



ICRC

ADVISORY SERVICE
ON INTERNATIONAL HUMANITARIAN LAW

Cairo Declaration on the Protection of Cultural Property

The Cairo Declaration on the Protection of Cultural Property was adopted by consensus at a regional conference convened from 14 to 16 February 2004 in order to mark the 50th anniversary of the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict. This meeting was organized jointly by the Egyptian national IHL Committee, the ICRC, the Egyptian Red Crescent and UNESCO. In particular, the Declaration recommends that States should accede to the 1954 Convention and its two Protocols of 1954 and 1999 and that measures should be adopted in order to implement these instruments at national level.

Inspired by the Preamble of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict declaring that “damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of all humankind, since each people makes its contribution to the culture of the world”;

Bearing in mind that the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property which entered into force on 24 April 1972, provides that each State has the duty to protect cultural heritage located on its territory against the dangers of theft, illicit excavations and illicit export and to combat these practices by all available means, in particular by eliminating their roots, putting an end to them and facilitating their restitution;

Referring to the Model Treaty for the Prevention of Crimes that Infringe on the Cultural Heritage of People in the Form of Movable Property as a tool for preventing this form of crime and guaranteeing the restitution of illicitly exported property;

Recalling the provisions of the 2001 UNESCO Universal Declaration on Cultural Diversity which recognizes cultural diversity as “common heritage of humankind”, the protection of which constitutes a moral necessity and should be considered as an integral part of the respect for human dignity;

And confirming the provisions of the 2003 UNESCO Declaration on the Intentional Destruction of Cultural Heritage, recognizing the importance of cultural heritage and the obligation to combat all forms of its intentional destruction in order to be able to transmit the cultural heritage to the succeeding generations and insisting on the necessity for States to take all the appropriate measures in order to ensure the protection of cultural heritage in accordance with international law and, in particular, in the event of armed conflict and in the case of occupation accordingly to the principles and objectives of international conventions and UNESCO Recommendations on the protection of heritage during military operations;

Implementing the Declaration adopted by the 28th Conference of the Red Cross and the Red Crescent on 6 of December 2003, calling upon parties to armed conflicts to provide the necessary protection of cultural property and to prevent its destruction, abuse or theft as well as guaranteeing full respect for the rules of international humanitarian law in this field;

Convinced that the respect for cultural property of nations reflects the respect for cultural diversity and diversity of civilizations of human beings and constitutes a strong line of defense against feelings of hatred and greed that expended during contemporary armed conflicts and requires international cooperation to put an end to it;

And sharing with the international community the celebration of the 50th anniversary of the 1954 Hague Convention under the high auspices of Mrs. Suzanne Mubarak, President of the Egyptian Red Crescent Society and upon invitation of the Ministry of Justice of the Arab Republic of Egypt; the International Conference celebrating the 50th anniversary of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict was held in Cairo from the 14th to 16th of February 2004;

The Egyptian National Commission of International Humanitarian Law and the International Committee of the Red Cross took in charge the organization of the Conference, in coordination with the League of Arab States, UNESCO, the United Nations Office on Drugs and Crime, the Parliamentary Commission of the International Humanitarian Law at the People's Assembly, the Ministry of Information, the Egyptian Red Crescent Society, the Egyptian Council for Foreign Affairs, the Supreme Council for Antiquities and the Public Information Authority;

The Conference was honored by the presence of high-level Egyptian officials, representatives of Arab States, representatives of the General Secretary of the League of Arab States, the International Committee of the Red Cross, UNESCO, the United Nations Office on Drugs and Crime, the Secretariat of Arab Red Crescent and Red Cross Societies, the Egyptian Red Cross Society and a number of Arab and foreign experts and professors specialized in the field of international humanitarian law and the protection of cultural property;

The participants expressed their appreciation for the organization of the Conference celebrating the 50th anniversary of 1954 Hague Convention in Egypt, the cradle of civilization and insisted on their collective commitment to respect international humanitarian law which extends its protection to all human beings and their cultural property without discrimination or selectivity in order to reduce the suffering, to guarantee the respect for human dignity and to establish a more human society raising the principle of "the protection of human dignity".

On the closure of their work, the participants adopted the following recommendations:

- 1) To call upon States not yet party to the 1954 Convention and/or its 1954 First and/or the 1999 Second Protocol to proceed to the accession to these instruments. The Second Protocol will enter into force on 9 March 2004.
- 2) To urge States to harmonize their national legislations and regulations with the provisions of the 1954 Hague Convention and its two Protocols guaranteeing the suppression of all violations of the rules concerning the protection of cultural property in the event of armed conflict, the punishment of offenders or persons ordering the commission of offences and the protection of the distinctive sign of the protection of cultural property from all abuses.
- 3) To urge States to promote the identification of cultural property, the preparation of the relevant inventories in all States, the use of the distinctive sign of the 1954 Convention and the communication of this information at regional and international level in order to ensure that it is known.
- 4) To invite national commissions for humanitarian law to devote the necessary effort for the protection of cultural property and to adopt the national measures for the implementation of the 1954 Convention and its two Protocols at the national level as being an integral part of international humanitarian law in order to implement them, exchange information and cooperation with the relevant national commissions in this field;
- 5) To invite States, which have not done so, to establish national commissions for international humanitarian law and national advisory committees and to provide them with the competence for implementing the mechanisms for the protection of cultural property at the national level;
- 6) To give a priority to the inclusion of the subject of the protection of cultural property in educational and training programs for the military forces and the persons responsible for the enforcement of laws, as well to including it in the international humanitarian law programs taught at schools and universities;
- 7) To encourage cooperation between States in the field of exchange of information and to profit from the support provided by the UNESCO and the ICRC in the fields of technical assistance, exchange of information and advisory assistance on adopting laws and regulations concerning the protection of cultural property;
- 8) To promote international, regional and national dialogue on the means of enforcing the protection of cultural heritage and to encourage the organization of seminars and workshops in the Arab countries in order to disseminate knowledge of the rules for the protection of cultural property and to exchange expertise and technical assistance among them and with the relevant international organizations active in this field;
- 9) To request the International Humanitarian Law Follow-Up Committee to include the recommendations contained in the present Declaration in the regional plan of action for the year 2004;
- 10) To urge the United Nations Committee on Crime Prevention and Criminal Justice to accord special attention to the protection of cultural property by encouraging States to conclude bilateral agreements based on the Model

Treaty for the Prevention of Crimes that Infringe on the Cultural Heritage of People in the Form of Movable Property and to establish legal and technical mechanisms for this purpose and to reinforce the international cooperation as a means to prevent theft of cultural property, illicit excavations, illicit traffic, import or export of cultural property and also urge the Committee on Crime Prevention and Criminal Justice to recommend that special attention be accorded to this subject during the deliberations of the United Nations Eleventh Congress on Crime Prevention and Criminal Justice.

Finally, the participants expressed their deep gratitude to the distinguished President of Egyptian Red Crescent Society, Mrs. Suzanne Mubarak of putting this conference under her auspices and to the organizing bodies, especially the Egyptian Ministry of Justice, the National Commission for International Humanitarian Law, the International Committee of the Red Cross, the UNESCO and the United Nations Office on Drugs and Crime.