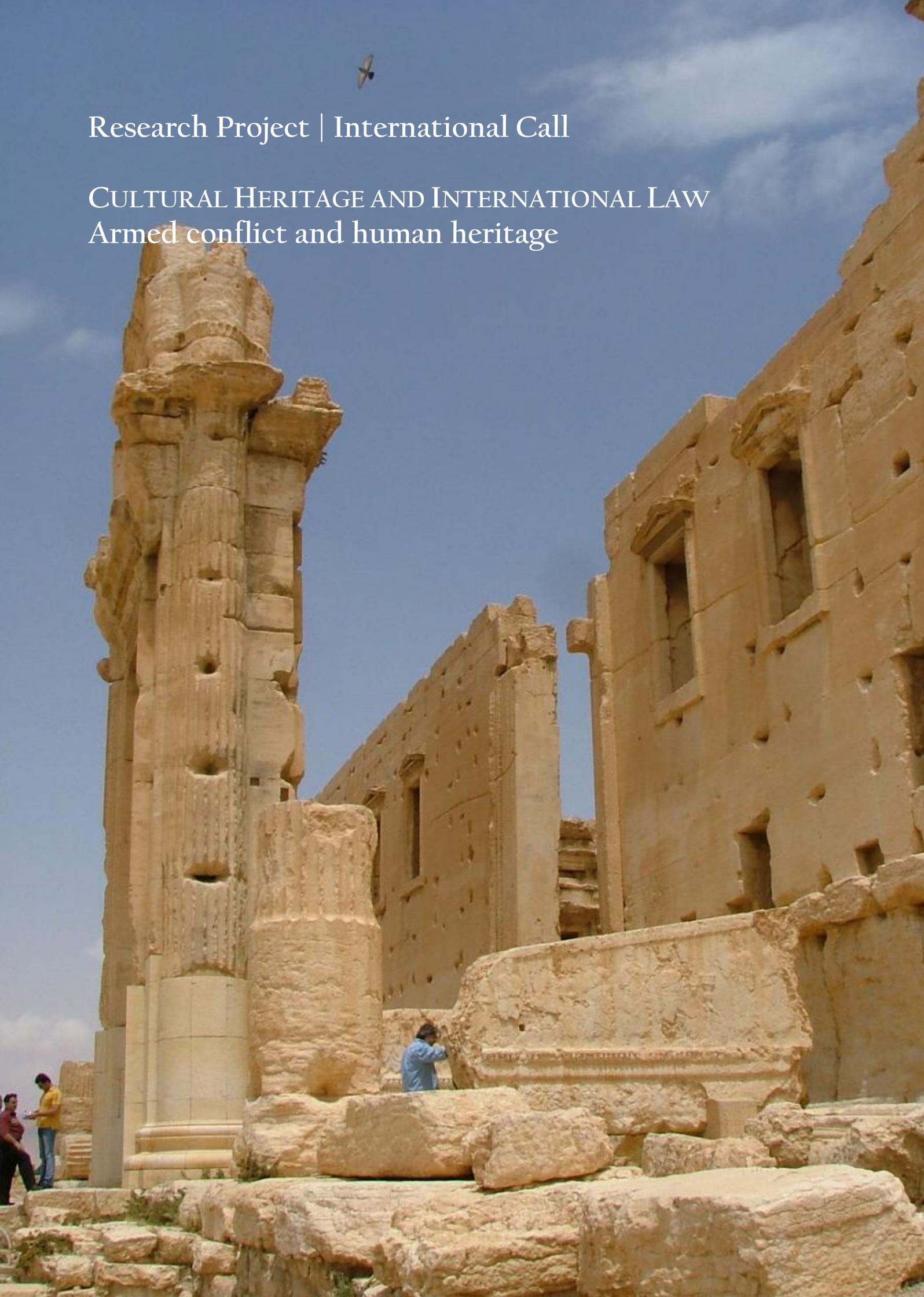


Research Project | International Call

CULTURAL HERITAGE AND INTERNATIONAL LAW  
Armed conflict and human heritage



## CULTURAL HERITAGE AND INTERNATIONAL LAW

### Armed conflict and human heritage

Olimpia Niglio, Eric Yong Joong Lee

For centuries the international law has developed a vast legal framework to protect cultural heritage. History also teaches us that it is not always possible to stop those who, with wickedness and contempt, offend the cultural heritage and identities of communities around the world.

