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**Information as an Instrument for  
Protection against War Damages  
to the Cultural Heritage**

Report from a Seminar, June 1994.

ICOMOS Sweden

The Central Board of National Antiquities

The Swedish National Commission for UNESCO

Stockholm 1994

Information as an Instrument for  
Protection against War Damages to  
the Cultural Heritage

## Preface

In June 1994 some 20 experts gathered in Stockholm, Sweden, to participate in a seminar entitled **Information as an Instrument for Protection against War Damages to the Cultural Heritage**.

This seminar could be seen as a part of the Swedish contribution primarily to UNESCO's efforts to enforce activities undertaken for the protection of the cultural heritage at armed conflicts and natural disasters.

In order to benefit from the experiences from various fields of competence and to create a discussion as open as possible the invitation to participate in the seminar was sent to experts in the field of cultural heritage preservation as well as on international law and to military experts as well as representatives of the media. The international presence – UNESCO, the Council of Europe and the International Council on Monuments and Sites (ICOMOS) – was an invaluable contribution to the seminar.

For the Swedish hosts the seminar proved to be a very valuable opportunity for interchange through the interventions as well as through the very lively discussions. These discussions have created a greater understanding of the importance of a long term work to be undertaken at national level.

At the same time, we hope that this seminar and the conclusions made in the joint resolution shall contribute to the discussion on an international level on future activities for the protection of the cultural heritage at armed conflicts.

This report is not an exhaustive presentation of the content of the seminar; some important contributions are not included. All the same; we have found it important to offer to a wider audience the possibility to share the experiences and points of view from the participants and not least important to spread the knowledge of the conclusions that were formulated in the resolution from the seminar.

I would like to take this opportunity to thank the participants in the seminar for their whole-hearted participation and for the stimulating discussions and to my colleagues at the Swedish Central Board of National Antiquities and the National Commission for UNESCO for all their work during the preparation period, the realization of the seminar and the preparation of this report.

For the Central Board of National Antiquities, ICOMOS Sweden and the Swedish National Commission for UNESCO.

Margareta Biörnstad

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## Resolution June 10, 1994

The international expert meeting – held in Stockholm June 9–10 1994 – on **Information as an Instrument for Protection against War Damages to the Cultural Heritage** on the invitation of the Central Board of National Antiquities, the Swedish National Commission for UNESCO and ICOMOS Sweden, have resolved to make the following appeal:

**Recognizing** that deliberate targeting and destruction of important monuments and collections have become increasingly frequent in both national and international conflicts;

**Observing** that this is a part of the increase of ethnic, racial and religious controversies in many parts of the world;

**Recalling** that – as stated in the Hague Convention of 1954 – damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of all mankind, since each people makes its contribution to the culture of the world;

**Recognizing** the important work on the matter of the protection of the cultural heritage against war damage that UNESCO has already undertaken as well as the educational programmes initiated by the Council of Europe;

The meeting expresses its conviction that the deliberate destruction in both international and non-international armed conflicts of the cultural heritage is but one part of a strategy of domination through destruction of self-esteem by torture, rape, expulsion and extinction of its members. The destruction of historic records, monuments and memories serves furthermore the purpose of suppressing all that bears witness that the threatened people were ever living in the area. This deliberate war damage is thus to be condemned as war crimes according to the Hague

Convention. When these crimes are carried out in extremis – as has been the case in former Yugoslavia – they must in fact be deemed to be a specific form of genocide, namely ethnocide.

We know that we share with those affected the knowledge that this aggression against people and its heritage are equal parts of the same strategy: to eliminate a race or a group of people.

The meeting finds that the protection of the cultural heritage should always be clearly included in the tasks of UN Peace-Keeping Missions as part of humanitarian aid, as well as included in disaster aid administered by UN agencies since the principles of the Hague Convention are part of international humanitarian law.

The meeting suggests that experts, that could be called heritage monitors, are appointed with the specific task of surveillance of possible damage to the cultural heritage. These should work in conflict areas as part of UN peace-keeping forces as well as parts of missions from disaster aid agencies. The meeting underlines that it equally is of utmost importance that all UN military personnel be trained on the content of the conventions.

All preparative and conservation work on the heritage at risk must be organized so as to make sure of the full understanding and cooperation with local administration as well as local community and in accordance with their own priorities.

Although it could be argued that the knowledge of the cultural heritage has served as a guide for selective destruction we must not cease our efforts to develop further the promotion of mutual understanding of and tolerance between all peoples and their cultures.

The meeting observes that few countries have registered their most valuable cultural property according to the rules of the Hague Convention. This might be a sign that the awareness of potential threats to this heritage needs to be increased. The meeting is of the opinion that effective national networks – involving governments, the competent

heritage administration, NGO:s and the military – should be created in order to guarantee that strategic decisions are taken with a view to safeguard that heritage and promote a dialogue with the responsible international organizations.

### **The expert meeting has also resolved to make the following appeal to UNESCO:**

The meeting supports the review of the 1954 Hague Convention undertaken by UNESCO.

The meeting supports the initiative to set up a fund for the cultural heritage at risk in order to facilitate the development of activities directed towards the conservation of the cultural heritage at risk.

Public information should be asserted by the publication of appropriate information material by UNESCO.

Cooperation relating to the protection of the cultural heritage involving schools in different countries should be especially promoted. UNESCO could furthermore make a valuable contribution by encouraging studies on the use of nationalistic myths and misinterpretation of facts in educational material.

The meeting suggests that UNESCO includes in the training of journalists and other media personnel the knowledge of the Hague Convention and the World Heritage Convention and the universal responsibility for the protection of the Cultural Heritage linked to them.

The meeting therefore invites the Director-General of UNESCO to include the stimulation and facilitation of this debate in UNESCO's Mid Term Plan and recommends the implementation of this proposal through the International Monuments Day, in order to reach youth as well as the public, the politicians and the conservation professionals.

In times of conflict it is of vital importance that international opinion gets access to rapid and accurate information on any violation to the

cultural heritage. The meeting suggests in this context that the role of media in the creation of prewar tensions should be studied in depth. UNESCO has during recent conflicts done much in this field. This work has however, in many countries, failed to attract any larger response from the media. The meeting stresses the importance of the work done henceforth by UNESCO and would therefore like to recommend that it is carried on and developed further.

UNESCO should encourage UN member states to educate all military personnel – as well as those of the civil defence – on the obligations of the Hague Convention and the World Heritage Convention as well as the universal importance of the cultural heritage.

The protection of the cultural heritage should be clearly included in the tasks of the UN peace-keeping forces, and to make this happen UNESCO has an important role to play.

We, the undersigned participants in the expert meeting are prepared to promote the ideas put forward in this document in our respective organizations.

Stockholm June 10, 1994

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<i>Keith Wijkander</i>	Central Board of National Antiquities, Sweden

## Information as an instrument for protection of the cultural heritage

*Margareta Björnstad*

### Address of welcome

It is a great honour for me to greet you all welcome to Stockholm and the Expert Seminar *Information as an Instrument for Protection of the Cultural Heritage*. It is a privilege to be able to do this in the capacity of being a representative of The Central Board of National Antiquities, ICOMOS Sweden and the Swedish National Commission for UNESCO.

This expert seminar has a serious theme and no answers are easily available to the questions we will discuss these coming two days. I hope – however – that our discussions shall prove to be fruitful and helpful in strengthening the defence of the cultural heritage.

During the preparations for this seminar I have – in writing and through conversations with the key-note speakers – tried to draw the background to this Swedish initiative. The starting-point was made during the preparations for the 1993 General Conference of UNESCO when we noticed, with satisfaction, the ambitions of the world organization to enforce its activities in protection of the worlds cultural and natural heritage and the discussion concerning what effect these activities may possibly have. At the same time our representatives at the ICOMOS General Assembly meeting in Sri Lanka last summer brought back a request from the Assembly to create awareness on the systematic destruction of the cultural heritage that took place – and still takes place in Bosnia-Herzegovina for example. This gave us food for thought on the topic of what we could do by ourselves and what degree of preparedness that we have in Sweden to cope with these situations.

In our search for knowledge about the present situation we soon found out that a lot of work is done in different institutions and different



countries. We read the report to UNESCO from professor Boylan and reports from the work with the updating of the Hague-convention as well as material from UNESCO and the Council of Europe, materials that gave us updated examples of what can happen in today's conflict areas. Meanwhile the destruction in former Yugoslavia continued, and at the same time new conflicts arose in Europe and the rest of the world.

Reports on this topic became frequent in Swedish media. But being a strong supporter for the protection of the cultural heritage myself, I and my colleagues did not find a more profound analysis of the cultural assassination we are witnessing at present. This eventually developed to – in cooperation with Leo Van Nispen, director of ICOMOS – the idea of a seminar on information and creation of public awareness as one of many instruments to counteract the destruction of the cultural heritage in armed conflict.

For a bystander it can seem a bit strange that the initiative to arrange this expert seminar comes from Sweden. We have not been particularly active neither on the political arena nor from the national agencies when it comes to international cooperation to preserve the cultural heritage. Our activities so far have been participation in different rescue campaigns initiated by UNESCO. We have also taken our share in the work within the Council of Europe and in ICOMOS and from time to time we have been able to contribute within fields where we possess special competence – not least within the protection of the archaeological heritage.

But in comparison with the Swedish attitude to international cooperation for example within the field of environmental protection and the UN peace-keeping work our interest has been far from what to be expected. This fact could be surprising to anybody who has spent the past decades following the Swedish debate on the importance of the cultural environment for the wellbeing and identity of people. It would have seemed more logical if our strong political underlining of the cultural heritage as a human right also had influenced the international work undertaken by Sweden. This expert seminar can therefore be seen as an effort to enlarge the Swedish debate, to consider the prerequisites for a more

active participation in the international work for the protection of the cultural heritage.

What are our goals for this seminar? In the background material you have previously received I have tried to conclude the aims in three points

- \* create a larger insight in the background to and the purpose of total or partial destruction of the cultural heritage
- \* to formulate the conditions for information work and public awareness creation and the role it can play in the protection of the cultural heritage
- \* to discuss and propose activities to increase the attention paid to destruction and to create public awareness against such destruction.

In connection with the third point I personally feel a strong need to discuss how we can counteract the increasingly strong emphasis on the national, or nationalistic, value of the cultural heritage. How can we initiate a more comparative way of looking at things, to get people to be more aware of and recognize the cultural heritage both as the basis for the local identity and as the expression of the generally human endeavour and aspiration and in that way counteract the use of the cultural heritage as a part in a nationalistic project?

I hope that this seminar shall function as a platform for our own work at the national level and to increase our preparedness to participate in a larger context. Of course, it is our hope that the deliberations here in Stockholm shall be of use also more generally speaking for our future common work to enforce the protection of the cultural heritage at war and in conflicts and that the mere fact of us being here together will provide us all with the opportunity to establish new contacts that will prove to be of value for us all – both personally and for us in our daily struggle as professionals.

Our ambition with this seminar has been to create the prerequisites for an open dialogue, for the exchange of experiences and ideas. We wanted

to gather a limited group of people with expert knowledge from different fields of competence who are active in the international field or who work here in Sweden.

We are very pleased with the response our invitation has been met with and that you all – in spite of the short time that has elapsed since we contacted you – have been willing to answer favourable to our invitation.

Together with the participants in the seminar I would also like to welcome representatives of the Swedish government administration, The Swedish National Board of Antiquities and the press that will be present and follow our deliberations.

Finally I would like to thank Ms Birgit Friggebo, Swedish Minister for Cultural Affairs who through a financial contribution has created the possibilities for this seminar and the Stockholm University that gracefully have given us access to this historical building.

I would also like to thank the collaborators at the Central Board of National Antiquities and the Swedish National Commission for UNESCO for the efforts put into the preparatory work for this seminar.

Once more, let me greet you all with a warm welcome.

## Ex-Yugoslavia as an example. Extent of destruction of the cultural heritage

*Giselle Hyvert*

Since 1990, the war in the Gulf and the break-up of Yugoslavia have shown that destruction as a result of armed conflict can cause, not only, human suffering, but also long-term injury to cultural properties and to the infrastructures of the natural and man-made environment.

The international community, governments, international institutions and the United Nations system are confronted with situations of conflict or natural disasters which require a rapid and efficient response.

UNESCO has a duty, within its fields of competence, to make its expertise and assistance available to the international community so as to help prevent conflicts and reduce the risks and consequences of disasters, provide humanitarian assistance and participate in the work of reconstruction and rehabilitation.

UNESCO began monitoring the emerging conflict in Yugoslavia in 1991. On September 17 that year, the Director-General made a public appeal for peace. On September 27 he invited all those involved in the conflict to respect the provisions of the two Conventions for protection of the cultural heritage; on October 7 to withdraw from the sites that figure on the World Heritage List, and particularly Dubrovnik. According to the Director-General, it was the only way to prevent cities from becoming hostage to military or para-military forces. He also announced his willingness to send experts to assist the authorities in the protection of the monuments of the Old City of Dubrovnik.

On October 9 1991, the Executive Board of UNESCO called on the parties involved to cease hostilities immediately in order to protect

human life and the 9 sites of ex-Yugoslavia on the World Heritage List. They are:

**Croatia:**

The Old City of Dubrovnik

The historic complex of Split with the palace of Diocletian

Plitvice lacs National Park

**Slovenia:**

Skocjan caves

**Federal Republic of Yugoslavia (Serbia and Montenegro):**

Stari Ras and the Sopacani monastery

Studenika monastery

Durmitor National Park

The Kotor region with its cultural and historical aspects and its natural environment

The Ohrid region in Macedonia with its cultural and historical aspects and its natural environment.

Bosnia-Herzegovina has, at the moment, no cultural sites on the World Heritage List, the Old City of Sarajevo and the Old City of Mostar were on the tentative list submitted by Yugoslavia before the conflict.

In addition to the sites listed on the World Heritage, UNESCO is also deeply concerned about all cultural and natural properties that bear witness to the knowledge of the past and the cultural heritage.

The Director-General has consistently expressed his deep concern at the loss of life due to armed conflict, not only in ex-Yugoslavia, but also in other countries such as Cambodia, Somalia and now Yemen and Rwanda.

Co-operation on the ground has been established with other partners in the United Nations system and with other intergovernmental and non-governmental organizations.

A joint message on October 24 1991 from the Secretary-General of the United Nations and the Director-General of UNESCO called on all

parties to put an end to the conflict, to enter into negotiations for a peaceful settlement and to respect the international conventions protecting the cultural and natural heritage. This was followed by several other appeals and a visit to those territories of a personal representative of the Director-General and two observers who arrived in Dubrovnik on November 28 1991. A few days later, on December 6 1991, although the monuments bore the emblem of the 1954 Convention and the United Nations flags were flying on the ramparts, the Old City of Dubrovnik was heavily shelled.

The shelling of Dubrovnik, which was on the World Heritage List, outraged public opinion all over the world. The World Heritage Committee at its 15th session, December 9 to 13 1991, decided to add the Old City of Dubrovnik to the list of World Heritage in Danger.

In May and June 1992, further shelling caused additional serious damage. In the course of these repeated attacks, some 2 000 shells of different calibers fell on the inner city, damaging the roofs of houses, public and religious buildings, paved streets and sculptures.

The inventory conducted by the Institute for the Protection of Cultural Monuments shows that around 69% of the buildings within the inner city were hit by projectiles. After the shelling had stopped, the inhabitants who had suffered badly, began to clear away the mountains of broken tiles and bits of stones littering the pedestrian-polished streets.

Despite its long and illustrious history, the city had never been wilfully destroyed by attacking forces before. Its main enemy has always been earthquakes. The one which occurred in 1667 was of catastrophic proportions, and almost half of the population perished. It resulted in a complete transformation of certain architectural structures, spatial layouts and urban contexts. In 1979, a violent earthquake caused serious damage to the Old City of Dubrovnik. Restoration was going on, when the bombardment added further damage to that already caused by the most recent earthquake. Today, once again, the national and local authorities and the Dubrovnikers themselves are restoring the old city.

Dubrovnik, which has always been a symbol of freedom, has become a symbol of the destruction of cultural property, despite the fact that it was legally protected by the 1954 and 1972 Conventions and had figured on the World Heritage List since 1979.

Before the attack started in the city intra-muros, and when everyone thought that with this legal protection nothing could happen to Dubrovnik, villages along the coast and in the countryside were burnt and shelled.

At present, important work is being carried out by the national and local authorities and by local institutions such as the Institute for the Protection of Cultural Monuments and the Institute of Rehabilitation of Dubrovnik, to save the villages around the Old City. A Croatian architect wrote recently that "the reconstruction of Dubrovnik villages is not only the restitution of a unique environment that developed over many centuries, of small town and villages such as Popovici, Cilipi or Dubravice which are some of the most beautiful spots that man and nature ever created in this country. It is the restoration of life in an area with a millennium old tradition inseparable from them of Dubrovnik itself".

One project for the reconstruction of Cilipi village will be supported by UNESCO and the National Croatian Commission for UNESCO.

Another project is presently supported by the SOROS foundation. This project, which concerns several villages, is also a humanitarian project which might well become a model not only for Dubrovnik, but also for the rehabilitation of rural areas in general.

Aside from Dubrovnik and its surroundings, we cannot neglect the wholesale destruction of cultural properties throughout Croatia in the form of public or private houses, churches, monasteries, villages and the countryside.

## Bosnia-Herzegovina

The war in Bosnia-Herzegovina, a tragedy for the peoples of the country, has led to a major catastrophe for all the communities living in the war zone and also for the Cultural Heritage which became a prime target for vandalism. Destruction of the religious and secular heritage of Bosnia-Herzegovina turned into policy of cultural cleansing, the proven process of which must be presented and analyzed for the international community so that it will not happen again. About 75% – maybe more now – of the cultural heritage of the country is destroyed or heavily damaged.

