

A DECLARATION CONCERNING THE PROTECTION OF CULTURAL PROPERTY IN CASE OF ARMED CONFLICT.

PROCLAMATION NO. 423, November 21, 1953

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The Government of the REPUBLIC OF THE PHILIPPINES,

Convinced that the loss of work of cultural importance is a spiritual impoverishment, not only for the nation possessing it but for the entire international community; Recognizing that, through the development of the technique of warfare, cultural property is in increasing danger of destruction, and that it is the duty of all States to take steps to safeguard it from the risks of destruction in the event of armed conflict;

Guided by the principles established in the Hague Conventions of 1907 and in the Washington Convention of 15 April 1935, concerning the protection, during armed conflict, of cultural property;

Recognizing the importance of the action undertaken by UNESCO in order to arrive at an international convention on this subject,

Hereby declares, pending the entry into force of such a Convention, its willingness to conform with the following rules:

ARTICLE 1

The Government signing the present Declaration considers that it is the duty of every State to organize the protection of cultural property, situated within its territory, against the destruction which may occur in the event of armed conflict.

Cultural property shall be deemed more especially to mean:

- (a) property, movable or immovable, public or private, constituting monuments of art or history: works of art; historical documents; precious books; scientific collections;
- (b) all buildings whose main and effective purpose is to house the movable objects mentioned under (a);
- (c) monumental sites of outstanding importance.

ARTICLE 2

The signatory Government agrees to take all reasonable precautions to spare cultural property in the course of all military operations. With regard to immovable cultural property, the Government will abstain, as far as practicable, from using it and its surroundings for purposes likely to expose it to attack.

ARTICLE 3

The signatory Government undertakes to issue to its armies such recommendations and instructions as may secure respect for cultural property, without regard to the nationality of such property, and to take such steps as may be

necessary to prevent the looting or damaging thereof.

ARTICLE 4

The signatory Government undertakes to refrain from any acts of hostility directed against any refuges that a Government may have organized to shelter movable cultural property threatened by military operations, provided, however, that such refuges

- (a) are situated at a distance from the most likely theaters of military operations; from any probable military objectives; from any main line of communication, and from any large industrial centres;
- (b) are not used, directly or indirectly, for military purposes;
- (c) are communicated to the Director General of UNESCO.

ARTICLE 5

The signatory Government declares its readiness to consider, with any other Government, special agreements concerning special measures for the protection of certain cultural property, the safeguarding of which is of exceptional importance for the international community.

ARTICLE 6

1. The signatory Government considers it desirable that protecting marks be affixed to the refuges designated in Article 4 and to certain immovable cultural property which is not, in any circumstances, to be used directly or indirectly for military purposes, and in whose vicinity there are no installations which might be regarded as military objectives.
2. The above-mentioned mark shall take the form of a light blue triangle inscribed in a white disc. The location and visibility of the protecting marks shall be left to the discretion of the military authorities.

ARTICLE 7

The signatory Government will affix protecting marks in accordance with the provisions of Article 6, and will take steps to prevent any abuse of protecting marks in the territories under its authority.

ARTICLE 8

1. In the event of foreign military occupation, the authorities of the occupied territory shall bring to the notice of the occupying troops the immovable cultural property of which the preservation is the concern of the entire international community.
2. In the event of military occupation- of foreign territory, the national staff appointed to preserve and guard cultural property shall be retained in their employment, unless there is some legitimate reason for their dismissal. They shall be protected at their places of duty, and in the course of any journeys they may have to make when accompanying cultural property, by the safeguards necessary for the performance of their duty.
3. In the event of military occupation of foreign territory, the authorities responsible shall, after consultation with the competent national staff, take all necessary steps for the preservation of cultural property which may be damaged. Such measures shall not, however, except with the full agreement of the competent staff, be other than strictly preservation.

ARTICLE 9

The signatory Government agrees that cultural property shall be immune from reprisals.

ARTICLE 10

The signatory Government reserves the right to make observance of the rules set forth in Articles 1 to 8 conditional on reciprocal treatment from the opposing party. Should this condition not be fulfilled, the signatory Government will request the Director-General of UNESCO to set up an International Commission to verify the acts of which the opposing party is accused and which are alleged to be in breach of the principles set forth in the present Declaration.

ARTICLE 11

Should the signatory Government consider itself no longer in a position to comply with the foregoing provision, it will immediately inform the Director-General of UNESCO.

ARTICLE 12

The signatory Government requests the Director-General of UNESCO to communicate the text of this Declaration to all States,

In witness whereof, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

Done in the city of Manila, this 21st day of November, in the year Our Lord, nineteen hundred and fifty-three, and of the Independence of the Philippines, the eighth.

ELPIDIO QUIRINO

President of the Philippines

By the President:

MARCIANO ROQUE

Acting Executive Secretary

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