

## Universal Code on Holy Sites

*Holy sites are of great significance to billions of people across the globe providing spiritual meaning to those who identify with them. Yet history repeatedly demonstrates how easy it is for sacred places to become inextricably caught up in political, territorial and religious tensions, becoming themselves pawns of conflicts. There is a crucial need for an implementable system that can protect sacred sites and provide for their safe use by religious adherents world-wide. Moreover religious leaders have a crucial role and responsibility in ensuring that this takes place.*

*In 2009, representatives of four non-profit organizations, Search for Common Ground, the Oslo Center for Peace and Human Rights, One World in Dialogue, and Religions for Peace, created a working group to develop a Universal Code on Holy Sites. In consultation with senior religious leaders from over ten faiths, the Universal Code was finalized in January 2011. While not a legal document, the Code offers practical guidelines for the safeguarding of holy sites and for promoting peace and reconciliation between people from different ethnic and religious communities. It includes clauses relating to definitions, access, preservation, sharing, expropriation, education and the cooperation of relevant authorities, and calls for local and international monitoring mechanisms for the safe protection of holy places. The Code, available in 13 languages, has been endorsed by interfaith networks, religious communities and leaders world-wide among them: Religions for Peace World Council, the World Sikh Leadership, President of the All India Imam Organization, World Council of Churches, and the Russian Orthodox Church – Moscow Patriarchate. A two-year pilot project in Bosnia Herzegovina, under the auspices of its Interreligious Council, has been implemented to test the efficacy of the Code. The pilot's success is reflected in a newly created systematic reporting and recording of desecrations, joint visits of religious leaders to sites, multi-religious condemnation followed by repairs to the site and the active engagement of multi-stakeholders including police, media and municipality leaders. A second two-year pilot has successfully unified conflicting North American indigenous tribes who utilized the Code for peace-building purposes and adapted it to their specific needs. In addition a pilot has begun in the Holy Land in partnership with the Council of Religious Institutions of the Holy Land, comprising senior Israeli and Palestinian religious leadership. It includes research, monitoring and educational activities to promote the protection of holy sites as well as joint actions by religious leaders. We encourage the establishment of pilot projects in different contexts around the world to test the practical value of the Code. We are also working towards the development of a U.N. resolution on Holy Sites in the spirit of the Code. Political acceptance for such a code and the setting up of an international monitoring mechanism could diminish the negative role of religion in times of conflict.*

## **Preamble**

We, religious leaders and representatives of faith traditions from all regions of the globe, declare our commitment to seek peace and pursue it in accordance with the call of our respective faith traditions. We endorse this Universal Code of Conduct on Holy Sites (“Universal Code”) whose purpose is to reflect and serve this goal.

Holy Sites are places of profound significance and sacred religious attachment whose special character and integrity are to be preserved and protected against all violence and desecration. In focusing on issues of definitions, preservation, access, sharing, conflict prevention and resolution, reconstruction, memorialization, expropriation, education, establishment, excavation and research, this Universal Code lays out the foundation for a cooperative, concrete implementation plan for preventing and ending conflict in relation to sacred places.

Resolved to cooperate in the spirit of dialogue and a search for common ground, based on respect for each other, for the freedom of thought, conscience and religion, and for the integrity of each religious tradition, Sharing the vision of a world where holy sites are universally acknowledged as sacred to their respective religions or faith traditions, and where the attachment of persons and communities to their holy sites is respected by everyone, regardless of their belief, Acknowledging that holy sites have been foci of contention or targets of destruction in many conflicts around the world, and bearing in mind the particular vulnerability of the holy sites of religious minorities,

Seeking to set out a framework of principles for preserving holy sites, guaranteeing the religious freedom to use them, and promoting them as places of peace, harmony and reconciliation,

Recognising the positive role religious leaders can play in addressing conflicts pertaining to holy sites, and reaffirming the moral responsibility to speak up for the protection of the holy sites of others, regardless of religion, Building on international conventions and norms that safeguard the freedom of religion or belief and other human rights, preserve cultural heritage, and safeguard civilians in armed conflicts,

We religious leaders and representatives of faith traditions solemnly pledge to respect and work towards the realisation throughout the world of the following:

1. The Universal Code of Conduct on Holy Sites was developed, in consultation with religious leaders and experts from the world’s major faiths, by a working group of representatives from the following non-governmental organisations: One World in Dialogue, Oslo Center for Peace and Human Rights, Religions for Peace and Search for Common Ground. Funding for the Code was received from the Norwegian Ministry of Foreign Affairs. Universal Code of Conduct on Holy Sites
2. For the purposes of this Code, the term ‘relevant authorities’ refers to authorities (e.g. religious, political, military, legal, etc. depending on the specific location) that may be involved in decision-making concerning a holy site.

## **Provisions**

### **Article 1: Definitions**

For the purposes of this Code, holy sites are understood as places of religious significance to particular religious communities. They include, but are not limited to, places of worship, cemeteries

and shrines, incorporating their immediate surroundings when these form an integral part of the site. For the purposes of this Code, holy sites are places of defined and limited area that are designated as such by each religious community and in agreement with the relevant public authorities, according to its diverse heritages and customs, recognising also that a single site can be sacred to more than one community.

