

POLITICAL MONUMENTS & “CULTURAL PROPERTY”

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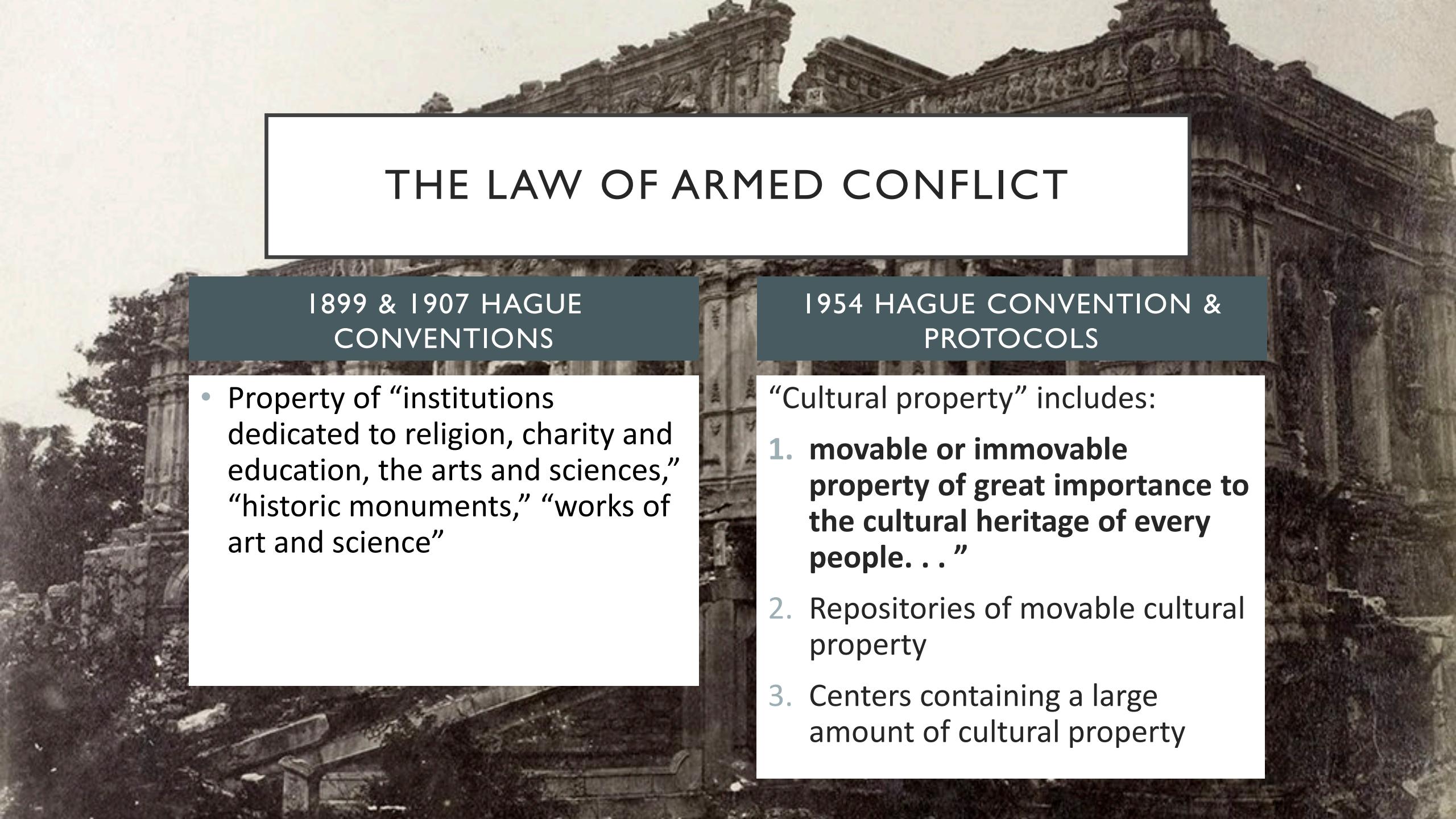
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DEFINING “CULTURAL PROPERTY”

How do we define the body of cultural material that should qualify for special protection during armed conflict?



