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MINISTRY OF CULTURE  
THE BUREAU OF DEFENCE

**CULTURAL HERITAGE  
IN THE FACE OF THREATS  
IN WAR AND PEACE TIME**



**PATRONAGE – THE GENERAL DIRECTOR OF UNESCO**

**Warsaw 2004**

# **CULTURAL HERITAGE IN THE FACE OF THREATS IN WAR AND PEACE TIME**

THE INTERNATIONAL CONFERENCE ORGANIZED ON THE OCCASION  
OF 50<sup>TH</sup> ANNIVERSARY OF SIGNING OF THE HAGUE CONVENTION  
FOR THE PROTECTION OF CULTURAL PROPET  
IN THE OF ARMED CONFLICT  
Warsaw, 13-15 May 2004



**PATRONAGE – THE GENERAL DIRECTOR OF UNESCO**

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# CONFERENCE OPENING

Michał JAGIEŁŁO

Director of the National Library in Warsaw  
Poland

Ladies and Gentlemen, welcome in the National Library!

I have an honour to welcome the host of this event – as I am only the host of this place – Mr Ryszard Mikliński, Undersecretary of State in the Ministry of Culture, General Conservator of Monuments, and Chairman of the Organizing Committee. Welcome, Mr Minister!

Ladies and Gentlemen, we are in the Polish National Library, a place both real and symbolic. Its reality consists of the millions of books, journals, maps, illustrations collected here by the previous and following generations. Its symbolic dimension is built on an awareness, that we collect a heritage not only of the Poles, not only of our neighbours, but that this is a living monument of reflection over a human being, and over the relation “me vs. the other, my nation, my culture, other nations, and other cultures”, “me vs. national culture, religious community, and those of identity different than mine”.

Nowhere but in a library numerous proofs of our *homo sapiens*, *sapiens of aggression*, but also of our human ability to peaceful cooperation can be found.

Ladies and Gentlemen, honourable guests – you are in a place where the Polish national identity meets pan-European values without any conflict.

Generally speaking, the Polish National Library is a great home of our Polish identity, but identity opened also for the others, not Polish-centred. It's one of the important places of Europe, Europe not limited to modern – still new – UE boundaries, but embracing also the whole continent, not-Euro-centred – let's say. As a Polish writer and – for 6 years – director of this unique institution, I am honoured to host you.

Ladies and Gentlemen, let me invite you to the expositions prepared especially for this conference: “War as the largest threat for the cultural heritage – Poland 1939-1945”, and “Conservation of library collections destroyed by the flood – Poland 1997”. Both of them have been prepared by the National Library. General Director of State Archives has prepared an exposition “Lost memory – destructs from the Polish archives' collections”, also our Croatian colleagues prepared special presentation.

And now I would like to invite Mr Ryszard Miklinski, and ask him to open the conference.

Thank you very much for your attention.

Transl. MK

Ryszard MIKLIŃSKI

Undersecretary of State in the Ministry of Culture, General  
Conservator of Monuments  
Poland

Ladies and Gentlemen,

It is a great honour and pleasure for me to welcome on behalf of the Polish Government the participants of this conference concerning protection of the cultural heritage. This conference, under the patronage of the General Director of UNESCO, is a unique event. To celebrate the 50<sup>th</sup> anniversary of the Hague Convention on Protection of Cultural Heritage in Case of Armed Conflict (1954), we are honoured to host in Warsaw the representatives of cultural and science life from 20 countries.

Let me welcome:

- Mr Guido Carducci , Representative of the Director-General of UNESCO, Chief of International Standards Section, Division of Cultural Heritage,
- Lord Andrew McIntosh, Minister for Media and Heritage, United Kingdom,
- Mr Zdenek Novak, First Vice-Minister of Culture, the Czech Republic,
- Mr Boguslaw Zaleski, Undersecretary of State in the Ministry of Foreign Affairs, Poland,
- Mr Maciej Gorski, Undersecretary of State in the Ministry of National Defence, Poland,
- Ms Daria Nałęcz, General Director of State Archives, Poland,
- Mr Nicholas Stanley-Price, General Director of ICCROM,
- Mr Patrick Zahnd, Head of Regional Delegation for Central Europe, International Committee of the Red Cross,
- Gen. Piotr Buk, Deputy Commander of the State Fire Service, Poland.

I cordially welcome the famous experts and researchers, in particular Prof. Patrick Boylan, ICOM representative from the United Kingdom.

Welcome also all the other participants of today sessions.

Ladies and Gentlemen, the 50<sup>th</sup> anniversary of the Hague Convention is an occasion for reverie and reflection, for drawing



an international community's attention to the significance of the cultural heritage protection.

Increasing number of armed conflicts, as well as terrorism, result in particular care for the cultural heritage. Intentional destruction of priceless symbols of human culture fills us with sadness and horror. Regardless international legal regulations, there is still much to do to improve their effectiveness.

I truly believe that our conference, organized in this important for the international law on the monuments' protection time, will contribute and reinforce national awareness of the security of our common cultural heritage. I wish you nice stay in Warsaw, and fruitful discussions.

And now I invite Mr Boguslaw Zaleski – Undersecretary of State in the Ministry for Foreign Affairs.

Transl. MK

Mr Boguslaw ZALESKI

Undersecretary of State in the Ministry of Foreign Affairs  
Poland

Ladies and Gentlemen,

I would like to express my acknowledgement for the conference organizers for picking up such an important and current topic, which is the cultural heritage in the face of threats of war and peace time. The last fact of systematic destruction of the world cultural heritage during armed conflicts make us aware of the particular risk the cultural heritage is exposed on in the time of barbarous wars, risk of a loss of all these values for the next generations. Destruction of the cultural heritage is strongly connected with a decline of culture itself. Decline resulting in heritage's useless, as neither necessary nor understood.

Decline of culture results in a heritage's oblivion in a peace time, and meaningful destruction during a war, destruction on behalf of narrow political or religious interests, ethnic cleansing, searching for religious and moral correctness, offending religious and national emotions of other groups.

Ladies and Gentlemen,

during a discussion concerning a world cultural heritage the two large groups – or even two cultures, two mentalities – are “fighting”. One group consists of people for whom a world cultural heritage has no value, if it does not support their particular values. Moreover, if these values seem to be contradictory – they shall be destroyed. This is the way chosen by the dictators, religious fanatics, nationalists, local despots, and terrorists. The other group consists of people, for whom common heritage is not only the rest from the past. It defines our background, and must be preserved for the next generations. A man does not come from nowhere. He/she comes from the past. Destroying the past – he/she destroys also a part of him/herself. This is the core of the concept of the world cultural heritage.

Irreversible destruction of the world cultural heritage is an enormous offence. An international community cannot recover from the shock caused by the Talibs' declaration that all the statues in Afghanistan shall be destroyed. Two giant Buddha's monuments in Biaman were destroyed in the result of this barbarous, stupid

decision, monuments which have survived for 1500 years, regardless environmental conditions, or barbarous invasions. The Talibs' decision, named properly as a crime against culture, was condemned by the whole civilized world from Tokyo to New York, by common people and international organisations, like the UN and its agenda UNESCO, by the Buddhists, Muslims, Hindus, and Shiites.

The awareness of common cultural heritage shall be the subject of permanent interest and care of the international community. The crisis of culture, and crisis of ignorance, emerge in particular during a war. Irrational factors increase either in individual or public lives. Fundamentalism, nationalism, sectarianism become popular that time. An international communication, as well as understanding, tolerance, and solidarity loose its value. There is a break in an international dialogue. A monologue appears, which starts to dominate over the white sky. A world is governed by propaganda, prejudices, and stereotypes.

Ladies and Gentlemen,

we – the Poles – know very well what loosing of most of cultural heritage during a war means. Only during the World War II we lost approximately 75% of Polish book collections, including approximately 1,2 mln of the eldest written texts of enormous value. They can be neither reconstructed nor recovered today. According to the estimations, we lost more than 516 thousands of works of art, but – according to the research results – this number shall be doubled. We shall remember, that except the artistic works or historical mementoes, also documentary materials were destroyed or stolen, including the museums inventories. This made more difficult or even impossible to prepare a complete register of the Polish treasures.

It is understandable then, that Poland attaches such a great significance to an international cooperation in the field of the cultural heritage protection, either within international organizations (UNESCO in particular), or mutual partnership. The European Union we have been the member since May 1<sup>st</sup>, has enlarged a long time ago an offer of activities concerning world cultural heritage far beyond the Member States' boundaries. Protection of the world cultural heritage is a great challenge the international community faces. The success of such instruments like international exchange of knowledge concerning heritage protection, either technical or political, enhancement of local awareness of the common cultural heritage, getting knowledge of common heritage for in-

stance thanks to cataloguing its works – all these depend on the political will and engagement of all the states. These activities shall be of a long-term character, going far beyond individual, spectacular actions of saving threaten objects. We must strengthen our efforts also in the forms of trainings and conferences – like this one – research exchange, common projects.

Common international policy on cultural heritage does not exist in an emptiness. It is strongly connected with national policies, mostly the national policy on cultural heritage protection, as well as the national and international cultural policies in general. The common international policy on cultural heritage is – partially – shaped by the governmental goals and rules, indicated in the directions of work and selected geographical priorities. National priorities may and shall supplement and support common international actions, in particular UNESCO activity.

Ladies and Gentlemen,

the scope we will save the world cultural heritage is an indicator of our ability to protect spiritual richness of each and every man. So that important is an answer for the question – how to protect the cultural heritage against the threats of war and peace time? I am strongly convinced that this answer, as well as answers for many other questions posed during this conference, will be an inspiration and lodestar for the researchers and politicians for their work on better protection of our common heritage.

On behalf of the Minister Włodzimierz Cimoszewicz and myself I wish you fruitful discussions.

Transl. MK

Mr Maciej GÓRSKI

Undersecretary of State in the Ministry of National Defence  
Poland

Ladies and Gentlemen,

I am honoured to welcome you on behalf of the management of the Ministry of National Defence, at the conference concerning the 50<sup>th</sup> anniversary of the Hague Convention. Poland has been the signatory to this convention since 1954. Simultaneously, our soldiers have been participating in peace missions for 50 years. We can say then, that we have adequate experience, and got indispensable impulses to find new solutions in the armed forces for the benefit of cultural heritage protection, and execution of the obligations resulting from the signed Convention and other international treaties.

In the context of current events and new threats for the humanity, discussion and exchange of experiences in the field of cultural heritage protection seem to be very topical. This is a perfect occasion to discuss contemporary instruments and legal regulations. It also induces us to think about the possibilities of fighting against these new threats. Poland, aware of the value and significance of cultural achievements, has been participating in national and international efforts for the cultural heritage preservation for a long time. The works of the Polish Ministry of National Defence are broadly consulted with the Ministry of Culture, the Ministry of Foreign Affairs, foundations, and non-governmental organisations. These consultations and the experts' engagement are essential for our actions. Our work under the UN auspices shows, that peace missions shall cover all fields, also culture and science. Today, in the time of global problem-solving, national priorities setting is not enough. They shall be moved to international organisations established for the new goals.

This conference is a perfect occasion to remember the achievements of the last 50 years, and to exchange the experiences.

On behalf of the Ministry of National Defence and myself I wish you fruitful discussions, and finding solutions enabling perfection of international law on cultural heritage protection.

Transl. MK

**Part I**

**ARMED CONFLICTS, CULTURAL  
CONFLICTS, AND TERRORISM**

**NEW CHALLENGES FOR THE PROTECTION  
OF CULTURAL HERITAGE**

## **Session 1**

**Chairmen:** Guido Carducci  
Tomasz Orłowski  
Krzysztof Sałaciński

Guido CARDUCCI

Chief International Standards Section, Division of Cultural Heritage  
UNESCO

## REMARKS ON THE OCCASION OF THE CONFERENCE ON THE FIFTIETH ANNIVERSARY OF THE 1954 HAGUE CONVENTION FOR THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT

Excellencies,  
Ladies and Gentlemen,

On behalf of the Director-General of UNESCO I have a great pleasure in addressing this important Conference dedicated to the 50<sup>th</sup> anniversary of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, generally known as “The Hague Convention”. First of all, I would like to warmly thank the Polish authorities for organizing and hosting this important event in Poland, a country with rich cultural heritage and traditions. The organization of this meeting bears witness to the importance given by the Polish authorities to the protection of cultural heritage.

The 50<sup>th</sup> anniversary marks an important milestone in the existence of an international treaty : it is an occasion for celebration and reflection.

### **The importance of the 1954 Convention and Protocol**

The importance of the Hague Convention is clear, as it represents the first international *multilateral treaty* of a world-wide vocation that focuses *exclusively* on the pro-



tection of cultural property in the event of *armed conflict* (and occupation).

Until 1954, history and practice had granted much less to the cause of the legal protection of cultural heritage in the event of armed conflict:

in 1863, some rules emerged in a domestic legal text : the Lieber's Code, an influent set of principles for the future "humanitarian law";

in 1874 some provisions were inserted in an un-ratified Declaration (Brussels Declaration);

in 1880, then in 1913, some provisions were written down in academic manuals (Oxford Manuals);

a real legal improvement in the *nature* and in the *geographical scope* of provisions for the protection of cultural property came only at the end of the 19th century : *Convention (IV) respecting the Laws and Customs of War on Land* (1899 and 1907) provides, in Articles 27 and 56 of the *Regulations* found in the Annex to the Convention, clear provisions on such a protection in this important multilateral treaty-law instrument, and later on, in 1935, nearly two decades before the adoption of the Hague Convention, the Roerich Pact was negotiated and later entered into force but in eleven States only.

The strong and objective will of the international community to prevent, to the maximum possible extent, the large scale of destruction of cultural property which was witnessed during the Second World War represents the main reason for the elaboration, and then adoption in 1954, of the Convention and its Protocol.

Let's briefly recall the main principles adopted in these instruments.

### **1954 Convention:**

A) Under the "General Protection" regime : the High Contracting Parties:

safeguard cultural property against the foreseeable effects of an armed conflict and respect it, be it situated within the-

ir own territory as well as within the territory of other High Contracting Parties, by refraining from any use of the property and its immediate surroundings or of the appliances in use for its protection for purposes which are likely to expose it to destruction or damage in the event of armed conflict; and by refraining from any act of hostility directed against it. However, this obligation to respect cultural property is subject to an important waiver – well known in humanitarian law – “in cases where military necessity imperatively requires such a waiver”;

undertake to prohibit, prevent and, if necessary, put a stop to any form of theft, pillage or misappropriation of, and any acts of vandalism directed against, cultural property. They shall refrain from requisitioning movable cultural property situated in the territory of another High Contracting Party, and from any act directed by way of reprisals against cultural property;

if in occupation of the whole or part of the territory of another High Contracting Party shall as far as possible support the competent national authorities of the occupied country in safeguarding and preserving its cultural property;

shall take some “preventive measures” in time of peace: to introduce into their military regulations or instructions provisions ensuring observance of the present Convention, and to plan or establish in peace – time, within their armed forces, services or specialist personnel whose purpose will be to secure respect for cultural property and to co-operate with the civilian authorities responsible for safeguarding it;

additionally, cultural property may bear a distinctive emblem so as to facilitate its recognition (a different emblem becomes compulsory only for cultural property under special protection).

B) The “Special Protection” regime addresses only cultural property of “very great importance”, situated at an adequate distance from any large industrial center or from any important military objective constituting a vulnerable

point and not used for military purposes. High Contracting Parties undertake to ensure the immunity of such property by refraining, from the time of entry in the International Register, from any act of hostility against such property<sup>1</sup> and from any use of such property or its surroundings for military purposes.

### 1954 Protocol :

This “first” Protocol is usually less known than the Convention, however, out of the 109 States Parties the Convention, 88 are also Parties the Protocol. Lets` briefly recall the crucial principles codified in the Protocol : Each High Contracting Party :

i) prevent the exportation of cultural property from an territory occupied during an armed conflict take into its custody such property imported into its territory either directly or indirectly from any occupied territory, either automatically upon the importation of the property or, failing this, at the request of the authorities of that territory;

ii) return, at the close of hostilities, to the competent authorities of the territory previously occupied, cultural property which has been exported and currently is on its territory;

iii) whose obligation it was to prevent the exportation of cultural property from the territory occupied by it, shall pay an indemnity to the holders in good faith of any cultural property which has to be returned; and

iv) never retain cultural property as war reparations.

All these main principles would deserve much further developments as they contribute, each to a varying extent, to bring clarity in international (treaty) law on issues where general international customary law at the time was not necessarily clearly established.

The first years of existence of the Convention and Protocol were marked by a substantial interest of the UNE-

<sup>1</sup> Except for the cases provided for in paragraph 5 of Article 8 of the Convention.

SCO Member States in their ratification and subsequent implementation at the national level. Just two years later, in 1956, the Convention entered into force.

However, later on States' interest in the Convention gradually diminished. This was probably due to geo-political developments in a growing cold war context as well as to the fact that the tragic memories of the Second World War, slowly but certainly, were fading. For a time, the international community was seldom reminded of, nor was it directly and newly confronted with, a large-scale destruction of cultural property.

At a later stage, a radical wake-up call for the international community came in the form of destruction of cultural property during the wars in former Yugoslavia and armed conflicts in other regions.

## **THE LATEST NORMATIVE DEVELOPMENTS**

Normative reflection in this area became concerned with the fact that effective legal protection was increasingly confronted with two relatively new threats, that were at least not so clearly apparent and identified in 1954 :

i) conflicts are more and more often non-international : therefore they remain outside the scope of those international regulations that address only “inter-national” conflicts or that extend the applicability of only some of their provisions to conflicts of a non-international character. In this regard, the Convention has endorsed the “minimalist” approach of the 1949 Geneva Conventions (common Article 3): the “minimum” to be applied to internal conflicts are the provisions relating to “respect for cultural property” (art.19, par.1); taken literally, this term refers only to Article 4 of the Convention. However, the Convention also requires States Parties to “endeavour to bring into force, by means of special agreements, all or part of the other provisions” (art.19, par.2; basically identical to Art.3, par. 2, sub 2 of the 1949 Geneva Conventions); and

ii) conflicts are more and more often of an ethnical character; in some cases, cultural heritage becomes the direct target of attack and destruction, even if it is not at all used for military purposes.

The growing awareness of these threats as well as of some significant on-going developments in international humanitarian law led UNESCO, thanks to the generous support of the Netherlands Government and other interested States, to review the Hague Convention. This important and challenging initiative started in 1991 and resulted in the elaboration and adoption of the *Second Protocol* to the Hague Convention at the Hague Diplomatic Conference held in March 1999.

I am pleased to inform you that on 9 March 2004 the Second Protocol entered into force. Therefore, all the three instruments (1954 Convention and Protocol, and 1999 Protocol) are currently in force in their respective States Parties.

This new instrument complements and strengthens the 1954 Convention. As an accurate analysis of the Second Protocol would require quite some time, I wish at least to bring to your attention some of its principles :

A) Concerning cultural property under “general protection” *inter alia* : i) the waiver of the military necessity has been codified in restrictive terms thus filling in an important gap of the 1954 Convention; ii) specific precautions are to be taken during attack; iii) illicit export, transfer of ownership and archaeological excavations are prohibited; iv) differently from the “minimalist approach” described above and common to the 1949 Geneva Conventions, the Second Protocol extends the application of all its provisions to non-international conflicts.

B) A second regime, “Enhanced Protection”, is provided for though only as an exceptional regime because it may apply only to cultural property “of the greatest importance for humanity”, subject to a request to, and granting of such protection by, an Intergovernmental Committee.

These briefs elements and examples illustrate that the Second Protocol strengthens in several ways the protection of cultural property as it was conceived in 1954; this is particularly true in the area of criminal responsibility.

Last but not least, a new instrument, though simply of a soft law nature (Declaration) and addressing cultural heritage in times of war but also of peace, has been recently adopted by the General Conference of UNESCO in October 2003. The UNESCO *Declaration Concerning the Intentional Destruction of Cultural Heritage* adds moral weight to the concern of the protection of cultural property embodied by the UNESCO Conventions.

## REMARKS AND SUGGESTIONS

The participation in the Hague Convention, while significant, is not yet universal. This is true both from a quantitative (109 State Parties to the Convention and 88 to the 1954 Protocol), and qualitative point of view at least to the extent that two of the permanent members of the United Nations Security Council (the United States of America and the United Kingdom of Great Britain and Ireland) are not party to the Convention. However, I have a pleasure to announce that the United Kingdom authorities have recently informed the UNESCO Secretariat of their intention to become party to the Convention and its 1954 and 1999 Protocols.

Unfortunately recent and less recent conflicts demonstrate that the destruction of cultural heritage continues. This is often because of the lack of proper safeguarding measures, of fulfilling basic conservation duties and, occasionally, the lack of knowledge of the exact location of important (movable) cultural heritage in the territory. Consequently, if these elementary measures are not properly implemented in a peace time, it is not too surprising that once a conflict is underway raising all sorts of practical difficulties and new

priorities, the protection of cultural heritage and the Convention are often neglected.

Greater emphasis on improving the implementation of the Convention and its two Protocols should be put at the national level. In international law, every treaty in force is binding upon its States parties that have freely decided to join it, and must be performed in good faith. Such States may not invoke the provisions of their internal law as justification for their failure to perform a treaty<sup>2</sup>. However, implementation at national level is not always as efficient as it could or should be.

UNESCO works as the technical Secretariat of the Convention and its two Protocols. On States Parties' request, it may provide technical assistance and facilitate the work of the relevant national authorities. Among others, the Secretariat regularly promotes the instruments (also on our Website [unesco.org/culture](http://unesco.org/culture)), has been publishing regular reports on the implementation of the Convention and its first Protocol, an article-by-article commentary on such instruments, and an Information Kit (in French, English and Spanish), addressing to the public at large, covering also the Second Protocol.

The Secretariat will organize at UNESCO Headquarters on 14 May 2004 a commemorative symposium on the 50<sup>th</sup> anniversary of the Hague Convention devoted to presentations of eminent specialists in international humanitarian and cultural heritage law.

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<sup>2</sup> See Articles 26 and 27, Vienna Convention on the Law of Treaties (1969).

\* \* \*

In conclusion, achievements are undeniable, primarily in terms of ratifications : 109 States Parties represent more than half of the international community. However, for the sake of the protection of cultural heritage and of the history it represents, much remains to be done : we should all contribute, at different levels, to ensure that the Hague Convention and its two Protocols are widely known, implemented at national level and – above all – complied with by belligerents.

Thank you for your kind attention.



Mr Col. Giovanni PASTORE

Deputy Chief of Carabinieri Headquarters  
Italy

# **CARABINIERI FOR THE PROTECTION OF CULTURAL HERITAGE: STRUCTURE AND ACTIVITY OF CON- TRAST AGAINST MILITARY AND TERRORIST ACTIONS DIRECTED TO THE CULTURAL HERITAGE**

## **1. STRUCTURE**

In 1969, faced with the spread of criminal action to the detriment of the nation's cultural patrimony, the Carabinieri Corps for the Protection of the Nation's Cultural Heritage was set up. Thanks to an appropriate decree the Corps comes under the overall direction of the Ministry for Cultural Assets and Activities, and it is located in Rome, Saint Ignazio's Square.

Under the directives of the Ministry and subject to agreement with Regions having their own statute, the Headquarters deals functions concerning the safeguarding of national cultural property, through prevention or repression of criminal activities.

At the moment the Headquarters is structured as follows:

- **Central Office** , in which it is also included an Operations section that runs the analysis of criminal events;
- an **Operational Department** divided into three sections dealing respectively with antiques, archaeology and fakes;

- eleven local branches (Milan in Monza, Venice, Torino, Bologna, Genova, Florence, Naples, Cosenza, Bari, Palermo and Sassari).

## 2. ACTIVITY OF CONTRAST

### a. Activity made for Iraq emergency

After the fall of Saddam Hussein, the notorious looting of Iraq Museum of Baghdad together with similar events in many important archaeological areas of Iraq focused the attention of the international cultural world. There was the need of urgent interventions to hinder the carit of archaeological objects from the country and their trade in the art market.

Between various initiatives, the General Secretary of Interpol and UNESCO organized a Conference in Lion – 5-6 May 2003 – at the end of which the directors of the most important museums of the world, of the Cultural Ministries and of Police Services decided the following measures:

- creation of a database for the archaeological objects stolen in Iraq;
- creation of an Interpol Experts Group for Stolen Cultural Heritage;
- creation of an Interpol Special Unit (ITTF) for the recovery of stolen cultural heritage.

### b. Activity in Baghdad (Coalition Provisional Authority).

In the frame of an Italian project co – sponsored by the Ministry of Foreign Affairs and the Ministry of Cultural Assets and Activities, two officers in Baghdad, from the 12 June 2003 to the 31 January 2004, under the direction of the Senior Advisor for the Minister of Culture in Baghdad were employed with the following duties:

- assistance to personnel of the Iraqi Museum of Baghdad, in cataloguing archaeological objects stolen (about 3000);
- compilation of the description cards (with picture) of the stolen objects, sent to the database of Carabinieri for

the Protection of Cultural Heritage in Rome for data computerization and for international researches (through the General Secretariat of Interpol in Lion);

- help for the foreign Police Services and the Interpol, in making of an Iraqi Interpol Liaison Office;

- investigation on received stolen goods and on illicit exportation routes utilized to take out of Iraq archaeological objects.

### **c. Peace Mission „Oki Babylon” in An Nasiriyah**

Employment of four specialized units within the Italian Expedition Corp with the following duties:

- control of the releasing – made by Iraqi Police – of Temporary Weapon Card (TWC) to the guarding personnel of the Archeological Areas;

- selection of guardians of high risk sites and arming them;

- providing with cars the local Archaeological Department;

- building watchtowers for the control of archaeological sites;

- census of the most important archaeological sites ( at the moment 60) with air inspections and pictures;

- arrest of people guilty of illicit excavations ( at the moment 46) and seizure of archaeological objects (at the moment 302);

- identification of people probably involved in illicit traffic of archaeological objects (at the moment 94);

- cataloguing and data computerization of objects kept in the Museum of Nasiriyah;

- realization of an archaeological map of the district of Dhi-Qar.

Col. Krzysztof SAŁACIŃSKI  
Ministry of Culture  
Poland

Marek LEMIESZ  
Poznań Archaeological Museum  
Poland

## **PROTECTION OF IRAQ'S CULTURAL HERITAGE WITHIN THE STABILITY MISSION TASKS REALIZED BY POLAND**

### **MAIN MOTIVES FOR UNDERTAKING THE MISSION:**

- international activity of Poland for the protection of cultural heritage at risk
- realisation of commitments derived from international legal acts, to which Poland is a party
- danger to the national heritage of Iraq – a special and invaluable area for world's civilisation and culture

## **LEGAL ASPECTS OF THE REALISATION THE MISSION**

- acceptance for stability activities on the base of Security Council Resolution no. 1483, 22 May, 2004
- Poland and Iraq as parties of international conventions:
  1. Convention for the Protection of Cultural Property in the Event of Armed Conflict, 14 May, 1954
  2. Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Culture Property, 14 November, 1970
  3. Convention for Protection of the World Cultural and Natural Heritage, 23 November, 1972

## **ORGANISATIONAL PROCEDURES FOR THE REALISATION OF TASKS FOR THE PROTECTION OF IRAQ'S CULTURAL HERITAGE MAY – SEPTEMBER, 2003**

- the tasks for protection of cultural heritage defined in „The Conception of the Participation of the Polish Republic in the Postwar Reconstruction of Iraq”
- preparation of the premises of the „Programme of activities” and handing over the letter of the Minister for Foreign Affairs to the Director General of UNESCO
- the appeal of the Minister of Culture to the Minister of Defence concerning a post of an expert for protection of cultural heritage in the civil component of the Multinational Division staff
- a plan of short- and long-term activities, discussion at the meeting of high ranking officials of the Ministry of Culture

- preparation of the expert for tasks realisation (in co-operation with Center for Protection of Archaeological Heritage in Warsaw)

## UNDERTAKINGS REALISED IN POLAND

- a letter from the Minister of Culture addressed to antique dealers on the issue of increased activities for prevention of illegal trading of objects of art from Iraq

Nr 5 (41) pazoziernik 2003

# cenne, bezcenne/ utracone

*Wzrostki, Pieluchy/  
Lub*



W NUMERZE:

LIST MINISTRA KULTURY  
DO ANTYKWIARZY

BRACKI ZARYS  
NA DZIEŃ PRZEJAZDU KULTURY  
PRZEZ WARSZAWĘ

TOMASZOWSKI PRZEJAZD  
Miejscowość: Polska, cennica

SKANERY  
ZAPISYWAŁA W DZIEŃ  
NAPISYWAŁA ANTONIOWSKA  
Krzysztof, Warszawa

PIRAT – stara zaproszenie,  
KONWALISZKA WARSZAWA  
Pawel, Warszawa

KATALOGI STRAŻ WILCZYCH  
Pawel, Warszawa

POPISEK BARTANOWSKI  
Pawel, Warszawa

KATALOGI STRAŻ  
Mieczyslaw, Warszawa

KONFERENCJA w Krakowie  
Pawel, Warszawa

POLSKA WYSTAWA W USA  
LEONARDO DA VINCI  
I KALIBRUSZKA  
Pawel, Warszawa

www.napisa.org  
Mieczyslaw, Warszawa

RECEPIE SUITANA Hassan  
Mieczyslaw, Warszawa

FABRYKA KASTRATYKOWIAŁY  
prace krajowego  
Mieczyslaw, Warszawa

Centrum Ochrony Zdoborow

1000 1000 1000



List ministra  
kultury do antykwaryszty

W imieniu Ministra Kultury i Dziedziczy  
Kultury, wzywam do zapoznania się z załączonymi do niniejszego listu dokumentami, które dotyczą kwestii ochrony dziedzictwa kulturowego i zapobiegania nielegalnemu handlowi dziełami sztuki. Proszę o wyrażenie swojej opinii i skierowanie odpowiednich wniosków do właściwych organów państwa. W szczególności proszę o wyrażenie opinii na temat możliwości wprowadzenia dodatkowych środków ochrony dziedzictwa kulturowego i zapobiegania nielegalnemu handlowi dziełami sztuki. Proszę o wyrażenie opinii na temat możliwości wprowadzenia dodatkowych środków ochrony dziedzictwa kulturowego i zapobiegania nielegalnemu handlowi dziełami sztuki. Proszę o wyrażenie opinii na temat możliwości wprowadzenia dodatkowych środków ochrony dziedzictwa kulturowego i zapobiegania nielegalnemu handlowi dziełami sztuki.

Opisano zasady postępowania w razie próby sprzedaży obiektu kultury, które mogły zostać nielegalnie wywiezione z kraju. W szczególności, w tym celu, należy przede wszystkim wykonać badania i zidentyfikować obiekt, który może być dziełem sztuki. W tym celu należy przede wszystkim wykonać badania i zidentyfikować obiekt, który może być dziełem sztuki. W tym celu należy przede wszystkim wykonać badania i zidentyfikować obiekt, który może być dziełem sztuki.



- meeting with representatives of customs service, border guard and police held for prevention of import of objects of art from Iraq to Poland
- „personnel data base” about candidates indicating readiness to take part in the realisation of the tasks within the Iraq stability mission
- a group of Iraqi intellectuals and the Vice-Chancellor of the Baghdad Academy of Fine Arts met in Warsaw with the Minister of Culture
- undertaking activities for the renewal of bilateral contacts between Poland and Iraq in the field of culture
- an official visit of the Minister of Culture of the Provisional Governing Council Mr Mufid Al-Jazairi in Warsaw; meeting with Mr Waldemar Dąbrowski, Polish Minister of Culture



**POLISH EXPERT'S ACTIVITIES  
WITHIN STABILISATION MISSION  
IN IRAQ**

**October, 2003 – May, 2004**

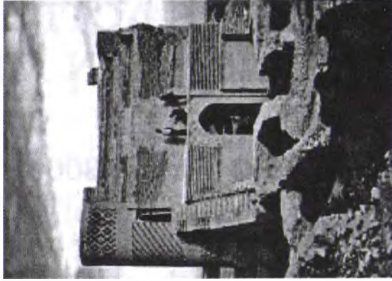


**IRAQ – CENTRAL-SOUTHERN AREA OF RESPONSIBILITY  
ARCHAEOLOGICAL SITES AND OTHER HISTORICAL MONUMENTS**

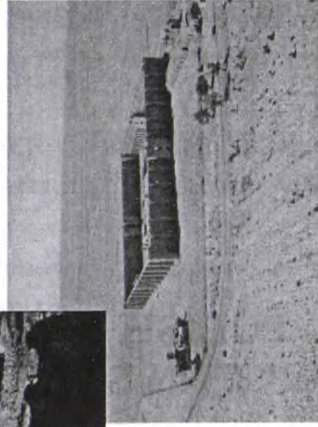
- according to the official registry of Iraqi State Board of Antiquities – 1503 monuments

PROVINCE	SITES
Babil	423
Karbala	45
Najaf	74
Wasit	461
Qadisiyah	500

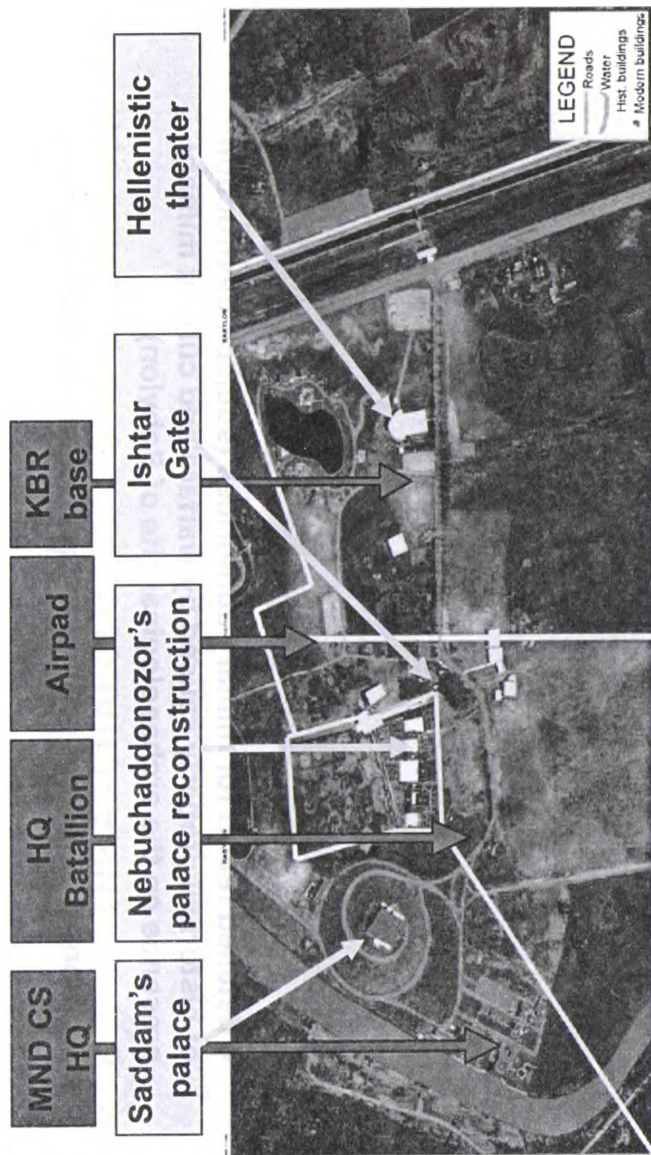
**UNESCO TENTATIVE HERITAGE LIST (2000)**



**Wasit**



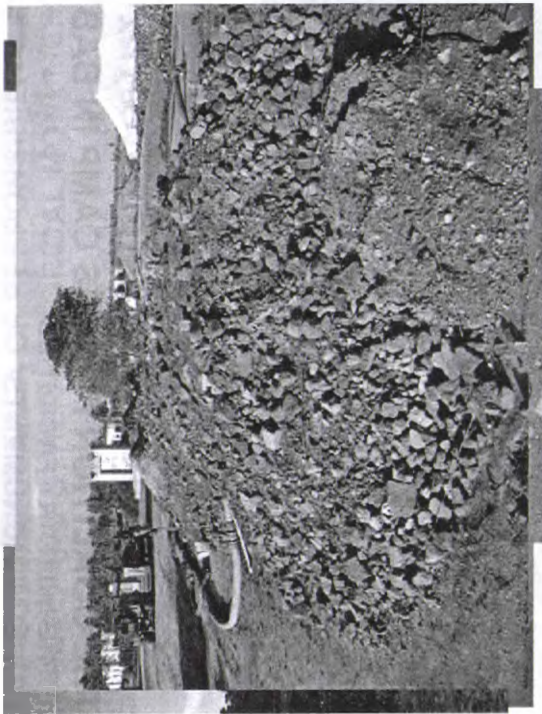
**Ukhaidir**



## PLAN OF THE COALITION FORCES CAMP IN BABYLON

### LOCATION OF THE MILITARY FACILITIES AND KEY HISTORICAL MONUMENTS





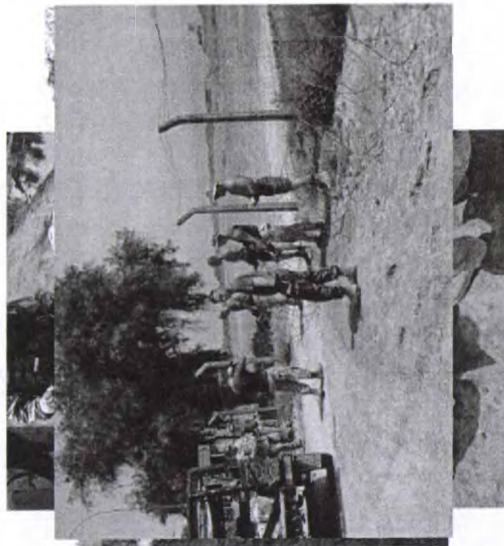
- detailed report for military authorities (subject: destruction of historical property caused by warfare and current military presence on the archaeological site of Babylon)
- proposal of instant actions to prevent any further damages



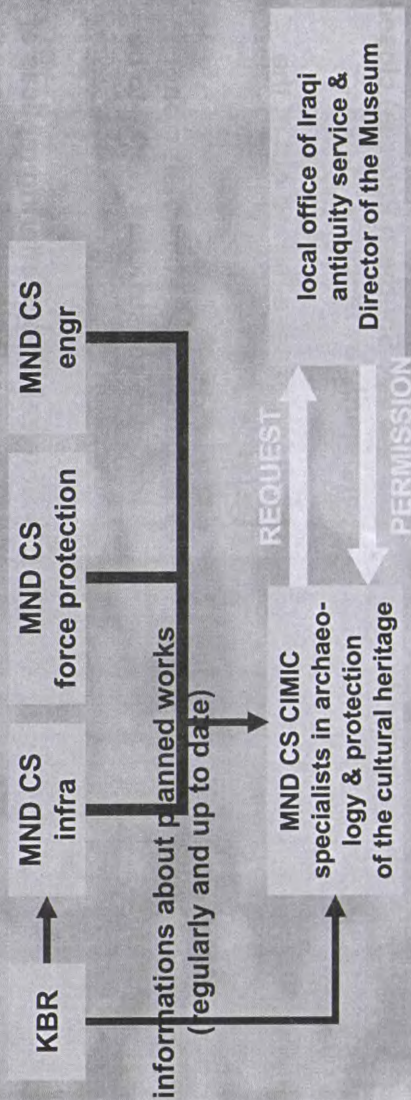
## PREVENTION ACTIVITIES UNDERTAKEN ON THE ARCHAEOLOGICAL SITE OF BABYLON

**aim: protection of historical remains against further damages (as a possible consequence of military camp presence on the site)**

- access to a main part of the site (Central and Southern Palaces) closed temporarily by fences
- mining of sand moved out of the historical place
- archaeological supervision on scheduled construction works to be undertaken
- souvenir shops offering replicas of ancient masterpieces (licence issued by the Iraqi State Board of Antiquity)



# ARCHAEOLOGICAL MONITORING AND SUPERVISING ON THE AREA OF MND CS CAMP BABYLON



## ARCHAEOLOGICAL SUPERVISING

**CONSTRUCTION WORKS ON  
THE AREA OF BABYLON**



## EDUCATIONAL PROGRAMME WITHIN STRUCTURES OF COALITION FORCES:



*aim: meaning of Iraq's cultural property for the world's civilization*

- a brochure distributed among soldiers (3000 copies, English and Polish versions)
- multimedia presentations for units, excursions to monuments of Babylon
- training for Military Police officers



- supplementary instruction for Commander's order regarding the embargo on export of movable historical objects abroad Iraq



- training programme for Military Police specialists

- baggage control action, 1st rotation (Kuwait, 14 Jan. - 10 Febr., 2004)



Training materials

**Projects financed from CERP (direct fund  
of Commander of the Multinational Division  
Centre – South)**

**Until 1st of May, 2004 – projects completed or  
currently realized for an amount of 120,000 \$**

**Objectives:**

- **protection of historical monuments against possible destruction**
- **improvement in conditions of work of antiquity service staff**
- **reconstruction of museums' infrastructure**





## OVERHAUL OF THE BABYLON MUSEUM



Project no. mnd-36/DFI	Overhaul of the roof and ceiling construction in a main exhibition hall	9,771 \$
Project no. mnd-54/DFI	Renovation of the office facilities and sidelong exhibition rooms; rehabilitation of the garden courtyard; installation of doors, gates and info boards	27,957 \$
Project no. mnd-73/DFI	Connecting of the Museum edifice to a municipal electricity system (Iraqi National Grid)	4,700 \$

**HARDWARE EQUIPMENT DELIVERY AND  
BASIC COMPUTING TRAINING FOR  
IRAQI ANTIQUITY SERVICE STAFF**



Project no. mnd-53/DFI	Computer equipment with software for Babil province branch (including 15 lessons of computing course for 10 employees)	9,400 \$
Project no. mnd-72/DFI	Computer equipment with software for branches in An Najaf and Karbala (including 15 lessons of computing course for 10 employees)	9,800 \$

## PROTECTIVE FENCES ON IMPORTANT ARCHAEOLOGICAL SITES AT RISK

**Tell el-Okhaymir (Kish)**



**Barnum (Summer Palace)**

Project no. mnd-122/DFI	Reconstruction of destroyed and stolen fences (6 km) at Kish (Tell el-Okhaymir)	49,000 \$
Project no. mnd-123/DFI	Temporary protective fences at Barnum village (so- called Summer Palace)	8,500 \$

## **Main trends of the specialists' activities (2nd rotation)**

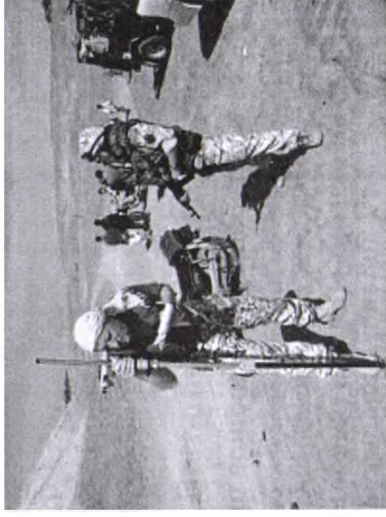
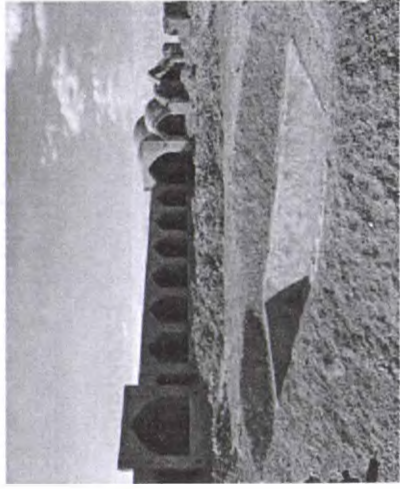
- finishing the overhaul of the Babylon Museum; new permanent exhibition to be prepared by Iraqi-Polish team of specialists
- providing local antiquity offices with computer equipment to be completed
- continuation of tasks within Polish Military Contingent: informing and educating activities, supervising the baggage control during 2nd rotation of soldiers (July / August, 2004)
- support for process of creation of the archaeological police structures (training, supply of transport and radio communication means)



## **Main trends of the specialists' activities (2nd rotation)**

- active archaeological monitoring on the area of Babylon (until the closing-down of the military camp)
- in cooperation with Iraqi antiquity inspectors – continuation of the protective and preservation activities on selected archaeological sites

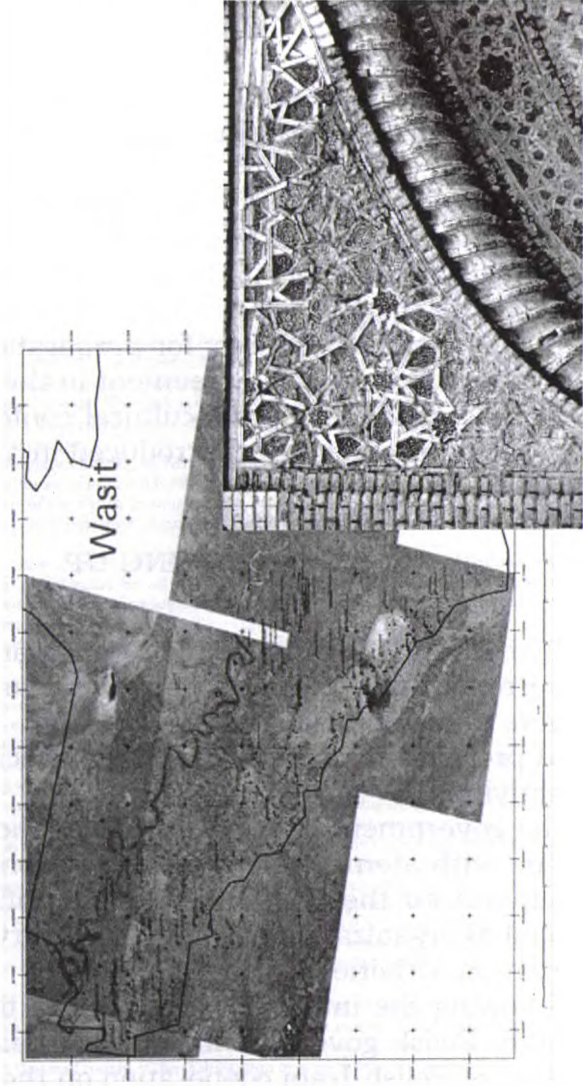
**Hanarouba, Karbala province**



**Borsippa, Babil province**

## Main trends of the specialists' activities (2nd rotation)

- preservation on the sites of Wasit province;  
a comprehensive project for the Medieval complex  
in the town of Wasit



## **PROPOSAL FOR COOPERATION BETWEEN POLAND AND IRAQ IN THE FIELD OF CULTURE TILL THE END OF 2004**

- 3 scholarships for the Iraqis – graduates from colleges of fine arts (6-months training in Poland, starting with October)
- 2 training courses for Iraqi archaeologists (3 months' grants, starting with September)
- nominating an expert-advisor to offer factual help in creating the structure of the Iraqi Ministry of Culture
- undertaking procedures for preparation of a common bilateral Polish-Iraqi agreement in the field of culture
- intensification of mutual cultural contacts between folk assemblies and groups introduced in artistic education

### **SUMMING UP**

- by realising the tasks within the military mission the government of the Polish Republic counteracts the dangers to the cultural heritage of Iraq
- at present – 3 Central Iraq-based specialists involved in activities
- the government of the Polish Republic wishes to continue with attempts at protecting historical sites of Iraq, support for the structures of Iraqi antiquity service, as well as organization of common preservation and conservation activities
- following the intention presented at the UNESCO forum, Polish government wishes to realise further projects of Polish-Iraqi cooperation on the field of culture

*A letter from Mr Waldemar Dąbrowski, Polish Minister of Culture addressed to Mr Koichiro Matsuura, Director General of UNESCO*

Warsaw, March 17, 2004

THE MINISTER OF CULTURE  
Waldemar Dąbrowski

Mr. Koichiro Matsuura Director  
General UNESCO

Dear Director General,

Having in mind your personal involvement and the involvement of the Organisation, which you are head of, in the issues related with Iraq, especially those concerning the preservation of its national heritage, as well as the attempts to regulate its interior situation and stabilise the lives of its inhabitants, referring to the message from the Minister of Foreign Affairs of the Republic of Poland, Włodzimierz Cimoszewicz that was sent to you in July 2003, I wish to present to you the Polish standpoint and the Polish achievements concerning the preservation of culture in the Polish stabilisation zone in Iraq, as well as in our country.

