

5 CHANGE OFFERS SWISS CULTURAL PROPERTY PROTECTION A WINDOW OF OPPORTUNITY

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The only threat covered by Switzerland's previous Federal Act on the Protection of Cultural Property was armed conflict. In contrast, the new Federal Act on the Protection of Cultural Property in the Event of Armed Conflict, Disasters and Emergency Situations (CPPA)¹ recognises that times and needs have changed considerably in the intervening years. The new legislation also takes into account the requirements set down in the 1954 Hague Convention² and its Second Protocol of 1999.³

Under the CPPA, key stakeholders such as cultural institutions, as well as specialised bodies and organisations are required to step up their preventive, preparedness and operational efforts in relation to cultural property in their care. This will involve devising and implementing effective solutions to cope with a natural or technically induced disaster. To this end, information sharing and cooperation between culture professionals and PCP partners will be intensified and improved over the coming years.

While civil measures are covered more extensively by the new CPPA, little has changed in relation to the fundamental requirements set out in the 1954 Hague Convention.

5.1 THE INVENTORY

The inventory issue remains key but can only be addressed effectively through close cooperation between the federal specialist agencies for monument preservation, the Protection of Cultural Property Section and members of the cantonal⁴ PCP services.

The Swiss Committee for the Protection of Cultural Property has a major role to play in settling all inventory-related matters. The combined wealth of experience and knowledge

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1 SR 520.3; Federal Act on the Protection of Cultural Property in the Event of Armed Conflict, Disasters and Emergency Situations (CPPA).

2 SR 0.520.3; Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict.

3 SR 0.520.33; Second Protocol of 1999 to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict.

4 Federal province.

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of its members mean that its work is always informed by latest developments and insights in relation to the preservation and protection of cultural property.

Article 1 of the 1954 Hague Convention remains the benchmark for the inventory.⁵ In contrast to previous versions, the 2009 PCP Inventory, which was approved by the Swiss government, covers both immovable (buildings etc.) and movable property (archives, collections). It was also the first time that the experts were able to base their work on a pre-established and uniform classification model. Furthermore, first responders and military personnel across Switzerland can now access this information via the GIS platform.

5.2 DOCUMENTARY AND MICROFILM RECORDS

In Switzerland the systematic collation of building-related documentation is often severely lacking. A further problem is that inventories of collections tend to vary considerably in terms of quality. This is why it is so important that the federal government continues to subsidise efforts to compile standardised documentary and microfilm records on cultural property of national and regional importance. Only those who know the cultural property inside out are equipped to take appropriate and effective measures to counter any threats to it. Prior knowledge of an object's weak points and being able to base risk assessments on more than outward appearance alone significantly reduces the potential dangers for the first responders should an emergency situation arise.

The federal government has long supported efforts to safeguard Switzerland's written heritage through its funding of microfilming programmes. In this way, it ensures that all the basic and essential information for PCP efforts is in place. The federal microfilm archive currently holds 73,000 reels of microfilm.

5 "For the purposes of the present Convention, the term 'cultural property' shall cover, irrespective of origin or ownership (a) movable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular; archaeological sites; groups of buildings which, as a whole, are of historical or artistic interest; works of art; manuscripts, books and other objects of artistic, historical or archaeological interest; as well as scientific collections and important collections of books or archives or of reproductions of the property defined above; b) buildings whose main and effective purpose is to preserve or exhibit the movable cultural property defined in sub-paragraph a) such as museums, large libraries and depositories of archives, and refuges intended to shelter, in the event of armed conflict, the movable cultural property defined in sub-paragraph a); c) centres containing a large amount of cultural property as defined in sub-paragraphs (a) and (b), to be known as 'centres containing monuments'."

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5.3 SEISMIC RISK

Although several studies and analyses have examined the issue of building structures and their seismic behaviour, Switzerland has yet to introduce any nationwide earthquake-proofing standards. In the 2004 Earthquake Report,⁶ the Swiss Committee (now Commission) for the Protection of Cultural Property conducted an initial review of the situation and put together a catalogue of measures to provide historic buildings, fittings and collections with more effective protection. In her doctoral thesis, Mylène Devaux (EPFL Lausanne)⁷ drew up a set of engineering-related guidelines for medieval churches.

