

The Protection of Cultural Property in the Event of Armed Conflict

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PF MU

The Bamiyan Buddhas before



The Bamiyan Buddhas after



AFP

Praha 1648



NAZI consifated art



Washington Conference Principles on Nazi-Confiscated Art

- *[Released in connection with The Washington Conference on Holocaust Era Assets, Washington, DC, December 3, 1998]*
- In developing a consensus on non-binding principles to assist in resolving issues relating to Nazi-confiscated art, the Conference recognizes that among participating nations there are differing legal systems and that countries act within the context of their own laws.
- Art that had been confiscated by the Nazis and not subsequently restituted should be identified.
- Relevant records and archives should be open and accessible to researchers, in accordance with the guidelines of the International Council on Archives.
- Resources and personnel should be made available to facilitate the identification of all art that had been confiscated by the Nazis and not subsequently restituted.
- In establishing that a work of art had been confiscated by the Nazis and not subsequently restituted, consideration should be given to unavoidable gaps or ambiguities in the provenance in light of the passage of time and the circumstances of the Holocaust era.

Washington Conference Principles on Nazi-Confiscated Art

- Every effort should be made to publicize art that is found to have been confiscated by the Nazis and not subsequently restituted in order to locate its pre-War owners or their heirs.
- Efforts should be made to establish a central registry of such information.
- Pre-War owners and their heirs should be encouraged to come forward and make known their claims to art that was confiscated by the Nazis and not subsequently restituted.
- If the pre-War owners of art that is found to have been confiscated by the Nazis and not subsequently restituted, or their heirs, can be identified, steps should be taken expeditiously to achieve a just and fair solution, recognizing this may vary according to the facts and circumstances surrounding a specific case.
- If the pre-War owners of art that is found to have been confiscated by the Nazis, or their heirs, can not be identified, steps should be taken expeditiously to achieve a just and fair solution.
- Commissions or other bodies established to identify art that was confiscated by the Nazis and to assist in addressing ownership issues should have a balanced membership.
- Nations are encouraged to develop national processes to implement these principles, particularly as they relate to alternative dispute resolution mechanisms for resolving ownership issues.

The HAGUE CONVENTION 1907 number IV.

„**LAWS AND CUSTOMS OF WAR ON LAND**“ (IV.) , *signed on October 18th, 1907*

- ANNEX TO THE CONVENTION - REGULATIONS RESPECTING THE LAWS AND CUSTOMS OF WAR ON LAND

(former THE HAGUE CONVENTION LAWS AND CUSTOMS OF WAR ON LAND (HAGUE, II) 1899

„**ARTICLE 56**

The property of municipalities, that of institutions dedicated to religion, charity and education, the arts and sciences, even when State property, shall be treated as private property.

All seizure of, destruction or wilful damage done to institutions of this character, historic monuments, works of art and science, is forbidden, and should be made the subject of legal proceedings.“

- still in force
- the seizure + the destruction + wilful damage is forbidden and shall be punished!!!

The HAGUE CONVENTION 1907 number I.

Proceedings

„PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES (HAGUE, I)“

(former CONVENTION for the Pacific Settlement of International Disputes 1899)

ON GOOD OFFICES AND MEDIATION

ARTICLE 2

In case of serious disagreement or conflict, before an appeal to arms, the Signatory Powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly Powers.

TITLE III. ON INTERNATIONAL COMMISSIONS OF INQUIRY

ARTICLE 9

In differences of an international nature involving neither honour nor vital interests, and arising from a difference of opinion on points of fact, the Signatory Powers recommend that the parties, who have not been able to come to an agreement by means of diplomacy, should as far as circumstances allow, institute an International Commission of Inquiry, to facilitate a solution of these differences by elucidating the facts by means of an impartial and conscientious investigation.

WASHINGTON/ROERICH PACT 1935

- **Treaty on the Protection of Artistic and Scientific Institutions and Historic Monuments (Roerich Pact).**
 - signed Washington, 15th april 1935

Article 1.

*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.***

- subject of law (treaty) – belligerents (at war)
- 11 state signatories – Central and South America

THE HAGUE CONVENTION 1954

„Convention for the Protection of Cultural Property in the Event of Armed Conflict“

- signed The Hague, 14 May 1954

 - Date of adoption : 14.05.1954
 - Entry in force : 07.08.1956
 - Meetings of forum : 21.04.1954 - 14.05.1954, The Hague
 - Depositary : UNESCO
 - Number of articles : 40 (Convention); 21 (Regulation)
 - Authentic text : English, Spanish, French, Russian
 - Source : UNTS volume 249
-
- state parties: 133 (2019)

THE HAGUE CONVENTION 1954

„Convention for the Protection of Cultural Property in the Event of Armed Conflict“

- **Art.1**

Definition of cultural property

„movable or immovable property of great importance to the cultural heritage“

„buildings“

„centres“

+ *„personnel“*

- **Art. 2**

Protection of Cultural Property

comprise of - 1. safeguarding the cultural property

- 2. respecting the cultural property

**THE HAGUE CONVENTION 1954
emblem**



THE HAGUE CONVENTION 1954

„Convention for the Protection of Cultural Property in the Event of Armed Conflict“

- **Art. 9 - Immunity of Cultural Property under Special Protection**

to ensure the immunity of cultural property under special protection - entry in the *International Register*

- **Art. 10 - Identification and Control**

immunity holder marked with the distinctive **emblem**

- **CHAPTER III : TRANSPORT OF CULTURAL PROPERTY**

- transport under Special Protection
- transport in Urgent Cases

- **Art. 23 - Assistance of UNESCO**

call upon the United Nations Educational, Scientific and Cultural Organization for technical assistance in organizing the protection

THE END

kontakt

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