The correct concept of safeguarding according to UNESCO and its possible additions

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In recent years, the term "safeguard" has been increasingly misused, referring primarily to urgent safety interventions following events damaging to Heritage, mostly preparatory to subsequent interventions of restoration or partial reconstruction. However, the correct meaning of the term 'Safeguard' is very clearly defined by the international law ratified by States and it must be understood as such.

<u>Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention</u>

CHAPTER I - GENERAL PROVISIONS REGARDING PROTECTION
Article 3 - Safeguarding of cultural property
The High Contracting Parties undertake to prepare in time of peace for the safeguarding of cultural property situated within their own territory against the foreseeable effects of an armed conflict, by taking such measures as they consider appropriate.

<u>Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict</u>

CHAPTER 2 - GENERAL PROVISIONS REGARDING PROTECTION
Article 5 - Safeguarding of cultural property

Preparatory measures taken in time of peace for the safeguarding of cultural property against the foreseeable effects of an armed conflict pursuant to Article 3 of the (1954) Convention shall include, as appropriate:

- the preparation of inventories,
- the planning of emergency measures for protection against fire or structural collapse,
- the preparation for the removal of movable cultural property or the provision for adequate in situ protection of such property, and - the designation of competent authorities responsible for the safeguarding of cultural property.

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To this first explicit list, which is anyway illustrative and not exhaustive, we must certainly also add the provision on dissemination and training, which are commonly considered further safeguard measures:

Article 30 - Dissemination

1. The Parties shall endeavour by appropriate means, and in particular by educational and information programmes, to strengthen appreciation and respect for cultural property by their entire population.

2. The Parties shall disseminate this Protocol as widely as possible, both in time of peace and in time of armed conflict.

3. Any military or civilian authorities who, in time of armed conflict, assume responsibilities with respect to the application of this Protocol, shall be fully acquainted with the text thereof. To this end the Parties shall, as appropriate:

(a) incorporate guidelines and instructions on the protection of cultural property in their military regulations;

(b) develop and implement, in cooperation with UNESCO and relevant governmental and non-governmental organizations, peacetime training and educational programmes;

(c) communicate to one another through the Director-General, information on the laws, administrative provisions and measures taken under sub-paragraphs (a) and (b);

(d) communicate to one another, as soon as possible, through the Director-General, the laws and administrative provisions which they may adopt to ensure the application of this Protocol.

So far we have highlighted the "preparatory measures" that can, indeed must, be taken by the States starting in peacetime, that is, with ample time and not only in the imminence of a crisis, when it is highly unlikely that truly effective interventions will be possible, especially since the entire attention of civil authorities is rightly focused on the priority of protecting people.

It is worth specifying here that the term "peacetime" should not only be understood as an alternative to various situations of armed conflict, since this term is also commonly used by Civil Protection agencies to refer to periods preceding natural disasters.

Another typical safeguard measure that should be undertaken in peacetime (with the only exception for unforeseen events) is the inclusion of national properties in the most important Registers of Enhanced Protection and Special Protection. This, although such key measure is not defined by UNESCO (who knows why?).

Finally, following an ICOMOS amendment proposal supported by the USA Delegation [2] and adopted by the Committee (Point 27: "As the above list (...) is not exhaustive, Parties

[2] The USA Delegation at the time participated to the meeting as Observer

are also encouraged to consider other appropriate preparatory measures"), the **Guidelines** [3] expressly provide for the possibility of implementing new and different safeguard measures, such as:

- Defining priorities for intervention on assets [4] not included in the Registers but at greater risk (due to their importance and also their "ease" of rescue), which obviously must be few and easily identifiable, even with digital tools;
- Affixing the simple Blue Shield to indicate "priority" assets (i.e., those that must be secured first in an emergency);
- State avowal for and in support to national and local NGOs specialized in the management of safeguard measures (Blue Shield or others);
- An explicit ban on the military using priority cultural assets for purposes that could turn them a legitimate target to hit.

Finally, we must add the only preventive measure that everyone has long recognized and attempted to implement, despite the significant technical difficulties: the identification of the various types and factors that pose a risk to cultural heritage

Finally, the 1954 Convention and its Regulations provide for a series of formal requirements (e.g., the Periodic Implementation Report, the List of Experts, or the proposal of assets for Enhanced Protection) that many States do not comply with or, do not adequately comply with. Therefore, technical support from specialized NGOs, upon request (if requested), would be important and useful.

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[3] Guidelines for the Implementation of the 1999 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict

[4] Asset spells for ‘Cultural or Natural Heritage