

**The 1954 Hague Convention for the Protection of Cultural Property in
the Event of Armed Conflict
&
The Second Protocol of 1999**



**ICOMOS Sites & Monuments Day
Dr Cathy Daly INCBS Committee
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1. Brief overview of the 1954 Convention and 1999 Protocol
2. Measures & obligations – peacetime



1. 1954 Convention

- **Massive destruction WWII**
- **First international treaty exclusively to protect cultural heritage during armed conflict**
- **Applies to armed conflicts of an international & national character**
- **Applies to moveable and immoveable cultural heritage**
- **1st protocol relates to exportation & return of cultural property (1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property)**
- **126 States Parties**



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.

(Preamble 1954 Hague Convention)



An Egyptian army soldier stands guard near antiquities of the Egyptian Museum in Cairo, Egypt, Saturday, Jan. 29, 2011. Hundreds of anti-government protesters returned Saturday to the streets of central Cairo, chanting slogans against Hosni Mubarak and attacking police just hours after the Egyptian president fired his Cabinet and promised reforms. (AP Photo / Amr Nabil)

Under Article 4 of the Convention forces:

- **Should not target, attack or direct any act of hostility against the cultural property of another nation.**
- **Should not use cultural property in a way that might expose it to destruction or damage during hostilities.**
- **Should not direct any act of reprisal against cultural property.**

1954: State Parties undertook to protect and safeguard cultural property in their own territory and in the territory of another State during armed conflicts and/or occupation – exception for 'military necessity'



1999: 2nd Protocol supplements 1954 provisions with enhanced systems, clarifications and measures for enforcement

1999 2nd Protocol

- Failure of 1954 Convention (2nd Gulf War, former Yugoslavia etc.)
- Issues: ‘military necessity’, precautionary measures, special protection, individual criminal responsibility
- Established Committee and Fund



Intentional Destruction of Cultural Property Without Imperative Military Necessity is Considered a War Crime.

- **Military leaders have been prosecuted under the Hague Conventions and under customary international law for the targeting and destruction of cultural property when not justified by imperative military necessity.**

e.g. Serbian General Pavle Strugar was convicted by the International Criminal Tribunal for the former Yugoslavia for

"the destruction or willful damage of institutions dedicated to religion, charity and education, the arts and sciences, historic monuments and works of art and science"

in the shelling of the Old Town of Dubrovnik, a World Heritage site.

Strugar was sentenced to eight years in prison

2. Obligations during peacetime

Emergency Planning

Prepare in time of peace for the safeguarding of cultural property

(1954, Art. 3)



- The preparation of inventories
- The planning of emergency measures for protection against fire or structural collapse
- Preparation for removal of moveable cultural property to designated *refuges* or provision of adequate in situ protection
- Designation of authorities responsible for the safeguarding of cultural property

(1999, Art 5)

Education & Training

- Training of military personnel in the securing of cultural heritage and liaising with appropriate civilian authorities
- Fostering respect of the cultural heritage of all peoples within the armed forces
- Dissemination of the convention widely and especially amongst military personnel



Use of the Blue Shield Emblem



Trefoil

- Immovable cultural property under 'Special/Enhanced Protection'
- Cultural Property in transit
- Refuges for moveable cultural property



Single

- Cultural property
- Persons involved in work of convention and/or protection of heritage



Prior to the 2003 invasion, staff at the Iraq National Museum in Baghdad painted a giant Blue Shield symbol on the roof of the building.

Precautions in relation to military objectives

- Remove cultural property from vicinity of military objective
- Avoid locating military objectives near cultural property





Ireland's position

Signatory to Convention May 1954

Not ratified

Not signatory to 1999 Protocol



**Dresden
1945**



In Conclusion

**60 years on - Continued
relevance though the
nature of current conflicts
is different.**

**Aleppo
2014**



The Future:

- **Ratification**
- **Recognition**
- **Enforcement**

Thank You



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