THE LAW OF ARMED CONFLICT

1899 & 1907 HAGUE CONVENTIONS

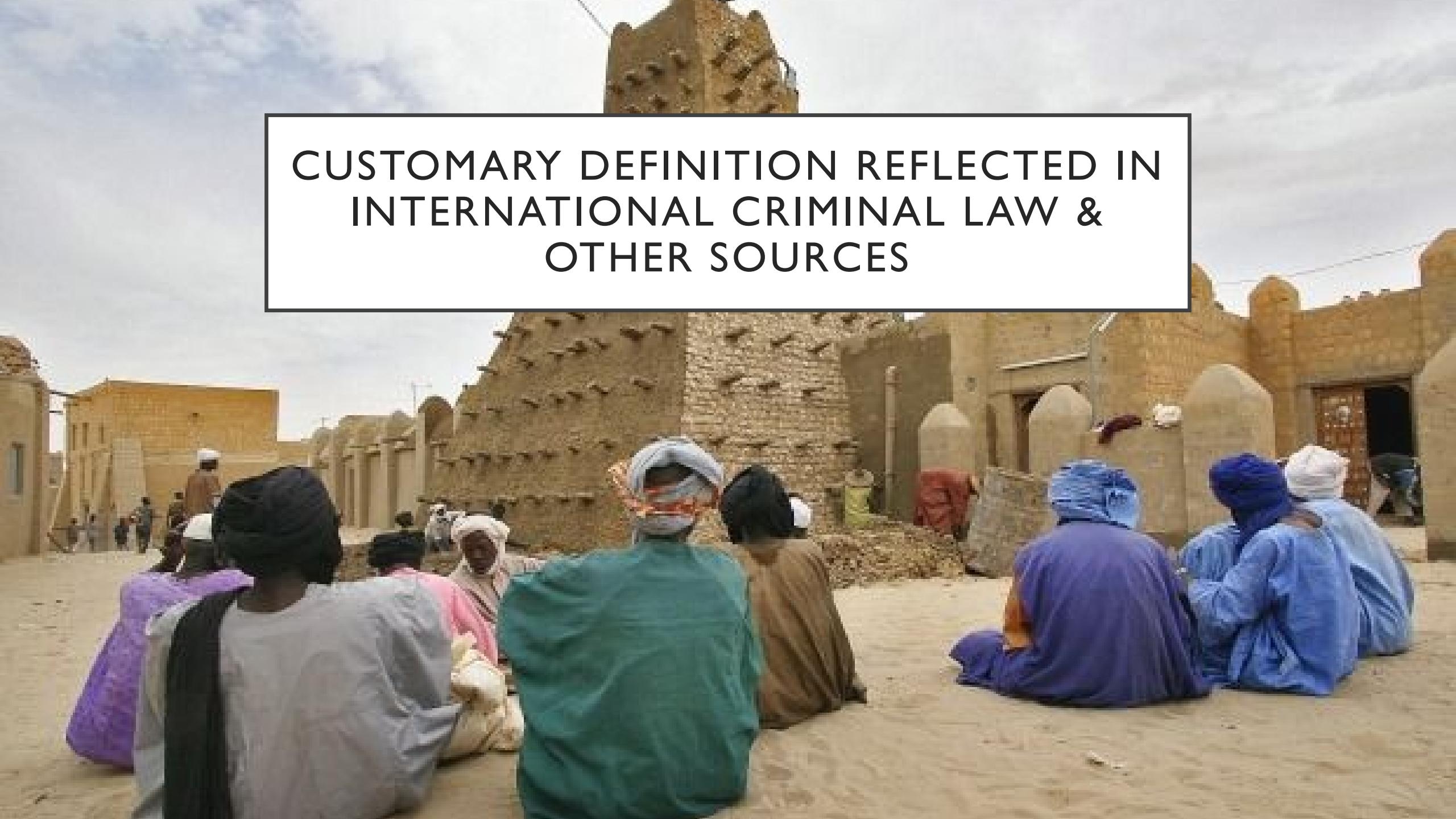
- Property of “institutions dedicated to religion, charity and education, the arts and sciences,” “historic monuments,” “works of art and science”

