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UNITED NATIONS EDUCATIONAL,
SCIENTIFIC AND CULTURAL ORGANIZATION

Address by
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(UNESCO)

at the opening of the Diplomatic Conference
on the draft Second Protocol to the
Convention for the Protection of Cultural Property
in the Event of Armed Conflict

The Hague, 15 March 1999

[The Director-General began his address in French]

“For a long time the worlds of art were as mutually exclusive as were humanity’s different religions. But for us the world of art is a Mount Olympus from which all the gods, all the world’s civilizations, address their message to all humanity (. . .). In earlier times each civilization had its own holy places; now they are being discovered as those of the whole of humanity, and not, as before, as discrete historical landmarks. Just as, for Cezanne, Poussin did not replace Tintoretto, Chartres did not replace Angkor, or Borobudur, or the temples of the Aztecs, any more than its ‘kings’ replaced the Kannon of Nara, the plumed serpents, or the horsemen of Phidias. They have all come together, for the first time, in a world in which dying fetishes have taken on a significance they never had before, in the world of the images with which human creativity has defied the passage of time, a world which has at last conquered time.”

When André Malraux wrote these words in 1957, in the introduction to *La Métamorphose des Dieux*, he was, as so often, ahead of his time. He was introducing to the general public the idea of the heritage of humanity, which has since become so widely accepted and applied. I felt that it would be all the more appropriate to quote a passage from the hymn to human creativity which forms the major part of Malraux’s work at the opening of this Conference because the place of human creativity is not always readily perceived in the concept of “cultural property”. For the crux of the matter is indeed this distinguishing feature of the human race, this extraordinary and continually replenished potential of each individual which is conducive to understanding and communication, indeed communion, between different human beings.

Yes, the cultural heritage is freed from the shackles of time by the creative power that brought it into being, but it also has its place in time, and in this sense it helps to forge our identity. As the living testimony to the civilizations that have succeeded one another on our Earth, telling us - from times before writing was invented and in a different way from writing - of the diversity of humanity’s beliefs, rites, customs, art and technology, the cultural heritage is our memory. As such, it is irreplaceable, shaping our lives as it does through the landscapes, history and legends with which it is associated. As a message, a sign and a symbol, it is our soul.

[The Director-General continued in English]

Minister,
Secretary of State,
Your Excellencies,
Ladies and Gentlemen,

It is a great honour and a particular pleasure for me to address this gathering. For you have come together in The Hague to accomplish one of the most important tasks that diplomats, lawyers and cultural experts can engage in: the improvement of humanitarian law.

It is a great challenge indeed, to produce the best possible protocol within a limited time-scale. But I doubt that you could find a more inspiring place for this task than The

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Hague. Not only is it the place where the Convention for the Protection of Cultural Property in the Event of Armed Conflict itself was signed in 1954; it is also the site of the First Peace Conference of 1899, the one hundredth anniversary of which will be celebrated here in May.

The Hague is associated with the very foundations of International Law through Hugo Grotius, with the International Court of Justice and its predecessor, the Permanent Court of International Justice, with the Hague Academy of International Law and with many great initiatives of humanitarian law. I know that this tradition of idealism and determination to turn into reality some of the most essential aspirations of humanity will guide and inspire your undertaking.

It was Czar Alexander II of Russia who promoted the idea that we do not need to wait for a war in order to have a conference on peace. This was welcomed by Queen Wilhelmina of the Netherlands and in 1954 that idea was reiterated. We need not wait for a war before we take measures to ensure the survival, in such an event, of the cultural heritage. Our mission and primary goal at all times must be to build peace and prevent war. But when conflict does break out, our first duty is to save human lives and then, to save that which gives meaning to human life.

Today, this ethical duty is more pressing than ever. We have seen in recent years, particularly in areas where the assault on the heritage has been brutal, that this assault is part of the attack on the people themselves. We have also witnessed the trauma of people dispossessed by the intentional destruction of that heritage. That trauma remains even when the conflict has ceased, because of the much greater difficulty of people's rehabilitation when everything dear and known to them has been swept away. It is far, far harder to rebuild lives when people no longer recognize the community in which they live.

Respect for another's cultural heritage is respect for our joint humanity. It is the thread of our common being, an achievement of peacetime, a reminder that conflict, however terrible, is transient and will end with a return to calm and the chance to build a lasting culture of peace. For all these reasons, UNESCO has worked and continues to work closely with the International Committee of the Red Cross. The Hague Convention and the Geneva, Conventions of 1949 and their 1977 Protocols share the same aim: to lessen human suffering and to ensure a minimum level of civilized behaviour even during armed conflict. When the most basic prohibitions against torture or attacks on women and children, the wounded and prisoners of war are flouted, other aspects of civilization such as the cultural heritage are often abused also. Whenever heritage is destroyed, the international community as a whole is concerned by the loss. In the famous words of the Hague Convention itself: *damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of all mankind, since each people makes its contribution to the culture of the world.*

In the forty-five years' existence of the Hague Convention, innumerable efforts have been made to assist threatened cultures to protect their heritage. I want to pay tribute here to the little known but crucial work done by cultural experts all over the world, including museum curators, librarians, archivists, architects and archaeologists. Through the several non-governmental organizations of professionals which are, I am happy to see, represented here today, they have gone selflessly into dangerous situations, giving freely of their expertise wherever urgent measures were necessary to secure the survival of cultural property for the future.