The Federal Commission for Monument Preservation (FCMP) directives on earthquake protection⁸ deal exclusively with historic buildings. The Federal Office for the Environment (FOEN) made a renewed attempt in this regard by encouraging monument preservation services, architects and civil engineers to share and pool their most recent insights and knowledge.⁹ The Protection of Cultural Property Section of the Federal Office of Civil Protection will also be involved in the project.

5.4 NEED FOR CULTURAL PROPERTY SHELTERS

The new PCP Act no longer contains provisions on the construction of cultural property shelters. The matter is now covered by the Federal Act on Civil Protection and Civil Defence alone. Following the partial revision of the CPDA in 2012, funding will now only be awarded to the construction of shelters for cultural property which is of national importance (museums, libraries and other collections listed under this category in the PCP Inventory). Only state archives will receive government subsidies for equipment such as rolling racks and map drawers. However, to receive funding, applicants must first provide proof that the location of the new shelter is secure (based on the natural hazard map). Once building work is completed, the institution will be required to submit a contingency plan to the FOCP/PCP.

5.5 REFUGES (SAVE HAVEN)

Armed conflict and major disasters can place cultural property at acute risk. Under Article 12 of the new PCP Act, Switzerland can help safeguard endangered cultural property by

6 Expert report "Earthquakes and Cultural Property". Bern (www.kgs.admin.ch/, Publikationen KGS), FOCP, 2004.

7 DEVAUX Mylène, 2008: *Seismic Vulnerability of Cultural Heritage Buildings in Switzerland*. EPFL, Lausanne.

8 "Erdbebensicherheit bei Baudenkmälern" (www.bak.admin.ch/kulturerbe/04273/04293/index.html).

9 FOEN, 2014: "Erdbebevorsorge bei kulturhistorisch bedeutenden Mauerwerksbauten", Bern.

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offering to store these objects in a refuge or “safe haven”. The requirements are set out in detail and presented to the government as a delegation norm. The reduction in the strength of Swiss armed forces personnel in 2000 means that Switzerland fortunately has the facilities to provide such a service. However, checks are needed to ensure that the available space meets the necessary security, environmental and accessibility criteria of a safe haven. This means that Switzerland is in a position to create collection centres which have been established under skilled and expert supervision and satisfy PCP norms.

A specimen state treaty has already been drafted and the internal administrative processes analysed. Given that this is the first project of its kind in Switzerland, only a real-life case will show if, and where, additional clarifications are needed. The utmost professionalism and commitment is required for such an important undertaking. All of the relevant federal agencies and offices¹⁰ have already declared their commitment to and involvement in the safe haven process.

5.6 ENHANCED PROTECTION

The “enhanced protection” system was introduced by the Second Protocol of 1999 to the 1954 Hague Convention due to the ineffectiveness of the “special protection” system. The 1954 Hague Convention had made no provisions for the creation of an intergovernmental committee to provide the State parties with guidance on the matter.

The purpose of the enhanced protection system is to eliminate the weaknesses of the special protection system and to oblige State parties to take measures to preserve and protect their cultural property also in peace time. The aim is to afford cultural property the highest possible permanent protection at national level.

In Switzerland, the PCP commission drew up a list of cultural property to put forward for inclusion under the enhanced protection system. It also drew up a list of questions based on the measures under Article 5 of the Second Protocol and applied them to the St. Gallen Abbey precinct, by way of a test. In addition to the buildings, the World Heritage Site also contains archives, the abbey library and archaeology that could be deserving of enhanced protection status. Checks focused on:

- Dossier A: Monument preservation
- Dossier B: Protection of archives and the library
- Dossier C: Disaster protection

10 Specialist personnel from the Swiss National Museum shall attend to the depository (safe haven). All federal agencies and authorities must cooperate closely (in particular, the FOCP, the Specialised Body for the International Transfer of Cultural Property within the Federal Office of Culture, the Directorate General of Customs, the Swiss National Museum, the specialist real-estate unit within the Federal Office for Buildings and Logistics, and the Federal Security Service of the Federal Office of Police”) (BBl 2013, 8994).