However, after the Second War, May 14, 1954, at The Hague, a city on the western coast of the Netherlands, 49 countries, members of United Nations have acceded to the first protocol of the *Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention*<sup>1</sup>. This Convention was then renewed by a Second Protocol 26 March 1999 always in The Hague. The individual signatory countries only adopted the Convention definitively, in their respective countries, in subsequent years.

The Convention for the Protection of Cultural Property was presented because of the great destruction of cultural heritage during the Second World War, but just in Washington, April 15, 1935, published an important Treaty on the *Protection of Artistic and Scientific Institutions and Historic Monuments*, also known as *Roerich Pact*<sup>2</sup>. The most important purpose of the Roerich Pact is the legal recognition that the defense of cultural objects is more important than the use or destruction of that culture for military purposes, and the protection of culture always has precedence over any military necessity. It was certainly the first international treaty that focused exclusively on the protection of cultural heritage in the event of armed conflict.

In armed conflicts, cultural heritage has always been the subject of negotiation. It has been plundered or destroyed not only to finance the war but above all to cancel the identity of communities.

Meanwhile, all the signatory countries of the *Convention* of 1954 have always maintained that “any damage to cultural property, regardless of the people to whom it belongs, is damage to the cultural heritage of all humanity, because every people contributes to the culture of the world”.

In addition, many countries in the world are also signatories to the *Convention Concerning the Protection of the World Cultural and Natural Heritage* (1972)<sup>3</sup>, in fact this document also represents an important international reference for the protection of cultural heritage.

Confirming this international institutional and normative commitment, the *Abu Dhabi Declaration*<sup>4</sup>, adopted by more than 40 countries, on 3 December 2016 in the Emirate of Abu Dhabi in the United Arab Emirates, presents a very proactive incipit and also reiterates several times the value of the above-mentioned conventions. This last document affirms that the cultural heritage is a mirror of the community, of mankind and is still a guardian of collective memory as well as a witness to the creative and productive spirit. In the meantime, however, armed and terrorist conflicts are violently putting this heritage into crisis, attacking its very roots in order to dismantle traditions and

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<sup>1</sup> “Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention”, The Hague 1954. The complete document is available at

[http://portal.unesco.org/en/ev.php-URL\\_ID=13637&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=13637&URL_DO=DO_TOPIC&URL_SECTION=201.html)

<sup>2</sup> Treaty on the Protection of Artistic and Scientific Institutions and Historic Monuments, Washington 1935. The complete document is available at <https://ihl-databases.icrc.org/ihl/INTRO/325?OpenDocument>

<sup>3</sup> “Convention Concerning the Protection of the World Cultural and Natural Heritage”. The complete document is available at: <https://whc.unesco.org/en/conventiontext/>

<sup>4</sup> Abu Dhabi Declaration (2016). The complete document is available at:

<http://www.icomos.org/en/what-we-do/image-what-we-do/401-heritage-at-risk/8262-icomos-adopts-the-abu-dhabi-declaration-on-heritage-at-risk-in-the-context-of-armed-conflicts>

certainties regarding the cultural identity of peoples. Indeed, without human and cultural heritage, memory is erased forever and as a result, the future is compromised.

Moreover, in 2017, the UN Security Council unanimously adopted Resolution 2347<sup>5</sup> that states “directing unlawful attacks against sites and buildings dedicated to religion, education, art, science or charitable purposes, or historic monuments may constitute, under certain circumstances and pursuant to international law a war crime and that perpetrators of such attacks must be brought to justice”.

Following the political events that are offending the human and cultural heritage in so many countries of the world, many international institutions have activated petitions and realized communicates published everywhere to sollicitude the public opinion about a topic regulated from Conventions and Declarations that have not legal value, but these documents represent recognized agreements. Certainly, these agreements are an important reference to manage of the cultural heritage in the world. Many non-governmental organizations as UNESCO (United Nations Educational, Scientific and Cultural Organization), ICOM (International Council of Museums), ICOMOS (International Council Monuments and Sites) and UWTO (World Tourism Organization) have expressed diplomatically and have remembered the respect of the international Conventions, the recognition of the human rights and above all of the historical memory of the humanity. Also, many Universities in the world have organized petitions to sustain the respect of the world heritage because the cultural heritage belongs to everyone and not only to the country to which it is collocated.

