines in the model report.

  n/a
III. 1954 (First) Protocol
[To be completed only by the High Contracting Parties to the 1954 Protocol]

The main purpose of the 1954 Protocol is the protection of cultural property in or stemming from occupied territory.

- Has your State undertaken measures to implement these international obligations, including the adoption of relevant legislation?

YES: ☒ NO: ☐

You can complete your answer below, taking into account the guidelines in the model report.

Yes, Section 37 of Canada’s Cultural Property Export and Import Act addresses these elements of the 1954 Protocol.
The 1999 Second Protocol supplements the 1954 Hague Convention in many respects. In case the information has already been presented in the context of questions relating to the 1954 Hague Convention, you can directly refer to it.

1. **Article 5 - Safeguarding of cultural property**

Article 5 of the Second Protocol supplements Article 3 of the Hague Convention by providing concrete examples of preparatory measures to be undertaken in time of peace, such as the preparation of inventories of cultural property or the designation of competent authorities responsible for the safeguarding of cultural property.

- **Has your State undertaken such measures?**

  YES: ☒  NO: ☐

  You can complete your answer below, taking into account the guidelines in the model report.

  See the response to question #1 in the first section of this report. Canada’s safeguarding measures are general in nature and do not distinguish between those undertaken in relation to the Convention and those undertaken in relation to the 1999 Protocol.

2. **Article 9 - Protection of cultural property in occupied territory**

Article 9 of the Second Protocol complements Article 5 of the 1954 Hague Convention by imposing specific obligations on the occupying power. Paragraph 119 of the Guidelines for the Implementation of the 1999 Second Protocol requires Parties that are occupying powers to provide information in their national reports on how the provisions relating to the protection of cultural property in occupied territory are being respected.

- **Do you ensure compliance with the provisions relating to the protection of cultural property in the context of military occupation?**

  YES: ☐  NO: ☐  Not applicable: ☒

  You can complete your answer below, taking into account the guidelines in the model report.

  Not applicable

3. **Article 10 - Enhanced protection**


- **Do you intend to request the granting of enhanced protection for cultural property within the next four years or, if appropriate, to submit a national tentative list under Article 11 (1) of the 1999 Second Protocol?**
YES: □  NO: □ [If we must select an answer, we will click on ‘no’; if we aren’t required to, we’ll leave it blank]

You can complete your answer below, taking into account the guidelines in the model report.

It is possible that at some future time Canada could make such a request, but at present has no immediate plans to do so.

MONITORING OF CULTURAL PROPERTY UNDER ENHANCED PROTECTION

[If some cultural property in your State benefits from enhanced protection, please also fill in this part of the questionnaire].

The benefit of enhanced protection implies the continued fulfilment of the conditions provided for in Article 10 of the 1999 Second Protocol.

- **Is a specific mechanism for monitoring cultural property under enhanced protection in place? For example, are the measures undertaken to ensure the highest level of protection periodically reviewed to ensure their full adequacy in all circumstances?**

YES: □  NO: ☒

You can complete your answer below, taking into account the guidelines in the model report.

In the event that Canada considers requesting the granting of enhanced protection for cultural property, such a mechanism would also be established.

Pursuant to paragraph 94 of the Guidelines, a distinctive emblem is created for the exclusive marking of cultural property under enhanced protection.

- **Has your State marked with the distinctive emblem cultural property under enhanced protection?**

YES: □  NO: ☒

You can complete your answer below, taking into account the guidelines in the model report.

Not applicable.

4. **Article 15 - Serious violations of the 1999 Second Protocol**

“Article 15 obliges Parties to establish as criminal offences in their domestic law offences constituting serious breaches of the Second Protocol, and to make such offences punishable by appropriate penalties”.

- **Has your State implemented this obligation?** If yes, what measures have been undertaken?

YES: ☒  NO: □
Canada implements Article 15 under three statutes.