In the area of the Polish command's military responsibility and, in the operation zone of the International "South Center" Division, which includes the Karbala, Babil, An Najaf, Wasit and Al Qadisiyah provinces – extemporaneous work was done, to secure the archaeological excavations around the monuments of Babylon – the Southern Palace and the Central Palace. Tourist routes were established. The archaeological monitoring of the terrain work conducted within the military camp area was initiated, the archaeological sites in the Babil and Wasit provinces were secured with fences and their safety is guarded with the help of military patrols.

Co-operation was established with the Archaeological Museum in Babylon. As a result of this co-operation, a project of rebuilding the roof and parts of the destroyed exhibition rooms, equipping the museum with computers and preparing a permanent exposition, was created and initiated using the funds that are in disposition of the commander of the International Division. This task is being executed in co-operation with Iraqi specialists and financed from the funds of the Polish Ministry of Culture. We are also contributing to the process of rebuilding the structures of the Iraqi Antiquity Service.

These undertakings are co-ordinated in Iraq, by Marek Lemiesz, a Polish expert accredited to the Polish Military Contingent as an Iraqi culture and national heritage specialist – adviser to the commander. It is worth mentioning that in the second shift of the Polish contingent, the co-ordination of the cultural heritage will be conducted by our three specialist – archaeologists: Agnieszka Dolatowska, Grzegorz Galbierczyk and Łukasz Ołędzki.

It is on the initiative of M. Lemiesz – adviser to the commander in the domain of Iraqi national heritage preservation, that **an educational programme for all officers and soldiers of the national contingents that are part of the International Division, concerning legal issues from the domain of cultural heritage preservation in war conditions, was implemented.**

The preventive actions included preparing a special brochure for soldiers, containing basic information about the monuments of Babylon, the principles of behaviour on monumental terrain and the necessary information about the legal responsibility regarding the illegal purchase and exportation of monumental objects from Iraq. Also, a manual explaining the rules concerning the limitations of the export of objects of historical value, was published. During the exchange of contingents, the luggage is severely controlled.

As far as the undertakings targeting the cultural co-operation are concerned, our cultural offer was presented to the temporary Iraqi authorities during the trip of the Polish government delegation to Iraq this year. We declared our support to the Iraqi side, in the field of rebuilding the cultural infrastructure through different kinds of experts' reports, the exchange of specialists, the organisation of scholarship programmes for archaeologists and artistic school graduates, as well as the preparation of common cultural venues.

The bilateral talks resulted, in a working visit of the minister of culture of the Iraqi Administrative Council, Mufid Al-Jaza'iri in Poland on the 22 February 2004. The guest from Iraq expressed his approbation regarding our actions in the field of heritage preservation within the Polish stabilisation zone in Iraq, as well as our complex proposition of co-operation in the domain of culture. Both sides recognised the need to reactivate the official contacts in the domain of culture, based on a bilateral agreement that will give Poland even greater possibilities of contributing to the reconstruction of the cultural infrastructure in Iraq. The visit accelerated the exchange of specialists, as well as the distribution of the scholarships founded by Polish artistic schools and cultural institutions.

Summing up, I would like to emphasise the fact that Poland pays a lot of attention to living up to the declarations and the commitments made on the forum of UNESCO. That is why, while presenting you with a synthetic report from the projects that are already completed, I have reasons to believe that the declared undertakings will be fully realised, that is of course, if the stabilisation process in Iraq allows it. I shall inform you on this matter in a separate report. I will also be very grateful for forwarding the information about our actions to the members of the UNESCO Executive Council.

With best regards,





Mr. Zdeněk NOVÁK

The I. Deputy Minister of Culture of  
the Czech Republic

## **CULTURAL HERITAGE PROTECTION IN THE CZECH REPUBLIC AFTER 1989**

Ladies and Gentlemen,

Let me start my presentation with the words of someone else – Olavi Elo, Director of the Secretariat of the International Decade for Natural Disaster Reduction at UNESCO:

“Unfortunately, most people in the world view natural disasters with fatalism. They think that nothing can be done about them. This attitude is understandable but wrong. We have to try to change it. There is, in fact, a great deal that can be done to save lives and limit the damage.”

I would like to inform you briefly about the protection of cultural heritage in the Czech Republic from the point of the topic discussed here today. In my paper I shall mention the history of national monuments protection, the development and current concept of the national heritage protection, and our Integrated System of the Protection of movable cultural heritage. I shall also mention the devastating floods in 2002 and describe how we coped with the consequences of this natural catastrophe. At the same time I would like to outline the principle legislation stipulating the cultural heritage protection and the practical application of the Hague Convention in the Czech Republic.

The Czech lands have a long tradition in creating splendid buildings, amazing works of art, wonderful ideas, inventions and prosperity. These achievements, however,

have been followed by waves of violence, devastation and wars. In every historical era the more fortunate periods must be paid for sooner or later. And cultural heritage has seldom been spared.

In the 15th century, many important monasteries in this country burnt down during the Hussite revolution; two centuries later, the Thirty-Year War began, which caused not only the seizure of the mighty people's collections, but deprived the country of countless cultural objects, nowadays dispersed all over Europe. Then came the enlightened Emperor Joseph II, religious liberalisation and abolishment of serfdom, but also the abolishment of numerous monasteries which were subsequently looted. The 20th century has brought along enormous human losses in the two World Wars and the attempt to annihilate a whole nation, and besides that also the confiscation of thousands works of art by the Nazi occupation power, mainly from the Jewish citizens. After the World War II and the communist Coup (èti ku:) in February 1948 there were again confiscations of property and another wave of cultural heritage looting. Confiscations affected manors, farms and chateaux, Church congregations and religious orders were abolished, and again monasteries and, especially in the borderland after the displacement of the German population, also numerous churches were looted.

On the other hand the cultural heritage protection in Czech land has a long tradition, "in situ" as well as "in fondo". The start of romanticism at the end of 18th century and particularly in the first half of 19th century incited by the industrialisation and development of cities with its negative impact on the preserved historical environment resulted in the general interest in the past and in cultural heritage. At the end of 1830 the Czech land, at that time part of Austrian Empire, adopted its own partial legislation of the protection of monuments. Special legislation was adopted in the first half of 20th century similarly as elsewhere in Europe. In 1918 the care for cultural and histori-

cal monuments was institutionalized. Nowadays the care for historical monuments “in situ” is organised by the traditionally developed and sophisticated state administration system which includes also administration of selected representative premises, national cultural monuments.

The most extensive part of movable cultural heritage publicly accessible is deposited in museum and galleries that is “in fondo”. Museum administration in Bohemia, Moravia and Silesia has a two hundred years long tradition. In historical Czech lands museum had been founded since the first quarter of 19th century as one of the typical expressions of men’s specific learning and evaluating approaches to the world. Museums were founded mainly by various societies, trade chambers and to a smaller degree by communities and municipalities. Thus already in the first half of 20th century a rather dense network of museums was set up, usually of historical and geographical type, that were preserved even after the full nationalization after 1948 when most museum were administered by ministries and national committees representing state administration. Today, after the state administration reform, only 20 national or regional specialized museums are administered by the state. Other museums have other founders and administrators.

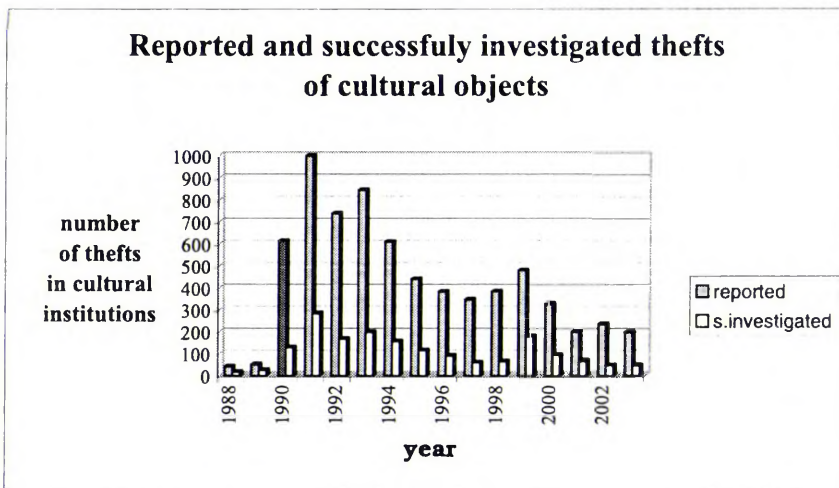
Great part of the cultural heritage from “in fondo” sector is deposited also in libraries and archives. The first libraries appeared on the territory of Bohemia and Moravia at the beginning of Christianity (10th century) at churches and monasteries. Only later (since 16th century) the first “lay-persons” libraries were opened – university libraries, castle or chateaux libraries and civic libraries. In 1773 the University Library was founded in Clementinum, in 1777 it was extended by Carolina library and the public king and emperor’s university library, the predecessor of today’s National Library was opened. The first public lending libraries and reading rooms appeared in 1770s. The care the Czechoslovak state devoted to the development of li-

braries led to the adoption of the Act on local public libraries in 1919, other laws followed in 1959 and 2001. Today Czech Republic can boast with one of the densest library networks in the world, which also houses historical books collections.

The period following the fall of iron curtain in 1989 has been marked by the transformation of the whole society, and the cultural heritage has not escaped this process. Most of the immovable cultural monuments were denationalised either in the course of restitution processes or through privatisation. In the course of state administration reform most museum and libraries were transferred to the ownership of regions in 2001. Museum in particular had to cope with the restitution of collections and they had to return even objects from their collections following the court decisions about the cancellation of the old judicial decisions about the confiscation of citizens' private property and on the basis of the law about the mitigation of some property wrongs caused by Holocaust. Yet the cultural heritage in the country has been most critically threatened by natural disasters and by the massive growth of criminal activity in the field of cultural heritage.

Aiming at systematic care for the Czech cultural heritage and in accord with its basic programme, Czech Republic Cultural Policy, the Ministry of Culture adopted a Concept of more effective care for cultural heritage fund linked to several specific subsidy programmes supporting maintenance and restoration of cultural monuments, and the Concept of more effective care for movable cultural heritage in the Czech Republic for the years 2003 – 2008 (concept of the development of museum administration). An organic part of this second Concept is a programme of Integrated System of protection of movable cultural heritage which is the eldest programme of this kind in the modern history of the Czech Republic. It is based on the government resolution from 1991 about the targeted financial funds to be provided for the protection of cultural heritage.

The primary impulse that led to this measure was a dramatic growth in the number of stolen works of arts and other cultural objects after 1989, which was the result of the newly opened state borders and total liberalisation of the antiques trade. Just to illustrate the situation – in 1989 the Czech Police registered 51 cases of theft and burglaries concerning objects of cultural value, in 1990 there were 611 cases and in 1991 already 996 cases (see the diagram below).



As for the number of objects stolen since 1990 till the end of last year, it can be only estimated because of the insufficient records of objects owned by the church, insufficient records of small objects exhibited outside the buildings and minimum records of objects at cemeteries. It can be estimated that the total number of stolen objects will be close to 40.000 items. The Integrated System of the Protection of movable cultural heritage includes also a police database of stolen works of art and of other cultural objects that have been reported to the police and for which the police obtained photographic documentation. This data-

base contains more than 20.000 records. The database reduced by the protected data has been accessible on the Ministry of Interior web site since 2001 and in 2002 it has been translated also into German and English.

The fight against crime must always be based on prevention, in this case particularly on the security measures employed at premises in which the movable cultural heritage is deposited and on proper records of these objects. That is why the first subsidies of the present Integrated System of the Protection of movable cultural heritage were the funds invested in the electric signalling security equipment installed in the premises, in other communication systems and mechanical barriers and funds invested in the records and documentation of movable cultural heritage objects owned by the Roman Catholic Church, which had been totally insufficient. The subsidies for the safeguarding of premises have been granted to the owners of cultural objects, and collections of cultural objects disregarding their legal status. In 1994 the subsidy programme was extended by financing of the purchases of objects of cultural value for the museum and gallery collections administered by the Ministry of Culture and for the national monument funds owned by the state. In 1996 the programme was further extended by yet another subsidy category, the prevention against unfavourable environmental conditions. This part of the programme grants subsidies to the museums and galleries to equip their restoration and conservation workshops, depositaries, and permanent exhibitions with various types of climatic and lighting regulation devices and with devices improving the in which the collection objects are deposited. This part of the programme also includes subsidies for demanding and sophisticated restoration and conservation of collection objects.

Between 1992 and 2003 the annual volume of funds invested through the programme of Integrated System of Protection of movable cultural heritage was between CZK 60 and 100 million. In 2002 this sum fell to the historical

minimum of CZK 52 million. However, in 2003 the subsidies rose again to CZK 90 million which facilitated particularly safeguarding measures employed in a conspicuously larger number of premises than in the previous years and modernisation of the already obsolete security devices installed in the first half of the 1990s. It also enabled acquisition of a larger number of important works of art and other cultural objects for museum and gallery collections. The financial situation this year is almost optimum as CZK 153 million from the central government budget have been given for the programme of Integrated System of Protection of movable cultural heritage.

I believe it is important to mention the importance of subsidies for the purchase of objects of particular cultural value. The primary and still priority reason for these subsidies is the protection of significant cultural objects that belong to the cultural heritage of the Czech Republic from export and re-acquisition of collection items of fundamental importance returned to the original owners, who have been deprived of these objects during the World War II and during the communist regime repressions. Thus we were able to return back to the museum and gallery collections a large number of collection items of primary importance. You can see them on the screen. To name at least some of them, I shall mention Cranach's painting "St. Cristian", Ravensteyn's "Portrait of Judge Nicholas Crombhout", "Landscape with Belvedere" by the Czech classic painter of 19<sup>th</sup> century Josef Mánes, paintings and drawings by František Kupka or collections of paintings created by Czech artists at the end of 19<sup>th</sup> and beginning of 20<sup>th</sup> century Jakub Schikaneder and Antonín Slavíček. Of course, I could go on citing this list for a long time. Yet, in this context I would like to mention one really extraordinary re-acquisition for the Prague National Gallery collection. It is the purchase of a set of the most important paintings by František Kupka and of a collection of the works of 19<sup>th</sup> century Czech artists from the renowned collection of Jindřich Waldes completed in 1999 for the sum

of CZK 100 million that were released following the Czech government special resolution. Lately the funds provided from the Integrated System of Protection of movable cultural heritage serve also for the acquisition of important works of art and of other cultural objects related to the Czech cultural environment abroad. For example, at an auction in Amsterdam we acquired some of the drawings by an important Czech designer Ladislav Sutnar that originally decorated chateaux in Valtice – Lednice and that were exported by their owners in 1930s. This year one of the most important acquisitions of this kind has been completed, namely the purchase of a really magnificent gothic sculpture of a really unique iconographic type called “Madonna on a Lion” offered for sale in Vienna, and drawing by Hans von Aachen from Feldmann collection for Moravian Gallery in Brno.

And now something about the second phenomenon, the natural disasters. In August 2002 Czech Republic was affected by a flood, which was much bigger than any other flood ever recorded in historical documents. The photographs documenting this sad event will accompany the remaining part of my paper.

In spite of the enormous efforts of all museum employees who risked their health to carry out the essential measures needed for reducing the extent of destruction as far as possible, the preparedness for addressing such emergency situation, including co-operation with the Integrated Rescue System (IRS) appeared to be poor, especially in the information area. This was so in spite of the fact that a significant improvement had been achieved after the year 2000 in the communication between the heritage institutions and the executive IRS units, thanks to the work done by the Czech Blue Shield Committee (committee representing the major non-governmental institutions in the heritage area, including museums, galleries, libraries and state bodies of heritage management and archives).



Extensive floods have affected the Czech Republic already twice in recent years. Taking into consideration this and the forecasts of increasing likelihood of changes in global climate conditions, the current level of Czech museums' preparedness to face such emergencies appears to be inadequate. The same applies to readiness to face other dangers, which occur ever more frequently with the spreading of organised crime and terrorism. The damage caused to the collections also drew attention to the fact that many of the collections have been deposited and maintained under poor conditions in unsuitable premises. It is often the case that items of key importance for collection quality are kept side by side with items of marginal importance for the collections and even with items which – if the collections were appropriately reviewed – should be excluded.

The overall damage caused in merely five days by floods in the Czech Republic in August 2002 was estimated at 70 billion CZK (ca 2 billion EUR). Cultural heritage suffered considerable damage, as the concentration of cultural monuments, historical buildings and museums along the flooded rivers was quite high. Altogether 21 museums were affected, including the most important ones, such as the National Museum, the National Gallery, the National Technical Museum, and the Terezin Memorial. Water heavily damaged also two sites listed in the UNESCO list of World Cultural Heritage – the town of Cesky Krumlov and the historical centre of Prague. Immediately after the floods, representatives of all the professions gathered in the Blue Shield, together with the Ministry of Culture, launched a joint action. With substantial subsidies from the national budget and help from abroad, fundamental measures were immediately taken in order to restore the buildings and collections, damaged by the floods. At present, restoration works still continue, the share of the state in the renovation of museums, cultural monuments and historical buildings amounts to ca 95 % of the total costs, estimated at 7 billion CZK in the area of cultural heritage.

A most pressing problem has been the drying, disinfection and restoration of some 2000 m<sup>3</sup> (cubic meters) of paper material, which was deep-frozen. Of this, more than 500 m<sup>3</sup> have been identified as important parts of the national cultural heritage. They are mainly historical books from chateau libraries, and the collections of architecture and history of aviation of the National Technical Museum.

Thanks particularly to the governmental assistance distributed by the Ministry of Culture great part of damage has been remedied. That applies especially to the damaged buildings. However, it will take years before the impaired collections, particularly books and paper documents are restored to their original condition. Such conservation and restoration works are done in the current museum workshops. Still, the floods of 2002 drew us again closer to the idea of establishing a central conservation institution. Therefore the establishment of the National Conservation Centre, being a part of the Technical Museum in Brno, has been planned to provide drying and conservation of the above material. When this emergency work is finished, the Centre will be used as conservation and methodological workplace with important tasks in prevention for the museums in the whole country, and possibly also from the central European region.

The analysis of risks threatening cultural institutions with regard to their potential damage in case of various natural disasters is soon to be completed. The institutions also work on the update or draft of their emergency plans to be applied in case of emergency situations, which should be completed by the next year. In accordance with the Hague Convention the Ministry of Culture identified cultural monuments and objects that should be protected in case of an armed conflict. The Ministry of Culture is also in the process of selecting shelters for movable cultural objects in the regime of international as well national registration according to the above mentioned Convention. Although it may sound like paradox, for central shelter we use pre-

mises that were originally built for the army and that are now deserted and unused in the result of the transformation of our armed forces into a professional army and the subsequent reduction of staff.

And a few words about legislation. Our republic protects our cultural heritage by a rather extensive system of laws. Here is the selection of the most important ones:

- Act No. 71/1994 as amended by Act No. 80/2004 on the Sale and Export of Cultural Objects is the most important legal standard for the protection of cultural objects. It regulates the export of all types of cultural objects (except listed cultural monuments and listed museum collections) and the sale of cultural objects of religious character or of archaeological origin.
- Act No. 20/1987 Concerning the State Care of Monuments defines the responsibilities of the owner and of the State in the care for cultural heritage, as well as the system of listing and registration of movable and immovable monuments.
- Act No. 122/2000 on Protection of Collections of the Museum of Nature and Amendment to Certain Other Acts. The new Act, combined with the implementation arrangements in Decree No. 275/2000 and methodological instructions issued by the Ministry of Culture, created fundamental prerequisites for rational administration, recording and inventory of museums' and galleries' collections.
- Act No. 257/2001 Coll. of 29 June 2001 on Libraries and Terms of Operating Public Library and Information Services (Library Act) defines and protects library documents (books etc...).
- Specific part of cultural heritage is protected by Act. No. 97/1974 on Archives (archive items).

The Council Directive (EHS) No. 93/7 on the restoration of illegally exported cultural objects and the Council Regulation (EHS) No. 3911 on the export of cultural object have also been incorporated in the Czech legal system.

Czech Republic is a signatory of the most important international conventions such as the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, European Convention on Protection of Archaeological Heritage, Convention on the Protection of the World Cultural Heritage, Convention on the Protection of Cultural Property in the Event of Armed Conflict (Hague Convention), ... Czech Republic, however, is a signatory of neither the Hague Convention second protocol nor the UIDROIT Convention on Stolen and Illegally Exported Cultural Objects. The legislative process that will hopefully lead to its adoption is planned for this year.

Our country has become actively involved in the work of international organisations immediately after the fall of the iron curtain. The expert international cooperation in the field of cultural heritage protection is organised through international organisations ICOM, ICOMOS a IFLA, which form the backbone of the already mentioned Blue Shield (the Czech Committee of Blue Shield was founded in 1999 following the initiative of the Czech Committee of ICOM and it currently associates representatives of the Archive Administration of the Czech Ministry of Interior (Czech Republic representative in ICA), Czech Archive Society, Czech Information Society at the State Central Archive, Czech ICOMOS Committee, Association of Librarians and Information Workers (Czech representative in IFLA), Association of Museums and Galleries in Czech Republic, the Council of Galleries of the Czech Republic and Czech ICOM committee). Some of our experts are active in or head international committees of these organisations.

### **Conclusions:**

1. The protection of cultural heritage, whether movable or immovable, can be managed and perceived on the central level only in a complex way. Extraordinary events cau-

sed by wars, disorders, changes in political situation, growing crime rate but also by changes of the environment in which the objects are deposited or by restitutions, which we might or might not wish, all that is coherent. If we underestimate one of the elements of the system of cultural heritage protection, the whole system might be disrupted. That is also why the construction of such a complex system requires cooperation among various sectors on national (see our project ISP) as well international level.

2. Preventive measures aiming at the elimination of unfavourable consequences of extraordinary events are at the end much cheaper than necessary measures adopted after the damage has been inflicted.

3. The cultural heritage protection should be anchored in the national cultural policy as a basis for the concepts of individual disciplines with their precisely defined strategic goals and time schedules. The absence of such basic documents greatly undermines the possibility of the state to support prevention projects.

So much about the Czech Republic and the recent dynamics of its cultural heritage.

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## **CULTURAL HERITAGE AT RISK – MACEDONIA CASE**

### **CHRONOLOGY OF EVENTS**

Macedonia is a place where cultures, religions and civilizations had been crossing over during the centuries. The unique features of such multicolored environment have survived side-by-side, mirroring the multi-ethnic, multi-cultural and multi-religious character of the country.

But, in the beginning of the 2001, the Republic of Macedonia was holed by wave of terrorist actions, initiated from different centers of power and interests. We have witnessed damaging and vandal destruction of cultural heritage that has been used for military purposes. Let me give some examples.

In March 2001 armed groups of extremists occupied the Citadel of Tetovo (archaeological site) and used it as a bastion from where they started to shoot at the legitimate forces of Republic of Macedonia.

In May 2001 terrorist groups occupied the Saint Mary monastery in the area of the Matejche village. The church represents the largest assemblage of fresco paintings from the 14<sup>th</sup> century on the territory of Macedonia, and the second largest on the Balkans. It is one of the most representative monuments of the Byzantine painting art, and it is a masterpiece of the royal style of the paleologic epoch. The monastery complex was used as a headquarters and

gunfire. The fresco-paintings in the interior suffered drastic damage and are completely destroyed in one part of the church. The paintings were sprayed with green paint and covered with black ink and graphite penetrating deep into the color layer of the frescos.

The target of permanent damages was the small church of St. George, from XIV century, in the Matejche village as well.

Beside demolished objects that were located in the crisis zones, in August 2001, the Charshi mosque in Prilep, built in 15<sup>th</sup> century, was burnt down by the infuriated citizens of Prilep who lost 10 fellow citizens in the blood-shedding ambush set by the terrorists at the place called Karpalak on the Skopje – Tetovo road. Ten days after that, on 21<sup>st</sup> August, the monastic church of “SS. Athanasius and Lazarus”, built in the period between the two world wars, was a target of a terrorist attack and it was blow up.

During the armed conflict the painted mosque in Tetovo, built in 1833, was target edseveral times from unknown actor. By weapon shooting was damaged southeast facade as well as the plaster transens and window-frames on east facade.

Arabati Baba Teke (Sersem Ali Baba Teke) represents unique complex preserved teke in Macedonia. It was built in 16<sup>th</sup> century with some modification and repairs during the 18<sup>th</sup> and 19<sup>th</sup> centuries. During the armed conflict, Arabati Baba teke was found in flames of the war, and it was heavy fighting target. Parts of the enclosure wall were punctured and used as a loophole by terrorists. Apart from some damages on the “hotel”, in the “turbe” and in the fountain, any other significant damages were noticed. Most of the damages on facades and windows of the buildings are still not removed.

This is just a part of the monuments of culture directly damaged during the armed conflicts. Accordingly, the conflict outcome was damaged or completely destroyed many religious objects, orthodox and muslim as well.

## MONITORING MISSIONS

It was impossible to inspect the condition of cultural property in areas under occupation, and it is well known that much of the cultural property has been purposefully obliterated. Since the beginning of the armed conflict The Ministry of Culture and The Institute of Protection of the Cultural Monuments of the Republic of Macedonia have informed the domestic and the international public about the illegal use of the cultural heritage for military purposes. The Macedonian National Committee of ICOMOS was also actively involved in informing of the public about the treatment of the cultural heritage in Macedonia. This activity has resulted in an appeal addressed to the UNESCO Monitoring Missions requesting immediate action in respect with the treatment of the cultural heritage in Macedonia.

During the armed conflict, Institute of Protection of the Cultural Monuments of Republic of Macedonia, according to its obligations and cooperation with Monitoring Missions of UNESCO and NATO, were continually monitoring the monuments that are placed in crisis regions and that were in risk of armed actions.

The mission's main goal was to accomplish interethnic confidence, essential for successful reconstruction of damaged monuments. The conflict is over. Supported by the international community, the actions for preparation of the proposal for urgent interventions (restoration and reconstruction) in the damaged structures have started, and all along the deliberate efforts are made for renewing the interethnic confidence. For example, Leshok Monastery and mosque in Neproshteno rebuilding are financed by the European Agency for Reconstruction.

The Embassy of Royal Netherlands and the Ministry of Culture of the Republic of Macedonia financed restoration of the St Mary monastery church in Matejche. The restoration of the church, and the restoration of the painted



mosque in Tetovo as well, was carried out by the experts from Institute of the Protection of the Cultural Monuments of the Republic of Macedonia.

Until now there are no interventions on the Arabati Baba Teke in Tetovo and Charshi mosque in Prilep for repairing the damages.

## **URGENT REGIONAL WORKSHOP – OHRID DECLARATION**

Following the preparation of the proposal for urgent interventions on the structures and signing of the agreement on financial support for restoration of the St Mary church in Matejche by the Embassy of Royal Netherlands in Skopje, the MNK ICOMOS' proposal for an Urgent Regional Workshop on "Cultural Heritage under Threat During Armed Clashes – Macedonia Case" was accepted and financed in the framework of the same project. In February 2002, the regional workshop was organized in close cooperation and participation of UNESCO, ICCROM, ICOMOS, ICOM, ICA, IFLA, European Council, NATO, KEBS, EU, EUMM, other western countries representatives, as well as representatives from countries in Southeast Europe and participants from different ministries, organizations and non-governmental institutions.

Recalling the Hague Convention of 1954<sup>1</sup> and aware that the protection of cultural property in the event of armed conflict consists of very complex system of measures, activities and procedures, its implementation is conditioned by a large number of internal and external factors. Considering that the international model of military – humanitarian protection does not always provide the expected results, as a final act, the Urgent Workshop have adopted the so-called Ohrid Declaration that contains four main

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<sup>1</sup> The Hague Convention of May 14, 1954 on protection of cultural property in the even of armed conflict and accompanying acts

topics – Activities before the armed conflict, Activities during the armed conflict, Activities after the armed conflict, and “The Case Macedonia”.

The Macedonian National Committee of the Blue Shield was established in 2002 on recommendation of the participants of the Regional Workshop. The basic aim of the Committee is protection of cultural heritage at risk.

## HAGUE CONVENTION AND MACEDONIA CASE

The misuse of the cultural monuments in Republic of Macedonia for military purposes and as terrorist's targets, their deliberate damaging and destruction, vandal and revengeful behavior, note events that are adverse to the laws and the customs of war. We also note complete the state negligence on its obligations prescribed by the Hague Convention of 1954, absence of measures for protection of the heritage against predictable consequences from armed clashes, insufficient education, improvised management of protection in conditions of military crisis, etc.

But, if the events in Republic of Macedonia are qualified as a non-international armed conflict, the effect of the Hague Convention is limited. The Hague Convention of 1954 does not define the notion of non-international armed conflict. Regarding the implementation of Article 19 of the Hague Convention in the case of Macedonia, the Rules of implementation of the Convention have not been practiced, which is partly due to the fact that at its outset the war was not treated as an international armed conflict.

When we talk about protection of the cultural monuments in the case of non-international armed conflict, the provisions of the Convention can be applied exceptionally only if the prescribed condition that the parties of the conflict conclude an agreement is fulfilled (Article 19, Paragraph 2). In the “Macedonia case”, this means that the state may refer to the Hague Convention only in the case of a signed agree-

ement with the terrorist groups opposing its legitimate forces. Otherwise, only Article 4 of the Convention is applicable. The Minister of Culture of the Republic of Macedonia, and the Head of the EU Mission in Macedonia put enormous efforts into making the Macedonian Orthodox Church, The Islamic Community, the Catholic Church in Macedonia and the Jewish Community in Macedonia, sign a declaration for respect of religious structures and cultural monuments in the territory of Macedonia. Finally, the document was signed.

In the case of the non-international armed conflict, the parties of the conflict are obliged to apply at least those provisions of the Convention referring to the respect of the cultural heritage (it means obligations pursuant to article 4 of the Convention). Such a definition does not exist also in the Hague Protocol of 1999, referring to protection of cultural heritage in the case of armed clashes. On the other hand, in the case of inner riots, sporadic, and isolated acts of violence and alike the international law is superfluous. This practically means that, when cultural heritage is in question, we can't talk about application of either the Hague Convention of 1954 or any international legal protection.

During the armed conflict, the second protocol of 1999 has neither been ratified nor effectuated in Republic of Macedonia. Hence, in the "Macedonia case" any referring to the Hague Protocol of 1999 is superfluous.

In any case, implementation of the Second Protocol actually requires high threshold of awareness for protection, existing in reality and manifested in practice, but it also envisages a high level of military and general culture. It is exactly the reason why the 1999 Protocol of Hague, all in itself, could not ensure better protection of cultural property in the event of armed conflict, particularly in environments where the overall population and public authorities do not have the requested sensibility to the extent that would facilitate its implementation.

## CONCLUSION

To conclude, what can we do and how can we protect our cultural property?

– The cultural property is a material testimony of history of every nation and bears the witness of continuity and turns of its fate. Damages being done to cultural property of any nation are considered as damages done to cultural heritage of all mankind.

– The destruction of cultural property in situations of armed conflict can only be minimized or even avoided by a change of human behavior. The legal framework necessary for directing that change is there. It must be accepted and applied. **Adequate education and training** are therefore essential to the timely and effective implementation of protection and preservation measures under exceptional circumstances. I want to mention that in 1999 was registered the first Macedonian Disaster Relief Organization in Protection of Cultural Monuments. The main goal of that organization is to make accessible the endangered structures involving immovable cultural property, preserving the movable cultural properties, clearing of the devastated areas and structures etc.

– **Documentary evidence** is an essential precondition for heritage protection, and particularly for its preservation. It is important when peace reigns, but immeasurably more so when cultural property is threatened by armed conflict. Full documentation of photos, technical documentation, surveys, and written reports is essential for reconstruction or restoration of monuments in case of damage.

– Prevention, namely preparation of technical and other important documentation essential for reconstruction or restoration of monuments in case of damage.

– Recent armed conflicts, in particular those in Macedonia, Bosnia and Herzegovina and in Croatia as well, where the destruction of cultural property was part of the policy of so-called “ethnic cleansing”, led to international efforts to

revise the existing Convention with the goal of improving the protection of cultural property in the event of armed conflict.

- An appreciation of the different responses of human beings to their environment and the achievements that each culture have accomplished would be the best defence against any call for “ethnic cleansing”.

- Permanent **monitoring** the condition of the monuments of culture.

- It is recommended that all members of the military and security agencies are familiar with the location and history of the cultural property especially those that are of international, national and regional significance.

- **Collaboration with neighbouring countries** to assure that cultural property is protected on a reciprocal basis. In this occasion, I am not going to take your attention on more detailed elaboration on the destruction of the cultural property, but to aim toward better, adequate and professional treatment of cultural heritage in Macedonia, as a part of the common – world cultural heritage.

Above mentioned is an essential recommendation that has to be established in due time, to prevent any case of threat towards cultural heritage.

Thank you for your kind attention.

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## **PROTECTION OF CULTURAL HERITAGE IN CASES OF EMERGENCY – CANADA’S APPRO- ACH TO CAPACITY- BUILDING**

This presentation will explore a range of efforts undertaken by the Government of Canada to build capacity, in government and in Canada’s cultural community, to protect cultural heritage during man-made and natural emergencies. Such efforts take place on three levels. First, I will outline strategies within Canada’s national emergency plans to protect heritage as critical national infrastructure. Secondly, I will discuss efforts within the federal government to protect federal heritage institutions and collections. And finally, I will provide information on capacity-building within Canada’s heritage community through training and emergency response.

While Canada has had a significant number of natural disasters and emergencies over the past decade, such as the 1997 Manitoba Flood, the 1998 Ice Storm, and the horrendous forest fires in British Columbia and Hurricane Juan in 2003, we have not experienced widespread loss or damage of heritage as a result. This is due partly to luck. The BC forest fires, for example, were in an area that was to a great extent wilderness, and although more than 250,000 hectares of forest were destroyed, the most significant heritage loss was the partial destruction of a section of historic railway designated as a National Historic Site.

It is also, however, partly due to emergency and disaster planning and preparation. During the Manitoba Flood, museums, galleries and other significant aspects of heritage in Manitoba's capital city, including the provincial archives, were spared from damage due to a massive purpose-built floodway which diverted up to 60,000 cubic feet of water per second around the city at the height of the flood. Other protection mechanisms exist on a smaller scale, but have been just as effective. For example, during power outages lasting up to a week during the Ice Storm of 1998, equipment and back-up systems prevented any major losses in the collections of Canada's national museums.

## **HERITAGE AS "CRITICAL NATIONAL INFRASTRUCTURE"**

The Government of Canada's Office of Critical Infrastructure Protection and Emergency Preparedness (OCIPEP) provides national leadership in the protection of Canada's critical national infrastructure. It is also the government's primary agency for ensuring national civil emergency preparedness. At present, OCIPEP exists in the newly-created Department of Public Safety and Emergency Preparedness Canada. That department has been established to oversee, in a more comprehensive manner than in the past, all aspects of protection of Canada's critical national infrastructure in both its physical and cyber dimensions, regardless of the source of threats and vulnerabilities.

For many, the definition of "critical national infrastructure" is limited to those physical and so-called "cyber infrastructures" such as power grids, computer networks, water, communication and transportation systems that the public considers essential to basic survival, and if disrupt-

ted or destroyed, would have a serious impact on their health, safety, security and economic well-being. In this context, as you can imagine, cultural heritage infrastructure and assets have historically been excluded from such discussions, and are more often referred to as so-called “soft” infrastructure as a way of distinguishing a different level of importance from other types of infrastructure. Heritage has had a significant challenge in gaining a place at the table.

Ironically, it was the events of September 11, 2001 that changed this perception for those engaged in protecting Canada’s critical national infrastructure. For the past two years, OCIPEP has been in the process of developing, with partners inside and outside government, a program to provide appropriate protection for our nation’s critical infrastructure. The purpose of the program is to establish an ongoing, dynamic national partnership among owners and operators, and government, to assure the continued functioning of Canada’s critical infrastructure. Still in the development stages, one of the challenges of developing such a program is the identification of critical infrastructure, and the criteria for determining those factors that make a particular infrastructure critical. This is where we in Canadian Heritage have seen a change. Many countries that have had the misfortune to experience armed conflict in recent years know only too well the symbolic importance of cultural heritage, and therefore its special vulnerability, particularly in ethnically-based conflicts. This was one of the underlying rationale for development of the Second Protocol to the Hague Convention. However, it took the tragic events of September 11, 2001 in the United States, with which Canada shares the world’s longest undefended border, to bring home the importance of identifying so-called “symbolic” infrastructure in such national plans, because its symbolic value to a country’s population makes such infrastructure a direct target. As a result, we are in-



formed that for the first time something called “key national symbols” – many of which will be cultural heritage – are to be included in the new plan.

The Department of Canadian Heritage, which has the lead for heritage matters with the Government of Canada, will work with OCIPEP to determine the criteria needed to identify cultural heritage whose symbolic value make it part of our critical national infrastructure, and this work is still in its infancy. For us in heritage, the concept of identifying “key national symbols” raises a number of interesting questions.

Many of the things which Canadians would identify as “key national symbols” are neither man-made, nor are they tangible. For example, recent polls about the relationship between Canadians and our heritage indicate that Canadians feel a stronger connection with our natural heritage – a national symbol of Canada for Canadians and non-Canadians alike – than our cultural heritage. Further, many of the things that generate national pride for Canadians are idea-based rather than tangible, such as our commitment to universal health care, or our Charter of Rights and Freedoms. And finally, we are a relatively young country that came into being not as a result of conflict or revolution – both of which tend to create monuments or cultural icons – nor are we given to creating monuments to our leaders. All of these considerations will have a direct impact on how we identify “key national symbols” that we have to protect. While still under discussion, it is likely that the things that will make the top of our list will include the Peace Tower of our Parliament buildings – so named to honour the thousands of Canadian men and women who sacrificed their lives for their country in WWI, and whose Memorial Chamber houses the Books of Remembrance which contain the names of Canadians that have died in battle. We would also expect two of our most prominent national monuments, also dedicated not to leaders or royalty, but to ordinary Canadians

making extraordinary sacrifice, to be designated as key national symbols: Canada's National War Memorial and the Canadian Peacekeeping Monument.

While the dialogue over what constitutes "key national symbols" is ongoing, when it comes to recognition as critical national infrastructure, it appears that heritage finally has a place at the table in Canada.

