

r a s h i d

Research Assessment & Safeguarding of the Heritage of Iraq in Danger

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RASHID International urges the Republic of Iraq to accede to the **1999 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict ('1999 Second Protocol')** at the earliest possible opportunity.

We commend the Republic of Iraq for having ratified the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict ('1954 Hague Convention') and its First Protocol on 21st December 1967 and express our hope that the Council of Representatives, the Council of Ministers and the President of the Republic will take steps towards Iraq becoming a State Party to the 1999 Second Protocol in order to underline its commitment to protecting cultural heritage at home and abroad. The Republic of Iraq would gain several key benefits from acceding to the 1999 Second Protocol:

- **Access to the Fund** – all State Parties to the 1999 Second Protocol gain access to the 'Fund for the Protection of Cultural Property in the Event of Armed Conflict' and may request funds to assist in safeguarding their cultural heritage before, during and after armed conflict. As of 30 September 2017 the Fund held USD 352,839.33 with requests for disbursements few and far between. With limited resources and significant unmet financial needs in the cultural heritage sector, the Republic of Iraq would benefit greatly from an additional source of funds for preparatory, emergency and recovery measures.
- **Joining the Enhanced Protection System** – Enhanced Protection under the 1999 Second Protocol, the humanitarian law analogue to World Heritage status, is a cost-effective measure to grant cultural heritage of the greatest importance to humanity the best legal protections available in international humanitarian law, priority in receiving payments from the Fund and significant visibility during armed conflict.
- **Greater legal certainty** – the 1954 Hague Convention employs numerous vague legal terms, such as 'measures as they consider appropriate' (Article 3) and 'imperative military necessity' (Article 4), which complicate application of the Convention. The 1999 Second Protocol more clearly defines these terms, linking 'military necessity' to the tried and tested humanitarian law principle of distinction and adding a comparison of military advantages to the equation, as well as giving precise examples of useful safeguarding measures. Field commanders face significant pressure to take timely action during armed conflict and would benefit from exact guidance. The 1999 Second Protocol also elaborates on the specific penal sanctions which must be imposed under Article 28 of the 1954 Hague Convention.

For more information, please contact:

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