

defeated were frequent, particularly at certain times, it is true that the victor was often content to release his captives against ransom or even unconditionally. It must be admitted that the defenders and inhabitants of a city risked death and slavery only if they persisted in resisting the assailant. We wish to stress a fact which, in our opinion, has been insufficiently emphasized: to achieve mastery over a town by assault was for the assailant a last resort which he would renounce willingly if he convinced the assieged to accept his conditions. The latter, by capitulating and accepting the terms of a treaty, obtained the promise of safety for their lives and liberty of themselves and their kin. Whilst not minimizing the consequences of defeat, as it signified for the vanquished State the loss of independence and self-government, or even meant deportation for its population, we repeat that a siege did not offer solely the alternative of fighting or perishing, but also a third choice: negotiation.

*From the time of the very first Geneva Convention, legal experts have been called upon to define the beneficiaries of the humanitarian texts which now have a broad international base. Mention is first made of the wounded and the sick, then successively are defined the concepts of "combatant", "prisoner of war" "civilian internee" and "civilian". As Mr. Ducrey points out, things were quite different in ancient Greece which had no vocabulary to designate concepts of uncertain definition. The expressions used to convey a state of captivity are many and various and reflect a condition which may differ according to time, place and circumstances.*

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## PROTECTION OF CULTURAL PROPERTY

The *International Review* has several times published news on international efforts to protect cultural property in case of armed conflict and it recently gave a reminder of the importance of the Convention signed at The Hague on 14 May 1954 which afforded

for works of art respect similar to that which the Red Cross has obtained for the victims of armed conflict. By acceding to this Convention, States undertake to respect cultural property on their own and other contracting parties' territories and to take the measures essential for their maintenance and conservation.

But this protection is a necessity also in peace-time, for art is an aspect of understanding among nations and, in this respect, to safeguard works of art is to serve the cause of peace. As mentioned in *UNESCO Chronicle*,<sup>1</sup> the UNESCO General Conference in Paris on 19 November 1968 adopted a recommendation on the preservation of cultural property endangered by public and private works.

The text of the recommendation emphasizes that, since contemporary civilization and its future evolution rest, among other elements, upon the cultural traditions of the world's peoples and that cultural property is an essential element of the personality of these peoples, it is indispensable to preserve it in so far as is possible, according to its historical and artistic importance, so that its significance and message become a part of the spirit of peoples who may thereby gain consciousness of their own dignity. The preservation of cultural property and rendering it accessible constitute, in the spirit of the Declaration of the Principles of International Cultural Cooperation adopted at the fourteenth session of the General Conference, a means of encouraging mutual understanding among peoples and thereby serve the cause of peace. Importance is also given in the recommendation to the need for harmonizing the preservation of cultural property with the changes which follow from social and economic development, and to making serious efforts to meet both requirements in a broad spirit of understanding. It further stresses the fact that the preservation and accessibility of cultural property constitute a major contribution to the social and economic development of countries and regions which possess such treasures, by promoting national and international tourism.

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<sup>1</sup> Paris, 1969, No. 2.