## **COLLABORATION WITHIN THE GOVERNMENT OF CANADA TO PROTECT HERITAGE**

Efforts to protect heritage assets owned by the Government of Canada in emergency situations have a somewhat longer history.

Prior to 1996, the various heritage agencies of the federal government approached emergency preparedness and response to varying degrees, individually.

Following the First National Summit on Heritage and Risk Preparedness in September 1996, an ad hoc interdepartmental committee on risk preparedness for the protection of cultural heritage and assets was formed. This marked the first such effort at collaboration within the federal government, recognizing that the scale of many emergencies may be too large to be managed by one cultural institution. The committee consists of representatives from Canada's four national museums, the Library and Archives of Canada, the Parks Canada Agency, the National Capital Commission, and the Canadian Conservation Institute, an Agency of the Department of Canadian Heritage. The mandate of the committee consists of a number of functions:

- Development, implementation and testing of contingencies for protecting cultural property, both movable and immovable;
- Fostering cooperation and assistance during emergency situations;

- Providing a forum for disseminating information on emergency preparedness and response;
- Establishment of a liaison both within the federal government and with other levels of government that have an interest in protecting cultural property; and
- Establishment of a liaison with emergency preparedness organizations and services.

Traditionally, the emergencies most often faced by federal heritage agencies are those such as fire, floods and power failures, but more recently the risk of terrorism has prompted additional strategies. The National Gallery of Canada, for example, reported to the Committee details of a project it undertook to have its glass exterior specially treated to prevent shattering in the event of a terrorist attack at the newly constructed American Embassy located across the street from the Gallery.

More recently, this collaboration has been formalized between the various institutions and agencies on the committee through a Memorandum of Agreement concluded in February 2000. The Memorandum specifies the details of how this collaborative effort will work and be organized, and could well serve as a model for other such collaborative efforts between a variety of heritage stakeholders. The text of the Memorandum is available online through the Canadian Conservation Institute website; I also have a number of copies with me for anyone who is interested in finding out more about this collaborative effort.

## **CAPACITY-BUILDING AND EMERGENCY RESPONSE – THE ROLE OF THE CANADIAN CONSERVATION INSTITUTE**

The Canadian Conservation Institute (CCI), an agency of the Department of Canadian Heritage, is the tool through which the Government of Canada helps build emergency preparedness capacity within Canada's heritage com-

munity. It is also integral to emergency response efforts in Canada when heritage is threatened or impacted by emergencies.

For those you who are not already familiar with it, the Institute was created in 1972 to promote the proper care and preservation of Canada's cultural heritage and to advance the practice, science and technology of conservation. CCI works closely with Canada's museums, art galleries, academic institutions and other heritage organizations to help them preserve collections, as well as marketing its services and products around the world, and it is recognized both as a national and world leader in conservation.

As such, the Institute and its staff are involved in significant ways in protecting heritage in Canada in emergency situations.

The first aspect of CCI's efforts in emergency preparedness and response I will discuss is a pro-active effort to build capacity within Canada's heritage community to protect cultural heritage in emergency situations. For years the Institute has provided a range of learning opportunities for conservators and heritage professionals in Canada and abroad through internships, workshops, publications and conferences.

Among the more than 20 topics of CCI workshops available to Canada's heritage community is that of Emergency and Disaster Preparedness for Cultural Institutions. This workshop has been offered by CCI since 1987, and approximately 300 individuals and institutions have so far participated in the two-day workshop. Of these institutions, only about one-third have come to the workshop with emergency plans already in place. The workshop provides an introduction to emergency response planning and instruction in creating response plans, as well as steps in identifying and reducing hazards. The salvage of artifacts from an emergency or disaster is presented in terms of handling, stabilization and "first-aid" conservation treatment of damaged artifacts. Long-term recovery of artifacts is also

addressed, including human danger, stabilization of the environment, and various conservation treatments for individual artifacts as well as entire collections. The workshop has four basic learning outcomes. Participants will leave the course able to:

- Plan and develop and implement an emergency response plan
- Identify and take measures to reduce and or avoid/eliminate potential hazards
- Assess, prioritize and salvage museum artifacts and collections
- Employ proper health and safety action in the event of an emergency.

The other aspect of CCI's work in this area in addition to training is that of emergency response. Because of its expertise, and because it is so central to Canada's conservation community, CCI is often the first to be contacted by heritage institutions in Canada that are faced with a natural or man-made emergency. The range of emergency and disaster situations in which the Institute has been actively involved or consulted over the past decade ranges from large-scale disasters such as the Manitoba flood of 1997 which inundated 2000 square miles at its height, to institutional emergencies caused by individual acts of vandalism. Example of those incidents include a fire damaging the second oldest Anglican church in North America in the historic city of Lunenburg in 2001, and arson at a Hindu temple in Hamilton, Ontario in that same year.

In such cases, CCI is contacted – provisions exist for contacting staff 24 hours a day, 365 days a year - and has a number of alternatives, depending on the details of the situation in question. Its support can range from advice about contacting local or regional conservators to sending a team of experts to participate directly. In situations where CCI becomes directly involved on-site, it does not assume take over emergency and disaster response for heritage, but rather assists in coordinating and directing efforts, helping

local staff to consider the most important issues, and prioritizing artifacts for salvage. In cases involving certain religious or Aboriginal material, conservation choices and actions by CCI can be affected by traditional non-conservation considerations. For example, in the case of the fire at the Hindu Temple in Hamilton, choices about what cultural objects should be salvaged and treated were determined by the fact that, according to Hindu religion, any icon, statuary, or altarpiece that has sustained any damage, even in the slightest way, cannot be re-used, and so certain objects which might otherwise have been salvaged by conservators were instead disposed of according to Hindu custom.

In addition to being recognized by the heritage community as a central contact point for expertise and information in responding to emergency situations, CCI has become to be considered by various departments in the government of Canada as a resource even when the objects in question are not heritage related, such as flooding in repositories holding government records.

Internationally, CCI involvement in responding to disasters and emergencies in other countries is confined to those situations where a formal request is received by officials from the country in question. Often CCI personnel become involved in cases through their participation in international conservation or museum organizations, such as ICCROM, or through the Government of Canada's involvement in organizations such as UNESCO.

In conclusion, then, the Government of Canada has a multi-dimensional strategy for protection of cultural heritage in emergency situations, and continues to explore ways in which capacity can be strengthened, both within government, and in Canada's heritage community.

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## WARFARE RESULTS OF THE LEBANESE CIVIL WAR

### INTRODUCTION

Lebanon's history of the past century should become a lesson about damages of cultural heritage caused by armed conflicts and difficult way to save and reconstruct historical monuments and heritage institutions.

I would like to present three projects that were undertaken during past ten years: reconstruction of the National Library, National Archives and the National Museum in Beirut

When the Civil War broke out in 1975, major battles were waged in the city center, around location of the library and the museum. This part of the city was located in the so-called Green Line or line of demarcation, which divided Beirut into West and East, and was the scene of the most heavy clashes between Christian and Muslim Militias.

The Library became practically inaccessible to both the public and library employees.

The Museum became a location of the deadliest checkpoint in the divided city. It was not only a witness but also a victim of the raging war and the main road next to it came to be ironically called "Museum passage", because it was the main communication route between both parts of Beirut during the war.

The Lebanese civil war was a conflict that spanned almost 20 years.

The state in all of its functions was consequently paralyzed during long periods and was unable to exercise authority over different parts of the city and country. The National Library and National Museum as governmental institutions were also disabled.

Beyond the ravages of war the simple fact that the institutions ceased to operate was enough to cause extensive damage.

The intensity of the Lebanese war varied significantly from year to year and from region to region – at times it seemed to be almost over, but then fighting started again.

It was the war without a permanent front line, although the Green Line, which ran through the city center, was the initial scene of clashes and remained neglected throughout the war.

It is also important to note that the climate in Beirut is especially humid and hot in the summer – which makes this city a very bad location both for a library collection and collection of archeological artifacts in locations without the necessary climate control.

Prolonged storage in inappropriate conditions created the most severe damage to the collections.

Construction of the museum's building began in 1930 and were completed in 1937. Curator of the Beirut Museum, declared that the new building would house all antiquities uncovered on the Lebanese territory.

When the tragic events started in 1975, the situation in the vicinity of the museum and the Directorate General of Antiquities rapidly and dangerously deteriorated.

The authorities decided to close the Museum temporarily, hoping that the situation would rapidly calm down. No one ever imagined that the national museum would turn into a barrack for armed elements.

Small finds, the most vulnerable objects were hidden in the basement. The latter was walled up banning any access to the lower rooms.



On the ground floor, mosaics that had been fitted in the pavement were covered with a concrete layer. Sand bags protected other large and heavy objects such as statues and sarcophagi. When the situation reached its worst in 1982, the sandbags were replaced by concrete.

When the cease-fire was declared in 1991, the museum and the Directorate General of Antiquities were in a terrible state of destruction, the museum was also flooded with rainwater drifting from the damaged roof and the wide open windows. The outer facade was completely peppered with shots and walls were covered with graffiti left by the militias who used the museum as a military barrack .

Regarding the museum collection, the situation was highly critical: the objects were kept in storerooms for more than fifteen years in totally inappropriate conditions. The large stone objects were left in their casing without any ventilation. The National Museum was built on the water table, a phenomenon, which caused a dangerous increase in the humidity rate and the rise of the water level that reached up to the basement storage rooms.

Several documents (maps, photographs, records....) as well as 45 boxes containing archaeological objects were burnt in a shellfire.

To make a long story shorter, everything had to be re-done.

Restoration work started in 1995 and focused on the building.

In 1997 the museum re-opened its doors, but only the ground floor and part of the basement were open to the public.

The conservation laboratory was refurbished in 1991 as a result of private funding and technical support from various national and international organizations such as UNESCO and the National Heritage Foundation.

The main task of the laboratory is to preserve or conserve the remains of the country's archaeological heritage. Lack of permanent professional restoration personnel remains the laboratory's main problem.

In view of the opening of the exhibition galleries, several non-Lebanese archaeological conservators were brought in to work on some objects and to help in training new members of the Lebanese staff.

The National Museum reconstruction is, I am glad to say, a success story – unlikely to the reconstruction of our National Library.

The National Library was created in the 1921 and located in the parliament building.

In the first years of the war library's premises suffered several damage. It was during this period, most probably, that part of the manuscript collection was stolen. Broken windows and holes in the roof led water directly damaging several objects.

Although today it is difficult to say which manuscripts were in poor condition before the war, it is sure that their bad storage conditions during the war caused the most severe damage to the collection. The books were covered with dirt, damaged by insects and contaminated with mould.

In the year 1979 the Lebanese Government decided officially to suspend all of the library's activities and evacuate the collection. The collection was divided and transported to the three different locations:

1. Ministry of Defence,
2. National Archive in the western (at that time relatively calm) sector of the city,
3. The UNESCO building.

Employees of the National Archives Center and the National Library were put in charge of selecting and transporting the chosen objects. First of all the collection of manuscripts was packed in carton boxes, and transported to a storage at the Ministry of Defence away from the city center. The Syrian army, which was present in Lebanon since 1977 during later stages of the war, occupied the ministry.

Some of the boxes had been opened and manuscripts were thrown on the floor. Later, in 1992 when the war ended, the manuscripts were finally moved to the Natio-

nal Archives where they joined the other part of the historical collection.

Archivists and the library employees went to the parliament building in the mornin-when militias abstained from fighting. They avoided parking their cars in front of the building in order not to attract unnecessary attention.

Since there was no general catalogue available, the archivists selected books simply by picking those seeming most valuable. They transported books in small boxes loaded onto their private cars. This operation took, as I was told, many months.

The National Archives Center – an institution created just before the outbreak of the war – is until now located in the temporary premises: commercial building in the center of West Beirut. Although the underground storage at the archive was not directly exposed to the war activities, it was left without supervision during extended periods.

To make things worse several big electricity generators were installed in a nearby basement level. Diesel gases have entered the storage areas for years, covering collections with thick layer of dust and soot.

Vandalism was also a cause of significant damage of the National Library collection. Many of the portraits from the painting collection were damaged by militiamen, who pierced with knives the eyes of the portraits.

Even the third location, where the library's collection was moved, turned out to be not the safest.

During shelling, the windows of the basement were shattered, leaving the books exposed to dust, water and humidity for almost seventeen years. The immediate effects were of course contamination with mould and massive insects' infestation.

And yet, worst damage was caused by neglect and prolonged storage in poor conditions. One can question why the collection was not transported to another place. To this question we find different answers. Often locations seemingly safe could become, in a matter of weeks, a battle-

field due to political changes. During the prolonged conflicts, weakened authorities had other priorities over saving books, such as saving electricity or water distribution systems.

The process of post war recovery was like starting from scratch. Lebanon's infrastructure had been completely devastated.

Electricity and water supply were poor if existing: telephone lines were down or hardly working due to old and damaged systems. Most governmental buildings were partially damaged or completely destroyed. State institutions were under-equipped: a typewriter and badly functioning telephone was the only technical equipment of most government offices. The National Library's and Museum situation was particularly difficult – practically speaking, it did not exist. The collection was badly damaged. The institution did not have a permanent location or staff.

In 1993, the National Archives Center requested from the United Nations technical assistance to rehabilitate its historical collection including the collections salvaged from the National Library. Following this request Mrs. Anna Czajka (a restorer – conservator from the National Library in Warsaw) came to Beirut in 1994, to work as a volunteer restoration specialist. Her task was to assist efforts of the National Archives to restore and preserve the historical collections as well as to set up a restoration laboratory. As no funds were immediately available for preparing the premises and equipping the laboratory – the activities started with rearranging the small manuscripts storage room with monitored climate conditions.

In the end of 1997 the space for the restoration laboratory was ready and funds for the equipment from the Arab Development Fund Organization became available. The Laboratory began to function in the end of 1998. As the first of that kind in the country, the laboratory was a small "pilot project" planned not only to assist in the restoration of the national Library's historical collections, but also to

introduce professional paper restoration and preservation in Lebanon.

The main objective was to stabilize the condition of the entire collection.

Until the year 2003 me and my colleague worked with Mrs Czajka on restoration on several manuscripts and in the same time we were trained on the job in paper restoration.

Securing professional personnel for the laboratory remains an important issue. In Lebanon we do not have a proper university training program in paper restoration.

At present I am working with one Lebanese colleague. Unfortunately due to the lack of the financial resources we have no chance to participate in training courses and to develop our professional education abroad.

The first step of the Lebanese Ministry of Culture to rehabilitate the institution of a National Library was taken in 1994.

The following year, books were moved from the basement where they had been stored for 17 years. The new premise was unfortunately another basement at the commercial building rented by Ministry. The first team assigned to restart the library was too small and unprepared professionally to handle this complex task. Fumigations aimed to stop insects infestation were repeatedly unsuccessful.

After consultations with experts provided by the National Library in France and the European Union, the Ministry of Culture hired a professional as a project director to prepare and supervise the reconstruction of the library.

By the end of 1999 the collection was moved to a more appropriate, not final location.

Fumigation of the modern collection was absolute necessity before opening boxes, cleaning and cataloging books. Expert microbiologist from the Centre Internationale de Conservation des Livrés in Arles in France helped to choose the most appropriate and economic method for the operation.

A team was trained in cataloguing, repairing and securing damaged books in specially made boxes.

The final location chosen is in the central part of Beirut and was approved by Lebanese parliament in 1999.

The Foundation of the National Library with Ministry of Culture started a high profile fundraising campaign. The European Union already offered a significant financial support for the project. The French government also supports the project. Unfortunately, due to the political changes, the realization of the project slowed down again.

The rehabilitation of the Library is not easy and, for sure, time consuming. International financial support may help to finish the process, but will not assure functioning of such complex institution like the National Library. Success of this project, unfortunately, depends more on the political situation and capacity of the Lebanese budget than on the national consensus over the importance of the institution for the cultural and intellectual life of the country.

During the past 10 years various projects were initiated in Lebanon aiming at reconstruction of cultural heritage. Slowly Lebanon is regaining its "Lost memory". Thanks to the World Bank funding started projects of rehabilitation of several historical cities during past two years.

However there is still a lot to be done. For example: both the National Library and the National Archives have no permanent premises allowing these institutions function accordingly to the basic professional standards. Various archaeological sites are not secured correctly. Personnel of heritage institutions need specialized training in the field of preservation and conservation.

Damages caused during 17 years of the Civil War are difficult to repair without adequate funding and sufficient professional expertise.

## **Session 2**

**Chairmen: Jerzy Litwin  
Edwin Micewski**

Ms Daria NAŁĘCZ  
General Director of State Archives  
Poland

## **PROTECTION OF ARCHIVES COLLECTIONS AGAINST FLOOD**

Not only increasing number of floods in Europe, but also the British Sir David King's report, prepared by 60 experts, indicate an increasing danger of more often appearance of this cataclysm. The researchers link this phenomena with a greenhouse effect. The British report assumes not only necessity of building new channels taking the overflow of water, but also indispensable evacuation of territories being inhabited so far.

General flood menace means also an increased risk for all cultural property, including archival collections. Actually, floods are statistically the most often danger for the archives – more than fires, earthquakes, or terrorists' attacks, which – fortunately – have not reached the archives so far. Similar is the threat of wars, but it is a separate problem.

The archivists have always regarded the threat of floods, but not always they have been able to counteract efficiently storage of the collections in the basements or on territories menaced with overflows. However lately, after Polish, Czech and German experiences, the whole international environment of archivists has undertaken common and methodical activities. The results of discussion and project of report were presented at two last meetings of the directors of national archives of the EU states, organised during the Greek and Ireland Presidency, and at the MRA European Division.

This report is an effect of Polish, Czech, and German cooperation. The author is Hatmund Weber, President of



Bundesarchiv. It concentrates on three topics: prevention, rescue, and removal of flood's consequences for collections.

It indicates the need of careful selection of storage places, not only by historical, but also current institutional archives. These collections cannot be stored in objects built in river valleys, on territories being overflowed. They shall not be located in basements, because also heavy rains or more serious waterworks' failures may be a great threat. In case the object is located badly, the possibility of moving the collection on upper level shall be regarded, or at least leaving empty lower shelves. We cannot expect, that during a cataclysm, developing so fast like a flood, we will have enough time to evacuate the collections. Usually evacuated are the documents just flooded.

Extremely important – in the aspect of efficiency of potential rescue action – is its previous preparation. Improvisation in critical circumstances does not work at all. Preparation gained through conferences, workshops, and exercises, shall be completed with publishing detailed instructions for personnel (also in institutional archives), adequate marking of documents, numbering their evacuation, tasks indicated for particular members of staff. Disaster, touching not only collections, but also people and their surroundings, makes their behaviours very nervous. We can be sure rather of mechanical, trained activities than complicated analyses and deep reflection of a current situation.

Indispensable is also definition of cooperation with services responsible for the work in crisis and disaster circumstances. The rescue teams must have the archives on their lists of tasks, or even priorities. It must be clear, which teams and in which situation are obliged to what kind of actions. The archives will never gather so much equipment, resources, and people to start rescue or evacuation individually. So a permanent contact of archives with the crisis staffs is indispensable, and detailed method of contacting in extraordinary circumstances. In this case

nobody can expect spontaneous, positive reaction, because natural behaviour is first of all rescuing people and their property than archival collections.

It is extremely important to make safety copies of collections. The archives can be compared only with the works of art, as they are absolute unique, individual originals. This differs them from most of library collections. Only a copy of original stored in another place can warranty at least access to information written down in the acts, which could have been destroyed.

The elements described above lay the ground for enabling effective activities in case of flood, or limit the scale of losses.

An international report, summing different experiences, presents also recommendations regarding techniques of cleaning and drying dirty or wet acts, on which a mould appears usually within 48 hours. This process can be interrupted thanks to acts' freezing (in the beginning in ca.  $-30^{\circ}\text{C}$ ), or drying immediately, for example at the fresh air or – better – in a vacuum chamber analogical to those used for drying a wood. This last process is less expensive, and it enables simultaneous disinfection of acts, adding gas in the last phase of drying. The most important acts can be – after freezing – liofilized in a special equipment. However, they are not very efficient, so this process cannot be used on a massive scale.

The last part of the report draws our attention to the fact, that – regarding an enormous scale of destruction, and large areas flooded – forces and possibilities of individual countries were not sufficient. Such cataclysms usually go very easy beyond administrative and political boundaries. Though there is a need of preparing specific program not only for each country individually, but the whole Europe. A closer cooperation of experts is needed, and establishment of a Pan-European Cooperation Network. This network could start at the moment, using the Internet, where at one website the following elements shall be included:

- list of experts, with contact information,
- information about the best practices in case of catastrophe,
- information about accessibility of indispensable equipment, like freezing machines, drying machines, lyophilisators, drying and disinfecting chambers, available in a given area.

Indispensable are also further research concerning the best methods of either drying the wet, or renovation of destroyed materials. The aim is to find the most effective and the cheapest solutions.

To gain this aim the directors of all the EU states' archives (and the candidate states as well in that time) declared the fastest possible establishment of the European Program of Collections' Protection and Rescuing. Even a preliminary budget was prepared, foreseeing the expenditures amounting to 2,8 mln EURO within 4 years, what would enable preparation of the whole program, establishment and equipment of 4 competence centres (referring to the division into 4 regions of Europe threatened with floods), and 1 coordination centre, employment of 1 expert per centre, training personnel, development of an Internet information system, contacts, and coordination.

As we can see, protection of collections against their overflow requires fulfilment of several conditions: adequate location of storages, training of personnel, preparation of instructions of activities in the face of threat, previously planned system of cooperation with institutions responsible for the country safety in extraordinary situations, and a trans-border help.

Transl. MK

Karim PELTONEN

Secretary of the National Working Group for the Implementation of the Hague Convention of 1954, Cultural Heritage Officer National Board of Antiquities

## **IMPLEMENTATION OF THE HAGUE CONVENTION OF 1954 IN FINLAND**

Ladies and Gentlemen,

It is a pleasure to represent Finland today in this conference and I would like to thank our Polish hosts for this opportunity to share with you experience on the threats for cultural property in war and peace time. My presentation will focus on the implementation of the Hague Convention of 1954 in Finland and I hope to shed light on measures we have taken or intend to in this field.

Finland joined the Hague Convention and its first Protocol in 1994 and signed the second protocol in 1999. Ratification of the latter is under preparations and will hopefully be completed later this year.

Main responsibility for the implementation of the Convention lies within the Ministries of Culture and Defence, but several measures require collaboration with other administrative sectors. A national working group functioning under the Ministry of Culture supervises and monitors the implementation of the Convention, but serves also as an information channel between the various authorities concerned.

The other members of the group represent the Ministry for Foreign Affairs, the Ministry of Defence, the Ministry of the Environment, the Ministry of Internal Affairs, the General Staff, the National Board of Antiquities, the Finnish National Commission for UNESCO, the National

Gallery, the National Archives and the National Library. The group has a mandate for three years and it is third working group in turn since 1994.

Implementation of the Hague Convention of 1954 is at present based on recommendations given by the second national working group in 2001. These guidelines concern mainly the division of administrative responsibilities, definition of the cultural property to be protected as well as practices its registration. Majority of the proposed measures concern the Ministry of Culture and the Ministry of Defence. The National Board of Antiquities<sup>1</sup> has a central role and it is both a national expert body and coordinator of the safeguarding measures as well as owner of cultural property of national importance (e.g. the National Museum and its various collections).

## **PROTECTION OF THE CULTURAL PROPERTY**

In respect to general protection, Finland has drawn up a preliminary register of some 800 sites, which includes built-up areas, individual buildings, archaeological sites and collections of movable cultural property, that is to say archive, library and museum collections. According to the recommendations given by the second national working group inventories of cultural property protected under the terms of the Hague Convention are prepared by the National Board of Antiquities and confirmed by the state council in order to bind all administrative sectors.

Intention is now to revise the preliminary register and complete it by 2006. Focus will be on sites regarded as national monuments meanwhile the number of sites has to be kept reasonable. This will need compromises, but it is better to concentrate the efforts rather than disperse them by creating unmanageable listings. A handful of well-

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<sup>1</sup> The National Board of Antiquities under the Ministry of Education is an expert body on the national cultural heritage. It is responsible for the preservation of the material cultural heritage and environment, and the augmentation and transmittance of information concerning them.

managed sites can also serve as good examples and have a positive influence on the management of non-listed sites. The register will however remain open for future revisions and additions.

## **SPECIAL PROTECTION AND ENHANCED PROTECTION**

Despite the renewal of the Convention in late 1990', Finland intended to request the inclusion of sites under the special protection as a support to the request presented by the UNESCO Director-General in 1997. In all five World Heritage sites and two shelters of movable cultural property were studied in 1999-2000. Four of the sites met the terms set by the Convention while the rest three were dropped out due to their geographical location. The proceeding of the second protocol has however halted this process and in present situation it seems appropriate to wait and see how the category of enhanced protection will be implemented and whether it will replace the category of special protection or not.

## **DISTINCTIVE EMBLEM**

As there is no yet official protection of cultural property under the terms of the Hague Convention in Finland, no decision in principle on the marking of cultural property has been taken. The intention, however, is that cultural property under special protection – in case the category will be applied – as well as publicly-owned sites under general protection, will be marked already during peace time. In respect to sites in private ownership, their marking will be at the discretion of the owners.

## **DISSEMINATION OF THE CONVENTION**

At the present Finland fulfils relatively well the obligations concerning the dissemination of the Convention. The content

of the Convention has for a long time been included in training for regulars and conscripts in the armed forces. The intention, however, is to further develop trainings for special key groups, the most important of which are officers from the rank of lieutenant to major and personnel trained for international missions.

The training of civilians is planned for special key groups, the most important of which concern people working professionally with cultural property or within the rescue services.

There is no intention of beginning widespread civical education at the moment, but the idea of special campaigns has been discussed. Likewise, the opportunities for ordinary citizens to participate in and exert an influence over the protection of cultural property has been mooted.

In the development of dissemination channels and training material, the co-operation with NGO's (especially Red Cross and ICOMOS) has been very fruitful.

## **ACTUAL THREATS AND THEIR PREVENTION**

The threat of war against Finland is estimated to be low at present, but it is not an excuse to neglect necessary precautions. Protection of cultural property during an armed conflict should be seen as a part of the overall defence scheme and it is therefore important that its protection is actively and seriously planned all the time. This promotes the status of cultural property and enhances respect towards it. Implementation of the Hague Convention is closely related to general risk prevention, preparedness and measures designed for armed conflicts serve us also to overcome minor crisis situations, large-scale accidents or catastrophes, or prevent banal hazards and their impacts during peace time.

Cultural property is in general vulnerable, and fires, water damages and thefts have damaged or destroyed our national heritage during the last six decades more than the war did.

It is therefore important to proceed with safeguarding measures keeping in mind risks during both war time and peace time. A convincing and working preparedness level is desirable and should be set as a national goal.

In a possible crisis situation practical safeguarding and protection measures are always carried out on a level as low as possible, but this requires efficient coordination of the necessary preparations. Both the military and civil defence of Finland are effectively organised, but responsibility for the protection of cultural property disperses to several bodies. The National Board of Antiquities has a central role as a coordinator of the safeguarding measures, but has not in fact responsibility or authority on archives or libraries, neither its role during a possible crisis situation is clearly defined. This situation will hopefully be improved in the future by reorganisation of the responsibilities as well by delegating duties. Safeguarding of the cultural property requires also co-operation with the owners of the property, as well as with the army and civil defence, and rescue organisations. Practice has shown that raising awareness and creation of horizontal contacts across the administration are important means and first steps toward fruitful co-operation. Seminars organised by the Finnish ICOMOS and the courses on humanitarian law organised by the Finnish Red Cross have gathered people from various sectors and enhanced mutual understanding on issues related to the protection as cultural property as well as generated practical initiatives concerning its safeguarding.

The protection of cultural property is not only an administrative issue, but requires also right attitude and motivation among the individuals. I have to admit that unfortunately there is a certain lack of faith among professionals working with the heritage conservation while both military and rescue personnel seem to have much higher motivation. It is true that the list of recent is long and modern conflicts challenge the protection of cultural property in armed conflicts, but this instead increases the importance of the implementation of the Hague Convention on national



level rather than decreases it. It is important to recognise that national implementation measures include an international dimension and give a moral support for the international community in its efforts as well can serve as an example for other nations.

## **INTERNATIONAL CO-OPERATION AND FINLAND**

Regarding the international co-operation around The Hague Convention, Finland has so far had an observer status. Implementation of the second Protocol gives new opportunities to join international co-operation, but it seems necessary to activate us in other ways too, and to increase information exchange between other nations and expert bodies.

Only recently Finnish ICOMOS has published an initiative that Finland should form and train a documentation group called FINNDOC to be used in peace support or humanitarian missions. Political support for this proposal will be measured later this year, as it will be subject of an interpellation in the parliament. A documentation force could also be a joint effort of the high contracting parties on either European or wider level.

## **FUTURE**

Implementation of the Hague Convention has proved out to be a long process, and it takes time to disseminate it through the administration. So far measures taken by Finland have been preparatory and the next three years will show whether we will reach a new and more concrete stage in the implementation of the Convention. A high level commemorative seminar will be organised later this year and we hope that this will lead also to a more engaged and visible implementation of the Convention.

Thank you

## COLLECTIONS IN DANGER

The Museum of History is currently one of the elements of the important public institution – the Slovakian National Museum. It is seated in Bratislava Castle, in the Slovakia's capital. The object itself raises its significance. There are rich collections of the art, ceramics, glass, materials, and dresses, folk art, craft, history, numismatics, etc. on its attic. Even if these collections have always been carefully controlled, however threatening situations took place. The two examples are: the World War II, and a threat of a peace time.

For us the Museum of History is an important institution also because an evidence character of its collections, linked closely with establishment of the first Czechoslovakian Republic (1918). It is a direct continuator of museum organisations established in that time. Just in 1929 a new building for these collections was designed by M. M. Harminc, at the bank of Donnau river. The collections document culture of this new country. The building activities (approximately 3200 m<sup>2</sup> of exhibition space was installed) was broken by the World War II.

Evacuation of the most precious collections started in 1943. Everyone believed, that the Museum building will be preserved during this conflict, however it was significantly damaged in the first bombing of Bratislava, on June 16<sup>th</sup>, 1944. As we can read in archival materials: *Firstly four firebombs hit it. The Museum got fired. Extinguishing was impossible, because of lacking water in hydrants. We have to carry it from the close Donnau river. Within a few seconds next bombs hit – destroying*

*an attic partially, and the tympanum with úprkový relief. Also a part of an exhibition hall was damaged, glass cases broken, fired lifts and a few depositaries.* Just after a run the Museum's reconstruction had been started. Financial support were found. However, on October 14<sup>th</sup> 1944 the Museum was bombed again. The next destroying event was a fire, started by German soldiers before evacuation, on April 1945.

As we can read in reports and news of that time, the scope of damages was huge, and the building could have not been used any longer. Numerous collections were evacuated, more than 11 thousands of destroyed showpieces were left, mostly historical furniture and other larger objects, difficult to be moved. A serious loss es were alsoin evacuated collections. In unclear war situations nobody was able to assure a sufficient protection in temporary rooms. Numerous, rare museum collections were stolen or destroyed. According to the final post-war report, the Museum was one of the most damaged cultural objects in the whole country. The renovation took 6 years, and 45 mln of CSK. The experts have been ordering the collections within 7 years, and on February 1<sup>st</sup> 1952 they were ready to be presented to the public.

Many people assume work in a museum as quite, or even boring. In fact the Museum staff, despite their special tasks in elaboration, indexing, evidence, and presenting, often fights every day against natural degradation of materials. There are detailed storing regimes, development and observing the most ideal climate conditions. However, what about disasters? Floods, earthquakes, or possible war or terrorist attacks? Museum collections are too delicate to survive.

The Museum of History faced a similar catastrophical situation in the mid-90ties of 20<sup>th</sup> century. In the very heavy rains, and bad technical stage of this castle (mainly roofs), where the collections have been stored since the 60ties of 20<sup>th</sup> century, the building was affected by a disaster. Fast reaction was indispensable: evacuation of all 250 000 of

showpieces to adequate stores, and their conservation. It took half a year. There was no company experienced in movement of such objects. All was realized with joined forces. The collections must have been stabilized, packed, and moved – in detailed system – to another place, nobody knew for now long. Construction works were realised in the Museum's rooms. After reconstruction of a roof, new storages were being built. All the objects were restored and renovated before their move to new rooms. To prevent similar situation in future, all the collections were divided according to the material – not a content – criterion, to assure adequate storing conditions. Ordering collections in new storages took next 5 years. Then we started evaluation – what was destroyed, which objects required complete renovation, and which were in better status.

Today, like during the World War II, there are also evacuation plans, directives, and rescue methods elaborated in the Museum.

We have the system of protection against crisis situations. It includes the Civil Service, managed by the staff responsible for a possible rescue action. However, its status is defined broader: as a system of tasks and measures for protection of life, health, and property. That is why the Museum, according to the Slovakian acts, norms, and international agreements, has elaborated next, more detailed directives: *The special directive of the protection of the Museum's information system, Tasks of protection of the acts' confidentiality, the Museum's main tasks in protection, security, and defence*, revised annually. *The plan of protection measures in museums in case of fire and attack* is prepared, as well as *The methods of proclaiming the emergency levels in extraordinary circumstances, The directive of an object's protection*, etc.

The Museum in the Bratislavia Castle is covered with an international protection, but regardless, there are also other places for possible evacuation of museum collections, fulfilling all the requirements detailed in the Hague Convention. It is in approx. 20 km far from the country

border, it is not an element of a communication system, neither railway nor airport, etc. As our collections are rich, the experts defined those the most precious. Is it enough?

We are aware of the fact, that even if there are evacuation plans, directives and methods in the Museum – which were prepared also during the World War II – we still have many operational problems to solve. As we can read in the archives of the World War II: *Men-workers were given the tasks. There were no building materials, no cars, nothing. We had to fight for everything, They should have had understood us better, in particular if some “possibilities” were found for other needs.* The same conclusion was formulated by the Museum’s personnel, rescuing the collection in a peace time.

Referring to these facts, described in archives or faced individually, we must say, that up till now all the efforts to prepare law for extraordinary circumstances are still on a theoretical stage. It is always a complicated and unique situation, success of which depend on the personnel, their individual engagement, and personality – not the wish to scarify themselves.

That is why we shall speak about it, exchange information and experiences, sign agreements, usable in protection of cultural heritage of each nation. This is our common heritage in fact.

Transl. MK

LtCol. Ryszard BZINKOWSKI  
Ministry of National Defence  
Poland

## **THE IMPLEMENTATION OF THE HAGUE CONVENTION IN THE ARMED FORCES OF THE REPUBLIC OF POLAND**

The Polish government signed the Hague Convention in 1954, and ratified it in 1956. However, its implementation in the armed forces was limited – until social and political transformation of Poland – to a narrow information transmission to the students of military academies, regarding international humanitarian law of armed conflicts.

Today's celebration of the 50<sup>th</sup> anniversary of the Hague Convention, co-organized by the Ministry of Defence, illustrates an essential reevaluation of this document and its regulations.

The unit responsible for the cultural property protection in case of an armed conflict has been working within the defence sector's structure since 1998. After structural reform of 2002 responsibility for these matters was passed to the Unit of Civil Education, Department of Education and Promotion of Defences in the Ministry of Defence. Our activities are aimed in consequent looking for complex, system, and efficient solutions warranting popularisation among all the soldiers knowledge of an international humanitarian law concerning armed conflicts, and commanders' habits of regarding its rules in decision-making processes.

An effective system of cultural property protection is built on the soldiers' knowledge of binding legal regulations in this range, and the necessity of their practical implementation.

Though in an education sphere we realize:

- obligatory trainings for soldiers of compulsory military service concerning international humanitarian law of armed conflicts,
- cycle of lectures concerning international humanitarian law of armed conflicts for the students of all levels of military education,
- courses in international humanitarian law of armed conflicts, under the ICRC auspices, for the commanders and operators of battalions and brigades, in different kinds of armies,
- courses for all professional soldiers participating in peace and stabilisation missions,
- special courses for the officers responsible for protection of cultural property in military units of all levels, together with the Ministry of Culture, basing on the Centre of Protection of Population and Cultural Property of the Ministry of Internal Affairs and Administration in Cracow;
- publications supporting an education process.



Participants of a course of cultural property protection for the CIMIC officers, a meeting in the Wawel Royal Castle, May 2003

This process is realised on each level of education, also in military units and schools.

According to our experiences, states' and nations' cultural heritage destruction in the result of armed conflicts have always taken place, and we can assume, that will happen in future as well. Limited effectiveness of the Hague

Convention, appearing in repeating violation of its rules, could have been observed during recent armed conflicts in former-Yugoslavia, Chechenia, Kuwait, and Iraq.

Our army engagement in abroad operations were limited to peace missions. Today, as a NATO member, and regarding mutual obligations, we also participate in armed conflicts in fact as a conflict's party. It forces automatically complete preparation of our soldiers to respect rights and obligations of a war law, including the Hague Convention as well.

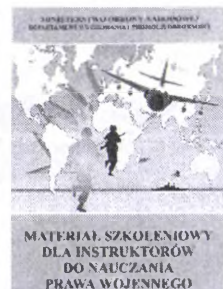
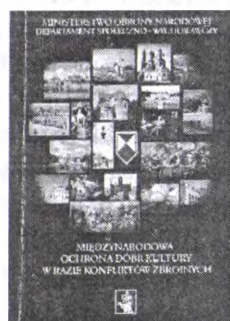
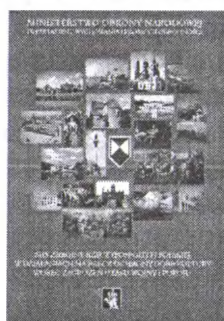
Regarding the above, we realize preparation of the Polish Armed Forces' members, including managers and staff, within these issues during education and exercises. Problems of the law of armed conflicts have been included into military curricula. We are also working on including problems of cultural property protection into subjects concerning international humanitarian law of armed conflicts, both in theoretical and practical aspects. Issues of international humanitarian law of armed conflicts, including protection of cultural property, are more often in schedules of exercises for military staffs and units. Exercising skills and procedures of cooperation with local authorities, services and institutions responsible for cultural property protection, are of particular importance.



Course of international humanitarian law of armed conflicts for the officers of 11<sup>th</sup> Division of an Armoured Cavalry from Żagań – April 2004.



In 1995 (revised in 1998) we published *Manual of a war law for an armed forces*, and also *International law of armed conflicts – teaching materials for non-commissioned officers and privates*; all the military units were given collections of documents including the Hague Convention, from the Polish Red Cross Committee. The most current publications are: *International protection of cultural property in case of armed conflict*, and *Role tasks of armed forces regarding protection of cultural property in face of threats of war and peace time*, published by the Civil Education Unit, as well as *International law of armed conflicts* published by the Academy of National Defence.



Number organisational activities were also carried out. Adequate records can be found in the project being developed on the Minister of Defence decision concerning implementation of *The instruction of observing the rules*

*of cultural property protection in case of an armed conflict in the Polish Armed Forces.* This instruction details tasks and competencies in the field of cultural property protection, as follows:

1. Undersecretary of State for Social Affairs:

a) defines activities in the field of preparation of armed forces to protection of cultural property in case of an armed conflict,

b) represents the National Defence sector in contacts with the allies, UNESCO, ICOMOS, ICOM, and other governmental and non-governmental organisations engaged in protection of cultural property,

c) coordinates cooperation of the national defence sector with the public and local administration, nongovernmental and public organisations, in the field of protection of cultural property in face of threats of a war and peace time,

d) elaborates, in cooperation with the Ministry of Culture, projects of documents regulating implementation of the Hague Convention in the National Defence sector,

e) creates circumstances of functioning of the public movement of cultural property protection in a military environment;

2. Commander of the Polish Army General Staff:

a) defines procedures assuring implementation of the Hague Convention in the decision process concerning military operations, on all levels of commanding, and assures its implementation to the military rules and instructions,

b) organizes cooperation of supervised services in elaboration of indispensable materials concerning protection of cultural property in face of threats of a war and peace time,

c) equips the army with topographical maps, with special, international topographic marks for the most important cultural property in the country, and area of possible armed conflict,

d) organizes protection of cultural property in the framework of the Ministry of Defence Crisis Staff, and cooperation with the State Crisis Staff;

3. commanders of different types of armies:

a) assure introduction of cultural property protection in case of an armed conflict to training curricula of supervised armies, and supervise observation of procedures concerning protection of cultural property during operations,

b) assure introduction of protection of cultural property in case of an armed conflict to the exercise schedules, and coordinate their realisation with local authorities, and civil special services;

4. commanders – rectors of Military Academies assure introduction of protection of cultural property in case of an armed conflict to curricula of their academies;

5. Director of the Department of Education and Promotion of Defences:

a) organizes and supervises dissemination and popularisation of protection of cultural property in military environment,

b) revises the register of monuments, and prepares catalogues of monuments for the operational purposes during military actions, for own and coalition forces (on the territory of Poland),

c) prepares databases concerning cultural property,

d) in cooperation with the Polish Army General Staff's manager elaborates projects of instructions and directives concerning:

– identification of cultural objects being in the military operations area, as well as the rules of operating according to international conventions,

– protection of cultural property during peace military operations,

– specific situations of a peace time (catastrophes, disasters);

e) organizes trainings in protection of cultural property for soldiers of compulsory military service, military staff, runs a register of trained personnel,

f) elaborates teaching materials and organizes trainings for soldiers participating in NATO, UN or other coalition operations, concerning:

- examples that attacks on cultural property become one of main goals of conflict parties in regional and ethnic wars,

- presentation of local religions, cultures, customs, history, and cultural property, as a method of better understanding of local situation, and better cooperation with local communities from the areas under regional armed conflicts,

- introduction into monuments' knowledge, and marking objects under special protection;

#### 6. Director of the Infrastructure Department:

- a) organizes, coordinates, and supervises tasks connected with resort's obligations resulting from its function of an owner and user of movable and immovable monumental objects during a peace time – on general rules,

- b) supervises preparation of the plans of protection and preservation of cultural objects being used or owned by an army, in case of special threats,

- c) organises special trainings in protection and preservation of cultural property in case of special threats of a war and peace time for the staff or local infrastructure, and the objects' users; assures adequate support and sources for its realisation,

- d) runs the register of immovable monumental objects under resort's government.

Despite the rules concerning tasks and competencies of individual decisive units of the Armed Forces, both in war and peace time, *The Instruction* concerns also the range of issues obligatory in soldiers' training, as well as basic rules of work of different types of armies in regard to protection of cultural property in case of an armed conflict. Condition of running military operations to be agreed with an international law of armed conflict, is equipping the commander with adequate information about an enemy

and the surroundings. That is why works have been started aimed in preparation of information concerning existence of important civil objects, in particular protected cultural objects. The effect of gathered information is undertaking adequate emergency measures, as well as adequate decisions assuring protection of cultural property – both in attack and defence. The starting point is the most possible knowledge about the region of military operations. It is the task for units of civil-military cooperation (CIMIC). Among their competencies there is preparation and development of a database on civil community, starting with local authorities, via local population, international and non-governmental organisations, historical and cultural circumstances, up to the objects of cultural heritage. In the army, on the commanding levels from General Staff to brigades, the CIMIC units have been established. The CIMIC officers are equipped with universal education and preparation, also on civil universities.

