



# Protecting the Sacred places of the Mediterranean

A contribution to  
intercultural dialogue

Brussels, Berlaymont, Jean Monnet Room - 6<sup>th</sup> March 2012



SOVEREIGN MILITARY HOSPITALLER ORDER  
OF ST. JOHN OF JERUSALEM OF RHODES AND OF MALTA



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# INDEX



Introduction  
José Manuel Barroso,  
Jean-Pierre Mazery



Seminar  
at the European  
Commission  
in Brussels



Seminar  
Programme



Universal  
Sacred Places



Speech of  
Androulla Vassiliou



Speech of  
Jean-Pierre Mazery



Speech of  
Silvio Ferrari



International  
experts



Participants photo



Abstract of  
the research papers

# Protecting the Sacred places of the Mediterranean

A contribution to  
intercultural dialogue

# EUROPEAN COMMISSION AND THE ORDER OF MALTA FOR THE PROTECTION OF SACRED PLACES

Brussels, 6<sup>th</sup> March 2012  
Berlaymont, Jean Monnet Room



**T**he European Commission and The Sovereign Order of Malta are both committed to the belief that the great sacred sites of the Mediterranean are areas of peace and culture.

These sacred sites bear witness to living communities; they create a sense of identity and play a vital role in maintaining cultural diversity and social cohesion, attracting millions of pilgrims and tourists.

For that reason we have decided, under the cooperation set up by the Memorandum of Understanding signed on 17 February 2009 between the European Commission and the Order of Malta, to organise a seminar on Protecting the Sacred sites of the Mediterranean, a contribution to intercultural dialogue, to establish the principles of a common declaration on access to and legal protection of sacred sites of universal cultural significance.

The Sovereign Order of Malta has been working on the question of access to and protection of sacred sites for many years. A group of well-known academics, experts in their respective fields, was commissioned to study the situation of several unique and irreplaceable sites of universal cultural importance, namely Mount Athos, the Vatican, Jerusalem, the Serbian monasteries in Kosovo and the sacred sites in Cyprus. Other sites will be studied at a later stage.

The academics' work was based on a text prepared by Professor Ferrari of Milan University, which will form the basis for a report to be submitted to the appropriate bodies.

*José Manuel Durao Barroso*

President  
of the European Commission

*Jean-Pierre Mazery*

Grand Chancellor  
of the Sovereign Order of Malta



The Grand Master of the Order of Malta Fra' Matthew Festing and the President of the European Commission José Manuel Barroso, during his visit to the seat of the Sovereign Order of Malta in 2009.

A seminar on “Protecting the Sacred Places of the Mediterranean, a contribution to intercultural dialogue” jointly promoted by the European Commission and the Sovereign Order of Malta in cooperation with BEPA (Bureau of European Policy Advisers) took place in Brussels on 6 March last. In the Berlaymont building, headquarters of the European Commission, fifty academics, experts, religious and diplomatic representatives met to discuss how to define principles for a common declaration on the access to and legal protection of sacred places. A project in which the Order of Malta has been engaged since 2007 together with a group of experts to develop ideas and principles that could help to achieve this aim.

In his opening speech Androulla Vassiliou, Member of the European Commission responsible for Education, Culture, Multilingualism and Youth, stressed that the Mediterranean is often considered “the cradle of civilization. Along its shores today one can find 20 countries and territories, more than 20 languages, and all three monotheistic religions. If there is a place in the world where intercultural dialogue matters enormously, it is the Mediterranean.

This region has a cultural richness unparalleled in the world; but it has also paid a high price for the privileged position it occupies in history”.

The President of the European Commission José Manuel Barroso, receiving the seminar participants for a working lunch, thanked the Order of Malta for “its long-standing and determined efforts with regards to

such a complex topic as that of access to and protection of sacred places”. President Barroso declared his interest in the theme of the meeting, saying that “Europe is determined to foster intercultural dialogue and the European Commission is prepared to endorse any concrete proposal in this direction”.

**“Europe is determined to foster intercultural dialogue and the European Commission is prepared to endorse any concrete proposal in this direction”.**

**José Manuel Barroso  
President of the European Commission**

In drawing the conclusions of the Seminar, Jerzy Buzek, former President of the European Parliament, stressed four points: Europe is a community based on common values; the sacred places of Europe reflect our different identities and constitute a strong link between our past and our future; we must achieve a legal protection of these places stronger than that

already provided by current international agreements; if we are in fact facing a clash of identities in the Mediterranean then this project must seek an opportune and positive way of countering this risk.

Jean-Claude Thebault, Director General of BEPA, recalling that the Seminar had been held in a sacred place of the European Union, pointed out that we need tolerance and a strong awareness of our common roots to overcome certain enmities.

“We are convinced,” asserted Jean-Pierre Mazery, Grand Chancellor of the Order of Malta, “that the sacred places play an important role in fostering intercultural dialogue and an effective system for protecting them could significantly contribute to social and political stability in the Mediterranean region. The Order of Malta is confident that, with the support of the European Union, the States involved, UNESCO and other international organizations, it will be possible to establish principles and policies in agreement with the religious communities and local authorities in the region”.



# The Seminar Programme

## Protecting the Sacred Places of the Mediterranean. A contribution to intercultural dialogue.

Brussels, Berlaymont, Jean Monnet room, 6 March 2012

### 09.30\_ Opening

- **Androulla Vassiliou**, Member of the European Commission
- **Jean-Pierre Mazery**, Grand Chancellor of the Sovereign Order of Malta

### 10.00\_ Introduction

- **Silvio Ferrari**, Professor at the University of Milan, Coordinator of the Sacred Places and Intercultural Dialogue Project

### 10.15\_ Basic principles of the protection of sacred places

*The aim of this round table is discussing the best way of protecting sacred places. They have a universal and a particular dimension at the same time. Therefore their protection requires both a few guidelines which serve as a general legal framework and more detailed provisions that apply to each sacred place. While this last task is primarily the responsibility of local actors, the general framework could be provided by a declaration signed by stakeholders (States, international organizations, religious communities, etc.) that are willing to respect some fundamental principles in the government and management of the sacred places. Problems concerning access to, security and autonomy of sacred places will be discussed, together with the significance of sacred places for respecting the right to religious liberty.*