1954 HAGUE CONVENTION & PROTOCOLS

- “Cultural property” includes:
1. **movable or immovable property of great importance to the cultural heritage of every people...**
 2. Repositories of movable cultural property
 3. Centers containing a large amount of cultural property



BEFORE 1900, DEPENDED NOT JUST ON
ATTRIBUTES,
BUT ON NATURE OF CONFLICT



CUSTOMARY DEFINITION REFLECTED IN INTERNATIONAL CRIMINAL LAW & OTHER SOURCES

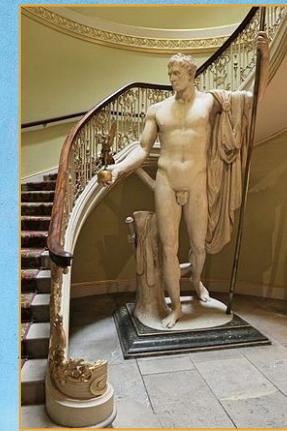
APPLYING THE RULES OF RESTRAINT TO POLITICAL MONUMENTS

Do political monuments qualify for protection as “cultural property,” such that their destruction or removal violates the law of armed conflict? If not a violation, why not?

- No categorial carveout for “political” monuments that puts them outside the purview of protection for cultural property during armed conflict.
- Armed parties should default to affording protection and leave disposition to post-conflict domestic political process in the territory.

TO THE VICTOR, THE SPOILS

And therefore the protections applicable to cultural property are suspended for cultural objects belonging to the vanquished regime itself, which can be claimed by the victor.



POLITICAL MONUMENTS LACK ARTISTIC MERIT OR HISTORICAL PEDIGREE

And therefore do not qualify as “cultural property.” A belligerent or occupier who destroys or removes political monuments might violate other rules, but not the special protections for cultural property.



POLITICAL MONUMENTS REPRESENT A “POLITICAL” GROUP, RATHER THAN A CULTURAL GROUP

And therefore do not qualify as “cultural property.” A belligerent or occupier who destroys or removes political monuments might violate other rules, but not the special protections for cultural property.



POLITICAL MONUMENTS ARE PROPAGANDA

And therefore can be destroyed or
removed under the doctrine of
military necessity



4 May 1946

ALLIED CONTROL AUTHORITY
COORDINATING COMMITTEE

Legislation Dealing With the Liquidation of German Military and Nazi Memorials and
Museums
Directive 30

The Control Council directs as follows:

I

On and after the date of this directive, the planning, designing, erection, installation, posting or other display of any monument, memorial, poster, statue, edifice, street or highway name marker, emblem, tablet, or insignia which tends to preserve and keep alive the German military tradition, to revive militarism or to commemorate the Nazi Party, or which is of such a nature as to glorify incidents of war, and the functioning of military museums and exhibitions, and the erection, installation, or posting or other display on a building or other structure of any of the same, will be prohibited and declared illegal; also the reopening of military museums and exhibitions.



Photo credit: Agence France-Presse (AFP)

POLITICAL MONUMENTS REPRESENT REGIMES THAT COMMITTED GRAVE HUMAN RIGHTS ABUSES

And therefore the need for removal
supersedes any protection as “cultural
property.”

NEWS DESK

INSIDE THE U.S. ARMY'S WAREHOUSE FULL OF NAZI ART

By Dexter Filkins

January 4, 2021



One of the world's largest collections of Nazi propaganda is housed at Fort Belvoir, in Virginia; much of it is virulent, and most of it is never seen by the public. Photograph by Robert C. Sanchez



THE INTERNATIONAL COMMUNITY LACKS THE POLITICAL WILL

To redress violations in certain
circumstances, especially where the
victor controls the narrative.



THANK YOU