Essential is also development of a database of protected objects, with their characteristics, in case of an armed conflict, both in a form of printed publication (catalogue), and electronic information for the staffs. Voivodeship databases of monuments were prepared in the Department of Education and Promotion of Defences, with the support of the Centre of Monuments' Documentation in Warsaw, which were given to the Voivode Military Staffs, and the Polish Army General Staff.

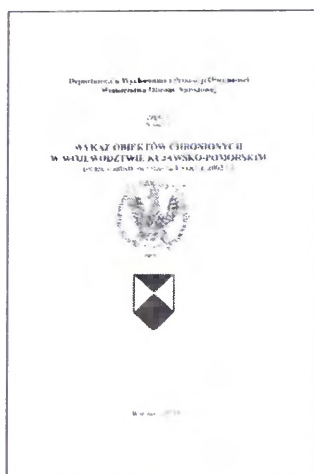
The following most important protected cultural objects were included:

- Polish monuments enrolled to the UNESCO List of the World Cultural and Natural Heritage,
- objects classified as monuments of history by the Polish President,
- objects protected according to the Act on May 7<sup>th</sup>, 1999 on protection of the former Nazi concentration camps
- Monuments of Extermination,

– objects and monumental complexes enrolled to the register of monuments run by voivode conservator of monuments.

The following protected Polish resources of culture were also mentioned:

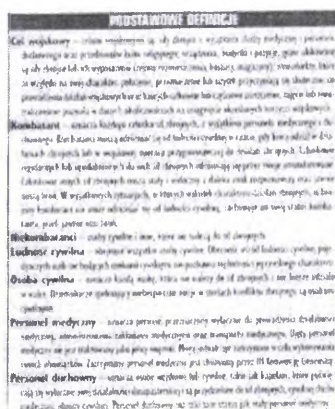
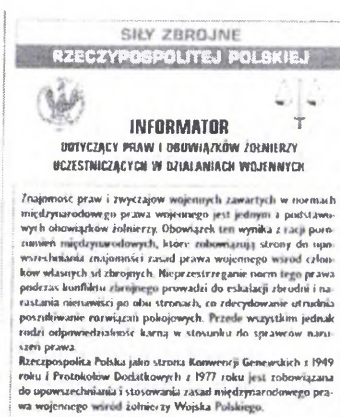
- libraries belonging to the national library resource,
- the most important cultural institutions, including museums,
- state archival resources,
- the most important archaeological sites, and
- park and landscapes, including cemeteries.



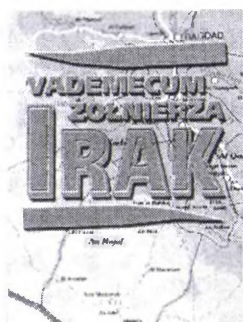
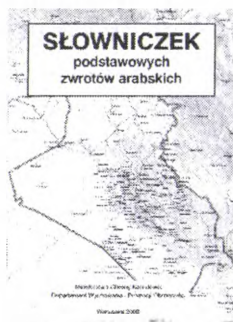
Catalogues of protected objects, including all 16 voivodeships, were passed to the Voivode Military Staffs, the Polish Army General Staff, and individual military units

Practical test of the CIMIC work was the Polish Military Contingent's stabilisation mission in Iraq. It is worth mentioning, that the following materials were prepared for the Polish soldiers: *A soldier's handbook – Iraq, Introduction to rights and obligations of the soldiers participating in military operations, Information about procedures of behaviour and possibility of identification of movable monuments characteristic for this region, and The basic Arabic-Polish dictionary.* These materials, given to each and every soldier, present the history of Iraq, beliefs and customs, social relations, as well as practical indications of

behaviours in contacts with the civilians. Also fragments of Aleksander Kwaśniewski, President of the Republic of Poland speech, characterising tasks and goals of the stabilisation mission has been published in Polish, English and Arabic.



The management of the national defence resort perceives the necessity of supporting activities aimed in enhancing national identity, and passing these values and traditions in the process of soldiers' education, as well as their promotion in the public. For this goal a photographic and film conquer "Military buildings" was organised, 6<sup>th</sup> edition of which will take place this year, and the conquer of tourist photography.



They were organized in cooperation with – among others – the Military Division of the Polish Tourism Society at the Silesian Military Area Club. Main task of these conquests is documentation of preserved monuments, awaking interest of photographers and film-makers, and in the same time popularisation of the knowledge of Polish military buildings and objects.



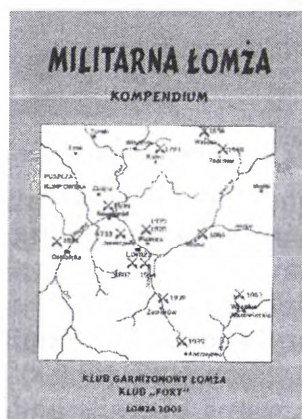
Research sessions take place annually, concerning protection of military architecture. Numerous conferences and symposia concerning Polish military tradition are organized by the Central Military Library, and the Museum of Polish Army. They result in publications consisting of presentations, photographs, maps, diagrams of walls and fortifications. First such a session took place in Giżycko on September 12-14, 1997, concerning the Boyen Fortress. Another one was organized in Gdynia and Hel, on October 2-4, 1998, concerning the 80<sup>th</sup> anniversary of the Polish Navy. The next one concerned the Przemyśl Fortress, and the last one in 2003 – the Cracow Fortress.

With the support of the House of Polish Army, the cycle of film monographies concerning monumental fortresses and military complexes preserved in Poland has been initiated. The following films was realised concerning: the Boyen



Fortress in Giżycko, the Osowiec Fortress, the Częstochowa Fortress, the Przemyśl Fortress, and the Grudziądz Fortress. Planned is documentation of the Srebrna Góra and Dęblin fortresses, as well as military complexes in Hel, Nysa, Kłodzko. The idea is to document objects representing leading European fortification schools, presentation of architectural and landscape values, and evolution of military defence techniques.

Dissemination of knowledge on military monuments, including defence architecture and art, is included in the activities of military branches of the Polish Tourism Society. Important is also the fact of popularisation of protection of cultural property in military journals, in activities of military clubs and cultural centres.



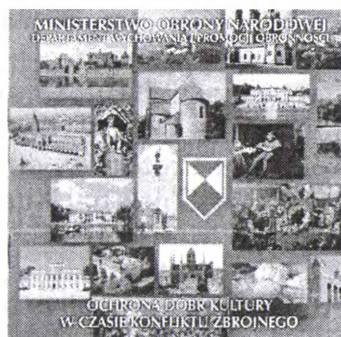
Soldiers, learning about history, monuments, and customs of the territory they serve in, take the lessons of civil education

The program enabling the soldiers of compulsory military service more detail knowledge of regions they serve in is also realised. I have to mention activities of social structures, like of the Defence Knowledge Society, and the Fortifications' Friends Society, with many current and former soldiers as their members.

Particular recognition should be given to the military units' commanders, on the area of which there are monumental objects. They were able – regarding these

objects – to initiate programs of civil education, with particular attention given to the heritage of previous generations.

The CD published by the Department of Education and Promotion of Defences, consisting of teaching materials for the Polish army soldiers and staff, was also helpful. It includes material concerning preparation for activities according to an international humanitarian law of armed conflicts, examples of realisations of battalions' tasks in military operations, as well as experiences of CIMIC units from mission in Bosnia.



These subjects, in particular preparation of the Polish Army units, staffs, and military education, to implementation and realisation of settlements from the Hague Convention and its Protocols, as well as elaboration of conclusions for further activities, were a subject of the conference organized on October 25<sup>th</sup>, 2002 in Warsaw, by the Department of Education and Promotion of Defences, Ministry of National Defence, in cooperation with the Defence Office of the Ministry of Culture. Conference concerned activities of the Polish Army in regard to protection of cultural property in the face of threats of a war and peace time. It was attended by: representatives of the resort of national defence management, the Parliament Commission of Defence, and the Senate Commission of Defence and Public Safety, the National Safety Office, the Ministry of Culture, the

Ministry of Internal Affairs and Administration, the Ministry of Education and Sport, the Main Command of the State Fire Service and Civil Defence, the Polish Army General Staff, attaches accredited in Poland, commanders of the units of all types of army forces, chiefs of Voivode Military Staffs, representatives of voivode conservators of monuments, representatives of state and public organisations engaged in protection of monuments, representatives of media, on the invitation of Krzysztof Sikora, Director of the Department of Education and Promotion of Defences. Their attendance expressed also the necessity of closer army' cooperation with all other environments in protection of cultural property.

The possibility of training a large group of officers and military personnel, on a weekly course organized in the Centre of Protection of Population and Cultural Property, Ministry of Internal Affairs and Administration, in Cracow, from the Ministry of Culture, and the General Conservator of Monuments initiative, is of great importance for adequate implementation of a program of protection of cultural property in case of an armed conflict in the resort. This training, realized under meritorious supervision of the Unit of Civil Education, Department of Education and Promotion of Defences, includes the most important topics, like:

- contemporary threats for cultural property,
- protection of cultural property in an international and Polish law,
- state's strategy and priorities in protection of cultural property,
- planning actions regarding protection of cultural property in case of threats of peace and war time,
- civil service tasks in protection of cultural property in crisis situations and armed conflicts – legal solutions,
- monuments' evidence and documentation,
- fire protection of monumental objects,

- protection of cultural property among the Polish Army tasks,
- protection of cultural property as a permanent element of military exercises,
- exercises in protection of cultural property in a war and peace time.

Trainings were graduated by more than 180 officers and military personnel, representing all larger army units. Cracow meetings became a forum of discussion and exchange of opinions concerning practical realisation of protection of cultural property in armed forces, directions and range of activities.

All these work let us hope, that the aim of protection of our common heritage in the Polish Army is adequately noticed and appreciated.

Transl. MK

## **NEW TECHNOLOGY FOR RECOGNITION, DIAGNOSTICS AND MONITORING OF HISTORICAL MONUMENTS**

The word and the picture – the image and lyrics, are wonders of contemporary culture, where societies seek information about their identity continually provided by the new language of ideological tabloids and billboards. Nowadays we ask continuous questions: What is the future of contemporary culture? What is the proportion of the real world, existing in material transmissions of cultural heritage, and of the virtual world, the one presented step by step in constant technical acceleration? What's the tradition cherished in literature, described in poems, music, art and architecture? The tradition handed down by means of sounds and images? On one hand it's virtual – it exists only through analysing its idea. It is unaccessible in current life experience. It demands hard work to learn it as well as meticulous and detailed scientific and philosophical experience. On the other hand, there's the tradition available to everyone but impoverished, disappearing in everyday life – the authentic matter of the real world. What is the reality, we want to deal with? Which one should we protect? Museums of the world and national libraries, an example of which is the hugest collection from ancient times – the Alexandrian Library with its collection written on clay plates and papyrus scrolls, destroyed many times, replaced and decyphred from times of John Gutenberg and Jean Francois

Champollion, are able to house and keep record of the survived world cultural heritage. How to make use of the contemporary knowledge (know – how) and technological acceleration to protect cultural heritage? The project entitled „New information technology for recognition, diagnostics and monitoring, protection and management of historical monuments” aims at answering these questions. In this case it deals with architectural monuments protection, yet it could also be applied to different branches of art, music and literature.

Before we carry on with presentation, let us consider another question. Are we aware of the directions of the contemporary world development good for the interest of the whole country, the one of local community and friendly for all people and each single man? The public – social partnership and the individual – private one present changing relations and seek new solutions for environmental protection together with recognition, diagnostics and monitoring of preservation of historical heritage, of world, national and local importance. Many efforts are being made to systematise the historical heritage. We witness new experiments in which all aspects of historical heritage protection against age – old dangers of war and peace provide only the background for human struggles with challenges of times we live in. The protection and management of the world cultural and natural heritage, as well as computer systems supporting modern methods of systematisation, current classification, questionnairing and keeping archival records of historical heritage, depend on complete evaluation of their value, and the degree of authenticity, identity as well as their condition of preservation. Computer modelling allows us to simulate monuments’ life course and to reconstruct the process of creation and development of architectural works. New works modified cultural environment at the moment of creation. The process was accompanied by transformation of the world and its relative associations of the class of forms of that time. The ideal pattern of the new class of ancient forms,

defined as “primé object” (G. Kubler), creates a new tradition and stimulates a long sequence of repetition (J. Białostocki). The investigation of a new generation of shapes and forms development also today opens a new research horizon in recognising evolution chains of history items (A. Rapoport, J. Rykwert, S. Kent, A. Miłobędzki).

Taking multi – factor complexity of the described matter into consideration one may ask a question if the capacity and power of computers needed for the interpretation of those associations are fully available. Information systems support database creation, relation models, attributes and presentations of developing stages, making multimedia and temporal applications possible. The information systems make also possible, selection, aggregation of data, specification, seeking out, asking about value and monitoring of changing environmental conditions. They allow getting reports on the risk degree. Information technology (IT) stimulates the development of knowledge in a diverse range of geographical space, ecology, economy and law on the basis of experience of Geographical Information Systems (GIS). Recognition, protection and management of the cultural heritage in Poland is the subject of verification of opinions from the period of Athens and Venice Charts. Let us mention Cracow Chart 2000 here as well.

It is making an attempt to answer the questions about the future of cultural heritage on the basis of solutions of global information infrastructure (D. Johnson). We seek novelties in *artificial intelligence investigation not concerning computer neuron nets or genetic algorythms but so called intelligence group* (Polański). Information technology is able to contribute to the development of integrated sciences as well as their synergy and science management. Computer science defines computation complexity of problems and provides tools to solve them. Classical sciences – history of the world, history of material objects, art and architecture – study, research and investigation generate problems and models. The model of database enables us to generate temporal

database. It makes possible to show what negative influence on monuments have their users, as well as pollution and the environmental deterioration. The database can be used to describe dynamic phenomena, which is especially useful for making decisions concerning preservation of monuments. These problems have been discussed in numerous speeches presented at conferences devoted to Geographical Information Systems, for example: "GIS Polonia 2001" in Warsaw, "Pionier 2002" in Poznań, "GIS Odyssey 2002" in Split, "GIS Silesia 2003" in Sosnowiec, as well as during the conference entitled "The cultural heritage confronting the hazards of war and peace time 2004" in Warsaw.

Research project „Monitoring of historical monuments preservation, with the use of contemporary computer systems” is an attempt construction of the Database of Architectural Monuments. The system is realized in the Division of Preservation Research and Study the Institute of History of Architecture and Monument Preservation, Faculty of Architecture, Cracow University of Technology, in cooperation with the Section of Information Technology, Institute of Computing Science, Cracow University of Technology. The aim of the research is to build a multimedia system concerning monuments, which would be put in practice in preservation works, support decisions and make information available for professionals and wide range of users as well. The system should store and enable its users efficient searching of data concerning monuments, estimating dangers and gaining reports about its current state. The project should also be useful during teaching, in the field of history of architecture and monuments preservation, making it possible to create questionnaires for selected objects.

Information systems support database creation, relation models, attributes and presentations of stages development, making multimedia and temporal applications possible. They make possible selection, aggregation of data, specification, seeking out, asking about value and monitoring changing



environmental conditions. They enables getting reports of the state of risk degree. The Internet connections are becoming faster and faster, and algorithms of database are more and more efficient. Thus, it is possible that new modules for multimedia presentations, animations, films with monuments may join the system in the future. It is also possible that a module that analyses photographic data and gets information directly from the picture will be created.

The database discussed is a complete system for recording information about historical objects. Besides, the active databases include complete materials description and deductive algorithms for estimating conditions of chosen materials. A complete database system gives classic information about historical objects and specific hints for conservators for planning conservation tasks. All information is accessible from web site, apart from this, the administrator can monitor the environment and add algorithms from a special Database of Architectural Monuments (DBA) web side Polish abbreviation "*Baza Danych Zabytków Architektury (BDZARCH)*". Connecting of historical object specification and deductive algorithms to estimate dangers of historical buildings is an important innovation. Thanks to the moduling construction, modification and development are relatively simple. Secondly, through the applying passwords and sets of privileges, security and control access to data is greater. Last but not least, the access to the accumulating information through the Internet makes possible that the user always has actual data about monuments, completed by current information about the environment, and news.

The problems of diagnostic and monitoring of historical monuments are presented through the issues concerning various scientific fields. Leading problems of diagnostic: Database; Deduction; Historical monument review; Styles; Forms; Structures, Pictorial glossary; Pictorial key; Context glossary (repository); and Access track. Leading terms of

database: Historical monument; Original; Copy; Artistic form; Authenticity; Scientific importance; Artistic importance; Historical importance; Record of amount; Record of value. Historical monument types: Church; Cloister; Chapel; Other sacred; Castle; Fortification; Town hall; Public building; Industrial building; Palace; Manor house; Residential; Service and trade building. Record of value: amount of historical monuments in an area: Worldwide recognition; From the world heritage list; European recognition; Country recognition; Extended region recognition; Regional recognition; Local recognition. Total in Poland there are 36.000 architectural monuments (according to: "Historical monument of architecture and building in Poland '71-'73"), currently estimated about 2 million objects along with archeological finds. Historical monuments review: Styles – methods; fashions; customs; Forms – shapes; figures; Structures – Anatomy of masses; Pictorial Glossary; Pictorial key; Context Glossary. (according to: "Introduction to the history of art" 1973). Pictorial key: Wall; Roof; Elements of roof joints; Dormers; Entrance frames; Window frames; Cloisters; Porticos; Interior. Glossary context: Basic terms; Types of building structures; Building forms; Building details; Morphemes; Access track to the glossary context: from general to detail – from detail to general. Historical monument monitoring. Technical condition – from very good to bad; Technological material evaluation; Classification of risks group; Geological interactions; Climate interactions; Atmospheric interactions; Physiochemical interactions; The environmental pollution; Ecotoxins. Structure and implementation: Database Server Oracle 8i; Application Server WWW Apache; Tools: SQL, PL/SQL, PHP, HTML, JAVASCRIPT, C++, Flash, AutoCAD, Whip etc. Hardware and software resources located in the Cyfronet Cracow Academic Centre the and Centre of Information Systems Engineering CUT. Main system structure: Client – the user of WWW Internet Explorer; Application Server –

supporting the management and configuration system;  
Database Server – distributed and multimedial information.  
General database diagram: General: Implementation query  
- context glossary and pictorial key; Repository: Definition  
of data in database for optional extension; Monitoring:  
Information about environment interactions; Styles:  
methods, fashions, customs; Risk group: Estimation of  
various risks to monuments.

Davorin KEREKOVIĆ  
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Krešimir BUNTAK  
Branko DAUTOVIĆ  
EAG Centar

## **BIS MACHINE. AUTHORS' SOLUTION**

### **INTRODUCTION**

Society and individuals care for the monuments and cultural property heritage is, today more than ever before, a picture of attitude toward our own and world cultural identity. Inherited traditional material values, managed by us on behalf of our and forthcoming generations represent stamina of the national, artistic and other creative formation being a composite of nation spirit and time.

Quality monuments heritage management is the question of maintaining spiritual substance of nation and climate. However, it is, at the same time, concern for numerous space elements being an interests focus i.e. aim of sightseeing, visits as well as researches of experts, guests, tourists and ordinary citizens. Modern and profitable tourism is today developed in countries, cities and regions characterized by large and numerous objects of ancient times, Middle Age, Renaissance and other periods. Centres of artistic creation, museums, galleries, castles, shrines, treasuries of artistic property and many other facilities of artistic heritage became generators of millions of tourist migrations and visits. Some cities, apart from significant tourism incomes, have problems with mass visits paid to various centres and sights of interests for domestic and foreign visitors.

New cultural property demands and pleasure visions occurred are incorporated by reconstruction problems as a composite and very important element.

### **Specific monumental reconstruction and protection problems**

Monumental heritage and culture monuments restoration are long-term, outstanding complex, demanding and expensive processes. Very often we face the situation that in spite of strong desire and quality designs we are not able to operate some restoration designs of especially important objects, priority construction and sculpture heritage.

Shortage of money, time and various profile specialists starting from craftsmen to top quality specialists in the ancient monuments work, limit broader and faster operations of some objects. We are witnessing that some designs can't be incorporated in the given frames of profession, time, money and other aggravating circumstances. The last few decades have been characterized by some centres emerged where specialists of monument properties restoration are educated. Professional workshops in renewal of tapestry, architectural plastics, wood, paper documents etc. are realized in specialized centres essential for quality renewal and restoration of monumental heritage.

Unfortunately some valuable objects cannot be improved or renewed due to lack of either experts, craftsmen or some unfamiliar technology of developing material the object is made from or application procedure. The reconstruction problems were especially recognized after the World War II when many cities suffered a lot with completely or partially destroyed numerous valuable movable and immovable monuments of culture i.e. heritage. Some towns were destroyed to the ground. Based on these terrible experiences specialized preservationist disciplines for some monumental heritage types were developed.

In the period 1991 – 1995 the Republic of Croatia suffered numerous destructions leaving unsolved problems of many valuable monumental heritage objects.

War destructions, natural disasters, vandalism and ageing are main reasons requiring permanent and quality conservationist's care for culture monuments. Croatia, being rich in artefacts and works of art starting with pre-history via ancient time, Middle Ages, Romanesque, Renaissance to 21<sup>st</sup> century, requires modern methods of preservation, improvements of financial conditions and objects reconstruction such as the "BIS Machine" system is.

### **"BIS Machine" system**

In the domain of geoinformatics, computer sciences and integrated technologies, this cooperation contributed to the authors' solution being defined as a new method of culture monuments, restoration entitled "BIS Machine" which will be presented below.

This experience and method is the result of cooperation and research of numerous experts from domain of culture monuments restoration and protection from Poland, Croatia, Great Britain and many other countries. We also, thank all subjects for the cooperation, especially the Cracow University of Technology – Institute of History of Architecture and Monument Preservation, AGH University from Cracow, the Warsaw University of Technology, other Warsaw institutions, the national Library, faculties and institutions from Sosnowiec, Katowice, the whole Silesia, and Gdańsk.

The "BIS Machine" was created in the year 1994 when from authors suggested division of geoinformatics in 3 levels from the precision point of view:

Macro level: operating graphic data in scale 1:100.000, 1:200.000 and others for state and regional analysis;

Mezzo level: operating graphic data in scale 1:5000 to 1:50.000 and similar for municipal and small area analysis;

Micro level: operating graphic data in scale 1:1000, 1:100 and other scales for one building or object analysis even in the scale 100:1 or larger called Building Information System-BIS.

BIS machine is a new system used at developing parts or the whole of movable and immovable culture and nature monuments as well as other objects from nature , human body structure, productive and research environment.

This complex method is applied in developing and reconstructing parts or wholes of culture monuments, works of art and other required objects.

All mentioned elements, parts and the like will further be called “objects”.

### **Technical problem**

Culture monument reconstruction or development of the parts or whole of new works of art, i.e. objects made of stone, synthetic material, wood, salt, metal, natural materials and the like demands very long terms ,basically manual work, special creativity and questioned work preciseness. Developing of some objects is often impossible due to lack of artists, stone-masons, craftsmen and the like. Problem of knowledge and long development terms as well as additional funds appear to be limiting factors of the objects development reconstruction.

Thus, specialist resources such as sculptors, stone-masons, model constructors, craftsmen and others are getting fewer whereby processes of reconstruction, restoration or objects development are long term and expensive, often impossible to be done.

### **The present status**

Reconstruction and development of the objects in terms of culture monuments reconstruction processes are based today based on manual work with minimum aid of simple hand-operated tools. Shaping of stone, metal, wood or synthetic mass objects is limited regarding developing speed, precision and work price.

## **Description of the system and work process flow diagram**

### **Phase I**

1. Object selection
2. Object shooting harmonized with requirements and possibilities (boundaries) by measuring, D scanning, photogrammetrically, digitally analogically or using combination of the aforesaid data entry methods
3. Processing of the taken quantified data
4. Developing of quantification reports
5. Formation of the virtual object i.e. digital file etalon
6. Data direction and harmonization

### **Phase II**

7. CAD preparation
8. CAD model development
9. Validation and etalon calibration
10. Re-design - if necessary
11. Prototyped model development (rapid prototyping – 3 D printing and the like)

### **Phase III**

12. CAM program development
13. Material selection
14. Selection of machine and tool
15. Computer development simulation
16. Machine or device-developed production
17. Validation of the developed object
18. CAM program finishing, if needed
19. Sorting and saving all data systematized for data base
20. Object delivery and fitting

### **Advantages of BIS Machine**

1. Precision
2. Significantly shorter terms of development
3. Simplicity
4. Transparency in all project development phases



5. Lower development prices
6. Possibility of quality objects development i.e. not existing object parts
7. Database formation and infinite replication possibility
8. Possibility to provide data capture without physical damage on objects surface

Today, due to coincidences and friendship, we are in situation to present in detail the new method of culture monuments restoration “BIS Machine” as well as two projects known for integrated existing knowledge and associated technologies. First example, originated from Saint Mary church restoration project from Voćin, Eastern Slavonia, destroyed during the 1991 war attack, is characterized by already prepared 3D model and a part of the main machine-designed portal in 1:2 scale. That project showed basic dilemmas and problems that should be solved in a broader application of the new restoration system.

Second example is far more complicated. It is about antique sculpture entitled “Apoxiomenos”, excavated from the sea in 1999 near Losinj Island, in the northern Adriatic. The sculpture of 192 cm height originated from the period between Classical Greece and Hellenism in the 4<sup>th</sup> century BC and represents one of the masterpieces of world cultural heritage.

Having been restored and preserved, the sculpture was presented in public whereas the authors’ team of the method “BIS Machine” had chance to verify the offered abilities of the new method on a very complex sculpture. Our Apoxiomenos, the Greek masterpiece of the fascinating beauty represents a real challenge for our new method application. How successful we were will be shown.

### **A new field of geoinformatics – micro geoinformatics**

These projects brought about completely new field of geoinformatics i.e. micro-geo-informatics as a new research and

practical option for applied geodesy, ancient monuments profession, computer sciences and all integrated technologies and knowledge.

After this experiment with Apoxiomenos head, in which we processed points and graphic data in precision of 0,10 mm and higher, it possible suggests a new solutions in geoinformatics environment – microgeoinformatics!

Please note that only for Apoxiomenos head we used “clouds of points” larger than 1 million captured points x,y & z.

Aiming to illustrate multidisciplinary being a basis of this new method, we merge experiences and knowledge of the professions and activities as follows:

- ancient monuments profession, culture monuments restoration
- production of cars, ships and airplanes
- metal industry in general
- blacksmith crafts
- stone –masons crafts
- carpenter’s crafts
- computer modelling
- materials science
- applied geodesy
- photo-grammetry
- digital methods of data processing
- digital photo-taking
- machine-building industry
- robotics
- tool industry
- art history
- architecture etc.

It should be pointed out once again that important roles conception of this method were played by common people, hard-working craftsmen, masters of their profession who had not been familiar with culture monuments restoration before. Thanks all of them!

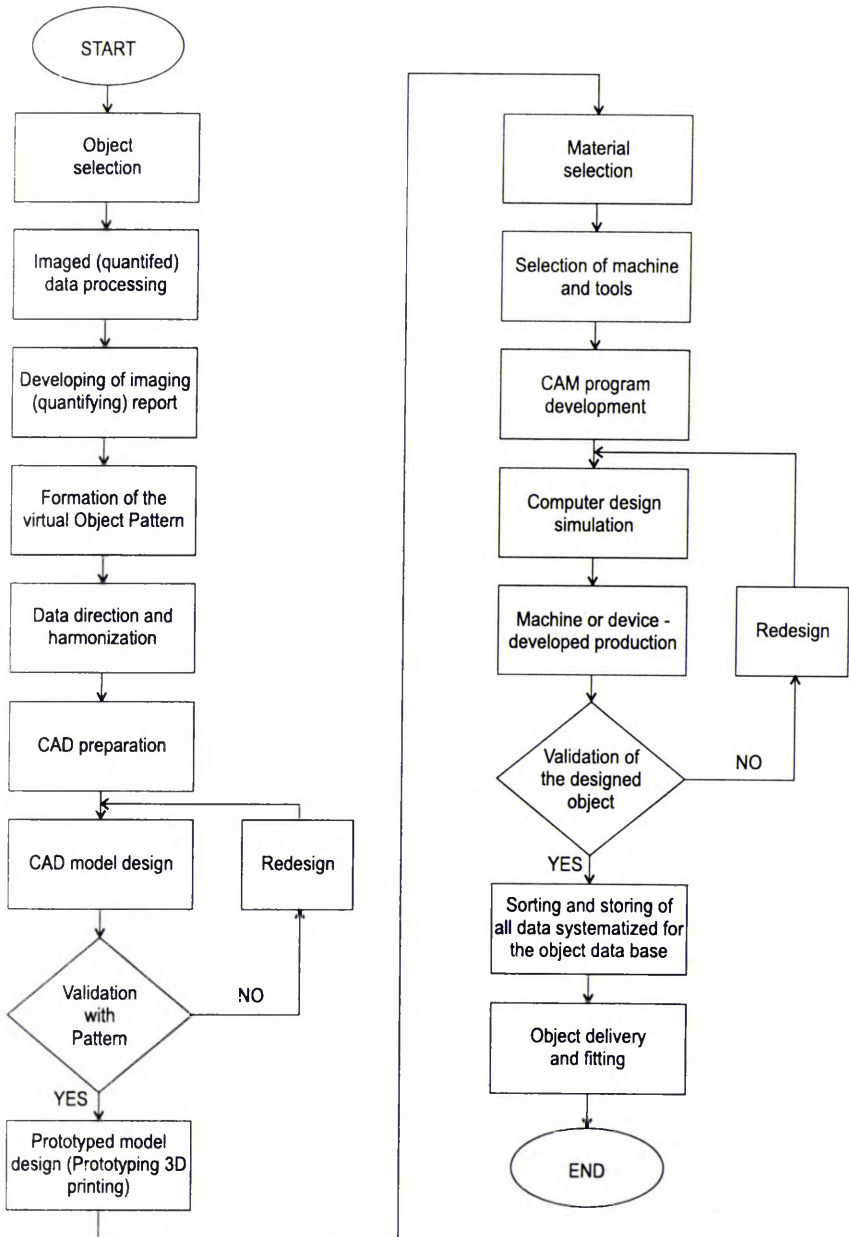
NB

The “Apoxiomenos” project is operated as scientific and technologic experiment by courtesy of the Croatian Conservation Institute from Zagreb, Croatia, and Topomatika d.o.o Zagreb, Croatia.

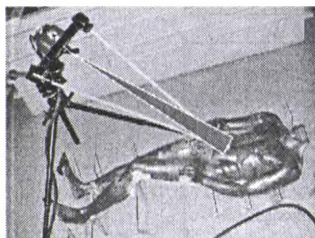
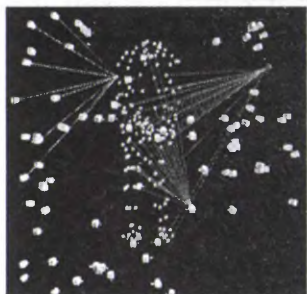
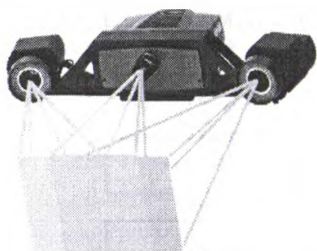
Entyire “Apoxiomenos” experiment has been provided in 2 months without any finacial support besides authors money.

“BIS Machine” system is protected as an intellectual property.

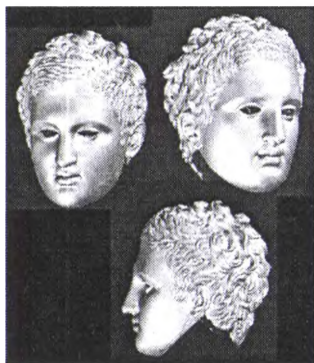
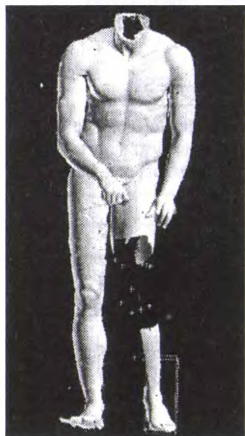
Diagram of BIS Machine method process flow



## THE SECOND APPLICATION OF BIS MACHINE METHOD APOXYOMENOS PHOTO DOCUMENTATION IMAGING



## THE SECOND APPLICATION OF BIS MACHINE METHOD APOXYOMENOS PHOTO DOCUMENTATION 3D MODELLING



By Courtesy of Topomatika & Restauratorski zavod, Croatia

**PART II**

**THE CEREMONY SESSION AT  
THE ROYAL CASTLE IN WARSAW**

**ON THE 50<sup>TH</sup> ANNIVERSARY OF THE  
CONVENTION ON MAY 14<sup>TH</sup>, 1954**

**ON PROTECTION OF CULTURAL  
PROPERTY IN CASE  
OF AN ARMED CONFLICT**

**Chairman: Ferdynand B. Ruszczyk**

Andrzej ROTTERMUND

Director of the Royal Castle in Warsaw – Monument of the  
National Culture History  
Poland

Your Excellencies, Distinguished Guests,

It is a great honour for me to be able to greet you in this historic place.

This Castle was the official residence of the King of Poland and the seat of the Polish Parliament. It was within these walls, on the 3<sup>rd</sup> of May 1791, that the Sejm passed its most resounding piece of legislation, the Constitution of the Third of May.

This Castle's close association with the great historical events gives a very special place in the heart of every Pole. This is why the Castle was repeatedly looted by occupants and finally destroyed completely in 1944.

Since 1945 continuous efforts have been made to obtain the decision about rebuilding the Castle. Finally we started reconstruction works in 1971. The rebuilding of the main block was completed in 1984. Despite of the great effort, the Castle was not finished. There were still some outbuildings to be renovated, and the Castle's gardens.

The 1<sup>st</sup> May this year will be very happy day for us, not only because of our accession to UE, but also because that we will finish very important stage of revalorization of the Castle's complex. We have connected the Castle, by underground escatlo, with the one outbuilding at the foot of the Castle's hill. We have just created a new main entrance to Castle from Vistula river side.

I would like to invite you, during the break, for shot tour see the new part of The Castle. I welcome You to the Royal Castle once again and wish you every success in your discussion.



Ewa NEKADA-TREPKA

Warsaw Conservator of Monuments

Ladies and Gentlemen,

I have the great honour to welcome you on behalf Mr. Lech Kaczyński, the City of Warsaw Mayor and myself.

It is very indicative that this International Conference devoted to threats, especially those facing cultural heritage in the face of war, is being held in Warsaw, a city that suffered so cruelly and was subject to such enormous losses as a result of World War II. Eighty percent of the material substance of the capital's prewar buildings was turned into rubble. Estimates of the value of these losses, especially those in the area of cultural heritage as well as the restitution of seized art work remain as yet incomplete. The resoluteness and determinations of Warsaw's citizens resulted in a decision to rebuild and to maintain the capital in Warsaw, thus ensuring the continuity of a heritage that is fundamental to national identity. The reconstruction of the destroyed Warsaw necessitated enormous sacrifice on the part of the whole society. Polish experience in eliminating damage resulting from war through the reconstruction of the historical city and significant historical buildings launched a new direction in conservation doctrine and has found favor among international bodies. The reconstruction of the historical monuments of Warsaw's Old Town conducted in the nineteen-fifties under the supervision of conservators of historical monuments and architects and crowned with the rebuilding of the Royal Castle, was honored in 1980 by the UNESCO International Committee for Protection of World Cultural and Natural Heritage by its entry onto the World Cultural Heritage List.

The great catastrophe that World War II proved to be for world cultural heritage brought to light the need to identify the damage incurred in this field and the defining of principles for protecting cultural assets in the future. An important principle of protection is the identification and

documenting of historical monuments and cultural assets as well as defining their value for national and world heritage. Basic legal principles linked with the protection of cultural and natural heritage have been developed in international conventions. Three successive, independent conventions define these principles: the Geneva convention of 1949, the Hague Convention of 1954, and the Paris Convention of 1972. In their overall objectives, all these conventions lead to the protection of man in his natural and cultural environment against the effects of warfare and cataclysms. Today marks the 50th anniversary of the signing of the Hague Convention. Reconstruction of the city was underway in Warsaw when it was being signed. Perhaps it is worth recalling that the international symbol of heritage protection—a blue shield—that is sanctioned by the convention and presently used in many countries to mark historical monuments, was designed by Prof. Jan Zachwatowicz, who headed the work of rebuilding the historical monuments of Warsaw in the wake of the war.

Significant evolution of views on protection of cultural heritage in the event of military conflicts and natural disasters has taken place over the past decades, expanding it to encompass the whole of man's environment. Not only is the historical cultural environment subject to protection, but so is the historical natural environment as a cohesive and uniform environmental system in which man lives and works. Protection of this heritage on the basis of the efforts of individual states requires enormous resources—economic, scientific, and technical—that no state has in excess. International collaboration, the exchange of experience, the quest for optimal technology, and coordination in this area are vital at each and every stage of activities.

The proceedings of this conference, which we are hosting in Warsaw, are to serve the molding of an awareness of existing threats to cultural heritage as well as methods for working against the occurrence of damage and subsequent remedies. We are honored that this conference is taking place in our city. In the name of Mr. Lech Kaczyński, the Mayor of the Capital City of Warsaw, as well as in my own, I wish you fruitful discussions.

Mr Ryszard MIKLIŃSKI,

Undersecretary of State – General Conservator of Monuments

Ladies and Gentlemen, participants of this session,

I am moved and honoured, that I can meet you in this unique Polish place – the Royal Castle in Warsaw. This place was so painfully experienced by the history, and it seems to be righted to the ceremony of the 50<sup>th</sup> anniversary of the Hague Convention on protection of cultural property in case of armed conflict, accepted on May 14<sup>th</sup>, 1954.

A war is an enemy of not only a man, but also of all his/her perfect creation – art, culture, monuments. Paraphrasing the sentence of prof. Stanisław Nahlik, the distinguished expert in protection of monuments, we can say, that destruction and robbery of monuments and works of art are as old as the institution of war. Two world wars in the 20<sup>th</sup> century caused the largest destruction in the history of humanity.

Facing irrecoverable damages of cultural property resulted from direct military operations, robbery, and destruction of the monuments of history – acceptance of the regulation for international protection of monuments seemed to be a historical necessity, and awaked great expectancies in cultural environments from all over the world.

The Hague Convention is a turning point in the history of international protection of monuments. It was perceived for the first time as a *sui generis* international problem, requiring individual regulation.

The three weeks' conference was attended actively also by the Polish delegation. Referring to tragic experiences of the World War II and its destruction of our national heritage, Poland presented the participants a rich and convincing illustrative material. It is worth mentioning, that the emblem of monuments' protection was designed by prof. Jan Zachwatowicz.

As current conflicts show, question of protection of cultural property is still important.

Loss of cultural heritage causes suffering of not only the community touched by military operations, but also all of us – poorer from the moment of its damage. It is worth to refer to the Hague Convention Preamble: *destruction of cultural heritage belonging to any nation is a damage of cultural heritage of the whole humanity, as each nation participates in building the world culture.*

If we want to preserve the heritage either internationally, nationally, regionally or locally during armed conflicts, we shall act in two ways:

– firstly, we shall improve the role and significance of an international humanitarian law. We are still suffering from lack of its adequate international acceptance and implementation, in particular on a national level;

– secondly and more important, we shall change people's minds and hearts and make them understand, that what they neglect and intentionally destroy during armed conflicts, are not simply cultural symbols of an enemy of another nationality, race, ethnicity or religion living in next village or even house.

Ladies and Gentlemen,

Today's session, under patronage of the UNESCO Director-General, at the 50<sup>th</sup> anniversary of the Hague Convention of 1954, is a perfect occasion for the next drawing attention of the international community to the significance of protection of cultural heritage.

I deeply believe, that the results of our conference, in such an important for an international law of monuments' protection day, will contribute significantly enhancement of nations' awareness, for the safety of our common cultural heritage.

Transl. MK

Prof. Patrick BOYLAN

ICOM, UNESCO expert

## **THE MEANING OF THE HAGUE CONVENTION AND ITS PROTOCOL II IN THE CONTEXT OF MONUMENT PRESERVATION IN CASE OF AN ARMED CONFLICT**

Ladies and Gentlemen, Ministries, Friends,

This is a great occasion to celebrate the 50<sup>th</sup> anniversary of the Hague Convention, and the 5<sup>th</sup> anniversary of the Protocol II. Let me share with you a few of my remembrances.

I was born in two weeks before the World War II started. I spent the whole war in the town which were almost severely destroyed in the result of military operations – not Coventry, but Kingston upon Hull in Yorkshire. Talking about bombing the Hull was forbidden, so we were saying about “a city on the north-eastern coast of Great Britain”. Only 89.500 buildings from among 108.000 existing were damaged, and 10.000 were destroyed completely, but of course these damages are incomparable with those of Warsaw. In twenty years after the last run in 1944, I got my first job in the City Museum – or in its remains. I can say then, that I am engaged in protection of cultural property from the very beginning.

I know that the British are often perceived as people carefully hiding their emotions, but today even me, I am not able not to express them: I am moved and honoured, that the organizers of this magnificent conference asked me to give the opening speech. As many of you know, I am living in the protection of cultural property day by day.

I was a Board member of the International Council of Museums (ICOM) during the first Gulf War, and the war in Yugoslavia in 1992. I used my experiences, writing for the UNESCO commission a critical study concerning weaknesses of the Hague Convention, disclosed by these armed conflicts mentioned above. I must admit, I was surprised by the proposal of preparing such a material, as I thought this was more a legal problem. And in fact – the lawyers' support was very important. Together we solved the problem. Important was also Adriaan Bos' help, the main advisor of the Dutch Ministry for Foreign Affairs in that time, who found indispensable funds for this goal. And finally in the year 1993 almost 300-pages report was published by the UNESCO. I must say – everyone got a scolding: UN, UNESCO, States – Parties of the Convention, states which had not ratified the Convention, experts, charity organizations – everyone except the Convention itself, which I assess as very good. I think that it was a very strong stroke, and I know, that it found me many enemies, but – for equivalence – it also said, that further implementation of the Convention was possible, after indispensable changes. I do not know how many meetings, conferences, symposia, and lectures I have had since that time – for sure several dozens on all the six continents. At least March 1999 came, and two very hard weeks of the diplomatic conference in Hague. I think, that after that time we looked much elder than we actually were. I remember the moment we walked during the breaks at the courtyard of the International Tribunal of Justice for the former-Yugoslavia, resting, but still aware of a significant ineptitude of our feelings in that place.

The diplomatic conference in Hague, managed perfectly by Adriaan Bos, accepted finally the Protocol II, which repaired all the weaknesses mentioned in the so-called Boylan Report. I was asked at the end to sign the final conference document. Three distinguished experts in treaty law said, that that was the first time a non-governmental representative was asked to do that. And today again

I was honoured similarly, asked to open this important conference. I am very grateful. And I am very glad, that my friend Adriaan Bos can, despite his health problems, participate in an analogical conference in the UNESCO headquarters in Paris. Again – thank you very much for this honour, in particular col. Kaliński.

Well, actually I was not invited to recall the history, so let's look at the future. What are the implications of the revised Hague Convention, "cheered up" by the Protocol II, who entered in force 67 days ago?

