

60th Anniversary of the UNESCO 1954 Hague Convention for the Protection of Cultural Heritage in the Event of an Armed Conflict

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Two films about art stolen in wartime have come along at once: Wes Anderson's funny *Grand Budapest Hotel*, with a plot that revolves around the disappearance of a "priceless" painting, or the more serious *The Monuments Men*, with a plot that concerns an allied forces group of museum curators and art historians in the second world war who attempt to stop the Nazis destroying the cultural treasures of occupied countries. Cultural property has unfortunately played a part in conflict throughout history. Some notable examples include the 2001 destruction of the Bamiyan Buddha statues by the Taliban and the destruction of some of the age-old mausolea of Sufi Saints in Timbuktu, Mali by the Islamist Group Ansar Eddine in 2012 (see our previous blog on [crimes against cultural property in Mali](#)). The violence in the conflict in Syria has also taken a heavy toll on the ancient cities of Aleppo and Damascus and currently reports regarding damages endured by the Kiev History Museum in the Russian-Ukraine conflict have given reasons for concern.



Meanwhile May 2014 marks the 60th anniversary of the UNESCO 1954 Hague Convention for the Protection of Cultural Heritage in the Event of an Armed Conflict. In the 60 years since its existence, the Hague Convention has established a clear legal framework. The 1954 Convention is the basic international treaty formulating rules to protect cultural heritage during armed conflicts. It regulates the conduct of nations during war and military occupation in order to assure the protection of cultural sites, monuments and repositories, including museums, libraries and archives. At the time the 1977 Additional Protocols to the Geneva Conventions were negotiated not many states had ratified the 1954 Convention, and therefore two provisions on the protection of cultural property during international and non-international conflicts were included in the Additional Protocols.

Changes in among others weapons and modes of warfare since the 1940s and the resulting new threats to cultural property led to concern about its adequacy. This concern became more general during the early 1990s, particularly during the Gulf War and the wars in the former Yugoslavia. This led to the creation of international criminal tribunals like the International Criminal Tribunal for the former Yugoslavia and the International Criminal Court which include in their statutes the destruction of cultural property as a war crime. Furthermore it led to the adoption of the Second Protocol to the 1954 Convention, which not only addresses several shortcomings of the 1954 Convention but also strengthens the system of protection of cultural property. The Second Protocol, which was adopted in 1999 and entered into force in 2004, reinforces the Convention by reaffirming the "immunity" of cultural property in times of war or occupation, and establishing the "individual criminal responsibility" of perpetrators of crimes against cultural property. It also limits the notion of "imperative military necessity", which authorizes waivers regarding cultural property. Finally, it provides for the creation of an Intergovernmental Committee of 12 States Parties that will essentially be responsible for monitoring the 1999 Protocol, granting "enhanced protection" and providing international assistance.

Since its adoption, 126 States have become party to the 1954 Convention. To date, 103 of them have joined the First Protocol, and 67 have joined the Second Protocol. Great Britain is the last major military power not to have ratified the

1954 Convention.

In 2014 the Netherlands National Commission for UNESCO, in collaboration with the Peace Palace Library, Blue Shield Netherlands and the Flemish Commission for UNESCO, will pay special attention to the importance of heritage protection in times of armed conflict. It organizes a round table meeting on the future of the Hague Convention and the official opening of the outdoor photo exhibition 'Culture under Attack'. This event will take place on the 12th of May 2014 from 2:00 pm – 5:00 pm in the Peace Palace, The Hague, the Netherlands.

Program Round table meeting, Auditorium/Academy building, Peace Palace

2:00 pm Word of Welcome by Mr. Robert J. Quarles van Ufford, Secretary-General, Netherlands National Commission for UNESCO.

2:15 pm 'The future of the Hague Convention': short introduction on the theme and reference to recent conflicts and the relevance of the Hague Convention, from a theoretical perspective (Susan Legêne Professor of Political History at VU University) and from a practical perspective (René Teijgeler, Director of Culture and Development).

3:00 pm Round table meeting on the future of the Hague convention, the necessity of international agreements and the challenges faced when working in the field of heritage protection in conflict-ridden regions.

Participation by the previous two speakers, and:

Mr. Jeroen Vervliet, Director of the Peace Palace Library and President of Blue Shield Netherlands (moderator)

Mr. Jan Hladik, Chief Cultural Heritage Protection Treaties at UNESCO

Mr. Benjamin Goes, Chairperson of the Committee for the Protection of Cultural Property in the Event of Armed Conflict

Ms. Biljana Volchevska, Program Coordinator for Afghanistan at CIE

Youth Representative (to be announced)

4:00 pm Conclusion and closing of the meeting

4:30 pm Joint walk to the exhibition space at the Lange Vijverberg in the city centre of The Hague

Official Opening of the photo exhibition at the Lange Vijverberg

5:00 pm Official opening of the exhibition by representatives of UNESCO, the Netherlands and Flanders

5:30 pm Reception (exact location to be announced)

N.B. The exposition about the Roerichs and the Roerich Pact can still be visited at the Academy building of the Peace Palace until 18 May (see the blog [Exhibition of the Roerich Pact: History and Modernity](#)).

(Photo above: Angela Dellebeke, 2014)

A selection of relevant publications from the Peace Palace Library collection

- Chamberlain, K., *War and Cultural Heritage: An Analysis of the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Two Protocols*, Crickadarn, Institute of Art and Law, 2013.
- Mucci, F., *La diversità del patrimonio e delle espressioni culturali nell'ordinamento internazionale: da "ratio" implicita a oggetto diretto di protezione*, Napoli, Ed. Scientifica, 2012.
- O'Keefe, R., "Protection of Cultural Property", in D. Fleck (ed.), *The Handbook of International Humanitarian Law*, Oxford, Oxford University Press, 2013, pp. 425-461.
- Schimmelpenninck van der Oije, P.J.C., "Saving the Past, Present and Future: Thoughts on Mobilising International Protection for Cultural Property During Armed Conflict", in M. Matthee, B. Toebes and M. Brus (eds.), *Armed Conflict and International Law: In Search of the Human Face: Liber Amicorum in Memory of Avril McDonald*, The Hague, Asser Press, 2013, pp. 195-230.
- Torrecuadrada García-Lozano, S., *Bienes incautados en tiempos de guerra: su protección y restitución*, Madrid, Biblioteca Nueva, 2012.

Relevant PPL-keywords for further research

- [Armed conflicts](#)
- [Art](#)
- [Convention for the Protection of Cultural Property in the Event of Armed Conflict](#)
- [Cultural heritage](#)
- [Cultural property](#)
- [Culture](#)

Relevant Research guides

- [International Humanitarian Law](#)
- [Cultural Heritage](#)

External links

- [1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Two Protocols](#)
- [Asser Instituut](#)
- [Blue Shield Nederland](#)
- [Blue Shield International](#)
- [Heritage for Peace](#)

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Opening hours

Mondays: 1 pm – 5 pm
 Tue-Fri: 10 am – 5 pm
 Sat-Sun: Closed

Visiting / Postal address

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