

THE PRESERVATION OF CULTURAL SITES
AND ARTISTIC TREASURES
IN WAR AREAS

PAST EFFORTS AND NEEDED NEW INITIATIVES

INTRODUCTION

Throughout history, war has presented one of the most serious threats to cultural sites and artistic treasures. No other force, either natural or man-made, including outright neglect, has so decisively damaged or destroyed so many monuments and artworks.

Even more than the physical loss itself, destruction by war and vandalism has a deeply disruptive psycho/spiritual effect. Monuments and artworks embody a people's genius and represent the manifested expression of their creativity and vision. Sites are centrally linked to the history, culture and aspirations of a people and thus represent the fruits of their life experiences and world outlook. In psycho/spiritual terms, we can say that cultural sites and artistic treasures form a visible link to a people's "higher self." Accordingly, acts of violence against sites and artworks are a grave and deep offense and violate the integrity and essence of a people. Furthermore, such destruction is a "crime against humanity" for in addition to the physical and psychological violence inflicted on the local population, both the world-at-large and future generations are deprived of a precious part of their common heritage.

There is an important link between peace and cultural preservation - a link too little understood. Peace begins by respecting one another's achievements and experiences. True dynamic peace can only exist where potential conflicting parties respect the integrity and essence of each other's contributions to the whole. Efforts to protect sites and artistic treasures in war areas have a significance beyond the physical preservation of the subject sites. Such efforts initiate a change in the international environment, contributing to the establishment of right human relations and true peace. At the core of efforts to protect sites in war areas lies a pronounced determination to inculcate cross-cultural appreciation as a major force in international relations. Through active leadership in these efforts, ICOMOS can make a vital contribution to the dynamic peace and prosperity of the planet. Echoing the theme of this symposium, we can say that ICOMOS, through an emphasis on protecting and valuing "Old Cultures," can create the leadership necessary to bring into manifestation a much needed and better "New World."

PAST EFFORTS

For the sake of brevity and cogent analogy, this review will limit itself to Allied efforts, largely those of the the U.S. in World War II. This focus is not meant to detract or ignore the many, frequent and significant

efforts undertaken at other times and by other countries. It should also be noted that U.S. activists had a marked advantage in making outreach efforts at this time--their country had not suffered direct war damage.

During World War II dramatic and important efforts were made to protect both sites and moveable artworks. In the U.S. these began with the work of two private groups, The American Defense - Harvard Group ("Harvard Group") and The American Council of Learned Societies ("ACLS").

Beginning in early 1943 the Harvard Group coordinated the efforts of sixty-one scholars and produced extensive lists of cultural monuments for twenty-five war-endangered countries. Selection criteria included not only historical and artistic influence but cultural sites which for any reason were treasured or revered by the local population. This group also supplied a "first-aid" manual for different types of materials and compiled lists of U.S. personnel knowledgeable in conservation.

Based in New York and augmenting the work of the Harvard Group, the ACLS technical staff was aided by more than a hundred expert scholars, art historians, collectors and artists, many of them refugees from Europe. They added to the lists and catalogues and prepared painstakingly over 800 detailed maps for the use of Allied ground and air forces. These maps showed monuments, fine art objects and archives to be protected in all theaters of war. The depth of research and commitment was extraordinary. Ordinary records could not supply the vast detailed information necessary. Several thousand questionnaires were sent out to officials and scholars of American art and educational institutions asking for data on their recent research abroad. Many leading institutions, including the Smithsonian Institute, the Library of Congress, and the National Archives lent both their files and their staffs. The resultant maps were widely distributed and used extensively in the U.S. war effort.

The activities, efforts and sentiments of these two private groups contributed greatly to the official atmosphere in which a special Monuments, Fine Arts, and Archives ("M,FA&A") Section was created within the U.S. Army. The experiences and contributions of the M,FA&A officers and enlisted men were incredible and out of all proportion to their number and position within the military machine. Generally these men were 1) included and assigned after almost all other preparations for the campaigns had been completed; 2) without authority to act independently or in any but an advisory capacity; 3) with rarely assigned or adequate means of transportation; 4) often lacking elementary office and photographic equipment; and 5) always striving against the demands of military necessity. Yet these men were able to achieve a task of great magnitude - the preservation of as much as possible of the cultural heritage of Europe, North Africa, the Middle East and Asia under the incredibly difficult circumstances of modern war and occupation.