The situation has been reported by Colin Kaiser who was in Bosnia-Herzegovina several times as a consultant of the Council of Europe. He had contacts with people and with the institutions involved in the safeguarding of cultural heritage there. The reports of his mission were published by the Council of Europe.

Mrs Wenzel, who is also involved and deeply concerned by the situation in Bosnia-Herzegovina will give additional information on the destruction of the cultural heritage in this country.

## Main actions of UNESCO in ex-Yugoslavia

In October 1992, the Director-General appointed Mr Luis Ramallo, Chairman of the Spanish National Commission for UNESCO, as his special adviser on all matters relating to violations of international humanitarian law committed on the territory of the former Yugoslavia as regards UNESCO's fields of competence.

## Croatia

Following the observer's missions in 1991, UNESCO began sending technical missions to Dubrovnik in 1992.

With the USD 200 000 granted by the Director-General, UNESCO has contributed to:

- the restoration of the city walls;
- the drawing-up of a plan of the old city, which has been particularly useful for the survey of the roofs;
- the purchase of timber;
- the purchase and transportation of 200 000 tiles from France. At the time tiles were not available in Croatia. Croatian factories are now able to make them and are attempting to reproduce the characteristic colour of the ancient tiles.

In addition to this, other funds were provided by the World Heritage Centre and UNESCO's regular programme. They have been used for:

- the publications of two booklets: one giving general information on the old city and the Institutions involved in the restoration and the plan of action for the safeguarding of the old city and another giving estimated cost of the repair work for each building and object.

Those publications, prepared jointly with the national and local Croatian authorities, are used mainly for promotional purposes.

UNESCO was also able with those funds to organize:

- a national and international meeting of experts at the beginning of 1992, which made recommendations regarding a methodology of restoration for the monuments, streets and objects damaged by projectiles;
- a study tour for two Croatian architects engaged in the restoration work;
- the mission of an Italian engineer from the University of Rome to assist the Croatian architects in the structural study of the burnt palaces;
- and the participation of international experts at the meetings of the consultative committee. One of the main recommendations of this committee was to organize a group responsible for the implementation of the restoration projects to be organized in 1992 with the aim of launching the restoration projects and monitoring their execution under the authority of a single project director.

On the other hand, a fact-finding mission was carried out in October 1993 for the International Council of Museums (ICOM) with the purpose of ascertaining the degree of damage to Croatia's museums, galleries and collections caused by the 1991-1993 war and to identify the priority needs of these institutions arising from the war situation.

Since the beginning, UNESCO has assisted the national authorities in close collaboration with the Institute of Cultural Monuments of Dubrovnik and the main institute in Zagreb, the Institute for the Rehabilitation of Dubrovnik created in 1979 after the earthquake, and the Association of Friends of the Antiquities of Dubrovnik.

In their task of restoring the cultural properties damaged by war, the national and local institutions have also external support from private associations, promotion abroad for the safeguarding of Dubrovnik,

## Bosnia-Herzegovina

Concerning the action of UNESCO in Bosnia-Herzegovina,

- the organization has maintained contact with the national authorities during the past two years which keep it informed of the destruction of cultural properties;
- since June 1993, UNESCO has launched in cooperation with interested parties several practical initiatives in the field of education and communication as a programme of construction of schools in war-torn zones;
- the situation in Bosnia-Herzegovina did not permit the United Nations to endorse until now the dispatch of mission as far as the cultural heritage is concerned. Finally, the Director-General has sent a mission to Bosnia-Herzegovina. This mission which left on June 9 will evaluate with the local authorities the need for international assistance and the elaboration of an action plan;

- UNESCO has also organized emergency assistance and an international appeal in favour of the Sarajevo National Library which was destroyed by shelling and which is one of the symbols of the cultural heritage of this country located at the heart of the cultural and intellectual life of Bosnia-Herzegovina. This initiative started at the end of 1993;
- from a more general viewpoint UNESCO, and specifically the Division of Physical Heritage, established last year in close collaboration with the UN Commission of experts on war crimes established following UN Security Council Resolution 780 (1992);
- as assistance to the independent media, UNESCO has been working in close cooperation with several partners in favour of independent media in Bosnia-Herzegovina;
- the organization has helped the newspaper *Oslobodjenje* and the Radio and Television of Sarajevo by furnishing paper, technical material and financial assistance;
- on the other hand, several steps have been taken in order to favour cultural exchanges with Bosnia-Herzegovina including an exhibition of the works of 18 artists at UNESCO Headquarters.
- UNESCO will soon open an office in Sarajevo to coordinate all the activities of the organization in the field of education, culture, science and communication. Its main objective will be:
  - the rehabilitation of handicapped persons;
  - the building of schools;
  - the restoration and the rehabilitation of the cultural heritage.

To conclude, in case of armed conflict, in the same way as the aid to the population, the protection of the cultural heritage is also an international responsibility. The tragedies of Bosnia-Herzegovina and Croatia as well as of other countries in the world where the cultural properties are threatened or destroyed give rise to a number of questions involving the safeguarding of the cultural properties partially or totally damaged.

What to do with the buildings severely damaged or almost destroyed?

Attitudes have changed since the drafting of the Venice Charter in 1965. At that time the concept of perfect restoration was almost universally condemned. Today, many think that it is the best solution. This raises the question of authenticity.

Is it possible and right, to reconstruct buildings that have been destroyed so that they are exactly as they were before, provided scientifically reliable data are available?

It should be borne in mind that a bomb or any kind of projectile rarely achieves total destruction, nor does all the material used to construct a building disappear entirely. What should be done with the material left over?

The question of the physical future of a town that has suffered from the effects of war should be studied in this context and the choice between safeguarding and modern rebuilding should be made with this in mind. In other words, the opinion of the inhabitants should have a strong influence on the decisions made.

All the efforts of international organisations like UNESCO, or NGOs (non-governmental organizations) like ICOMOS, or national institutions would only lead to building up academic knowledge without the establishment of an useful and realistic partnership with the population.

Only with such a partnership and with close cooperation with all institutions involved that surveys and action plans can be implemented and lessons turned into results so that today's enemies who are torn apart by passion, but whom history and geography force to live together, accept one another and are reconciled.

## Experiences of the UN peace-keeping forces

*Lars-Erik Wahlgren*

I am very pleased to have been given the opportunity to address this respected audience at this Expert Meeting today in Stockholm and to discuss with you the international community's instruments for protection of the cultural heritage.

My experience of UN peace-keeping missions started in 1974 in the Sinai after the October-war and continued in Lebanon 1988 and ended in ex-Yugoslavia 1993, a total of six years with UN troops in the field. The last five years as Force Commander and Head of Mission for UNIFIL and UNPROFOR.

The interest for archaeological findings of Israel in the Sinai, from the time when the delta of the river Nile was larger and extended widely into the desert area (before the Suez Canal was built) and within the occupied territory of Egypt was intense. In Lebanon the well-known city of Tyre was in our area of responsibility and in ex-Yugoslavia the cities of Dubrovnik, Mostar and Sarajevo. They are all important and famous sites well-known to all of you, but as is also mentioned in the "Executive Summary and Recommendations" (Boylan, P.J., *Review of the Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague Convention of 1954)*, Paris: UNESCO, 1993), interest from the international community must not only be focused to these famous places but on a wider cultural patrimony in the whole region concerned.

## UN-missions

Missions given to UN troops differ very much. At an early preventive deployment, as in Macedonia, fighting has not started and an escalation should be prevented. The peace-building activity can immediately begin.

In a peace-keeping mission the fighting or confrontation has started, negotiations have taken place and we have to pave the way for a peaceful situation as soon as possible between the parties. UN troops are acting strictly impartial, the discussions and negotiations are ongoing with all the parties involved. Meanwhile the UN troops continue to "keep the peace", the political peace-making process is ongoing. We know this can go on for a long time, depending on the overall political situation. The peace-building process can start as soon as an acceptable non violent situation is established.

In a peace-enforcement mission, like the operation in Kuwait-Irak – The Gulf war – the situation will be very much like a military war situation. In this option UN is not impartial any longer and a number of legal implications will change the situation also for the UN troop. The steps to peace will be longer; "peace-enforcement – peace-keeping – peace-building". As a summary an "early warning" and an early step-in to prevent an escalation of the crisis is to prefer. The problem is to invent and establish this "early-warning-system" and a mechanism to ensure a constructive response.

I will continue my discussion on the first two options mentioned (preventive deployment and peace-keeping).

## UN peace-keeping missions

UN peace-keeping missions were earlier established only after an agreement between the states in conflict, but have lately also been established in a status of civil war (Lebanon) and when an established national state is breaking down (Yugoslavia) or in a status of chaos (Somalia). As long

as you are impartial you are able to discuss and negotiate with all the parties, this includes arrangements for protection of cultural property.

As all of us know some of the cultural buildings have now and then been used for military purposes. The forward artillery observers stationed in church-towers on the plains of Russia during the second world war are only one example. The technological development is making such observers less important in the future.

Built up areas protected from attack are still attractive for the parties. For example the "safe areas" established in Yugoslavia April 1993 (Resolution 824) by the Security Council and extended 3 June 1993 (Resolution 836) by saying "withdrawal of military or paramilitary units other than those of the Bosnian government from the safe areas". Not until March 1994 the Security Council reported "the army of the Government of Bosnia and Herzegovina has also used the safe areas as locations in which its troops can rest, train and equip themselves as well as fire at Serb positions, thereby provoking Serb retaliation". The Security Council's suggestion, later accepted, was therefore "full demilitarization by both sides - - - extensive UNPROFOR deployment" in the safe areas. This is according to suggestions forwarded from UNPROFOR Headquarters already when the safe areas were established in April 1993 and when UN troops were deployed in as many as possible of the areas.

When the conflict is based on ethnic antagonism, like many of the conflicts nowadays, the symbols are of particular significance and interest to destroy, as a symbol for the other side. As non-military objects are excluded from being destroyed in the law of war (The Regulations annexed to the *Fourth Hague Convention* of 1907, chapter 27), UN troops sometimes have managed to prevent civil houses from being blown up, in the Middle East, by deploying in that particular house(s). It also happened that we were asked by the owners to utilize their houses in order to prevent them from being destroyed.

In ex-Yugoslavia it was sometimes difficult for UN to confirm information reported for example by amateur transmitters about destroyed cities



and villages. In South Lebanon small unmanned airplanes equipped with cameras were often used by the Israelis for reconnaissance (DRONE's). They are hard to detect and hard to shoot down and transmit very good pictures and films. I asked for this equipment to UNPROFOR and it would also be very useful for the purpose to survey and follow up the situation of some cultural sites.

## Mass media and information

In Lebanon the mass media were working with all the conflict parties and with a comparatively high degree of freedom of movement. In ex-Yugoslavia 4 000 journalists were accredited to UNPROFOR in the summer 1993 and had a very limited freedom of movement. But the biggest problem was that the old Communist information system was still in force. Information to the local population was fully guided by the different belligerent parties governments. I reinforced the press information personnel in UNPROFOR Headquarters and they produced a lot of useful information but had serious difficulties to have at least some of it transmitted. I myself also participated in some programmes to inform about rules and violations of some conventions, such as destruction of civil and cultural property, but we had many problems to get them transmitted, without any unwanted comments. This part of the "iron curtain" still existed.

## UN troop-units

As a principal UN troop-units in a peace-keeping mission are selected among many nations and with a geographical display to ensure a broad commitment of UN members and the international community. With the many ongoing UN-missions and a political will of balance of the great powers, some of the troops in ex-Yugoslavia had very limited training in peace-keeping. I fully agree with the recommendation C7 given at the review of the Convention. I think that a video-tape distributed to the troop-contributing countries should be the fastest and smoothest way to act.

## Destroyed building

No buildings can withstand the heavy bombardment of airplanes as in Europe during the second world war, but old solid buildings can withstand artillery fire to a certain extent shown on photos from Sarajevo after some years and from Beirut after many years of artillery bombardment. The protection against fire is initially of greatest importance.

## Protection of property

Newly invented material – safety board – open up a new approach to quick protection.

## Summary

As a summary, many of the problems reflected in the Convention for the Protection of Cultural Property in the Event of Armed Conflict (Hague 1954) are also reflected in a peace-keeping operation. As a peace-keeping operation is impartial it gives a good opportunity to establish local agreements and to control the performance of the parties involved.

It can also, as suggested, be of value to have a supporting expert at the mission's head-quarter, but firstly in the UN Headquarters in New York to have influence – when needed – on the basic decisions and encourage cooperations.

It is stated in the report (Boylan, P.J., 1993) that this is "on the lines successfully pioneered in the later stages of the Second World War in western and central Europe". Remembering the complete destruction of Dresden in February 1945, 3 months before the end of the war in Europe I hope that we in the future will be even more successful.

## Information as complement to legal instruments. Report to UNESCO about the Hague Convention.

*Patrick J Boylan*

### Introduction

Those with specialist knowledge and interest have been concerned for many years about the effectiveness of current international law relating to the protection of cultural property in times of both what might be called traditional international wars and – especially – in the increasingly common internal armed conflicts, such as civil wars. Over the past quarter of a century cases of special international concern have included the fate of the rich archaeological heritage of south-east Asia during the Vietnam War, of Cyprus during and ever since the Turkish occupation, southern Mesopotamia during the Iran – Iraq War, and of the historic city of Tyre during the Israeli and South Lebanese Army actions in southern Lebanon.

However, professional and expert concern has spilled over into widespread international concern among the general public and into the international media at the beginning of the 1990s because of two armed conflicts. The first was the Second Gulf War – the invasion of Kuwait by Iraq and the subsequent campaign to expel the occupying force, fought in part over the Mesopotamian region that was one of the birth-places of western civilization. The second has been the conflicts in former Yugoslavia, above all the very public attacks on the undefended World Heritage List Old Town of Dubrovnik in Croatia, loved by millions of international tourists, and subsequently on the historic centre of Sarajevo and Mostar in Bosnia-Herzegovina, and particularly the destruction of the Stare Most bridge which gave Mostar its modern name.

In Autumn 1992 the Government of The Netherlands and the Executive Board of UNESCO decided to commission me to review the objectives and operation of the 1954 *Convention on the Protection of Cultural Property in the Event of Armed Conflict* known as *The Hague Convention* with a view to identifying measures for improving its application and effectiveness, and to see whether some revision of the Convention itself might be needed. My study was completed on schedule at the end of April 1993, and the final revised text was published by UNESCO in September 1993 in both English and French editions, (Boylan, 1993). However, you will understand that there is not enough time for me to cover today all the parts of my report of more than 96 000 words. Indeed just reading out my introductory "Executive Summary and Recommendations" chapter would take more than twice the time I have available in this session! I therefore propose to focus on just three topics particularly relevant to this meeting's theme of the uses of information: (1) the historical background, (2) the present structure for protection of culture in times of armed conflict, and (3) some reflections on the psychology – or perhaps I should call it psychopathology – of cultural destruction in time of conflict.

## Historical Background

Historically, the fate and treatment of cultural property have often been important issues in both international wars and in many kinds of internal armed conflicts, such as civil, religious and liberation wars. The taking of important moveable cultural symbols of invaded and conquered states and peoples as trophies of war (or merely for their economic value), and the defacing or destruction of monuments as marks of victory, have been important parts of the culture of the waging of war for millennia.

To give just two examples out of many thousands that could be cited, the famous golden horses of San Mark's, Venice, were captured from Constantinople in the looting of the city by the Venetians following its fall to the First Crusade on 13 April 1204 and were in turn seized by on the orders of Napoleon and taken to Paris in 1798, only to be returned under the imposed peace treaty of 1815.

Van Eyck's famous polyptych *Adoration of the Mystic Lamb* altarpiece for St Bavon's in Ghent, Belgium, was seized by France in the Napoleonic Wars and again by the Germans in both the First and Second World Wars (in the Second World War with the Michelangelo *Madonna and Child* from the nearby Bruges Cathedral as well). Indeed, the restitution of the Van Eyck was a specific condition of the 1919 Treaty of Versailles, (Boylan, 1993, p. 24).

The destruction, defacing or conversion to a deliberately inappropriate use of monuments of special cultural value to the identity and spiritual values of a conquered people – such as religious buildings and national historic sites – has been widely used throughout history as a sign of conquest and subjugation. Again, cases of this syndrome are far too numerous to list. However, obvious examples include Cortes' destruction of the religio-political centres of Aztec culture in Mexico City and Cuernavaca and the building of the colonial headquarters and Christian cathedrals on the desecrated sacred places, the numerous examples of forced conversions of Hindu temples into mosques in Mogul India, and of churches to mosques and vice versa over the centuries over much of the Near East and south-east Europe.

Such destruction and forced changes were if anything even more common in non-international strife, such as the internal religious wars in northern and central Europe during the Protestant reformation of the 16th and 17th centuries, in which there were enormous losses of both building complexes such as churches and monasteries, and of cultural objects of religious significance, such as works of art, reliquaries and sacred vessels, and similar destruction again took place in the political revolutions of the 18th centuries and more recent times, beginning with the French Revolution.

However, as in many other areas of the laws or customs of war, the relevant modern international humanitarian law can be traced back to the classic five volume *Vom Kriege* of Carl von Clausewitz, published in 1832 (von Clausewitz, 1968, p. 374–375), and the United States of America War Department's *General Orders No. 100: Instructions for the Governance of the Armies of the United States in the Field*, drafted by

Francis Lieber and first published in April 1863, (Wright, 1971, pp. 64-66).

