

The WAC Dead Sea Accord

On the Protection of Cultural Property in the Event of Armed Conflict

Preamble:

The World Archaeological Congress expresses its concern for the damage and destruction caused by armed conflict. In adopting this Accord, the Congress acknowledges the unquestionable priority of human life but asserts that the expression and preservation of culture, both tangible and intangible, are basic human rights. This Accord reflects the particular expertise, competencies and focus of the scholarly, professional and avocational lives of the WAC membership. The Congress adopts this Accord while recognizing the pressing need for both universal acceptance of the existing international legal provisions for the protection of cultural property during armed conflict and improvements in that international legal and treaty regime.

Whereas: Cultural heritage informs our many identities, reflects our distinct histories and experiences and creates shared bonds to a common past, standing as a tangible reminder of the millennia of human experience. Cultural heritage can play an integral role in post-conflict reconciliation and its preservation may promote such reconciliation. The destruction of cultural heritage therefore presents humanitarian, preservation, social, and economic concerns, elevating the need to address the protection of the world's cultural fabric.

Whereas: As a community of scholars, heritage professionals, and affected groups including in particular descendant communities, archaeologists, anthropologists and other cultural heritage specialists, WAC's area of primary scholarly and professional expertise involves the study of human cultures and interactions as embodied in the physical remains of the past and the relationship of humans to those remains.

Whereas: In numerous conflicts, cultural heritage has been damaged and destroyed, WAC expresses its serious concern at the ongoing disregard by States and other parties involved in armed conflicts for the preservation of cultural heritage, the instruments of international humanitarian law, and accompanying principles, which have the goal of protecting the human rights to culture and cultural heritage.

Whereas: WAC believes that the intentional destruction of cultural property – constituting a basic tangible aspect of cultural heritage and identity – is increasingly becoming a central element in armed conflicts, and the elimination of the cultural remains (including sites, historic structures, religious centers, and repositories of movable cultural property) of whole regions has become an instrument of warfare and ethnic cleansing, which may be considered a crime under international humanitarian law.

WAC adopts the following Accord:

1. WAC calls on all States to ratify the instruments of international humanitarian law that protect cultural heritage, above all the Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague 1954) and its two Protocols (1954 and 1999), as well as the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (Paris 1970); to implement them swiftly and efficiently into national legislation and in accord with their spirit and overarching goal to preserve cultural heritage, and to observe and enforce them. WAC further

notes that the principle of cultural property protection in the event of armed conflict is also embedded in the First and Second Additional Protocols (1977) to the Geneva Conventions (1949).

2. WAC calls on States and non-state actors involved in armed conflict to observe the portions of the Hague Convention applicable to them and the broader principles of customary international law requiring the safeguarding of and respect for their own cultural heritage and that of others, and to refrain from negligently or intentionally destroying or damaging cultural heritage during armed conflict.

3. WAC reminds States, non-state actors and all individuals involved in armed conflict that the intentional and unexcused destruction of cultural heritage is a violation of international humanitarian law and has served as a basis for criminal tribunal prosecutions following both World War II and the Balkan Wars; the unexcused destruction of cultural heritage during armed conflict will continue to serve as a basis for criminal prosecution.

4. WAC calls on States deploying military forces, private security companies, militias or other contractors in armed conflict to take responsibility for ensuring that such forces, entities, companies and individuals observe the principles of international law in general and the specific principles of international law concerning cultural property protection.

5. WAC calls on all nations, the United Nations and international regional organizations under whose auspices national, multi-national or private forces may be deployed, including peacekeeping operations, to incorporate the principles of cultural property protection in the authorization of any forces deployed under their mandate or authority; to ensure that cultural property protection is integrated into all Rules of Engagement of such forces; to incorporate cultural property protection into all pre-conflict, conflict and post-conflict stabilization planning; to require pre-deployment training in cultural property protection of such forces in general, and of their officers in particular; and to create and maintain the position of expert/liason officers for cultural property protection in such forces.

6. Considering Article 9 of the Second Protocol to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, WAC calls on all States and non-state actors, as well as its membership, to refrain from archaeological excavation in occupied territory, save where this is strictly required to safeguard, record or preserve cultural heritage, and to refrain from any change to or use of cultural heritage which is intended to conceal or destroy cultural, historical or scientific evidence.

7. WAC calls on all nations and actors to respect the pluralistic religious and cultural heritage of any territory under their control and, in particular, to preserve historic structures, religious buildings and other forms of cultural heritage of all groups within those territories.

8. Considering the First Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict and Article 11 of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, WAC calls on all nations to prohibit the import of cultural objects illegally removed from areas subject to armed conflict and military occupation. WAC calls on the United Nations Security Council to explicitly prohibit trade in cultural materials illegally removed from all areas of conflict and occupation (as it did during the 2003 Gulf War).

10. WAC calls on all States to continue and all States that suspended their funding to resume their funding of UNESCO, which constitutes the basic requirement for the fruitful and peaceful work of UNESCO in general and its cultural heritage work in particular.

11. WAC calls on all Parties to the Second Protocol to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict to meet their obligation to contribute to the Fund for the Protection of Cultural Property in the Event of Armed Conflict established in Article 29 of the Second Protocol.

12. WAC calls on all scholars and heritage professionals, in particular its members and other educators, to become familiar with the instruments of international law that protect cultural heritage; to consider them in their scholarly and educational work; where appropriate, to promote as well as to critique them within their communities, with other stakeholders, and with the governmental authorities in their home countries, and to use and refer to them responsibly.

13. WAC invites all scholars and heritage professionals, in particular its members, to become involved in work fostering cultural heritage protection whenever and wherever feasible and appropriate, as well as through the Blue Shield and Blue Shield national committees, the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM), the International Council on Monuments and Sites (ICOMOS), the International Council of Museums (ICOM), International Union for the Conservation of Nature (IUCN), UNESCO, and others as appropriate.

The work on this Accord started as a consequence of discussions at the WAC-6 (June 29-July 4, 2008, Dublin, Ireland). Focused discussions on the topic of this Accord took place at the WAC-IC Vienna (April 6-10, 2010, Vienna, Austria). A draft of this Accord was originally proposed at WAC-7 (January 13-18, 2013, Dead Sea, Jordan); the final text was produced at the WAC-IC Rome (May 21, 2014, Rome, Italy). The initiators thank all colleagues who contributed to this Accord by submitting written statements or contributing during the discussion in the past seven years.

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