Speakers:

- **Marshall Breger**, Professor of Law at the Columbus School of Law, Catholic University of America, Washington DC
- **Ismini Kriari**, Vice Rector at the Panteion University of Social and Political Sciences in Athens
- **Cesare Mirabelli**, President Emeritus of the Italian Constitutional Court, Professor at the University

of Rome Tor Vergata

- **Abou Moussa Ramadan**, Professor at the Carmel Academic Center Haifa

Moderator:

- **Gerhard Robbers**, Professor at the University of Trier

### 11.45\_ The importance of sacred places for intercultural dialogue

*This round table aims at underlining the two dimensions – religious and secular – that characterize sacred places. On the one hand sacred places are a living testimony of the religious faith of a community and help it to develop its identity, tradition and constitutive narrative. On the other they play a vital role in safeguarding cultural diversity and help foster the social cohesion of a population. This explains why safeguarding sacred places has a meaning which surpasses their religious significance and is of interest for the building of a plural and democratic society; this explains also why sacred places – combining the elements of identity and tradition on the one hand and of diversity and plurality on the other – can be the starting point for a fruitful intercultural dialogue.*

Speakers:

- **Sima Avramovic**, Professor at the University of Belgrade
- **Jack Bemporad**, Director of the Center for Interreligious Understanding (CIU)
- **Yahya Pallavicini**, Vice-president of Comunità Religiosa Islamica Italiana (COREIS)
- **Henry Quinson**, Founder of the Saint Paul Fraternity, writer

Moderator:

- **Philippe de Schoutheete**, Official Representative of the Sovereign Order of Malta to the European Commission





**13.00\_ Lunch hosted by José Manuel Barroso, President of the European Commission**

*Theme: “The Arts: a Sacred Tool for Intercultural Dialogue”*

*Discussion with representatives from the cultural world*

**14.30\_ Introduction of the afternoon session**

**Daniel Rondeau**, French Ambassador to UNESCO, writer

*Theme: “The seven sleepers: intercultural myth of the Mediterranean”*

**15.00\_ The Sacred, Art and Cultural Heritage: issues at stake around the Mediterranean**

*This round table focuses on the cultural significance of the sacred place and on the contribution that, through them, culture can give to peace in the Mediterranean area. It offers the opportunity to discuss the best way to grant sacred places a sound system of preservation, protection and restoration.*

Speakers:

- **Mounir Bouchenaki**, Special Advisor to the Director General of the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM)
- **Catherine Colonna**, Chairman of the Board of Governors at the Ecole du Louvre, former Minister, former French Ambassador to UNESCO
- **Vasco Graça Moura**, writer, former Member of the European Parliament
- **Isabel Mota**, Trustee of the Calouste Gulbenkian Foundation, former Minister

Moderator:

- **Yves Gazzo**, former European Union Ambassador to the Holy See and to the Order of Malta

**16.15\_ Strengthening intercultural dialogue through the contribution of sacred sites**

*The sacred places of the Mediterranean are the expression of cultural diversity, religious plurality and different traditions that risk being lost if they are not adequately protected. As no dialogue is possible without taking into account these components, sacred places play a vital role in fostering interreligious and intercultural dialogue. Without them such dialogue would become much poorer and would have scant chances of rebuilding the Mediterranean as a space of peace and security.*

Speakers:

- **Xavier Beauvois**, Film Director “Des hommes et des dieux”
- **Yuri Stoyanov**, Professor at the School of Oriental and African Studies (SOAS), London
- **Charles Tannock**, Member of the European Parliament

Moderator:

- **Yves Gazzo**, former European Union Ambassador to the Holy See and to the Order of Malta

**17.30\_ Conclusions**

- **Jerzy Buzek**, Member and former President of the European Parliament
- **Jean-Claude Thébault**, BEPA General Director
- **Jean-Pierre Mazery**, Grand Chancellor of the Sovereign Order of Malta

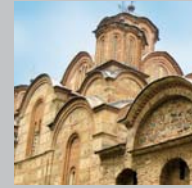
The European Commission and the Sovereign Order of Malta consider the protection of sacred places as an important contribution to the development of intercultural dialogue and to the social and political stability in the Mediterranean area.

The "Protection of Sacred Places in the Mediterranean Area" project aims at furnishing common principles and guidelines for access to and protection of sacred sites of the Mediterranean region with universal cultural and social significance.

Universal Sacred Places in the Mediterranean that have so far been examined:

- Mount Athos
- the Serbian Orthodox Holy Places of Kosovo
- the Vatican City
- the Holy Places of Jerusalem
- the Holy Places of Cyprus

Each sacred place is different in typology, size, history, legal discipline. Such variety is an asset, because it provides a large spectrum of patterns and experiences that can be useful in preparing a protection framework for the holy places.



## SERBIAN ORTHODOX HOLY PLACES OF KOSOVO



## VATICAN CITY





**HOLY PLACES  
OF CYPRUS**



**MOUNT ATHOS**



**HOLY PLACES  
OF JERUSALEM**



## Androulla Vassiliou

Member of the European Commission responsible for Education, Culture, Multilingualism and Youth

**“If there is a place in the world where inter-cultural dialogue matters enormously, it is the Mediterranean”.**

Ladies and gentlemen,  
I am very honoured to open this seminar, alongside the Grand Chancellor of the Order of Malta, and before such a distinguished audience.

At the same time, I feel humbled by the task and the complex mix of issues that you raise by coupling the protection of sacred places with the aim of intercultural dialogue.

I believe that the best way for me to start is by looking into why the European Union supports inter-cultural dialogue. To do this, we have to look back at the origins of the EU itself.

At the end of the Second World War, Europe was in ruins. Millions of people were homeless, the economy had collapsed and most of the industrial infrastructure had been destroyed. But in the midst of this desolation, people who had been at war came together to rebuild Europe. They did it with the realisation that the only way forward was peace, and that peace was only possible through reconciliation, which paved the way for the European project and for integration.

To this day, we in Europe support inter-cultural dialogue, because it is an instrument for peace and stability and because it nurtures mutual understanding and respect. And because we know the price exacted by the absence

of dialogue, by hatred and intolerance. We also attach great importance to the protection of our diverse heritage, both our physical cultural heritage and the intangible heritage of traditions and cultural practices. Europe also embodies an important lesson: that it is possible to progress from an appreciation of the uniqueness of one's own heritage to an interest in and respect for the heritage of others.