Now, it's very important to reflect together about the value of the “soft power” because the culture is an expression of the communities and here it's very important to remember that the Constitution of UNESCO<sup>6</sup> proclaims that “since wars begin in the minds of men, it is in the minds of men that the defenses of peace must be constructed”.

This research project aims to invite the researchers in the world to propose papers about the Cultural Diplomacy and to analyze the international relations and how the cultural policies of their countries implement international Conventions, as well as programs for the protection of human rights.

Looking forward to receiving your proposals, we remain at your disposal.

#### **Main topics:**

International Law

Cultural Heritage

Human Rights

Cultural Diplomacy

International Conventions

Cultural Policies

Rome, Seoul

February 25, 2020

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<sup>5</sup>United Nations, Security Council, Resolution 2347 (2017). The complete document is available at: <https://www.un.org/press/en/2017/sc12764.doc.htm>

<sup>6</sup> Constitution of UNESCO. The complete document is available at: [http://portal.unesco.org/en/ev.php-URL\\_ID=15244&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=15244&URL_DO=DO_TOPIC&URL_SECTION=201.html)

## Text

Title, Author/Authors, Affiliation and Email

Abstract in English, 1,500 characters including spaces.

Keywords in English, maximum 6.

Complete Text: maximum 60,000 characters including spaces.

## Images

format .jpg 300dpi with captions (maximum 6).

The authorized language is English.

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### Author Details

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E.g., Professor of International Law at Dongguk University, Korea. A.B.(U.Washington), M.P.A.(Seoul Nat'l Univ.), LL.M.(Leiden), Dr.iur.(Erasmus). This article is a fully revised and updated version of the paper presented at the International Law Conference celebrating the National Liberation Day held in KimKu Memorial Building in Seoul, Korea during April 3-7, 2012. This research was supported by the National Research Foundation of Korea(KOR3392). Much gratitude is extended to Professor Peter Malanczuk for her insightful advice and warm encouragement. The author may be contacted at: grotian@hotmail.com / Address: YIJUN Institute of International La, 562 Gwangnaruro, Kwangjin-gu #201 Seoul 143-821 Korea

### Books

Initial References to books should be as follows:

P. MALANCZUK, *AKEHURST'S MODERN INTRODUCTION TO INTERNATIONAL LAW* 15 (page number) (7th ed. 1997). (The font is Small Cap)

### Article

A. Article in Journal

L. Alexander, *Baseline Delimitation and Maritime Boundaries*, 23 VA. J. INTL L. 503-36 (1983). (Abbreviation of the Journal's name may be found at The Bluebook)

### Article in Book

J. Prescott, *Straight and Archipelagic Baselines*, in MARITIME BOUNDARIES AND OCEAN RESOURCES 38- 51 (G.BLAKE ed., 1987).

### Article in Collection

K. Deaux & B. Major, *A Social-Psychological Model of Gender*, in THEORETICAL PERSPECTIVES ON SEXUAL DIFFERENCE 89 (D. Rhode, ed., 1990)

### Newspaper

Sang-Hun Choe, *North Koreans Launch Rocket in Defiant Act*, N.Y. TIMES, Dec. 12, 2012, at A1, available at <http://www.nytimes.com/2012/12/12/world/asia/north-korea-launches-rocket-defying-likely-sanctions.html> (last visited on Mar. 2, 2013).

### Internet Source

Kartik Bommakanti, *Indian Space Launch Vehicles and ICBM*, The Center for Defense Information Website (Feb. 29, 2008), available at <http://www.cdi.org/program/issue/document.cfm?DocumentID=4222&IssueID=76&StartRow=1&ListRows=10&appendURL=&Orderby=DateLastUpdated&ProgramID=68&issueID=76> (last visited on Mar. 2, 2013)

### Encyclopedia

S. Sharma, *Territorial Sea*, II ENCYCLOPEDIA OF PUBLIC INTERNATIONAL LAW 328-333 (R. Bernhardt ed., 1989).

### Example

[http://journal.yiil.org/home/pdf/publications/2016\\_9\\_1\\_pdf/jeail\\_v9n1\\_11.pdf](http://journal.yiil.org/home/pdf/publications/2016_9_1_pdf/jeail_v9n1_11.pdf)

The book will be published in Rome at TAB Edizioni

<https://www.tabedizioni.it/>

Collection Books: *Cultural Diplomacy & Heritage*

<https://www.tabedizioni.it/shop/books/series/cultural-diplomacy-heritage-2?order=ordering+desc&section=collane>