As an example, consider the few British and American M,FA&A men stationed in Sicily from 1943 to the end of 1945. They suffered from all of the above-described limitations and themselves had little standing or authority. They had no real transportation resources or supply of essential materials and only one officer ever of higher rank than captain.

Yet they traveled extensively, improvising many solutions to threatened monuments. By the time of their final report on Sicily in November 1945, nearly 200 different repair projects encompassing all damaged sites on the island were detailed as completed or in progress.

There was also created in 1943, The American Commission For the Protection and Salvage of Artistic and Historic Monuments in War Areas ("The American Commission"), headed by a U.S. Supreme Court Judge. It had the wartime function of furnishing museum officials and art historians to the U.S. Army so that works of cultural value would be protected in countries occupied by armies of the United Nations. The American Commission also worked throughout the war to compile, through the assistance of refugee art historians and librarians, lists of property appropriated by the Axis invading forces, their government representatives and private citizens. Following the cessation of hostilities in the European theater of war, and later in the Asian theater, The American Commission worked for the restitution of public and private cultural property appropriated by the Axis Nations. This task encompassed the formulation of restitution policies in coordination with the U.S. Department of State and other Allied commissions and agencies, administration of cultural property in the American Zone in Germany, and aid to the Office of Strategic Services in forming within that organization a special unit to investigate Nazi personnel suspected of looting art. A large amount of information in this regard was compiled and provided to the War Crimes Commission. Finally, The American Commission left detailed archives of Allied efforts to preserve cultural property.

CURRENT INTERNATIONAL LAW

Modern international legal efforts to protect sites and cultural property began with the Hague Convention of 1899. Subsequent international agreements of note include the Roerich Pact (or Washington Treaty of 15 April 1935), the Convention for the Protection of Cultural Property in the Event of Armed Conflict, done at the Hague on 14 May 1954 ("1954 UNESCO Treaty") and the Convention Concerning the Protection of the World Cultural and Natural Heritage (1972) ("the World Heritage Convention"). This last Convention includes natural sites within its scope of protected property.

At the core of these agreements lies the attempt to attribute "international personality" or extra-territorial/neutral status to sites. This simple, brilliant idea promotes both peace in general and the preservation of specific endangered sites in particular. Through the assertive use of these treaties it ought to be possible to create relative "islands of peace and protection" within conflict areas. To accomplish this, the moral stick or club of international law needs to be picked up and exercised. It needs to be clearly understood by the international community that damage or destruction of protected sites is a war crime and will be so labeled and prosecuted. The example of Goering's trial at Nuremberg for looting the Low Countries should be brought to the attention of military leaders in all conflict areas. We, at ICOMOS, need to work on expanding the list and definition of protected sites.

The above-mentioned treaties have been too often sadly lacking in implementation. Take, for example, the Roerich Pact, which in its 15 April 1935 form was signed by the U.S. and twenty-one other countries of North, Central and South America. It extends protection to historic monuments, museums, scientific, artistic, educational and cultural institutions in times of war and peace. To obtain this protection, parties have only to honor their obligation to register sites with the registry, currently the Treaty Office of the Organization of American States, and display the distinctive protective flag known as "The Banner of Peace" at the site. In over fifty years only Mexico has registered its sites and this legally valid and important treaty lies dormant.

The 1954 UNESCO Treaty is also under-applied. Out of seventy-one signatory countries certainly more refuges can be entered into the "International Register of Cultural Property under Special Protection." In 1984 only nine refuges were listed with none added since 1978. One of the protective mechanisms provided in this treaty is a program of appointing "Commissioners-Generals for Cultural Property" in conflict areas. For the better part of a decade the Arab governments involved in the middle east crisis (Egypt, the Hashemite Kingdom of Jordan, Lebanon, the Syrian Arab Republic) have not been in agreement on the selection or mandate of a Commissioner-General. This treaty is also capable of greater application between the signatory powers of Iran and Iraq. Finally, not all signatory countries are filing the required reports with UNESCO.

