

The International Protection of Immovable Cultural Property During Armed Conflict



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Abstract:

This study addresses the international protection of immovable cultural property, during armed conflicts, as these properties constitute a vital part of human identity and civilizational heritage. The study highlights the international legal framework governing this protection, most notably the 1954 Hague Convention and its two Additional Protocols, which prohibit attacks on cultural property or its use for military purposes, and establish the principle of international accountability for violations. Organizations like UNESCO play a pivotal role in raising awareness and providing technical support to states for implementing these rules. However, significant challenges persist, including the absence of effective monitoring and enforcement mechanisms, non-compliance by non-state actors with international law, and the clash between military priorities and cultural preservation, as evidenced in recent conflicts in Syria and Iraq. The study notes that weak penalties for violators undermine the efficacy of existing laws .

Keywords: International protection, immovable cultural property, armed conflicts, 1954 Hague Convention, UNESCO, accountability mechanisms, military necessity .

ملخص:

تناول هذه الدراسة موضوع الحماية الدولية للممتلكات الثقافية العقارية، خلال النزاعات المسلحة، والتي تُعدّ جزءاً أساسياً من الهوية الإنسانية والإرث الحضاري، تُبرز الدراسة الإطار القانوني الدولي الذي ينظّم هذه الحماية، وأبرزه اتفاقية لاهاي لعام 1954 وبروتوكولها الإضافيين، اللذين يحرمان الاعتداء على الممتلكات الثقافية أو استخدامها لأغراض عسكرية، ويرسخان مبدأ المسؤولية الدولية عن الانتهاكات، كما تلعب منظمات مثل اليونسكو دوراً محورياً في تعزيز الوعي وتقديم الدعم الفني للدول لتطبيق هذه القواعد، مع ذلك، تواجه الحماية تحديات جسيمة، مثل غياب الآليات الفعالة للرقابة والتنفيذ، وعدم التزام الأطراف غير الدولة بالقانون الدولي، وتعارض الأولويات العسكرية مع الحفاظ الثقافي، كما ظهر في النزاعات الحديثة في سوريا والعراق. وتُشير الدراسة إلى أن ضعف العقوبات على الجهات المنتهكة يُقلل من فاعلية القوانين القائمة.

الكلمات المفتاحية: الحماية الدولية، الممتلكات الثقافية العقارية، النزاعات المسلحة، اتفاقية لاهاي 1954، اليونسكو، آليات المساءلة، الأولوية العسكرية.

Introduction:

Immovable cultural property forms a vital component of the collective heritage of humanity, embodying civilizational, historical, and spiritual values that are closely tied to the identity and memory of peoples across the globe. This category includes a wide range of sites and structures such as historical monuments, archaeological sites, temples, museums, old cities, and palaces that reflect the progression of human civilizations through time. The international community has grown increasingly concerned with safeguarding such assets, especially in light of the extensive damage inflicted by armed conflicts in the twentieth and twenty-first centuries. Cultural sites have frequently become deliberate targets, motivated by military strategies, ideological agendas, or political objectives.

Events in regions such as Iraq and Syria, the targeted destruction of heritage sites in Mali and Yemen, and recent assaults on historic cities in Ukraine have underscored the vulnerability of cultural property during times of war. The damage sustained goes far beyond material loss; in many instances, it constitutes a violation of fundamental human rights and may even be classified as crimes against humanity, given the threat these acts pose to the preservation of cultural identity and historical continuity.

Importance of the Study:

Investigating the international protection of immovable cultural property during armed conflict is both timely and crucial. It responds to the urgent need to evaluate the adequacy and effectiveness of the current international legal framework particularly considering the increasing frequency of attacks on cultural heritage and the persistent difficulties in enforcing international humanitarian law in conflict settings. This topic also intersects with multiple areas of international law, including humanitarian law, human rights law, international criminal law, and cultural heritage law, highlighting its multidisciplinary importance.

Moreover, the study gains added relevance in the context of evolving digital and technological tools, which, while enhancing documentation and monitoring efforts, have also introduced new risks such as cyber threats, remote destruction, illicit trafficking, and unauthorized export of cultural assets. As such, this research aims not only to contribute to academic discourse but also to offer practical guidance for improving global preventive and responsive strategies.

Objectives of the Study: This research aims to fulfill the following objectives:

1. To examine the international legal instruments governing the protection of immovable cultural property during armed conflicts, with a particular focus on the 1954 Hague Convention and its Protocols, the 1972 UNESCO Convention, and the Rome Statute of the International Criminal Court.
2. To evaluate the effectiveness of international institutions and mechanisms responsible for cultural heritage protection, including UNESCO, the International Criminal Court (ICC), and the International Committee of the Red Cross (ICRC).
3. To identify existing legal and practical challenges in applying these protective norms, especially in the context of non-international armed conflicts, military occupations, and asymmetric warfare.
4. To develop legal and institutional recommendations aimed at enhancing the protection of immovable cultural property through the refinement of treaty law, strengthening the role of international criminal justice, and fostering cooperation among states, intergovernmental bodies, and non-governmental organizations.