In Book V Chapter III(B) Clausewitz stressed the principle of proportionality in relation to the conduct of war, and on the need to restrict the war effort to genuine military targets and imperatives, while cultural property was explicitly protected for the first time in Lieber's Code, which stressed that works of art, scientific collections, libraries and hospitals must be protected from injury even in fortified places whilst these were being besieged or bombarded. If necessary it could be removed (for its own safety) but it could not be given away or injured. Further, Article 44 of the Lieber Code declared that unauthorized destruction or damage of property was prohibited under penalty of death or other severe penalty adequate for the gravity of the offense.

The first formal international treaty providing some protection for cultural property was that produced by the first (1899) Hague Conference, *Regulations Respecting the Laws and Customs of War on Land*, while the parallel rules governing naval bombardment tried to afford some protection to churches and other important cultural monuments, including provision for marking such protected buildings with a distinctive flag.

A more substantial international conference, convened jointly by the United States and Russia, and attended by fortyfour sovereign states was held in The Hague in 1907, and this adopted a series of treaties relating to the Laws and Customs of War. Of these the *Fourth Hague Convention on the Laws and Customs of War on Land* was most directly relevant, though the *Ninth Hague Convention Concerning Bombardment by Naval Forces in Time of War* carried forward the Hague 1899 prohibition on the shelling from the sea of historic monuments etc.

The *Regulations* annexed to the *Fourth Hague Convention* of 1907 took the attempted protection of cultural monuments and institutions in times of land warfare further than any of the 19th century codes, providing that:

25. The attack or bombardment, by whatever means, of towns, villages, dwellings, or buildings which are undefended is prohibited.

27. In sieges and bombardments all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art, science or charitable purposes, historic monuments ... provided that they are not being used at the time for military purposes. It is the duty of the besieged to indicate the presence of such buildings or places by distinctive and visible signs, which shall be notified to the enemy before hand.

However, despite the provisions of the *Fourth Hague Convention* there were grave losses of cathedrals, churches, other historic monuments, museums and libraries across the various land battlefields of the First World War, leading to much concern about the effectiveness of the existing Laws of War, partly in due to claims of "military necessity" on the part of both attacking and defending forces, but also due to the development of new technologies of war, especially of poisonous gases and the development of aerial bombardment.

The next major development grew out of what was initially the private initiative and campaign of a remarkable individual, Nicholas K. Roerich. Born in St Petersburg in 1874, Roerich trained as an artist and worked across Europe as an artist and designer, (the Paris premiere of the Diaghilev/Nijinsky ballet of Stravinsky's *Le Sacre du Printemps* was one of his theatre designs) before moving first to the United States and then to India and the Himalayas. Becoming increasingly committed to mysticism and oriental religion he used the Roerich Museum of his own paintings in New York as a base during his visits to the United States.

As early as 1904 he had developed proposals for an international pact for the protection of educational, scientific and artistic institutions and missions. In 1931 the first international conference was held in Bruges on the proposed "Roerich Pact" and his proposal for a "Banner of Peace" to be displayed to identify protected buildings and institutes of cultural importance. Soon afterwards the Montevideo conference of the

Pan-American Union (the forerunner of the present-day Organisation of American States) passed a unanimous resolution urging all American states to sign the Pact.

Roerich soon had the patronage and support of both Eleanor Roosevelt and United States Secretary of Agriculture (and future presidential candidate) Henry Wallace. The result was the signing on Pan-American Day (15 April) 1935 by representatives of 21 American governments of the Roerich Pact as the Treaty of Washington, and the adoption of Roerich's Banner of Peace and official symbol of cultural protection. The full text of the Treaty (which is still in effect across all of North America and in most countries of Central and South America) provides that

*The historic monuments, museums, scientific, artistic, educational and cultural institutions shall be considered as neutral and as such respected and protected by belligerents. The same respect and protection shall be due to the personnel of the institutions mentioned above. The same respect and protection shall be accorded to the historic monuments, museums, scientific, artistic, educational and cultural institutions in time of peace as well as in war... In order to identify the monuments and institutions mentioned in Article 1, use may be made of a distinctive flag (red circle - with a triple red sphere in the circle on a white background) in accordance with the model attached to this Treaty. [Boylan 1993, Appendix 3, pp. 177-178 reproduces the full text]*

In Europe, the storm clouds of approaching war were gathering. In 1936, in the light of the reports of many clear breaches of the principles of the 1907 Hague Convention in the widespread cultural destruction in the Spanish Civil War, the 6th Commission of the League of Nations, "following many requests from members of the [League's] International Commission for Intellectual Cooperation" commissioned the International Museums Office to re-examine "the problem of the protection of monuments and works of art in times of war or of civil disturbances".

Consequently in October 1936, the Board of the League of Nations' International Museums Office proposed a draft text intended to develop in far more detail the limited provisions of the 1907 Fourth and Ninth *Hague Conventions and Regulations*, and the more detailed proposals of the (unratified) 1923 Geneva draft *Rules of Air Warfare* under the proposed title of the *International Convention for the Protection of Historic Buildings and Works of Art in Time of War*, (Office International des Musées, 1939, pp. 180-201). This began by emphasising the obligation on "every government" to prepare and arrange in peacetime for the protection of "historic buildings and works of art" in wartime, including both physical arrangements and military training. All High Contracting Parties would refrain from any act of hostility against designated pre-notified refuges for cultural property, though these were to be limited in number, open to international inspection.

Other provisions included the use of a distinctive mark, the exemption of historic buildings and works of art from reprisals, and immunity during transport of works of art being (including private collections) transferred temporarily under international supervision to a third country for protection.

The draft Convention was warmly received and endorsed by the League of Nations' International Commission for Intellectual Cooperation, and active efforts were made by the professional community to try to apply its principles in the rapidly escalating Spanish Civil War, while pressing at the same time for the convening of the Intergovernmental Conference needed to take the project forward.

The scale of the cultural (as well as human) atrocities in Spain, coupled with the graphic demonstration of the implications of large-scale aerial bombardment using the new German warplanes of various types, including dive bombers and heavy bombers, together with other new types of heavy weapons, raised widespread alarm. In addition to protesting at the various Spanish attacks on historic cities and monuments, professionals and public authorities across much of Europe began to prepare air-raid precautions for many museums and monuments, including plans for the

physical evacuation to places of safety – along the lines proposed in the International Museums Office draft Convention.

As a second Europe-wide war appeared inevitable, on 1 September 1939 President Roosevelt sent messages to the governments of Germany, France, Poland and the United Kingdom. Clearly referring to recent outrages such those that had been happening in Spain, Roosevelt demanded assurances from all potential combatants that in the event of armed hostilities breaking out there should be no air attacks on civilian populations nor on unarmed towns.

The four potential belligerents replied positively giving clear assurances on these and related points, and – in effect – guaranteeing protection of non-military targets by the (ancient and traditional) means of mutual exchanges and guarantees of the respective rules of engagement for the forthcoming hostilities.

For example, on 1 September the German Chancellor, Adolf Hitler, insisted that:

*The views expressed in the message of President Roosevelt, namely to refrain in all circumstances from bombing non-military targets... is a humanitarian principle, corresponding exactly to my own views, as I have already declared.... For my part, I presume that you have noted that, in my speech given today in the Reichstag, I announced that the German air force have received the order to limit their operations to military objectives. One obvious condition for the continuation of these instructions is that the air forces opposing us observe the same rules. (Office International des Musées, 1939, p.223)*

The United Kingdom, French and Polish governments gave similar assurances on 1 September. With the start of the war on 3 September the British and French made public a Joint Declaration on aerial bombing which was much more detailed and explicit, including in addition to specific references to the avoidance of civilian populations and, "to

preserve with all possible measures, monuments of human civilisation" (Office International des Musées, 1939, p.224–226). I believe that this – very ancient – tradition of agreements between actual or potential belligerents on the fundamental Rules of Engagement for a conflict, still has a most important role.

The fundamental change of strategy came at the end of March 1942 with the British firestorm test-bombing of the undefended historic city of Lübeck in gross violation of the express terms of the September 1939 agreement, lead directly to German reprisal bombings, (what were termed in England the "Baedeker Raids") of April and May 1942 on the English cathedral cities of Exeter, Norwich, York and Canterbury (Boylan, 1993, p.35–36). Further, once these constraints had been abandoned in this way there was an almost immediate escalation to unrestrained mass bombing of the civilian populations on both sides with little or no pretence of military objectives, culminating in the rocket attacks on London from 1944 and the senseless and indefensible destruction of Dresden.

This escalation of the war lead to a revival of concern about the need to protect important monuments and collections, and these worries grew as the western allies began to prepare for the liberation of continental Europe, and by this time alarming information was beginning to emerge about the scale of German destruction and looting on the eastern front, especially in Poland, and later in France.

In the 1943 Italian mainland campaign the Allied Supreme Commander in Europe, General Dwight D. Eisenhower, issued clear directions requiring his forces to respect and preserve cultural property. However, following widespread criticism of the destruction of the Monastery of Monte Cassino in February 1944, Eisenhower promulgated even more explicit rules of engagement on 26 May 1944 in advance of the Normandy landings:

*Shortly we will be fighting our way across the Continent of Europe in battles designed to preserve our civilization. Inevitably, in the path of our advance will be found historical*

*monuments and cultural centers which symbolize to the world all that we are fighting to preserve. It is the responsibility of every commander to protect and respect these symbols whenever possible.... (Rorimer, 1950, p.x).*

## Present structures for cultural protection in times of armed conflict

The five years between 1944 and 1949 saw a series of extremely important world developments and events which, though not specifically relating to the legal protection of cultural property at the international level were to lay the foundations for the post-war world, for good or ill.

On the negative side were the rapid escalation of the potential power and destructiveness of armaments. Most notable were the advances in aerial bombardment, first with the mass bombings using the new generation of heavy bombers creating unprecedented area devastation, culminating in the total destruction in February 1945 of the historic heart of Dresden, and then the use of atomic weapons, first on Hiroshima and then on Nagasaki.

On the positive side was the creation of new international organizations with supporting international law – the creation of the United Nations and its Educational, Scientific and Cultural organisation, UNESCO, the Nuremberg Trials of those accused on war crimes, including the trial of Goering and Rosenberg crimes against cultural property (Miller, 1975, p. 10), and major new developments in international humanitarian law drawing on the negative experiences of the Second World War, particularly the 1948 *Genocide Convention* of the United Nations, and the 1949 *Geneva Conventions* initiated by the Red Cross.

In relation to international cultural protection law, the pre-war work of the International Museums Office for the League of Nations was taken up, and the result was the adoption on 14 May 1954 of *The Convention for the Protection of Cultural Property in the Event of Armed Conflict*, *The Hague, 1954*, detailed *Regulations* for the practical implementation

of the Convention (which form an integral part of it), and a separate *Protocol for the Protection of Cultural Property in the Event of Armed Conflict*. Collectively these interconnected international instruments are generally referred to as *The Hague Convention of 1954*: this was originally published by UNESCO, but the text is also widely available elsewhere, e.g. in collected volumes of international treaties (e.g. UNESCO, 1985) or international humanitarian law (e.g. International Committee of the Red Cross, 1989), and in various academic and practical commentaries, most recently my own study (Boylan, 1992, Appendix 1, pp. 147–168).

Despite much debate and many differences of opinion on the details – particularly at the practical level – the 1954 Conference was clearly agreed on a number of important principles, particularly the concept of a valid international interest of the world community as cultural property as part of "the cultural heritage of all mankind", requiring special legal measures at the international level for its safeguarding.

The *Convention* itself first defines within the single term "cultural property" three different conceptual categories: (1) both immovable and movable items which are themselves of intrinsic artistic, historic, scientific or other cultural value such as historic monuments, works of art or scientific collections, (2) premises used for the housing of movable cultural property, such as museums, libraries and archive premises, and (3) "centres containing monuments" such as important historic cities or archaeological zones.

Protection is also offered by the *Convention* to temporary wartime shelters, to authorized means of emergency transport in times of hostilities, and to authorized specialist personnel: concepts derived directly from the protection for civilian air-raid shelters, hospitals and ambulances in relation to humanitarian protection in the *Geneva Conventions*, with explicit definitions of and rules relating to the *Convention's* concepts and interpretations of "protection", "safeguarding" and "respect" for cultural property, and for its public identification by means of an official symbol are detailed and discussed in Chapter 4 of this report.

The *Convention* also deals with the question of occupied territories, placing explicit obligations on any High Contracting Party occupying all or part of the territory of any other Party to take measures "as far as possible" to safeguard and preserve cultural property, and are required to support and co-operate with the competent national authorities (and official experts) in this. Chapter I of the *Convention* concludes with important provisions requiring the peace-time training of the armed forces.

Chapter II of the *Convention* introduces and regulates the concept of "Special Protection". Under this UNESCO, after consulting all High Contracting Parties may place on a special list at the request of the state concerned, a limited number of temporary refuges or shelters for movable cultural property, and also "centres containing monuments and other immovable property of very great importance", and subject to the defending state being both able and willing to demilitarize the location and its surroundings.

Chapter III provides protection and immunity, modelled closely on that granted to ambulances under the Hague and Geneva Conventions, for official transport used in both internal and international transfers of cultural property, subject to prior authorization and international supervision of the movement.

Chapters IV – VII cover a wide range of provisions relating to the protection of personnel engaged in the protection of cultural property, details relating to the use of the official emblem of *The Hague Convention* (a blue and white shield), and issues relating to the interpretation and application of the *Convention*: again all of these are closely modelled on the Geneva Conventions.

Of particular, and growing, importance was the decision of the 1954 Intergovernmental Conference to follow Common Article 3 of the 1949 *Geneva Conventions*, and extend the protection of cultural property beyond the traditional definition of "war" into all armed conflicts including the difficult area of internal armed conflicts, such as civil wars,

"liberation" wars and armed independence campaigns, and – probably – to major armed terrorist campaigns.

In the years since the adoption of the 1954 *Convention* non-international armed conflicts, particularly those relating to internal strife along national, regional, ethnic, linguistic or religious lines, have become an increasingly common feature of the world order and in losses of monuments, museums, libraries and other cultural repositories.

Bearing in mind the importance of measures for enforcement, and indeed the Nuremberg War Crimes Tribunal rulings, the provisions for enforcement action and sanctions (Article 28) were remarkably weak and rather vague:

*The High Contracting Parties undertake to take - within the framework of their ordinary criminal jurisdiction - all necessary steps to prosecute and impose penal or disciplinary sanctions upon those persons of whatever nationality, who commit or order to be committed a breach of the present Convention.*

The *Protocol for the Protection of Cultural Property in the Event of Armed Conflict* has two unambiguous purposes. First, a State Party to the *Protocol* undertakes to take active measures to prevent all exports of movable cultural property as defined in the *Hague Convention* from any territory which it may occupy during an armed conflict. Second, all High Contracting Parties undertake to seize and hold to the end of hostilities any cultural property from war zones which has been exported in contravention of the first principle of the *Protocol*. It also provides that such cultural property shall never be retained as war reparations.

Eighteen years after the adoption of the original 1949 *Geneva Conventions*, in 1977, an International Conference to review these and called by the International Committee of the Red Cross, and completed its work by consensus, i.e. without a formal vote. The result was that the provisions of the *Fourth Geneva Convention* of 1949 were substantially widened by the *First Additional Protocol* (relating to international armed conflicts)



and the *Second Additional Protocol* (relating to non-international armed conflicts and serious civil disturbances).

In parallel provisions, each *Protocol* prohibits attacks on cultural or religious property "which constitute the cultural and spiritual heritage of peoples" and the use of this for military purposes by either attacking or defending regular or irregular forces. More recently, on the proposal again of the International Committee of the Red Cross, a further *Geneva Convention on prohibitions or restrictions on the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects* was approved (in October 1980). The Second Protocol to the 1980 *Convention*, includes specific prohibitions on the use of booby-traps on, amongst other cases, cultural property.

Finally, but by no means least, for the first time since the Nuremberg trials of 1945–1948 allegations of breaches of international law in relation to cultural property are currently being actively investigated with a view to international proceedings – in relation to cultural destruction in the former Yugoslavia. By its Resolution 808 of 22 February 1993, the United Nations Security Council initiated formal procedures leading to the establishment of an international war crimes tribunal to investigate and act on allegations of "grave breaches and other violations of international humanitarian law ... including ... destruction of cultural and religious property ...".

It is difficult to over-emphasize the potential importance of any test cases relating to "cultural war crimes" under the planned United Nations proceedings in relation to former Yugoslavia, in order to demonstrate to the world the gravity of such allegations, and I look forward to seeing the report of the UN War Crimes Commission, which reported to the UN at the beginning of June 1994.

### Reflections on the psychology of cultural destruction

The predominant viewpoints of so much of the world's current military and cultural leaders are Eurocentric – North Atlantic. Both experts and

the general public have been first stunned, and then outraged, by events such as the current, highly publicized, wars in the former Yugoslavia (and the far less publicized ethnic conflicts in many regions of the sixteen newly independent republics of the former Soviet Union). In particular, deliberate destruction of cultural property in the former Yugoslavia has been on a horrendous scale. Expert assessments indicated that the cultural damage and loss in the first seven months of the 1991 Yugoslav/Serb fighting in Croatia was of a different order of magnitude from that of the devastating 1979 Montenegro earthquake, and greater than in the four years of the Yugoslav campaign of the Second World War, (Boylan, 1993, p. 117–118).

It has to be recognized that the deliberate targeting and destruction of important monuments and collections have become increasingly common features of both internal and international conflicts in many part of the world. Only when this has been seen by the international news media, especially television, to be happening in internationally famous tourist centres such as the World Heritage List city of Dubrovnik have non-specialists become aware of, and outraged by, this.