When the acts in question are deemed by the courts to be grievous enough to be considered “war crimes” under Canada’s Crimes Against Humanity and War Crimes Act (CAHWCA), they could be prosecuted under that statute. In the unlikely event of acts committed by members of the CAF or those who are subject to the Code of Service Discipline, prosecution could also take place in accordance with the National Defence Act under the military justice system. Both the Crimes Against Humanity and War Crimes Act and the National Defence Act establish jurisdiction over offences committed within and outside Canada.

Canada’s Criminal Code has been amended to allow prosecution of (and establishes extraterritorial jurisdiction over) certain types of acts committed against cultural property where the resulting damage might not be grievous enough in every instance to fall under the CAHWCA. The Code does not restrict such provisions to offences committed only in other States Parties or only in times of armed conflict or occupation. It covers offences committed anywhere in the world, at any time, with the only requirements being that the cultural property that is the subject of the offence meet the definition contained in Article 1 of the Convention, and that the person committing the offence is a Canadian citizen, or is not a citizen of any state and ordinarily resides in Canada, or is a permanent resident within the meaning of subsection 2(1) of the Immigration and Refugee Protection Act and is, after the commission of the act or omission, present in Canada. Conspiracies, attempts and other forms of criminal liability to commit these offences are also covered.

Article 21 is implemented by s.36.1(2) of the Cultural Property Export and Import Act, which states that “No person shall knowingly export or otherwise remove cultural property as defined in subparagraph (a) of Article 1 of the Convention from an occupied territory of a State Party to the Second Protocol, unless the export or removal conforms with the applicable laws of that territory or is necessary for the property’s protection or preservation.” Section 36.1(3) establishes extraterritorial jurisdiction over such acts when the person committing the offence is a Canadian citizen, or is not a citizen of any state and ordinarily resides in Canada, or is a permanent resident within the meaning of subsection 2(1) of the Immigration and Refugee Protection Act and is, after the commission of the act or omission, present in Canada.

5. Article 16 - Jurisdiction

Pursuant to Article 16 of the Second Protocol, the Parties shall take the necessary legislative measures to establish their jurisdiction over offences set forth in Article 15 of the 1999 Second Protocol in certain cases.

- Has your State implemented this obligation? If yes, what measures have been undertaken to grant jurisdiction to your courts over serious offences under the 1999 Second Protocol?

   YES: ☒   NO: ☐

You can complete your answer below, taking into account the guidelines in the model report.

See article “Article 15 – Serious violations of the Second Protocol”
6. **Article 21 - Measures regarding other violations**

The 1999 Second Protocol obliges Parties to adopt legislative, administrative or disciplinary measures as may be necessary to *suppress certain other violations of the Second Protocol*:

a. any use of cultural property in violation of the 1954 Hague Convention or the 1999 Second Protocol;

b. any illicit export, other removal or transfer of ownership of cultural property from occupied territory in violation of the 1954 Hague Convention or the 1999 Second Protocol.

- *Has your State* implemented such measures?

YES: ☒ NO: ☐

You can complete your answer below, taking into account the guidelines in the model report.

Article 21 is implemented by s.36.1(2) of the Cultural Property Export and Import Act, which states that “No person shall knowingly export or otherwise remove cultural property as defined in subparagraph (a) of Article 1 of the Convention from an occupied territory of a State Party to the Second Protocol, unless the export or removal conforms with the applicable laws of that territory or is necessary for the property’s protection or preservation.” Section 36.1(3) establishes extraterritorial jurisdiction over such acts when the person committing the offence is a Canadian citizen, or is not a citizen of any state and ordinarily resides in Canada, or is a permanent resident within the meaning of subsection 2(1) of the Immigration and Refugee Protection Act and is, after the commission of the act or omission, present in Canada.

7. **Article 30 - Dissemination**

Article 30 of the Second Protocol complements Articles 7 and 25 of the 1954 Hague Convention. In this regard, Article 30 it asks the Parties, to endeavour by appropriate means, and in particular by educational and information programmes, to strengthen appreciation and respect for cultural property by their entire population, to ensure the dissemination of the 1999 Second Protocol, and to incorporate in their military regulations’ guidelines and instructions for the protection of cultural property.