Problem of study

This study address the following core research question:

How can a balance be achieved between the requirements of military operations and the international legal obligations related to the protection of real estate cultural properties in light of the challenges facing the international community and the increasing systematic violations against them?

From this main question, several sub-questions arise:

- What criteria are applied to determine whether a site qualifies as protected immovable cultural property under international law?
- How does the scope of legal protection vary between international and non-international armed conflicts?
- What role does international criminal justice play in prosecuting offenses committed against cultural heritage?
- How can an appropriate balance be struck between considerations of military necessity and the obligation to safeguard cultural property?

Methodology

This study adopts a descriptive and analytical methodology, examining key legal texts, international treaties, case law, and institutional practices. A critical lens is employed to assess the shortcomings and limitations of the existing framework, while a comparative approach is used to analyze implementation across various conflict settings. Real-life case studies will be incorporated to illustrate practical obstacles and highlight international efforts

both successful and inadequate in addressing the destruction of cultural heritage during armed conflict.

Structure of the study:

The structure of this study is segmented into three primary sections

- The Conceptual Framework of Immovable Cultural Property and Armed Conflicts
- Mechanisms for Protecting Immovable Cultural Property During Armed Conflicts.
- Challenges and solution.

1. The Conceptual Framework of Immovable Cultural Property and Armed Conflicts:

The safeguarding of cultural property during armed conflicts is a fundamental aspect of international law, with ethical, legal, and practical complexities. Augmented strategies based on historical examples seek to promote not only the preservation but also a comprehensive understanding of cultural property as an essential element of shared human legacy, warranting conservation and reverence even in the turmoil of conflict.

1.1 Legal Definition of Immovable Cultural Property:

In international legal discourse, “Immovable Cultural Property” refers to those non-movable assets that bear exceptional value for the heritage of peoples. This category includes fixed monuments, architectural landmarks, archaeological sites, and urban ensembles of historical or artistic significance. The definition is grounded in several international treaties:

1.1.1 Hague Convention for the Protection of Cultural Property 1954:

Article 1 explicitly provides that cultural property regardless of origin or ownership, comprises movable or immovable property of great importance to the cultural heritage of every people, such as monuments of artistic or historic interest, whether religious or secular, archaeological sites, and groups of buildings which, as a whole, are of historical or artistic interest (International Committee of the Red Cross, 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict,).

The Convention further includes buildings specifically devoted to preserving or exhibiting such property, museums, libraries, and repositories for safekeeping during armed conflict (UNESCO, Convention for the Protection of Cultural Property in the Event of Armed Conflict, Regulations for the Execution of the Convention.).

1.1.2. Second Protocol to the 1954 Hague Convention (1999):

This Protocol introduces the notion of Enhanced Protection for the most significant cultural property of humanity, requiring immovable cultural sites to

be safeguarded by stringent national laws and guaranteed against military use to qualify (Blue Shield International, “Armed Conflict Protocols,” The Blue Shield Law Library.).

1.1.3. 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property:

Defines "cultural property" as “property that, for religious or secular reasons, is of importance to archaeology, prehistory, history, literature, art or science; such property includes archaeological artifacts, or parts of monuments that have been detached (American Institute of Archaeology, “CPAC Overview,” Site Preservation Resources.).

1.1.4. 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects:

Although focused on movable “cultural objects,” it clarifies that “cultural objects” include those of archaeological, historical, literary, artistic or scientific interest, including immovable archaeological sites that have been legally or illegally excavated or discovered (UNIDROIT, Convention on Stolen or Illegally Exported Cultural Objects (1995), Article 2.).

1.1.5. EU Regulation 2019/880 on the Introduction and the Import of Cultural Goods

In the European context, “cultural goods” encompass “any item of archaeological, prehistoric, historical, literary, artistic or scientific importance, including architectural formations and fixed archaeological sites listed in the Annex (European Union, Regulation (EU) 2019/880 on the Introduction and the Import of Cultural Goods, Article 2.).

1.2 Definition of international armed conflict:

International conflict is defined as the use of armed force by at least two warring parties, one of which must be a regular army, and it occurs outside the borders of one of these parties. It usually begins with a declaration and stops for field or strategic reasons, ending either with surrender or a peace agreement. It can also be defined as a conflict involving parties from states that are members of the international community, occurring outside the borders of these states. The Hague Convention concerning the Laws and Customs of War on Land of 1907 and Article 13 of the First Geneva Convention of 1949 define the parties to international armed conflict. Since international humanitarian law for armed conflicts, including the laws and customs of war in the Hague Regulations of 1907, is applicable in all cases of war subject to the traditional laws of war, it also applies in all cases of armed conflict not accompanied by any declaration of war. The latter will produce the same effects as those that would have resulted from a declared war according to its formal concept in the Hague Convention. Since humanitarian law does not require any formal element for the existence of a state of war, its application does not depend on any specific and generally agreed-upon substantive element as a necessary condition for the existence of an