However, events such as these ought not to have been such a surprise. For at least two decades there has been a growing amount of research and published information on the rise of ethnic, racial and religious tensions in many parts of the world and of the parallel rise of "internal" nationalisms in many parts of the world – not least in many countries of Europe – suggesting a long term threat to world stability through the breakdown of present patterns of comparatively large, often multi-national and multi-ethnic political sovereign states, very largely created between about 1870 and 1920, (including of course most of the ex-colonial national frontiers in Africa and Asia). Against less than 200 sovereign states in the world even after the recent fragmentation of the former Socialist Block of Europe and Soviet Asia, across the world there are many thousands of geographical, ethnic and cultural "peoples" who could claim (and in a growing number of cases are demanding) the status of "nations" in the traditional rather than modern political sense, though increasingly the United Nations Charter's "right of self-determination"

following the principles and guarantees of Article 1 of the United Nations Charter is being claimed as well.

Far too little attention was paid to the implications of either overt or suppressed expressions of national or ethnic identity – at least until the explosions in the former Yugoslavia and the fragmentation of the former U.S.S.R. (and now Czechoslovakia), all along ethnic lines. One of the leading academic (and later in his career political) exceptions was Daniel Moynihan who as early as 1979 predicted the disintegration of the Soviet Union along ethnic lines:

*Now the nationality strains begin. Whatever Marxism may have meant to intellectuals, it is ethnic identity that has stirred the masses in the twentieth century, and they are stirring near the Russia borders.... Since 1920 the Communists have rather encouraged ethnic culture, while ruthlessly suppressing ethnic politics. It won't work. (Quoted in Moynihan, 1993, pp. 39–40).*

These discussions are not, of course, new. Arguments about the nature of social groups up to the political level go back at least to Plato and Aristotle, who recognized the way in which society is built up from the Κοινωνία (*koinonia* = association or household), into the Κώμη (*Komé* = village or community) and then into the Πόλις (*Polis* = literally the city, but in Classical Greek times meaning the independent political state). Aristotle also recognized that whatever the level of the group conflicts leading to strife and bloodshed lead in turn to further division and fragmentation. Similarly, bonds of blood in terms of race and common family descent, of language, religion, class (or caste) or a mixture of some or all of these – a common culture or ethnicity – are increasingly powerful factors in the self-selection of peoples into ethnic or cultural units. These typically have shared underlying assumptions of the group regarding the physical and spiritual nature of the world, and their place in it – in geographical and social terms. The shared understanding of the values, conventions and sense of place of the group is an enormously important factor in creating the cohesion and the emergence of distinct ethnic or cultural "peoples" in sense that the authors of the

United Nations Charter appear to have intended. The very concept of "culture", as well as any definition of it, is therefore far from an absolute one, but on the contrary is very much a product of the culture and values of those making the various self-definitions of it:

*The idealist expropriation of culture is thus not a matter of whim or taste (who cares what you call it), but an emergent production of definite structural and infrastructural conditions. (Harris, 1980, p. 404).*

Though it is in principle easy to distinguish between natural groupings: blood-relation groupings – from families to kinsmen and ultimately to the concept of the race, and artificial groupings: voluntary associations of peoples, such as groups based on religion, distinct (and perhaps isolated or otherwise) clearly defined geographical territory, language, or cultural practices, which together create distinct ethnic units. However, these are far from fixed in either space or time: discussing the "Idea of Race", Michael Banton commented:

*As peoples can understand their history only through the concepts of their own time, it is continually necessary to rewrite history in the light of new concerns and understandings. Equally, people interpret their own time in the light of their beliefs about the past, and if they misunderstand their past they cannot properly understand their present. (Banton, 1977, p. 3.)*

In fact, following the wanton destruction of physical symbols of "the other" in the religious wars starting with the Crusades and continuing intermittently through to those of the Protestant Reformation and on into the 17th century, there was a degree of stability and respect for peoples, at least within Europe. However, old divisions and conflicts in new bottles began to arise and accelerate from the early years of the 19th century:

*The modern ideas of race, class, and of nation, arose from the same European milieu and share many points of simi-*

larity. All three were exported to the furthest points of the globe and have flourished in many foreign soils. In so far as men have believed that it was right to align themselves on the basis of race, class and nation, or have believe that these would become the major lines of division, so these ideas have proved their own justification. (Banton, 1977, pp. 3-4).

In seeking to protect the patrimony, whether international, national, regional or local in times of armed strife, we need a two pronged attack.

First, there is an important, and growing, role for International Law in support of this ideal. However, my study, based on extensive consultations across the world, shows that the fundamental international humanitarian law is still sound: what it lacks is international recognition, acceptance and enforcement, especially at the national level.

Second, and even more important – we must change the minds and hearts of people so that they recognize that what they are either neglecting or deliberately destroying in wars and other armed conflicts are not just the cultural symbols of an enemy – whether an international enemy, or just a person of a different racial, ethnic or religious group living in the next village or even the next house. Humanity is a single species less than 4 000 generations old, with what is ultimately a common, though rich and diverse, culture. Destroying the physical evidence of any part of this is not just an attack on the enemy's culture; it is equally an attack on our own culture.

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## Present work at UNESCO to reinforce the Convention for the protection of Cultural Property in the Event of Armed Conflict (the Hague Convention) 1954

Lyndel V. Prott

### Introduction

In 1992, at the request of the General Conference of UNESCO, the Director-General presented a report to the Executive Board concerning the possible reinforcement of UNESCO's instruments for the protection of the cultural heritage. UNESCO has three Conventions and ten Recommendations concerned with this subject (listed in Annex I).

In this study, it was proposed that further work be done on the *Convention for the Protection of Cultural Property in the Event of Armed Conflict (the Hague Convention) 1954*. It was recommended that no such action be presently taken in respect of the *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970*, because of the developments which were taking place in legal control of illicit traffic which might have an effect on attitudes of states to the UNESCO Convention (adoption of a Directive and Regulation by the European Community, a new draft Convention by UNIDROIT on the private law aspects of this problem; another scheme for English-speaking countries (since adopted)). Furthermore, it was decided not to consider revision of the *Convention concerning the Protection of the World Cultural and Natural Heritage 1972* which was then subject to an expert assessment for a strategy for the next 20 years and whose Operational Guidelines had not yet been fully exploited. It was recommended that consideration be given to a new convention on the protection of the underwater heritage.

The Executive Board adopted these Recommendations of the Director-General and in subsequent meetings discussion has concentrated on the review of the Hague Convention and the need for states to co-ordinate action under the three Conventions. Since then the Secretariat has been giving intensive consideration to the reinforcement of the Hague Convention.

## 1. Consultant's study

Members of the International Council of Museums (ICOM) had been concerned for some time about the operation of the Convention and how it could be improved. It was therefore appropriate that Professor Patrick Boylan, a Vice-President of ICOM, act as Consultant to UNESCO and report, in 1993, on the achievements and continuing potential of the Convention. The Recommendations of Professor Boylan are before you and I will not repeat them here. That report was, however, a starting point for new initiatives.

UNESCO also consulted closely with the International Council on Monuments and Sites (ICOMOS) which had also been deeply concerned, particularly about damage to sites on the territory of the former Yugoslavia. Accordingly, two Round Table sessions have been held to discuss the way in which members of the ICOMOS national sections, which form a world-wide network, could be used in emergencies to give additional protection, and ICOMOS has also been considering the possibility of establishing an international fund which would be available for such activities as training and emergency action.

## 2. The Hague meeting

The Netherlands government invited experts from nineteen countries to discuss the Boylan Report in The Hague from June 1993. There was a very wide ranging discussion at this meeting. The experts held that the object and purpose of the Convention were still valid and realistic and that its fundamental principles could be considered as part of customary

international law. The General Conference of UNESCO adopted this view in Resolution 3.5 at its 26th session in November 1993 (Annex II).

Efforts to get more states to become Party were considered essential by the experts, possibly by more actively involving regional organizations in promoting the Convention. In following up this Recommendation, a member of the UNESCO Secretariat attended a meeting in Doha, Qatar, organized by the Asian-African Legal Consultative Committee and the government of Qatar, and spoke about the Convention. It was clear that many delegates were not aware of the Convention and further information was sent on to a number of inquirers. UNESCO is also planning regional meetings on illicit traffic in cultural objects – these will also be used to inform all the participating states of the importance of the Hague Convention and its Protocol. At the forthcoming meeting of the Bureau of the World Heritage Committee, a paper will be submitted by the Secretariat explaining the importance to the protection of world heritage sites of accession to the Hague Convention.

The meeting also emphasized the importance of information to the persons, both military and civilian, responsible for its implementation. UNESCO proposes to hold a meeting of military experts during the 1994–1995 biennium and also to draft a simple manual of information which could be given to all states for transmission to their military academies for training purposes. A manual of disaster preparedness being prepared will include information on the Hague Convention.

The meeting also stressed the importance of preparation at national level, such as the documentation of the heritage and the provision of sanctions in the national legal system.

A question raised was the system of special protection under the Convention. The Convention provides that any Party may submit to the Director-General an application for the entry in to the Register of Special Protection certain refuges, centres containing monuments or other immovable cultural property situated within its territory. Such sites must be situated at an adequate distance from any military objective and not used for military purposes. Another Party may object to its inclusion on

the ground that it is not cultural property or that it does not comply with these conditions. If the objection is maintained, an arbitration procedure is established. (Arts. 8 of Convention, Arts. 12-15 of the Regulations).

Only four states have ever made use of that provision. In order to establish whether states did consider it still useful to have this provision on special protection, UNESCO has written to over 40 states who are party both to the Hague Convention and to the World Heritage Convention and which also have cultural sites on the World Heritage List, asking them to consider nominating these for the Register of Special Protection under the Hague Convention. So far six states have replied, all favourably, to this proposal. The Secretariat then replied, reminding them of the specific procedure to be followed before such inclusion in the Register can take place.

The meeting of experts recommended that this procedure be simplified. The Secretariat is watching closely to see whether the present complexity of the procedure in fact deters from further action those states who have shown that they would like to nominate sites but have not yet lodged formal application.

The expert meeting also considered the need for sanctions under the Convention. In that respect the first real enforcement procedure has become available with the establishment of the Commission and the Tribunal for war crimes on the territory of the former Republic of Yugoslavia. UNESCO has worked closely with the Commission, passing it such information as came to hand concerning destruction and damage of cultural property received by the Secretariat. The tribunal has as one of its heads of jurisdiction, crimes against cultural property. This is an important precedent, and UNESCO will be vigilant to try to ensure that any other special ad hoc tribunals of this kind include a similar head of jurisdiction.

A major concern of the meeting was the establishment of institutional mechanism for the application of the Convention. A number of experts favoured the establishment of an intergovernmental Committee. This idea was developed further at the Lauswolt meeting discussed below.

The question was also raised about the training of UN peace-keeping forces. This too was considered by the General Conference of UNESCO, and in implementation of its recommendation, the Director-General discussed this matter with the Secretary-General of the United Nations. While he agreed that UNESCO liaison officers could, in specific instances, accompany peace-keeping forces, he could not agree in advance that this would occur in all peace-keeping operations, which are subject to practical and military considerations which may make acceptance of such liaison officers difficult on some occasions.

An important discussion ranged around the question of whether to retain the system of Commissioners-General, which had not been used since 1967, or institute a new system. Present practice is for the Director-General to nominate a Personal Representative, and this has proved quite effective. However further discussion at the Lauswolt meeting showed some hesitancy in writing this procedure into the Convention.

### 3. The Lauswolt meeting

In February this year 9 experts met at Lauswolt in the Netherlands, again at the invitation of the Netherlands government. This time the experts drafted specific proposals. These included a proposal of a new procedure for inscription on the Register for Special Protection, which would be determined by an inter-governmental Committee, expanded provisions for national punishment of offenders, explicit provision for both state and individual culpability, mutual assistance in criminal matters and a provision on grave breaches of the law of war based on the provisions of the Geneva Protocols.

A number of these proposals required close consideration by UNESCO. This study is now under way. Without pre-empting the result of that reflection, some of the considerations which UNESCO has to take into account can be mentioned.

In the first place, if the States Parties decide that they wish to make some changes to the text of the Convention, UNESCO would prefer this

to be done by signing a Protocol to the Convention, rather than by textual amendment. As is the case with all international instruments, a change of text may result in some State Parties not adhering to the new text and thus weakening the cover of the Convention. Changes can be made by a Protocol, and then it will be quite clear that those states who do not want the changes can and do remain bound by all the obligations of the original text. States who are currently considering becoming Party to the Convention (Canada and the United States are in this position) will not be deterred from going ahead with their examination of the problem.

Second, although it is clear that the implementation of the Convention could be improved by the establishment of a permanent advisory body, it is not self-evident what kind of a body this would be. In the conflictual nature of situations where the Convention is applicable, an intergovernmental committee may not find it easy to operate, and any procedure which would slow down response to the activity should be avoided. UNESCO hopes to make a proposal which will take account of these factors and at the same time respond to the legitimate concern of states to take a more active part in the implementation of this Convention.

#### 4. UNESCO's programme 1994-1995

From these various meetings and discussions, UNESCO has taken many ideas for future activities. Some have been already described in the paper, but some have not.

One initiative has been to make closer contact with the International Committee of the Red Cross. This Organization is responsible for the administration of the Geneva (Red Cross) Conventions of 1948 and their two Protocols of 1977. The first Protocol, which relates to the protection of victims of international armed conflicts, includes the following provision:

*Article 53 – Protection of cultural objects and of places of worship*  
Without prejudice to the provisions of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14

May 1954, and of other relevant international instruments, it is prohibited:

- a) to commit any acts of hostility directed against the historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples;
- b) to use such objects in support of the military effort;
- c) to make such objects the object of reprisals.

The second Protocol, which relates to the protection of victims of conflicts not of an international character includes the following provision:

*Article 16 – Protection of cultural objects and of places of worship*  
Without prejudice to the provisions of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954, it is prohibited to commit any acts of hostility directed against historic monuments, works of art and places of worship which constitute the cultural or spiritual heritage of peoples, and to use them in support of the military effort.

It is thus clear that, in implementing the Geneva conventions and their Protocols, the International Committee of the Red Cross has a direct interest in the subject of the Hague Convention. One meeting of the responsible officials of the Red Cross and UNESCO was held last year, and another will take place shortly, to try to co-ordinate more closely joint efforts to enforce these provisions and to co-operate in training and public information.

UNESCO is also working with ICOM, ICOMOS and the International Centre for the Study of the Preservation and the Restoration of Cultural Property (ICCROM) to reinforce these professional networks who provide experts for emergency services. Work is advancing on the establishment of expert regional networks which could offer rapid response in emergencies.

Work is also proceeding on the preparation of a manual for disaster preparedness, taking account of the fact that preparation for the contingency of armed conflict has many similarities with preparation for natural disasters, and that it is presented in a less threatening context when joined with those.

A workshop on the Hague Convention, probably in association with the Red Cross and Henri Dunant Institute, is being planned for Central Asian and trans-Caucasian States next year. UNESCO regards it as a top priority to lend assistance to newly emerged states, some of whom are not yet party to the Convention, and most of whom have not yet had the opportunity to learn of the international networks which can assist them, nor to establish internal structures, to implement the Convention.

It is to be noted that some of the most useful educational work has been done with national societies of concerned citizens who can form a lobby to continue to bring the Conventions to the attention of the government and local authorities. Such societies have existed for some decades in both Austria and Switzerland and now have useful practical experience in consciousness raising on the need to protect cultural property.

The resources available to UNESCO limit the amount of work which can be undertaken. The responsibility for education and training, for example, is placed on the Parties to the Convention. Top priority, therefore, needs to be given to the translation of the Convention and Protocol into local languages, its wide dissemination, and encouragement of its discussion e.g. in arts and law faculties of the universities and in the armed forces academies, as well as in the press.

Finally, much more attention needs to be given to the Protocol to the Hague Convention. It is this instrument which requires States Parties to return to territories which have been occupied, cultural objects which have been wrongfully removed. Objects from the occupied area of Cyprus have long been a concern; major problems of illicit excavation have taken place during the fifteen years of civil war in Lebanon. Large amounts of cultural property are still missing subsequent to the armed intervention in the Gulf and it can be expected that much displaced

cultural material from the territory of the former Yugoslavia will find their way into the international market. States which are Parties to the Protocol need to watch carefully for any evidence that such objects are arriving in their territories.



# Requirements and methods to influence conditions of cultural heritage during ongoing armed conflicts

*Margareta Biörnstad*

## Introduction 1

As I have no personal experience from – or have had any direct contacts with former Yugoslavia or any other country undergoing armed conflicts – I will focus my introduction on the national level, from the very situation I have met in Sweden.

Which are the problems, and what can be done at the national level to improve information about ongoing conflicts if the purpose is to increase public awareness and to put pressure on the politicians to act?

My reasoning starts from my experiences as protector of the cultural heritage. I am aware of that the events and conditions could be otherwise described by colleagues from other fields of competence. With this introduction my purpose is to add to the ideas and proposals that I find constructive and positive put forward by professor Boylan.

First I would like to underline that Sweden as a nation has been active in supporting the UN peace-keeping actions in various conflict situations. This support has been in favour of negotiations or by supplying military personnel or observers or members of the police-force. We have also participated in the humanitarian work with actions in support of civilians, various kinds of medical actions etc. The largest commitments on the military side has been Congo, the Middle East and Cyprus, but technical experts have been involved for instance in Cambodia, Central America and Uganda as well.

In ex-Yugoslavia there are Swedish soldiers in the Nordic battalion UNPROFOR. Swedish authorities as well as the Swedish Red Cross and other NGOs (non-governmental organizations) are participating in the extensive work undertaken by the UN to support the civilians. But also in another way we are very much aware of the developments in the conflicts in ex-Yugoslavia, and that is by the large number of refugees that have come to our country. 155 000 asylum-seekers have come to us from July 1991 until today. Of these 60 000 are from Kosovo and 45 000 from Bosnia.

