

# Monarch MUN 2024



**Committee:** GA3

**Issue:** Measures to protect cultural property in times of conflict

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# Introduction

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- Wars, confrontations and conflicts in general, between two or more opposed factions, have always represented a serious threat to the integrity of the cultural heritage located on their territories. Unfortunately, this threat most often materializes in the form of the destruction of significant amounts of cultural property (movable and immovable): monuments, religious sites, museums, libraries, archives, etc., thus depriving humanity of a shared and irreplaceable cultural heritage.
- The protection of such property, which forms a vital part of the world's historical and cultural heritage, is not only intrinsically important but also crucial in preventing further conflict. Its destruction could act as a catalyst in igniting broader hostilities and further blur the distinction between military targets and civilian sites.
- The rules governing the protection of cultural property in the event of armed conflict are well established in both treaty and customary international humanitarian law. However, they are far from being systematically applied and are often flouted.

# Background Information

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- Although the destruction of cultural property in conflicts has been prevalent since ancient times, it has proved even more devastating since the introduction of aerial bombing and long-distance weapons. World War I resulted in the destruction of a large amount of cultural property in cities like Rheims, Leuven and Arras, but World War II was even more traumatic, due to the regular nature of bombings, export of cultural property from occupied territories and the geographical scope and duration of the conflict.
- A new threat to cultural property emerged after World War II, as non international and/or ethnic conflicts increased. Not only do these conflicts fall outside the scope of rules applicable to traditional “inter-state” conflicts, but their goal is often clearly to destroy the adversary’s or the opposing “ethnic group’s” cultural heritage. In addition, this destruction is facilitated by the geographical proximity and mutual knowledge of the cultural sites and property, as well as culture of the adversary.
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# Background Information

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- This is exemplified by the destruction during the war in the former Yugoslavia, where cultural property that was not a military target was deliberately attacked by the opposing ethnic group, seeking to destroy the traces or symbols of the ethnic “enemy’s” culture. Particularly significant examples include the bombing of the old town of Dubrovnik in Croatia and the destruction of the Mostar Bridge in Bosnia and Herzegovina.
- These events illuminate the psychology behind the systematic destruction of cultural property in Yugoslavia and other conflicts where the destruction of cultural property is not merely collateral damage. By inflicting cultural damage on present generations, the enemy seeks to orphan future generations and destroy their understanding of who they are and from where they come. Degrading victims' cultural property also affects their identity before the world community and decreases world diversity. Some communities have ceased to exist while others have had their identity deeply and irreversibly altered.



*Residents of Banja Luka stare at the remains of the 16th century Ferhadija Mosque deliberately dynamited by the Bosnian Serb authorities in May 1993, more than a year after the Bosnian War began. There had been no fighting in Banja Luka.*

# Relevant Treaties or Past Solutions

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## The 1954 Hague Convention and its two Protocols (1954 and 1999)

- **The First Protocol (1954):** A Protocol specific to movable cultural property and the difficult issues of its restitution was adopted with the Convention. The Protocol prohibits the export of such property from the occupied territory and requires its return to the territory of the State from which the property was exported. With a rule of fundamental importance in that it excludes the submission of this “specific” property to the regime of war damages applicable to “ordinary” property, the Protocol prohibits the retention of cultural property as war reparations.
- **The Second Protocol (1999):** This Protocol strengthens several provisions of the Convention concerning the safeguarding of and the respect for cultural property and conduct during hostilities. It creates a new category, “enhanced protection”, for cultural property of the greatest importance for humanity, protected by adequate legal provisions at the national level and not used for military purposes. It also increases effectiveness by directly defining the sanctions due in the event serious violations are committed against cultural property, and the conditions under which individual criminal responsibility applies.

# Possible Solutions

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## 1. Emergency Planning

Many of the interventions for protecting cultural heritage during a conflict rely on significant planning and timely intervention. Immovable objects such as historic buildings, monuments, and statuary must be sheltered in place behind sandbags or brick walls to minimize blast damage. Moveable objects such as museum collections must be inventoried and secured from potential harm. Sometimes, they must be hidden from view or carefully relocated to safer locations.

## 2. International Collaboration & Training

Strengthening international collaboration among nations, organizations like UNESCO, and local communities can play a pivotal role in safeguarding cultural heritage. This can involve joint training programs for military personnel on cultural property laws, sharing best practices for protection during conflicts, and fostering partnerships with civil society and academic institutions to raise awareness. Such initiatives can improve coordination and policy guidance for the protection of cultural heritage at risk.

# Appendice

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1. <https://www.coespu.org/articles/cultural-heritage-protection-armed-conflicts>

*This article explores various measures proposed by the international community to prevent damage to cultural property during wartime, highlighting the significance of safeguarding cultural heritage.*

2. <https://tdhj.org/blog/post/cultural-heritage-preservation-war/>

*This article discusses the inadequacies in the policies related to the protection of cultural heritage during wartime and highlights the need for mechanisms to enhance cultural property protection in military operations.*

3. <https://www.youtube.com/watch?v=mqdgj1aPHqs>

*This interactive video by UNESCO is dedicated to promoting the protection of cultural property, detailing the 1954 Hague Convention and its protocols. It provides a visual approach to understand the importance of cultural property protection.*