

ADVISORY SERVICE
ON INTERNATIONAL HUMANITARIAN LAW

**1954 Hague Convention
for the Protection of Cultural
Property in the Event of Armed Conflict
and its Protocols**

Ratification Kit

ADHERENCE TO THE 1954 HAGUE CONVENTION FOR THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT AND ITS PROTOCOLS

This short paper provides an overview of the steps involved in State adherence to the 1954 Convention for the Protection of Cultural Property and its two Protocols. The present paper and the model instruments of accession and ratification annexed were prepared in consultation with the International Standards Unit of the Division of Cultural Heritage and legal services of the United Nations Educational, Scientific and Cultural Organization (UNESCO).

1. Adherence to the 1954 Convention

To become a party to the Convention for the Protection of Cultural Property in the Event of Armed Conflict, States that have signed the Convention have to ratify or accede to it in accordance with their national procedures. This process occurs in two steps: one internal and the other international. The internal stage generally requires some form of domestic action such as approval by the State's Executive authority or Parliament. Once a decision to be bound has been made under the relevant national procedure, the State must deposit an instrument of ratification or accession with the Director-General of UNESCO [*7 place Fontenoy, 75352 Paris 07 SP, France*].

- States must first ratify or accede to the 1954 Convention in order to be able to ratify or accede to the Protocols.
- The Convention entered into force on 7 August 1956.
- States that did not sign the Convention at the closure of the 1954 Hague Intergovernmental Conference, may accede to the Convention by depositing an instrument of accession with the Director-General of UNESCO.
- The Convention will enter into force for the State concerned three months after the deposit of its instrument of ratification or accession.
- If a State that has deposited an instrument of ratification or accession is involved in an armed conflict, the Convention will enter into force immediately after the instrument of ratification or accession is deposited.
- Finally, a State may succeed to the Convention if it was ratified by a predecessor State (e.g. from which it has since separated) by notifying the Director-General of its intention to carry out the rights and obligations contained in the Convention.

2. The 1954 Protocol to the Convention

Articles 7 and 8 of the 1954 Protocol specify that States may ratify or accede to the instrument after having followed the relevant procedures at the national level. In order to ratify or accede to the Protocol, States are required to deposit an instrument of ratification or accession with the Director-General of UNESCO. The Protocol will enter into force for the State concerned three months after the deposit of its instrument of ratification or accession.

- The Protocol entered into force on 7 August 1956.
- If a State that has deposited an instrument of ratification or accession is involved in an armed conflict, the Protocol will enter into force immediately after the instrument of ratification or accession is deposited.
- A State may succeed to the Protocol if it was ratified by a predecessor State (e.g. from which it has since separated) by notifying the Director-General of UNESCO of its intention to carry out the rights and obligations contained in the Protocol.

3. The 1999 Second Protocol to the Convention

The Second Protocol to the 1954 Convention was adopted by the Hague Diplomatic Conference on 26 March 1999. Articles 41 and 42 of the 1999 Second Protocol specify that States that are parties to the 1954 Convention may ratify or accede to the instrument after having followed the relevant procedures at the national level. In order to ratify or accede to the Protocol, States are required to deposit an instrument of ratification or accession with the Director-General of UNESCO. The Protocol will enter into force for the State concerned three months after the deposit of its instrument of ratification or accession.

- The Second Protocol entered into force on 9 March 2004.
- As with the 1954 Convention and Protocol, the Second Protocol provides for an immediate entry into force for States involved in an armed conflict that have deposited instruments of ratification or accession.
- While it is legally possible for States to adhere to the Second Protocol without being Parties to the 1954 Protocol, States are encouraged to adhere to both of these instruments.

4. Model instruments of ratification

Several model instruments of ratification are provided below. The models may be used by States to provide notice of their ratification of or accession to the relevant instrument(s).