And then – what about activities in the cultural field? I think that I am pretty much correct when stating that there is no tradition in Sweden to link peace-keeping work with help in favour of international cultural development. When for example the government administration and particularly the Foreign Affairs Office have been planning activities for the Swedish support for rebuilding, the cultural heritage has not been in the picture. For us it has not been evident that we should include the protection of the cultural heritage when discussing international law.

Why is it so? I can think of various reasons. One I would say is linked to the idea that the rebuilding of monuments and cultural areas have not been regarded as a part of the humanitarian aid but more as general development aid and that our policy of development aid is very strict when applying the rule that it is the priority of the receiving country that shall decide. Another reason might be the very limited role that the state agency for protection of the cultural heritage has been given in the international cooperation.

When it comes to the present situation in former Yugoslavia it is fairly easy to notice that the systematic destruction that has been taking place there has been carried out without being properly noticed by us. The mass media have clearly been selective when choosing what to report about and have almost solely been concentrating on the bombing of Dubrovnik, the destruction of the National and University Library in Sarajevo and the blowing up of the bridge in Mostar. The same pictures are shown over and over again on the television screen and in the newspapers. The reader who does not actively seek additional informa-

tion by herself can hardly be aware of the scale of the ongoing destruction, nor of the systematic way that this destruction is carried out in.

We will come back to the role of the mass media tomorrow. Let us now concentrate for a bit on the reactions by authorities and on the political level. Until one year ago I myself was responsible for the actions taken by the Central Board of National Antiquities. With the perspective I have today I must say that although we did react to what takes place in ex-Yugoslavia we remained passive. We did participate in the discussions initiated by the Council of Europe and ICOMOS but we did not – with few exceptions – take any initiatives of our own and did not seek contact with other state agencies or political fora in Sweden.

We only started to analyze what actions we really could undertake after the appeal from the ICOMOS General Conference launched in August 1993. At that point the Central Board of National Antiquities had established a more direct link with the Swedish National Commission for UNESCO, thereby gaining a better knowledge of what actions UNESCO was undertaking.

Our first concrete undertaking was a letter from ICOMOS Sweden and thereby by association also from the Central Board of National Antiquities to the Swedish government with an appeal to speak up against the vandalism taking place in Bosnia-Herzegovina. Afterwards one can see that this letter might have had an effect; the Minister of Culture had to react on it and she put it in front of all the Nordic Ministers for Culture that based on this made a joint statement where they condemned the ongoing destruction.

Equally important was also that the question was raised directly on the political level and that – by doing so – a certain readiness was created for future actions. At least that is how I perceived it when I came back to the Minister for Culture to ask for support for today's seminar. Of the discussions that I have had after that – with representatives of various ministries and national agencies – I have got the impression that the questions of the cultural heritage more concretely can come to be put on the agenda both when it comes to future support for the rebuilding of ex-

Yugoslavia and more generally in the discussion on public international law and the UN peace-keeping activities. But in order to make this happen I think that there is need for an active information work to create public awareness from the national organs for the protection of the cultural heritage and from organisations and private partners who are involved in the work for the conservation of the cultural heritage.

One of the conclusions that I draw is therefore that there is need for a better network on the national level, a network where representatives of the cultural heritage conservation are members and can provide their expertise. This in turn also has as a prerequisite that the responsible national authorities or the national ICOMOS Associations follow what takes place on the international arena. They must also be prepared to take their own initiatives and try to disseminate knowledge more generally on how the cultural heritage is damaged at conflict.

In order to influence the conditions during ongoing conflict there is almost always a need for political decisions. It can be decisions in the UN and UNESCO that would make it possible to be able to link cultural heritage advisory officers to the peace-keeping forces, to provide active help for the protection of the cultural heritage etc. On the other hand political decisions are needed in individual countries on emergency aid given during ongoing conflict and on help to rebuild afterwards. This work is undertaken simultaneously on both levels, preferably in fruitful cooperation.

At the same time it is obviously so that the degree of public attention to a very great extent does influence the political actions undertaken in each conflict situation.

On the international level there are various organs that watch over the issues of cultural heritage. Primarily this is UNESCO and ICOMOS. In the ongoing conflict on the Balkan the Council of Europe, the EC and a number of organisations have been drawing attention to the destruction of the cultural heritage. But to obtain a more profound discussion between international experts and experts on the national level there must be a clear recipient of the message. This is yet another reason to activate

the national organs for the conservation of the cultural heritage. They need to take a more active part internationally by being one partner in a dialogue both on the national and the international level.

Even if some countries in the international community have a tradition to be active supporters of the matters concerning the cultural heritage I think that many can relate to my description of the conditions in Sweden. Therefore there can be a reason to contemplate what can be done to start a broader discussion on national responsibility. One possible way could be to arrange workshops under the auspices of UNESCO or ICOMOS to exchange experiences between countries. This could also provide an opportunity to discuss how UNESCO and other organs can spread their information and how they shall be able to obtain in-put from other sources, e.g. to develop a true dialogue.

My reason to speak up so strongly for increased activity at the national level is based on the fact that actions before and during a conflict – actions of the kind proposed by Professor Boylan – need to be prepared. These actions will have to be carried out by trained experts of different kinds that can start working at short notice, the capacity to provide material, ready-made plans for education of military and civilian personnel etc. It is equally necessary to have a political readiness for more powerful international action to be taken against the destruction of the cultural heritage – during an ongoing conflict as well as afterwards to bring those responsible to court and to secure reconstruction.

The message has to be clear: The aggressor who destroys the cultural heritage will pay dearly for it. I am therefore convinced that information and public awareness at national level is one of the prerequisites for us to take effective action in conflict situations.

# Requirements and methods to influence conditions of cultural heritage during ongoing armed conflicts

*Marian Wenzel*

## Introduction 2

As Director of the Bosnia-Herzegovina Heritage Rescue Foundation, my experience in relation to heritage preservation in relation to armed conflicts has in the past concerned both the present and the Gulf war, but I shall here concentrate on the present war.

A first requirement necessary for influencing the conditions of cultural heritage during war would be to have an early inbuilt and enforceable legal structure, which would allow regional experts cognizant of regional war damage threat, to tour the endangered areas in company with the military to organize feasible protective measures, such as sandbagging. In the present conflict only newsmen could obtain easy access to threatened areas but experts such as ourselves had to obtain press passes in order to achieve access, and for providing them, I am grateful to the Art Newspaper.<sup>1</sup>

A second requirement to influence conditions during armed conflicts should be that people are informed of all possible relevant facts relating to any potential flash-point areas where it appears a conflict might arise.

People should start being informed, by experts, of numerous details for, say, Macedonia, or the Baltic States. They should be informed, for instance, of the little known fact that the Macedonian language is closely similar to modern Bulgarian. Exploration of reasons behind this fact might be relevant in a future conflict.

No-one was sufficiently well informed of what the Bosnian cultural heritage comprised, to take intelligent action once it started to be wantonly destroyed. That was because western media before this war has tended to feature those areas which are already popular and hence, previously well known.

Two factors deeply relevant to the present conflict have received unequal media attention. The first, often hidden or ill-publicized, is what people *really* are fighting about. The second, which tends to be widely publicized is what people *pretend* to be fighting about.

The first factor, what people *really* are fighting about, can be answered for the Serbian Federal Army in one way, and for Bosnian local Serbian and Croat military groups in another way, insofar as Serbian Bosnian military do not share the goals of the Federal Army and of Belgrade. Serbia has a war economy and the Serbian Federal Army's goals are economic. Also, Bosnia's mineral wealth is not something Serbia as a state wishes to lose. Bosnian mines – particularly the silver mines – were developed in the 14th and 15th century when European mines were drying up, before others were discovered in the New World. Trade from these mines enabled Dubrovnik to prosper and look as it does. Moreover, under communism, the government of the former Yugoslavia expected enemies to come from outside, and so regarded the central Republic of their country (Bosnia) as the safest. Accordingly, they built ammunition factories there, and deposited there stockpiles of ammunition, which they want to retain. Why Bosnian Serb and Croat military groups really fight is of course also for economic reasons, but there are additional reasons for their attacks that I will mention below.

This second factor, why people *pretend* they fight, is composed of a variety of sorts of myth.

Why the Serbs *pretend* they fight, is because they maintain they have virtually divine right to a greater, extended Serbia, which allows just them to own much of the former Yugoslavia, including the hereditary territory of different religious groups. To this end the Serbs have made historically wrong claims about their rights in Bosnia, ignoring the fact

that Bosnian historic boundaries have existed for centuries virtually as they stood at the start of this war.

The sort of distortion of history for political and propaganda reasons utilised by the Serbs was in fact begun much earlier by Austria-Hungary who in the middle 19th century promulgated myths for political ends which still have had influence today. The historic Austro-Hungarian governmental decisions setting up these myths are recorded by the Croatian historian Ferdo Šišić who read of them in official Austrian documents published in the 1930s when they had become available after that period of time when they lay closed to public examination (Ferdo Šišić, *Kako je došlo do okupacije a onda do aneksije Bosne i Hercegovine* (1878 odnosno 1908), Zagreb 1938)

Šišić records that along with making statements such as "if you want to skin a bear, you have to kill him first", the Austrian government decided to begin speaking of members of the "Orthodox" and "Catholic" religions as Serbs and Croats respectively, in order to make trouble between these previously peacefully cohabiting groups, so they could be divided and be ruled.

A second step in Austro-Hungarian myth-making began towards 1890, after Austria had held Bosnia about 10 years. Austrians needed to redress an earlier, different, mid 19th-century essay into myth-making performed by the Pan-Slavic groups of Bishop Strossmayer in Zagreb which cemented ideas of "all Slavs under the Turks together" necessary to foment united uprising against the Turks. Once the Turks were gone, Austria did not any longer want all Slavs to function together (forgetting the name "Yugoslavia" which Strossmayer's Croatian Pan-Slavicists had coined), and therefore connived to separate Bosnia off from other Slav groups.

In this way the Austrian administration – von Kallay and his friend Janos von Asboth – decided to centre their new myth-making around the obscure, little known, national church of Bosnia, initially set up in the 13th century when Bosnia got annoyed with Hungary for influencing the Pope to change their Dubrovnik-based Catholic bishop to one from

Hungary (John Fine, *The Bosnian Church, a New Interpretation*, Ann Arbor 1975). In fact, their founding the Bosnian Church was an attempt to set up an autonomous church such as the Serbs had, but in a Catholic, not an Orthodox sphere.

In order to increase all-Slavs-together links, Strossmayer's group identified the so-called heresy of this Church (independence from Rome) with that of a Bulgarian Manichaean heresy, the Bogomil heresy, 400 years earlier in date. In fact, the name "Bogomil" was never really used for the Bosnian Church in its time (John Fine, *The Bosnian Church, A New Interpretation*, Ann Arbor 1975).

Von Kallay decided to set up a new type of propaganda concerning the Bosnian Church as being Bogomil, and accordingly propagated three lies.

1. The standard Bosnian funeral monuments of the 14th and 15th century plague period – a local outdoor variant of the fashionable European effigy tomb – were not made by the Catholics or Orthodox in whose graveyards they often appear, but by Bogomils.
2. The influence of the Bosnian Church – now called Bogomil – was large, and virtually all Bosnians before the Turkish conquest of Bosnia in 1463 had been "Bogomil". (Bosnian Church influence was in fact always small.)
3. The Bogomils all converted in mass to Islam. This lie is often repeated now in the media and is wrong. Turkish defter records show that the Bosnian church had, in fact, nearly died out by 1463–81. Those who converted were virtually all Catholic or Orthodox.

By these lies, the Austrians separated Bosnia historically from Serbia and Croatia, and gave all its cultural monuments as a gift to the Muslims whom the Austrians then favoured allowing them benefits such as holding serfs, as they had no dangerous links with anyone from outside who might threaten Austria's position in Bosnia, having broken with Turkey earlier in the 19th century.

Now we turn away from myths to truth. It is unlikely anyone calling himself a Croat or a Serb in Bosnia today is pure Slav or in particular, a pure survivor of any of the original so-called Croats and Serbs purported to have arrived on Bosnian soil from the 5th to the 7th centuries AD. Bosnia was very lightly slavized at that time, and many such Slavs as did arrive soon intermarried with the native population they found there, namely, the Illyrians, a group somewhat related to the Albanians. The Albanian origins of the Illyrians are shown by the fact that the river names of Bosnia – the Tara, Drina, Una and Piva – are all Albanian words.

The Illyrians and their descendants on the same territory lived in tribes and practiced transhumance. Slavs called them "Vlahs" or "Vlasi" meaning people other than themselves. They were semi-nomadic stock-breeders, often bandits, inhabiting hills as easily as valleys. Witness to their habitat is still offered by the Illyrian grave mounds alongside Bosnia's ancient roads, which run directly across mountains and far from newer roads contrived by Napoleonic gradient. These mounds often carry the huge block-form tombstones, wrongly entitled "Bogomil".

The intrusive Slavs were not happy in mountains, taking over the valleys as habitat, where they could more easily farm. These Slavs functioned as nobility, but when Vlahs got rich enough, or were good enough bandits, they began to imitate nobility and shifted to being Slavs. It is claimed by one highly reputable Serbian historian that virtually all Serbian kings were originally Vlach (Djurdjica Petrović, personal communication).

In the Middle Ages, Bosnia and Serbia both had a feudal system (Slav) superimposed upon a tribal system (Vlach). Vlachs in Bosnia as well as in Serbia were, in the 14th century at least, owned by the King. But while the Serbian King gave his Vlachs – in Serbia and in Montenegro – as gift to the monasteries who curtailed their movements and bred in them devotion to the Church, the king in Bosnia mainly used them to raise troops, otherwise leaving them free to travel great distances, and continue their archaic way of life.

The Vlachs were very conservative and only lightly Christianized, retaining many pagan customs. Those living from the Dalmatian hinterlands into Central Bosnia were Catholic, while those in southern and eastern Herzegovina, towards Montenegro, were Orthodox.

The population of Montenegro, including ancestors of certain leaders in the current war, such as Milošević in Serbia and Radovan Karadžić in Bosnia, was mainly Vlach, sharing the ethnic substratum of eastern and western Herzegovina, irrespective of varying religious adherence. Many Vlach tribal groups – which also were called families, but which could change names as they splintered into new units – had both Catholic and Orthodox members, and changed freely from one to the other religion and even back. A good example is the Bobani tribal group, ancestral family group of the Catholic Croatian leader Mate Boban, whose recent power base was the town of Mostar, where his followers eliminated the Old Bridge.

The Bobani tribe moved up from Albania in the Middle Ages, in contrast to other Vlach tribes who may always have existed in the same territory where they were recorded in historic times. They settled in eastern Herzegovina, where they were Orthodox, and are well recorded in the Dubrovnik archives in the 14th and 15th centuries because of their bad deeds. Banditry was their way of life, and they did well at this, several sharing a luxurious, inscribed tombstone dated to the earlier 15th century in the Orthodox cemetery at Žakovo, Popovo Polje, a valley south of Mostar and east of Dubrovnik. Those mentioned on the tombstone and other Bobani of their time were horse thieves, who also stole money and sold their neighbours into slavery. After the arrival of the Turks in the latter part of the same century, the family presumably moved north-west, and became Catholic. The shrine of Medjugorje lies near the demarcation between Catholic and Orthodox forbears of this Vlach family group.

So why do these people fight each other?

We return to culture. Bosnia-Herzegovina has two basic kinds of culture – rural culture, and that of the towns. The rural culture has links with

the medieval dinaric culture followed by all Vlach groups though of course, some rural families which live in this culture sphere do not practice transhumance, and think of themselves as Slav. This culture features small stone cottages with peaked wood, stone or slate roofs, fires mid-floor on flagstones, and the manufacture of bread directly on the flagstones, cooked under a domed iron object known as a "sadj". Wood furniture includes three-legged stools and chairs, and home weaving includes thick blankets of natural wool and a peaked, felt headdress keeping rain from the shoulders, represented in Roman sculptures of rural inhabitants of the Balkans. New houses made by these people are mainly out of cement, with porches.

The town culture introduced after the arrival of the Turks in the 15th century of course carries the Ottoman Turkish style so cruelly attacked now, with colourful markets, private houses with courtyards, administrative buildings and mosques constructed in local building techniques, and also imposing Catholic and Austro-Hungarian buildings in both Ottoman tradition and European Art Nouveau. Delightful cultural complexes of these sorts of building attracted tourists, and encouraged pleasant hours in street cafes.

I have just been to Herzegovina. People there disagree, as you know. What they agree upon is, the present war is "the G-G War". The G-G war means the Gacko-Grude war. Gacko is a small town in the Orthodox and Muslim sphere of eastern Herzegovina, towards the Montenegro hills. Grude is a rather featureless, newly built-up Catholic area west of Mostar in the Neretva River valley, nearer the coast. Both areas are very conservative and provincial. Both are believed to resent the people, cultural tradition and tourism of bigger towns, like Mostar, Sarajevo and even Dubrovnik. For instance, those around Mostar call Mostar a "gypsy town" (ciganski grad), and as such, worthy to be deplored. Their resentment against Mostar is said to resemble similar resentment felt by Radovan Karadžić against Sarajevo, whose buildings and people he and his men attacked from the surrounding hills whilst drinking rakija and playing the gusla.<sup>2</sup>

Concerning the men of Grude, I was recently told by a girl from Mostar of mixed Croatian-Serb parentage, "If you've seen one, you've seen them all. They are all tall with thick necks, and wear white socks and drive the same kind of car. They come into Mostar in these cars, and sit in the cafes and ask for *"kava"* (coffee). And the waiter tells them, *"Kava* costs *"x"* dinars, but *kafa* (the Mostar term for coffee) costs a lower price."

