

Quadrant II - Notes

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Module Name: Cultural Properties

Module No: 08

Introduction

Cultural property has suffered grave damage during armed conflicts. The reason for such increasing danger of destruction, is different methods and techniques of warfare. Damage to cultural property is damage to cultural heritage of all mankind since people make contribution to the culture.

Effect of war and conflict is felt beyond the tangible tragedies. Cultural property is a part of peoples' identity and part of cultural heritage. People want cultural property protected and respected.

Definition of Cultural Property

Movable or immovable property of great importance to the cultural heritage of every people:

- Monuments of architecture, art or history, religious or secular;
- Archaeological sites;
- Groups of buildings of historic or artistic interest;
- Works of art, manuscripts, books, and other objects of artistic, historical, archaeological interest and scientific collections.

The criterion is that the cultural property must have some value. Not every civilian object is for e.g. a religious place is considered as cultural property. Determining the value of the property is difficult at times and sometimes controversial.

Safeguarding and protection of cultural property

Protection of cultural property comprises of safeguarding and respecting the property. Contracting parties in times of peace must undertake to safeguard cultural property situated within their own territory against foreseeable effects of armed conflict.

Respect for cultural property

Contracting parties undertake to respect the cultural property situated within the territory of their country and that of adversary. States must undertake to prohibit any theft, pillage, misappropriation, vandalism directed against the cultural property. States shall also refrain from acts directed by way of reprisals against cultural property.

Distinctive marking of Cultural property (Article 16)

Cultural property may bear a distinctive emblem to facilitate recognition. The emblem may be repeated three times in triangular formation.

Special Protection

Cultural property may bear a distinctive emblem to facilitate recognition. The emblem may be repeated three times in triangular formation.

Transportation under special protection

Transport exclusively engaged in transfer of cultural property takes place under special protection. Transport under special protection shall take place under international supervision. The contracting State parties shall refrain from any act of hostility directed against transport under special protection.