- Instruments of ratification for the 1954 Convention may only be deposited by States that have signed the Convention in accordance with its Articles 30 and 31. All States that have not previously signed the 1954 Convention and wish to become Parties may deposit an instrument of accession with the Director-General of UNESCO. The same conditions apply to States wishing to ratify or accede to the 1954 Protocol.
- Instruments of ratification, acceptance or approval for the 1999 Second Protocol may only be deposited by States that have signed the Protocol in accordance with its Articles 40 and 41. All other States wishing to become parties to the 1999 Second Protocol may deposit an instrument of accession with the Director-General of UNESCO.

Model A : For States wishing to ratify or accede to the 1954 Convention.

Model B : For States party to the 1954 Convention that wish to ratify or accede to the 1954 Protocol.

Model C : For States party to the 1954 Convention that wish to ratify, *accept*, approve or accede to the 1999 Second Protocol.

For any further information or advice, please contact the Advisory Service on International Humanitarian Law within the ICRC Department for International Law and Policy or the Cultural Heritage Protection Treaties Section of the Division for Heritage at UNESCO.

MODEL A

For States that wish to ratify or accede to the 1954 Convention

MODEL INSTRUMENT OF RATIFICATION [ACCESSION] FOR THE 1954 HAGUE CONVENTION FOR THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT

WHEREAS the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict is open to ratification [accession] by the State of _____ *[name of State]* under the terms of its Article 31[32],

NOW THEREFORE the Government of _____ *[name of State]*, having considered the above-mentioned Convention, ratifies [accedes to] the said Convention and undertakes faithfully to perform and carry out the stipulations contained therein.

In WITNESS WHEREOF I have signed and sealed this instrument of ratification [accession] at _____ *[place]* on _____ *[date]*.

[signature of Head of State, Prime Minister or Minister of Foreign Affairs] + [seal]

MODEL B

For States Party to the Convention for the Protection of Cultural Property that wish to ratify or accede to the 1954 Protocol

MODEL INSTRUMENT OF RATIFICATION [ACCESSION] FOR THE 1954 PROTOCOL TO THE HAGUE CONVENTION FOR THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT

WHEREAS the State of _____ *[name of State]* deposited its instrument of ratification of [accession to] the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict on _____ *[date]*.

WHEREAS a Protocol to the 1954 Convention was adopted on 14 May 1954 and is open to ratification [accession] under the terms of its Article 7 [8] by the State of _____ *[name of State]*.

NOW THEREFORE the Government of _____ *[name of State]*, having considered the above-mentioned 1954 Protocol hereby ratifies [accedes to] the said Protocol and undertakes faithfully to perform and carry out the stipulations contained therein.

In WITNESS WHEREOF I have signed and sealed this instrument of ratification [accession] at _____ *[place]* on _____ *[date]*.

[signature of Head of State, Prime Minister or Minister of Foreign Affairs] + [seal]

MODEL C

For States Party to the Convention for the Protection of Cultural Property that wish to ratify, accept, approve or accede to the 1999 Second Protocol

MODEL INSTRUMENT OF RATIFICATION [ACCEPTANCE, APPROVAL] [ACCESSION] FOR THE 1999 SECOND PROTOCOL TO THE HAGUE CONVENTION FOR THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT

WHEREAS the State of _____ *[name of State]* deposited its instrument of ratification of [accession to] the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict on _____ *[date]*,

WHEREAS a Second Protocol to the 1954 Convention was adopted on 26 March 1999 and is open to ratification [acceptance, approval] [accession] under the terms of its Articles 41 [42] by the State of _____ *[name of State]*.

NOW THEREFORE the Government of _____ *[name of State]*, having considered the above-mentioned 1999 Second Protocol hereby ratifies [accepts, approves] [accedes to] the said Protocol and undertakes faithfully to perform and carry out the stipulations contained therein.

In WITNESS WHEREOF I have signed and sealed this instrument of ratification [acceptance, approval] [accession] at _____ *[place]* on _____ *[date]*.

[signature of Head of State, Prime Minister or Minister of Foreign Affairs] + [seal]