The "Gacko" attack against Mostar began first, in early April 1992, when Serbian military seized the entire Left Bank or right side of the town (the historic Turkish Old Town, including the Old Bridge), and all the strategic points round the town on the right side, turning them into gun emplacements. The greater part of the inhabitants of Mostar were not prepared for war, but those of the Croatian suburbs – and Croats in general in the direction of Grude and beyond – were armed. Fighting units of the remaining townspeople – Muslims with Croats, and some few Serbs – formed spontaneously, and in June 1992, together with Croatian units, freed the occupied historic part of the town. A book recording damage done by the Serbs, *Mostar Urbicid*, was published by cultural authorities within the town, which was by then joined with western Herzegovina (including Grude) as capital of "the Croatian Republic of Herceg-Bosna". This "Croatian Republic" was a new Catholic oriented political unit under Mate Boban which was to remain multi-ethnic only a short while.

In the late summer of 1992, Serbian forces which still held eastern Herzegovina around Gacko, to Mostar's east, drove thousands of Muslim Bosnians from their homes in eastern Herzegovina, most of whom fled into Mostar, creating new problems for the already-battered town. Some of these provincial refugees were said to have combed the streets as gangs, looking out for flats to break into and occupy. All this while, Serbs around Gacko continued to shower the town with shells. Croatian units related to Mate Boban, on the other hand, encouraged by the Vance-Owen plan offering Croats ethnically pure areas and inflamed by the arrival of so many Muslim refugees, began to "cleanse" Mostar of its Muslims, and to destroy Muslim-related edifices. In response, from May 9th 1993 into July, ethnically mixed Bosnian Republic forces

managed to push the "Herceg-Bosna" Croats out of the historic Left Bank of Mostar and some of the Right Bank, securing this as the southern periphery of the Bosnian State.

Now Mostar was divided, the "Grude" attack on the historic part of Mostar, and all Muslim edifices in the whole Mostar area, began in earnest. Most accessible mosques in non-Bosnian held parts of this area were purposely mined and their minarets brought down. Some 200 000 projectiles were sent in onto the old part of the town by Croats, though occasionally Serb shells from "Gacko" also arrived.<sup>2</sup>

Madness against things Muslim led discussion to rise in the town about the "need" to destroy Mostar's Old Bridge, the only bridge which remained through the initial Serb attacks. A lot of people liked it, but many in the Croatian part of town were heard to say it was a Muslim symbol, and "had to go". There were no missiles available in the Mostar area powerful enough to destroy this bridge, but in October 1993 some Croatian Army tanks were brought in with appropriately powerful guns. Some were dug in at Čitluk, near Grude. On Friday, November 5, 1993, a high-powered meeting of Croatian authorities including Mate Boban and Franjo Tudjman was held in Split. On Monday, November 8th, Croatian cannon was turned on the Old Bridge. After a heavy barrage that day, a few shots on the morning of Tuesday, May 9th, brought the bridge down. Film of the shooting indicate, after the span was first pierced, some of the falling stones hung over the river like a mermaid's necklace, caught in the protective netting over the part of the bridge which still remained, as if reluctant to disappear. After about five minutes of intense silence, a new barrage tumbled the span, with river spray rising as high as the towers to either side. Of the little house on one side of the bridge, where I had stayed as a student, only three walls remain.

To conclude, the chief requirements to influence conditions of cultural heritage during ongoing armed conflict as suggested by this example are education concerning a complete situation sufficient to predict the extent of damage threat, and methods to enforce the Hague convention through



the involved governments to at least protect and preserve world monuments of the calibre of this bridge from primitive passions at play.

## A fund for the cultural heritage at risk

*Sabine M. Gimbrère*

### Introduction

Although sitting here bareheaded, I am really attending this conference with two hats on. Until now I was wearing the head-gear of representative of the Ministry for Cultural Affairs in The Netherlands responsible for the review of The Hague Convention. I have changed hats, however, and will address you this afternoon as one of the authors of a paper concerning the establishment of a fund for the cultural heritage at risk.

The awareness of conservation issues among the general public has increased considerably during the last two decades. Both on a national and an international level organizations that focus on the conservation of the environment, endangered species and the cultural heritage are able to attract not only publicity but also financial support from a wide range of donors. The weekly offering in church has been replaced by a contribution to Greenpeace or the World Wildlife Fund.

Despite the efforts already taken by various governmental and non-governmental organizations active in the sphere of preservation and conservation, it is felt that there is a need for an international fund to support risk-preparedness activities in the cultural heritage field. In other words, there might be a lot of expertise available but what the international community still needs is money and lots of it.

The idea of a fund was first launched by ICOMOS and has subsequently been elaborated by two "believers" in the Netherlands. Although we realized from the start that the establishing of a fund has every chance of failure, my partner in crime, Kirby Talley, uses two quotes to keep our spirits high: "fields are won by those who believe in winning" and "the only things in life which are certain are taxes and death".

I shall explain to you the set-up we have in mind for the fund.

<sup>1</sup> After the reading of this paper, in July 1994, BHHR became UNHCR registered, gaining free access to Bosnia, as at that time, aid to buildings became permitted to qualify as a form of humanitarian aid.

<sup>2</sup> I am grateful to Sunita Begić, eye-witness, for many of these details.

## Scope and objectives

A good way of introducing the aim of the fund is by defining what – in our view – the fund should *not* be. The fund should *not* become yet another *organization* in the field of the cultural heritage. On the contrary, a large administrative organization would only jeopardize the effectiveness of achieving the objectives of the fund. Therefore I would rather avoid the term "*Blue Shield Organization*".

The fund will have to provide money for a range of activities directed towards the conservation of the movable and the immovable cultural heritage. I shall elaborate some more, both on the scope of the fund and on the activities that qualify for support of the fund.

Movable and immovable cultural heritage are often subject to different regimes. However, during the past years art historians and conservation experts have increasingly come to realize that it is neither possible nor desirable, from a point of view of disaster reduction and risk-preparedness, to make a distinction between movable and immovable cultural heritage. When the Uffizi Gallery in Florence was bombed the safeguarding of the building and its contents were at stake at the same time.

The 1954 Hague Convention is of course an example of this integrated approach.

The activities on which the fund will focus can be roughly described as follows:

1. **Advocacy:** the utilisation of financial and social resources to stimulate public awareness, education and ultimately the conservation of the cultural heritage;
2. **Preparedness:** the mobilization of expertise and experiences of the world's conservation professionals, by optimizing training facilities and creating a network of knowledge;
3. **First aid:** the immediate response, without bureaucratic or governmental interference in times of natural

disaster or armed conflict to aid threatened cultural heritage.

With regard to first aid activities the fund is likely to appropriate its money to cultural property that is:

- included on such lists as the World Heritage List;
- protected under the 1954 Hague Convention;
- falling under ICOM criteria for museums;
- nationally protected.

Countries without protective laws mentioned in the latter category can be encouraged and assisted by the fund to develop and implement such rules. Such activities would clearly fall under the objectives of the fund.

Although the fund will principally focus on the above-mentioned cultural objects, it should be free to provide money to other projects and objects.

## Autonomy of the fund

Since the governmental and non-governmental organizations which are directly concerned with the cultural heritage already possess the necessary professional expertise, the fund will not – as I mentioned before – have to become another organization of conservation professionals.

With money as an incentive the fund will, however, be able to act as a catalyst for co-operation and will encourage closer relations between the existing organizations. This can best and probably *only* be achieved if the fund is independent and neutral with regard to any of the professional organizations, whether governmental or non-governmental.

From the point of view of fund-raising the autonomy of the fund is also a necessity. The United States will hopefully renew its membership of UNESCO in the near future, but some of its citizens may still be prejudiced and refuse to give money to a fund too closely related with UNESCO. If in turn the fund would be coupled to ICOMOS, for example, it would be hard to avoid the impression that the immovable

heritage would receive the lion's share of the fund's resources. Since all of the existing organizations have their own politics and priorities, the fund must be totally self-governed both in deciding on its goals and in setting priorities, in other words free to decide where its money should go. One way of securing the autonomous position of the fund is through the organization structure and procedure.

## Organization structure and procedure

In order to be able to create a fund that on the one hand is independent, effective and speedy in its response and on the other hand co-operates closely with existing organizations the following administrative structure has been developed.

## Organization structure

Since the fund is being created to deal with risk-preparedness, a cumbersome form of committee approval for grant applications, especially for first aid assistance, would be counterproductive. As was mentioned before, the fund's credibility for both donors and applicants will depend on its capability for speedy response.

A Grant Advisory Board will decide on the grant applications. It will consist of heritage professionals, internationally recognized experts and the director of the fund. Because simple and direct lines with UNESCO, ICCROM, ICOMOS and ICOM are necessary for the fund to be effective and efficient, representatives from these organizations may well serve on the Board. It is, however, imperative for these experts to work independently from the organizations. The fund should not become a simple financial clearing house. Since too many members would certainly harm the necessary swift decision-making a number of ten members is seen as a maximum. The Grant Advisory Board will make as much use as possible of new communication techniques. This is especially important when applications for emergency aid are to be decided on and it has the additional advantage of keeping travel-expenses low. Besides its

decision-making power the Grant Advisory Board will also advise the director of the fund on mayor policy-issues.

In addition to the Grant Advisory Board the fund will consist of a Board of Governors, a small staff, headed by a director and partly due to legal requirements a supervisory board.

The members of the Board of Governors will be important representatives of the international community, people that will be able to guarantee entrée. I am sure that all of you can off the cuff think of potential members, kings or queens, former presidents, the Aga Khan's of this world etc. Since it is not realistic to expect the Board of Governors to get involved in the day-to-day activities of the fund, what the members must be willing to do is to support the fund-raising and promotional activities and serve as advocates of the good cause.

The staff of the fund will have to remain small. A director, being a conservation professional as well as a fund-raiser, will head the team. Besides the director the bureau could eventually consist of a secretary, a financial administrator, a public relations manager and possibly technical advisors that could assist the Grant Advisory Board.

The supervisory Board will not be directly involved in policy-matters. The board will advise the director on financial and other administrative issues. It is therefore likely to consist of tax-lawyers, bank-managers etc.

For tax reasons it is advisable for an institution like the fund to work with national branches. In most countries only donations to an organization set up under national law are tax-deductible. This explains why an organization like Amnesty International or Greenpeace has an international branch as well as national committees. It will be necessary to locate as soon as possible capable and influential people, not necessarily cultural professionals, who will be responsible for undertaking the management and fund-raising of the national networks. The fund should advice and assist the national committees. However, under all circumstances a bureaucracy will have to be avoided.

## Procedure

Not only the organizational structure but also the practical procedures will have to be as simple and effective as possible, this being the fund's best form of public relations.

So how will things work in reality?

Since a lot of the requests for financial support are expected to come from the professional organizations, co-ordination is essential. To ensure this co-operation the fund should request UNESCO, ICCROM, ICOMOS and ICOM to designate so-called liaison-officers. These people will serve as liaison between the fund and the professional field and should within their respective organizations be made responsible for the co-ordination of all risk-preparedness activities that fall within the scope of the fund. Although this is really none of the fund's business, ideally risk-preparedness squads would be formed, consisting of the liaison-officers of the above-mentioned organizations. Co-ordination of this sort will reduce the amount of applications and ensure an efficient and effective distribution of money. The training and other activities of the risk-preparedness squads could be supported by the fund.

Requests for support can also be submitted by others than the professional organizations. National or local governments, institutions such as museums and private owners can ask for support by the fund. In order to help applicants with their requests national Honorary Consultant Generals could be appointed. Those retired conservation officials operating independently of the national authorities could both assist the applicants and provide the fund with a first advice on an application.

Once an application is received by the fund it will be dispersed to the members of the Grant Advisory Board. Despite its name the Grant Advisory Board does not merely *advise* on the requests but will make a final decision – by majority vote – on whether support is granted or not. Requests for first aid activities are likely to require a different, more speedy procedure from advocacy or preparedness activities. Meetings by

fax or conference can be the solution. Less urgent requests can be decided on in biannual or quarterly meetings.

## Financial means and fund-raising

The question trembling on your lips is no doubt where the money, so abundantly spent in this speech, will come from. Despite or maybe because of economic realities the base of fund-raising activities will have to be as broad as possible. Although the big money is expected to come from private corporations and foundations rather than from governments or governmental organizations every penny is welcome but will have to be fought for. This includes donations from individuals which are an important source of some of the biggest conservation organizations.

As we were told by fund-raising experts foundations, corporations, individuals all want to know what their money is spent on and we were advised to ensure a clearly structured form of accountability.

Financial support is not the only support the fund will be in need of. Especially in the initial phase donations in kind would be most welcome.

Since legal advice, fund-raising, promotion and public relations are extremely expensive, it will be necessary to locate professionals who are willing as a form of sponsoring to cover these activities.

The same approach can be attempted with TV and radio-stations, that might be willing to donate time for the fund's promotional activities.

## Conclusions

Before any activities, whether fund-raising or other, can be undertaken, it will be imperative to establish the fund legally. We are on the verge of doing so. Statutes have been prepared and all it will take is a visit to the solicitor. But that is only a first step. In order for the fund to become a success it need not only to become a juridical reality, it will also need to

come to life in the minds of all those involved: the professional organizations, the potential governors and donors. I hope we can count on your support to make this happen.

## The risk preparedness scheme

*Leo van Nispen*

Recently meetings were organised to identify common grounds in existing initiatives in the area of disaster preparation but also in response to the common frustrations in dealing with conflicts in Lebanon, the Gulf War, former Yugoslavia and recent natural disasters elsewhere.

The participants (representatives from UNESCO, ICCROM, ICOM, ICOMOS and various individuals with relevant experience in dealing with cultural heritage in times of conflict or disaster) concluded that the hands of professionals are tied not only in time of war but also in times of peace because of:

- insufficient funding of cultural heritage relief;
- inherent weakness in the system of international cooperation;
- insufficient understanding of disaster/conflict response needs.

The evaluations of the 1954 The Hague convention and the 1972 World Heritage convention has also demonstrated the limitations of these two instruments.

A Plan of Action has emerged from both the general reflections on the conventions and from the meetings with experts in the field: the *Risk Preparedness Scheme* which consists of:

- Culture at Risk Fund;
- Training Scheme;
- Information Management Scheme;
- First Aid Squads;
- Awareness Programme.

All the elements can be, and in fact are being developed separately. However, they are very much interlinked and should be developed within

a permanently guarded consistency; consistency in timing, wording, harmonizing offers and needs.

## 1. Culture at Risk Fund

The cultural heritage movement lacks a global relief organization, one with the world wide image and impact of the World Wild Life Fund, Greenpeace or the Red Cross. The need for a broadly supported, independent and non-bureaucratic organization to take the funding role is obvious. That means an organization that has the capacity to raise and to provide money for the activities, mentioned in the Risk Preparedness Scheme by supporting first aid, preparedness and advocacy. The previous speaker explained the set-up.

## 2. The Blue Shield

This concerns the setting up of an International Blue-Shield organisation and regional/national Blue-Shield-Squads for the protection of culture during extraordinary circumstances. Extraordinary circumstances are situations of distress and catastrophe as well as of danger because of international tension.

The Blue-Shield will be active in the field of advocacy, preparedness and first aid.

In general the protection and preservation of cultural heritage are commonly accepted activities. However, ICOMOS feels that the responsibility for protection of cultural values during extraordinary circumstances is neither well defined nor in time executed. For that reason ICOMOS proposes the establishment of a Blue-Shield organization existing of volunteers who are professionally involved with movable or immovable culture.

The *Local Blue-Shield squads* will work in close collaboration with those responsible for the cultural values as well with those responsible for

contingency planning. They will be prepared logistically as well as mentally to prevent damage as much as possible when the extraordinary circumstances will be there; much of their work will be preventive, however, drills etc will prepare them for first aid as well. Task description, organization, information planning, updating, prestigious support and funding (see sheet) need attention.

On the *International and Regional level* a centralised database of specialists in the conservation of cultural heritage in emergency situations should be created and used. Such a database should discriminate between strategic and scientific expertise. Its management should be the responsibility of joint committees (one international, several regional) of UNESCO and NGO's in cultural heritage conservation, so as to ensure proper professional standards and ethics.

Even with much pragmatism and efficiency all this will remain "Utopia" if one does not realise that normative practices and role definitions during and after extraordinary circumstances differ immensely from those during normal circumstances (see sheets concerning morals and conventions in different stages).

It must be recognised that those who suffer from extraordinary circumstances are primarily concerned about direct private interests and needs (survival, family, goods) while authorities in those circumstances will do their utmost for maintaining social order and the "rules", fixed for this kind of situation and will not show any flexibility.

The preparatory measures, however, are likely to be developed from a perception based on more abstract moral rules like universal principles of justice and respect. Therefore, given this reality, the preparative measures must be clear, very concrete indeed, without appeals to codes of ethics or codes of behaviour.

### 3. Documentation/Information Management Scheme

The conservation world does not lack databases; what is needed is good information about their existence and their applicability. In the context of Risk Preparedness, the right information at the right time at the right spot is an absolute must. Much has still to be done to facilitate a quick compilation of highly relevant information into "first aid" packages to be submitted to "rescue teams/Blue-Shield squads". The "first-aid-information-package" would contain standard information on the site as well as experts etc that are directly relevant to the site. This system could be made accessible through electronic mail (the Canadian Heritage Information Network) to facilitate instant world-wide access; Regional Panels could help to identify the needs and the offer of information.

