

The Regime of International Protection of Cultural Property in the Event of Armed Conflict

by Ambassador Maurizio Moreno, President, IIHL

(Sanremo, 14 December 2009)

It is a real privilege to welcome you all – authorities, lecturers and participants – to this seminar organised by the Sanremo Institute, under the patronage and in collaboration with UNESCO, the Italian Ministry of Foreign Affairs and the Italian Ministry of Cultural Heritage and Activities.

The Institute is particularly pleased to host, at the same time, an exhibition concerning the Italian Government's contribution to the rehabilitation of the cultural heritage of Iraq, made possible thanks to the contribution of the Directorate General for Cultural Promotion and to the cooperation of the Italian Foreign Ministry, and the Department for Protection of Cultural Property of the Carabinieri.

I would like to convey my sincere thanks to Mr. Jan Hladik, Representative of the Director General of UNESCO, and to Ambassador Umberto Colesanti, Representative of the Italian Foreign Minister. It is a great honour to welcome for the first time in Sanremo Ambassador Jin Yongjian, President of the UN Association of China and former Under-Secretary General at the United Nations.

I am sure that the participation of highly-qualified experts and very distinguished representatives of a number of international and national institutions traditionally committed to the protection of cultural property, will significantly enrich our discussions.

I am pleased to acknowledge the valuable cooperation of “Institut du Droit de la Paix et du Développement” of Nice University.

Last but not least, my warmest gratitude goes to the two dynamic coordinators of the seminar, Professor Edoardo Greppi of Turin University and Professor Massimo Carcione of the “Piemonte Orientale” University of Alessandria.

Cultural property is a key element of the identity, the history, and the roots of a nation. In a global environment, all the peoples of the world concur with their works of art, monuments, objects and sites of artistic, historical or archaeological interest to the common heritage of humanity. Cultural property has to be considered universal by its very nature.

World War I and World War II have produced unprecedented devastation of cultural resources. But new severe threats to cultural property continue to emerge from today’s conflicts - non-international, asymmetric, ethnic conflicts - where the destruction of cultural property often becomes a means to eliminate the symbols of the past, the culture, the heritage of the enemy.

Complementing and strengthening the provisions of the 1954 Hague Convention and of the First Protocol, the Second Protocol adopted in The Hague in March 1999, translates into precise legal obligations the moral commitment of the international community to achieve an “enhanced” protection of cultural property irrespective of origin and ownership

The Second Protocol represents a significant step forward in the international protection of cultural property, as it envisages specific measures to be adopted since peace time and defines the sanctions due in the event of serious breaches and violations.

The Second Protocol entered into force in March 2004. This year we celebrate its 10th anniversary. We all realise that further substantive efforts are needed concerning ratification.

The memory of the looting of the library of Sarajevo, of the destruction of Mostar bridge, the bombing of churches and mosques in Kosovo, the damage to the National Museum of Bagdad, the demolition of the Buddhas of Bamiyan is still an open wound. It is imperative for the international community to avoid the repetition of such tragedies.

I think we should all commend UNESCO for its irreplaceable action aimed at promoting inter-state co-operation in preservation policies, wider enforcement and full respect of the provisions of the Hague Convention and Protocols.

The Sanremo Institute, established in 1970, is an independent, non-profit organisation. Its primary objective is to promote the knowledge and the dissemination of international humanitarian law and related disciplines. The topic of the protection of cultural property in the event of armed conflict has been on our agenda for more than 25 years now. Already in 1984 the Institute organised a seminar on this subject in Florence, in close co-operation with UNESCO.

International humanitarian law plays a major role in the “*protection of cultural objects and places of worship.*” As we are all aware Article 53 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) asserts that: “*Without prejudice to the provisions of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954, and of other relevant international instruments, it is prohibited: (a) to commit any acts of hostility directed against the historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples; (b) to use such objects in support of the military effort; (c) to make such objects the object of reprisals.*” In the same way, Article 16 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), states that it is prohibited “*to commit any acts of hostility directed against historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples, and to use them in support of the military effort*”, always without prejudice to the provisions of the 1954 Hague Convention.

The international protection of monuments and cultural property is now also formally sanctioned by the Rome Statute of the International Criminal Court and by the Statute of the International Criminal Tribunal for former Yugoslavia, and by the practises of UN, NATO and EU forces.

The Sanremo Institute has had the privilege to participate as an observer at the different sessions of the UNESCO Committee for the Protection of Cultural Property in the Event of Armed Conflict.

Within the framework of its competence the Institute is prepared to actively contribute to the implementation of the Guidelines of the 1999 Second Protocol recently adopted by the Committee, in particular, those concerning its dissemination

Our courses concerning international humanitarian law are directed not only towards military personnel but also towards the civil society. The programmes of such courses and our training materials have been entirely reviewed and offer a significant opportunity to make the participants fully acquainted with the provisions of legal instruments concerning the protection of cultural property. More than twelve thousand people have participated over the years at the Institute's training activities. An ex-Alumni Association has recently been established, and is now actively contributing to the promotion of the educational and informational objectives of the Institute.

With the support and in close co-operation with UNESCO we look forward to further expanding our activities in this field.

I hope you will be able to enjoy the exhibition on the rehabilitation of culture property in Iraq which the Institute has organised for you upstairs.

Also on behalf of the Council of the Institute and of Vice-President Professor Pocar, who is here with me today, may I welcome you once again to Sanremo and wish you a very successful and fruitful meeting.