The first important thing is, that there is still much to do regarding the Convention. We must make it accepted as an international legal instrument much broader than today. I hope that I still will be alive, when the Convention becomes an instrument of customized international law. I think it is a quite real aim. Number of the states – parties of the Convention has increased by 46% since 1992, including particularly engaged in peace-keeping all over the world NATO-members, like Canada and Denmark. There is still 109 states out of the Convention. It was very pleasant to see China ratifying the Convention in 2000, because when we had started the negotiations in 1993 it had been – to be reticent – not easy. We shall stress more the efforts in encouraging countries to ratification both the Convention and the Protocol II. I think that this month, when the European Union has enlarged with the new members, is a good occasion to emphasis, that we shall increase our efforts in closing cooperation within international military topics. 21 EU members are the Convention parties, but we also have Ireland, Lithuania, Malta, and Great Britain, which are not, and only 5 countries ratified the Protocol II: Austria, Cyprus, Slovakia, Slovenia, and Spain. There is still much to do.

Another important problem requiring solution is the possibility of introduction of international penalty sanctions. This is a very difficult problem. I know that many countries would have to make changes in their constitutions, and get a possibility of extradition of their citizens.

Time flows quickly. The first conference of the states which have ratified the Protocol II will take place in October 2004. It seems to be an extremely important meeting, as significant decisions are to be taken there. Procedural rules for the Protocol II implementation will be formulated, a fund for the cultural property protection in case of an armed conflict will be established, and – first of all – the permanent committee modeled on the committee for the world heritage will be created, consisting of the members elected for a 4-years tenure. If your country does not ratify the Protocol II before the UNESCO Director General till the end of September 2004, then probably will be allowed to participate in this conference not as a full member, but just an observer.

I would also like to mention other matters connected with the Convention. The special protection system is still available, if anybody wish to join – even though, as we all know – it does not work properly, because of different reasons. Only six or seven shelters are covered with this special protection, and one area – the City of Vatican. There was also a proposal of covering with the special protection the Angkor temple complex in Cambodia, but it was not accepted. Not because of the conditions, but of clearly political reasons: the states-parties did not like the Cambodian regime. We would like to avoid such a situation in future, and to apply the rules accepted for enrolling to the World Heritage List, where political aspects do not influence decisions.

Except of special protection, there is also an enhanced protection. There is quite a long list of objects waiting for the enrollment. First of all it has to be said, that there is still a conviction that the Hague Convention regards only to the monuments and monumental areas. This is the truth, however in regard to the Convention on the World Heritage. In fact the 1954 Convention regards to all important monumental objects: libraries, archives, museums. They also can apply for an enhanced protection, what causes, I think, new problems.



Another problem of an enhanced protection is that each proposal has to be accepted also in military aspect. I am really enthusiastic about the Convention on the Protection of World Heritage, but please notice, that if the Committee enrolls such an object basing on false prerequisites, it loses its credibility. And if the decision of an enhanced protection will be made similarly – wrong, unfair – the consequences will be much worse. This is a situation when a civil and military staff will probably face penalty sanctions. That is why I am against the tendency of automatic granting a status of an enhanced protection to the objects enrolled on the World Heritage List. I can find a lot of difficulties here, for example of precise location for the military purposes, where this object is placed. I must say, that many precious monuments would be difficult to find on very detailed military maps, and the more – for a commander fighting at night or shooting the Cruise shells from 2000 miles to avoid them. In my region, east-northern England, we have many monuments which could be enrolled to the World Heritage List, but could not be covered by an enhanced protection, like the Hull docks of 15<sup>th</sup> century, close to the port, entered often by the ships with an atomic propulsion. I have several proposals of a practical solution of this problem, being prepared for the UNESCO, but not ready yet.

The last issue I want to bring your attention to are penalty measures.

The Hague Convention in its original consists of the records concerning application of penalty measures for war crimes regarding intentional destruction of cultural property, but these measures have been left for the states' decision. This system does not work properly, so a new, two-level is required. The first level, including the civil and military criminal law of a given country, and the second – international, as in case of prosecuting crimes against the humanity: each country can arrest every person guilty, and bring to court, what seems to be a great step forward in this field.

One more issue at the end. The Hague Convention put an obligation of training military staff, in particular specialists in cultural property protection. This task is being realized very well in many countries, but not in each of them, and after all our main goal is to reach the state of common understanding, that the cultural property is a property of all the people.

Thank you very much for your attention. I do believe, that it contributed significantly to “animation” of the rules of the Hague Convention and the Protocol II.

Transl. MK

Mr Nicolas STANLEY-PRICE  
ICCROM General Director

## **PREPARING FOR THE WORST: ICCROM'S INITIATIVES IN RISK PREPAREDNESS**

Mister Chairman, the Ministers, Friends, and Colleagues,  
I am really honoured with the invitation to the plenary session of this conference, on the day of the 50<sup>th</sup> anniversary of the Hague Convention. My presentation will be slightly different to the ones presented earlier. I will discuss a few problems of a risk preparedness from the perspective of the international organisation established by UNESCO in the year 1956, and joined by Poland in 1958.

The ICCROM's role is to improve protection of monuments globally, via trainings and information activity. Today I will present one particular aspect, i.e. a risk preparedness. From among many factors of this preparedness, I will list two the most important.

The first one is still insufficient cooperation of institutions gathering movable cultural objects, like: museums, libraries, and archives, with specialist institutions and services responsible for their safety. We assume closer cooperation as essential for their work.

The other is prevention of the so-called "secondary effect" of disasters, like fires, earthquakes, more destructive than a disaster itself, as well as a side effect of a civil war in Chechenia in 1991, i.e. destruction of the State Artistic Institute – its collections and archive.

We often meet a phenomenon, that crisis managers do not cooperate with the protection of monuments service. I know – this is too general opinion, as in many countries

this systems works perfectly, but in the others – not that good. Lack of such a cooperation leads to further, dynamic – but not unavoidable – deterioration of buildings' state. I also refer to an economic aspect – except damaging old buildings and constructing new ones, the old shall be better restored, like in Edinburgh, where a number of tenements were burnt several years ago.

Another problem is the quality of building materials. We remember the earthquake in Ban, Iran, where plenty of buildings were damaged because not of – as it was said – wrong materials, but wrong architecture plans of the city. I cannot agree with those saying, that it refers to quality of construction, not urban planning. According to the research findings, 76% of the death were living in buildings with a steel construction.

Next is the fact, that often people responsible for protection of monuments are not able to define priorities quickly, and cannot advise those who must make decisions, in military or civil service. Another problem refers to intentional destruction of cultural property we heard about during this conference.

The next question is a violation. The whole regions of western Africa suffer from domestic wars, with incredible destruction of cultural heritage, like in Guinea Bissau – the ethnographic museum used as a military camp. In the result of bombing the museum was robbed, and its archives destroyed almost completely. The last year conference for the countries of that region showed an incredible number of destruction caused by ethnic conflicts. It is worth to mention the ICCROM activity for their benefit. We are trying to investigate the fate of the works of art exported illicitly from Africa, and publicise information about them. Well, what does ICCROM do for better risk preparedness? We must remember, that disasters and extraordinary man-made threats are very important, but simply neglect in a peace time, lack of care, supervision and monitoring a cultural heritage etc., cumulate in time, and contribute to worsening

of their stage. It also shall be remembered. We are trying to integrate everyday work of conservation service with other services, for example civil or military. We encourage them to cooperate with us, participate in undertakings which 10-15 years ago were realized only by conservation services. We want the museum, library and archive specialists to work with the specialists in monuments and archaeological sites, to “speak the same language”.

Another problem is evidencing. It was studied many years ago. Today we know, that new technologies shall be applied, but the old methods of evidencing shall not be forgotten. It is important to engage not only specialist in protection of monuments, by the owners of cultural property and experts in risks’ estimation.

We also disseminate the gained knowledge. For example, on the commission of the UNESCO Centre for World Heritage we have prepared training kits, like *Preparedness to risks*. We always test these materials at different courses and situations before their dissemination, for example in organisations like OWHC, gathering mayors of the cities enrolled to the List of the World Heritage. We organize different courses for specialists in protection of monuments, for civil and military services, and police.

Moreover, we organise regional trainings, for example for the countries of Caribbean region, regarding hurricanes, earthquakes, and fires. We offer our support in extraordinary situations, like the earthquake in Tbilisi in 2002, where our technical help has been used until now in reconstruction of their old city. We also have courses for collections’ experts.

Finally I would like to say, that we are still facing new challenges. I wonder how it will be in future. I think, that future lies in development of technological possibilities of monuments’ protection, but also in problems of cultural understanding. We shall act for the benefit of rational responsibility for the threats, acting in the area often accompanied by people’s irrational behaviours. Aiming at chan-

ging of people's attitude, we shall try to change their perception of cultural heritage. Again I emphasize, that evidence of heritage is important, in particular those the most threatened with destruction.

Aiming at international consolidation of our efforts, let's use the rules of the Hague Convention and the Geneva Conventions, which are fundamental for us, and force us to define what is important, and what we want to preserve for future generations.

And finally – referring to our better integration, i.e. integration of different international organisations. It is good that there are such organisations like the International Committee of a Blue Shield, but I think that we need closer cooperation. Our activities can be enhanced via mutual communication, for example like this conference.

Thank you very much for your attention.

Transl. MK

Lord Andrew McINTOSH  
Minister for Media and Heritage  
United Kingdom

## **BRITISH INITIATIVES FOR CULTURAL HERITAGE PRESERVATION**

As the issue of the protection of cultural property during armed conflicts has gained in prominence on the world stage, there has been increasing recognition for the need to protect not just the cultural inheritance of our own nations individually, but to take on responsibility for that of the world as a whole.

I am today announcing the UK Government's decision to ratify the 1954 Hague Convention, and accede to its two Protocols. This is a firm statement of our belief in the principles of the Hague Convention and its Protocols, and also in the importance that cultural heritage plays in the life of each nation and its people. The commitment is that we will find the most effective and proportionate legislative route in consultation with other Government departments.

The United Kingdom considers the ratification of the 1954 Convention and accession to its Protocols. To be important, both to protect the priceless cultural heritage of the world, and to promote the importance of international humanitarian law. All of us here today know that whilst in any armed conflict the priority remains the protection of the civilian population, the protection of civilian objects is also a basic rule of humanitarian law. Respect for the dignity of a population is the same as respect for its culture. The defence of individual cultures and cultural property reflects the increasingly globalised world in which we live: the destruction of cultural property means the diminution of civilian and civilised life.

The practical preparedness measures required by the Convention and its Second Protocol are also relevant for risk management, not just in the event of armed conflicts, but also other emergencies, ranging from natural disasters to terrorist attacks. Protection of cultural property in peace time can be used to enhance understanding of the importance of protecting cultural property in armed conflicts. In our own actions, and the military situations we are involved in, we take seriously the need to protect cultural property during armed conflicts. We already seek to ensure respect for the principles of the Hague Convention, and the military training and operations policy of our Armed Forces places great emphasis on ensuring a high level of protection for cultural property.

I am pleased to announce that a preliminary implementation paper is being prepared for discussion across UK government departments, which will lead to the UK's ratification of the Convention and accession to its Protocols. Together with wider consultation within the UK, we will of course want to draw on the experiences and knowledge of colleagues who have already completed this task.

Across Government we have a good history of co-operation with the British Red Cross Society and the UK and Ireland Blue Shield Organisation, which have helped us in our consideration of the 1954 Hague Convention and its Protocols. In December 2003 this co-operative approach led to the UK Government and the British Red Cross endorsing the collective pledge at the 28th International Conference of the Red Cross and Red Crescent. The Department for Culture, Media & Sport also has valuable contacts and good relations with other organisations and individuals in the UK culture community, including cross-Governmental consultation.

Like all other countries represented here today, the UK is proud of its unique cultural heritage and we are determined to protect it for succeeding generations. It is through ratifying the Convention and acceding to its Protocols that we will ensure that such protection is enshrined in law.



Increasingly the principles of the Hague Convention are of key relevance to our changing world. The UK believes firmly in these principles. This Convention's strength comes from the combined force of those who subscribe to it. The greater the number of countries who believe in and uphold its principles, the stronger the safeguard for the future of our combined cultural heritage.

John O'ROURKE

EC Representation Office

## **CULTURAL HERITAGE IN THE UNITED EUROPE – EU ACTIVITIES FOR THE PROTECTION OF CULTURAL PROPERTY AT RISK**

I would like to convey the best wishes for the success of this conference on behalf of Commissioner Reding, responsible for Education and Culture, who unfortunately could not attend personally.

My short presentation is divided into 4 points:

1. The competences of the European Union concerning cultural heritage in general
2. The political objectives of the EU concerning cultural heritage
3. Several relevant programmes in different Directorates General
4. Specific actions in the framework of the Culture 2000 Programme.

### **1. THE COMPETENCES OF THE EUROPEAN UNION CONCERNING CULTURAL HERITAGE IN GENERAL**

It should be said at the outset that the EU's greatest contribution to the preservation of cultural heritage in the face of threats in war and peace time is in the removal of those threats, through the progressive extension of peace, stability and prosperity on our continent. However, the EU also has some specific competences in this area.

12 years ago, in 1992, a specific article on culture was included in the Treaty of Maastricht. Since that time we have a legal basis for actions in the field of culture on European level.

The article stresses in particular:

“Action by the Community shall be aimed at encouraging co-operation between Member States and, if necessary, supporting and supplementing their action in the following areas: ...

Conservation and safeguarding of cultural heritage of European significance...

The Community and the Member States shall foster co-operation with third countries and the competent international organisations in the sphere of culture, in particular the Council of Europe.

The Community shall take cultural aspects into account in its action under other provisions of this Treaty, in particular in order to respect and to promote the diversity of its cultures.”

## **2. THE POLITICAL OBJECTIVES OF THE EUROPE – AN UNION CONCERNING CULTURAL HERITAGE IN GENERAL**

There are several important initiatives on European level relevant to the topic of this conference.

Inter-cultural dialogue became a key phrase since the terrible events of 11<sup>th</sup> September. The European Union has stressed the increasing importance of an intercultural dialogue on several occasions: In the resolution of June 2002 the Council agreed on a working plan with the aim of placing culture at the heart of European integration. Under the topic ‘horizontal aspects’ this working plan includes to enhance synergies with other Community areas and activities, such as education and training, youth, regional development, research, and information and communication technology. The working plan names as well

- the dialogue among cultures to promote and disseminate Europe's cultural and linguistic diversity
- the co-operation between the Member States and the participation of new Member States in the different fields of cultural administration, for instance cultural goods
- the promotion of co-operation in the field of culture with third countries.

In the words of the Commissioner Viviane Reding: « Intercultural dialogue, exchange projects, meeting and working together, actions to promote tolerance, understanding and respect for others, and projects to combat racism and xenophobia have therefore become a greater priority than ever for the European Commission, and particularly for the Directorate-General for Education and Culture. »

In practical terms we strengthened the strand of the Culture 2000 programme dealing with co-operation with third countries. I will come back to the activities of the Directorate-General for Education and Culture concerning cultural heritage in the fourth part of my short presentation.

### **3. SEVERAL RELEVANT PROGRAMMES IN DIFFERENT DGS**

As you know there are several Directorates-General in the European Commission dealing with support of cultural heritage projects.

#### **The Structural Funds**

The Structural Funds cover the bulk of the EU's expenditure on cultural activities. Until now we do not know the exact percentage which is spent on cultural initiatives of the total budget allocated to the Structural Funds. But it is certainly many times larger than the whole budget for the five-year-long Culture 2000 Programme. These funds are decentralised local programmes and are therefore not under the direct administration of the European Commis-

sion. Just to give you an idea: Portugal is financing a large cultural programme in the framework of the Structural Funds with 237 mln € during the period 2000-2006.

### **The 6<sup>th</sup> Framework Programme for Research**

This huge and complex framework programme is divided into several blocks of activities and subdivided in priority areas and specific activities. A relatively modest budget is foreseen for the support of cultural heritage projects in the period of 2002 to 2006. The Commission hopes to get the budget for cultural heritage projects increased within the next Framework Programme from 2007 on.

Another branch of the 6<sup>th</sup> Framework Programme is managed by the Direction General “Information Society”, the Information Society Technologies (IST) Programme. One of the areas addressed in this programme concerns technology-enhanced learning and access to cultural heritage. The objective is to develop advanced systems and services that help improve access to Europe’s knowledge and educational resources. Therefore it focuses especially on supporting and extending the role of Europe’s libraries, museums and archives.

### **Emergency relief**

One may also mention the contribution of EU emergency relief programmes in the preservation of cultural heritage. We may recall for example the terrible floods that recently hit Prague and the EU solidarity that was deployed to remedy these. A number of Central European countries have benefited from such programmes in recent years.

## **4. SPECIFIC ACTIONS IN THE FRAMEWORK OF THE CULTURE 2000 PROGRAMME**

The Culture 2000 Programme is a central framework programme managed by the Directorate General for Education and Culture running from 2000 to 2004 with a bud-

get of only 167 mln € for five years. One of its general objectives is to share and highlight, at the European level, the common cultural heritage of European significance, to disseminate know-how and to promote good practices concerning its conservation and safeguarding.

The creation of a new framework programme is a very long procedure. We are in the middle of this procedure now. To ensure the continuing Community support for this sector the Commission is proposing to extend the programme unchanged for two years until 2006. We are optimistic of getting a confirmation in time for the preparation of a call for proposals for 2005. Thus, the new programme does not have to start before 2007. I would like to underline the intention of the Commission to strengthen on this occasion the co-operation with third.

Let me give you some short information on other actions in the framework of the Culture 2000 Programme concerning cultural heritage:

- “The European heritage laboratories” provides support for projects involving the conservation and safeguarding of cultural heritage of outstanding importance, which contributes to the development and dissemination of innovative concepts, methods and techniques at European level. The projects have to be submitted by the appropriate national authorities according to an annual deadline.
- In close co-operation with the Council of Europe in Strasbourg, the European Union supports the Safeguarding of Cultural Heritage in southeast Europe. The initiative undertakes an Integrated Rehabilitation Project Plan for a survey of the architectural and archaeological heritage and the establishment of a priority list of monuments and sites in need of urgent conservation or restoration. The programme started in 2003 and will last until 2005. It includes Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Former Yugoslav Republic of Macedonia, Serbia and Montenegro (including Kosovo) and Romania.

- Last but not least, since 2003 the European Union awards an annual prize for Cultural Heritage, organised by the selected federation Europa Nostra. This prize honours individual persons or organisations for projects of the protection and enhancement of European cultural heritage in all its forms.

Ladies and Gentlemen,

I would like to express my congratulations for the initiative of this conference. From my side, I will report the results of this conference to Brussels, and I wish you the utmost success in your deliberations.

LtCol. Mark PAYNE

NATO HQ

## **CULTURAL HERITAGE PROTECTION IN CONTEMPORARY MILITARY CONFLICTS, PEACEKEEPING AND STABILIZING MISSIONS**

My brief will focus on how NATO addresses cultural heritage protection in contemporary military conflicts, peacekeeping and stabilizing missions .

My presentation will address the following:

past – Military record from destruction to preservation  
responsibility – legal responsibilities and planning, and  
finally  
implementation – method.

Historically armed bodies of men including militia and armies dating from biblical times through the centuries to today's current and ongoing operations, have inflicted great and at times unforgivable damage to cultural heritage sites let alone damage and destruction to infrastructure and economies. The collage of pictures shown on this slide remind us of some of the more recent atrocities committed during armed conflict – the Mostar Bridge and the Bamiyan sculptures.

On the other hand many sites have been saved and remain under the protection of armed forces. This picture shows British forces as part of the NATO KFOR contingent protecting and guarding the unfinished Serb church in Pristina, Kosovo, following their arrival in the city back in August 1999.



In the area of Civil Military Cooperation (CIMIC), NATO has written its own policy and doctrine pertaining to civil military cooperation. As you will read and see in this slide NATO has embraced and realised that NATO forces have responsibilities and obligations that go beyond war fighting and that operations must take into account social, political, cultural, religious, economic, environmental and humanitarian factors when planning and conducting military operations. This is covered in the MC 411/1 NATO Civil Military Cooperation Policy.

AJP 9 CIMIC Doctrine address cultural awareness. A sustained sensitivity towards local customs, culture, heritage and ways of life is of fundamental importance to all missions. In a politically sensitive environment a thoughtless violation of a local law or custom can create a highly unfavorable news event and seriously undermine the mission's chances of success. The military must acquire a sound understanding of local culture, sensitivities, customs and laws. CIMIC plays a vital role in ensuring cultural awareness of the forces through education.

Commanders today are required to take account of increasingly complex planning factors which may require specialist advice and planning ability. They have a moral and legal responsibility towards the civilians in their area which can only be met by cooperating with the civilian authorities and organisations, this responsibility expands to sites of national and international cultural interest.

Both before and during operations information is sort to assist the force in understanding and identifying tasks and responsibilities.

This is not to say that NATO has always got it right, there have been mistakes and heritage sites have been damaged. What NATO clearly acknowledges is that it has a responsibility and must do all within its means and capability to protect sites of cultural heritage.

CIMIC staffs prepare the CIMIC input to the main operation plan. They will also ensure that factors relating to the civil dimension are incorporated into all aspects of planning. Inputs will be based, where possible, on reconnaissance and detailed assessment. The latter will include: political and cultural awareness, civil infrastructure, report from local, national and international organizations.

Specifically in the area of cultural affairs, the assessments and reports address the history, people/population, culture and social structure, languages, religion, arts, monuments and archives – including general conditions and problems and the implications for NATO forces. This gathering of information is not done in isolation. Liaison with IO/NGOs is paramount in getting a clear and accurate picture of the requirement.

I have already mentioned NATO policy and doctrine. These documents guide commanders at all levels. NATO has also developed a set of tactical manuals which assist soldiers deployed on operations. The tactical manuals includes checklists, explanations and assessment reports.

NATO CIMIC education and training courses include cultural and heritage topics in their curriculum and the associated issues are regularly practised on exercises.

NATO recognises it's responsibilities and in conjunction with other international and national organisation aims to prevent the destruction and neglect of the past, and preserve cultural heritage for the future generations.

Gen. Piotr BUK

Deputy Commander of the State Fire Service  
Poland

## **SECURISATION OF POLISH CULTURAL OBJECTS AGAINST DISASTERS**

Mr Minister, Ladies and Gentlemen,

I was really honoured with the Mr Minister's invitation to co-organize an international conference concerning cultural property in the face of threats of a war and peace time. It takes place in the moment, when our country is in the process of integration of rescue services, anti-fire protection, civil service, and protection of citizens in general.

These changes, legitimacy of which we all are convinced of, lead to analyze of a security problem in our country, with a particular emphasis on explicit regulation of the scope of competent public authorities' liability for activities in extraordinary circumstances. There must be a place for protection of cultural property in this system either.

Each year the fire protection units intervene at several dozen of events – fires, other local threats, and technical breakdowns in cultural objects.

In the result of fires, disasters, breakdowns, or ground subsiding, valuable evidence of our past have been lost.

The State Fire Service has been participating actively in realization of tasks regarding fire prevention, in particular in monumental objects, for many years. Together with the General Conservator of Monuments, we have developed a list of the most important monuments to be equipped with automatic systems of fire detection and signalization, and connecting them to the closest fire-brigade unit.

The Monitoring and Reconnaissance Service realizes ca. 2000 of controls annually in monuments, executing removal of errors, explaining and advising the owners the best and most effective measures for anti-fire protection. Ladies and Gentlemen, let me now present the stage of fire and disaster risks for cultural objects in Poland.

## STATISTICS AND CAUSES OF FIRES

The fires are one of the most serious threats for cultural property. That is why cultural collections require adequate protection. The structure of Polish monuments causes, that the most often destroyed are wooden churches (several dozens annually), and open-air ethnographic museums, gathering in a limited space number of flammable buildings.

Among the most often causes of fires are: arsons, unsafe behaviors with an open fire, lack of conservation of heating devices on gas and solid fuel, and the flues, short-circuits in electric installations and devices.

Very alarming in the fires' structure is a significant part of intentional arsons. Our anxiety comes from the fact, that if number and size of fires caused by people's carelessness, i.e. lack of care for efficiency of technical equipment, can be significantly limited thanks to planned prevention, though prevention of intentional fire crimes is much more difficult. It requires integration of different systems, like fire and antiburglar monitoring, supervision service, etc.

Aware of the fact, the total elimination of all the causes of fires is impossible, we shall do everything to limit – in a reasoned range – the level of fire risk. A fire is a multidimensional phenomena, so it is extremely difficult to give universal recipes for limitation of fire losses. The more, if we are talking about monuments – requiring specific circumstances and needs of preservation of aesthetics or original construction, etc. In fact each object requires indivi-

dual analysis of the fire prevention methods and system. The most often technical and organizational activities in this range include:

1. making a construction resistant with chemical agents, assuring difficult flammability of a wood,
2. covering flammable elements with inflammable materials (like plaster),
3. object's division into fire zones,
4. exploitation of technical devices according with the instructions, regular conservation,
5. assuring regular control of electric installations and devices, as well as heating devices,
6. adequate lighting protection system,
7. elaboration of a fire security instruction, and effective execution of its statements, for example using a supervision service,
8. safe evacuation plans for people and property, marking an object with evacuation signs,
9. proper conditions of firefighting action by fire-brigades (preparation and maintenance of fire ways, water supply),
10. exercises in an object, regarding people and property evacuation, rescue and fire-fighting actions,
11. equipping an object with:
  - automatic fire-detectors, connected to a fire-brigade unit,
  - permanent firefighting devices,
  - extinguishers, internal fire hydrants.

## **ERRONEOUSNESS IN MONUMENTS' SECURITY**

Regarding the existing risks, and the significance of national cultural heritage, the monuments are covered with a special prevention supervision by the State Fire Service. More than 500 of such objects are controlled annually.

Monitoring and reconnaissance actions realized by local fire-brigades include evaluation of fire prevention rules' realization in monuments. The control's aim was to check

the situation in the described group of objects, in particular in regard to proper evacuation system, alarm installation, firefighting devices, functional devices and installations, fire water supply, and fire ways.

In total 3819 objects were controlled in the years 1999-2003, and numerous erroneousness were found (ca. 2 for one object), concerning:

- lack of adequate evacuation plans,
- alarm and signalization installations,
- temporary monitoring of functional installations,
- fire security instructions,
- fire water supply and fire ways.

After control the local fire-brigades started different activities aiming at removal of these mistakes, like:

- administration decisions, including those forbidding usage of objects or their parts,
- application to other organs (like the General Conservator of Monuments, etc.).

Either number or character of the mistakes indicate the necessity of urgent actions of the users and the owners, aimed at elimination of the problems. It regards in particular the objects where the life-threats were found, and monuments of a great historical value. The structure of erroneousness indicates, that in many cases they do not cause changes in building structure, and do not require any investments (like adequate organization of fire prevention).

It also should be mentioned, that often removal of the mistakes does not cause serious costs, but only adequate care and awareness of the risks – by the users, owners, or managers of monuments. It regards in particular evaluation of technical state of functional installations (electric, heating, light preventing) in the objects, and extinguishers. Removal of such defaults is quite cheap, and improves significantly the level of fire security of these objects.

## FIRE MONITORING

From among 738 museums and monumental buildings indicated by the State Conservator of Monuments in agreement with the Commander of the State Fire Service (the list No BODKM-37/96 on November 1996), requiring the fire detection system (FDS), according to the stage on 31.12.2003, 469 objects (63,6%) are equipped, including 285 museums, 87 objects of religious cult, and 65 other objects. 315 museums and monumental buildings (42,7%) are connected to a local fire-brigade unit.

The number of objects listed in the register of museums and monumental buildings of the General Conservator of Monuments of 1996 (No BODKM-37/96), has been decreased up till today by the following 4 objects:

1. Saint Jacob Church in Sandomierz – No 602 on the register,

2. the Dominicans Monastery Complex in Sandomierz – No 603,

3. Saint Ann Church in Długa Kościelna in Halinów (Mińsk region, Mazowieckie voivodeship) – completely burnt in the result of fire on 9.09.2002, only a wooden belfry has been rescued – No 1,

4. Regional Museum – Jarosław Iwaszkiewicz Literary Works Department in Sandomierz – No 610.

Currently 25 objects (3,4%) are being equipped in fire detectors, and in 23 objects (3,1%) are under preparations to their installation.

## LOSSES OF CULTURAL PROPERTY DURING THE FLOOD IN 1997

In the result of long and heavy rains in northern Czech, Sloviaka, and southern Poland, increasing and violent water hummock emerged in upper Odra and Wisła, and their

drainages. Southern and western Poland was flooded in an unknown scale. Approximately 1200 cultural property objects were destroyed, mostly in the area of: Kłodzko, Bardo Śląskie, Bystrzyca Kłodzka, Łądek-Zdrój, Międzylesie, Radków, Opole, Nysa, Lewin Brzeski, Wrocław, Oława, Uraz, Brzeg Dolny, Wleń, Cieplice, Jelenia Góra, Głogów, Ścinawa, Legnica, Prochów, Nowa Sól, Krosno Odrańskie, Sulechów, Szprotawa and Żagań, Racibórz, Siewierz, etc.

Significant losses were also noted in historical buildings in rural areas, park and garden complex, cemeteries, monasteries, and archaeological sites. The most violent and the largest water wave stroke the historical city of Kłodzko. In the urban complex of the Old City 140 monumental buildings suffered. Valuable objects between Nysa Kłodzka and Młynówka rivers were flooded, in particular streets: Grottgera, Braci Gierymskich, Matejki, Stryjeńskiej, and Daszyńskiego, where 13 monuments of 18<sup>th</sup> century were destroyed. Approximately 80% of buildings in this area required total renovation, as well as several dozens of tenements from the turn of 19<sup>th</sup> and 20<sup>th</sup> centuries, on Piaskowa Island.

The most serious losses were noted in the just renovated Franciscans church and monastery from 17<sup>th</sup> and 18<sup>th</sup> century. The water flooded the church up to 4 m height, damaging the main and side altars, other elements of the interior, and Baroque polychrome in sacristy.

Substratum's stability was disturbed, and a retaining wall was flooded nearby monastery towers. The water destroyed almost completely the monastery walls. In total, in Wałbrzych region 360 objects were damaged, including 70 from the register of monuments.

Also the Wrocław region was seriously damaged by the flood of 1997, ca. 200 monumental objects, in particular tenements, churches, public institutions, as well as castles, palaces, manor houses, and parks were destroyed. Despi-



te Wrocław, also an urban complex in Brzeg Dolny, and significant former-Cistercians complex in Lubiąż.

Double as large losses were noted in Opole region, where the water flooded ca. 500 monuments and monumental complex – mostly in Opole, Nysa, Brzeg, Lubsza, and Popielów. The city of Wleń was destroyed significantly, nearby Jelenia Góra, where water flooded basements in more than 100 objects, and often also first floors. The Natural Museum in Cieplice, palaces in Biedrzychowice, Ciechanowice, Wojanów, and church in Szklarska Poręba were destroyed.

In Legnica region the water flooded 4 monumental objects: Saint Mary collegiate church in Głogów, park and palace in Czerna, Saint Jadwiga church in Kwiatkowice, and city walls in Ścinawa.

In Zielona Góra voivodeship numerous losses were noted in Nowa Sól – 86 tenements, castle, and granary flooded in Krosno Odrzańskie – and other cities: Brzeźnica, Klenica, Otyń, Sulechów, and Bytom Odrzański.

In the Katowice region water devastated a dozen of parks, and the urban complex of Racibórz. St John the Baptist church in Ostróg, city walls and the castle were flooded up to 1 m. Serious losses were noted also in several palaces, among others in Chałupki, Gorzyce, Kończyce Małe, Krzyżanowice, and in a wooden roadside shrine of 1770 in Bukowo. In southern Poland most damaged were wooden Gothic churches in Harkłowa, Łopuszna, and Lipnica Murowana.

It shall be noticed, that this kind of unique, Medieval wooden objects require completely different conservation than castles, palaces, or tenements. Damp, old wood is threatened with a fast biological corrosion, caused by moulds. Flood in Lublin region caused losses mostly in Kazimierz nad Wisłą, where water flooded basements of several Renaissance tenements and granaries.

The General Conservator's of Monuments Office, within the rescue action for the monuments flooded in July 1997, started a number of actions aimed in removal of its effects:

1. a coordination team was established for rescuing flooded monuments; its chairman cooperated with the anti-flood center organized in the Ministry of Culture;

2. the General Conservator of Monuments sent letters to voivodes concerning immediate actions for rescuing monuments, and implementation of adequate conservation recommendations for damaged objects;

3. analysis of funds for cultural property protection, and finding resources, sent to voivode conservators of monuments;

4. a schedule was prepared of local conservators' actions, and the State Service of Monuments' Protection, to be helpful in the process of data verifying and defining the status of threatened objects;

5. expert teams from different centers and conservation environments were organized, in cooperation with voivode conservation service; they analyzed status of individual objects from flooded regions;

6. material concerning the scale of damages and estimated expenditures needed for rescuing the monuments in particular regions were collected;

7. renovation of the most threatened objects was started, *Conservation guidelines* and expert studies concerning polychromies and movable cultural property were prepared;

8. the General Conservator of Monuments organized the conference with voivode conservators in Sobótka nearby Wrocław, concerning the threat of monumental objects, forms of cooperation, and support for local units;

9. all interested were informed about the possibilities of simple security works, and help to be given by the State Service of Monuments' Protection;

10. local conservation services were given computers and technical equipment sponsored by the companies which wanted to help in this action; basing on prof. Mirosław Przyłęcki report, and collected information, a *Draft report on damages of monumental objects in the result of*

*flood 1997* was elaborated; it indicates among others also direct and indirect effects of the flood in monumental objects.

### **Direct effects**

The most important damages of architectural and building monuments, and also movable objects as its interior or equipment (like altars, choir stalls, sculptures) were noted, usually in places, where violent increase of water caused a shock wave of great volume and speed. This wave caused different dynamic stresses in object's structures, like stroke or quake.

In the result of such strokes number of buildings in Kotlina Kłodzka have fallen, and a few were significantly mechanically destroyed (corners' fall, holes in walls, roofs' destabilization). In many cases stroke of a flood wave were multiplied by carried trees, beams, or other objects of significant volume, size or hardness. Another important effect was ground's deformation caused by fast flow of hummock water, resulting in banks' fall, changes of river channels, fall and cave in of ground.

In the result of this process fall and movement of buildings' foundations, damages or movement of fundaments, or even falling of load-bearing and other walls, constructions, roofs, staircases, etc. were noticed.

### **Indirect effects**

Overflows and flooding of areas of different level of ground's absorbency and permeability, and of different structures and stress resistance took place in the result of a water hummock. In many cases a few week of overflows caused plasticity of foundations, washing away and thinning out of ground, and in the effect – weaknesses or even loss of load of under-buildings ground, destabilization of fundaments, of basement walls, horizontal and vertical movements, and a rotation moment of continuous footing. These reaction caused then walls fractures, or even their destruction.

Flood losses in monumental objects, according to the local conservators and expert teams estimations, amounted to ca. 43 mln PLN.

Problems of removing flood effects dominated the activity of the State Service of Monuments' Protection in the second half of the year 1997. Voivode conservators of monuments, their representatives and experts visited all the monuments which suffered from the flood. For several historical urban complexes and individual objects, only partially destroyed, technical and conservation studies were prepared, financed by the General Conservator of Monuments. For other buildings and some movable objects the program of conservation aimed in elimination of adverse effects of damage and dump was prepared.

During numerous consultations in voivode branches of the State Service of Monuments' Protection, and in the Monuments' Protection Office, the range of support was detailed, for the owners and users, given by conservation services.

Voivode conservators of monuments were informed which experts in conservation and other disciplines can help in renovation. Also detailed questionnaires were prepared, concerning the objects to be monitored regarding the changes to be revealed in future.

Summing up, I would like to say, that experiences of this flood has taught us a lot. The following conclusions can be listed:

1. each monumental object shall have a trained staff responsible for its security and rescuing in extraordinary threats;

2. conservation service must be in permanent contact with special units offering equipment for rescuing monumental objects in case of fire, flood, earthquake, or other disasters;

3. the State Service of Monuments' Protection shall revise regularly rescue plans of monumental objects in case of extraordinary threats, to be ready for any important

change of situation; each voivode conservator of monuments, as well as a local conservator, shall possess a detailed register of all public and private monuments; indispensable is also preparation of detailed plans of movable objects' protection, and their evacuation;

4. monumental objects' services shall have a direct access to local hydrological and geological plans, to counteract possible threats and act adequately to the risks ;

5. indispensable is also enlargement of binding rules, i.e. the Ministry of Culture Resolution No 23, concerning protection of cultural property in case of threats for the state's security, and an armed conflict, with the rules concerning protection of this property against special threats of a peace time, and a new act on the cultural property protection;

6. it is necessary to enter a legal obligation of permanent marking all monumental objects, complexes, and areas with official emblems of information and protection functions;

7. there is an urgent need of introducing a uniform, integrated, and universal system of monitoring extraordinary threats for cultural property, in particular valuable monuments, and obligation of documenting and registering the losses in case of dangerous events; contribution of non-governmental organizations, as well as local communities, in rescuing threatened cultural properties shall be analyzed and evaluated, and concluded with recommendations for better usage of these entities in future;

8. the final goal of the above activities shall be development of an integrated system of securing monumental objects against natural and civilization threats.

We shall remember, that a man is still more important in the process of monuments' rescuing than technology. However, can a man, with a technological support, stop natural forces? Examples of last floods in Europe and China indicate, that he/she can only limit negative effects of dangerous events.

## CONCLUSIONS

Seeing a significant proportion of arsons among the causes of fires, the most effective fire protection system, as it was mentioned before, seems to be the one using fire and antiburglar monitoring. However we shall remember, that this is only a one element of the whole fire protection system, aiming at fast detection of fire and alarming fire-brigade, so actually starting not until a fire emerges. From a fire service point of view, with a specific flammable features of a wood, priority shall be: not let fire to start. Moreover, fire protection system will also be ineffective, and an object will burn regardless proper work of alarm installation, if for example proper conditions for firefighting actions will not be organized (poor access to an object, lack of water, etc.). The general conclusion is, that each time the fire protection system of monumental objects shall be analyzed individually and in all the aspects (in particular regarding specific requirements concerning preservation of construction and aesthetics, etc.), to enable identification of critical points and development of projects to decrease probability of fire to the acceptable level, and in case of fire embers, will cause its fast detection and extinguishing.

Ladies and Gentlemen,

at the end of my presentation I want to express my strong belief, that the conference program and accompanying events will answer your expectations, and the conclusions will help in further improvement of the protection of cultural heritage. I also hope, that direct exchange of experts' experiences from different fields will be the next step in implementation of optimal forms and methods of securing cultural property, according to the needs and expectations.

I wish you fruitful discussions, and a nice time in Warsaw. Thank you very much for your attention.

Transl. MK

Patrick ZAHND

Head of Regional Delegation for Central Europe  
International Committee of the Red Cross

## **THE ACTIVITY OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS FOR CULTURAL HERITAGE PRESERVATION**

Ladies and Gentlemen, dear Friends,

I would like to join these who thanked the organizers before me.

On behalf of the International Committee of the Red Cross (ICRC) I would like to congratulate the Polish Government, and in particular the Ministry of Culture, the Ministry of Foreign Affairs, and the Ministry of Defence, for this conference initiative in the 50<sup>th</sup> anniversary of the Hague Convention. Thank you for inviting the ICRC, which is engaged in promotion of international law regulating protection of cultural property in case of an armed conflict, a law belonging to the broader humanitarian legal system, as a part of an international law. Also in Paris there is a similar celebration this time.

Today's conference reflects deep engagement of Poland, and its rich experiences in the Hague Convention implementation. Polish tragic experiences of war, destruction of Warsaw, for sure influences the growing awareness of dramatic consequences of damaging national cultural property during a war time. I would like to thank you – Poland – for the years of dynamic and rich implementation of the Hague Convention. As we have witnessed recently, protection of cultural property during a war time is essential.

Increasing number of religious and ethnic conflicts causes threats of not only civilians, but also cultural property as their creation. Vandalism and other damaging acts, presented and discussed during this conference, are typical for such conflicts. Yesterday presentations of the officers from Macedonia, Croatia, and Lebanon spoke their own language.

Protection of cultural property in case of an armed conflict belongs to the main tasks of the ICRC, as an international, neutral and independent organization, guarding an international humanitarian law. An organization aimed in helping and protecting life and dignity of the war and violence victims. Recent discussions on humanitarian topics seem to focus not only on the methods of survival of people living in the area of armed conflicts, but also on respecting their dignity. As many speakers before mentioned, respect for cultural property has always been and is more and more an indispensable condition, if we would like to talk about respecting dignity. I fully agree with Mr Zaleski, Under-Secretary of the State in the Ministry of Foreign Affairs, who said yesterday, that growing intolerance, hate, and lack of dialogue among people from different cultures lead to crimes against culture. We experience this painfully, aware of its threat for the world's peace and safety. It increases our need for better protection of cultural property. It became obvious, that we have had a lot to do to assure effective realization of the rule of cultural property protection in case of an armed conflict, rules written down in the treaties and customs law. Using rich experiences of such countries as Poland or Slovenia can also help us.

Protection of cultural property, as I mentioned before, is covered by an international humanitarian law, guarded by the ICRC. Its rules are included also in the Protocol Additional Ist of 1977 to the Geneva Conventions of 1949, noticing, that protection of cultural property cannot be separated from other issues of protection during an armed conflict.



We have talked a lot about actions in a peace time, about implementation of the protection rules in a war time. Prevention of violation of a humanitarian law is realized with different measures, first of all the universal ratification of all humanitarian law treaties, and of course the Hague Convention and its Protocols. The universal ratification and their complete implementation on a national level, including armed forces and public dissemination, is then the most effective measure preventing violation of human rights, and in consequence – also armed conflicts.

The ICRC and the network of its delegations aim in dialogue and cooperation with all the countries. The main ICRC aim is promotion and support of a humanitarian diplomacy among the states, and advisory help, to get full ratification and implementation of the rules of an international humanitarian law, the Hague Convention, its Protocols, and to implement them also in armed forces. The goal is the protection of cultural property, but most of all – to protect all war victims, i.e. to realize war operations according to the rules of an international humanitarian law. Realization of these rules results in the necessity of cooperation among different institutions, like: ministries of culture, ministries of defense, and – regarding sanctions for war crimes – also ministries for justice, and – last but not least – ministries of education.

The ICRC promotes the idea of developing stable, inter-ministerial, national committees for promotion of an international humanitarian law in the Eastern Europe and all over the world. We have just been cooperating with such committees. Several days ago in Bratislava there was an annual meeting of such organizations. I am glad to say, that within next couple of weeks a committee of this kind will be established in Poland as well. I am also glad to say, that the countries like Great Britain and the Czech Republic expressed their wish to ratify the Protocol II. Congratulations! We invite all the others to do the same.

Finally, I would like to emphasize, that conferences like this one show, that respect for another person means also respect for his/her cultural property. Though we have to convince the public that cultural property protection is an issue of primary significance, an element of larger entirety of an international humanitarian law, to be observed by all the people.

Thank you for your attention.