Glossary for Regional Panels:

Panel	Small ( $\pm 5$ p.) multi-disciplined group of heritage experts who have excellent insight and contact with the conservation network and its specialists (for that region); the members of the panel should have easy and frequent contact with each other and should have an energetic and productive rapporteur
Region	geographical and/or cultural
Matters to respond to	re choice of experts for missions, for damage assessment, for nominations, for monitoring etc re values re endangering re application of materials re specific processes
Satellite groups	re geographical zones re cultural zones re application of specific materials re specific processes

### 4. Training/Manuals

A great number of manuals already exist but very few appear helpful in today's context for risk preparedness regarding culture heritage. Most manuals deal with traditional definitions and perceptions of humanitarian aid (rescue of people, medical supply, emergency housing) or with specialized definitions of cultural heritage (museums and similar institutions; isolated monuments rather than the cultural environments whose importance is now widely acknowledged). Most existing inventories were prepared to answer fundamental research objectives rather than help in emergency situations. Finally, existing documents are seldom accessible or adaptable.

These observations call for a debate to reinforce existing documents and to articulate these in the context of cultural heritage at risk and of improved preparedness measures. These instruments should serve the purpose of training specialists as well as educating the general public and should lead to the production of site-specific documents and instructions. Combined efforts should be made to develop specific training programmes for local and national authorities, for military personnel and other target groups.

### 5. Awareness Programme

The fifth element of the Risk Preparedness Scheme is the *Awareness Programme*. Of course this has very much to do with the "dramatizing" of the Culture at Risk Fund and of course a well developed Awareness Programme asks for thorough thinking; however, to avoid losing time and to keep the initiative one project could and should be developed immediately because, in principle, the structure and the funds are available. This concerns The International Monument Day (April) and the European Heritage Day (September) according to the following:

PROJECT: SCENARIO'S FOR MONUMENT/HERITAGE DAY:  
a Glossary:

Risk Preparedness scheme:	Program for culture at risk because of man-or nature caused disaster (extra ordinary circumstances), - related to the pre-, during- and after disaster phases, on - Funding (Culture at Risk Fund) - Blue-Shield (emergency exp.squads) - Documentation - Training/manuals etc - Awareness-programmes
Monument Days	International Monument Day (April) and/or European Monument Days (Sept.) in 1995,1996,1997,1998 and 1999
Scenario's	Blueprints for organizing Monument Days, specially giving attention to culture at risk due to extraordinary circumstances
Target groups	- National and International ICOMOS Committees, who should do the organizing - local politicians, site managers, fire squads, press, monument-owners

## International and national strategies for information and for arousing public opinion in a long term perspective

*Carl-Ivar Skarstedt*

My special task is to give some introductory remarks concerning **national strategies for information and for arousing public opinion in a long term perspective.**

Some of the most important questions for this seminar are the following. Shall the protection of human life and the cultural heritage and identity of humanity be treated separately or are they *two sides of the same coin*? My answer is no. Can the loss of the cultural heritage be compared to the loss of fellow human beings? My answer is yes.

Let me give some explanations and commentaries.

- The 1954 Hague Convention is now regarded as an integral part of Customary International Law and as falling within the category of International Humanitarian Law (IHL). Essential pillars of this law are the four 1949 Geneva Conventions and their two Additional Protocols from 1977.
- It seems to be so that in armed conflicts, international as well as non-international, the human tragedies will usually attract greater international and media attention than the loss or damage of the physical patrimony.
- Most High Contracting Parties to the 1954 Convention have still very much to do at the practical level to *implement* the solemn pledges they have given to the world community.



- These High Contracting Parties should review the arrangements for the training of military personnel of all levels in relation to their obligations under the 1954 Convention and other relevant aspects of international law.

### Article 83 in Protocol I (Dissemination)

Some important factors, which can induce the parties to an armed conflict to counteract disobedience of the law applicable in armed conflicts and then to enforce observance of IHL, are

- \* Consideration for *public opinion*
  - \* Maintenance for *discipline*
  - \* *Penal and disciplinary measures* - it is to be observed that one of the grave breaches of IHL is extensive destruction of cultural property and places of worship (art. 85 para 4 litt d in Prot. I, art. 16 in protocol II)
  - \* *National implementing measures*. The relative weakness of international measures to secure the performance of obligations under IHL calls for intensified *internal implementing efforts* among which *military manuals* are of particular importance.
  - \* Effective implementation is depending on *dissemination of IHL*.
  - \* *The dissemination of knowledge of IHL must begin in peace time.*
- The ignorance of humanitarian rules shown by members of the armed forces or armed groups in certain recent armed conflicts, or their disregard for these rules, should induce every state to consider what precautions it is taking to avoid such excesses.
  - It is essential that instruction in IHL should be an *integral part of military training as a whole*. It must be addressed to all levels on the military hierarchy, and senior officers must be directly involved in the planning and implementation of teaching programmes.
  - The *media* have a *key role* to play before and during armed conflicts, as they are then the main means of communication with the population. *Their role consequently merits extensive consideration.*

What can the media be expected to do to alert governments and the general public to tragic but perhaps already forgotten situations? How can they help to spread knowledge of the humanitarian rules both in time of peace and in time of armed conflicts? What is their duty as regards the denunciation of excesses? How should manipulation of the media for special political purposes be avoided? How can they avoid trivializing horror? Where exactly does the independence of the media with regard to the previous questions begin and end? Such questions should be discussed in greater detail with senior media management and with journalists.

Let me give some positive examples of integration of the rules of protection of the cultural heritage with other parts of IHL:

There is a *handbook on the Law of War for Armed Forces*, which is used in international courses for military and legal officers from all parts of the world and which courses since many years are arranged by the International Institute of Humanitarian Law in San Remo.

In this handbook are *cultural objects and places of worship* specially mentioned under terms as

- control of armed conflict
- command responsibility
- conduct of operations
- behaviour in action
- rear areas
- occupation

In the 1992 German Manual for the Armed Forces - *Humanitarian Law in Armed Conflicts* - is a whole Chapter, *Chapter 9*, dealing with the *Protection of Cultural Property*.

In Sweden the information and instruction on the national level concerning IHL in states of war, neutrality and occupation is based on the *Swedish Total Defence System*.

No one or few can avoid to take part in this system on all levels. The awareness of the system of rules of IHL, including the protection of cultural property is essential. In this respect there is, among other instruments, an organization built up with *legal Advisers* in peacetime as well as in war time, not only to higher military commanders but also to civil authorities in the Swedish total defence system.

#### To sum up

- Protection of the cultural heritage is a part of the protection of the civilian population and civilian objects in all kinds of armed conflicts.
- The 1954 Convention is a part of IHL
- The problems and strategies for information and for arousing public opinion in a long term as well as a shorter perspective are the same for all parts of IHL

Let me finally only mention some future international meetings where it should be possible to point out the need of better protection of the cultural heritage.

*One* is United Nations Congress on Public International Law in New York from 13 to 17 March 1995, as a part of "United Nations Decade of International Law".

*Another more immediate opportunity* is a preparatory meeting of inter-governmental experts in Geneva 26-28 September 1994 to study practical means of promoting full respect for and compliance with international humanitarian law, and to prepare a report for submission to the states and to the next session of the International Conference of the Red Cross and Red Crescent.

## Protection of the architectural heritage – policies and strategies of the Council of Europe

*Juliane Kirschbaum*

Apart from numerous specialized international bodies which were set up for the protection of the cultural heritage in the immediate aftermath of World War II, the first political organization to be founded in 1949 for the solving of postwar problems specifically in Europe was the Council of Europe. Up to the present day every state that by signing the Human Rights Declaration of 1950 and the Cultural Convention of 1954 subscribes to the principles declared therein is regarded as a fully-ledged member of the Council of Europe.

The member states are represented in two bodies of the Council of Europe, i.e. in the Committee of Ministers by their Ministers of Foreign Affairs and in the Parliamentary Assembly by representatives of their national parliaments. An international Secretariat headed by the Secretary General feeds into the work of the aforementioned bodies. The substantive work is carried out in a host of committees, and is coordinated and channelled by the Secretariat. The member states are also represented by their delegates in these committees.

According to its principles – i.e. the Human Rights Convention and the Cultural Convention – The Council of Europe places the emphasis of its work on

- the fostering of democratic social systems and the respect of human rights

as well as on

- the enhancement and establishment of the cultural heritage as the corner stone of a European cultural identity. Here, priority is given to social matters, education, regional planning, and the conservation of the natural and architectural heritage.

As regards its activities in the field of the protection of the architectural heritage, the Council of Europe is supported by a technical committee. At the moment the leadership of this committee has been entrusted upon me. The impetus for the establishment of this committee was given by the ministers responsible for the architectural heritage in Europe at their first conference in Brussels in November 1969 where the ministers called upon the Council of Europe to set up such a technical committee. They believed that with the help of such a committee it would be possible to develop an effective strategy against the threats posed to the built heritage, a strategy which was then to be implemented during an Architectural Heritage Year. It had become clear to the ministers that after the devastations of World War II and the new dangers caused by economic growth, Europe could not afford any further damage to its architectural monuments. After a thorough preparatory phase the new technical committee took up its work in the early 1970s and prepared the European Architectural Heritage Year in 1975.

The 1975 European Architectural Heritage Year was staged successfully in all member states. Among politicians and citizens alike it has led to a wide acceptance of architectural heritage conservation and continues to show its effect.

The core message of this awareness-raising campaign was the need for a networked, holistic view of the architectural heritage, its values and possible and necessary conservation strategies. Thanks to targeted public relations work the "philosophies" of "preservation and rehabilitation" and "integrated conservation of the built heritage" gained ground – both of which stand for the careful adaptation of historic building stock to today's requirements through early interdisciplinary cooperation of all those responsible. This involved new working methods which convinced experts, citizens and their elected representatives alike, and in particular the field of "conservation of historic monuments in old towns and cities" benefited from this approach.

The "integrated conservation of the built heritage" brought about new findings, strategies, working methods and demands on those responsible which are laid down in numerous resolutions, charters and conventions of the Council of Europe. Mention shall be made only of the European Charter of the Architectural Heritage and the Declaration made at the Congress of Amsterdam in 1975, the 1985 Convention for the Protection of the Architectural Heritage of Europe, which in the meantime has been signed by 20 countries, as well as the 1992 Convention on the Protection of the Archaeological Heritage.

The Committee of Ministers has to see to it that these declarations and treaties are given due consideration at the national level.

According to the statistics made available to the Council of Europe on the basis of surveys the conservation of the architectural heritage made significant progress in all member states till the end of the 1980s both in organisational and financial terms.

In the meantime the situation has become more difficult due to the overall political and economic changes in Europe. The question arises as to what the Council of Europe can do in view of a situation where the old member states believe to have to step down their activities in the cultural field while the central and eastern European countries are joining with almost unlimited expectations. The small circle of 21 members in the Cultural Heritage Committee has meanwhile turned into a body of almost twice the size: since 1990 the Baltic States, Poland, Hungary, Belarus, Ukraine, Slovenia, Romania, Slovakia, the Czech Republic, Croatia and Bulgaria – I just mention them in random order and only as examples – have joined us with their very own hopes and problems.

What do these new members expect of the Council of Europe and its Cultural Heritage Committee? They first of all expect the transfer of information and skills regarding all questions concerning the conservation of the built heritage, assistance as regards training and further training for the various occupations and trades involved in the conservation of the architectural heritage, and support in elaborating legal principles and financing models as well as in "managing" architectural conservation measures.

In the wake of the Vienna Conference of Heads of State and Government in October 1993 the work carried out by the Council of Europe in the fields of human rights and cultural affairs has gained new relevance and has been intensified with the aim

- to reinforce cultural cooperation and carry out confidence-building measures in this field. By doing so the Council of Europe wants to make its contribution to the fight against intolerance, xenophobia and violence in Europe;
- to extent the strategies for the conservation of the cultural heritage and turn them, in a comprehensive and political way, into strategies for the protection of the human environment, promoting also social aspects at the same time;
- to develop new financial and legal instrument in order to muster the necessary resources for these measures.

The Cultural Heritage Committee of the Council of Europe accounts for these objectives by placing the emphasis of its work programme in particular on giving advice and assistance to the newly emerging policies on architectural heritage conservation in central and eastern Europe.

Special importance in this context has to be attributed to the technical cooperation programme of the Council of Europe for the field of architectural heritage protection. With its special action plans, this programme provides for a step-by-step procedure:

1. The first step involves the staging of multipurpose workshops where the specific problems of the eastern member states are highlighted and assistance is given in particular for solving legislative and financial questions.
2. Next, experts are dispatched to these countries where they assist on site for a specific period in setting up the organisational structure of architectural heritage conservation and, if requested, draw up expert opinions on problem solutions.

3. The last step envisages the possibility of training and further training by means of study exchanges and in-service training for the various occupations and trades involved in the conservation of the architectural heritage.

These action plans have been worked out particularly with a view to the Baltic States and the area of former Yugoslavia. They constitute an extension of the system of technical assistance which has been in operation since the 1970s and consists of providing expertise on the request of member states in the case of complicated individual questions.

The technical questions the committee has to deal with also include the physical survival of cultural monuments and sites, i.e. the fight against damages inflicted by pollution and vandalism.

However, the above-mentioned action programmes would be inconceivable without accompanying awareness-raising and information campaigns.

Especially in view of ever tighter budgets it is essential that the awareness of the value of the cultural heritage is kept alive because only what is known and regarded as valuable stands the chance to persist. Therefore, the Council of Europe supports and promotes a whole variety of different activities in the field of public relations work, for example

- cross-border cultural itineraries, the most prominent example being the revival and restoration of the pilgrim route to Santiago de Compostella;
- the European Heritage Days which were initiated by France in the wake of the second Conference of European Ministers responsible for the Architectural Heritage, organized during the first few years under the auspices of the Netherlands and taking place on the second weekend in September in each year,

and

- the European architectural heritage classes the aim of which is to sensitize pupils through international exchange programmes for matters relating to the conservation of the built heritage.

The work of the Cultural Heritage Committee shows that in principle there is consensus in Europe about the necessity of preserving the architectural heritage and that this deserves special efforts.

This common aim unites. The wish to conserve the architectural monuments which bear witness to our history is not something artificial; rather it corresponds to a widely-felt basic human need with an artistic, aesthetic and social dimension. Thus the conservation of the built heritage has a direct impact on the life of the individual. In concrete terms this means that if we acknowledge that every citizen has a right to history this also implies his or her right to architectural heritage.

Following the Vienna Summit of Heads of State and Government in October 1993 the bodies of the Council of Europe received a mandate to examine to what extent it would be possible to formulate such a right and how the protection of the cultural heritage of ethnic minorities could be enhanced. Marked by the experience of suppression and vandalism in their own countries, the members of the Cultural Heritage Committee have put these topics at the center of their discussions for some time already.

The discussions, however, are still in their initial phase; it still remains to be seen whether they will really open up new perspectives for the architectural conservation policies of the Council of Europe. One thing, however, is clear, despite the sweeping approach underlying the idea of protecting the architectural heritage: architectural conservation cannot act as a proxy and step in wherever other mechanisms fail.

## The role of the mass media

*Ann-Marie Boström*

Approximately a week ago – about this time of the day – I came to Sarajevo airport...

I do not know how many times I have been on this spot of the earth since mid seventies, when I started to professionally cover this part of Europe. – I do not even remember how many times I have been there since the war started 1992. I have lost my counting....

But I do remember that every time but the last few has Dobrinje been on fire. This ugly small site just a few hundred meters away from the airport – in the outskirts of Sarajevo – inhabited mainly by moslems...

I also remember a night at the airport in July 1992 – me and my cameraman were trapped there waiting for a somewhat secure possibility to reach downtown Sarajevo. First after watching Dobrinje for hours where Serbian shelling and clusterbombs turned a human settlement into a burning inferno, we went to sleep under the trucks in the hangar while the shelling, the fire and the screams from people went on – so close but beyond any rescue....

What I didn't know that night at the airport was that Dobrinje just was a small prelude to the hell in Sarajevo...

A week ago we drove our car through Dobrinje – it was a feeling that I hardly can forward to you – the outburned skeletons of the houses reaching to the sky, shelters, outburned cars, reminiscences of barricades, burning garbage and in between all this, people cultivating every little piece of soil to get something eatable to grow. The children playing outside – small, tiny, malnourished, but playing....

As you probably already have understood was this my visit to Sarajevo the first since the ceasefire was imposed at the end of February. To be able to walk in the city again is amazing. Instead of driving a car in 170

km per hour between Holiday Inn, the Precedency, the UNPROFOR, the hospital, the morgue, the TV-house and back to Holiday Inn again you can now by foot experience the almost total devastation of the city.

For the first time since the war started I was able to stay with an old friend of mine. He lives uphill in the old city. The wonderful view from his kitchen window shows the old Turkish settlement on the slope down to the river Miljatska – and on the other side of the river, one of the real treasures of Europe – the national library, the beautiful building from the Ottoman Empire with all its archives on 500 years of European history. So it was!

The distance from the kitchen window still allows me to pretend that everything is almost OK. Down at the site it is a horrifying ruin that seems to fall over me. Only the walls are standing – no windows, just gaping holes – beams and bricks from the collapsed ceiling, the metal skeletons from the bookshelves, and in the centre a huge pile of marble, the macabre left overs from the beautiful staircase...

Suddenly I get very angry – not at the perpetrators, the grief is too deep and my emotions so paralysed that feelings of revenge and anger towards the war criminals are beyond reach. No – my anger is suddenly directed towards some very young boys playing along the river side. They are as all boys playing the old game – throwing stones into the water! And they are fetching the stones from the ruins from the library – that is suddenly more than I can take. I react as a child who wants to protect something that can be mended – for them it's just a heap of stones that can be thrown into the river. I compose myself and realize that they are right and I am wrong.

On my tour this morning in Sarajevo I tried to visit several of those places I used to visit whenever I came to the city. The mosques, the synagogue and the old orthodox church with its very singular atmosphere. This building has always called upon me with its scent of humidity and spices, stone and burning candles. The little church is partly destroyed but services still take place every day....