international armed conflict, as such an element is practically unavailable. This was confirmed by the International Criminal Tribunal for the former Yugoslavia in its case that there is an international armed conflict when armed forces are used between states (Al-Anbak, 2010, p. 186). International humanitarian law, as published by Dar Al-Wael for Publishing in 2010, page 186, applies in all cases of war that were subject to the traditional laws of war, as well as in all cases of armed conflicts not accompanied by any declaration of war. The latter will produce the same effects that would have resulted from a declared war according to its formal concept in the Hague Convention. Since humanitarian law is devoid of any formal requirement related to the existence of a state of war, its application does not depend on any specific and generally agreed-upon substantive element as a necessary condition for the existence of an international armed conflict. Such an element is practically unavailable, which may be confirmed by the decision of the International Criminal Tribunal for the former Yugoslavia in its case that there is an international armed conflict when armed forces are used between states.

1.3 Types of Immovable Cultural Property:

The phrase "immovable cultural property" refers to a wide array of important structures and locations that represent the cultural history of communities and nations. Immovable cultural property can be categorized into several types; monuments, archeological sites, and Architectural Heritage

1.3.1 Monuments:

Article 1(a) of the 1954 Hague Convention defines cultural property to include "immovable property of great importance to the cultural heritage of every people, such as monuments of artistic or historic interest, whether religious or secular." (International Committee of the Red Cross, 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, Article 1(a–c). ICRC IHL Database) Monuments are culturally significant buildings, often protected by a group of buildings, such as Historic Towns churches, fortifications, or hill cities. They must be immobile but may include a designated surrounding. It can be simple or complex, and their form and content can vary. They can be in ruins or collapsed, and may represent a larger area (fabris, 2015, p. 278), such as settlements or city walls. Monuments can be in different locations or have the same building material (Al-Fawaier, 2019, p. 42).

1.3.2. Archaeological Sites:

The same article 01 expressly lists "archaeological sites" among the categories of immovable cultural property covered by the Convention (Satouteh, 2023, p. 1278). Archaeological sites are grounds that must be prepared properly, so they are accessible for the examination by experts. The excavations must be exhaustively documented in writing and graphically (SiehrG.Kurt, 2014, pp. 267-279). Archaeological sites require proper preparation and documentation to ensure their accessibility for expert examination. They are classified into

immovable, regularly constructed places like temples and palaces, less regularly constructed places like unhewn rock niches, open sacred deposits, and deposits discovered only when seeking them. Holders of archaeological sites have powers over inspection, preservation, exhumation, and use rights. Secret collections are the property of holders with dominion titles but subject to custodial rights by the states. In times of armed conflicts, archaeological sites become vulnerable to damage and destruction, raising concerns about the loss of global cultural heritage. International laws, such as the 1954 Hague Convention, emphasize the importance of protecting archaeological sites.

1.3.3. Architectural Heritage:

Immovable cultural heritage comprises the cultural property consisting of immovable objects, such as buildings, engineering works, monuments, and archaeological sites. Historically, this property primarily falls under the jurisdiction of the state where it is located. Thus, each state party is responsible for preventing any harm to or deterioration in the effective preservation of immovable property situated under its jurisdiction. Armed conflicts are generally prepared for a long time; thus, it is the discretion and responsibility of a party preparing for war to act and make decisions to avoid damage to immovable cultural heritage (Al-Rahafneh, 2012, p. 61).

1.4 Risks Threatening Immovable Cultural Property:

The risks to fixed cultural heritage during armed conflict are complex and intricately connected to the dynamics of combat, ideology, and policy.

1.4.1. Direct Attacks

The 1954 Hague Convention includes both general principles and specific prohibitions with respect to the protection of cultural property during armed conflict.

Civilian infrastructure, including heritage sites, often suffers extensive damage during hostilities. In the Gaza Strip, UNESCO verified damage to 102 cultural sites—13 religious sites, 69 historic buildings, and several monuments and museums—as of April 8, 2025 (UNESCO Gaza Strip: Preliminary damage assessment (remote sensing, 9 Apr 2025):) , since the conflict escalated on October 7, 2023 .Similarly, UNESCO has confirmed damage to 485 cultural sites in Ukraine —comprising religious buildings, historic structures, museums, libraries, and archaeological sites—since February 24, 2022 (UNESCO “Damaged cultural sites in Ukraine verified by UNESCO”) . General principles include those of respect, such as the prohibition of direct attacks on cultural property or its use for military purposes. There is a wide difference between what these prohibitions require and what may sometimes be claimed by those who deliberately disregard the treaties. As set forth in the first limb of Article 4(1), it is a matter of treacherous difficulty to determine what is a military objective. . The most clear-cut cases are provided in the first paragraph of Article 51 of Additional Protocol I, where

general prohibitions are construed in terms that could hardly be better chosen to reflect the universal and inveterate custom sworn to be respected by all combatants. Demolishing an impregnable building that is a national monument would be grossly indefensible and constitute a clear example of a war crime.