- *Has your State disseminated the provisions of the Convention and the Second Protocol within the armed forces as well as to target groups and the general public?*

YES: ☒ NO: ☐

You can complete your answer below, taking into account the guidelines in the model report.

See answer for “Article 25 – Dissemination of the Convention”

8. **Article 33 – Assistance of UNESCO**

Pursuant to paragraph 151 of the Guidelines for the Implementation of the 1999 Second Protocol, the Parties having activities at bilateral or multilateral level are invited to inform the
Committee, in their periodic reports, of their activities in order to share their experiences or good practices.

• Has your State shared, in particular through the Secretariat of UNESCO, your experiences and good practices in implementation of the 1954 Hague Convention and/or its Protocols?

YES: ☒ NO: ☐

You can complete your answer below, taking into account the guidelines in the model report.

Canada has, at the request of certain states considering joining the Second Protocol, shared details of its policy and legislative approach to implementation.


Pursuant to Article 37 of the Second Protocol, the Parties shall translate the 1999 Second Protocol into their official language(s) of their countries and shall communicate these official translations to the Director-General.

Please submit a copy/copies of such translation(s), in electronic format, if possible, to the Secretariat.

Please annex an electronic copy of your translation(s) to this report.

Translation is unnecessary as the Convention and its Protocols already exist in both of Canada’s official languages, French and English.
V. Other questions relating to the 1954 Hague Convention and its two Protocols

1. Ratification of / accession to other international treaties having provisions of the protection of cultural property

- Can you indicate the other international instruments to which your State is a party?

<table>
<thead>
<tr>
<th>International instruments</th>
<th>Ratification/Accession</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970 UNESCO Convention on the means on Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property</td>
<td>yes</td>
</tr>
<tr>
<td>1972 UNESCO Convention on the Protection of the World, Cultural and Natural Heritage</td>
<td>yes</td>
</tr>
<tr>
<td>2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage</td>
<td>no</td>
</tr>
<tr>
<td>2003 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage</td>
<td>no</td>
</tr>
<tr>
<td>2005 UNESCO Convention for the Protection and Promotion of Diversity of Cultural Expressions</td>
<td>yes</td>
</tr>
<tr>
<td>Additional Protocol (I) to the Geneva Conventions, 1977</td>
<td>Yes</td>
</tr>
<tr>
<td>Additional Protocol (II) to the Geneva Conventions, 1977</td>
<td>Yes</td>
</tr>
<tr>
<td>Additional Protocol (III) to the Geneva Conventions, 2005</td>
<td>yes</td>
</tr>
</tbody>
</table>

2. National practice relating to the implementation of the Hague Convention and its two Protocols

The Secretariat would be grateful if you could annex a copy of the following documents in French and/or English:

- Relevant **civil and military administrative regulations**:

  PDF Document Website

- **National laws** relating to the protection of cultural property, as well as criminal provisions adopted in the context of the implementation of Article 28 of the Hague Convention and Articles 15, 16 and 21 of the Second Protocol, and case law relating to the protection of cultural property.

Documents relating to awareness-raising activities (seminar programme, brochures, etc.), as well as any other document (legislative, judicial or administrative) relevant to the dissemination of the 1954 Hague Convention and its 1999 Second Protocol.

https://travel.gc.ca/travelling/publications/bon-voyage-but

3. Effectiveness of cooperation mechanisms at the national level

- The implementation of the Hague Convention and its two Protocols requires cooperation at the national level between the various authorities (civil, military, etc.). Can you assess the degree of cooperation, at the national level, in your State?

There is no cooperation between the different authorities
There is limited cooperation between the different authorities
There is cooperation between the various authorities, but there are still improvements to be made
There is a perfectly functional cooperation between the different authorities
Other (specify)
VI. Self-assessment forms

In order to reflect in the synthesis document of the national reports the status of implementation of the 1954 Hague Convention and its 1999 Second Protocol in key areas, please fill in the two tables below.

