

***Mainstreaming the human rights approach to cultural heritage protection: the relationship with disaster relief***

Remarks by Corine Wegener, Director, Smithsonian Cultural Rescue Initiative

UN HRC Intersessional Workshop on Cultural Rights and the Protection of Cultural Heritage

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Madam High Commissioner, Excellencies, Distinguished Guests, and Experts. Thank you for the opportunity to address this distinguished body. I'm Corine Wegener, Director of the Smithsonian Cultural Rescue Initiative, an outreach program with the mission to protect and preserve cultural heritage threatened or impacted by disasters and to help U.S. and international communities preserve their identities and history.

Our vision is a world where cultural rights are respected as a basic human right, and cultural heritage(s) of all people are preserved, enjoyed, and handed down to future generations. It is a world where human rights defenders, including cultural rights defenders, are protected, and respected as they go about their work and their lives.

I have had the privilege to work with many cultural workers and defenders striving to save their heritage in the aftermath of intentional destruction, armed conflict, and other disasters. Their passion drives the work, but they also need resources - and recognition from governments, humanitarian organizations, and international bodies, that culture matters. That even in armed conflicts and large-scale disasters, culture matters. I propose that we mainstream the human rights-based protection of culture into disaster preparedness and response. We acknowledge that human rights include cultural rights, however the legal and practical tools available to cultural workers and culture bearers are often insufficient to operate in time to save cultural heritage in the face of disasters.

Why should we focus on a human rights approach to disasters and cultural heritage? The 2015 UN Sendai Framework for Disaster Risk Reduction says that between 2005 and 2015, disasters worldwide caused the deaths of more than 700,000 people, made approximately 23 million people homeless, and caused \$1.3 trillion in economic losses, including cultural heritage and heritage industries.<sup>1</sup> These numbers are no doubt rising alarmingly as we experience the global COVID 19 pandemic and increasingly severe storms, flooding, and drought, brought by global climate change.

The human right to protection from disasters is derived from several articles of the Universal Declaration of Human Rights. I will not read each applicable article here, but I'd like to stress Article 25.1:

Everyone has the right to a standard of living adequate for the health and wellbeing of himself and of his family, including food, clothing, housing, and medical care, and

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<sup>1</sup> Sendai Framework for Disaster Risk Reduction 2015 – 2030, United Nations, 2015, p. 10.

necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age, or other lack of livelihood in circumstances beyond his control.

Disasters certainly impact all those rights and place people in circumstances beyond their control, so we rely on government. The Office of the High Commissioner for Refugees has noted that:

All states have positive human rights obligations to protect human rights. Natural hazards are not disasters, in and of themselves. They become disasters depending on the elements of exposure, vulnerability and resilience, all factors that can be addressed by human (including state) action. A failure (by governments and others) to take reasonable preventive action to reduce exposure and vulnerability and to enhance resilience, as well as to provide effective mitigation, is therefore a human rights question.

The Sendai Framework Guidelines also provide a human rights approach to disaster risk reduction, including cultural and environmental assets:

Managing the risk of disasters is aimed at protecting persons and their property, health, livelihoods and productive assets, as well as cultural and environmental assets, while promoting and protecting all human rights, including the right to development.

Basically, if cultural heritage is destroyed or irrevocably damaged in a disaster, the right to enjoy, benefit from, and pass that heritage along to future generations is also irretrievably lost.

In addition to the human rights-based approach for the protection of cultural heritage, we have several international treaties, such as the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, to which 133 countries are States Parties. We also have several other treaties administered by UNESCO designed to protect heritage from looting and illicit trafficking, promote and protect world and natural heritage, underwater heritage, intangible heritage, and even to protect the diversity of cultural expression.

So, it is surprising that cultural heritage is still not adequately integrated into disaster risk management around the world. At best, cultural heritage is considered in national frameworks, but only when response transitions to recovery. Transition to recovery may be declared weeks or months after the disaster, often too late to save fragile and irreplaceable cultural heritage.

Please let me be clear – saving lives and alleviating human suffering are and should be the highest priority. However, the fact remains that cultural heritage is at its most vulnerable and exposed in the response phase - the early days and weeks after a disaster. Threats include additional structural collapse; exposure to weather, theft and pillage; and opportunistic targeting of minority and “difficult” heritage. Cultural rescue professionals must not interfere with saving lives and urgent medical care, but rescue should begin as soon as is practical. Just as

with medical emergencies, there is a “golden hour” of cultural rescue to ensure against additional preventable damage and loss.

This workshop is about mainstreaming tools and recommendations and I have a few to offer:

- Governments should look to the UN Sendai Framework for Disaster Risk Reduction 2015-2030, which for the first time fully integrated cultural heritage. See also the Recommendation of the International Expert Meeting on Cultural Heritage and Disaster Resilient Communities, Tokyo and Sendai, Japan, 11-17 March 2015.
- Governments should take legislative measures to integrate cultural heritage(s) into national, state, and local disaster plans and provide funding to activate those plans. As we have seen in recent times, it is often only after a preventable but catastrophic loss of cherished heritage that there is a public outcry for such legislation.
- The UN Office for the Coordination of Humanitarian Affairs (UN OCHA) should add a “Culture Cluster” to its existing coordination clusters for disaster response. Or secondarily, integrate culture and cultural heritage into the Early Recovery Cluster.
- Culture bearers, workers, and institutions should be integrated into disaster planning frameworks, disaster exercises, and training alongside first responders such as firefighters, civil defense, and the military. Examples of successful programs include:
  - Protecting Mediterranean Cultural Heritage During Disasters and Protecting Cultural Heritage from the Consequences of Disasters, both EU funded programs for joint training of Civil Defense and Culture workers.
  - First Aid for Cultural Heritage in Times of Crisis, a training partnership of the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM), the Prince Claus Fund and the Smithsonian which has included heritage professionals, emergency managers, civil defense, and military personnel.
  - Heritage Emergency and Response Training (HEART) is conducted annually in the U.S. by the Smithsonian and FEMA as partners of the U.S. Heritage Emergency National Task Force.
  - Blue Shield International, the Smithsonian, and UNESCO all engage in cultural property protection training for military personnel for the 1954 Hague Convention and could integrate cultural heritage defenders and workers.
- Culture bearers, workers, organizations, and institutions should engage in their own risk analysis, planning and hazard mitigation, and staff training for their situations. We know that the most successful disaster interventions for cultural heritage are by the local caretakers and first responders with outside support if the disaster exceeds local capacity.

Protection from disasters is a human right that extends to protection for culture from disasters. Cultural heritage is not a renewable commodity. When it is gone, we lose a sense of identity among people and communities. We also lose the “cultural DNA” for economic and commercial activities, including the arts, tourism, fashion, food, music, craft, and other creative industries. The very things that make us human. Thanks very much for listening to my concerns and recommendations.