Valuing what is distinctive about the different countries, regions, languages and peoples of Europe co-exists with

the appreciation of what we share. Unity in diversity is more than a motto for the European Union, it is a vital foundation on which the mutual understanding needed to make the EU work is based.

I'm delighted that today we have the opportunity to discuss the concept of heritage protection and its contribution to intercultural dialogue, in the light of the specific case of the sacred places of the Mediterranean.

The Mediterranean – it is often said – is the cradle of civilization. Along its



shores today one can find 20 countries and territories, more than 20 languages, and all three monotheistic religions. If there is a place in the world where inter-cultural dialogue matters enormously, it is the Mediterranean. This region has a cultural richness unparalleled in the world; but it has also paid a high price for the privileged position it occupies in history. A map of the Mediterranean that sought to trace the layers of different civilizations that have marked it, to show all the fault lines of history, all the ancient and modern battlefields that have scarred this region, would be unreadable – there have been too many of them to be counted. But it is also possible to draw a different map, one that shows the region as a network of international and regional pilgrimage centres, monumental temples, shrines, synagogues, churches and mosques. There is a sacred geography of the Mediterranean that inspires a sense of deep awe and reverence in all but the most distracted traveller. This map is also part of our shared history; unfortunately, it sometimes coincides with the map that shows the battles and the scars of the region. Coming as I do from Cyprus, I am personally very familiar with the extraordinary cultural and spiritual riches created by the many civilizations and communities that have long lived in close quarters in this region of the world. So much cultural wealth was born of that closeness. But I am also familiar, of course, with the conflict and tragedy that such closeness has brought. It is precisely this strong

sense of richness and conflict, so striking in my native Cyprus, which causes me to proclaim the importance of inter-cultural dialogue. And it is in such a spirit of intercultural dialogue that we should approach the protection of our religious heritage, not as a means to assert the superiority of one group over another but as a means to understand shared histories and shared values. As a process, intercultural dialogue is not easy to launch. It cannot be built on declarations and speeches alone. But bringing people together to cooperate on specific projects or activities can be a real stimulus from which it can grow. Of course this supposes that people have the tools they need to engage in dialogue. A necessary pre-condition is to provide people with the intercultural skills they need to understand one another better. And education plays a central role in the development of such skills. “Cultural awareness and expression” is one of the eight “key competences” identified at EU level as building blocks of our education and lifelong learning systems. It refers to the understanding of culture as a bridge between the past and the future, and of the deep links between culture and society. We consider it an essential outcome of a European education that a young person should acquire the capacity for cultural awareness and expression. Also important in this context is, specifically, heritage education. It teaches people to respect heritage and to be more aware of the reasons and rules for protecting it.

The European Commission places particular emphasis on raising public awareness of our cultural heritage. And we work closely with the Member States to ensure its preservation and protection. In fact, a substantial part of the funds of the EU’s Culture Programme is used to stimulate cultural cooperation in the cultural heritage sector; since 2007, we have supported some ninety projects. The European Union also supports cultural heritage networks such as Europa Nostra, and we co-fund the European Union Prize for Cultural Heritage which promotes high standards and high-quality skills in conservation practice. Last year we established the European Heritage Label. The new European Heritage Label will be awarded to sites which have a strong symbolic value for the European Union. The Label highlights and symbolises European history, the building of the European Union and the shared values and human rights that underpin the process of European integration. The aim is to bring citizens, especially young people, closer to the European Union. There are other programmes and schemes at EU level which can be harnessed to help protect heritage, but I will not mention them now, because I would like instead to return to the main point of reflection that I believe is crucial. Our heritage should not be seen as a legacy that excludes certain communities. We must stop viewing our shared history as a legacy of competing claims. Rather, we must consider it a process of successive adoptions, one in which

stratified layers have been laid down by the people and societies that have gone before us. We have a responsibility to preserve and to interpret the heritage we find around us, irrespective of whether it was placed there by those we consider our direct ancestors or not. It is not an easy process.

But adopting the heritage of others, in an act of mutual recognition, makes it possible to give that heritage a universal dimension.

And it does not imply making cultures uniform; it is the diversity to be found within our shared heritage which makes the Mediterranean so thrilling. Understanding this process of successive adoptions is vital for intercultural dialogue. It means learning to practice respect as something that is offered, before it is demanded.

Ladies and gentlemen,  
Intercultural dialogue remains an urgent necessity, and it is a *sine qua non* to peace and progress in the Mediterranean. And the great richness of cultural heritage in the region can indeed be a crucial element of socio-economic development. We support the heritage economy directly through a succession of programmes: Euromed Heritage IV began in 2008 and will end this year, has been building on the achievements of three similar programmes. We try to apply the principles I have outlined earlier. We support diverse aspects of cultural heritage that range from ancient theatre, to manuscripts, traditional architecture, Phoenician maritime routes; and heritage education, of course. One point which has emerged clearly

from the work of Euromed Heritage is that local communities must learn to appropriate their own cultural heritage – which is often richer, more ancient and more marked by the traces of other cultures than they themselves believe. We believe this is an essential step towards intercultural dialogue.

Ladies and gentlemen,  
I have already referred to how unity in diversity lies at the heart of the European project, because in the European Union respect for diversity is the glue that binds us together.

Intercultural dialogue enables us to appreciate that diversity. The sacred places of the Mediterranean are an important part of our identity.

And they can help us to understand that our own identity is richer than we thought and that it is not something which can be limited within political or administrative borders.

Today's seminar is an opportunity for all of us to examine this topic from different angles. I look forward to the fruitful discussions that await us.

Thank you.



## Jean-Pierre Mazery

Grand Chancellor of the Sovereign Order of Malta

*Translated from French*

Eminences,  
Madame la Commissaire,  
Mesdames et Messieurs les  
Ambassadeurs,  
Monsieur le directeur général du BEPA,  
distinguished Professors and Guests,  
Ladies and Gentlemen,

Sacred places have always played a central role, sometimes controversial, for religions, economies and cultures across the ages.

