Four-year cycle
2017-2020

Questionnaire
GENERAL INFORMATION

1. Region: Western Europe and North America
   State Party: Norway

2. Submission of previous national reports
   2.1. 2013-2016 cycle
       No

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.

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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.

An Implementation Plan was developed and finished in 2015 but has not yet been fully applied. The plan is expected to be updated and put into practice as of 2022. It will focus on measures outlined in the Convention and the Second Protocol combined, as well as take into consideration the information provided in document C54/19/14.COM/INF.5.1 “Report on the best practices in the implementation of the 1954 Hague Convention and its two Protocols (1954 and 1999)”.


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.

For the moment, Norway has chosen not to make use of the emblem. In the future implementation, the use of the emblem may be reconsidered.
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.

Norwegian military forces get a general introduction to the international humanitarian laws and international conventions in the manual on war and human rights “Manual i krigens folkerett” (2013). The Hague Convention (1954) and its protocols (1954 and 1999) are particularly addressed in chapters 7.23 -7.33:
manual_krigens_folkerett.pdf (unit.no)

- 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.

The Ministry of Defence and the Ministry of Climate and Environment hold the overall responsibility for ensuring respect for cultural property. There is a established system within the armed forces handling this task.

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.

Knowledge has to a certain degree been disseminated within the armed forces, amongst others through distribution of card decks with information on humanitarian law and the Convention printed on the cards.
As for other target groups, the Norwegian Directorate for Cultural Heritage has taken part in relevant meetings and conferences in order to listen to, and inform, relevant stakeholders and future implementation partners.

With regard to the general public, there has been published articles on webpages and in newspapers in connection to the ratification of the Second Protocol in 2016.

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

See enclosed

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?

YES: ☒ NO: ☐

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

The Cultural Heritage Act (1978), Section 3 prohibits actions that may disturb or destroy monuments and sites that are automatically protected: https://fhs.brage.unit.no/fhs-xmlui/bitstream/handle/11250/194213/manual_krigens_folkerett.pdf?sequence=1&isAllowed=Y

Further, sanctions as a consequence for such actions are addressed in the national Penal Code (2005) paragraphs 104 and 106: The Penal Code - Lovdata
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: ☐

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

A National Advisory Committee has not been established as of today. However, and with reference to the Implementation Plan described under Part 1, question 1, such committee, and/or similar administrative structures will be put into place in near future.

- 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: ☐

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

IV. The 1999 Second Protocol

[To be filled in only by the Parties to the 1999 Second 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.

With reference to the Implementation Plan described under Part 1, question 1, the measures proposed in Article 5 of the Second Protocol, will be subject of consideration and possible implementation as of 2022.

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.

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: ☒

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

As for now, there is given no priority to the measure described in Article 11 (1). However, the question may be revisited and discussed in the future.

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.

Currently, there is given no priority to the measure described in relation to Article 10. Further, there is no intention to request the granting of enhanced protection during the next four years. However, the question may be revisited and discussed in the future.

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.

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: ☐

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

The main measure taken is the revision of the national Penal Code (2005), paragraphs 104 and 106, that provide sanctions for criminal offences described in the Convention and its protocols: The Penal Code - Lovdata

Further, Norway follows the obligations in the Geneva Conventions.

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: ☐

C.f. above.

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.

In general, we refer to Part IV, question 4. Further (b), The Cultural Heritage Act, paragraph 23 and 23a prohibit exportation and importation of cultural objects: https://fhs.brage.unit.no/fhs-xmui/bitstream/handle/11250/194213/manual_krigens_folkerett.pdf?sequence=1&isAllowed=y
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 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.

   We refer to the answer given in Part I, question 4 regarding 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.


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.
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>2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage</td>
<td>Not ratified</td>
</tr>
<tr>
<td>Additional Protocol (I) to the Geneva Conventions, 1977</td>
<td>1977</td>
</tr>
<tr>
<td>Additional Protocol (II) to the Geneva Conventions, 1977</td>
<td>1977</td>
</tr>
<tr>
<td>Additional Protocol (III) to the Geneva Conventions, 2005</td>
<td>2005</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 of the manual: [manual_krigens_folkerett.pdf](unit.no)

- 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.

  Norwegian ratification of the Hague Convention (1954):
Ratification of the Hague Convention

The Penal Code translated into English: The Penal Code - Lovdata

- 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.


Translation of the Second Protocol into Norwegian: Annen protokoll til Haag-konvensjonen av 1954 om beskyttelse av kulturverdier i tilfelle av væpnet konflikt - Lovdata

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?

<table>
<thead>
<tr>
<th>Option</th>
<th>Selection</th>
</tr>
</thead>
<tbody>
<tr>
<td>There is no cooperation between the different authorities</td>
<td>☐</td>
</tr>
<tr>
<td>There is limited cooperation between the different authorities</td>
<td>☐</td>
</tr>
<tr>
<td>There is cooperation between the various authorities, but there are still improvements to be made</td>
<td>☒</td>
</tr>
<tr>
<td>There is a perfectly functional cooperation between the different authorities</td>
<td>☐</td>
</tr>
<tr>
<td>Other (specify)</td>
<td></td>
</tr>
</tbody>
</table>
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 | 3 |
| Military training on regulations for the protection of cultural property | 2 |
| 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 | 2 |
| Adoption of relevant criminal legislation | 4 |

For Parties with cultural property under enhanced protection only.

| Establishment of a monitoring system for cultural property under enhanced protection at the national level | .......... |

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 | 1 |
| Military training on regulations for the protection of cultural property | 1 |
| 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 | 1 |
| Adoption of relevant criminal legislation | 1 |

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?

- The definition of Cultural Property must include a wide range of cultural heritage
- The definition of “the greatest importance of humanity” must never equal “outstanding universal value”.
- Hence, cultural properties granted enhanced protection should not be (only) World Heritage Properties.

- 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?

In Norway, such measures would be linked to The Cultural Heritage Act, and the ministries in question would be the Ministry of Climate and Environment and the Ministry of Culture. Further, the national Penal Code would be central.

- 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?

In this case, the Ministry of Climate and Environment would be crucial. The ministry oversees the work of the Norwegian Directorate for Cultural Heritage, which is responsible for the national protection of cultural heritage.