The international response to the World Heritage Convention is a hopeful sign indeed, although it is largely untested in conflict areas. Michael Parent, the President of ICOMOS, has stressed the importance of establishing a monitoring system in order to insure that the World Heritage List does not become a simple enumeration of sites. Potential danger from war must be included in the monitoring process. Sooner rather than later we must face the nuclear issue. We must assert that nuclear weapons not be manufactured, stored, deployed or targeted in any near vicinity of a World Heritage Site. Let us begin with an initial distance of at least seventy-five miles. We can make the World Heritage emblem a real symbol of protection.

NEEDED NEW INITIATIVES

A significant body of international law, pertinent to the preservation of sites and artistic treasures in war areas, already exists. What is needed is greater and more aggressive implementation. ICOMOS should create an International Commission for Site Preservation in Conflict Areas ("The International Commission") to pursue apolitical, humanitarian goals of site preservation and general tension reduction. Drawing on the larger resources of ICOMOS, The International Commission could prepare and distribute lists and maps of endangered sites in conflict areas. Volunteer legal counsel could prepare documentation and notification to the belligerent parties that inappropriate use or destruction of identified sites could subject the violating party to war crimes prosecution. Where appropriate The International Commission can initiate or prompt bi-lateral or multi-lateral negotiations by developing position papers and creating a forum for discussions. It could also mobilize

ICOMOS national committees and affiliate groups in letter writing, fund-raising and lobbying efforts aimed to saving endangered sites. It would be especially important to articulate to opposing groups the reasons of common culture and concern that require all sides to respect the endangered sites and each other.

The International Commission could develop and articulate a proposal to create a permanent Monuments, Fine Arts, and Archives Division within the United Nations Peace-Keeping Forces. To do this the support of the five U.N. Security Council "veto nations" must first be obtained. The idea of a M,FA&A Division is that specially trained military resources would then always be available to the international community to be used for the emergency protection of endangered World Heritage Sites and other appropriate cultural property. Sites in disputed, boundary or occupied areas could be held and administered by protective forces and curators from neutral countries. For instance, if the clashes between the Sikhs and the Government of India should reoccur over the Golden Temple Complex at Amritsar, The International Commission could prompt bi-lateral discussions aimed at eliciting agreement that the site could be fully utilized for peaceful religious purposes but not as a fortress or weapons storage site. U.N. M,FA&A Forces could be given nominal control of the site as conditional international territory recognized by the Indian Government. Worshippers would be given access to the site following an "airport security" type weapons check.

Similiarly, suppose we could replay the "Beauford Castle incident" in Southern Lebanon. The entrenched PLO forces could be put on notice that active use of a recognized site for military purposes is a war crime in the eyes of the international community. Likewise, any attack and/or subsequent military occupation by Israel would also be regarded as a war crime by the world. The role of The International Commission would be to negotiate the removal of endangered art works and the surrender by both sides of the historic castle to the U.N. M,FA&A Forces.

The moral of past efforts is that a dedicated few can accomplish a great deal, even when acting unofficially. ICOMOS can generate the organization and dedication necessary to preserve "Old Cultures" and participate in the co-creation of a "New World" of right human relations and dynamic peace. We live in a time in which 10,000+ nuclear weapons threaten all life and the very existence of that magnificent, wonderful, cultural and natural site we call planet Earth. Only by treading the activist path of Culture and International Law can we survive. Please join in this work.

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AND ARTISTIC TREASURES
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PAST EFFORTS AND NEEDED NEW INITIATIVES

--SUMMARY OF PAPER--

Presented by Charles McConney (U.S.A.)

INTRODUCTION

Throughout history, war has presented one of the most serious threats to cultural sites & artistic treasures. Sites and artworks embody a people's culture & genius - and constitute a most precious (and too often endangered) heritage of mankind.

There is an important link between peace and cultural preservation - a link too little understood. Peace begins by respecting another culture's achievements. Preservation of sites & artworks has a significance beyond that of mere site preservation itself. It is Culture that is the fabric that binds the world community together. ICOMOS can make an important contribution.

PAST EFFORTS

Dramatic and important efforts were made in World War II to protect both sites & moveable artworks. Private groups in the U.S. (Harvard University & The Council of Learned Societies) prepared 800+ maps for the allies, designating sites not to be bombed. The U.S. created a special Monuments, Fine Arts, & Archives ("M,FA&A") Section within the U.S. Army, as well as a civilian commission which played an important activist role.