They have together:

- attracted the devotion of millions of worshippers
- inspired artists, but also
- been the object and cause of contention and conflicts.

Sacred places are living testimonies of the religious devotion of a community and help it to develop its identity, tradition and history. They play a vital role in safeguarding cultural diversity.

In addition, their universal character surpasses their religious significance and is of interest for the building of a plural and democratic society.

Therefore, the Order of Malta considers fundamental the protection of sacred places that have a universal dimension in order to preserve their outstanding cultural, historical, spiritual and religious value both for the communities with which they are associated and for

the entire humankind. This has become an even more vital issue due to the importance that religion is regaining in the national and international arena. Because the history of the Order of Saint John has left its mark on Jerusalem and Cyprus, then Rhodes and then Malta – that is to say the Mediterranean sea – we thought to focus on sacred places that have a universal dimension and are irreplaceable, and whose disappearance would constitute an irretrievable loss both for a specific group of people and for people at large. As a consequence in 2007 the Order of Malta, through two of its foundations, la Fondation Française de l'Ordre de Malte et la Fondazione Baldi, together with the support of the European Commission, the ministries of foreign affairs of Italy and of the Republic of Malta, launched a project concerning the legal protection of sacred places in the Mediterranean.

Since then, a group of international experts, of which many are present today, has carried out an in-depth study of the legal and historical characteristics of five of the most important sacred places in the Mediterranean. The members of the research group have met together many times in the last few years under

**“The Order of Malta considers fundamental the protection of sacred places that have a universal dimension”.**

the direction of Professor Ferrari, and detailed documents have been prepared on the characteristics of each sacred place. We are convinced that sacred places play an important role in the development of intercultural dialogue and that an efficient system of protection can contribute to the social and political stability of the region. A better understanding of the specific contribution that sacred places can give to this dialogue and of the conditions that need to be fulfilled to place them in a position to offer such a contribution is the main aim of the conference to which you are invited to take part. I wish you all the best in this important task.



## Silvio Ferrari

University of Milan, Project coordinator

**“Sacred places are the expression of cultural diversity, religious plurality and different traditions that risk to be lost if not adequately protected”.**

In this brief introduction I want to touch on three points: first of all to explain that protecting and enhancing the sacred places of the Mediterranean is in the interests of the European Union and countries bordering this sea. Second, to highlight the characteristics that render these sacred places tools to build a society mindful of its history and at the same time, open to dialogue. Lastly, I will propose a way to achieve this goal.

Sacred places have a valuable religious, cultural, political, and economic significance: they are a living testimony of the religious faith of a community, provide people with a sense of identity, play a vital role in safeguarding cultural diversity, help foster the social cohesion of a population, and attract millions of pilgrims and visitors.

To give an idea of the relevance of the sacred places issue suffice it to say that almost one third of the properties inscribed on the UNESCO World Heritage List have been justified specifically for their religious or spiritual association.

There is wide agreement about the need for adequate protection of sacred places. Recently UNESCO has underlined that religious and sacred sites require specific policies for protection

and management that take into account their distinct spiritual nature as a key factor in their conservation and promotion. In this task the sacred places of the Mediterranean should also be considered as they have a historical and cultural unity worthy of special attention.

It is a fact, recently reaffirmed by the Council of the European Union, that “Europe and the Mediterranean region share a common history and cultural heritage”, which includes also its religious and sacred legacy. Many sacred places of the Mediterranean show the same pattern, as most of them belong to three religions - Judaism, Christianity, and Islam - whose respective histories have developed alongside one another over the centuries. More precisely the belief that God revealed himself to man in specific places constitutes the basis upon which the three monotheistic religions developed their respective conceptions of sacred places. Such historical and theological background opens up the possibility of identifying a more precise protection framework that takes into account the elements of commonality which are shared by the sacred places of the Mediterranean area, and distinguish them from the sacred sites revered in other parts of the world.

The need to give a fixed legal status to these places is emphasized as the proximity of one to the other is such that they are constantly in danger of being transformed into elements of conflict.

It is therefore urgent that, as recalled by the EU President Manuel Barroso in 2010, all the interested parties cooperate in the effort to “convert these great religious sites into areas of peace and culture”.

In this perspective the European Union, together with the States of the Southern shore of the Mediterranean and other stakeholders, have a precise interest in taking the initiative to promote the recognition of some guidelines providing effective protection to the sacred places and contributing to the peaceful development of the whole region.

To achieve this goal it is essential to understand the two elements that distinguish the sacred places of the Mediterranean. Each sacred place is tied to a history or specific event that renders it unique and irreplaceable for a community. In this sense every sacred place has a special dimension that helps to enrich the faith and identity of its given community. At the same time, the sacred places play a role that exceeds by far the borders of a single



community of faithful and citizens. They are the expression of cultural diversity, religious plurality and different traditions that risk to be lost if not adequately protected: without them the interreligious and intercultural dialogue would become much poorer and would have scant chances to rebuild the Mediterranean as a space of peace and security. This explains why sacred places have a value and function that goes beyond religious interest and is relevant to the construction of a democratic and pluralistic society. In this light, sacred places take on a significance also for people who do not identify with any religion or who are not members of the religion connected to a particular sacred place.

In the last years, the balance between the particular and the universal dimension of the sacred places shifted dramatically. All over the world the sacred places are increasingly perceived as the symbol of the religious identity of a specific group.

As a consequence, the universal dimension which is inherent to the sacred places has been largely forgotten and this is one of the reasons that explains why the sacred places of different religions have so frequently become an issue of conflict and dissension.

This universal-particular dialectics can be helpful also in reflecting on the legal status of the sacred places.

The framework aimed at granting their protection and development ought to be based on the balance between these two dimensions. On the one hand there are the particular rights of a specific community in respect of its sacred



places: the right to own, control and manage them, the right to gather for religious purposes in that place, the right to perform religious ceremonies, and so on. These rights are manifestations of the individual and collective right of religious freedom and should be considered in the light of the provisions devoted to the protection of religious liberty in international and constitutional law.

Therefore, sacred places should be respected and protected as a “common good”, a heritage of general interest, and not only as the property of a particular group. That could mean, for example, granting them some kind of public support (even in the case they are the sacred places of a minority religion), giving them an enhanced protection in case of conflict.