Transl. MK

Prof. Wojciech KOWALSKI  
Ministry of Foreign Affairs  
Poland

## **RESTITUTION OF CULTURAL GOODS FROM THE PERSPECTIVE OF THE WORLD, EUROPE, AND POLAND**

Restitution of cultural property is one of the main methods of its protection. It helps with moving the objects back to the places they were illegally taken away from, both in a war and peace time. As a legal instrument it is defined clearly, and used in many UNESCO and other international organisations' documents. However, restitution has lately appeared in our new Act on protection of monuments and care for monuments from 2003 in a slightly different meaning.

Regarding the above, one can find strange the sentence, that in the Hague Convention, the anniversary of which we are celebrating, there is hardly a word concerning restitution. There is a lot about protection of monuments against destruction, but nothing about an obligation of returning objects exported illegally. It happened despite the Convention's character of a reaction for damages and robbery of cultural heritage done during the World War II, and it aimed in enhancement and development of protection measures included in the hitherto war law, in particular in the Hague Convention IV from 1907, including the rules of law and customs of a land war. In the result of some political difficulties, explicit – in regard of experiences of that time and binding common law – paragraphs

concerning restitution were included at least in the special protocol accepted together with the Convention. I do not have to mention, that for a long time this protocol has had a number of ratifications significantly lower than the Convention itself.

Emphasising these – historical – circumstances, I would like to stress, that acceptance, and the more implementation of the rule of restitution of cultural property, even though for many of us obvious, has never come easy. One can mention a long history of efforts aimed in common acceptance of norms forbidding robbery, and imposing return of robbed objects.

Condemnation of restitution can be found even in the Bible, and also in other ancient texts. The Catholic Church was engaged for several years in this matter as well, but these efforts have been losing for several centuries with the irresistible will of possessing beautiful and valuable spoils of war. Their return was difficult also when this obligation resulted directly from signed peace treaties. Only the 18<sup>th</sup> century rationalism removed all theoretical doubts, and the end of Napoleon wars became in fact a turning point. The winning coalition brought to return of most of the works of art robbed in that time. This was enthusiastically accepted by the whole Europe, and the year 1815 was assumed as the beginning of the common obligation of restitution. Undoubtedly it was a great success, not completed however, as the international rule was of a common law character. It got a treaty form after almost 150 years, in 1954, when the Protocol I to the Hague Convention was passed.

Despite the emphasised weakness, this document is of great significance. It indicates global standards regarding restitution of cultural property moved during armed conflicts. It is quite short, but its essence can be limited to four basic duties accepted by the states – parties of the Protocol.

Firstly, they accepted the obligation of effective prevention of cultural property export from occupied territories during an armed conflict.

Secondly, they accepted the obligation to protect cultural property exported despite their efforts into their territory, directly or indirectly from any occupied territory.

Thirdly, they accepted the obligation to return cultural property exported from occupied territories after finishing military operations.

Fourthly, if cultural property under restitution were effectively purchased by third parties abroad, the state is obliged to counteract their export, and must pay adequate compensation to the purchaser returning this property.

As we can notice, these obligations were formulated clearly, and do not require any commentary. I can only add, that their execution is accompanied by a few – checked in practice – detailed rules, i.e. the rules of: identification, territorialism, public law, and lack of time limit. To be short: restitution covers only these objects, which were identified unquestionably as coming from illicit export. Restitution is realised only in bilateral relations between countries, not in individual efforts of people or institutions. It is always realised on the territory from which export was done, regardless possible political changes or other events. And the last rule means lack of statute of limitation of restitution claims. They can be started even after a long time.

The described model of restitution refers to the problems caused by armed conflicts. Undoubtedly, it is of a universal range. There are 88 states – parties of the Protocol, the other should observe it as a norm of an international common law. The subject of our conference includes not only threats of a war time, we shall then supplement it with an information about the law of restitution of cultural property stolen during a peace time.

At the beginning an explanation is needed, that this problem is more complicated, and an international agreement has been just recently reached in this range. Restitution of a stolen work of art is an element of a broader issue, being discussed by the lawyers since the ancient times. It's essence is hidden in a question: shall we protect more the property right, accepting some limits of a free trade, or do we want to favour free trade, even for the price of limiting the property right? For us it is interesting if we shall always defending a robbed owner and return his/her work of art even if it was bought by a person unaware of previous robbery, or we shall protect a purchaser, if his/her behaviour was perfect and he had no reasons to suspect anything. As we know, this dilemma is solved differently in national laws, and the differences usually come from stable legal tradition of each country. In one the law protects rather an owner (like British or American), Italian law protects a purchaser, and most legal systems are based on indirect solutions, not satisfying anyone. This richness of traditions stopped mostly the first (from before the World War II) initiative of the International Coalition of Museums, accepting the rules of restitution of stolen works of art uniform for every country. Also after-war efforts were unsuccessful. At least known restitution processes loosed by robbed owners in the result of using the legal differences mentioned above, made a way for the UNESCO initiative, in the form of the so-called UNIDROIT Convention of 1995, on restitution of stolen cultural objects. This act introduced for the first time the rule of absolute restitution of stolen objects, including the monuments gathered from illicit archaeological works. It accepted the primate of protecting of the aggrieved, and also protection of cultural heritage of his/her country. The purchaser must accept reasonable compensation in this case, but only if he/she fulfilled severe conditions of "a good faith", including checking the origin of purchased object. The Convention got longer, and for a few categories of monu-

ments it has even cancelled terms concerning statute of limitations of restitution claims.

Regarding a really revolutionary character of these records, we must accept this text as a large step forward in protection of cultural heritage, however this opinion shall not hide the essential limit of its application. It includes only so-called international robberies, i.e. does not apply to situation if either a robbery or a restitution claim are put within the same country. It shall be added, that in the European dimension the aggrieved are supported in a few cases by the directive on 1993 on the return of cultural property exported illegally from the EU member-state.

Acceptance of the UNIDROIT Convention closed the process of formulating basic legal acts concerning restitution. In total, they make a kind of a world code in these matters. There is no place for doubts, that regardless the possibilities of improving the accepted solutions, they make a stable fundament for the aggrieved to regain cultural property lost either in a war or peace time. This statement does not mean an automatic success of every restitution claim. It depends on the given circumstances, available evidence, and also – unfortunately – political situation. However, I think that the international community has done a lot to make restitution of cultural property an effective measure of protection of cultural heritage. As I mentioned at the beginning of my presentation, execution of restitution has always been much more difficult. To avoid pessimism I shall present current positive examples, like return of the art collection exported from Kuwait, or Polish efforts in protection of monuments from the Polish zone in Iraq. As the representative of the Ministry of Foreign Affairs, I cannot miss the information, that our Minister applied to the Minister of Culture and the Minister supervising Polish custom service for prevention against possible import of the Iraq art to Poland last year.

Talking about Poland I cannot forget, that our country – like several others European countries, in particular environments connected with the Holocaust victims – still fights with the problem of culture property losses resulting from the World War II. We would like to close this painful process of restitution at least, though we are aware of the difficulty of these tasks. Simply saying, these losses were so huge, as it was mentioned by Minister Zaleski yesterday, that there is practically no method of their complete repair. Similarly to the others, we are still negotiating, participating or supporting different international actions, like the Washington Conference of 1998 or last European initiatives. I have a pleasure to say, that we have had a few successes. Another painting robbed from our collections during the last war returned to Poland last week. These facts illustrate, that restitution – even though always difficult – requires permanent efforts, determination, and consequence, and always a good will of both parties. These efforts are undertaken independently from a time flow – as one of the American participants of the discussion concerning cultural rebuilt of Europe after the World War II said in 1944 – *In a hundred years the fate of thousands factories will be forgotten but not the seizure of a single treasured relic.*

I would like to finish my presentation with the following conclusions:

- the law being a foundation of cultural property restitution is basically defined today. However, it can be improved in details, so we need to work on it further;
- nevertheless difficult it could be, we shall finish restitution of cultural property resulting from the World War II;
- if we have legal basis of restitution, we shall go beyond the barriers limiting its implementation; it requires consequent building public awareness, that illicit expropriation and movement of cultural property are the acts to be condemned, and require actions aimed in effective return of the previous legal status;



– regarding the above, I would like to appeal to you, and to the institutions you represent, to do everything for better understanding of the idea and necessity of restitution of cultural property to all those illegally aggrieved; for the benefit of all the people, not only those aggrieved. Finally the aim of such activity is always protection and preservation of our common cultural heritage.

Transl. MK

Part III

**INTERNATIONAL, REGIONAL, AND  
LOCAL INITIATIVES FOR  
PROTECTION OF THE THREATENED  
CULTURAL PROPERTY**

## **Session 1**

**Chairmen: Dariusz Ganczar  
Davorin Kerekovič**

Gerhard SLADEK

President of the Austrian Society for the Protection  
of Cultural Property

## **THE ROLE OF NON – GOVERNMENTAL ORGANIZATIONS IN THE AREA OF CULTURAL PROPERTY PROTECTION – THE AUSTRIAN EXAMPLE**

Ladies and Gentlemen,

The postmodern phenomenon of globalization confronts us with a paradox: while the interdependent processes of transnationalization and internationalization make the world smaller, this new global dynamic stimulates contradictory forces at the same time. We witness simultaneous processes globalization and regionalization, integration and fragmentation, centralization and decentralization. Within the European Community for example many citizens claim the right for self-determination in the field of regional politics. While the European Union integrates ever more countries and tries to find a consensus on a common European Constitution, opposing trends lead to the creation of the Committee of the Regions and other regional and local initiatives.

As the American sociologist Daniel Bell suggests, it appears as if the nation-state with all its political institutions has become too small to solve many modern problems, but is simultaneously still too large (and inflexible, I might add) to resolve challenges related to cultural identity and integrity.

It therefore seems to be appropriate to reinforce and solidify established international relations and diplomacy by nongovernmental activities that can help to link global processes to regional and local policies and demands.

In the period between 1989 and 1998 the number of nongovernmental organizations, registered at the United Nations and dedicated to humanitarian goals, rose from 48 to 1.500. No wonder, therefore, that the United Nations declared the year 2001 the “International Year of Volunteers”, and that with regard to the protection of cultural heritage, the Council of Europe adopted a “Declaration on the Role of Voluntary Organizations in the Field of Cultural Heritage” at their conference in Protoroz, Slovenia, in 2001.

These initiatives highlight the significance that is attributed to the work of NGOs. They also show how important their efforts are including their contribution toward the strengthening of democratic political structures in individual countries.

The Austrian Society for the Protection of Cultural Property (ÖGKGS / ASPCP) supports a global concept of peace and culture which it tries to combine with national, regional, and local efforts. On the national level, our society has made important contributions to the protection of cultural monuments in Austria. The fact that cultural treasures of Austria such as the castle and park of Schönbrunn and the town of Salzburg were put on the World Heritage List of UNESCO, is in large measure also the result of persistent efforts on the part of the ÖGKGS.

The ÖGKGS was founded in 1980 on the basis of the 1954 *Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict*. This convention stipulates that the seizure, damage or deliberate destruction of historic monuments and cultural as well as scientific objects is prohibited. The treaty also lays down the international consensus that the cultural heritage of all peoples is put under international protection.

In this sense the ÖGKGS undertakes a broad variety of efforts to inform the people. We use events, publications, and exhibitions to disseminate the ideas of protecting cultural goods to a broad audience. The ÖGKGS seeks cooperation with public institutions and private organizations and tries to foster new project among private initiators. Other contacts have been established on an international basis, including the exchange of information and experience, and the mutual cooperation regarding common projects among states.

As an example of our activities in the field of regional development, the July 1996 Symposium organized by the ÖGKGS and held in the westernmost province of Austria, Vorarlberg, bringing together representatives from Austria and the neighbouring countries of Germany and Switzerland, should be mentioned. The meeting turned out to be successful proof of what the deepening of cultural consciousness in a region across national frontiers, in our case in the region around the Constanz Lake, can accomplish with regard to concerted measures in protecting cultural property.

In May 1997 then, reaching out beyond national and regional boundaries, the "League of the National Societies for the Protection of Cultural Property" was founded by the respective national organizations of Austria, Germany, Italy, Romania, and Switzerland. Later on Portugal, France and the Netherlands joined the League as observers.

Not only because cultural property is particularly endangered in armed conflicts, but also because of the means the armed forces can offer to society in cases of emergency and distress to protect cultural goods, cultural property protection is a specific subject of civil-military relations. It is for this reason that in Austria the Society for the Protection of Cultural Property cooperates closely with the military and that the Austrian Armed Forces have institutionalised the functions of Cultural Property Protection Officers (CPPO), a model that has been met with world-wide acclaim.

For integrated international activities on a larger scale the framework of the Partnership for Peace Initiative is most

suitable for the ÖGKGS. In collaboration with the Austrian Armed Forces, hitherto three major activities in the field of cultural property protection have been carried out in the cooperation area “Democratic Control of Forces and Defense Structures”.

The most sustained and enduring of these efforts was the Symposium “Protection of Cultural Property in the Event of Armed Conflict – A Challenge in Peace Support Operations”, held from 24 to 28 September 2001 in Bregenz. This event was organized and conducted on a joint basis between the Austrian Ministry of Defense, the Austrian Society for the Protection of Cultural Property, and UNESCO.

The 2001 symposium needs to be mentioned particularly because the proceedings of the conference could serve as a checklist for the protection of cultural heritage during and after combat activities.

The findings and results of the experts make up for concrete and realistic approaches to observing the issue of cultural property protection prior, during, and subsequent to future military operations. Let me briefly summarize the major results of the Bregenz Symposium.

Firstly, cultural protection officers should be integrated into military staff elements in all international military missions in the stages of mission planning, deployment of forces, and for the entire duration of military operations.

Secondly, the subject of Cultural Property Protection should be incorporated into the manuals and practice of Civil-Military Cooperation (CIMIC), whose significance has constantly risen in the past years and is expected to become ever more important in the future.

And thirdly, a project on the “Introduction, Implementation and Standardization of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Additional Protocols” should be launched.

As Austria is currently considering the establishment of an International Center for the Protection of Cultural Property dedicated to the aforementioned task, we are seeking cooperative partners to set up the Center and get the project going.

In the first place, the Center intends to adapt and implement the Convention with all its civil and military implications within the European Union. This should provide a sound basis for conducting further measures in the field reaching out beyond Europe. In order to making cultural property protection an indispensable part of the legal and procedural codes of international security organizations such as UN, NATO, OSCE and their respective mandates in all phases of mission planning, preparation, and execution, educated and trained cultural protection officers have to serve on all levels of operational military leadership. Through this, cultural property protection could become a compulsory and obligatory part of CIMIC. Moreover, taking on a cultural role within this civil-military context should improve the image of the armed forces in societies, and raise the acceptance and support they will receive.

At this point, the idea of the protection of cultural property has been accepted by military authorities in many countries, even if the practical application of international conventions still leaves much to be desired in several countries.

The Center will thus offer expert support regarding the implementation of all measures deriving from the Convention and its Protocols, will help to found an international standardization for the selection and classification of objects and goods worthy of protection, will support the elaboration of evacuation plans and procedures for museums and relevant cultural sights on a civil-military cooperative level, and last but not least, will help to set-up and execute national as well as international education and training programs in the field of cultural property protection.

Let me, by comparison with both international and national governmental organizations, highlight the advantages, benefits, and substance of our society as well as resembling associations.



First, the high efficiency of a relatively small organization needs to be mentioned, accomplished through flexibility, reduced bureaucracy, and excellent interdisciplinary communication. This is supported by a high level of independence and impartiality since, by its founding law, the ÖGKGS is a private society without any special political, religious or ideological commitment, only devoted to the humanistic traditions on a global scale. As a result, the ÖGKGS has repeatedly been called upon when swift action was needed, and has meanwhile assumed the role of a kind of “cultural-political fire-brigade”.

Another big advantage is the neutrality of the society when it comes to national animosities. With the UN and UNESCO frequently exposed to international critique and often deprived of freedom of action, nongovernmental initiatives can help out such as, for example, the *ARCH-Foundation* did in Croatia and Laos.

Geography also plays an important role. The recent conflicts in the Balkans, for example, took place in close proximity to Austria. The Austrians felt a deep personal concern as they recalled their historic roots in this cultural region. Austria regarded her commitment as a historic obligation to her past role in the Balkans and the ÖGKGS has carried out numerous missions and projects in the region.

Furthermore, organizations like the ÖGKGS can assume an intermediary role between international organizations and the public. They can help to disseminate decisions and resolutions and make them accessible and known to the public.

In contrast to governmental organizations we can also pursue projects and contacts pro-actively, both at home and abroad. Constant meetings with the German and Swiss Society for the Protection of Cultural Property have led to a rich exchange of views, and visits to UNESCO enabled us to promote important issues directly at the global headquarters for cultural affairs.

As a result, UNESCO as well as the International Committee of the Red Cross have chosen our society to participate in symposia in Tashkent for Central Asia, in Nepal for South East Asia, in South Africa and recently in Azerbaijan. Among other issues, our Secretary General was given the opportunity to present Austria's practical experience regarding the implementation of the Hague Convention on the operational and tactical military level.

But we must not forget the psychological dimension of protecting cultural property. Efforts in this regard strengthen the esteem for tradition and heritage, and foster tolerance and peace. The socio-political dimension of cultural protection in the sense of including the common citizen, different professions and social groups into this process is of utmost importance. The protection of cultural goods should not be exclusively the domain of public experts, scientists, politicians, and it must not deal only with spectacular objects such as castles, monasteries and fancy libraries. Protection of cultural property must also serve the cultural interests of ordinary people and should include minor objects such as industrial monuments, historical houses, rural villages, etc.

Nonetheless, especially the example of Kosovo demonstrated the ambivalence often to be found in the work of international NGOs. On the one hand, they have financial and material means at their disposal, on the other hand they are often poised to support projects that may lead to cultural alienation. The rebuilding or restoration of a cultural monument, e.g. a church or a monastery, carried out in an unsuitable manner, may destroy the originality and authenticity of the object. In recognition of this threat kind of cultural ventures have been proposed. While foreign NGOs would provide material resources, local experts would contribute specific artistic and technical know-how in order to eliminate the likelihood of damage caused by financially powerful NGOs.

With the end of the Cold War armed conflicts have not ceased at all. Beside humans, also cultural objects have

repeatedly been the main targets of damage, destruction and looting. But cultural objects are not threatened by armed conflict alone. The 1972 *Paris Convention for the Protection of the World Cultural and Natural Heritage* mentions illegal art trade, organized looting, environmental damage and mass-tourism as other forms of destruction and damage to cultural objects that constitute additional challenges to the international community.

For the nongovernmental organizations in the field of cultural property protection two things are of paramount importance: money and independence. Like in most cases, the Austrian Society as a private institution cannot dispose of a fixed budget and depends mostly on the contributions of private donors. Since many projects such as supporting restoration, conducting educational efforts, or issuing publications and brochures can only be realized with a minimum amount of money, the amount of the financial means available defines the scope of our activities. Besides that, only the independence of associations of our kind can guarantee sufficient influence on the issue of protecting cultural goods and property.

The statement of the Vice-President of the European Council made at the conference "A Heritage for Europe" has it all: "*Beside all the official activities the net of private initiatives cannot be knit densely enough!*"

Mr Hans SCHÜPBACH  
Federal Office for Civil Protection  
Switzerland

## **IMPLEMENTATION OF THE CIVIL MEASURES EXPRESSED IN ART. 5 OF THE SECOND PROTOCOL (1999) TO THE HAGUE CONVENTION FROM 1954 IN SWITZERLAND**

Mr Chairman, Ladies and Gentlemen

I am delighted to have the opportunity to present the work of the Cultural Property Protection Service in Switzerland. Before I begin, I would like to thank the organisers for inviting me to attend and speak at this conference.

I shall first take a brief look at the development and expansion of Swiss PCP, followed by the risks to cultural property in Switzerland. I shall then turn my attention to the main PCP activities in the civilian domain as well as international PCP activities. Finally, if there is time, I shall gladly take questions from the floor.

The Swiss PCP service had its beginnings in the Second World War. Yesterday, in the film about Warsaw, we saw that the human devastation it caused was enormous. Also cultural property was not spared from these ravages. Switzerland was luckily not much affected by the war. Nevertheless, for example the museum in Schaffhausen, a Swiss town near the German border, was bombed during the Second World War, destroying a great deal of cultural property in the process.

At the end of the war in 1945, UNESCO was set up, giving new impetus to cultural property protection efforts. Subsequently, as we all know, the Hague Convention was

passed in 1954. Switzerland ratified the Convention in 1962, thereby committing itself to taking the best possible measures to protect its cultural property. Switzerland has had its own PCP law since 1966, which governs the execution of protective measures, set out in the Hague Convention. The most recent further development of PCP in Switzerland was the ratification of the Second Protocol in March of this year.

Article 5 of the Second Protocol explicitly demands measures in the civilian domain to protect cultural property – the central theme of my presentation today.

The two main objectives of the Hague Convention are the «safeguarding» (in peace time – the main focus of PCP activities in Switzerland) as well as the «respect» of cultural property in the event of armed conflict.

This second point has long defined the main features of the Swiss Law on PCP in relation to armed conflict scenarios. There were singular terrorist acts some twenty years ago (e.g. a wooden bridge was burnt down, fountains and memorials were crushed) – but, generally, as I told you before, Switzerland was very lucky in being spared from such tragic events. The military objectives in our country mainly fall to the Human Rights in Armed Conflict Section of the army's general staff – of course, we are in close contact together.

But I shall now concentrate upon the works that are done in the civilian domain.

The recent re-structuring and re-design of Civil Protection in Switzerland, to which the PCP service belongs, rightly focuses on natural and man-made disasters, everyday risks, and damage caused by water and fire.

Article 3 of the Hague Convention already addresses the issue of protective measures in peace time; these have now been reinforced by Article 5 of the Second Protocol.

To summarise, there are three categories of risks to cultural property: permanent risks, natural or man-made disasters, and armed conflicts.

How then is PCP work structured in the civilian domain in Switzerland? The works are carried out by various bodies:

You have to know, that in Switzerland we have three political levels of the Federation, the 26 cantons and almost 2800 municipalities. On each level there are people especially concerned with the protection of cultural property. PCP belongs to the Department of Defence, Protection of the Population and Sports (DDPS). As a link between the Department and the Federal Office there exists a Swiss PCP Committee, consisting of all the institutions and partner organisations that are concerned with PCP. The international contacts are taken by the PCP section at the Federal Office for Civil Protection, where I am working, too. Besides there are private organisations like the Swiss PCP Association, or the specialists in cultural institutions, the partner organisations and private individuals that are occupied with PCP.

I shall now move on to measures which Switzerland has taken to protect its cultural property.

As I have mentioned earlier, in addition to international legal bases, Switzerland has its own law on PCP. Then we also give directives and there are cross references to other Swiss laws, e.g. to the law on illicit transfer and illegal trade of cultural property, that has been put into force since the beginning of this year.

Another important measure, maybe the most important one, is the Swiss Inventory of Cultural Property. Before you can protect something, you must first know what is actually worth saving. This inventory, which contains around 1600 objects of national importance, serves these purposes. The Inventory is currently being revised, and publication of the new updated version is planned for 2008.

Just to give you an idea of the variety and attractiveness of the objects in the Inventory, I shall give you a few examples: bridges, archaeological objects, houses, libraries – like the Abbey Library, Saint Gall, the oldest library in Switzerland, which is one of 6 Swiss cultural sites on the UNESCO

World Heritage List. The Inventory also contains old forms of transport such as steamships and locomotives; musical instruments; museum collections – like stamps and archive documents. As you can see the Swiss PCP Inventory boasts a wonderful array of cultural property.

We entered the Inventory in a database.

In the near future we would like to put this database on-line and using G.I.S (Geographical Information System), visitors to the site will be able to call up information on a chosen region.

They will be able to click on images of cultural property items marked with symbols to find out more about them (texts, plans, photos etc.).

Instead of looking at map sections, visitors will have access to aerial photos, like this one of a farmhouse, the roof of which is marked with the PCP symbol. G.I.S trials are currently under way. In addition to the revised Inventory in 2008, we also aim to make the G.I.S available to all Internet users.

The oldest PCP inventory is probably the list of the Seven Wonders of the World. But why am I showing you this?

First, it proves that listing important cultural property is not a concept that modern society has invented. Second, it shows us that the problems we are faced with today are the same as those faced by our ancient predecessors. The Pyramids are the only Wonder on the list still in existence. The reasons behind the destruction of the other Wonders show that the risks to cultural property and its protection have not changed during the last few thousand years. And if we also consider the so-called 8<sup>th</sup> Wonder – the Amber Room – its reconstruction also gives us a link to modern PCP work.

I shall now briefly look at other measures used in Switzerland to protect our cultural property. First, safeguard documentation enables the reconstruction of a damaged or destroyed object by means of plans, texts and photos.

Second, we place important documents on microfilm, which are then stored in a government cavern.

Third, and finally, Switzerland boasts a large number of protective shelters that provide space at any time to store movable cultural property. Switzerland has around 280 protective shelters currently in use today by museums, libraries, archives or monasteries specially to hold cultural property.

For all three measures – microfilm, safeguard documentation and protective shelters – financial support is provided by the Swiss government, the cantons and/or the municipalities.

To be able to carry out PCP activities, there must be the necessary personnel with the appropriate training. There are about 4000 people working in the PCP service for up to a week per year – most of them are also concerned with the theme in their everyday jobs (e.g. people from museums, archives, libraries, monuments and sites or archaeologists).

Also, collaboration with cultural institutions and the army is very important. For instance, we were elaborating a model disaster plan which museums and archives could adapt to their own needs, in order to prepare emergency actions planning.

On the cantonal level the Swiss Civil Protection System joins different partner organisations in the case of a catastrophe. PCP service is part of the Support & Protection.

In that relation the PCP services work closely together with the partner organisations, in particular the police (when there's a theft of art objects), and especially with the fire service, if there's a fire in a historic building. We have joint priorities, which were presented in a journal. We also prepare training material, which we put into practice during the joint training courses of both partners.

We place great store by information and awareness, as past experience has shown that a lot of cultural property has not been damaged maliciously but through ignorance.



Besides, this year, the Federal Council has asked the PCP section to draw up a report on the risks to cultural property posed by earthquakes.

These are the main tasks of the PCP section for this year.

From past and present experience, it is clear that the protection of cultural property is increasingly becoming a task on a global scale. Therefore international cooperation is also for us of central importance.

Two years ago, we hosted an international conference, the theme of which was the Second Protocol. Its findings were published in the Conference Papers. If you would like a copy of these papers, or other documents such as our journal «PCP Forum», please contact us directly.

Let me give you a concrete example of international cooperation. Following the heavy floods that inundated Germany and the Czech Republic in autumn 2002, the Swiss PCP service together with other Swiss authorities helped with the construction of a freeze-drying machine. Experts in the Czech Republic will now be able to use it over the next two years to dry out water-damaged documents – they had first been frozen to limit the damage. It is hoped that these efforts will make the documents usable again.

Now, if we look again at the Second Protocol, we can see that Switzerland has largely met the obligations set out in Article 5 to protect cultural property.

Let me finish my speech with this picture. This parasol has unfortunately nothing to do with holidays – rather it shows the scope of Swiss PCP services. From outside, there are external influences, such as international documentation and experience. At home, the Swiss PCP service covers the following three areas: prevention – which is the most important one, disaster and event management planning and training, and thirdly collaboration with the army.

This conference provides us not only with the opportunity to improve the Swiss system, but also to subject it to international comparison and debate.

Thank you very much!

Dariusz DREWNIACKI

Ministry of Culture  
Poland

## **TRAINING CENTRE FOR CIVIL AND CULTURAL PROPERTY PROTECTION IN CRACOW AS A FORM OF DISSEMINATION OF INTERNATIONAL HUMANITARIAN LAW**

In the first part of my presentation I would like to share with you my thoughts and feeling with regards to overall place of dissemination of the rules of cultural property protection in international humanitarian law. And, in the second part - to present the International Centre for Civil and Cultural Property Protection in Cracow.

Answering the question: „what ones protect monuments for?” we say: „for good of us all”, because even being in somebody’s own possession, they belong to all of us as a *cultural property*.

Because of loss of cultural heritage, suffers not only a nation at which territory is waging a war, but also all of us become poorer at the very moment of annihilation of monuments.

The Preamble to the Hague Convention from 1954 regarding *Protection of Cultural Property in Case of Armed Conflicts* explains this problem univocally: *damage done to cultural property belonging to any nation is the same as damage to cultural heritage of mankind because each state take part in shaping world’s culture.*

Any person who learns a foreign language becomes even more aware of the richness and quality of his or her own language.

In the same way, exposure to the diversity of human cultures allows us to appreciate even more the qualities of our own traditions and share our common humanity with those whose history differs from our own.

Consider the reaction of a Croatian journalist to the destruction of the Mostar bridge:

*Why do we feel more pain looking at the image of the destroyed bridge than the image of the massacred people? Perhaps because we see our own mortality in the collapse of the bridge. We expect people to die; we count on our lives at end. The destruction of a monument to civilisation is something else. The bridge, in all its beauty and grace, was built to outlive us; it was an attempt to grasp eternity. It transcended our individual destiny.*

Dissemination of knowledge of humanitarian law whether in times of armed violence or preventively in peace time is a necessary precondition for respect of this law. A law unknown or not understood cannot and will not be respected.

Most of states are aware of the general provisions of humanitarian law establishing the legal obligation for states to disseminate humanitarian law as widely as possible. The obligations of states in this field applies not only in times of armed conflict, but already preventively in times of peace. What is more, the obligation applies not only to military, but also to the civil society. States are obliged under the Geneva Conventions and their Additional Protocols to include the study of humanitarian law within the programmes of military and, where possible, civilian education, so that these principles may become known to the population as a whole. (Art. 47/48/127/144 common to four Geneva Conventions).

*Art. 25 of the Hague Convention from 1954 states that: The High Contracting Parties undertake, in time of peace as in time of armed conflict, to disseminate the text of the present Convention and the Regulation for its exe-*

*cutation as widely as possible in their respective countries. They undertake, in particular, to include the study thereof in their programmes of military and, if possible, civilian training, so that its principles are made known to the whole population, especially the armed forces and personnel engaged in the protection of cultural property.*

Art.30 of Second Protocol to the Hague Convention from 1954 also states the obligation to disseminate rules of protection of cultural property.

The human factor is decisive in the successful preservation of heritage in peace time, and indispensable in time of armed conflict. For that reasons adequate education and training is of pivotal importance for the timely and effective implementation of protection and preservation measures in extraordinary circumstances. Education and training should aim at:

- providing experts in conservation services for implementing the full range of protection measures on cultural monuments (evacuation, technical protection, etc.),
- preparing officers and soldiers to follow procedures compliant with international regulations and laws of war, and particularly to restrain from any actions that could jeopardise cultural heritage,
- preparing customs officers and border police staff for preventing the illegal export of art objects and cultural goods,
- preparing tradesmen and entrepreneurs for activities linked to the implementation of measures of protecting cultural heritage in extraordinary circumstances,
- acquainting state and local government officials with procedures in the event of emergency,
- training citizens, legal persons and particularly owners of art objects and monuments for protecting objects of art and collections in their ownership,
- preparing specialised associations (ICOMOS, ICOM etc.) for cooperation in the implementation of measures for the protection and preservation of cultural heritage.

In the course of training it is important to encompass all the mentioned groups since otherwise it will not be possible to effectively implement - due to its scope and variety - the measures of protecting and preserving cultural heritage in extraordinary circumstances.

Bearing in mind the importance of education for the security of cultural heritage, on the initiative of the Ministry of Culture and the Ministry of Internal Affairs and Administration, there was created the Training Centre for Civil and Cultural Property Protection in 1997.

The base of the "Training Center" is the Fire Collage in Cracow.

The idea for creating of the "Training Center" was submitted by Poland during the International Conference on "The Protection of Cultural Property in the Event of War time and State Emergency. The conference was organised in 1996 in Cracow on the framework of the programme "Partnership for Peace".

On the basis of the statement accepted by participants of the International Workshop on the Protection of Cultural Property in the Emergency held in May 2001 in Cracow, the Training Centre was turned into the International "Training Center". The organisers invited UNESCO to take patronage over the Centre.

By now the Centre trained more than 500 persons.

One of the main task of the Centre, apart from training in the field of civil protection, is promotion and dissemination of knowledge, also training specialists dealing with protection of cultural property in case of emergency in times of war and peace.

The Centre takes in the following activities:

- organising courses on the protection of cultural property in the event of emergency,
- organising international conferences, workshops and seminars for experts,
- promoting exchange of experience between circles dealing with the subject,

- maintaining and developing close co-operation with international governmental organisations, academic institutions and all public institutions dealing with the subject of cultural property protection,
- publishing,
- collecting professional literature and documentation,
- initiating, supporting and participating in activities aimed at influencing public opinion in order to increase interest in protection of monuments.

This year, the Programme Council of the Centre accepted the updated *Training Programme* within the scope of the Protection of Cultural Property in Case of Emergency. The programme which was acknowledged by the Commander in Chief of State Fire Service and Civil Defence comprises of the following items:

- basic knowledge about cultural heritage,
- protection against fire, and life-saving,
- protection against criminality,
- protection against natural and man-made disasters,
- protection in case of armed conflict,
- and professional training established according to requirements of ministries carrying out the programme.

Organisation and realisation of the didactic process is following:

- the programme is carried out during five-day course - with total of 40 hours,
- 30% of the time is intended as a practical training,
- 18 hours is intended as a professional training with regard to specially selected area,
- course participants receive a certificate of participation.

In the course of the programme a special attention is being focused on:

- international legal standards on protection of cultural heritage in case of emergency,
- implementing the Hague Convention regulations with reference to present armed conflicts,

- participation of non-governmental organisations in execution of the Hague Convention – the Blue Shield programme,
- the role of armed forces in protection of cultural property,
- social aspect in protection of cultural property,
- organisation of the system of protection cultural property in Poland in case of threats of armed conflict and in peace times
- the system of protection of cultural property on the example of selected institution of culture,
- and last but not least mastering cultural heritage of Poland, Europe and world.

The programme is intended for the following participants:

- representatives of the military, in accordance with their scope of duties resulting from international commitments;
- voivodeships and local conservators of monuments,
- directors of cultural institutions, libraries, museums and archives, and their employees;
- administrators and owners of specially valuable cultural treasures;
- diocesan conservators of monuments, directors of museums and libraries owned by religious associations;
- honorary tenders of cultural property, as well as representatives of social and non-governmental organisations;
- defence specialists from museums, artistic schools, libraries and archives;
- representatives of the State Fire Service, Civil Defence, Customs and Border Services and the Police;
- directors and employees of Voivodeship Departments of Crisis Management.

Apart of training activities the Training Centre organises international symposiums and conferences.

In May 2001, by the initiative of Polish Advisory Committee for the Protection of Cultural Property in the Event of Armed Conflict the International Workshop on the Protection of Cultural Property in Case of Emergency was held in Cracow.

In November 2002, by the initiative of the Academy of National Defence and the Ministry of Culture was organised international conference on “Dissemination of International Humanitarian Law”.

In October 2003 within Polish Blue Shield Programme by the initiative of State of Archives in Cracow was organised international conference on “Digitalisation of Archives”.

The first international course on the protection of cultural property in the event of special threats was carried out in October 2003. The course was attended by fire service specialists from The Netherlands.

Finishing my presentation I would like to say that humanity made an important step forward from the time of Cycero who said that: *law is silent when weapon clangs*. But there is no doubts that these words are still in time, because the horror of wars continuously accompanies us and military technique develops enormously.

Man tries to control using the weapon. One of the most important kind of weapon to avoid losses in cultural heritage is dissemination of knowledge on its protection.



Rafał WĘGIEL

The Police Provincial Headquarters in Cracow  
Poland

## **EUROPEAN INTEGRATION – A CHANCE OF EFFECTIVE FIGHTING WITH CRIMES AGAINST CULTURAL PROPERTY OR THE BEGINNING OF END OF THE POLISH CULTURAL HERITAGE**

First I would like to thank the organizers for the possibility of saying the few words on behalf of the Police. The more I am pleased, that I can represent either the Polish Police, or the Cracow Regional Police in particular. The Police is very interested in the problem of the cultural property protection, in preventing the threats mostly in peace time, and criminal risks for cultural property.

Regarding the short time available, I will focus just on one problem.

Events shaping our reality are the expressions of the benefits and losses of the European integration. At the moment we do not face any armed conflicts in Poland, but I can list several examples of criminal actions in the Małopolska region, and in other parts of Poland as well.

Paintings from the 17<sup>th</sup> century have been stolen from the 16<sup>th</sup> century church in Skrzydlna nearby Limanowa (in Małopolska region). Probably – we can find them in exclusive houses in Germany, Austria, or France. Among the stolen objects there were: the crucifix from 16<sup>th</sup> century, the fount, the stoup from the turn of 14<sup>th</sup> and 15<sup>th</sup> centuries, the pulpit from 18<sup>th</sup> century, and a painting of Saint Mary with the Child from the mid-20<sup>th</sup> century by Maria Ritter,

patterned after a picture from the Loretto Chapel in St. Mary Church in Cracow. Inside the church we can only find now stumps of a few pillars. Other pillars have also been stolen, together with their basements. There were plenty of glass bits from broken windows, fragments of embellishments, traces of those who did it, not regarding the fact, that they irrevocably destroyed our cultural heritage.

They tried also to take a chandelier, but it fell down. Other chandeliers were also stolen, as well as monumental stannic candlesticks, pieces from pews' and doors' ferrules. This is a really horrible picture, which one would like to forget immediately, and the other – like a local parson – not to realize of. The most tragic is the fact, that this is not the only case of such a burglary. The similar were noted also in other churches in the Małopolska region, like in Graboszyce, Dobra, Gromnik, Biurkowo Wielkie, Raclawice, Rocimowice, Olbrom, Koniusza, and Wadowice. Crucifixes and sculptures identical with those which not far ago could be seen in roadside shrines nearby Brzesko, Bochnia or Tarnów, or in crosses on cross-roads in south-eastern Poland, now can be found in each Vienna antique shop. We can hardly meet St. Mary's sculptures in this region of Poland, under which the May devotions were sang. Most of them, stolen and hidden in private houses, are waiting for "safer" times.

Ladies and Gentlemen, stolen figures of saints are used very often as basements for internal lams or flower-beds. Once a figure of the Pensive St. Mary with a Child were found in a private house, described and presented in a German journal of architecture. This monthly is also printed in the Polish-language version. In the same house also beautiful mirror similar to the one stolen from an altar from one of Oświęcim churches, and a gilded rosette (usually met as monstrance) were found. Also smiled angels' heads, maybe the same which were smiling from the monuments in Kalwaria Zebrzydowska – a place enrolled to the World Cultural Heiritage List in 1999, and described in detail by Prof. Anna Mitkowska. As she writes, this Calvary

is an artistic complete, coming in total from the beginning of 17<sup>th</sup> century, and being a proof of a free transmission of artistic flows among different European countries, Flemish Mannerism, Italian Renaissance, Czech and Cracow Baroque. When in March 2001 the Talibs were destroying ancient Buddha's monuments in Afghanistan, these remembrances of ancient civilizations, mass media were crying about their imprudence and vandalism. The world explicitly condemned them. What to say about the criminals stealing in 2002 and 2003 Calvinian chapels from everything movable? They demolished many of them, taking almost the whole altars. A countless number of the angels' figures, embellishments, candlesticks were stolen, like in Skrzydlina. We met a group of people of the same level of social and cultural awareness and sensitivity as those destroying giant monuments in Babiya. When we caught these people, we evicted almost every stolen object, however only a small part of them can be restored. Most of them were completely and irrevocably destroyed – divided, packed in plastic bags, waiting for export, and sold at an antique exchange in western or southern Europe.

Another example from the year 2000. Just after disclosure of a burglary from the Jagiellonian Library in Cracow, several large auction houses in Europe have offered rare works by Galileo, Besarion, Ptolomeus, Kepler. These titles were the same as those lost in Cracow. Police and a prosecutor's office investigation revealed, that in fact these books come from the Jagiellonian Library. They were changed, destroyed by unprofessional restoration aimed only in hiding the ownership signs. Only over a dozen titles were found, the rest probably are in collections of dishonest collectors, who's irrational desire is reflected in the willing of having an ancient object for their own, without a necessity to show it to the third parties. The Jagiellonian Library possesses a huge number of manuscripts and antique books, however the loss for the Polish cultural heritage was significant.

I also have to mention the burglary of stone sculptures from churches, castles, and chateaux, and destruction of archaeological sites in the Lower Silesia. These objects usually can be found on foreign markets – as it is confirmed by the customs officers' successful prevention of illegible export. The same situation concerns the market of ancient furniture. There are plenty of renovation workshops in Cracow, specialized in altering furniture and sending them illegally abroad, as modern ones. For us preciousness, for the others can be expensive, as said Andrzej Zieliński. Value of cultural property is usually based on an subjective feeling of it's beauty and a collector's sensitivity, however more and more often it become a market good, treated without any emotion. As my police unit knows, cultural objects' trade is conditioned by common rules of supply and demand. Where is a buyer, immediately also a supplier can be found, and the first do not ask about an object's origin. Noticeable stagnation of western antiques markets is caused by significant limitation of new objects. Also financial possibilities shape the behaviors aimed in fulfilling the demands of potential buyers. It works in a quite simple way, by organization of criminal actions of any kind, directed to unprotected libraries, churches, galleries, and private collections.

The above examples illustrate the threats for the Polish cultural heritage, and results from failures on Polish borders just before joining the European Union. After May 1<sup>st</sup> there are no customs officers at the borders, and border guards are not able to control all trade and personal movement. What are the possible consequences? Nobody can foresee. Analyzing experiences of other Member States we can expect increased smuggling of Polish cultural property. Also lack of coherent element in Polish public administration, concerned in the problem of crimes against cultural property, is not helpful. Unfortunately, we know nothing about developing in the Polish police structures a special unit fight-

ting against crime against cultural property, like Italian *comando carabinieri* we heard about yesterday, a French or Czech offices coping with an art works' burglary. However, it would be very reasonable in Poland, regarding the necessity of effective realization of quite efficient legal regulations. None normative act, international agreement, convention, or resolution can eliminate an existing threat. However, they can be a weapons of an efficient, well-equipped team of police officers, analytics, experts in different fields of science and art. Such a formation is a condition of effective fight against burglary and smuggling of cultural property realized within a full liberalization of cross-border movement, according to the Schengen Agreement.

When last limitation on internal EU borders vanishes, fight against smugglers will be possible only within close mutual co-operation of special police units in particular countries, based on the Europol support in information exchange. We will be the EU border country. Establishment of such a unit seems to be the only one possible answer for the more and more often EU penetration by organized criminal groups from eastern Europe and Asia. Commonly known are mafias' investments of huge amounts of "dirty money" into art works, as a safe and trustworthy locate of capital. When mafia feels in Poland and EU like at home, it may result in an increase of organized criminality with all its implications.

However, to be fair I have to mention existing Polish institutions interested in prevention of crimes against cultural property. There are: police, border guards, fire brigades, and the Centre of Public Collections' Protection. We also have to remember, that burglary and smuggling of cultural property make only a part of "cultural criminality".

It is impossible to discuss all the other crimes here, like fencing, robbery, extortion, frauds, falsifications, and also more often in Poland murders to gain cultural property. European integration will for sure force public administration to create organizational and technical solutions to gain standards, and

offer possibilities for the implementation of the EU law. Evolutional character of this process in the first period of membership can however be ruinous for the national cultural property, in particular those guarded insufficiently in churches, galleries, and private collections. We hope for the acceleration of changes for which there is no alternative.