1.4.2. deliberate destruction:

The intentional destruction of immovable cultural property during armed conflict has emerged as a prominent issue, especially in recent conflicts where have specifically aimed at cultural heritage sites . Although international law possesses established mechanisms for safeguarding cultural property during conflict, the practical enforcement of these principles frequently diminishes under the strains of contemporary combat. The aspiration to safeguard cultural property originated has evolved considerably through instruments like the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Additional Protocols, which enhance the responsibilities for the protection of cultural sites. Nonetheless, a contradiction emerges in modern wars as the characteristics of warfare have intensified threats to cultural property (Khaled Hassani, 2013, p. 28). The 2014 devastation in Syria exemplifies that, without international legal safeguards, the historical and symbolic significance of cultural property may be become collateral damage in violent conflicts. This persistent issue requires a reassessment of existing protective measures and their efficacy in reducing hazards linked to contemporary conflict situations (ICC Judgment in Al Mahdi case (first conviction for cultural heritage destruction)). A coherent international response is essential that recognizes the significance of cultural heritage and actively implements existing legal frameworks to protect these irreplaceable treasures for future generations.

1.4.3. Looting and Trafficking:

The disregard and plundering of immovable cultural assets during armed conflicts pose substantial risks to the conservation of national heritage and identity. Such activities frequently arise not just from the turmoil intrinsic to war but also from the methodical disintegration of cultural institutions, resulting in a vacuum that facilitates criminal activities. In times of conflict, armed organizations may prioritize immediate benefits over the preservation of cultural heritage, abusing circumstances to participate in looting, leading to the destruction and illicit trafficking of cultural artifacts. Legislation and international accords are essential in alleviating the effects of neglect and plunder. The UNESCO Convention on the Means of Prohibiting the Illicit Import, Export, and Transfer of Ownership of Cultural Property is a fundamental agreement that enables nations to return stolen antiquities and set standards for cultural preservation. Moreover, good post-conflict peace accords can mitigate the cultural consequences of war (The Guardian: “New images reveal extent of looting at Sudan’s national museum”).

To enhance specialized accountability, nations are progressively establishing frameworks that govern antiquities exchanges.

2.Mechanisms for Protecting Immovable Cultural Property During Armed Conflicts.

The legal framework safeguarding immovable cultural property during armed conflict is primarily defined by a series of international agreements, including the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and their two protocols, UNESCO Agreements and Protocols, International Humanitarian Law, and The Role of Governmental Organizations in Protection Mechanisms International.

2.1.Legal frame of international protection:

The protection of immovable cultural property during armed conflict has a long history. Cultural property is intentionally destroyed to obliterate the cultural reference point of an entire group or an alien nation.

2.1.1 The Hague Convention of 1954 and their two protocols:

On May 14, 1954, the Hague Convention for the Protection of Cultural Property in the event of armed conflict was adopted by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Hague. It was the first international treaty solely devoted to the preservation of cultural property. The Convention's aim was to leave no further chance for the large-scale destruction, pillage and spoliation of cultural property during another needless war. The Convention, which aimed to create a system for the international protection of cultural property in armed conflict, came into force on August 7, 1956. It contained 29 articles divided into two sections dealing with the implementation of the Convention and measures for its completion. . The 1954 Hague Convention aims to protect immovable and movable cultural property during armed conflict by condemning their theft, pillage, or unlawful appropriation by the occupier. Under Article 9, states may ratify the protocols while either entirely or proportionately with the First Protocol. Desiring to reaffirm the obligations of the State Parties to the 1954 Hague Convention and its two complementary protocols , The Second Protocol comprises critical stipulations that enhance safeguards for cultural property amid armed conflict. Article 6 establishes limitations on the application of a military necessity (Yahya, 2010, pp. 32-33) waiver regarding the responsibilities specified in Article 4. It specifically restricts such waivers to instances where cultural property has been explicitly classified as a military goal or subsequent to definitive parliamentary action must consider that the aforementioned possibility for limited cases of armed humanitarian intervention must be rigorously delineated and complemented by discretely-punishing international laws enforced by humanitarian interventionist State Parties (Ismail, 2016, pp. 60-

61). Each contracting party commits to the safeguarding of cultural property within its own territory and to respect the cultural property of other parties. The international legal framework for the protection of immovable cultural property The 1954 Hague Convention stipulates three levels of protection:

- General protection: It applies to all cultural properties without exception, and requires avoiding their use for military purposes or targeting them (Jbabla, 2019, p. 663).
- Special protection: Granted to properties of exceptional importance (such as historical cities listed on the UNESCO World Heritage List), requiring states to designate them and refrain from using them in conflict (Asmouni, p. 99).
- Enhanced protection was added through the Second Protocol (1999), and it includes strict protection for properties listed on the "International List," with penalties imposed for violations.

