

Krste BOGOESKI

Institute of Ethnology and Anthropology

UKIM, Faculty of Natural Sciences and Mathematics, Skopje

THE NON-GOVERNMENTAL ORGANIZATIONS AND THE IMPLEMENTATION OF THE SECOND PROTOCOL OF THE HAGUE CONVENTION

Abstract: This paper will highlight the importance of the Second Protocol to the Hague Convention of 1954 for the protection of cultural property during military operations. The paper specifies the types of protection of cultural heritage and the UNESCO Guidelines for the implementation of the Second Protocol, followed by presentation of the three professional NGOs in Macedonia - the national committees of the Blue Shield, of ICOM and ICOMOS, which include in their work activities related to the implementation of the Second Protocol in the country. The Blue Shield program in particular covers all elements of the Guide of UNESCO for the implementation of the Second Protocol.

Keywords: Second protocol, implementation, non-governmental organizations

It is known that the cultural heritage may be threatened by acts of nature or by man. Military actions as a result of human actions, can contribute to damage or destruction of cultural property. Such examples are found in military affected areas throughout the world, and in our country during the internal armed conflict in 2001.

The protection of cultural property in wartime is ensured by international and national legislation. In this sense, the 1954 Hague Convention and its First Protocol and Second Protocol of 1999, constitute a framework that covers the protection of cultural heritage during armed conflict.

The Second Protocol provides for the strengthening of obligations to protect cultural property from military actions. The destruction of cultural property is a criminal offense punishable by provisions of the Tribunal and the provisions

of national laws. In Macedonia it is sanctioned by Article 404 of the Macedonian Criminal Code.

The Second Protocol envisages two types of protection, general and enhanced protection. The general protection (article 5) provides: preparation of inventories, planning emergency measures for protection against fire and structural collapse, preparation for evacuation of movable cultural heritage or provision for adequate in situ protection of such heritage, appointing competent authorities responsible for protection of cultural heritage.

The enhanced protection provides: preparation of inventory, list of cultural goods, marking of property.

Implementation of the Second Protocol

Implementation of the Second Protocol is entrusted to the Committee for the Protection of Cultural Property in the Event of Armed Conflict. The Committee cooperates with governmental and non-governmental organizations with similar goals. In that regard, it engages professional organizations as consultants. The Article 27 of the Protocol particularly mentions the International Committee of the Blue Shield.

Non-governmental organizations in Macedonia, which have similar aims with the Committee are: Macedonian National Committee of the Blue Shield, Macedonian National Committee of ICOM and the Macedonian National Committee of ICOMOS. These organizations initiate, unite, engage and act in accordance with the statutory provisions. They do not take the role of institutions in the protection of cultural property, but help in successful disaster response to prevent or mitigate the consequences. They represent the conscience of the profession.

The UNESCO Guidelines for the implementation of the Protocol provides: dissemination (article 30) and monitoring. The dissemination encompasses education, information and training of military and civilian authorities to respect the Second Protocol. The monitoring provides: legal, administrative, military and practical application.

The non-governmental organizations in Macedonia and the implementation

We want to stress that elements of the Guidelines for the implementation of UNESCO in the past in Macedonia have already been implemented. In that sense, various forms of education, information and awareness-raising activities are performed, expert advices on the importance of cultural heritage are given, as well as expert advices on the methods of protection. Also, the four elements of monitoring: legal, administrative, military and practical application are implemented - somewhere more, somewhere less. Here are just few examples

of actions undertaken by the three non-governmental professional organizations in Macedonia, which are related to the implementation of the Second Protocol to the Hague Convention of 1954.

MNC ICOMOS:

- monitoring during and after the conflict in 2001;
- big regional conference in 2002 on the topic “Cultural heritage in danger during armed conflicts – case study Macedonia”, that gave rise to the so called “Ohrid declaration”;
- preparation of laws and byelaws related to the protection of cultural property in danger;
- organization of more professional consultations regarding protection of cultural heritage.

MNC ICOM:

- preventive protection of the cultural and natural heritage in the museums in Macedonia in 2007;
- regional workshop in 2007 on the topic “Team work for joint management in crisis situations”;
- organization and participation at the Regional conference of Southeastern Europe in Nish in 2012 on the topic: “Risk assessment for the cultural and natural heritage in the Southeastern Europe region”;
- preparation of standards for museum documentation in 2005;
- manual for actions in emergency situations in 2013.

MNC Blue Shield in cooperation with MNC ICOM, MNC ICOMOS:

- monitoring of cultural monuments in areas affected by military operations after 2001 (2003 and 2004);
- awareness raising through the media for safeguarding of the cultural property;
- two posters to raise awareness among youth about the protection of cultural property (2004 and 2012);
- Special measures for protection of cultural heritage in danger (Forum 2005);
- participation in preparation of laws and byelaws related to protection of cultural property;
- starting points for development of methodology for assessment of damage after natural and man-made disasters (2006);
- preparation of the Decree on special measures for protection of cultural heritage in wartime and emergencies (2006);

- Training of experts for protection of cultural heritage during natural disasters (Forum 2007);
- repeated attempts and initiatives for application of the symbol of the Hague Convention on cultural monuments, but still without full result;
- repeated initiatives to update the plans for the protection of cultural property in the cultural institutions;
- The capacities of the museums and conservation centers in Macedonia with regards to the professional staff (Forum 2008);
- Sacred cultural heritage of Macedonia during wartime or emergency: relations owner-user-community (Forum 2009);
- Protection of cultural heritage in emergencies (Forum 2010)
- Protective infrastructure for management in emergencies related to cultural heritage (Forum 2010);
- Mapping of endangered cultural heritage in the museums in Macedonia (2009-2010 research project, as a baseline for the two forums that followed in the coming years);
- The state of the cultural and natural heritage in the museums in Macedonia (Forum 2011);
- Protection of cultural heritage in the museums of Macedonia - conditions and experiences (Forum 2012).

The above mentioned points out that we - the professional non-governmental organizations provide initiatives, promote professional and effective accomplishment of the tasks, encourage improvements of the legislation, act for prevention in preparation for response to disasters, monitored the cultural goods after the internal war conflict in 2001 and on other occasions, influence awareness raising through forums, conferences, through the media, through posters and the like. In some segments we have concrete results, however others lack result. We are aware that it is difficult and hard task and we need to be persistent in achieving the set goals in the interests of protecting the cultural property during wartime and emergencies.

The non-governmental professional organizations play significant role in the implementation of the Second Protocol to the Hague Convention; however an integrated strategy for the protection of cultural property in emergency with an action plan is imminent need.

The strategy should represent:

- national promotion of the Hague Convention;
- source for national policy development;
- source of advice;
- providing national expertise for training and the like.

As partners of the Ministry of culture we offer the know-how and the enthusiasm, and we expect to be supported even more by our Ministry of culture in the interest of protecting the cultural heritage of our country.

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