Transl. MK

## **Session 2**

**Chairmen: Elżbieta Mikos-Skóra  
Lidia Klupsz**

Col. Mag. Dr. Franz SCHULLER  
Austrian Ministry of Defence  
Cultural Property Protection Officer (CPPO)

## **CULTURAL PROPERTY PROTECTION – THE LINK BETWEEN CIVIL/MILITARY PREPARATORY AND PRECAUTIONARY MEASURES (Austrian Experiences)**

Excellencies, Mr. Chairman, distinguished Guests, Ladies and Gentlemen!

Thank you and my gratitude to the organizers, the Bureau of Defence Matters of the Ministry of Culture of Poland for this very honourable invitation giving me the opportunity to present our/the Austrian civil and military experiences with the adoption and implementation of the Hague Convention (HC) and its Protocols.

Seen from a general point of view in a big number of member-states to the HC we have a horizontal national dissemination on governmental level without any deeper vertical adoption and implementation.

Also in my country (Austria) it took us a long time from ratifying the 1954 HC in 1964 to starting implementation and dissemination in the armed forces in 1981 (first issue of: *Special Instructions concerning the 1954 Hague Convention for the army*).

Where are the obligations for safeguarding of and respect for Cultural Property (CP) (ref. to Art. 2 HC) based on?

On the civil side we have Art.3 HC with its very wide range of interpretation:



With the final formulation or definition (Citation):...”taking... measures as they (the High Contracting Parties) consider appropriate”.

Every excuse or legal justification for activities or better non-activities is given.

Thanks God, since 1999 we have The 2<sup>nd</sup> Protocol: Art. 5 of the 2<sup>nd</sup> Protocol specifies that WHERE and WHO of responsibility.

After the legal adoption of the Convention in my country the Ministry of Culture was designated as administrator/guardian of the Convention.

Ensuing from Art. 3 of the Convention and now Art. 5 of the 2<sup>nd</sup> Protocol (...”designation of competent authorities responsible for the safeguarding of CP”) a special department (called: “Convention Bureau”) was created in the the Federal Office of Historic Monuments of the Ministry of Culture and one of the very experienced colleagues was designated Head of the Office in order to execute the Convention.

Together with a number of colleagues, also from the military sector, they started their work.

The first and main task of these authorities in implementing of the 1954 Hague Convention and its Protocols was and should be the selection and designation of cultural property to be protected under the Hague Convention.

Based on the results of a meeting of UNESCO experts in Switzerland 1956 they created 4 levels (A-D) of cultural property (e.g. international/world heritage, national, regional and local property).

As we know today: we did a little bit too much.

(A good example of missing international cooperation!)

After the list of cultural property concerning the Convention was worked out for each federal province. These lists were compiled, partly edited to *Catalogues* and handed over to the military sector (Ministry of Defence) where they formed from that moment the main working documents for the army and the CPPOs.

Parallel to the selection they prepared the *Emblem* and set up rules how to obtain it, prepared implements like: *ID-Cards* and *Armbands* for civil-personnel to be protected under the HC and they created *Leaflets* and information-material for civilians concerning safeguarding and precautionary measures for CP. And finally they edited *CP-Maps*.

Simultaneously with the beginning of activities in the civil sector and in correspondence with Article 7 of the Convention (Military Measures) the Army selected the appropriate personnel from the pool of reserve officers and initiated a programme for the training of Cultural Property Protection Officers or CPPO (German: Kulturgüterschutzoffiziere).

Referring to Article 7 and 25 (Dissemination of the Convention) of the HC they focused on three functions/tasks of a CPPO:

According to these above mentioned functions the Ministry assigned two CPPOs (reserve officers) to each territorial/provincial command (one of them on academic level), and a special consultant in the Ministry.

Recently we increased that number by assignment of CPPOs to our Command for International Operations (Austrian International Operations Command/AIOC) and to Air Force Command as well as to the Ministry.

The selection of personnel is based on qualifications like knowledge of history, art, folk art together with experience in law, especially international law, with experience in education and teaching but also in structural engineering.

As a member of the staff one of the main and most important functions of the CPPO is to give the situation report/CP in the area of action.

To do this the CPPO has to collect special material and equipment over the years in cooperation with the aforementioned civilians and authorities and these materials form his basic documents (basic material).

Coming to an end and concluding again these main functions and tasks of the CPPO – the link between the civil-military borderline – namely to be

- advisor and consultant for his commander
- teacher and trainer for officers and troops and
- contact person and liaison officer to civil authorities and civilians.

Under the condition of flexibility and the necessity to provide the military command with the necessary information in shortest time available I would like to draw your attention to a challenge for the future: the availability of data, registers and/or inventories of CP, a question of compatibility of civil-military systems and EDP-based grid coordinates.

Thank you for your attention.

Daina STANKEVIČIŪTE  
Cultural Heritage Academy  
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## **LITHUANIAN PRACTICE IN THE FIELD OF MONUMENT PRESERVATION IN THE CONTEXT OF THE 1954 HAGUE CONVENTION**

On December 19, 1996, Seimas of the Republic of Lithuania passed the Law on the Fundamentals of National Security stipulating development of the entire national security system of Lithuania. The current edition of the Law on the Fundamentals of National Security specifies the following elements of national security:

- human and citizen rights, their freedoms and personal security;
- national values, rights, and provisions for free development;
- independence of the state;
- constitutional legal system;
- territorial integrity of the state;
- environment and cultural heritage.

Hence, the cultural heritage is singled out of the generic context of national security values, which proves that this area is of particular importance.

In 1998, Seimas of the Republic of Lithuania ratified the UNESCO Convention on the Protection of Cultural Property in the Event of Armed Conflict adopted in 1954 in the Hague along with its First Protocol; on November 13, 2001, the Second Protocol was also ratified and became the binding documents for Lithuania.

Two laws regulate protection of cultural property in Lithuania: Law on Protection of Immovable Cultural Pro-

erty and Law on Protection of Movable Cultural Property. However, these laws say nothing about the protection of cultural property in the event of military conflict or under extreme circumstances.

By order of the Department of Cultural Heritage Protection, in 2001, a Cultural Property Protection Program in the Event of Natural Disasters and Extreme Circumstances was prepared by NGO Academy of Cultural Heritage. The Program has been presented to the Seimas Committees of National Security and Education, the Prime Minister, the Minister of Culture, the Minister of Defence, and the State Commission of the Heritage Protection of the Republic of Lithuania.

Based on the experience of other NATO member countries, the Joint Committee on the Implementation of International Humanitarian Law has been established at the Ministry of Defence. Its main task is to assist the Ministry of Defence to coordinate the implementation of international humanitarian legal measures in Lithuania. The Commission has 19 members, one member of the Commission is a representative of the Academy of Cultural Heritage. One of the tasks of the Commission is to implement the provisions of the Hague Convention with regard to the military forces. The Commission decided to recommend the Ministry of Defence to establish a position of the Chief Cultural Property Protection Specialist at the Army Headquarters to carry out all the work within the national defence system related to the protection of cultural property. Competition to fill this position is going to be announced in 2004.

The following are the primary tasks of the Commission:

- In cooperation with heritage protection specialists (State Commission of the Heritage Protection, Cultural Property Protection Department), to prepare blueprints of documents stipulating the implementation of the Hague Convention provisions.

- To administer and revise the register of particularly protected cultural monuments and to compile the catalogues of movable and immovable cultural property on re-

commended operative measures to be taken in the process of military actions.

- To supply the military forces with topographical maps marking the most important objects of the cultural heritage denoted with special international topography signs.

- To organize the marking of cultural heritage objects present in the zone of military action in accordance with provisions of the Hague Convention using specially designated marking signs.

- To prepare instructions for the military on protection and evacuation of movable cultural monuments, the most significant monuments and exhibits held in museums, libraries, archives, places of worship, etc. in cases of war and natural disaster.

- To coordinate the education of military officers in the field of protection of cultural property in the event of war.

- To prepare teaching material and carry out courses to soldiers participating in the international operations run by NATO and the United Nations. The above material shall include the information on local religions, cultures, traditions, history, cultural heritage, etc.

- To prepare plans and instructions aimed at elimination of outcomes of extreme events (natural disasters and catastrophes) while saving the most significant cultural monuments in peace time.

The Commission also recommended The Board of Training and Doctrines of the Military Training Forces and The General Jonas Žemaitis Lithuanian Military Academy to include topics on The Hague Convention on the Protection of Cultural Property adopted in 1954 together with its supplementary protocols into the curricula of international humanitarian law designed for soldiers and cadets.

Upon request of the Academy of Cultural Heritage, the Cultural Heritage Center has prepared the register of particularly protected cultural monuments necessary for implementation of the Hague Convention provisions. Over one hundred of the most defensible objects were selected.

The list was submitted for the approval of the State Commission of the Heritage Protection.

On October 1, 2002, an international seminar entitled „Protection of Cultural Heritage in the Event of War and Extreme Circumstances” was held in Vilnius. The seminar was organized by the State Commission of the Heritage Protection and the Academy of Cultural Heritage. This seminar was justified by fulfillment of obligations of the Hague Convention of 1954, accession to NATO. The seminar was attended by the staff of cultural heritage institutions, secret service officers as well as officials from respective Polish institutions. On the basis of resolution adopted at the seminar, the State Commission of the Heritage Protection passed Decree No. 89 on Protection of Cultural Heritage in the Event of War and Extreme Circumstances dated November 15, 2002 containing specific proposals to respective institutions on measures to be taken for the protection of cultural heritage in cases of war and extreme circumstances.

On September 26-27, 2003, an international conference entitled „Defensive Heritage in Lithuania” was held in Kaunas. The conference was again organized by the State Commission of the Heritage Protection and the Academy of Cultural Heritage. At the conference, defensive heritage of Lithuania was studied including its connections with defensive heritage of Europe; fortifications were analyzed in historical, technological and monumental aspects. The seminar was attended by the cultural heritage protection specialists, scientists and guests from Poland. Based on the ideas expressed at the conference, the State Commission of the Heritage Protection passed Decree No. 97 dated November 21, 2003 stressing the importance of defensive heritage and containing proposals to respective institutions on measures to be taken for the protection of defensive heritage and its cataloguing procedures.

Extensive and significant support in organizing all this work is continuously provided by the Polish specialists, who kindly share their practical skills and experience with their Lithuanian colleagues. We are very thankful to them.

Jan PRUSZYŃSKI  
Polish Academy of Sciences  
Poland

## WAR – INTERNATIONAL WAR – CULTURAL PROPERTY – HERITAGE

*Peace is not a non-war state  
Peace comes from human hearts*

John Paul II

Celebrating 50<sup>th</sup> anniversary of the Hague Convention on Protection of Cultural Property in Case of Armed Conflict of 1954 it is worth to notice, that none regulation can prevent neither wars, which take approximately 80% of modern history, nor conquests, resulting in – or often caused by – robbery, in particular of objects of high material value, treasures of art.

However, burglary of cities, temples, castles, and lords' collections, was done not only because of their material, but also political value. The invaders enriched their properties, museums, libraries, and archives. The most known are: destruction of Syracuse by Marcellus' army in 212 BC, famous *sacco di Roma* in 1527 by the Charles 5th the Emperor's army<sup>1</sup>, export of the great Rhenish Palatines' library<sup>2</sup> from Heidelberg in 1622 by the emperor's army, and burglary of the Western Europe cities by Swedish Carol Gustav's army during the 30-years war 1618-1648. Not

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<sup>1</sup> Famous tapestries by Raphael were returned to Julius II the pope.

<sup>2</sup> A huge number of wagons of incunabula and manuscripts, given later to the Vatican Library, were returned in 1815. However famous *Codex Manesse* were returned not before the second part of 20th century.



that known are the Swedish destructions of the Polish cultural property during the war 1655-1657, and during the North War 1700-1721.

A legal doctrine of the nations, in particular a war law, fundamentals of which were given by Hugo Grotius<sup>3</sup> and Emerico de Vattel<sup>4</sup>, was aimed in such a regulation of the war rules not resulting in groundless material damages. Similar were the opinions of the leading Polish lawyers. Paweł Włodkowiec from Brudzeń, one of the greatest “legal minds” of the 15<sup>th</sup> century, Poland’s representative in a dispute with the Crusaders, assumed, that the plunders of an unfair war do not belong to the conqueror, just as stolen things, and “that who started a war is obliged to return all he took the counterpart, and remunerate his harms”<sup>5</sup>. Similarly Jakub Przyłuski, author of the first Polish encyclopedia of law<sup>6</sup>, left behind the western European doctrine in the concept of reasoning of protection of cultural property and book collections during a war time.

Problems of restitutions of a few particularly known stolen objects have been negotiated by the fighting parties since 17<sup>th</sup> century, as it illustrates the Oliwa Treaty from 1666, imposing the Sweden king return of Polish archives and a royal library. However, European countries usually respected royal property and treasures of culture<sup>7</sup>. The exclusions belong to Russia, Prussia, and Austria actions on Polish territory occupied in the result of partitions 1772-1795.

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<sup>3</sup> H. Grotius: *De iure belli ac pacis libri tres*, 1625. Polish edition – Warsaw 1957.

<sup>4</sup> E. de Vattel: *Le droit des gens, ou principes de la loi naturelle appliqués a la conduite et aux affaires des nations et des souverains*, 1758. Polish edition – Warsaw 1958.

<sup>5</sup> Paweł Włodkowiec: *Traktat o władzy papieża i cesarza w stosunku do pogan*. In: J. Domański, ed.: *700 lat myśli polskiej. Filozofia i myśl społeczna XIII-XV wieku*. Warsaw 1978 p. 204nn.

<sup>6</sup> J. Przyłuski: *Leges seu statuta ac privilegia Regni Poloniae*. Cracow 1553.

<sup>7</sup> See: J. Pruszyński: *Dziedzictwo kultury Polski, jego straty i ochrona prawna*. Cracow 2001 t. 1, pp. 239-242, 263-268, 279-281, 287-288.

However, they perceived them as their own territories. Confiscates and contributions put by the French Emperor were of burglary character, even if the captures of the Great Army were reasoned by a slogan, that “everlasting arts were in slavery (of their owners! – J.P.), and came to the Republic of France as a homeland of art and genius, freedom and saint equity, Republic which for its might and primate in education and creativity can only assure a shelter worth the masterpieces”<sup>8</sup>.

Increasing interest in historical monuments and their legal protection, as well as experiences of Napoleon wars, result in the trials of regulations aimed in “civilization” of armed actions, not resulting in unreasoned damages of cultural property of the belligerents<sup>9</sup>. It is worth to recall, that in Mr Castlereagh, British Minister for Foreign Affairs, note on 1815 a sentence can be found, that robbery of the works of art is “discordant with the rules of fair and the war customs”. So Napoleon’s trophies were to be returned to their owners basing on the decisions of the Vienna Congress, and Paris Treaty of 1815, what partially took place.

The cause of the first European legal regulations<sup>10</sup> was the French – Prussian war on 1870, in particular destruction of the open cities of Strasbourg and Paris, done by the Prussian army. The Brussels Declaration accepted in 1874 said, that “property of the parishes, as well as devices for religious, charity, education, art, and science activity, even belonging to the state, should be treated as a private property, and any occupation, destruction or damaging of such devices, monuments, works of art and science, will be pursued by adequate

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<sup>8</sup> Resolutions of the French governments of Directorate and Convent of 1796.

<sup>9</sup> See: J. Toman: *La protection des biens culturels dans les conflits armés*. Paris 1995; J. Toman: *La protection des biens culturels dans les conflits armés: cadre juridique et institutionnel* (In:) *Etudes et essais sur le droit international humanitaire et les principes de la Croix-Rouge*. Geneva 1984 p. 559-580.

<sup>10</sup> The earlier was the Instruction for the US Army called the Lieber Code of 1863, concerning the same subject.

authorities”<sup>11</sup>. The same solutions were placed in the Oxford Code of 1880. The first Hague Convention of 1899<sup>12</sup> did not protect the enemy’s property, nor listed historical monuments, stating that “during siege and bombing indispensable measures shall be taken up, to protect to the highest possibility religious, art, science, or charity buildings, as well as historical monuments (...) if stated that they are not used for military goals”<sup>13</sup>. Similar were the statements of the second Hague Convention of 1907 on laws and rules of an overland war<sup>14</sup>. They demanded adequate protection measures concerning religious, education, science, culture, and public health buildings, with except of their usage for military goals. Forbidden was also taking over, destruction, and depreciation of historical monuments and works of art. Inefficiency of the acts mentioned above was proved by the World War I, 1914-1918. It resulted not only in destruction of medieval cities in the Netherlands, Douaumont or Vaux in France, destruction of many town centers, temples and castles of the Western Europe<sup>15</sup> and Poland<sup>16</sup>, but also the end of long-term European civilization and culture<sup>17</sup>. It was indispensable to accept a treaty detailing states’ obligations for the war damages and losses, and the conditions of return of grabbed works of art, monuments, libraries, and archives. Both the Versal Treaty of June 28<sup>th</sup>, 1919<sup>18</sup>, and the treaties signed in Saint Germain en Laye

<sup>11</sup> Following I. H. Merryman: *Two ways of thinking about cultural property*. “American Journal of International Law” 1986, vol. 4, p. 834.

<sup>12</sup> *International Law Concerning the Conduct of Hostilities*. International Council of Red Cross, Geneva, 1989.

<sup>13</sup> *International Law Concerning the Conduct of Hostilities. Collection of Hague Conventions and some other treaties*. International Council of Red Cross, Geneva, 1989

<sup>14</sup> Polish text: see Dz. U. 1927 No 21 pos. 161.

<sup>15</sup> See: *L'Album de la Guerre. Histoire photographique et documentaire constituée chronologiquement a l'aide de clichés et de dessins publiés par "L'Illustration" de 1914 a 1921*. Paris 1923, t. I-II.

<sup>16</sup> T. Szydłowski: *Ruiny Polski. Opis szkód wyrządzonych przez wojnę w dziedzinie zabytków sztuki na ziemiach Małopolski i Rusi Czerwonej*. Lvov 1919, t. I-II.

<sup>17</sup> See: B. Tuchman: *Wysoka wieża*. Warsaw 1978.

<sup>18</sup> Including detail regulation concerning for example return of the Mkaoua’s head to the Negro Wahehe tribe (part VIII art. 246).

in 1919, in Trianon in 1920, and the Riga Treaty of March 18<sup>th</sup>, 1921<sup>19</sup> included detail regulations concerning restitution, and the latter demanded return of the objects grabbed by the Russian authorities since the year 1772.

In the result of the Washington Conference of 1922 concerning the rules of an air space war the draft convention including detailed regulations concerning protection of monuments was developed. The failure of the previous concept of protection of cultural and historical monuments resulted from the fact, that the end of the World War I was also the end of legitimist kings' and lords' reigning, replaced by despotic Communist and Nazi dictators, for whom the cultural property was nothing but a useless ballast. Important for the doctrine's evolution was the Washington Pact on April 15<sup>th</sup> 1935, on protection of artistic and science institutions and monuments, known as the Roerich Pact<sup>20</sup>. Important because of the sentence, that "historical monuments, museums, science, artistic, educational and cultural institutes shall be perceived as neutral, and though respected and protected by fighting parties", and not used for any military purpose. Internal conflict, like the Spanish Civil War of 1936, proved, that the trials of forcing political changes may be as destructive for the nation's culture, as an external aggression. In that time Charles de Visscher, one of the leading experts in international law, presented the draft project of the Convention on protection of historical buildings and works of art in case of war<sup>21</sup>. The International Office of Museums were established by the resolution of the International Commission of Intellectual Cooperation and the Nations' League, as well as the experts' committee to prepare a project of international convention on protection of monuments and works of art in face of armed conflicts. The evolution of opinions

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<sup>19</sup> Part VIII, art.246.

<sup>20</sup> L. Brenner: *Nicholas K. Roerich. Idealist and visionary*. "Foreign Service Journal", April 1992, p. 17-20.

<sup>21</sup> See: above pp. 270-274, and also: *La protection des monuments et des oeuvres d'art en tems de guerre*. Paris 1939, p. 181-200.

concerning the status of protected property was expressed in this project, elaborated finally in 1938. They emphasized, that loss of every and each masterpiece results in spiritual impoverishment of the whole humanity. Monuments and works of art were assumed as “spiritual goods”, and the parties were to regulate the rules of criminal liability for the acts against this property in an internal law<sup>22</sup>. A “qualified” protection shall cover all the objects of artistic or historical value, and the fighting parties were obliged not to use them for military purposes. The concept of “special protection” was defined as all the activities aimed in assuring safety of the objects being in the area of conflict, including marking, translocation or storage in adequate conditions. This convention was never accepted. The peace guaranteed by the Nations’ League became illusive, and trials of European consolidation failed. Ideology of the Hitlerian Germany and the Soviet Russia, their treaties in Rappalo in 1922 and Locarno in 1925, as well as militarisation of both states proved their plans of doctrinal, economic and cultural subordination of both Europe and the rest of the world. Not by case Josef Goebbels, one of the main German ideologists, said: “take away the culture of the nation, and it would no longer exist”, and not by case the soviet regime exterminated and migrated the whole nations, making from the rests of their cultures collections of foreign, valueless things.

Presentation of the scope, size and results of damages made by the previous allies and then counterparts during the World War II seems to be useless here, as there are plenty of detailed monographs available<sup>23</sup>. The fact is, that in Poland more than in other occupied by the III Reich

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<sup>22</sup> See more in: C. C. Berezowski: *Ochrona prawno międzynarodowa zabytków i dzieł sztuki w czasie wojny*. Warsaw 1948 p. 67-77.

<sup>23</sup> L. H. Nicholas: *Grabież Europy. Losy dzieł sztuki w III Rzeszy i podczas II wojny światowej*. Cracow 1997; C. Friemuth: *Die geraubte Kunst. Die dramatische Wettlauf um die Rettung der Kulturschätze nach dem Zweiten Weltkrieg. (Entführung, Bergung und Restitution europäischen Kulturgutes 1939-1948)*. Braunschweig 1989; see also: J. Pruszyński, op. cit. t. 1 pp. 412-437.

countries of the western Europe, procedure of organized robbery of museum and private collections, churches and castles, libraries and archives, resulted from the planned and regulated by a discrimination law total destruction of the evidence of national cultural identity, that the robbers were not soldiers, but scientists, historians, and culture officers. For both regimes elements of cultural heritage were not only profitable, but also of political and military meaning. So the Nazi authorities destroyed firstly the symbols of state and buildings of particular historical value, museums<sup>24</sup>, libraries<sup>25</sup>, and archives. The same was done by Soviet authorities on eastern territory of Poland, occupied since 1939, who ruined religious buildings, robbed completely historical sites of aristocracy and gentry<sup>26</sup>, destroyed museum<sup>27</sup> and library<sup>28</sup> collections, exported since 1944 property from Silesia, Western Pomerania, Warmia and Masuria, given to Poland by the decision of Anti-Nazi coalition<sup>29</sup>. Members of these governmental commissions for property were also historians and museologists – proving, that knowledge does not always is equal to morality<sup>30</sup>.

<sup>24</sup> See for example: C. Skuza: *Wojenne i powojenne losy polskich skarbów narodowych*. Toruń 1994; A. Mężyński: *Kommando Paulsen*. Warsaw 1994; D. Matelski: *Problemy restytucji polskich dóbr kultury*. Poznań 2003 pp. 64-246; Z. K. Witek: *Dokumenty strat kultury polskiej pod okupacją niemiecką 1939-1944*. Cracow 2003; A. Tyczynska, K. Znojewska: *Straty wojenne – malarstwo polskie*. T. I, Poznań 1998; M. Romanowska-Zadrozna, T. Zadrozny: *Straty wojenne – malarstwo obce*. T. I, Poznań 2000; G. Mizera: *Straty wojenne – sztuka starożytna*. T. I-II, Poznań 2000; R. Pieńkowski: *Straty wojenne numizmatyki poniesione w latach 1939-1945 w granicach Polski po 1945 roku*. Poznań 2000; K. Zabuska: *Straty wojenne – Kolekcja Jacoba Kabruna*. T. I-III, Poznań 2000.

<sup>25</sup> See: B. Bieńkowska, U. Paszkiewicz: *Straty bibliotek w czasie II wojny światowej*. Warsaw 1994.

<sup>26</sup> See: R. Aftanazy: *Dzieje rezydencji na dawnych Kresach Rzeczypospolitej*. Wrocław 1991-1997 t. I-X.

<sup>27</sup> See: M. Matwijów: *Walka o lwowskie dobra kultury w latach 1945-1948*. Wrocław 1996; J. Pruszyński: *Wnioski rewindykacyjne księgozbioru Ossolineum oraz dzieł sztuki ze zbiorów lwowskich*. Warsaw 1998.

<sup>28</sup> See: B. Bieńkowska, U. Paszkiewicz, H. Łaskarzewska: *Biblioteki na wschodnich ziemiach II Rzeczypospolitej*. Informator. Poznań 1998.

<sup>29</sup> K. Akinsha, G. Kozlov: *Booty – Treasure hunting in Russian Secret Depots*. Munchen 1995.

<sup>30</sup> A. Akinsha, G. Kozlov: *Beautiful loot. The Soviet plunder of Europe's art treasures*. New York 1995.

In the result of military occupation of most of the European countries and the dimension of destruction, trials of repairing damages within culture become one of the first problems to be solved<sup>31</sup>. The UN Declaration of January 5<sup>th</sup>, 1943 against robbery of occupied territories reserved the allies' rights to cancel property regulations of German authorities, and the Berlin Protocol of August 2<sup>nd</sup>, 1946, and Resolution of the Allies Control Council of November 6<sup>th</sup>, 1946 detailed the rules of either regaining of grabbed works of art and monuments, or vicarious restitution. The most important for the discussed problem was the art. 6 of the Nuremberg Tribunal's statute, defining as an international non-claim crime "all the inhuman acts done from political, racial or religious causes". The expert in this field prof. Stanisław Nahlik in his perfect elaboration<sup>32</sup> includes also in this definition robbery of the works of art, and one of the most distinguished experts of international law prof. Cezary Berezowski in his monography<sup>33</sup> of 1948 (before the works on the Hague Convention started) wrote: "I am sad and terrified looking through the list of the losses of Great Britain, Belgium France, Italy, Luxembourg, and USSR, not even mentioning the Polish losses", and recalling unrealized plans of an international convention of 1938.

The Convention on the protection of cultural property in case of an armed conflict, accepted in Hague on May 14<sup>th</sup>, 1954, and ratified by most of the states all over the world, including Poland<sup>34</sup>, was to be the result of all the hitherto works, and effective instrument of international protection of the historical heritage. Its authors introduced one important terminological change, replacing the concepts of monuments and works of art with a highly inexact

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<sup>31</sup> See: W. Kowalski: *Likwidacja skutków II wojny światowej w dziedzinie kultury*. Warsaw 1994.

<sup>32</sup> St. E. Nahlik: op. cit.

<sup>33</sup> See: Note 20.

<sup>34</sup> Dz. U. 1957 No 46 pos. 212; see also K. Sałaciński: *Ochrona dóbr kultury na wypadek nadzwyczajnych zagrożeń (teksty konwencji)*. Warsaw 1999.

category of “cultural property”, meaning exactly “property of culture”, i.e. things belonging to culture, as if a culture was a subject having an ownership rights. The worse that this term is equal to “cultural goods”, perceived falsely as introduced by this Convention<sup>35</sup>, but in fact coming from Nazi regulations<sup>36</sup>. Its usage in legal text is irrelevant. In the legal terminology the concept of “monument” is defined as “a carrier of memory”, and “antique” refers to the time of its origin; the “cultural good” is a term without a designate. Moreover, a national heritage consists not only from goods and positive phenomena. Many things are protected by law as documents of the past, accepting their alien, or even hostile character, harming or destroying our domestic culture. Can we call “ours” the monuments of foreign authority, buildings built as the manifestation of hostile policy<sup>37</sup>, science and literary works falsifying the past, or concentration camps preserved to warn future generation, and worth the name of “cultural evil”<sup>38</sup>?

The Hague Convention on 1954 does not solve most of the problems of universal protection of objects called in its preamble “cultural heritage of the whole humanity” – because of many reasons. Firstly, definition from the art. 1 “movable and immovable objects of a great significance for the cultural heritage of every nation” does not explain anything clearly, because “cultural heritage” has become a common

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<sup>35</sup> W. Sieroszewski in his text *Ochrona dóbr kultury w Polsce* (Warsaw 1971, p. 16) wrote, that *the term “cultural good” was disseminated by international legal acts, mostly the Hague Convention on May 14th, 1954*; T. Jaworski stated (in *Vademecum właściciela i użytkownika zabytku*, Warsaw 1997 p. 17), that *the term “cultural good” was introduced in 1962 and was taken over from the Hague Convention*; this mistake was then multiplied by other authors, like W. Białek: *Ochrona dóbr kultury w Rzeczypospolitej Polskiej. Stan prawny a rzeczywistość*. “Zeszyt Problemowy Towarzystwa Wiedzy Obronnej” 1998 No 1 p. 7.

<sup>36</sup> About the Reich Cultural Chamber (Reichskulturkammergesetz) on 22.09.1933, (Reichsgesetzblatt, part I, p. 61), and executive regulation (RGB1 1933, part I, p. 797), and regulations on 1.09.1939 (RGB, p. 154) and on 8.10.1939 (RGB, p. 2042) – this term meant only “works of art important for the German nation as the proves of its culture”.

<sup>37</sup> Like the Palace of Culture and Science in Warsaw

<sup>38</sup> See more in: J. Pruszyński: op. cit. t. I p. 66-72.



phrase and nobody interprets its sense assuming that it implies only – or mostly – to monumental buildings, renovated, described and admired, and treasures of art presented in museums<sup>39</sup>. Each nation and each generation defines heritage differently, depending on the value, state of the objects, or even interest of either the inhabitants, or the foreigners.

Enumeration in the Convention:

a) “monuments of architecture, art or history, either religious or secular; archaeological sites, building sites having in total historical or artistic value; works of art; manuscripts, books and other objects of artistic, historical or archaeological significance, as well as science collections, important library or archival collections or referring to the objects mentioned above;

b) buildings to store and present movable cultural goods, detailed in point a), like museums, large libraries, archives, and rooms foreseen as depots for the movable cultural goods detailed in point a) in case of an armed conflict;

c) centers where a huge number of cultural goods as listed in points a) and b), called monumental centers” is extremely broad, and in fact enables protection of every object coming from the past.

Secondly, art. 5 of the Convention assumes, that its parties, occupying the hostile territory, will “in all possibility” cooperate with local specialized organs to protect the cultural property, or even to take the measures indispensable for preservation of those objects being in the area of military operations – what looks like a noble naïveté.

Thirdly at last, according to art. 8 of the Convention, as protected are treated the objects situated in a “proper”

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<sup>39</sup> Convention of November 16th, 1972 on the protection of the world cultural and natural heritage includes also “architectural monuments, sculptures and paintings, as well as archeological objects of particular significance”. Polish text: Dz. U. 1976 No 32 pos. 190 annex.

distance from industrial centers, important military sites, railway stations, ports, airports, and radio stations, and that they are not used for military purposes.

Amazing innocence and idealism of the authors, who – in 10 years after the World War II – were particularly aware of destruction of historical cities, secular and religious monuments, planned and organized robbery of the works of art, library and archival collections, as well as extermination of upper classes of occupied nations. Even assuming, that experiences of that war improved human character, protection of the objects being in “proper” distance from military devices deprives the Convention of any sense. What is the sense of planning “protection zones” for monuments, all being at industrial areas, close to communication lines, and – more important – in range of conventional weapon, in particular if the Protocol II of the Convention accepted on March 26<sup>th</sup>, 1999, allows cancellation of the protection by the order of a commander of a military operation in case of a “military necessity”<sup>40</sup>?

From intentional bombing of Warsaw in 1939 and 1944, through Nazi Luftwaffe, destruction of Coventry and Rotterdam, allies’ run over industrial sites in northern Germany, up to complete destruction of the Monte Cassino Benedictine Abbey, closing the way to Rome, and from destruction of Breslau, Dresden, and Hiroshima more than 60 years of civilization development have flow, accompanied by improvement either in modern weapon, and its carriers. This improvement however has avoided legal regulations which shall be called as *ut aliquid fecisse videatur*<sup>41</sup>. Crimes against culture of nations, under international repressions, have not been penalized, what enables today relativization of responsibility, and hides differences between an offender and a victim, and makes liquidation of war’s effects more difficult.

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<sup>40</sup> Art. 6, points a) – c)

<sup>41</sup> To make something as it seemed to be happened.

The awareness of total destruction of the process of our cultural identity, as well as the feeling of community, directed the lawyers, historians, and artists – members of the Associazione Internazionale del’Diritto e dell’Arte (AIDA) – drafting the project of the Convention on September 29<sup>th</sup>, 1995, on prevention the crimes against culture and cultural extermination of nations as the ways of conducting a war<sup>42</sup>, which can be a legal instrument more effective than the Hague Convention. “After 50 years of the last world armed conflict the cities have still been being destroyed. Extermination of nations and massive deportation are accompanied by – commonly accepted – destruction of museums and archives, collections, archaeological sites, historical sites, churches and monasteries” – as they wrote, underlining, that actions against culture and cultural extermination of nations are severe crimes against international law, contradictory to the spirit and aims of the UN, as well as national law, and though they deserve condemnation by an international community. The project includes also solutions concerning general prohibition of total or partial destruction of monuments and works of art, archaeological sites, historical cities, museums, books collections, churches, monasteries, schools or cultural buildings belonging to local communities, with conventional, nuclear, chemical or biological weapon, prohibition of using archaeological sites, historical cities, museums, libraries, churches, and monasteries for military purposes, requisition, division or transfer of private and public collections of works of art<sup>43</sup>. We shall regret, that this project has never been discussed broader.

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<sup>42</sup> Original title of the Convention draft prepared at the AIDA Symposium in Scuola Grande s. Giovanni Evengelista, Venecia, 28-29.09.1995 *Sauvegarde du patrimoine mondial. Problematique et perspectives*. Direct translation: AIDA proposal of the Convention ending the crimes of city-murders, crimes against culture, urban and cultural genocide.

<sup>43</sup> See: J. Pruszyński: *Przestępstwo miastobójstwa. Projekt konwencji międzynarodowej Association Internationale de Droit d’art*. (Geneva). “Ochrona Zabytków” 1996 No 1 p. 45-50.

In the report presented to the Council of Europe Sub-Commission for the Architectural and Artistic Heritage, describing the scale and range of destruction, and the resolution<sup>44</sup> passed in the result of this text, Serbian destruction of historical cities of Bosnia and Herzegovina, Croatia and Slovenia<sup>45</sup> were condemned, and called justly “a stroke into Europe”. It should be emphasized, that during conflicts in the post-Yugoslavian countries, secular and religious objects were destroyed, even if clearly marked according to the Hague Convention, and of none military value<sup>46</sup>. Wars in Afghanistan and Chechenia not only ruined these countries, but also became a beginning of terrorism. The Gulf War caused destruction of hundreds of archaeological sites with the resources of Akkadian written works, and the Iraq war ravaged museums with their monuments of culture of people living in this part of Asia, and the evidence of the very beginning of the European civilization.

Repeating conflicts force us to think if the Hague Convention instrumentation after 50 years of its formal application enables real and effective protection of material components of the cultural heritage. It is also worth remember words of Jean Monnet, one of the promoters of European integration: “If we would have to start again, we would have to start from the culture”.

Transl. MK

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<sup>44</sup> On February 22nd, 1993 No 808 (1993) – Documents ref. S; RES/808/93

<sup>45</sup> Vukovar, Osijek, Gospić, Trinije, Zadar, Karlovac, Dubrovnik

<sup>46</sup> The National Library in Sarajevo was destroyed, with the collection of 1,5 mln of volumes, 150 000 of manuscripts and incunabula, science heritage. In Mostar a cathedral church was destroyed, 3 mosques, all historical bridges, and most of monumental buildings – including Franciscan monastery were the most precious medieval archives were hidden.

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## **CIVIL – MILITARY COOPERATION IN THE FIELD OF CULTURAL HERITAGE PROTECTION – EXAMPLE OF THE PEACE AND STABILISATION MISSIONS**

The Convention on protection of cultural property in case of an armed conflict, together with its rules, and the Protocol on protection of cultural property in case of an armed conflict, signed in the Hague on May 14<sup>th</sup>, 1954 – i.e. 50 years ago – is significant for planning military operations. Recent establishment of the units aimed in civil-military cooperation in most of the NATO member states, as well as the world situation, facilitated systematization of the needs concerning definition of responsibilities for informing the supervisors about limits resulting from the Convention and its Protocols. NATO has published the CIMIC – AJP 09 doctrine, detailing the range of CIMIC responsibility. There is an important role of CIMIC experts (so-called functional specialists), who supply the CIMIC group, using their knowledge in functional areas (education, health, economy, law, etc.).

The *pacta sunt servanda* rule – requirement of realization of ratified international agreements/treaties – forced the armed forces to place these topics in military education, in particular for the people being prepared for working abroad. Implementation of the Convention and the Protocols has been discussed during this conference.

One of the most important problems in the process of defining CIMIC responsibilities is clear distinction of functions of legal advisor, commander, and CIMIC.

Legal advisor – specialist knowledge in international law; CIMIC – knowledge about present situation in the area of operation (CIMIC Center, TST). Both the subjects elaborate their own input in a commander's decision process concerning humanitarian issues.

Training in culture knowledge, law, geopolitics, is an integral part of general military education of the CIMIC officers.

Cultural property cannot be subject of *repraesalia*:

- revenge – in international relations: a state uses measures of peaceful pressure to another state violating its interests, like retortion (countercharge) and *repraesalia*,
- *repraesalia* (Latin) – in international law: a state, answering illegal activity of the other country, uses the same or similar measures, in fact also illegal, but – in this case – fair.

The range of protection and rules of its realization depend on the armed forces' status within the country.

CIMIC – organization of protection, CIMIC evaluation – location of sensitive, flammable points.

Necessity of cooperation and coordination of activity with HNS/ local authorities, UN and NGOs.

CIMIC key role – working outside gives better possibilities of gathering information and reactions.

Particular fields of CIMIC interest:

- general and/or special protection of cultural religious property,

- un-protected free-cities, basing on the mutual agreements, are excluded from military operations, alike demilitarized zones (but lower status),

- CIMIC – the role in defining unprotected cities, and determining demilitarized zones.

The last years showed what a soldier can meet while realization of his task in different regions. Of course, reali-

zation of military tasks require clear elaboration of the mandate, basing on which the armed forces realize their tasks abroad. In each case it is important to precise the tasks regarding protection of cultural property, the range of protection during a war and peace time, and explanation what – according to the Convention – is defined as cultural property.

In the years 1992-1993 the UNTAC mission in Cambodia, UNIFIL mission in Lebanon, still working, the UNMOT mission in Tajikistan, our soldiers' service on the Balkans, firstly with UNPROFOR, and then with the missions IFOR, SFOR, AFOR, and KFOR, as well as the stabilization mission in Iraq, enable the Polish soldiers contact with cultural properties, objects of a world heritage, what facilities significantly understanding of the needs of the Convention statements. During their mission, the forces met many cultural goods, and – realizing the Convention – they assured protection of these places, as well as accelerated their return to the public, and assured their “come back” on the list of places publicly open, through coordination of actions with civil administration, with special units (engineering).

Transl. MK

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## **LEGAL PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT IN THE REPUBLIC OF SLOVENIA**

Back in April 1956, the Federal Republic of Yugoslavia ratified the Convention on the Protection of Cultural Property in the Event of Armed Conflict (the Hague Convention).

The Natural and Cultural Heritage Act of 1981 incorporated certain requirements of the Hague Convention. These included a clear definition of cultural heritage and its protection, and also cultural and historic monuments, registering of cultural monuments, export permits for monuments, the obligation to provide professional organisation regarding heritage protection, to propose measures in the event of natural disasters, in armed conflicts and other extraordinary circumstances, popularising of heritage and its protection. This act also envisaged monetary fines in the event of exporting cultural heritage objects without an export permit, for owners who do not protect cultural monuments from the danger of natural forces, armed conflict or other natural effects, or who do not provide appropriate marking of a cultural monument.

In 1992 the Republic of Slovenia gave notice of its succession to the Hague Convention, the rules and protocol and other regulations in the area of protection of cultural heritage, and incorporated these documents into the legal system of the new state.



The Penal Code of 1994 and 1999 defines as criminal acts the illicit export or import of objects of special cultural or historical importance, the damaging or destruction of such objects, the destruction of cultural and historic monuments during armed conflict and the abuse of international signs. Special regulation is provided for damage or destruction of cultural heritage under special protection and for abuse of The Hague Convention emblem. Serious prison sentences are prescribed for such acts.

The Cultural Heritage Protection Act of 1999 introduces a system of protection and the public service of protection of cultural heritage, it extends and details the provisions on registration of cultural heritage, and lays down the more effective administrative protection of cultural monuments (special administrative decision for owners of monuments), and the compulsory marking of cultural monuments. Through the definition of monuments of national and local importance, the system of cultural heritage protection is brought closer to the protection of cultural monuments under general and special protection according to the Hague Convention, as implemented by the new Second Protocol to the Hague Convention of 1999. One of the tasks of the public service is to ensure incorporation of cultural heritage into the system of protection, in case of armed conflict and other disaster. The tasks of the public service in this area include planning and ensuring the protection of cultural heritage in the event of armed conflict and in natural and other disasters. Export of cultural property is restricted to temporary export. Specification is provided for records of sale and other transactions in heritage, and oversight of such business; in acquiring museum material, museums must verify its source. The law prohibits the use of monuments in certain ways or for specific purposes, if such use might threaten the existence or affect the integrity of the cultural monument; the same reasons apply in the prohibition on transplanting cultural monuments, as well as on archaeological excavation without the

permission of the minister. The law provides that in the adoption of legal documents in the area of spatial planning, expert plans for protection of cultural heritage must be drawn up and adhered to. These plans also contain an assessment of the threat to immovable cultural property in the event of natural disasters and other extraordinary circumstances (state of war etc). Special inspection oversight of implementation of the provisions of the law has been introduced for more effective protection.

The Republic of Slovenia (ministries of culture, defence, and foreign affairs) has thus far drafted two national reports on fulfilment of the Hague Convention in the Republic of Slovenia.

In the first report (1994) we described in what form the wording of the convention is accessible to professional circles and the general public. Peace time measures include the incorporation of the Hague Convention into the compulsory material for exams set by professional staff in the area of cultural heritage protection. We go on to report on the declaration of cultural monuments and the marking of monuments under general protection. Mention is made of the dilemma regarding the determining of a central refuge for movable cultural heritage. The section on military measures talks about familiarising members of the armed forces with protection of cultural heritage in armed conflicts, and also about including this subject in the curricula of military schools for officers. The report talks extensively about the distance between military objects and protected cultural monuments, which is a condition for the status of monuments under special (international) protection. It is anticipated that a special act will regulate the issue of special advisers in the Slovenian armed forces for the protection of cultural heritage in armed conflicts. These regulations will also govern such issues as: defining disciplinary breaches and penalties for violation of the provisions on protection of cultural heritage in armed conflicts, protection of cultural heritage in occupied territory and in armed conflicts that are not of

an international nature, and reciprocal provision of information by the Slovenian armed forces and the public service for protection of cultural heritage regarding marked cultural monuments.