Mechanisms for implementing the agreement

Preventive measures:

- Countries are committed to developing emergency plans to protect cultural property, such as creating safe shelters for movable cultural heritage.

- Training military forces to respect the rules of international humanitarian law related to culture. Training military forces to respect international humanitarian law related to culture

2.1.2 UNESCO Agreements and Protocols

The global legal framework for safeguarding immovable cultural property during armed conflict is chiefly regulated by the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its related protocols. This Convention, seen as a major development in the conservation of cultural heritage, mandates state parties to preserve cultural property within their jurisdictions during armed conflicts (Warner, 2016). Article 9 of the Convention permits parties to ratify the First Protocol while designating specific sections as non-binding, thereby raising questions about the commitment of nations to comprehensive cultural protection during wartime. The importance of this legal instrument is shown by Syria's active involvement in the treaty discussions that resulted in the Second Protocol, which sought to improve the protection of cultural heritage during armed conflicts. The Second Protocol comprises critical stipulations that enhance safeguards for cultural property amid armed conflict. Article 6 establishes limitations on the application of a military necessity waiver regarding the responsibilities specified in Article 4. It specifically restricts such waivers to instances where cultural property has been explicitly classified as a military goal or subsequent to definitive parliamentary action. Article 5 outlines extensive measures required for the protection of cultural property, including the creation of inventories, the formulation of emergency plans to address threats such as fire or structural damage, and the appropriate removal or in situ safeguarding of movable cultural assets. Establishing capable authorities tasked with enforcing these protective measures is a vital component of the protocol, underscoring the recognition that efficient management and proactive safeguarding are essential for the

preservation of immovable cultural heritage amid armed conflict. This framework reflects advancements in the worldwide legal protection of cultural property while simultaneously underscoring the persistent difficulty in enforcing and complying with these norms amidst continuous conflicts, notably in areas such as Syria.

2.1.3. International Humanitarian Law :

International Humanitarian Law (IHL) is essential for safeguarding immovable cultural property in times of armed conflict and The International Committee of the Red Cross (ICRC) has emphasized that these conflicts involve deliberate assaults on civilians and the systematic obliteration of cultural assets, (Arimatsu& Choudhury, 2015). International Humanitarian Law (IHL), specifically Common Article 3 of the 1949 Geneva Conventions, imposes a fundamental obligation to safeguard cultural property, intending to reduce the devastation frequently observed in non-international armed conflicts (NIAC). Nonetheless, notwithstanding the established standards, the application of International Humanitarian Law to cultural property is laden with complications (Roger O'Keefe, 2017, p. 21) . Legal gaps, especially in Article 19 of the Convention, result in disputes among experts over the scope of responsibilities imposed on non-State actors. This indicates a widespread hesitance among States to submit domestic conflicts to international oversight, leading to deficiencies in effective protective measures for cultural property. Thus, although International Humanitarian Law offers a protective framework, the intricacies of law enforcement and adherence highlight the difficulties encountered in safeguarding cultural assets amid the turmoil of armed war. Resolving these legal ambiguities may necessitate a reassessment of the current frameworks to guarantee the protection of the cultural identities and histories embodied by these properties from the devastations of war.

2.2. The Role of Governmental Organizations in Protection Mechanisms International:

The maintenance of peace and security is a fundamental goal of the United Nations as stated in its Charter of 1945. To achieve this goal, several organizations have been set up under the authority of the UN in order to assist in the prevention, management or resolution of conflicts.

2.2.1.UNESCO

The Organization UNESCO emerged in 1946 in New York and was created in Paris on 16 November 1945 with the adoption of its constitution. protection, leading to the Convention for the Protection of Cultural Property in the Event of Armed Conflict, adopted at The Hague in 1954. The global legal framework for safeguarding immovable cultural property during armed conflict (Enhanced protection: Cultural properties of utmost importance to humanity, cultural heritage, and armed conflicts , 2025)is chiefly regulated by the 1954 Hague Convention for the Protection of Cultural Property

in the Event of Armed Conflict and its related protocols. This Convention, seen as a major development in the conservation of cultural heritage, mandates state parties to preserve cultural property within their jurisdictions during armed conflicts. Article 9 of the Convention permits parties to ratify the First Protocol while designating specific sections as non-binding, thereby raising questions about the commitment of nations to comprehensive cultural protection during wartime. The importance of this legal instrument is shown by Syria's active involvement in the treaty discussions that resulted in the Second Protocol, which sought to improve the protection of cultural heritage during armed conflicts. The Second Protocol comprises critical stipulations that enhance safeguards for cultural property amid armed conflict. Article 6 establishes limitations on the application of a military necessity waiver regarding the responsibilities specified in Article 4. It specifically restricts such waivers to instances where cultural property has been explicitly classified as a military goal or subsequent to definitive parliamentary action. Article 5 outlines extensive measures required for the protection of cultural property, including the creation of inventories, the formulation of emergency plans to address threats such as fire or structural damage, and the appropriate removal or in situ safeguarding of movable cultural assets. Establishing capable authorities tasked with enforcing these protective measures is a vital component of the protocol, underscoring the recognition that efficient management and proactive safeguarding are essential for the preservation of immovable cultural heritage amid armed conflict. This framework reflects advancements in the worldwide legal protection of cultural property while simultaneously underscoring the persistent difficulty in enforcing and complying with these norms amidst continuous conflicts, notably in areas such as Syria.