An ICOMOS expert was present in Dubrovnik during the most dangerous period there. Another was in Cyprus at the cessation of the fighting. A museum expert went to assess damage to Croatian museums as soon as it was feasible. In Cambodia, a constant stream of professional expertise helped ensure the survival of its great legacy. An expert from ICOM was quick to make the journey to Kuwait to see what could be done to put the museums in order there. Librarians in many countries mobilized to send support to their colleagues in Sarajevo, when its famous Library was destroyed. Archivists too have been active in evaluating needs of regional archives in Bosnia, while archaeologists have been in the forefront of efforts to limit illicit exports from the troubled country of Afghanistan. All these professionals are equally quick to take preventive action on behalf of UNESCO, assisting the local authorities to protect the heritage as much as possible wherever conflict seems imminent. I take this opportunity to thank the many who volunteer for this important and often dangerous task. They are performing one of the highest duties of humanity - saving the best of the past for future generations and ensuring that the message of peace is passed on. I am glad to see, in the draft text before you, a recognition of that role through the International Committee of the Blue Shield.

Ladies and Gentlemen,

We would all like the removal of armed conflicts from human relations. We wish to honour the promise of the United Nations Charter which is to save our children from the scourge of war and violence. UNESCO, as the intellectual arm of the United Nations system, will not relax its efforts in this regard. As I have always said: UNESCO has only one mission - that of peace.

But, at the same time, we would be neglecting a vital task if we did not do everything to ensure that the heritage survives the conflicts that may occur in spite of all the best efforts of the international community. UNESCO gives its steadfast support to this Convention and its Second Protocol because each measure that preserves cultural heritage also preserves human dignity and diversity. We are all aware that much of the fighting which one sees today is not between States, but within them. In the text you have before you, as in the text of the Hague Convention itself, the rules to protect the cultural heritage apply not only to international conflicts, but also to non-international conflicts.

I know that States are anxious that there should be no interference with their sovereignty. But I plead with them to give UNESCO the means of helping any State where conflict within its territory and between its own citizens puts heritage at risk. Such situations need the help that cultural professionals, worldwide, can give their beleaguered counterparts. This is not an intrusion into sovereignty. It is part of the wider humanitarian task of preventing unnecessary suffering and of preserving cultural diversity.

When the process of reviewing the Hague Convention began in 1993, States were very aware that serious attacks on cultural property had just occurred on a wide scale. Far from being outdated or unnecessary, the Convention appeared more essential than ever. The review highlighted a number of points needing improvement.

Firstly, it was clear that most States had not put enough effort into implementing the Convention. Very few had set up a National Advisory Committee to deal with the Convention, as recommended by Resolution No. II at the Diplomatic Conference in 1954. Many had not translated it into local languages to assist in countrywide educational efforts. Although some reported that they had taken measures to ensure the education of their military forces in the

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obligations of the Convention and Protocol, it was clear from events that these measures, if indeed taken, were insufficient to ensure compliance.

One result was an effort to define much more precisely the circumstances covered by the general phrase "military necessity" used in the Convention. It is essential that military lawyers have a text which is easy to understand and easy to teach, for they have a great responsibility in the administration of this Convention once conflict breaks out. Even when fighting on their own territory, in defence of their own heritage, no army can afford to ignore the provisions of the Convention.

Military law and practice are not, however, the only specialized area of law concerned. The rapid development of cultural heritage law has given the review process other sources to draw on. A new series of rules will facilitate the nomination of especially important cultural property to an International List of Cultural Property under Enhanced Special Protection. This List will declare, for all to see and so that none may plead ignorance, which great works of civilization need an additional level of protection to that generally applicable under the Convention - which is already considerable.

Ladies and Gentlemen,

In seeking better support for the Convention, the instinct of many experts was to recommend an intergovernmental committee. Many such committees play an important role in furthering UNESCO's work. But this is a time when all international organizations have been trying to streamline their administrations. We therefore thought it appropriate to propose an alternative, lighter structure such as a Bureau, which could perform most of the same functions with less expense and fewer staff resources. But the decision, as with all the issues, rests with you. If you determine at this meeting that the instrument on which you are deciding must have an intergovernmental committee to support it, then I will, of course, try to see that adequate resources are established for it.

In this capital city, witness to so many developments of international humanitarian law, in this country whose devotion to the rule of law is exceptional, whose strong support at all stages in the negotiation of this text has been exemplary, I call on you all to adopt the Second Protocol to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict. Such decisions are rarely easy, but they are landmarks in civilization and in the development of a culture of peace.

I am certain that you will seize this opportunity to assert, once again, the international community's determination to protect the cultural heritage for future generations. To end, I would like to quote the words of the President of the Diplomatic Conference which adopted the Hague Convention in 1954, Dr Carl Schurmann, who said:

The only really effective protection for man and for his work is peace. Although the Conference has dealt with an aspect of war, the hope uppermost in the hearts of all the delegates has been one for Peace.