CURRENT INTERNATIONAL LAW

Modern legal efforts to protect sites, etc., from war began with the Hague Convention of 1899; followed by the Roerich Pact (1935; Inter-American); then the 1954 UNESCO treaty; and finally the World Heritage Convention.

At the core of legal efforts is the attempt to attribute "international personality" or extra-territorial/neutral status to sites. Importance of 1) utilizing precedence & moral authority for protection of sites; and 2) punishing offenders. An example of the latter being Goering brought to trial at Nuremburg for looting the Low Countries.

Specific instances cited where the above-referenced treaties have been under-applied.

NEEDED NEW INITIATIVES

There is a need to create an international commission within ICOMOS to prompt and promote bi- & multi-lateral negotiations to protect specific endangered sites. There is a companion need to create a M,FA&A Division within the U.N. Peacekeeping Forces. Examples given of the role it could play--at the Golden Temple Sikh Complex at Amritsar in the Punjab; and a replay of the Israeli-PLO battle over Beauford Castle (1976).

LA PRÉSERVATION DE SITES CULTURELS
ET TRÉSORS DE L'ART DANS LES
ZONES DE GUERRE

LES EFFORTS PASSÉS ET NOUVELLES INITIATIVES
NÉCESSAIRES

RÉSUMÉ D'UNE COMMUNICATION FAITE PAR
Charles McConney (USA)

INTRODUCTION

A travers l'histoire la guerre a constitué l'une des menaces les plus graves pour les sites culturels et les trésors de l'art. Les sites et les œuvres d'art incarnent la culture et le génie d'un peuple --et représentent un legs des plus précieux (et trop souvent menacé) de l'humanité.

Entre la paix et la préservation de la culture il existe un lien important et mal compris. La paix commence par le respect des réalisations d'autres cultures. La préservation des sites et des œuvres a une importance qui dépasse la seule préservation des sites. C'est la Culture qui est le tissu reliant la communauté mondiale. L'ICOMOS peut y apporter une contribution importante.

LES EFFORTS PASSÉS

Pendant la Deuxième Guerre Mondiale on a fait des efforts dramatiques et importants pour protéger à la fois les sites et les œuvres transportables. Des organismes privés aux USA (Harvard University et le Council of Learned Societies) ont préparé pour les Alliés plus de 800 cartes indiquant les sites qu'on ne devait pas bombarder. Les USA ont créé, au sein de l'Armée américaine, une section spéciale nommée "Monuments, Beaux Arts et Archives" ("M,FA et A") aussi bien qu'une commission civile qui a joué un rôle d'activiste très important.

LE DROIT INTERNATIONAL ACTUEL

Les efforts légaux modernes pour protéger les sites, etc. contre la guerre ont commencé par la Convention de la Haye en 1899, ensuite par le Pacte Roerich (interaméricain) de 1935, ensuite par le Traité de l'UNESCO de 1954, et enfin par la Convention sur l'Héritage.

Au cœur de ces efforts se trouve la tentative de conférer aux sites le statut de "caractère international" ou celui de extra-territorial/neutre. L'importance (1) de l'utilisation des précédents juridiques et de l'autorité morale pour la protection des sites et (2) de la punition des délinquants (l'exemple de Goering qui a été jugé à Nürnberg pour avoir pillé les Pays-Bas).

Exemples de cas où les traités mentionnés ci-dessus n'ont pas été suffisamment appliqués.

LES NOUVELLES INITIATIVES NÉCESSAIRES

Il faut créer au sein de l'ICOMOS une commission internationale pour inciter et promouvoir des pourparlers bilatéraux et multilatéraux afin de protéger des sites menacés spécifiques. Il faut en même temps créer au sein des Forces de Maintien de la Paix des Nations Unies une section Monuments, Beaux-arts et Archives ("M,FA &A"). Des exemples du rôle à jouer par cette section: au Temple Doré de l'Ensemble Sikh à Amritsar dans le Punjab; et en cas d'une reprise de la bataille entre Israël et l'O.L.P. pour le Château de Beaufort en 1976.