

## Cultural heritage protection in international conventions

Currently, there are five international conventions which regulate the protection of cultural heritage<sup>1</sup>, the main issues being intended and unintended destruction during armed conflict, plunder and illicit trafficking of cultural objects, and the active preservation and management of cultural heritage. The basic assumption for the development of these conventions is that cultural heritage should not be regarded as purely a local, ethnic or national asset, but belongs to mankind as a whole and needs to be preserved for future generations. The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict states in its preamble that “damage to the cultural property belonging to any people whatsoever means damage to the cultural heritage of all mankind”.

## Charters relating to cultural heritage protection

In 1990, the non-governmental organization ICOMOS (International Council on Monuments and Sites) published its Charter for the Protection and Management of the Archaeological Heritage, which develops and articulates the values that should serve as guidelines for cultural heritage management. Although this document does not have the status of an international treaty, it is a consensus document recognized and respected by academics and professionals in the field of culture preservation all over the world. Amongst others, the charter calls for laws and regulations against the destruction of archaeological remains through uncontrolled development, and states that “legislation should be based on the concept of the archaeological heritage as the heritage of all humanity and groups of peoples, and not restricted to any individual person or nation.” Regarding archaeological practice, the charter stresses the importance of non-destructive techniques and the need to publish scientific reports within a reasonable amount of time. The maintenance and preservation of the archaeological heritage should be carried out in cooperation with local residents and cultural groups in order to ensure long-term preservation.

Article 7 of the Charter, which underscores the importance of accurate presentation of the archaeological knowledge, states that “the presentation of the archaeological heritage to the general public is an essential method of promoting an understanding of the origins and development of modern societies. At the same time, it is the most important means of promoting an understanding of the need for its protection. Presentation and information should be conceived as a popular interpretation of the current state of knowledge, and it must therefore be revised frequently. ***It should take account of the multifaceted approaches to an understanding of the past.***”

This article was later developed in the ICOMOS Charter for the Interpretation and Presentation of Cultural Heritage Sites<sup>2</sup>, which addresses basic questions about the accepted and acceptable goals, methods, ethical and professional considerations relating to the subject. The Charter lists seven principles upon which Interpretation and Presentation should be based, including the importance of relating to the wider social, cultural, historical and natural context and setting of the cultural heritage site (principle 3), to respect the basic tenets of authenticity (principle 4) and to ensure sustainability (principle 5). Some highlights:

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<sup>1</sup> Hague Convention of 1954: *Convention for the Protection of Cultural Property in the Event of Armed Conflict* UNESCO Convention of 1970: *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* World Heritage Convention of 1972: *Convention Concerning the Protection of the World Cultural and Natural Heritage*

UNIDROIT Convention of 1995: *UNIDROIT Convention on Stolen and Illegally Exported Cultural Objects*

UNESCO Underwater Convention of 2001: *Convention on the Protection of the Underwater Cultural Heritage*

The complete texts can be found at [http://portal.unesco.org/en/ev.php-URL\\_ID=13649&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=-471.html](http://portal.unesco.org/en/ev.php-URL_ID=13649&URL_DO=DO_TOPIC&URL_SECTION=-471.html)

<sup>2</sup> Proposed Final Draft, 10 April 2007

“Interpretation should explore the significance of a site in its multi-faceted historical, political, spiritual and artistic contexts. (...) The surrounding landscape, natural environment, and geographical setting are integral parts of a site’s historical and cultural significance and, as such, should be considered in its interpretation.”

“The design of a heritage interpretation programme should respect the traditional social functions of the site and the cultural practices and dignity of local residents and associated communities. (...) Interpretation and presentation should contribute to the conservation of the authenticity of a cultural heritage site by communicating its significance without adversely impacting its cultural values or irreversibly altering its fabric”.

“The interpretation plan for a cultural heritage site must be sensitive to its natural and cultural environment, with social, financial and environmental sustainability among its central goals.”

### Jerusalem as a World Heritage Site

As a way of actively protecting and managing natural and cultural heritage sites that are considered being of “outstanding universal value”, the World Heritage Convention of 1972 created a system which enables member states to nominate sites for inclusion in a World Heritage List. On the initiative of Jordan, the Old City of Jerusalem was proclaimed a World Heritage Site in 1981 and a World Heritage Site in Danger in 1982 - a clear recognition of the cultural value of the city’s urban fabric and monuments, of its extraordinary spiritual significance and of its unique social composition, the result of many centuries of history and cultural development. Still, because of the continuing political conflict, it was not possible to implement a comprehensive plan for the protection of cultural heritage in Jerusalem. In 2003, a few years after the renewed outbreak of hostilities during the Al Aqsa-intifada, UNESCO launched an Action Plan for the Safeguarding of the Cultural Heritage of the Old City of Jerusalem. This initiative formulates a comprehensive action plan which includes setting up a unified database of all heritage resources in Jerusalem, carrying out conservation projects for neglected buildings, streets, monuments or open spaces, rehabilitation of residential and commercial buildings in order to improve the living quality of the inhabitants while preserving the original architecture, and to support cultural activities for the youth<sup>3</sup>. The activities are carried out in cooperation with all concerned parties, including a number of religious, professional and governmental institutions.

### The role of Emek Shaveh

During the last years, we are witnessing the deeply disturbing phenomenon that interest groups on both the Israel and Palestinian side are showing signs of increasing intolerance, including a total denial of the other side’s claim to cultural and historical heritage in the city. Parallel to the important and very impressive work that is being carried out by UNESCO, we believe that it is also crucial to present an alternative interpretation of Jerusalem’s archaeological sites according to the guidelines laid out in the ICOMOS charters. In this way, archaeology can serve as a bridge between peoples and religions instead of as a tool of conflict. It is our fundamental position that an archaeological find should not and cannot be used to prove ownership by any one nation, ethnic group or religion over a given place. Emek Shaveh’s activities aim to present archaeological finds as telling a complex story which is independent of religious dictates or traditional stories, and to show that by listening to this multicultural story and bringing it to the wider public we can enrich culture and promote values of tolerance and pluralism – thereby making Jerusalem into a true World Heritage Site where each visitor and resident can find his own story while also accepting that of the other.

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<sup>3</sup> UNESCO, Action Plan for the Safeguarding of the Old City of Jerusalem, Report September 2007