#### **Article 2: Preservation of Holy Sites**

Holy sites shall be preserved for present and future generations, with dignity, integrity and respect for their name and identity. They shall be preserved both as sites of religious significance, and as historical, cultural and ecological legacies of their communities and of humankind. They shall not be desecrated or damaged, nor shall religious communities be forcibly deprived of their holy sites. Where necessary to ensure the preservation of a holy site, the relevant authorities<sup>2</sup> should consider establishing a protective zone around it, prohibiting or restricting construction or development, without prejudice to property rights. If a holy site is subjected to certain restrictions due to its designation as a national heritage site, these should not be such as to unduly limit its continued functioning as a holy site under these restrictions.

#### **Article 3: Access**

The access of any person to a holy site shall be subject only to such restrictions as are mandated by religious regulations pertaining to the site, or are necessary for its protection and the safe and undisturbed conduct of worship. Anyone given access to holy sites should do so with respect to the nature, the purpose and the ethos of the respective site. The civil authorities shall not arbitrarily prohibit the entry into the country of visitors and pilgrims to holy sites, nor arbitrarily prohibit the presence of foreign personnel who hold specific roles related to the sites.

#### **Article 4: Sites Sacred to More Than One Religion**

Where a site is mutually recognised as sacred in the established traditions of more than one religious community, the relevant authorities shall consult with these communities to set up a legal arrangement whereby adherents of each community are ensured access to the site for religious purposes and preservation of the site is the equal responsibility of the religious communities concerned.

#### **Article 5: Conflict Prevention and Resolution**

A forum comprising religious authorities and other relevant bodies shall be established to ensure regular communication and coordination. All conflicts or threats relating to holy sites shall be immediately referred to this forum for handling.

#### **Article 6: Reconstruction and Memorialisation**

The relevant authorities shall take measures to facilitate the reconstruction or memorialisation of a holy site destroyed or damaged by physical violence, according to the wishes of the religious community concerned. The necessary permissions to this end shall be granted, as prescribed by law and with due regard to property rights, without undue delay, and without imposing special legal or administrative obstacles.

#### **Article 7: Expropriation or Nationalisation**

In the case of proposed expropriation or nationalisation of any part of a holy site, the religious

community or communities concerned shall be adequately represented and formally consulted on all aspects of the process. The relevant authority shall make an impact assessment suggesting provisions for the protection of cultural heritage, for the appropriate use of the site with respect for its religious tradition, and for the continuity of religious practice. The religious community shall have recourse to the courts if agreement cannot be reached. Where parts of a holy site have been nationalised in the past, the restitution of such property to the religious community should be encouraged.

#### **Article 8: Education and Public Speech**

In their public pronouncements and educational activities, all parties shall promote the preservation of holy sites, acknowledge the significance of holy sites of others as places of worship and sites of identity, respect the sensitivities of others with regard to these sites, and stress their spiritual value rather than any strategic, territorial or military significance. The attachment of a group to its holy site shall not be denied. Religious communities shall be consulted regarding the public promotion of their holy sites for touristic, scientific, educational and other purposes. Such promotion shall respect the identity and religious traditions of the community concerned.

#### **Article 9: Establishing Holy Sites**

The right of all religious communities to establish and maintain existing holy sites, with due regard to the rights of others, and after due process, shall be recognised as an integral part of the freedom of religion or belief. An occupying power shall not establish nor allow the establishment of any permanent new holy site without due regard for the property and other recognised rights of the population of an occupied territory.

#### **Article 10: Excavations and Research**

Archaeological excavations may be carried out on holy sites only after consultation and with the mutual agreement of the recognised authorities of all religious communities to which the site is sacred, as prescribed by law, and with minimal interference with the religious use of the site. Historical findings regarding the distant past of a site shall not prejudice present arrangements of ownership and control, nor shall they be abused to question a religious community's customary identification with the site.

### **Annex**

#### **A guide to implementation and monitoring**

We religious leaders and representatives of faith traditions aspire to a world where all people can worship at their holy sites in freedom and safety. This Universal Code has been developed to provide a cooperative framework for the implementation of this aspiration.

#### **Implementation**

At its very core, implementation of the Universal Code is based on interreligious cooperation and collaboration with relevant authorities leading to the institutionalisation of activities in one, or across several countries for the protection of sacred places.

We encourage religious leaders, interfaith bodies and other faith organisations to implement the Code, in particular by creating pilot projects in their countries for the protection of sacred places, based on all or part of the Universal Code and adapted as needed to local situations.

Implementation can take varied forms according to the local needs of different communities. It can include education, monitoring, documentation, joint visits and denunciations by religious leaders to attacked holy sites, among other activities.

### **Monitoring**

We encourage the establishment of monitoring bodies, developing from the forum mentioned in article 5, to oversee the implementation of the Universal Code on local, regional or national levels as appropriate. We recommend that a monitoring body be comprised of authorised representatives of relevant authorities, and that, inter alia, it:

- Draws up a list of holy sites to be acknowledged as falling under the provisions of this Universal Code.
- Considers any dispute over the status of a site, and seeks to resolve it in a spirit of dialogue, reconciliation, and solidarity.
- Advises the authorities as appropriate on all issues relating to holy sites.
- Publicises regular reports on its work and the progress made towards the implementation of the Universal Code in its area.

In time, as the number of regions implementing the Universal Code expands, we recommend the establishment of an international mechanism to monitor the safeguarding of holy sites worldwide. Such an international monitor could promote the adoption of this Universal Code in all relevant forums, cooperate with relevant international agencies, encourage the establishment of monitoring bodies, assist the monitoring bodies in their work, document and analyse progress toward the implementation of the Universal Code worldwide, and provide an annual report on the status of holy sites.

We, religious leaders and representatives of faith traditions recognise our profound responsibility to work towards the realisation of the vision articulated by this Universal Code of Conduct on Holy Sites.