These two sets of rights need to be harmonized through a careful process aimed at minimizing the potential clash between the rights of the particular community on the one hand and the expectations of the universal commu-

nity on the other. The reconciliation of these potentially conflicting interests could be particularly challenging because each sacred place is part of a specific historical, cultural and political context. Therefore it is necessary to provide two different levels of intervention.

The existence of common elements among all holy sites suggests an opportunity to identify some principles of general application, which can then be tailored into more detailed provisions and applied in a diverse manner to each sacred place. While this last task is primarily the responsibility of local actors, the building of the general framework can involve organizations that have a broader scope of action, like the European Union. In this way each person interested in sacred places is put in a position to offer, at different levels, a real contribution in defining a satisfactory strategy for their protection and promotion.

This protection and promotion framework should be based on five fundamental principles:

First: the significance of the sacred places for the development of a plural society, and the need to promote the awareness that they play an irreplaceable role in safeguarding the diversity of religious and cultural traditions, without which no fruitful dialogue is possible between the different civilizations living together in the Mediterranean area;

Second: the link between religious freedom and sacred places. The right to establish, maintain and use a sacred place is an integral part of the fundamental human right of religious freedom and should be protected as such (as well as a part of the world cultural heritage, when it is the case);

Third: the protection of sacred places, understood both as preservation of their physical integrity and as respect for their sacred character;

Fourth: the relationship between sacred places and communities of the faithful, which is manifested by the latter's interest in living in the vicinity of their sacred places and in admini-

stering them without outside interferences;

Fifth: the access to sacred places, recognized to all without distinction of nationality or religion but subject to the compliance with the rules, established by the religious authority in charge of the sacred place, that are necessary for the preservation of the nature and purpose of a sacred place and of the activities taking place in it;

These principles could be developed in a "Declaration for the Protection and Promotion of the Sacred Places in the Mediterranean Area".

This declaration applies to sacred places which – for foundational, historical, ideological or other reasons – have a special significance for the faithful of one or more communities of believers and therefore for the whole of humankind. All over the Mediterranean area there are some sacred places that are unique and irreplaceable and whose disappearance would constitute an irretrievable loss both for a specific group of people and for the community at large: they are the main object of the protection granted by this declaration. In relation to these sacred places, the

declaration aims to be a tool available to all stakeholders who, by adhering to it, manifest their willingness to respect its principles in the government and management of the sacred places.

The declaration should merely indicate some fundamental principles, without going into the details of their protection nor indicating the legal forms through which it can be guaranteed (international or national instruments, agreements, codes of good practice, etc.): this task is left to the parties that are involved in the management and conservation of particular sacred places, as they are best placed to assess what is the protection system that is more appropriate for each of them.

Finally, the declaration wants to complement (and not to replace) the existing provisions that protect sacred places as a common heritage of the whole of humankind. In doing so, it underlines the religious significance of sacred places, a profile that has not yet been fully developed in the legal instruments aimed at their protection.



# International experts

involved in the research on Sacred Places

Project Coordinator:

**Prof. Silvio Ferrari**, University of Milan – Italy

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Academics and Experts in religions of the Mediterranean, law, and history from various European and Mediterranean Universities and research centers, which have participated in the research:

**Prof. Sima Avramovic**, University of Belgrade

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**Dr. Andrea Benzo**, University of Macerata

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**Prof. Marshall Breger**, Catholic University of America, Washington

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**Prof. Ida Caracciolo**, University of Naples

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**Dr. Alessandro Chechi**, European University Institute, Florence

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**Prof. David-Maria Jaeger**, Antonianum University, Rome

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**Prof. Umberto Lanza**, University of Rome “Tor Vergata”

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**Prof. Cesare Mirabelli**, University of Rome “Tor Vergata”

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**Prof. Rafael Palomino**, Complutense University, Madrid

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**Prof. Charalambos Papastathis**, Aristotle University, Thessaloniki

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**Prof. Peter Petkoff**, University of Oxford

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**Prof. Moussa Ramadan**, Carmel College, Haifa

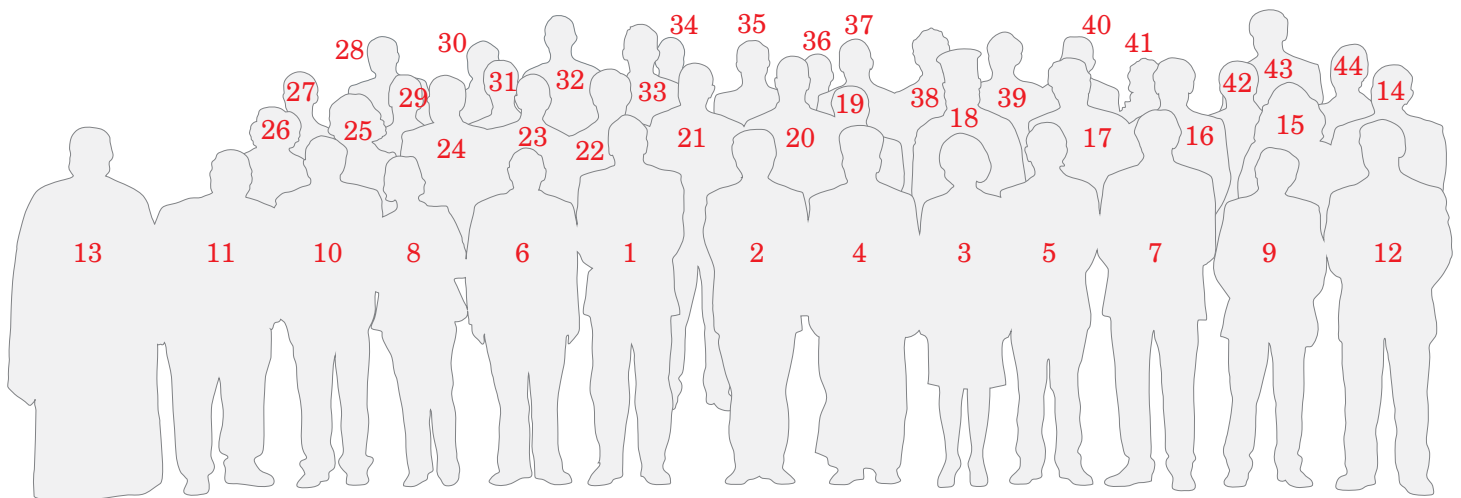
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**Prof. Yuri Stoyanov**, School of Oriental and African Studies, London