1. Assessment of the degree of implementation

[To do this, please use the following rating scale]

1. Not at all implemented;
2. Partially implemented and the process is at standstill;
3. Partially implemented, the process following its course; and
4. Fully implemented.

| Implementation of the safeguarding obligation through the adoption of preparatory measures | 4 |
| Military training on regulations for the protection of cultural property | 4 |
| Use of the distinctive emblem to mark cultural property | 1 |
| Implementation of the obligation to disseminate, through the implementation of awareness-raising activities for target audiences | 4 |
| Adoption of relevant criminal legislation | 4 |

2. Assessment of the difficulties encountered

[To do this, please use the following rating scale]

1. Difficulties are encountered, but there are no plans to seek technical assistance from the UNESCO Secretariat;
2. Difficulties are encountered, nevertheless, it is planned to make use of the technical assistance of the UNESCO Secretariat;
3. Difficulties were encountered, but thanks to the technical assistance of the Secretariat they could be resolved;
4. Difficulties were encountered at first, but they turned into challenges that were overcome; and
5. No difficulties were encountered.

| Implementation of the safeguarding obligation through the adoption of preparatory measures | 5 |
| Military training on regulations for the protection of cultural property | 5 |
| Use of the distinctive emblem to mark cultural property | 5 |
| Implementation of the obligation to disseminate, through the implementation of awareness-raising activities for target audiences | 5 |
| Adoption of relevant criminal legislation | 5 |

For Parties with cultural property under enhanced protection only.

Establishment of a monitoring system for cultural property under enhanced protection at the national level
VII. Enhanced protection mechanism – Opinion survey

Pursuant to Chapter 3 of the 1999 Second Protocol, enhanced protection is granted by the Committee for the Protection of Cultural Property in the Event of Armed Conflict if three criteria are cumulatively met:

☑ Cultural property is of the greatest importance to humanity;
☑ Cultural property is protected by adequate domestic, legal and administrative measures recognising its exceptional cultural and historical value and ensuring the highest level of protection; and
☑ Cultural property must not be used for military purposes or to shield military sites. And the Party which has control over the cultural property has to make a declaration confirming that it will not be used for military purposes or to shield military sites.

As these conditions are set out in an international treaty, their interpretation cannot be made independently of State practice, which is of fundamental importance under international treaty law. Therefore, this national report is an opportunity for the national authorities of the Parties to express their views on the conditions under which enhanced protection is granted.

For each of the conditions set out in Article 10 of the Second Protocol, please answer the following questions, taking into consideration the relevant paragraphs of the Guidelines for the Implementation of the Second Protocol.

- Article 10, paragraph (a) - "The greatest importance for humanity"

Please list the main factors to be undertaken into consideration in determining whether a cultural property is of the greatest importance for humanity?

Canada feels that the factors listed in paragraphs 32-37 of the Guidelines for the Implementation of the Second Protocol are sufficient for making a determination of “Greatest importance for humanity”. Any attempt to prescribe relevant factors further risks unintentionally excluding sites that are the subject of future requests.

- Article 10, paragraph (b) - “The highest level of protection”

Please mention the national authorities to be consulted in determining the choice of measures to be adopted to ensure the highest level of protection for a cultural property for which enhanced protection is requested. What measures can ensure the highest level of protection?

Question 1: Contact should be initiated with Canada’s Permanent Delegation. They are responsible for liaising with other government departments as required.
Question 2: Canada does not have any input to provide on this matter at this time.

- Article 10, paragraph (c) - "Not-used for military purposes"

Please mention the national authorities to be consulted in order to take the decision not to use the proposed cultural property for granting enhanced protection for military purposes or to shield military sites?

Contact should be initiated with Canada’s Permanent Delegation. They are responsible for liaising with other government departments as required.