**Unless NZ wants to join the Taliban, Cathedral Restoration and Heritage Building Retention is the Only Option Open.**

Perspective by Marcus Brandt

*“Don’t it always seem to go, that you don’t know what you got till it’s gone?” Joni Mitchell*

If it hasn’t already done so, the High Court will shortly be giving its decision on the first of several legal challenges regarding the Demolition of the Anglican Cathedral. This case will decide the rather narrow question of whether the Church Property Trust has the power to demolish the Cathedral which it holds in trust. The Church has admitted that it could, in fact, be saved and restored, despite being quake damaged and partially demolished by human action.

Ironically, the matter is moot. The Government is already legally and morally obliged to halt the demolition and ensure the restoration of the Cathedral and protect the other remaining Heritage Buildings of Christchurch. It is also morally obligated to make amends for its past omissions and derelictions of duty.

Like a White Angel on one shoulder, Laws, Commandments, Proverbs, Conventions, Declarations and Agreements are just some of the many devices that humans and the Almighty have come up with to help us humans keep in touch with our better selves. This is particularly so in times of duress and strain, when Red Devil of expedience on the other shoulder might suggest otherwise.

Yes, sometimes it would be nice to be rid of a rival or annoying person, but murder laws and the Sixth Commandment remind and constrain us otherwise. In a time of duress and fear, the Germans and others gave up on democracy, suspended elections and appointed dictators. In a quake-damaged city, there may be a tendency to equate “old” buildings with “bad” buildings, simply call them “Old Dungers” and be rid of them as an annoyance. Fortunately, there are some of reminders and constraints that urge and demand that we reconsider.

In 1972 UNESCO passed the World Heritage Convention. NZ is a signatory of that landmark action. Among the many provisions is Article 4

Article 4

Each State Party to this Convention recognizes that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage … situated on its territory, belongs primarily to that State. It will do all it can to this end, to the utmost of its own resources and, where appropriate, with any international assistance and co-operation, in particular, financial, artistic, scientific and technical, which it may be able to obtain.

Article 5 expands this. States are obliged to:

1) to adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programmes.

4) to take the appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage.

Readers may recall the events of early in 2001 when the Taliban was feeling its oats and decided that the Buddhas in their mountainside were an abomination and idolatry and did not represent who they were. Despite pleas from around the world, they were destroyed by dynamite and artillery.

In response to that wanton destruction, UNESCO passed their “Declaration Concerning the Intentional Destruction of Cultural Heritage” The measure passed unanimously, including a vote from NZ. Among provisions such as, “States should take all appropriate measures to prevent, avoid, stop and suppress acts of intentional destruction of cultural heritage, wherever such heritage is located.”, there are criminal provisions too.

VI – State responsibility

A State that intentionally destroys or intentionally fails to take appropriate measures to prohibit, prevent, stop, and punish any intentional destruction of cultural heritage of great importance for humanity, whether or not it is inscribed on a list maintained by UNESCO or another international organization, bears the responsibility for such destruction, to the extent provided for by international law.

VII – Individual criminal responsibility

States should take all appropriate measures, in accordance with international law, to establish jurisdiction over, and provide effective criminal sanctions against, those persons who commit, or order to be committed, acts of intentional destruction of cultural heritage of great importance for humanity, whether or not it is inscribed on a list maintained by UNESCO or another international organization.

I submit that the proposed “lowering” and “deconstruction” proposed by the Church is in fact “Intentional Destruction of Cultural Heritage” under the Declaration. Quake-damage is cause for repair and restoration, not a pretext for destruction. One may argue that the Cathedral is of no great importance for Humanity. I submit that it is of *great* importance to New Zealand’s cultural heritage. And New Zealand has a very special place in the world and very much worthy of protection , assistance and restoration. There are many around the world who stand ready to help the Church and city of Christchurch in its time of need. We stand ready with our resources, time and skills.

It should be noted that UNESCO announced last March that the Cathedral should be saved. However, under the leadership of the former editor , the Press declined to report it. Perhaps they will do so now.

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Sadly, the Government did not take a leadership role in this matter early on. A review of the treaty obligations and the communication of the results to the Church would have shown that Restoration of the Cathedral was the only real option. That would have focused their efforts on the economical and efficient restoration of the Cathedral, rather than spending time, money, energy and political capital on denigrating the possibility of restoration and pursuing a shiny new Cathedral. That effort and those resources, together with the resources of GCBT expended to save the Cathedral from destruction, would have been far better utilized toward the Cathedral, had the Government and the CERA Minister been better leaders.

But, that’s water over the dam at this point. We’re all sinners. So where can we go from here? To regain the moral high ground and live up to its treaty obligations, The Government should and must:

* Review its policies in light of the UNESCO Convention and Declaration mentioned above and all other Treaty obligations. Let them seek the spirit of those documents and seek the right thing to do… not simply what they can legally get away with. “The letter killeth, but the Spirit giveth Life”
* Categorically and unequivocally state that the Anglican Cathedral is a Cultural treasure for the Nation, there is every reason to suspect that there are ways of safely restoring it to its former state and that the proposed “lowering” of the Cathedral is unacceptable under the Nation’s treaty and moral obligations.
* CERA is a year late on its Heritage building policy. Until such time as they can come up with a unified policy that incorporates all the heritage values that NZ has been accustomed to pre-quake and agreed to under the 1972 Convention, all demolition of Heritage buildings shall stop immediately.
* The Government shall accept its full culpability and responsibility under the UNESCO Declaration Concerning the Intentional Destruction of Cultural Heritage for allowing the destruction of the remains of the Bell tower. They shall commit to funding its reconstruction in-kind up to the level of the bells.
* CERA is obliged by the provisions of the Act that created it, to restore the Cultural well-being of Christchurch. Under its power to gather and disseminate information, CERA shall call for a conference of NZ and International restoration experts to formulate a plan to economically, safely and strongly restore the Cathedral to as near to its former state as reasonably possible, with specific view to earthquake safety in the future.
* The Government will draft legislation making it a crime to intentionally destroy Natural or Cultural Heritage, as promulgated by the UNECSO Declaration Concerning the Intentional Destruction of Cultural Heritage.

As a signatory, the NZ Government is legally bound by the provisions of the 1972 UNESCO World Heritage Convention. Unfortunately, the UNESCO Declaration on Intentional Destruction, like all UN Declarations, is not legally binding. However, but it does carry the moral weight of the World Community. Yes, NZ’s Government can thumb its nose at the Declaration, but that would put it squarely on the moral ground shared by the Taliban. I, for one, hold New Zealand in much higher regard than that. As a World Citizen, I treasure New Zealand’s willingness to stand up and take the moral high ground on matters such as Nuclear weapons, Global warming and Human rights.

 I yet hold out hope that the Government will rouse itself , regain the moral high ground on this important matter of Cultural Heritage, live up to its legal and moral obligations, make good on the PM’s promise to Her Majesty the Queen (and by extension , all her people)“If we could save it, we would”, accept the constraints of the Declaration and Convention and empower its people to reclaim their Heritage birthright: the beautiful, familiar and beloved Cathedral at the city’s heart accompanied by the remaining heritage buildings that help to define Christchurch in space and time….. and the hopeful optimism of the City’s motto; Spe Fortis.

Spe fortis,

Marcus Brandt