In the second national report (1999), new military measures are set out, including adoption of the Rules of the service in the Slovenian armed forces, which regulate specifically certain obligations of armed forces personnel in the area of international humanitarian law, and in this context also the protection of cultural heritage in armed conflicts. Mention is made of the good practice whereby numerous former military facilities (guardhouses, barracks, YNA clubs) are being changed into cultural infrastructure buildings (cultural centres, libraries, museums and so forth). In the information on marking cultural monuments with the emblem of the Hague Convention, we disclose that the relative slowness is to a great extent the consequence of experiences in the last armed conflicts in Croatia and Bosnia, where special marking proved to be injurious, since in the conflicts the opposing side targeted attacks precisely on such marked structures. The state has not yet set up a national advisory committee for protecting cultural heritage.

In 1997 the Ministry of Defence published the book *Mednarodno vojno/humanitarno pravo* (International Military/Humanitarian Law), in which author Dr. Savin Jogan makes an in-depth analysis of activities within the framework of international military, Hague and Geneva law.

In 1997 the Ministry of Culture's Defence Plan was adopted, and this includes protection of cultural heritage in the event of armed conflict; this Plan is being continuously updated. The national plan of protection and rescue of cultural heritage in earthquakes was adopted in 1999, and 2000 saw the adoption of the plan of activities of the Ministry of Culture during floods, which relates primarily to protection and rescue of cultural heritage. The national plan of protection of cultural heritage in the event of fire is in the drafting stage.

Owing to the negative experiences in the battlegrounds of Bosnia and Croatia, the issue of a special refuge for movable cultural heritage remains for the moment unresolved. Rather than a single, central refuge, we favour the prudent use of appropriate underground floors in newly constructed buildings of cultural heritage protection institutions (museums, archives), owing chiefly to their dispersion and to the professional capacity of those employed there.

In October 2003 the Slovenian Parliament ratified Second Protocol. Republic of Slovenia is willing to take an active role in the conference and other activities after the Protocol enters into force.

Prof. Andrzej Koss

Institute of Conservation and Restoration of Works of Art  
Poland

## **THE INTERNATIONAL INSTITUTE OF CONSERVATION AND RESTORATION OF WORKS OF ART – BUILDING AN ANTICRISIS LOBBY FOR CULTURAL HERITAGE PRESERVATION**

The Institute of Conservation and Restoration of Works of Art (ICRWA) at the Academy of Arts in Warsaw was established by the Ministry of Culture Decision on December 1999.

Idea of integrated research and conservation works of many Polish scientists and graduates developed at the beginning of 1990ties. The impulse for establishment of the ICRWA was connected with horrible floods in 1997. Destructures and need of well-equipped centers of renovation and reconstruction resulted in the programs and new devices for the National Library, cooperating also with other centers. Aware of logistic and technical lacks, lack of conception of experts and students engagement in these works, obligated us to change the situation.

Previous integrating activities on three universities became a bridge for dissemination the idea of well-equipped, mobile laboratories, being in time of peace and no disasters, a research background for education in conservation, as well as for charged research and interventions realized for the governmental or local authorities' needs. Idea of such a background for Polish centers of education in con-

servation in Cracow, Warsaw, and Toruń, includes topographic values of location in south, central, and north parts of Poland, and is agreed with a law being developed, even if it is an innovation requiring new formal and legal activities. There are no city or national conservation workshops in Poland, except several museums. There are needs of standardisation of interdisciplinary conservation research and education. Without adequate background, realization of the program of cultural heritage protection is impossible. Pure legal acts and public service alone, without specialized personnel prepared for investigating, research and practice in the process of conservation and renovation of the works of art and monuments, do not create a fundament for proper protection of movable and immovable objects. Realization – based on these three education centers – of the mobile background so-called “conservation emergency”, with programs for peace and crisis time, seems to be adequate direction of development of a crisis service for protection of the cultural heritage.

Better understanding of the assumptions and the Polish specifics requires the knowledge of circumstances resulting from the educational program of education in conservation on the higher education level realized after the World War II, being a world phenomenon for several decades. This mature system of education of conservators resulted from the demand of rebuilt the state after the war destruction, and – together with the State Historical Monuments’ Conservation Ltd. – developed the good name of “the Polish school of conservation”. Conservation studies at the three universities made an exclusive education based on tradition and methodology classifying this discipline as both art and science. Artistic education is extremely important element of these studies, as enabling understanding of the whole array of conservation and renovation problems. Contemporary conservation profession confirms the need of educating conservators – artists. Research activities link the works of art and monuments in a huge, inter-

disciplinary field of knowledge, required for analysis of history and state of an object, research and realization of conservatory tasks. In fact the whole conservation process obligates us to further research and science reflection, and poses an ethical obligations. These needs in modern development of science are impossible for answering without professional, specialist background. Technological development influences and accelerates development of techniques and methods of research. It shapes international integration regarding rational research activities and common projects. Great financial needs for these projects, concerning research background, were a significant barrier, limiting the possibilities of effective works.

Our inter-university Institute in its more than three years history has confirmed, that idea of establishing such a unit at the Academy of Arts in Warsaw and Cracow, based on a cooperation with the Technical Military Academy, Nicholas Copernicus University in Toruń, AGH University of Science and Technology in Cracow, gives effects unattainable so far. Conservation realized in the highest class' objects engages research staff and graduates of conservation studies. Profits from these works and studies help us with re-equipment of academy units, and enable – thanks to a broad cooperation – conduction of the research projects in a proper scale.

Among the most important achievements of the Institute we shall list the works within the 3-year international grant of the Committee of Science Research concerning implementation of laser technologies in conservation (EUREKA E!2542), purchase of the laser Nd (YAG) used for such a preciousness objects like: Pantocrator's sculpture (12<sup>th</sup> century), and other objects from the Metropolitan Colegiate Church in Tum nearby Łęczyca, Saint Vlach's sculpture (ca. 1450) from the City Museum in Dubrownik, Henryk Lubomirski's sculpture (1787, by A. Canova) from the Museum in Łańcut, and renaissance interior and portals of the Sigismund Chapel in the Wawel Royal Castle, Cra-

cow. Laser technology enables removal of secondary layers with the precision unattainable in previous conservation practice. Works in the Sigismund Chapel were the first and one of the biggest in the world conservation realizations with laser application.

The Institute realizes also works of very complex research and conservation problems. As the examples I can list: complex conservation of sculpting interior and portal of the Sigismund Chapel at the Wawel Royal Castle, Cracow, Conservation of the Roman paintings and portal in the metropolitan collegiate church in Tum, and the Wilanów Palace, where – since August 2003 – broad works on re-baroquisation of the exterior, and the terraces' retaining wall have been realized. Common works of Warsaw and Cracow conservators were elaboration and implementation of the innovative program of conservation and renovation of the Gothic Upper Gate in Olsztyn. Other difficult tasks were: discovery and conservation of the Roman paintings in Saint Andrew church in Cracow, and conservation of Roman relicts in the basement of collegiate church in Wiślica, as well as conservation of the wooden church in Dębno Podhalańskie. Also works in many other objects were realized, not that complicated.

We are being prepared research projects within international grants, enlarging application of a new type laser to varnishes' removal, as well as lasers' application to removal of layers from paper, parchment, and tapestries. Extremely important for protection of the cultural heritage is – prepared in cooperation with the National Library and other units – international grant concerning marking unique works of art and monuments with micro-implants. The Institute's tasks are realized also abroad. We realized training for the priests in Baranowicze (Belarus), concerning protection of monuments, we realized conservation of a cemetery chapel and a gravestone of prince Mikołaj "Sierotka" Radziwiłł in Nieśwież, we prepared an inventory of damages and program of conservation of the church in



Mściśław (Belarus). Within the “Polish season in France” in the years 2004 and 2005 we co-organize two-months practice in the Notre Dame de Bonsecours church in Nancy for 10 students from Polish universities. The Institute is open for any initiative and cooperation within research and conservation works aimed in preservation and protection of national and world cultural heritage.

Establishment of mobile laboratories, by three education centers, coordinated by the ICRWA, supporting works of emergency services of conservators and local authorities, is a rational activity resulting from the awareness of contemporary threats, wars, terrorism, disasters. It is a proposal of usage of research and education potential through building a qualified research background, participation in shaping awareness and education for the benefit of cultural heritage protection.

Aware of realizing this idea, a long-term process, we start partial works closing realization of our plans. I think that Polish range of needs, based on tradition and the name of the “Polish school of conservation”, may have broader aspect, in European programs of standardisation of research, and establishment of mobile anti-crisis background, grouping research and educational units, with governmental support.

Transl. MK

Aneta DUMIŃSKA–NIEMCZYK

Chief Specialist Office of the Capital City Conservator General  
for Historical Monuments

Polska

## DEMONSTRATIONS OF THE ANTI- GLOBALISTS IN WARSAW – AN ATYPICAL THREAT TO HISTORICAL MONUMENTS

Surely everyone who is familiar with the subject of historical monument protection has wondered what threat a demonstration can hold for national heritage. The case discussed here that of the anti-globalist demonstrations during the European Economic Forum summit meeting that took place in Warsaw on April 28–30, 2004.

It is not possible to rank this form of protest among such phenomena as crime, terrorism, or vandalism. It is not a form of social pathology directed against cultural assets. Damage occurring during demonstrations is rarely the result of the conscious efforts of people.

During the preparations for the summit, we never assumed *a priori* that the demonstrators will come to Warsaw to destroy Polish cultural achievements. This premise is particularly true for the Polish citizens who know from experience or historical references just how great were the losses of Warsaw in the wake of the 2nd World War. Moreover, it cannot be assumed that the citizens of other countries will be guided by intolerance for our national heritage. Thus, losses incurred during demonstrations are often random acts caused by the unconscious and improper operations of services responsible for order as well as by “chance demon-

strators.” The latter concept encompasses the type of human personality that is not interested in the objectives or intentions of the protest, but only in a desire to demonstrate personal physical strength.

In spite of the promises of protesters’ representatives regarding the peaceful nature of the demonstrations, the Capital City Conservator General for Historical Monuments, bearing in mind recent events in Prague as well as pursuant to Articles 38 and 50 of the Act on the Protection of Historical Monuments and Care Over Historical Monuments, undertook necessary preparatory actions aimed at securing historical monuments against possible threats.

Representatives of the Office of the Capital City Conservator General took part in the briefings of services readying Warsaw for the European Economic Forum as established by the Mayor of the Capital City of Warsaw. Letters were prepared to owners and users of historical monuments requiring them to take action aimed at safeguarding the building elevations against possible damage and destruction, as well as securing building ground floor windows and any shop windows. Keeping in mind the peaceful character of the demonstrations as well as honoured guests coming to Warsaw, attention was paid to make sure the look of the elevations was aesthetically pleasing and free of unsightly graffiti. An appeal was made for the removal of unattractive posters, bills, and banners.

We debated the idea of securing monuments and statues on the route of the demonstrators’ march. We sought the advice of stone and metal conservators regarding options for protections: Should they be left uncovered or boxed in a crate? Many conservators agreed with the view that crates intended to secure the monument might stir unnecessary aggression on the part of the protestors, while the material used to build them could serve as tools in their subsequent devastation. Attention was also rightly called to the fact that the brutal disassembly of such safeguards could itself damage the historical objects. By way of con-

sensus, it was decided that select statues (including those in the Saxon Garden and the Mermaid of the Old Town Market Square) would be secured by having them moved and stored in safe places, while others were to be surrounded by barriers with the hope that people will respect tradition, holy patrons, poet laureates, etc.

Two days prior to as well as throughout the planned summit the representatives of the Office of the Capital City Conservator General checked and documented the effects of the safeguards. What was observed during the visits was large-scale activity on the part of the owners of historical monuments who removed outdoor panels and signs and surrounded their buildings with netting protecting elevations. The withdrawal of merchandise from stores on the demonstrators' path was not unusual; it fully followed the old adage: "What the eyes don't see, the heart will not crave."

All the Office staff members declared their willingness to work during the peak days to be available for immediate delegating in the event of sudden threats or damage to historical monuments to ensure proper management on the site as well as to issue decisions regarding the securing of the historical monument.

As is universally known, the Warsaw demonstration took place in a peaceful atmosphere. No significant incidents were noted. Small quantities of graffiti made their appearance on the elevations of buildings along the marchers' route. However, it must not be forgotten that for conservators of historical monuments such a demonstration is a successive serious threat. Other mass events are of similar character. Worth mentioning are the occurrences that took place in the public greens surrounding Cracow's Old Town during the demonstrations of sexual minorities, the disturbances during the Juvenalia youth festival in Łódź, and the infractions of pseudo-fans in many cities in Poland, which all resulted in serious consequences. Such dissatisfaction manifested through aggression is linked with extreme danger that is by no means restricted only to people.

No joint program has as yet been developed to safeguard against such incidents. An analysis should be conducted of possible actions in terms of conservation in connection with this specific type of threat. We should develop a plan for collaboration among organizations active on various levels in such fields as culture, civil defence, and security, and develop the technical potential for preventing threats. Most importantly, however, we must consider the possibility of shaping public awareness in the realm of the need to protect cultural heritage.

Hanna JODEŁKA, Michał KRASUCKI  
Students' Discussion Forum  
Poland

## STUDENTS' INITIATIVES FOR THE POPULARISATION OF THE IDEA OF CULTURAL PROPERTY PROTECTION

We are honored to present the activity of the Students' Discussion Forum (SDF) "Modern Protection of Cultural Property".

In particular we would like to thank the organizers, and Col. Krzysztof Sałaciński, who has been supporting our project from its beginnings, either as a speaker or a man, for whom dissemination of this idea is extremely important.

The idea of Forum emerged in 2002, because of today's 50<sup>th</sup> anniversary of the Hague Convention on the protection of cultural property in case of an armed conflict. The Forum was created via joining the International Law Team *Ius Gentium*, chaired by Ms dr Elżbieta Mikos-Skuza, from the Law and Administration Faculty, University of Warsaw, and the Students' Club at the Protection of Monuments' Society. At present it embraces students of different faculties, like: the Law and Administration Faculty, the Institute of History of Art, the Institute of Oriental Studies, the Polish Language Faculty, the Academy of Arts, the Institute of Sociology, etc.

The SDF's main goal is to create a forum of exchanging opinions and ideas concerning protection of cultural property, belonging to "future" lawyers, and representatives of culture and art. We all realize, that fundament of effective system of cultural property protection is – first of all – shaping a conviction about the necessity of such actions.

During this conference there were no speaker who has not underlined the necessity of dissemination of knowled-

ge about protection of our common heritage. The postulate included in the declaration accepted yesterday, postulate of including this idea into curricula of college or university education, is for sure important, even if it could not be implemented in this form. But it can be carried out via commonly accessible trainings, meetings, and conferences, which – according to our experiences – are very popular in an academic environment.

We would like to emphasize here particular role of the universities and academic centers as places of education and dissemination of a humanistic thought, in which the idea of protection of common human heritage is rooted. University creates such an area of agreement, thank to which in discussions concerning heritage we can go beyond a narrow group of experts, and popularize it just among the students. In this moment we would like to thank all our speakers – most of them are present here today, and they really understand our projects.

The SDF activity is two-dimensional. The first cycle of conferences aims in finding an answer to a question: how to protect our cultural heritage? It is divided into legal, social and economic aspects. This cycle, as well as the SDF activity, were inaugurated on April 5<sup>th</sup>, 2003 by the conference “Protection of cultural property in international and Polish law”, with the patronage of the Ministry of Culture and the Law and Administration Faculty Dean. Good law may be more than anything else an effective measure of protection of symbols and evidence of our heritage. The questions after closing the conference started interesting and vital discussion.

Not only armed conflicts make a real danger for the cultural property existence. Threats of a peace time, like: natural disasters, smuggling or robbery of the works of art, and common, almost invisible destruction of monuments by time and lack of finances for their renovation or conservation, cause that protection of cultural property shall be discussed in the broader, social context.

So we invited social leaders and experts in this field for the next conference, which took place on February 29<sup>th</sup>,

2004, in the Museum of Archeology in Warsaw, and was titled "Protection of cultural property in non-governmental organisations' activity". These organisations gather the most competent experts, however, their role is not evaluated properly.

The third and last conference of this cycle, concerning the most difficult question of funding for protection of the cultural property, is planned for November 2004.

Another cycle of conferences was developed to disseminate the knowledge about what shall be protected first. Which cultures may vanish until tomorrow? How the law can help in saving disappearing cultural heritage of the humanity? The speakers invited to the conference "Cultures vanished tomorrow", concerning different aspects of protection of cultural heritage of Tibet, Iraq, and Afghanistan, tried to answer these questions. Its motto was the cite from Confucius' dialogues: *To reign – is to be perfect*. This statement was a starting point for the discussion concerning relations between the cultural property status and political situations in these countries. All the presentations were illustrated with amazingly interesting slides.

This cycle was very accepted by the students, this topics were also discussed during meetings with Ms Scholastyka Śniegowska, Secretary General of the Polish Red Cross, titled "Iran after an earthquake: practice of humanitarian aid". There is also planned a number of meetings concerning other cultures from all over the world, with particular emphasis put on situation in Poland.

What is the direction of a modern culture development? What can we do to enable a contemporary man to come back permanently to his roots, and find testimonies of his identity? The SDF activity is for sure just a mere drop in a bucket, but if we try to imagine that similar groups of young people will be established or are working in other countries, maybe it will let us to face the future of our common world heritage with better hope.

Thank you very much for your attention and the possibility of presenting our experiences. It was a great honor for us.

Transl. MK



dr Władysław STĘPNIAK  
Deputy Director of the State Archives  
Poland

### *Commentary to presentations*

I would like to share with you my reflections concerning today's sessions. The first – I am impressed by the speech of prof. J. Pruszyński. As a distinguished expert among Polish lawyers in legal protection of cultural property, he uses a so-called intellectual provocation to move our attention to an enormous significance of the problems we are discussing. Showing an absurd of a few of his thesis or evaluations, he moved our attention to unreliability of hitherto legal and practical solutions concerning cultural property. This speech results in a “brainstorming” and vivid discussion. I feel obliged to react on this provocation.

Yes, it is truth, that – regarding the importance of the protection of cultural heritage of humanity – hitherto protective measures have usually failed. In particular experiences of the World War II, and Polish experiences, can be example of this. However, we shall also notice in these example positive aspects of an awareness' increase and practical activities. The audience accepted with an applause Lord McIntosh's information about the Great Britain's decision concerning the Hague Convention ratification.

This proves the very complex situation of a cultural property protection, in the British case, mostly in restitution matters, which were presented by prof. Wojciech Kowalski. We also heard interesting presentation proving, that nevertheless protection of cultural property is possible.

Once I had a honour to represent the Council of Europe in a special mission aimed in evaluation of the effects of conflict in Kosovo, and its influence on the preservation of that unique cultural heritage. I think that without this protection a unique religious complex in Patrož would no longer exist. There are many places all over the world like those we seen on slides, rounded by weapons. An optimistic conclusion is, that even banal problems are still existing. Questions of military necessity in regard to protection of cultural property are still important and complex. But progress is something irreversible.

There is another thesis of prof. Pruszyński requiring reaction. I do not know if it is also an intellectual provocation or a stabile system of his opinions. I mean – the concept being a fundament of the Hague Convention, a starting point for legal and practical organization of protection of cultural property in an universal scale. As he said – is this heritage really wonderful, if it includes both victims' and offenders' works? I think there is no real inconsistency in this situation. It often happens that a victim becomes an aggressor, and vice versa. History and civilization development gives us many example of that. Coming back to the simple concept of cultural property, I think it is important to divide existing opinions, because – in general – we have two groups of opinions in this subject.

The first is the UNESCO concept, being a starting point for the Hague Convention, and developed also in many other legal acts, declarations and recommendations.

The other is the concept of common cultural heritage, represented by European institutions, mainly the Council of Europe. If regarding the European institutions the concept of common heritage is directed into looking for something called ideology of European integration, what may be controversial in political and ideological meaning. The UNESCO concept can assure a chance of survival even in case of sharp armed conflicts. An extremely positive feature of our

session is putting in the same area threats for a cultural heritage of a war and peace time. These of peace time may today be more risky than just the wars. There were many examples of that, and there is growing awareness in Europe of organizing competence and support centers. This is something we try to realize in regard to archives within the European Commission. Also Ms Daria Nałęcz, Director General of the State Archives in Poland, talked about it on the first day of our conference. I think it is also a good example for our museum specialists and librarians. We have many in common, either in legal or practical aspects.

Thank you very much.

Transl. MK

# CONFERENCE CLOSING

Michał JAGIELŁO,

Director of the National Library, Warsaw,  
Poland

Mr Chairman, Ladies and Gentlemen,

Thank you very much for your willing to be just here, in the Polish National Library, and discuss these important challenges we – people – face! We are shaped by evolution and culture in such a way, that all the time we have to hold back our human aggression. Maybe this is the essence of humanity: a skill of holding aggression, caring the virtue of dialogue, agreement, cooperation, and partnership with individuals and societies. This is what we strive for in the Polish National Library.

Partner relation with “the other” is one of the most important feature of democratic, pluralistic, and civil society. Realisation of an own identity, with the permanent effort of understanding the one coming from another culture, belonging to other nation, living in other country, is a measure of individuals’ and societies’ maturity. Let’s say, that I look at my picture of “the other”.

Thus we look at our neighbours in the National Library, as it is indispensable for all of us, the Poles. *Our neighbours – a new look*: this is the motto of our talking about Polish perceiving the neighbours. This look is “new”, because now we can talk freely, without a geopolitics pressure, without “a muzzle” of an official, state censorship. We have been organizing exhibitions of books, articles, maps, and illustrations showing the Polish picture of “neighbours” during ages, stressing in particular written heritage after political transmission. Without hiding difficult, even painful matters, we are searching for what join us, what is common for us.

We have organized 6 such exhibitions so far:

– *In a Lithuanian mirror*, by Jan Malicki and Danuta Bilikiewicz-Blanc, with a honorary patronage of Jan Król, the Parliament's Vice-Speaker,

– *Ukraine – Poland: on the way to dialogue*, by Hanna Łaskarzewska, with a honorary patronage of Jerzy Giedroyc,

– *Belarus – “Good-rus”*, by Anna Żurowska and Magdalena Korycka, with a honorary patronage of Tadeusz Konwicki,

– *Baltic neighbourhood*, by Bogusława Sochańska and Danuta Bilikiewicz-Blanc, with a honorary patronage of Maciej Płażyński, the Parliament's Speaker; this presentation co-organized with the Danish Institute of Culture in Poland, showed our relations with Denmark, Finland, Island, Norway, and Sweden,

– *Slovakia: known or unknown?*, by Mirosława Zygmunt, co-organized with the Embassy of Slovakia, and the Slovakian Institute in Warsaw, with a honorary patronage of Andrzej Celiński and Milan Kôažko, Ministers of Culture of both states,

– *Between rejection and fascination. Poland – Russia: history of cultural contacts*, by Ewa Barteczko and Anna Szczęsnowicz, co-organized with the Center of International Culture Cooperation “Adam Mickiewicz Institute”, with a honorary patronage of Włodzimierz Cimoszewicz, Minister for Foreign Affairs. This exhibition (in shorter version) was presented in the A. S. Puszkina Museum in Moscow, in the Russian National Library in Sankt Petersburg, and in Novogorod.

Also an exhibition concerning our perceiving the Czech and the Germans is being prepared. We think about exhibitions presenting Polish writing about Estonia and Latvia, about the Poles perceiving the Jews, as well as about national issues, in particular local ethnic minorities in Poland.

I do believe that a wise talk, a dialogue and partner attitude can help to perceive cultural property, wherever they were developed and wherever they are, as our common heritage. And heritage requires protection.

Ladies and Gentlemen, let me and my deputy Colonel Dr Stefan Miedziński thank three persons who visited our conference. They are: Kathryn Zedde from Canada, prof. Patrick Boylan from Great Britain, and Davorin Kerekovič from Croatia. Please, take this publication *Nad złoto droższe*, presenting 105 the most precious objects possessed by the National Library. This is a representation of the Polish, European, and world culture. We will be grateful if you accept this symbolic gift.

Col. Krzysztof SAŁACIŃSKI  
Department of Defence Matters, Ministry of Culture  
Poland

Today is the third day of our work, active participation in the sessions, and getting acquainted with our cultural heritage in Poland. I am convinced, that regardless the program proposed by the organizers is more or less perfect, important is always that we have met together, got acquainted, we have been talking, exchanging experiences, making relations. I hope that this meeting is not our last. Though I would like to thank all of you very much for your participation.

Thank you for accepting our invitation, in particular those who came from abroad. I would like to thank all the speakers here in the National Library and the Royal Castle. Thank you, prof. Patrick Boylan, for your engagement in preparation of our final declaration. I also have learned a lot, being responsible for organization and contents of this conference.

Main topic presented in the speeches was: what else can we do for the protection of cultural heritage against threats of the peace or war time. It requires people mobilization and building their awareness of existing threats. Unfortunately, we forget failures fast, but we remember about the successes for a long time. I am really glad, that the 50<sup>th</sup> anniversary of the Hague Convention on the protection of cultural property in case of an armed conflict is celebrated in Poland, in its specific places: the National Library, and the Royal Castle in Warsaw – places significant for the national culture, and so horribly experienced during the World War II. I also enjoy the declaration of Lord McIntosh, the Minister of Media and Heritage of the United Kingdom, concerning the decision of ratifying the Convention. I am also glad, that the conference was so actively accepted by research community from many countries. The more satisfied I am, that proposing this initiative at the international conference concerning humanitarian law in Cracow in 2002, we planned to organize a regional rather than global meeting.

Finally, let me thank all these people, who help organizing our meeting, in particular the co-organizers: the Ministry of Foreign Affairs, the Ministry of Defence, the Polish Committee of

UNESCO, the Head Office of the State Archives, the State Fire Brigade Command, The Poznań School of Social Sciences, the Warsaw Municipal Office, and the Association of Polish Librarians, for financial and material support. I would like to thank director Michał Jagiełło and director Stefan Miedziński for their hospitality and help, and prof. Andrzej Rottermund, director of the Royal Castle in Warsaw, for hosting us in this special place of our national culture. Thank all the institutions preparing exhibitions accompanying our sessions.

Ladies and Gentlemen, let me thank in particular my colleagues and co-organizers: col. Dariusz Drewniacki, and col. Krzysztof Kaliński, for their organisational effort and meritorious support.

I also want to thank all those not mentioned above, working in conference secretariat and service. Thank the interpreters for their help.

Ladies and Gentlemen, I am honored to close the conference "Cultural heritage in the face of threats in war and peace time".

Transl. MK

# DOCUMENTS



Waldemar DĄBROWSKI  
Minister of Culture

Mr Koachiro MATSUURA  
UN Director General for Education,  
Science and Culture

Dear Sir,

I would like to express my acknowledgements for your patronage of the international conference *Cultural Heritage in the Face of Threats in War and Peace Time*, which took place in Warsaw, May 13-15<sup>th</sup>, 2004, at the 50<sup>th</sup> anniversary of the Hague Convention of May 14<sup>th</sup>, 1954, for the Protection of Cultural Property in the Event of Armed Conflict.

After closing this fruitful discussion forum, I have an honour to present the report and the final declaration of its participants.

Your sincerely,

/-/ Waldemar Dąbrowski



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**The Assistant Director-General for Culture**

CLT/CH/01/7 1/20/192

23 July 2004

Sir,

I wish to acknowledge, with thanks, receipt of your letter of 18 June 2004 addressed to the Director General providing him with a copy of the report and the declaration of the International Conference "Cultural Heritage in the Face of Threats in War and Peace Time" (Warsaw, 13-15 May 2004).

Both documents are significant and may constitute elements of our information campaign on the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.

May I take this opportunity to thank the Polish authorities for their important contribution to the celebration of the 50<sup>th</sup> anniversary of the Hague Convention.

Please accept, Sir, the assurances of my highest consideration.

Mounir Bouchenaki

H. E. Mr Waldemar Dąbrowski  
Minister of Culture  
Ministry of Culture  
15/17 Krakowskie Przedmieście 00-071  
Warsaw  
Poland

## REPORT

**on the international conference  
“Cultural Heritage in the Face of Threats  
in War and Peace Time”,  
organised under the patronage of the  
UNESCO Director General,  
on the 50<sup>th</sup> anniversary of the signing of the Conven-  
tion of 14 May 1954  
for the Protection of Cultural Property in the Event  
of Armed Conflict  
(Warsaw, 13 - 15 May 2004)**

The numerous threats posed by the contemporary world, especially natural and civilisational disasters, organised crime and armed conflicts inflict damage on mankind's cultural heritage. The authorities of the Republic of Poland, its public services and non-government organisations attach great importance to contacts and exchange of experiences with other countries in order to integrate international efforts to protect cultural assets.

It was in that general spirit that an International Conference “Cultural Heritage in the Face of Threats in War and Peace Time” was held in Warsaw on 13-15 May 2004. It was organised under the patronage of UNESCO's Director General on the 50<sup>th</sup> anniversary of the signing of the Convention of 14 May 1954 for the Protection of Cultural Property in the Event of Armed Conflict. More than 200 representatives from 20 countries of Europe and North America took part, including representatives of international organisations devoted to the protection of cultural heritage.

The conference was organised at the initiative of the Polish Ministry of Culture in co-operation with the Ministry of National Defence, the Ministry of Foreign Affairs, the Mayor of the Capital City of Warsaw, the Polish UNESCO Committee, the Supreme Board of Poland's State Archives, the Headquarters of the State Fire Service, the National Library in Warsaw, War-

saw's Royal Castle, the Higher School of Social Skills in Poznań and the Polish Librarians' Association.

The host of the conference, representing the Ministry of Culture, was Under-Secretary of State **Ryszard Mikliński**, Conservator General of Monuments. The Ministry of National defence was represented by Under-Secretary of State **Maciej Górski**, and the Ministry of Foreign Affairs by Under-Secretary of State **Bogusław Zaleski**.

The purpose of the conference was first and foremost to commemorate the anniversary of the Hague Convention and use the occasion to help shape public awareness of cultural-heritage protection in times of war and peace. Particular prominence was given to a presentation of the legal and organisational solutions in the area of cultural-heritage protection in selected countries. Attention was called to such phenomena as terrorism and cultural conflicts as new types of dangers to the realm of mankind's cultural heritage. The conference organisers' aim was also for the deliberations to become a platform for exchanging experiences in international, regional and local co-operation vis-à-vis contemporary threats to cultural heritage.

The distinguished foreign guests taking part in the Conference included: Mr **Guido Carducci** - UNESCO Representative of Director General, Chief of International Standards Section (Division of Cultural Heritage), Professor **Patrick Boylan** - ICOM representative, Lord **Andrew McIntosh** - British Minister for Media and Heritage, Mr **Zdeněk Novák** - the Czech Republic's First Deputy Minister of Culture, Dr **Nicholas P. Stanley-Price** - ICCROM Director General, Mr **Patrick Zahnd** - Head of the Regional Delegation of International Committee of the Red Cross for Central Europe, Dr **Gerhard Sladek** - UNESCO expert, Austria, Ms **Kathryn Zedde** - Department of Canadian Heritage, Canada, Mr **Hans Schüpbach**, Federal Office of Civic Defence, Switzerland, and Col. **Giovanni Pastore**, deputy chief of Carabinieri Headquarters, Italy.

Poland's scholarly and cultural communities as well as cultural-heritage-protection circles were represented by more than 120 participants. They included Dr **Daria Nałęcz** — Chief Director of State Archives, Prof. **Andrzej Rottermund** — director of Warsaw's Royal Castle, Prof. **Maciej B. Pawlicki** and Prof. **Jan Pruszyński** of the Institute of Legal Sciences of Polish Academy of

Sciences, Prof. **Andrzej Koss** – Inter-University Institute of Art Conservation and Restoration, Mr **Michał Jagiełło** – director of the National Library in Warsaw, Chief Brigadier **Piotr Buk**, deputy Commander of State Fire Service Headquarters.

During the three-day Conference five sessions were held, at which 19 papers and 8 communiqués were presented. Panel discussions centred round two main problems:

- **Armed and cultural conflicts and terrorism — new challenges in defence of cultural heritage;**
- **International, regional and local initiatives to protect endangered cultural heritage.**

A paper entitled “Protection of Cultural Heritage in the event of Armed Conflict from the Perspective of 50 Years of the Functioning of the Hague convention”, presented by representative of UNESCO Director General, Mr Guido Carducci, inaugurated the Conference’s plenary deliberations, held in the lecture theatre of the National Library in Warsaw.

The main papers presented as part of the first problem panel raised the following issues: “Protection of Cultural Heritage in the Event of Particular Threats” (Canada) and “The Cultural Heritage Protection Tasks Being Implemented by Poland in Iraq as part of its Stabilisation Mission” (Poland).

The following basic issues were presented by the second panel: “The Role of Non-government Organisations in the Protection of Cultural Heritage” (Austria), “The Implementation of Civilian Resources Stemming from Article 8 of the Second Protocol to 1954 Hague Convention” (Switzerland) and “War - International Law - Cultural Assets – Heritage” (Poland).

On the 50<sup>th</sup> anniversary of the signing of the Convention to protect cultural assets in the event of armed conflict, a commemorative session was held on 14 May at Warsaw’s Royal Castle. It was devoted to observances of the occasion as well as historical and contemporary aspects of the international functioning of the Convention’s provisions.

In his address inaugurating the session, Deputy Minister of Culture and General Monument Conservator, Mr Ryszard Mikliński, emphasised that the observances of the Hague convention’s 50<sup>th</sup> anniversary are an occasion to once again focus the attention of the international community on the significance of protecting cultural heritage.

UNESCO representative Prof. Patrick Boylan presented a paper leading up to the discussion on “The Significance of the 1954 Hague Convention and its Second Protocol for the Protection of Monuments in the Event of Armed Conflict”.

Accompanying the Conference were exhibitions set up by the National Library in Warsaw and the Head Office of State Archives to illustrate the themes dealt with at the sessions. The participants viewed the exhibitions “War, the Biggest Threat to Cultural Assets – Poland 1939-1945”, “Conservation of Flood-damaged Library Collections – Poland 1997” and “Lost Memory – destroyed collections of Polish Archives”.

The deliberations of the International Conference concluded with the adoption of a Final Communiqué (text enclosed) presenting the agreed position of participants on contemporary threats to mankind’s cultural heritage.

## DECLARATION

### of the participants of the international conference “Cultural Heritage in the Face of Threats in War and Peace Time” (Warsaw, 13-15 May 2004)

In order to commemorate the 50th anniversary of the Hague Convention of 1954 on the Protection of Cultural Property in the Event of Armed Conflict, at the initiative of the Republic of Poland and under the patronage of UNESCO's Director General, an international conference devoted to wartime and peacetime threats to cultural heritage was held on 13-15 May 2004 at Warsaw's National Library and Royal Castle. The conference was organised by Poland's Ministry of Culture in co-operation with the Ministry of Foreign Affairs, the Ministry of National Defence, the Head Office of State Archives, the Commander of the State Fire Brigade, the Polish UNESCO Committee, the City of Warsaw, Poznań School of Social Skills, and Polish cultural institutions. Attending the conference were 180 participants representing the following states: Austria, Canada, Croatia, Cyprus, Czech Republic, Estonia, Finland, Hungary, Italy, Latvia, Lebanon, Lithuania, Macedonia, Slovakia, Slovenia, Sweden, Switzerland, United Kingdom and Poland, and representatives of international organisations including UNESCO, NATO, the European Union, the International Committee of the Red Cross, ICCROM, ICOMOS and ICOM.

Conference participants represented various interests involved in the broadly conceived preservation of historic monuments, sites, museums, libraries and archives, including the State administrations, the military, police, civil defence, fire brigade and cultural institutions. The main purpose of the conference was to draw international public attention to the growing threats to cultural heritage posed by armed conflicts as well as crisis situations arising in peacetime.

Recent events have shown how important it is to ensure the protection of historic buildings, monuments and cultural institutions in the event of armed conflict. The growing number of religious and ethnic conflicts has confirmed that not only the civilian population but also cultural assets come under attack. Their intentional destruction poses a threat to human rights, since a lack of respect for a nation's culture is tantamount to disrespect for their dignity and constitutes a threat to their identity, as heritage shall be considered an element of national identity.

**Participants in the international conference organised to mark the 50<sup>th</sup> anniversary of the Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict, adopted on 14<sup>th</sup> May 1954, which represented an important landmark in the development of International Humanitarian Law:**

Expressing serious concern over the growing number of deliberate destructive attacks on cultural heritage,

Invoking the Convention's principles and UNESCO's Recommendations and Declarations on the preservation of the cultural heritage,

Mindful of the fact that cultural heritage is an important component of the cultural identity of societies, groups and individuals, and its intentional destruction produces deleterious consequences for human dignity and human rights and poses a threat to identity,

Invoking one of the fundamental principles contained in the Preamble to the 1954 Hague Convention that 'the damage inflicted to the cultural assets of whatever nation causes harm to the cultural heritage of all mankind, since every nation has had a part in shaping world culture',  
hereby adopt the following Declaration:

## **I. Acknowledgement of the great significance of the cultural heritage**

Conference participants acknowledge the fundamental significance of protecting the cultural heritage and reaffirm the necessity of states adopting commitments to combat and prevent all manifestations of destroying cultural heritage, especially under conditions of armed conflicts and crises.



## **II. International co-operation to protect cultural heritage**

The participants recognise the necessity of mutual co-operation among states and with UNESCO as well as other international organisations in order to protect cultural property of all kinds from the consequences of armed conflicts and crisis situations in peacetime, in particular by:

- the transfer and sharing information on potential threats to monuments.
- extending mutual assistance in the event of threats,
- providing states with training and educational assistance in the protection of cultural heritage,
- encouraging cooperation and exchanges of expertise and techniques in protection and restoration projects, including developing databases of experts and special technologies and equipment.

Conference participants note that the 1999 Second Protocol to the Hague Convention, now in force, give official recognition to the non-governmental International Committee of the Blue Shield (ICBS): they hold the current and planned future activities of the ICBS in high esteem for its implementation of the 'Blue Shield' programme and urges the Blue Shield NGOs in countries which do not yet have a national Blue Shield Committee to develop one.

## **III. Propagation of cultural heritage -preservation issues**

Education, training and planning for the protection of cultural property of all kinds in the event of armed conflicts or other crisis situations, such as natural or civil disasters, are regarded as the fundamental tasks for building an effective system of preserving cultural assets. It is necessary to promote both professional and governmental knowledge of the importance of protecting and respecting cultural property.

The Conference noted particularly that the Second Protocol calls on all States Parties to: "endeavour by appropriate means, and in particular by education and information programmes, to strengthen appreciation and respect for cultural property by their entire population" and considers this a high priority for all States.

In order to exchange experiences in the application of international law to the protection of monuments, the participants have with satisfaction adopted an initiative:

– to have the Government of the Republic of Poland, in cooperation with the UNESCO Director General, organise in 2008 a meeting of experts on implementation of the Rules of protection and implementation specified in the Second Protocol.

– to organise in Kraków in 2006 an international scholarly symposium on the promotion of international humanitarian law with particular emphasis on the protection of cultural property in the event of armed conflict.

#### **IV. Strengthening measures to protect cultural heritage**

The more effective protection of cultural property necessitates efforts:

– urging States to join the Second Protocol of the 1954 Hague Convention (and the original Hague Convention and First Protocol of 1954 if they have not already done so),

– to have States implement the necessary precautions against the effects of hostilities in accordance with Article 8 of Second Protocol,

– to implement legal measures arising out of international commitments, including judicial ones pertaining to the prosecution of crimes against cultural property,

In order to improve effective reactions to threats to cultural property of all kinds, the participants appeal for the creation of a data base on specialists (experts) in the rescue and restoration of monuments, sites, museums, libraries archives and their collections.

This declaration was adopted by the participants on this 14<sup>th</sup> day of May AD 2004 in Warsaw.



### FOREIGN PARTICIPANTS

SN	COUNTRY /ORGANIZATION	NAME	INSTITUTION	REMARKS
1	ICCROM	Dr Nicholas P. Stanley-Price	The International Centre for the Study of the Preservation and Restoration of Cultural Property	Director-General
2	ICRC	Mr Patrick Zahnd	the Regional Delegation ICRC for Central Europe	Head of the Regional Delegation
3	NATO	LtCol. Mark Payne	SHAPE	
4	UNESCO	Prof. Patrick J. Boylan	The International Council of Museums	
5		Mr Guido Carducci	UNESCO Division of Cultural Heritage	Representative of Director –General of UNESCO
6		Dr Gerhard Sladek	Austrian Society for the Protection of Cultural Property	President
7	AUSTRIA	Mrs Waltraud Sladek		
8		Dr Franz Schuller	Austrian Society for the Protection of Cultural Property	Secretary General
9		Brig. Gen. Dr Edwin Micewski	National Defence Academy	
10	CANADA	Ms Kathryn Zedde	Department of Canadian Heritage	Senior Heritage Policy Analyst
11	CROATIA	Mr Krešimir Filipce	Ministry of Culture	Assistant to the Minister
12		Ms Fani Cello Cega	The Museum of the Town of Trogir	Director
13		Mr Davorin Kereković	Croatian GIS Association	Secretary
14		Mr Krešimir Buntak	"Q Management"	Manager
15		Mr Zvonko Gržetić	Hydrographic Institute of the Republic of Croatia	Director
16	CYPRUS	Mr Nicos Nicolaou	Ministry of Education & Culture	
17	THE CZECH REPUBLIC	Mr Zdeněk Novák	Ministry of Culture	First Vice Minister of Culture
18	ESTONIA	Mr Anton Pärn		Deputy Secretary General of Cultural Heritage
19	FINLAND	Mr Karim Peltonen	National Board of Antiquities	Researcher
20	HUNGARY	Ms Elisabeth Kóczán-Szentpéteri	Ministry of Cultural Heritage	
21	ITALY	Col. Giovanni Pastore	Carabinieri Headquarters for the Protection of Cultural heritage	Deputy Chief
22		WO Angelo Ragusa	Carabinieri Headquarters for the Protection of Cultural heritage	
23		Ms Isabella Ciocca		volunteer
24		Ms Chiara Raimondo		volunteer
25	LATVIA	Mr Edmunds Vonšovičs	State Inspection for Heritage Protection	
26	LEBANON	Ms Dolly Sassine-Escallier	National Archives Centre	Paper restorer

27	LITHUANIA	<b>Ms Daina Stankevičiūtė</b>	Academy of Cultural Heritage	
28		<b>Ms Diana Varnaitė</b>	Department of Cultural Heritage Protection	Director
29	MACEDONIA	<b>Mr Zoran Pavlov</b>	Institute for the Protection of Cultural monuments	
30	SLOVAKIA	<b>Ms Hana Klížanová</b>	The Museum of History	Curator of Collection of Arts
31	SLOVENIA	<b>Mr Dusan Kramberger</b>	Ministry of Culture	
32	SWEDEN	<b>Ms Helene Nilsson</b>	Ministry of Culture	Head of Section
33	SWITZERLAND	<b>Mr Hans Schüpbach</b>	Federal Office for Civil Protection	
34	UNITED KINGDOM	<b>Lord Andrew McIntosh</b>	Minister for Media and Heritage	
35		<b>Ms Dilbinder Dhillon</b>	Department for Culture, Media & Sport	
36		<b>Ms Wendy Shales</b>	Department for Culture, Media & Sport	



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