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**Baki Svirca**, Institute for War Crime Research - Ministry of Justice - Kosovo

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**1. Jose Manuel Barroso,**  
President, European Commission

**2. Jean-Pierre Mazery,**  
Grand Chancellor of the Sovereign  
Order of Malta

**3. Androulla Vassiliou,**  
Member of the European  
Commission for Education, Culture,  
Multilingualism and Youth

**4. Shaykh Mustafa Ceric,**  
Grand Mufti, Bosnia-Herzegovina

**5. Jean-Claude Thebault,**  
Director-General, Bureau of  
European Policy Advisers (BEPA)

**6. Rabbi Jack Bemporad,**  
Director, Center for Interreligious  
Understanding

**7. Ambassador Daniel Rondeau,**  
Writer, Journalist, French  
Ambassador to UNESCO

**8. Ambassador Catherine Colonna,**  
Chairman, Board of Governors  
at the Ecole du Louvre,  
former Minister, former French  
Ambassador to UNESCO

**9. Professor Silvio Ferrari,**  
University of Milan

**10. Professor Joseph Maila,**  
Director of Prospective,  
French Ministry of Foreign  
and European Affairs

**11. Professor Marshall Breger,**  
Columbus School of Law, Catholic  
University of America, Vice-President  
of the Jewish Policy Center



12. **Ambassador Kornelios Korneliou**, Permanent Representative of the Republic of Cyprus to the European Union

13. **Monsignor Athanase**, Metropolitan of Achaia, Director, Office of the Greek Church to the European Union

14. **Professor Cesare Mirabelli**, President Emeritus Italian Constitutional Court, Professor University of Tor Vergata, Rome

15. **Anna Dalamanga**, Counsellor, Permanent Representation of Greece to the European Union

16. **Dominique, Prince and Count de La Rochefoucauld-Montbel**, Vice-President, French Foundation of the Sovereign Order of Malta

17. **Charles Tannock**, Member, European Parliament

18. **His Grace Porfyrios**, Bishop of Neapolis, Director, Representation of the Church of Cyprus to the European Institutions

19. **Nazim Ahmad**, Personal Representative of H.H. Prince Aga Khan

20. **Professor Moussa Abou Ramadan**, Carmel Academic Center, Haifa University

21. **Ambassador Yves Gazzo**, Permanent Secretary of the Academy for Overseas Sciences, former European Union Ambassador to the Holy See and the Order of Malta

22. **Imam Yahya Pallavicini**, Vice-President, Islamic Religious Community of Italy

23. **Mounir Bouchenaki**, Special Advisor, Directorate-General of the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM)

24. **Vasco Graca Moura**, Writer, poet, Chairman of the Foundation "Centra Cultural de Belem", former European Parliament member

25. **Isabel Mota**, Trustee, Calousef Gulbenkian Foundation, former Minister

26. **Professor Ismini Kriari**, Vice Rector, Panteion University of Social and Political Sciences, Athens

27. **Alessandro Chechi**, Post doctoral researcher, University of Geneva

28. **Baron Philippe de Schoutheete de Tervarent**, Ambassador, Official representative of the Sovereign Order of Malta to the European Commission

29. **Andrea Benzo**, University of Macerata, Italy

30. **Xavier Beauvois**, Director of the film 'Of Gods and Men'

31. **Feorghas O'Beara**, Adviser to the Deputy Secretary General, European Parliament

32. **Henry Quinson**, Writer, Founder of Saint-Paul's Brotherhood

33. **Peter Petkoff**, Research Fellow, Centre for Christianity and Culture, Oxford University

34. **Victor Tereschenko**, Third secretary, Permanent Mission of the Russian Federation to the European Union

35. **Eugenio Ajroldi di Robbiate**, Director of Communications, Sovereign Order of Malta

36. **Professor Rafael Palomino**, University Complutense, Madrid

37. **Baki Svirca**, Former Director, Kosovo Institute for Preserving of Cultural Monuments, Pristina

38. **Professor Yuri Stoyanov**, School of Oriental and African Studies, London

39. **Professor Gerhard Robbers**, University of Trier and President of the German Protestant Kirchentag

40. **Professor Sima Avramovic**, University of Belgrade

41. **Leila Shaid**, General Delegate of Palestine to the European Union, Belgium and Luxembourg

42. **Vincent Montagne**, President Media-Participations Group

43. **Ambassador Pierre Morel**, European Union Special Representative for Central Asia, European External Action Service

44. **Isabella Graf von Salburg-Falkenstein**, Head of Cabinet of the Grand Chancellor, Sovereign Order of Malta

# Abstracts

of the research papers, which have been prepared by the different working groups:

**Professor Silvio Ferrari**

University of Milan - Italy

## **WHY THE SACRED PLACES OF THE MEDITERRANEAN ARE IMPORTANT TO EUROPE**

Sacred Places have a valuable religious, cultural, political, and economic significance: they are a living testimony of the religious faith of a community, provide people with a sense of identity, play a vital role in safeguarding cultural diversity, help fostering the social cohesion of a population, and attract millions of pilgrims and visitors. Building an effective system of protection and development of the sacred places in the Mediterranean area not only requires the joint efforts of different subjects, it entails also the distinction of two different levels of intervention.

This distinction reflects the two dimensions which are a recurrent theme when dealing with these sacred places: on the one hand the commonalities which characterize them and suggest the need to identify some shared principles which set the stage for further activity; on the other, the specificity of each sacred place which makes it impossible to adopt the same uniform legal discipline for them all.