- **The function of UNESCO:**

UNESCO is essential in safeguarding real estate cultural properties during military conflicts since its goal is to increase worldwide awareness of the need of conserving shared cultural legacy. UNESCO's policies are founded on a series of international treaties and norms meant to guarantee the safeguarding of cultural legacy from looting and devastation. Among the most remarkable of these treaties is the 1954 Hague Convention, which created a legal framework including the responsibilities of state parties to safeguard cultural assets during military conflicts. UNESCO aims to improve international collaboration to monitor and respect these responsibilities by means of its several initiatives, as well as to offer technical and moral support to nations under danger to their cultural legacy.

- **The International Committee for the Protection of Cultural Property in the Event of Armed Conflict, connected to UNESCO:**

With an eye toward crisis zones, this group coordinates worldwide activities in the domain of cultural property protection; thus, it performs a vital supplementary function. Through initiatives meant to record damage to cultural

landmarks and create rebuilding plans, the committee assesses the present state and offers required recommendations to impacted nations and communities. The committee's efficacy in offering specialized support and raising awareness on how to handle heritage-related crises is further improved by its extensive network of alliances with non-governmental groups and professionals in archaeology and heritage (Samia Beljraf, 2020, pp. 98-99). UNESCO and the Protection Committee help to build a legislative and promotional environment stressing the need of respecting cultural legacy, not only as a civilizational legacy but also as a basic human right that countries work to protect in vital times. Reflecting the great importance of cultural assets as emblems of identity and citizenship and as tools to promote mutual understanding among peoples, this dedication is seen as part of attaining sustainable peace and creating communities that coexist peacefully after conflicts.

2.2.2. International Criminal Court

The International Criminal Court (ICC) plays a central role in safeguarding immovable cultural property during armed conflicts by criminalizing deliberate attacks against such property as war crimes (Al-Khair, 2021, p. 14)

prosecuting responsible individuals, supporting documentation and reconstruction efforts, and deterring future violations through public rulings and policies. Under the Rome Statute, Articles 8(2)(b)(ix) and 8(2)(e)(iv) explicitly prohibit intentional attacks against buildings dedicated to religion, education, art, or historic monuments, applying in both international and non-international armed conflicts (Rome Statute of the International Criminal Court, Arts. 8(2)(b)(ix), 8(2)(e)(iv)). The ICC's jurisdiction, established by Article 5 of the Statute, encompasses war crimes, and Article 21 mandates the application of relevant treaties such as the 1954 Hague Convention for the Protection of Cultural Property . Practically, the landmark conviction of Ahmad Al Faqi Al Mahdi in September 2016 for the destruction of historic and religious sites in Timbuktu was the first international ruling of its kind (<https://www.icc-cpi.int/court-record/icc-01/12-01/15-171>). Subsequent reparations orders via the ICC Trust Fund for Victims have funded collective reconstruction projects in Mali (Bara, pp. 55-82), illustrating the Court's remedial role (<https://www.icc-cpi.int/sites/default/files/itemsDocuments/20210614-otp-policy-cultural-heritage-eng.pdf>). In June 2021, the Office of the Prosecutor issued a dedicated Policy on Cultural Heritage to guide investigations and emphasize technical documentation, further strengthening the ICC's deterrent and protective mechanisms . Public statements, notably by Prosecutor Fatou Bensouda after her April 2021 visit to Mali (Statement by Prosecutor Fatou Bensouda at the conclusion of her visit to Mali, ICC News, 7 April 2021), have reinforced the message that attacks on cultural heritage constitute serious international crimes requiring accountability (In October 2024, the ICC Trust Fund for Victims

delivered collective reparations to the Timbuktu community, funding the restoration of destroyed heritage sites and reconstruction of mausoleums, marking a significant step in implementing judicially ordered).

2.2.3. Red Cross

The ICRC aids in the protection of immovable cultural property during armed conflicts by adhering to the 1954 Hague Convention and customary international law (Under Rule 38 of the ICRC's Customary IHL Database, all parties must avoid directing attacks against cultural property unless imperatively required by military necessity, making deliberate attacks "war crimes" under customary law); developing operational resources (military guidelines, digital mapping, training programs); providing legal and technical advisory services; collaborating with UNESCO (UNESCO's Civil Military Alliance further fosters cooperation between cultural and defense stakeholders to respect these rules in both peacetime and conflict.), ICCROM (ICCROM's publication *Protecting Cultural Heritage in Times of Conflict*—drawing on case studies and first aid methodologies—complements ICRC legal guidance with conservation focused best practices. ICRC, "Cultural property", ICRC Law & Policy Platform. Ret),- The function of the International Committee of the Red Cross and its operational policies Striving to set unambiguous policies meant to reduce the harm done on cultural real estate during armed situations, the International Committee of the Red Cross (ICRC) has been instrumental in its protection (Rahim, 2023, p. 626). Promoted by the committee, international humanitarian law is a basic legal framework forbidding the targeting of cultural assets, including historical and architectural landmarks, particularly in times of crisis. The committee aims to guarantee adherence to the laws and increase awareness among the relevant parties about their duties toward cultural properties by means of its active involvement with governments and warring factions. Reflecting its primary aims, the committee's approach is founded on basic humanitarian values that lie in safeguarding human legacy and preserving the dignity of people.

