
Editorial

Everybody remembers the tragic destruction by the Taliban of the two standing Buddha statues at Bamiyan in Afghanistan, images of which shocked the world in March 2001. The archaeological site of the Bamiyan Valley testifies to the artistic and religious developments from the first to the thirteenth century AD that characterized ancient Bakhtria, reflects the integration of various cultural influences into the Gandhara school of Buddhist art and contains fortified edifices from the Muslim period.

This issue of the Review celebrates the 50th anniversary of the first comprehensive legal instrument specifically designed to protect cultural property during hostilities: the Convention for the Protection of Cultural Property in the Event of Armed Conflict, adopted at The Hague on 14 May 1954. Institutionally, the protection of cultural property has been placed under the auspices of the United Nations Educational, Scientific and Cultural Organization (UNESCO), which in a broader framework also monitors and helps to preserve and protect the world heritage.

Cultural sites all over the world have suffered and continue to suffer the consequences of armed conflicts. In the Balkans the “Pearl of the Adriatic” — the city of Dubrovnik — managed to preserve its beautiful Gothic, Renaissance and Baroque churches, monasteries, palaces and fountains throughout the centuries, but was seriously damaged in the 1990s by the armed conflict in the former Yugoslavia. The city is now the focus of a major restoration programme. The famous Mostar bridge in Bosnia-Herzegovina, however, remains destroyed and bears witness to the fact that efforts to rebuild peace and intercommunity dialogue, in this case by restoring the cultural heritage, are not yet fully accepted.

In the recent hostilities in Iraq few recalled the ancient capital of the Assyrian empire dating back to the third millennium BC, the city of Ashur on the bank of the Tigris River, when reference was made to the restive Sunni triangle; nor was thought given to the fortress city of Hatra, which was the first capital of the Arab Kingdom and withstood invasions by the Romans, when observing the events unfolding in Mosul. Only a year ago the looting of the Baghdad Museum as the invasion of Iraq ended hit the headlines and was a reminder of the greatness of the Mesopotamian civilization. But even Najaf’s holy Shia Muslim shrine with its gilded dome is nowadays the scene of intense fighting and has already been damaged in armed clashes.

As a Middle East expert put it: who thinks of anything other than Hamas, jihad, contentious settlements, arms caches and fighting on hearing the names of Jenin, Qalqilya, Hebron and Beit Jala? Yet in those very same towns there are ancient tombs dating back to the Ayyubid period, monasteries from Byzantine times, Mameluke mosques, Ottoman workshops, and synagogues within mosques sacred to both Muslims and Jews. Who remembers that Nablus is built on the old walls of the Roman settlement of Neapolis and that its oriental-Arab old town, with its typical narrow alleys, old churches, mosques, Turkish baths, market places and caravanserais, is not only a place where Israeli armed forces and Palestinian militants engage in a deadly game of hide and seek?

Countless historic monuments, works of art and places of worship have been damaged or demolished in recent conflicts. Bombing, shelling, bulldozers and the passage of tanks have brought about the partial or total destruction of numerous cultural sites. This is

usually claimed to be collateral damage, inevitable in the fight for victory or to ensure security. Is the targeting or destruction of cultural property really an unfortunate side-effect of military action, or has it instead come to be evidence of a deliberate policy to deprive a population of its heritage, its history and its culture? Cultural property and the living cultural heritage, handed down from generation to generation, are sometimes even a main source of conflict. Practices and expressions, as well as the associated knowledge and the necessary skills which communities, groups and in some cases individuals recognize as part of their cultural heritage, may become outlawed. An entire cultural heritage sometimes becomes a prime target in today's armed conflicts, for reasons of symbolism, identity, aggressiveness, misunderstanding and rejection.

All the articles in this issue of the Review deal with a particular aspect of international humanitarian law: the protection of cultural property. Fifty years after the adoption of the 1954 Hague Convention and to mark the recent entry into force of its Second Protocol to enhance the legal protection of cultural property in times of war, the various articles explain the significance of the cultural heritage of mankind, tell of the concern felt for it and shed light on the legal rules established to protect it.