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**Professor Umberto Leanza**

University of Rome "Tor Vergata" - Italy

## **GENERAL PROBLEMS OF**

## **INTERNATIONAL LAW CONCERNING HOLY PLACES**

All Holy Places of the three main monotheistic religions: Jerusalem, the Vatican, Mecca, Mount Athos and the Orthodox Holy Places of Kosovo have a very complex and articulated history. As a result, contemporary international law does not provide for a common or unique regime for Holy Places. In some cases the regime of a Holy Place is determined by a bilateral agreement between the relevant religious entity and the territorial State concerned, in other cases by unilateral determinations and the following internal rules and regulations discretionally adopted by the territorial State concerned. Therefore, the idea of establishing a sort of common general

regime for the entire category of Holy Places should be taken into consideration. Two solutions can be envisaged: I) to draft a new multilateral treaty under the auspices of UNESCO, dedicated to the protection of Holy Places; II) to apply also to Holy Places the concept of world cultural heritage as it is fixed by the UNESCO Convention of 1972, without any formal treaty modification.

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**Professor Marshall Breger**

Catholic University of America

## **HOLY SITES IN JERUSALEM**

For some, particularly some Jews and Muslims, the entire city is holy. For others, it is the entire land of Israel (or Palestine) that is holy. These



Jerusalem

maximalist views suggest the difficulty of managing Jerusalem in an inclusive manner. Traditionally, the Holy Places in Israel and Palestine were understood as those sites listed in the so-called Ottoman Status Quo, whose goal was to ensure protection for a variety of key Christian sites and lessen tension among the religious populace. Today, several sensitive issues remain, such as land ownership; difficulties related to sharing holy places; the contrast between freedom of access and security concerns; the abundance of overlapping and competing holy sites between different religions; the need to depoliticize archaeological activity and to combat ignorance of the narratives of other religions.

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**Professor Rafael Palomino**  
Complutense University Madrid - Spain  
**JERUSALEM AS A SACRED PLACE**

In Jerusalem, different identities and different contested political aspirations convene to make it a unique place when compared to other sacred sites. Jerusalem is more than a physical space which contains religious holy places with special legal requirements on grounds of freedom of religion. Jerusalem as a whole is a value by herself and it purports an international identity which in the legal sense means that the basic political decisions affecting the city have an international impact and dimension, and cannot be adopted unilaterally. The peculiar nature of the City of Jerusalem might suggest that it would be necessary to include the Holy City in the international multilateral

instruments for the protection of the universal cultural heritage. However, the inclusion of Jerusalem in the World Cultural and Natural Heritage scheme doesn't add any satisfactory solution to the main issues related to the Jerusalem question. The international vocation de iure of Jerusalem calls for a multilateral solution under the auspices and supervision of the United Nations.

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**Professor Moussa Abou Ramadan**  
Carmel College, Haifa and Hicham Chabaita, Human Rights Clinic,  
Tel-Aviv University, The Haram Al-Sharif in Jerusalem  
**ISLAMIC AND ISRAELI LAW PERSPECTIVE**

Places that are holy for Jews and Christians are deemed as such also for Islam. The Koran considers the Bilad al-Sham (Syria and Palestine) as holy land. Muslim holy places can be divided into two categories: I) places located in the square that has come to be known as al-Haram al-Qudsi al-Sharif (the Noble Sanctuary); II) places situated in other areas in Jerusalem, which are connected to prophets or prominent persons from the early period of Islamic history, or to sites linked to events to take place in the afterlife. East Jerusalem, including al-Haram al-Sharif, is an occupied area from the point of view of international law. As a result, according to the Geneva Convention, the law of occupation applies to it. Therefore, it is not easy to deal with the legal status of al-Haram al-Sharif according to Israeli Law and several problems arise from



Mount Athos

such a complex regime. At present, the administration of the internal and religious affairs at al-Haram al-Sharif lies basically in the hands of the Moslem Waqf.

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**Professor Charalambos K. Papastathis**  
University of Thessaloniki  
**THE REGIME OF MOUNT ATHOS**

From the beginning of the Second Millennium, Mount Athos became the most significant centre of Orthodox faith, with monks coming from almost all parts of the Orthodox world. All the foundations and monks in Mount Athos, regardless of ethnic origin, enjoyed the benefits of the athonite status. The Character of Mount Athos as Holy Place is justified on spiritual and religious grounds, on common cultural heritage of the whole Orthodox world and on the survival of the traditions of the united Church before the schism of 1054. The object of the protection provided by the current legal regime is the multinational religious community indwelling in the peninsula. Such a

regime is based upon a) international law, b) the Constitution of the Hellenic Republic, c) the Charter of Mount Athos, which is drawn up by the Holy Community itself, d) laws of the Republic, e) Regulations of the first and second degree athonite administrative organs, and f) the written and customary Athonite institutions existing ab antiquo (1953).

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**Professor Cesare Mirabelli**  
University of Rome "Tor Vergata"  
**VATICAN AND THE SACRED PLACES OF ROME**

*N.B.: The Vatican is not strictly speaking a sacred place but it has been taken into consideration in this research because it is an example of a particular system of protection.*

The city of Rome itself and with it the Vatican have a special meaning for Catholics all over the world, and not only for them. Rome enshrines the historical vestiges of Christianity since

its origins and it is the place of the martyrdom of the apostles Peter and Paul; in the city of Rome the four patriarchal basilicas are situated together with other places of memory and worship like the Christian catacombs, objects of devotion and destinations of pilgrimage of faithful from all over the world. Rome and the Vatican are therefore not only historical and symbolic places but they also have an ideal and universal value, prominent and non-fungible for the whole catholic world and, more generally speaking, for culture and civilization. The legal condition of the Vatican is of particular interest to describe the patterns of regulation of "Holy Places", that have to allow for the protection of the functions these places perform for big religious communities; in particular, to guarantee the preservation, the custody, the function and the fruition of these places. These regulations are meant, for history and tradition, to satisfy a religious interest

characterizing the specific place or the building and requiring respect and guarantee. Such an interest implies the religious freedom of both citizens and persons coming from different countries and going to those places for pilgrimage, which should be protected from any violation of the religious meaning that "Holy Places" bear and any unjustified limit to the access and the individual or collective use thereof for religious and worship purposes.