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- Dossier D: Safeguard documentation, cataloguing
- Dossier E: Vandalism & similar acts

Given the many different fields involved, no single authority could provide a complete overview. In the end, the various agencies and bodies came together to clarify the different responsibilities involved and to determine the main tasks of each stakeholder within their designated area of responsibility.

An initial assessment in 2010 showed that there was still a good deal of work to be done. Since then, the cantonal government has twice confirmed its interest in applying for enhanced protection status for the St Gallen Abbey Precinct. The necessary financial and human resources were made available to remedy the shortcomings. The first advances have already been made on the issues of archaeology and in terms of basic principles and documents of the government.

5.7 COOPERATION WITH THE MILITARY AUTHORITIES

Cooperation with the Swiss Armed Forces is primarily concerned with raising their awareness of cultural property protection and the Law of Armed Conflict. During their basic training, every member of the Swiss army receives a fact sheet outlining the ten fundamental rules of cultural property protection. However, these rules are based on military legislation, not on the Federal PCP Act.

5.8 TRAINING FOR CULTURAL INSTITUTIONS

According to the new CPPA, the Federal Office for Civil Protection (FOCP) and the cantons may “provide training on the protection of cultural property to staff of cultural institutions” (SR 520.3; Article 4, let. h, and Article 5, Paragraph 7 CPPA). Article 4, Paragraph 2 of the PCP Ordinance reads as follows:

Art. 4 Training and personnel

...

2 Training on the protection of cultural property to staff of cultural institutions shall include:

- a. planning of protective measures;
- b. supporting and advising the partner organisations of the Civil Protection in the event of a disaster.

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The staff of cultural institutions have always had a key role to play in protecting cultural property. They know where the most precious objects are, who has access to them, how the situation on the ground looks etc. This is why staff also need to be involved in the development of contingency plans, strategies and protective measures.

However, work begins much earlier, with prevention efforts:

- Major weakness can already be identified during the construction or conversion of facilities or when looking for a new depot site. A very useful tool here are the cantonal hazard maps.
- Leveraging the experience and knowledge of colleagues and or other institutions.
- In-house specialists must receive the necessary training.
- As stipulated in the CPPA, use should be made of the information resources of the FOCP and the cantons (publications, fact sheets, guidelines, contingency plans etc.). The Confederation may, under Article 71, Paragraph 2bis, CPDA,¹¹ carry:

...the recognised additional costs for the construction and renovation of cultural property shelters for cantonal archives and collections of national importance, as well as the costs for the equipment of cultural property shelters for cantonal archives.

In terms of preparedness:

- full use of the services of the Civil Protection partners to ensure an effective emergency response (e.g. development of fire service deployment plans, joint training exercises);
- encourage cooperation between partners and institutions.

With the assistance of a working group comprising members of the Federal Commission for the Protection of Cultural Property and other experts, the Protection of Cultural Property Section shall devise a training programme and test it during trial courses.

5.9 NEW PCP ACT – AN OPPORTUNITY

All in all, the new legislation is a real opportunity for PCP in Switzerland. Likewise, changes in international legislation (enhanced protection, safe havens) could be a chance for Switzerland to cement its international reputation in this field. One of the most important provisions in the new PCP Act is the involvement of personnel from cultural institutions in the planning of PCP protective measures for Switzerland. Furthermore, the fact that disasters and emergencies are now also covered by the legislation will lead to much closer

11 SR 520.1; Federal Act of 4 October 2002 on Civil Protection and Civil Defence (Civil Protection and Civil Defence Act, CPDA).

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cooperation between the Confederation, the cantons and the institutions concerned. The hard work of everyone involved in the drafting of this piece of legislation has most definitely paid off.