The council also offers authorities and civil society groups pragmatic advice on how to safeguard cultural property in wartime. Published papers and directives are powerful tools derived from historical case studies that enable combatants to grasp the laws governing the preservation of cultural legacy. These recommendations help to increase awareness of sound practices in protecting cultural sites and lowering possible hazards, hence supporting the development of assessment systems spotting issues early. The committee's activity also involves planning seminars and workshops meant to improve communication channels between local communities and government agencies. This component of the job shows the need of international and local collaboration in preserving cultural assets since interested parties have to act ethically and cooperatively to conserve this legacy. These projects are included in a thorough plan the committee has implemented to increase public knowledge of the significance of cultural legacy as a vital component of human

identity, therefore enabling future generations to discover their past and cultures in evolving conditions.

2.3.The role of non-governmental organizations:

In the setting of armed wars, non-governmental organizations help to safeguard cultural real estate properties quite well:

2.3.1- Alliances Civil-Military of UNESCO:

Armed conflicts highlight the need of civil society as a key partner in safeguarding cultural legacy sites. The idea of cooperation between civil society and military organizations is a straightforward illustration of how different players cooperate to improve the safeguarding of this vital legacy (UNESCO, “Cultural Heritage and Armed Conflicts,” UNESCO). Focusing on developing efficient plans to safeguard historical sites and cultural legacy from harm and destruction, the "UNESCO Civil-Military Alliance" is a cooperative interface between military units and non-governmental groups. These alliances are realized in advance by means of knowledge and experience exchange, resource pooling, and operational planning guaranteeing a quick and efficient reaction in crisis situations (UNESCO, “Civil–Military Alliance for the Protection of Cultural Property,” UNESCO).

Raising awareness among local populations and the international world regarding the protection of cultural properties is significantly facilitated by non-governmental organizations (NGOs). They also act as dependable sources of information when violations occur. By working closely with military organizations, these groups can help to create response strategies compatible with international legal frameworks as the 1954 Hague Conventions, which offer a legal foundation for the safeguarding of cultural assets during wars. Civil society can therefore shape policies and carry out required actions to stop the deliberate or unintentional loss of cultural legacy.

One useful way to apply this cooperation is to create mixed field teams of military troops and cultural heritage specialists, so guaranteeing a common and efficient vision in protection and response operations. This collaboration boosts the effectiveness of military operations in emergencies and adds to creating confidence between local populations and military troops (UNESCO, “UNESCO Civil–Military Alliance Forum for the Protection of Cultural Property,” UNESCO.); making it a sustainable long-term approach to protecting cultural properties. Thus, even in the most trying circumstances, all parties should intensify these alliances and broaden collaboration to guarantee the preservation of cultural legacy for future generations.

2.3.2.The Training and Awareness Role of the International Blue Shield Movement

Improving this initiative is mostly done by the International Blue Shield Movement (Blue Shield International, “International Training,” The Blue Shield). Founded in reaction to the need of safeguarding cultural legacy,

especially in times of crisis, for example in Syria (ICRC Casebook, "Syria: Destruction of Cultural Heritage").

the movement emphasizes the need of international awareness and educate people and communities on how to combat the dangers confronting cultural legacy. By means of organizing workshops and training courses emphasizing legal protection systems, the movement seeks to create awareness strategies suited to the reality of each area. It also offers case studies and displays images of the dangers cultural assets could encounter in wars (Lebanese Army, "درع أزرق لحماية التراث الثقافي في لبنان", Lebanese Army (2018)).

The International Blue Shield's initiatives go beyond simple legal protection to include constructing and restoring local communities equipped to preserve their legacy. The movement develops educational initiatives meant to foster a wide culture of awareness on the need of heritage preservation by means of alliances with colleges and cultural organizations. These projects help the next generation understand the significance of cultural legacy depending on their particular experiences, hence helping to form principles of cultural and identity protection (Blue Shield International, "Blue Shield Leads With Humanitarian Cultural Heritage Protection Course," The Blue Shield (2023)). The movement also helps to promote global collaboration since it interacts with other local and worldwide groups to exchange knowledge and skills, hence playing a major role in building a network of cultural heritage defenders. These interactive events have helped the campaign to noticeably affect populations most vulnerable to armed conflict. Local communities' reactions to pleas for protection and the encouragement of a balance between sustainable development and cultural legacy preservation make this clear. The enduring and worldwide commitment of the International Blue Shield movement is a model to be followed in initiatives to save immovable cultural assets, reflecting an unmatched commitment to preserving mankind's legacy in times of crises. These interactive events have helped the campaign to noticeably affect populations most vulnerable to armed conflict. Local communities' reactions to calls for protection and the push for a balance between sustainable development and the preservation of cultural legacy show this clearly. The sustainable and worldwide commitment of the International Blue Shield movement shows an unmatched will to preserve humanity's legacy in crises, hence representing a model to be copied in initiatives to safeguard immovable cultural assets.