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**Professor Sima Avramovic et alii**  
University of Belgrade  
**SERBIAN ORTHODOX SACRED PLACES IN KOSOVO AND METHOJIA**

The territory of Kosovo and Metohija is characterized by the presence of cultural, sacred and artistic heritage of greatest value, testifying not only the presence of various confessions and civilizations but also the existence of vital crossroads of cultures. Sacred places in this region can be divided into three main categories: places of gathering and destinations of pilgrimage; centers of Saints' cult; and miracle places and places of healing. There are over 1,500 religious sites all over the Province. In spite of such a quantity and density of "holiness" in a small space, crises and a high number of threats to Serbian Orthodox Christian places in Kosovo have been permanent since 1999. This heritage belongs to the whole humanity and must be protected and saved regardless of the culture and confession it belongs to, according to the principle of European "common heritage". An international agreement is needed as a key factor for supporting



The Vatican





Church in Kosovo

bilateral or multilateral agreements, national state laws and other legal instruments. Beside laws, it is also necessary to develop appropriate regulations. At present, the opposing global and regional political interests paralyze or undermine the efforts to successfully solve the problems connected with protection and security of persons and buildings. Protecting cultural heritage in Kosovo and Metohija, particularly the still threatened Christian heritage, is a great challenge and an obligation for modern Europe, even more so as many of these sites are sacred places.

**Baki Svirca**

Former Director,  
Kosovo Institute for Preserving  
of Cultural Monuments, Pristina  
**SACRED PLACES AND RELIGIOUS  
INSTITUTIONS IN KOSOVO**

In Kosovo, religion has been an integral part of the history and life of society over all ages. The region where both Illyrians and Dardanians lived was among the first territories where Christianity spread. Dioceses in this territory have a sixteen centuries old tradition. After the battle of Kosova in 1389, the majority of the population progressively converted to Islam but Orthodox and Catholic churches in the country remained active. Today, local cultural and religious heritage is dealt with in a variety of legal instruments. Kosovo's current legal framework is made up of documents produced as a result of international conferences on the country, proposals for the definition of its political and legal status (the Ahtisaari package) and of local legislation. According to its Constitution, Kosovo is a secular State with a neutral approach to religious matters, whose laws ensure and protect religious autonomy and religious monuments within the territory. Under the Cultural Heritage



Church in Cyprus

Law, all competent institutions, from the Kosovo Council for Cultural Heritage to local level institutions are clearly instructed to bear in mind the unity of cultural heritage of Kosovo as a whole, regardless of cultural diversity. One should also recall the Law on Special Protective Zones whose aim is "to provide for the peaceful existence and functioning of the sites to be protected and to preserve the monastic way of life of the clergy".

**Dr. Alessandro Chechi**

Post doctoral researcher,  
University of Geneva

**SAFEGUARDING CYPRUS SACRED  
HERITAGE**

The cultural heritage of Cyprus is in large part lost or crumbling, principally as a result of the inter-ethnic conflict between the Greek and Turkish Cypriots, which commenced in the wake of independence from colonial rule. Crucially, the rival groups have targeted the heritage sacred to the enemy, that is, assets endowed with religious beliefs, such as churches, mosques, graveyards and icons. This paper begins by summarizing the events that have taken place in the island over the past forty years. Next, it provides a conceptualization of "sacred heritage". Then, it offers a critical appraisal of the existing state of affairs through the prism of the international law applicable in the event of armed conflict and occupation. The final portion of this paper identifies some principles for enhancing the legal protection of the sacred heritage of the island.

# The Sovereign Order of Malta

The Sovereign Military Hospitaller Order of St. John of Jerusalem of Rhodes and of Malta - better known as the Sovereign Order of Malta - is one of the oldest institutions in Western and Christian civilisation.

Founded in the 11th century in Jerusalem, the Order of Malta has a long history of service to the poor, the sick and to pilgrims in its hospitals in Jerusalem, Acre and Cyprus (1291-mid-14th century), then in Rhodes (1310-1522) and in Malta (1530-1798). In Rhodes and in Malta, the Order was the territorial sovereign for almost five hundred years, leaving behind it an important legacy as a medical, military and naval power in the Mediterranean.

The Sovereign Order of Malta is a subject of international law that exercises functions of sovereignty, recognised as such by more than 100 States and by the European Commission, with which it exchanges ambassadors. It has permanent observer missions at the United Nations (New York, Geneva, Paris, Vienna, Rome, Nairobi), and with the principal international organisations.

The governmental seat of the Order is in Rome, where its buildings enjoy the

privilege of extra-territoriality.

Benefitting from all the prerogatives of sovereignty, the Order issues its own diplomatic passports and signs international cooperation agreements with other states which further facilitates its humanitarian mission.

It has an independent magistracy and tribunals, and creates public institutions endowed with independent juridical personality. The Order is neutral, impartial and non-political and does not pursue any economic or political goal. It does not depend on any other state or government.

Largely decentralised in its interventions, permanently present in most countries in the world, both developed and developing, the Sovereign Order of Malta is today a global institution offering professional medical, social and humanitarian aid. Its 13,500 members, 80,000 permanent volunteers and qualified staff of 25,000 professionals – most of whom are medical personnel and paramedics – form an efficient network that includes everything from hospital work, health care and emergency relief, general medical care and social services. Its programmes - run independently or within a framework of partnerships with governments and

international agencies - are now active in 120 countries. The Order of Malta both supports and directly manages hundreds of medical centres, 40 hospitals, volunteers corps in 15 countries, 30 ambulance corps and 110 homes for the elderly.

Intervening in emergencies constitutes one of the traditional missions of the Order of Malta. A mission that in the 20th century – in particular during the First and Second World Wars - took part in major events and carried out significant emergency and medical aid. Humanitarian aid for the victims of natural catastrophes and armed conflicts has intensified in recent decades.

The activities of the Order of Malta around the world are very largely facilitated by the existence of its diplomatic network, which strengthens its relationships with the governments of the countries in which it operates. Thanks to international cooperation agreements concluded between more than 50 states and the government of the Order of Malta, the organisations of the Order on the ground have an operating framework that favours the efficacy and the durability of its actions.





SOVEREIGN MILITARY HOSPITALLER ORDER  
OF ST. JOHN OF JERUSALEM OF RHODES AND OF MALTA

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of Rhodes and of Malta

Magistral Palace  
Via dei Condotti, 68  
Rome - Italy  
Tel. +39.06.67581.250  
Fax +39.06.678.4815  
info@orderofmalta.int

[www.orderofmalta.int](http://www.orderofmalta.int)