Walking along the boulevards, where the old beautiful trees alongside only can be imagined by those who have seen them, when looking at what's left of the buildings I sometimes can not help comparing with the pictures from my childhood – Dresden 1945 and from other parts of Germany after what I usually call the War.

The war in Sarajevo, in Mostar, in Banja Luka, in Dubrovnik and all the ancient small cities up along the Croatian coast to Zadar – that war is The War. Something has changed in the discourse. There is still a First and Second Europe – now even concerning the wars we are talking about.

The war in ex-Yugoslavia is destroying not only lives and material values but civilization, identities and historico-cultural memories as well; libraries, archives, scientific and cultural institutions, sacred and profane monuments and publishing houses.

Extreme pressure, to the point of confinement, even of murder, is being exerted upon independent writers, architects, journalists, lawyers and other intellectuals, since they are the carriers of the cultural identity.

Many of them have been compelled to leave not only Bosnia-Herzegovina but also Serbia. Even if they have succeeded to remain within the range of the culture, they are suffering acute distress and are caught in an extensive network of dependencies. Their activities and their autonomy are directly jeopardized. The issue is particularly dramatic since they are, very frequently, literally the last representatives of an endangered culture.

I have here a book written by Bogdan Bogdanovic – the title is Grad Kenotaf – the title of the German edition is "Die Stadt und der Tod". The book is about Vukovar.

Bogdan Bogdanovic is now well over his seventies. He was once the Mayor of Belgrade. – He is an architect and his Curriculum Vitae consists of a great amount of titles in his field. He was also a professor at Belgrade University. But! He was also the person who after the party

congress in Serbia when Slobodan Milosevic came in power 1987 wrote an open letter to the Central Committee and told what was to come.

He stood alone – none bothered to side with him. He has since then been abused, beaten and lives now with his old wife under extremely poor circumstances in Vienna.

I said he was once the Mayor of Belgrade. Belgrade means the White City and was once a prominent Turkish town. Old graphic pictures show the view of a city with many mosques and minarets. They were all destroyed during three years between 1815 and 1818 – after the Turks were concurred in this part of the Balkans. Belgrade was ethnically cleansed of muslims and 400 years of European history and culture was destroyed....

## Rehabilitation of war victims in the countries of former Yugoslavia

*Christina Doctare*

Thank you for the invitation to this conference, I am very honoured. I hope I can contribute with some reflexions from my personal experience from one year in the war in former Yugoslavia.

First of all a few words on my background: I am medical doctor with 30 years of practice – as a GP, school doctor, paediatrician, psychiatrist and psychotherapist, and also from administrative posts e.g. chief medical officer in Sweden responsible for psychiatry, general medicine and dentistry. I have worked as an expert in the Parliamentary Commission on Psychiatry in Sweden. My report on organized violence has led to a decision in the Swedish Parliament to create a national institute against torture and organized violence. Since November 1992 I have held an international post in the World Health Organization as a project leader with the WHO project *Rehabilitation of War Victims in the countries of former Yugoslavia*. This project was made possible by substantial funds from the Swedish International Development Agency (SIDA).

Very short after my arrival to ex-Yugoslavia in November 1992, I discovered that the war victims were not only the amputees and other physically wounded, but also victims who suffered from rape and torture and other forms of organized violence. As one of the first in the world I reported on the systematic rapes on Bosnian Moslem women already in November 1992. The public reaction was strong especially among women. Politicians who had been reluctant reacted swiftly and condemned these atrocities publically. Furthermore the strong public reaction forced the politicians from several countries to act for the establishing of a War Crime Tribunal in the Security Council in the United Nations.

I would like to put forward the following questions:

- *Is it so that destruction of culture is a part of the military strategy in order to obtain specifically desirable political goals?*
- *If it is so, what tactics can be chosen to achieve this ultimate destruction of culture?*

Let us stop and reflect on some possible answers. Modern wars are "ethnic wars". The goal is extinction of the "enemy" and then "enemy culture". I would like as far as to say that territorial gains are secondary to the primary goal of destruction of the "other culture".

Let us look back on some sixty odd years in our European history! Fascism had got a stronghold in several countries in seemingly short time. The goal of fascism was never denied – on the contrary it was screamed out loud. Still, the shadows over Europe came and the Munich "give in" treaty of 1938 could not avoid the tragedy of the Second World War. Instead a shocked world watched the total annihilation of the European Jewish culture with burning synagogues, bonfires of books, chase on Entartete Kunst and most of all the systematic destruction of the carriers of that "other culture" – read killing of people and utmost humiliation of those who happened to survive against all odds in the concentration camps.

The sad thing is; we see it happen again. The regime of Serbia has an ideology of "Vilika Serbia" – Great Serbia. In order to achieve these political goals "ethnic cleansing" is used. The historical myths give legitimacy to this terror. We all know of the destruction of the National Library in Sarajevo, the bridge of Mostar, the 600 year old mosque in Banja Luka, the old city of Dubrovnik. The list can be made longer. These monuments of culture, symbolize a belonging to and identification with something that goes further than the single interest of one particular group. These remarkable buildings of exquisite beauty are part of our global human heritage.

The destruction of cultural carriers, read human beings, is carried out in so many ways. Many people are killed or wounded as a result of direct military action; hit by grenades or shrapnels, sniper's bullets or stepping on mines. I would like to point out that the majority of the victims are

defenceless civilians – mostly women and children and elderly men, with no possibility at all to escape or avoid this military aggression. International accepted symbols as the red cross or the red crescent have been direct targets in this war – against all international conventions.

The term "organized violence" is stemming from the time of the apartheid regime in South Africa. The existence of "organized violence" was always denied by officials. On the contrary the blame was put on some "black gangsters and criminals". Organised violence was a part of the political structure and the military strategy of the apartheid regime. Organized violence was carried out by military or paramilitary groups, police of secret police or "parapolicia" some carrying uniform, some not, regardless of the way of dressing, always armed to the teeth, well planned actions and always with means of transportation. I wonder about this fuss about uniform! Is it because of military conventions? Is the organized violence carried out as a military order more acceptable? Is it more excusable to say: *I only obeyed and followed given order!* The "laws of war" do not give the right to these atrocities anyway!

Organized violence – also called systemized violence – can be carried out within a nation or as in the war in former Yugoslavia between nations. The goal is destruction of the "others". Destruction of cultural identity, destabilisation of the society, disruption of cohesiveness, distortion of infrastructure. The terror creates fear and to flee seems to be the only option for survival. "Ad hoc" killings, torture, rape, mock executions, forced to witness or to take part in killings and sexual abuse, forced migration (after signing papers that they leave by free will). Looting of property, burning down homes and houses, blowing up buildings – like schools, churches and medical centers destroying not only their function in the society, but also destroying the symbolic meaning of support and help in the cultural context. The result is chaos – loss of meaning, loss of predictability and control of one's own life. The future and past is lost. Everything that reminds of the cultural identity is distorted and gets a negative connotation of not being able to survive and even not "fit" to survive. The aggressors give themselves the right to carry out the organized violence with historical legitimacy. Extinguishing the "others" as an act of righteousness! The "others" are always mentioned in "collective" called something connected with small animals you



want to get rid of – like "lice, ants or rats". If bigger animals are used always the female words in a degrading sense – are used – bitches or asses. But the perpetrators give themselves names as – the white eagles, or the tigers, or the toros. Words associated with strength, vigilance and virility. The intention is clear, to broaden the gap between perpetrators and the victims. Very deliberately without human associations. Just think if they all considered themselves as human beings – in the same boat – this project of destruction would not be possible.

The destruction of basic trust between members of a society make people more susceptible to organized violence and thus the resistance is difficult to mobilise. The victims also carry the collective shame and/or the individual guilt of having been abused. They blame themselves for what happened even if they intellectually know the fault is not theirs. All this adds to the physical and psychological illbeing. Their own knowledges, experiences, traditions, norms and personal histories, all what we in our daily speech call culture has no relevance or value. Persons surviving organized violence are victims for the rest of their lives. Especially women have experienced that their female identity have been smudged and that their reproductive capacity has been the specific target of aggression. The utmost humiliation of human dignity. Of course, this way of "killing people" is cheap and easy and guarantees life long sufferings for the victims and bears an impact on coming generations – second, third, even fourth.

The psychological aspects of war is like a symbolic drama taking place within the mind of the human beings or within the mind of a nation. When we all humans feel threatened we react mentally with *regression* and a number of other primitive psychological defence mechanisms like *splitting, projection, denial and turning to opposite*. The purpose of these psychological reactions is to protect and put safeguard to our threatened EGOs = nucleus of identity. When changes are coming to abruptly on us and when we do not understand and we only experience losses, of course, we all react like this, more or less aware of these *psychological* reactions.

When we feel threatened we either attack (fight) or we flee from it (flight) or become extremely passive and do nothing but stand still. The

reactions are *biological* responses from the oldest part of our brain, called the snake brain or the reptile brain, and evokes reactions in our vegetative nervous system. The *physiological* responses are the fight and flight response (the so called sympaticus response) or the more passive response (the so called parasympaticus response). There is a sex difference. Men tend to react more with the sympaticus than women.

The higher, more developed parts, called the "big brain", where e.g. thoughts, language, abstractions, sense of right and wrong, morale and empathy etc.. regulates our lower part of the brain. But this control mechanism can be disturbed if the big brain is under influence of drugs and/or alcohol and/or extreme physical hardships. The reality becomes distorted and we behave in a strange way, that we would not do under ordinary conditions. Of course, the individual variations are big, but in general terms this is possible with all of us if we are forced into extreme conditions. There are some people who most of the times are driven by primitive impulses and have a sensation of threat and can't control themselves and attack as first step. We call them "persona immatura". *Alcohol and drugs*, of course, has a negative influence on the control mechanism of the big brain. Most violence carried out in this world is under the influence of alcohol and by men. The *male sex hormone testosterone* not only activates the sexual potency but also the *aggressivity*. The excessive use of anabolic steroids (chemically and pharmacologically similar to the male sex hormones) among some extreme body builders show the adverse effects of this type of drugs, uncontrolled aggressivity especially with the combination of alcohol and/or drugs.

The reason for my diving into the depths of biology is to explain that the possibility of such behaviour is amongst us all – individuals or nations. Depending on the individual and collective control mechanisms and structures created in our society and culture.

It seems that the culture of violence has an incredible high status in the Western world. Violence as amusement e.g. in sports and films (even Donald Duck for children). Violence in politics! With the ongoing war in Bosnia-Herzegovina it is easy to think "those down at Balkan with their tribal primitive behaviour": Well, look at our hooligans – the football supporters. Put them in uniforms and arm them with weapons. What is

the difference. Especially if all our governments would sanction their behaviour and make it a virtue for the nation's survival. Of course, they would go berserk and amok.

The human being – with enormous capacity – nature has endowed in our brains can be used constructively but also destructively. At the same time as mankind has created the most precious pieces of art at the same time we have been able to construct the possibilities of total human devastation, the nuclear bomb, and other ABC weapons and the concentration camps to effectively kill off people.

So, ladies and gentlemen, my answer is that organized violence is part of the military strategy in the political structure to destroy culture – people and monuments. The challenge, as I see it, is to use our knowledge and imagination and to create possibilities to restore human health and human dignity and recreate the cultural monuments. It will be our joint efforts and a responsibility for the whole international community.

## The seminar – a summary

*Bengt O H Johansson*

Despite the fact that armed conflicts and poverty today are threatening the cultural heritage all over the world our discussions inevitably centred on what takes place in Bosnia-Herzegovina.

The seminar started with establishing some basic facts about the destruction that has taken – and takes – place in ex-Yugoslavia. An estimated percentage of 75% of the cultural heritage is damaged – in spite of the fact that UNESCO has tried to intervene and at last managed to stop the shelling of Dubrovnik.

The presentations showed, very clearly, that the destruction of the heritage has been, and is carried out as a part of a strategy of ethnic cleansing. As General Lars-Erik Wahlgren put it: "When conflicts are ethnic the symbols are important to destroy". The destruction of symbols are by no means new to the world. Professor Boylan pointed out many occasions in the history of mankind when looting of monuments took place as a part of warfare.

It was observed that historic facts were systematically distorted in ex-Yugoslavia for a long pre-war period in order to justify claims on territories. An afterthought of self critic was voiced in the discussions; in some way the success of the cultural heritage movement and our habit of pointing out the heritage as a matter of national identity might have paved the way for this destruction.

The experience from many UN peace-keeping missions show that the UN forces have a good chance of contributing to the saving of the heritage as a part of their humanitarian mission. This task is however rendered more difficult by the fact that there has not been a clear mandate from the Security Council to do so. Ideally, it was said, liaison officers for the protection of the cultural heritage should work inside the UN Peace-Keeping Forces not least in order to get access to areas that should be monitored. The importance of adequate training of the UN

military personnel – as is already done in the Netherlands – was also stressed. The training should give a solid knowledge of the Hague convention and the World Heritage Convention as well as of the cultural heritage in the area and what could be done to safeguard it. Manuals for military personnel should be prepared already in peace time; luckily handbooks have been produced by some parties.

In all peace-keeping efforts – so it was pointed out – it is very important to seek the support of the local population. This also is true for initiatives from the international community to start heritage conservation work. Several speakers underlined the importance of this approach.

We learned about the creation of the Hague Convention, its structure, its protocol and how it could be used in order to enforce the idea that deliberate destruction of the cultural heritage in war (may the object of the cultural heritage at risk be small or large, of worldwide or local importance) is a crime against humanity. We were also reminded that the Hague convention rightly states that the cultural heritage in all its variety belongs to all people.

The Convention is however weakened by the fact that few states have signed it and that there are no sanctions for countries who violates the Convention. Furthermore it is applicable only in the case of war, and the fact that war is at hand is often denied by nations involved in civil war.

The World Heritage Convention may in comparison give the international community somewhat better opportunities to act in defence of World Heritage in danger, at least in the case of civil war. This was however a matter where opinions differed among us. We were told however that UNESCO is active in promoting the Hague Convention and making it better known, also encouraging governments to prepare in peace time for any kind of disaster that might occur besides war. It would be helpful if the NGOs would question their governments about the Convention and what their governments views might be regarding its implementation.

We agreed that the networks should be strengthened, primarily the national networks between government, heritage administration, UNESCO National Commissions, NGOs – such as ICOMOS – and the

military in order to ensure that the importance of the cultural heritage is understood and visible in the decision and information process. We also agreed to keep an ethic discussion about the heritage alive and stress the importance of bringing down to reality all the promises made by responsible parties about education on all levels.

Talking about networks brought up the proposal from ICOMOS on the creation of a fund for the safeguarding of cultural heritage at risk. The fund – which structure and administration is already well worked out in the proposal – should work somewhat like the Red Cross and without being tampered by unnecessary bureaucracy.

Another glimpse of optimism was given in the presentation of the World Commission on Culture and Development headed by the former UN Secretary General Mr Perez de Quellar where fundamental questions on the future of the cultural heritage are going to be discussed and hopefully processed on the international level in connection with Agenda 21.

Our media representatives helped us to understand that mass media follows its own changing conventions. In doing so the search for the human dimension is always very important; without the help of artists and authors we could never succeed in getting the message across. They can give us the emotions needed in order to understand the human values that are threatened and the "black holes" in people's mind that are created by such acts as the destruction of the bridge in Mostar. This aspect was very clear in the report brought to us from Sarajevo on the horrors and human tragedies of the besieged city. The discussions that followed these interventions centred on the importance of supporting independent media in such conflicts but also on the need to study the role of media in the creation of pre-war tensions.

At the very end we were given the physicians view on the nature of violence, its location in the human brain versus that part in the brain where human dignity is situated. The latter part of our mind must be helped to prevail. Our discussions about the importance of safeguarding the cultural heritage in armed conflict was strengthened by this perspective. That is in the end why efforts like those we were discussing in the seminar are so important: Culture is an essential part of human dignity.

## Presentation of speakers

*Margareta Biörnstad*, President of ICOMOS Sweden, Former Director-General of the Central Board of National Antiquities, Member of the Swedish National Commission for UNESCO

*Ann-Marie Boström*, Journalist, author, Swedish Radio & Television

*Patrick J. Boylan*, Vice President of ICOM, Professor, Department of Arts Policy and Management, the City University, London

*Christina Doctare*, Medical Doctor, WHO, Copenhagen

*Bernard van Droste*, Director, World Heritage Center, UNESCO, Paris

*Sabine M. Gimbrère*, Lawyer, Ministry of Cultural Affairs, The Netherlands

*Giselle Hyvert*, Consultant, International Standards Section, Division of Physical Heritage, UNESCO

*Bengt O H Johansson*, Senior Officer, Central Board of National Antiquities, Stockholm

*Juliane Kirschbaum*, President of the Cultural Heritage Committee, Council of Europe

*Leo van Nispen*, Director, ICOMOS

*Lyndel V. Prott*, Chief, International Standards Section, Division of Physical Heritage, UNESCO

*Arne Ruth*, Cultural Editor "Dagens Nyheter", Stockholm

*Carl-Ivar Skarstedt*, President, The Court of Appeal, Umeå, Sweden

*Lars-Erik Wahlgren*, General, Armed Forces, Sweden. Former Commander-in-Chief, UN Peace-Keeping Forces in ex-Yugoslavia.

*Marian Wenzel*, Director of the Bosnia-Herzegovina Heritage Rescue Foundation, London

## Others:

*Margareta af Geijerstam*, Senior Administrative Officer, Ministry of Defense, Stockholm

*Anita Jonsson*, Senior Administrative Officer, Ministry for Cultural Affairs/Swedish National Commission for UNESCO

*Birgitta Hoberg*, Swedish Coordinator for World Heritage Convention and the Hague Convention. Senior Officer, the Central Board of National Antiquities, Stockholm

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