



THE ROERICH PACT

Report by Dr. Georges Chklaver to the First Congress of International Studies, Paris.

“Les Editions Internationales” in Paris have just published the proceedings of the First Congress of International Studies organized in Paris on Sept. 30--Oct. 7 1937 by l' Association des Etudes Internationales under presidentship of Alfonso Garcia Robles. This Congress unanimously passed the resolution of adherence to The Roerich Pact.

The following is the text of the address by Dr. Georges Chklaver, Professor at the Institute for High International Studies at the Paris University :

‘To save works of art from the horrors of war, was, at all times, the wish of those who hoped to stop the ravages of war by applying to it certain laws. The whole of humarity must be opposed to a general war’.

These words of M. de La Pradelle well express the thought of all those who have endeavoured to limit the devastations of war. In spite of the efforts attempted since 1919 to eliminate violence from international relations, it has been impossible to make it so that changes in the world should take place peacefully, one has been forced, alas! to face the terrible possibility of war, and, for this reason, laws for the safeguarding of civilians, the wounded, the sick, and cultural works, must be strengthened.

Certain people have said—but we do not agree with them—that since the Briand-Kellogg Pact, there could not be any lawful war, in view of the fact that in future it would be prohibited as an instrument of national politics. But we know that the Pact of Paris could not have for its object the suppression of all wars: War of secession, war for the fulfilment of collective obligations (for example,

article 16 of the League of Nations Convention) are allowed. Moreover, the years following the signature of the Briand-Kellogg Pact by all nations of the world, have proved that war still continues to be used even as an instrument of national politics by several States—and this in every continent—in Asia, America, Africa and Europe. Some people will say that, as international treaties are not respected, as we have just stated, laws solemnly proclaimed by the entire international community are violated, what is the object of creating new rules, particular standards destined to be applied in the heat of battle and, consequently, more likely than others to be ignored?

We already had the opportunity to answer this objection. The violation of legal rights does not involve their abolition. Within a State legal rights are exposed to many transgressions. The breach of international law is often noted for the fact that it remains unpunished. But the same phenomenon occurs in constitutional law where sanctions have not been created to punish those who, victoriously, upset the established constitutional order. The criterion of the sanction is not the *signum specifium* of the legal rules which have a psychological foundation. The violation of rights, especially those remaining unpunished, attract attention and engender scepticism. But apart from these violations, one must not forget the infinitely greater number of deeds which take place in accordance with judicial laws. If, for instance, there were numerous cases of violation of the "Geneva Convention for the improved conditions for wounded soldiers", they have been outnumbered, especially during the great war, by those where the Red Cross flag was respected.

These are, in short, the reasons which brought about a vast movement in favour of the safeguarding of artistic and scientific treasures.

There is yet one other reason in favour of this plan. The buildings to be protected must not, of course, be put to any military use. Consequently, their destruction could not have any strategic or tactical significance. At the most they might have moral importance. But, in destroying the

buildings already mentioned, and without gaining the slightest military advantage, the enemy exposes himself to immediate and effective reprisals for, especially in aerial warfare, the right of reprisal can be put into effect without delay. even the weaker State can send planes over the capital of its more powerful neighbour. Belligerent nations will therefore have a tendency to abstain, as if by tacit agreement, from attempts of this nature. During the great war there were cases of tacit agreement of that kind: we allude to enemy headquarters which were exempt from bombardment.

The idea of creating a plan for the international safeguarding of art and science goes back several centuries. Grotius and Vattel had already spoken of it. But it is to Nicholas de Roerich, a jurist and a great thinker as well as a renowned artist that its achievement is due. As early as 1904 he prepared the foundation of a Pact in favour of the preservation of works of art and historical monuments, but it is only in 1929 that circumstances permitted international discussions on the definite rules of the agreement which has since been christened the Roerich Pact.

The Roerich Pact foresees that buildings dedicated to art and science should be registered beforehand, thereby allowing for an international classification of monuments, identical to the national classification in existence in all civilized countries. The buildings which are registered can fly a special ensign to protect them: the flag comprises a scarlet circle with three spheres of the same colour inscribed in the centre, on a white background. The colours are similar to those of the Red Cross.

Buildings flying this banner cannot be used for military purposes and must not be bombed. If the Roerich Pact were violated, it has been arranged that an enquiry should be held by an international commission and a report published, in this way appealing to general public opinion.

The generous initiative of M. de Roerich, supported in most countries in the world by masters of international law and by public opinion, has had an unmitigated success. On

April 15th, 1935 the Roerich Pact was signed in Washington by 21 nations. The United States of America and all the States of the New Continent have adhered to it. We wish that States in other continents would also adhere to this Pact which is, in certain respects, a homage by humanity to the most precious treasures in the world: beauty and knowledge.

It is most important, we think, that the Congress of International Studies should pass a resolution favouring the universalization of the Roerich Pact and it is with this desire that we conclude the report which we have had the honour to put before you."

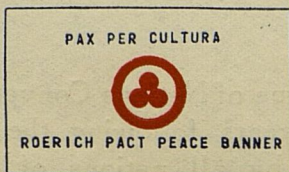
The President then stated: "I will now read to you the various resolutions, which have been adopted, so that the plenary meeting can vote and express its opinion on them. If they are passed they will be written in the official report of the closing meeting and will appear under the heading 'Resolutions of the Congress of International Studies'. I. —Roerich Pact. This Congress of International Studies considers it is highly desirable that all States should ratify the Roerich Pact for the Protection of Historical Monuments in time of war. It further suggests the creation of an 'International Commission for the Classification of Historical Monuments'. Proceeding by order I now want to discuss the first question in M. Chklaver's Report, that is to say the Roerich Pact. Has anyone at this meeting got any objection to raise or amendment to make? No one. I put it to the vote". (Carried unanimously.)

In the chapter 'Resolution of the Congress' we read: "I. —The Congress of International Studies unanimously approves the reports of the three Committees and accepts the conclusion to which these Committees have come."

"The Roerich Peace Banner Pact"—
"Pathways to Peace Series".

Excerpts from a radio lecture by Mildred Haywards delivered from the "World-Wide Broadcasting Foundation", Boston, on Sept. 23, 1938.

The beginning of this broadcast was dedicated to a historical description of the Roerich Banner of Peace with



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