

THE PROTECTION OF HISTORICAL MONUMENTSAND WORKS OF ART IN TIME OF WAR. (1)

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He
worthy of State protection and consequently of international co-operation, not only archaeological and historical monuments, pre-Columbus (precolombiens) and colonial, but also those commemorating the independence, the organization of the Republics and natural curiosities of great scientific nature.

To give a legal term to this recommendation a unilateral Treaty was adopted for the conservation and protection of historical monuments. Article 9 of this Treaty states: The Governments who have signed declare that monuments (meubles) cannot be spoils of war." The meeting recommended the signature of the Treaty, but the issue was not completely decided. The Conference also advised the States of America to adhere to the Roerich Pact. It is known that this Pact was initiated by the Roerich Museum in the United States with the object of adopting a universal flag to protect, in times of danger, all monumental buildings belonging to the nation or to individuals which form the cultural treasure of the people.

However, if the question is examined one can definitely conclude that no practical measure has been taken with a view to the protection of monuments in war time, no country being able to consider itself exempt from such an eventuality.

With reference to the Roerich Pact nothing could be more eloquent than the two following opinions: one by M. A. de Geouffre de La Pradelle, the eminent professor of the Law of Nations at the Paris University and director of the Institute des Hautes Etudes international. He expresses himself as follows:

"In the Spring of 1929, a great artist, Professor Nicholas Roerich, expounded, in New York, the plan of an agreement to protect, in case of war, monuments dedicated to culture

culture, art and science. The plan, prepared with the help of a very clever young lawyer, Georges Chklaver, lecturer at the Institute des Hautes Etudes internationales, declared that the staff, material and collections belonging to institutions of art and science must be deemed neutral and foresees the possibility, for each State, to register in time of peace the various monuments and institutions which are to be placed under special protection. The idea of an international classification of monuments to be protected originated in 1904 with another Slav, Sancevo, is met with again here."

Another opinion is that of Professor Visscher, general secretary of the Institute of International Law and of which we have already spoken. In the report which he put before the board of directors of the Office international des Musees, in the month of October 1936. The doctor expresses himself in these terms:

"We cannot consider as satisfactory the decisions contained in the plan of international conventions known as the Roerich Pact, and recommended to be adopted by the American Republics by the VIIth Conference of the Pan-American Union. Inspired by the most laudable intentions, this document leaves very forcibly in the shade the essential obstacle to all legislations on the subject, that is to say, the undeniable conflicting military interests which, in spite of the most solemn promises is always liable in time of action to become paramount in the minds of the military authorities responsible for the conduct of hostilities. The first article states in definite terms the neutralization not only of historical monuments, but also all institutions dedicated to science, art, education and culture. The idea to the principle of inviolability thus extended/would make it inapplicable in European countries where the greater number of artistic and cultural riches are, their presence in the midst of over-populated districts, their immediate proximity to ^{objectives of} military interests would not permit them to be isolated. On the other hand, one does not

find in this plan any measures to ensure the controlling and enforcing of the law of inviolability. From this point of view of capital importance, the plan is not to be compared to other propositions more complete and precise as regards other questions, and made in 1923 by the Committee of Jurists appointed by the Washington Conference (resolution of February 4th 1922)."

Thursday 7th October at 3 o'clock

Under the Chairmanship of M. Alfonso Garcia Robles
M. ALFONSO GARCIA ROBLES, chairman. - Gentlemen, I declare
the closing meeting of our Congress open. We are now going
to put up for consideration and adoption the reports voted
this morning. I call on M. Georges Chklaver, the chief
reporter of the First Committee.

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I. - Report

of the first Committee :

International Humanitarian Progress

Chief Reporter: M. Georges Chklaver

Mr Chairman, Ladies, Gentlemen,

I have the honour of putting before you the general
report of the First Committee, which has been chiefly
concerned with humanitarian problems raised by international
law and numerous questions which were studied as a result of
the reports which were put forward.

After seeing these reports the Committee adopted
several resolutions which I will take the liberty of commu-
nicating to you so that they can be put to the vote at the
plenary meeting.

At the First Committee, on Friday October 1st, at the
beginning of our labours, we considered a first report on
the pact called "The Roerich Pact" for "The protection of
Historical Monuments and Works of Art in time of War", a
report which I had the honour to lay before the Committee
and the conclusions on which were carried unanimously.

Relating to this report for the Protection of Historical
Monuments and Works of Art in time of war there was an
animated discussion expressing general sympathy in favour
of the Roerich Pact. An amendment to the vote demanding the

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ratification of the Roerich Pact by all States was proposed by M. Uzar, for the creation of an International Commission with the object of classifying historical monuments enabling one to form an international classification of monuments, similar to those of a national character existing in all civilized countries. It would thereby be feasible to have a list of all the monuments protected by the Roerich Pact, when it has been adopted by all countries, as we sincerely ~~we sincerely~~ desire.