3.Challenges and solution:

The infringement upon immovable cultural property during armed conflicts poses a serious threat to the shared human heritage, Solutions lie in strengthening the international legal framework and enhancing cooperation between states and relevant organizations to ensure the effective protection.

3.1.Challenges Facing the Implementation of Protective Measures:

The 1954 Hague Convention member states' participation rate exceeds that of most other modern treaties, but compliance with the treaty's protections has not followed. The Convention includes a provision allowing a state party to take action in "grave breaches" of its protections, which is partly attributable to imprecise definitions of "military necessity", "grave breach", and "conflict of a non-international character". One solution is to amend the Hague Convention with an expansive definition of military necessity and clearly specified sanctions, which may bolster lower-protection logic applicable to cultural property.

3.1.1.the absence of political will of states:

The insufficient incorporation of the 1954 Hague Convention and the 1999 Second Protocol into the domestic legislation of contracting states has persistently hindered their efficacy. A number of states who are signatories to the 1954 Hague Convention and the 1999 Second Protocol have yet to incorporate these treaties into their national legislation. Furthermore, Only 90 states have ratified the 1999 Second Protocol to the 1954 Hague Convention, out of 136 that have acceded as of April 2025 (UNESCO, Fund for the Protection of Cultural Property in the Event of Armed Conflict, April 2025.). This shows that more than half of the world's states are still reluctant to commit to additional heritage protection measures. Poor Domestic Execution, Many States neglect to implement the Convention's recommended preventive measures, such as designating protected sites with the Blue Shield emblem (Blue Shield International, 2024. Emphasizes training and partnership models for military compliance with heritage protection norms), making them susceptible to attacks and Absence of political pressure Cultural heritage frequently remains a low priority in national security agendas, as evidenced by the continued resistance to ratification despite UNESCO's calls on the 70th anniversary of the Hague Convention (UNESCO, Cultural heritage and armed conflicts.) .

3.1.2.Ecological Influences:

Cultural property is closely linked to its environment, and combat operations can lead to environmental degradation, compromising the structural integrity of these sites. The concept of "military necessity" in legal documents can restrict the protection of cultural properties, especially when environmental elements increase the risk of damage (Harvard International Law Journal, Cultural Heritage Protection in the Age of Climate Change, April 2025). Balancing military necessity with the need to safeguard cultural assets is crucial, especially in escalating armed conflicts. To mitigate these impacts, incorporating environmental evaluations into tactical planning and operational plans during armed conflicts is essential. This approach can improve the conservation of monuments essential to national and global identity, while also addressing the interdependence between environmental sustainability and cultural heritage preservation (UNESCO, UNESCO highlights climate impact

on cultural heritage.). Balancing these considerations is crucial for a more holistic approach to cultural property protection.

3.1.3.Funding Shortfalls

Reliance on Voluntary Contributions: The International Fund for Cultural Property Protection depends on irregular voluntary donations, resulting in slow and insufficient emergency responses .**Limited Budgets:** The World Heritage Fund's total budget for 2024–2025 is USD 5.8 million, with only USD 0.4 million allocated for urgent aid an amount grossly inadequate compared to the tens of millions often required to secure and stabilize endangered sites .**Fragmented Funding Streams:** Multiple UNESCO and multi-donor funds (e.g., for natural disasters or intangible heritage) dilute resources, leaving immovable cultural property protection underfunded (UNESCO, World Heritage Fund (2024–2025).)

3.2.Proposed Solutions to Institutionalize Legal Protections:

To solve the problems,there are some solutions.

3.2.1.Use of Drones and Remote Sensing:

Drones and other remote sensing technologies can be extremely useful in inventorying, monitoring, and documenting change for sites of cultural heritage before, during, and after armed conflict (Maamache, 2022, p. 74), especially in areas where there is little or no access due to active hostilities Drones are extremely versatile and can be used vigilantly for many different purposes. This technology can discover new sites and observe how sites are beginning to change. Though drone imagery and the process of creating an orthomosaic can be considerably simple in post-conflict areas, before and during hostilities there can be various issues that arise. In some conflict areas there is no access to drone technology. However, there is the possibility of high-resolution optical and synthetic aperture radar (SAR) satellite imagery which can also yield fantastic results at a larger scale even if they tend to be more expensive and far more complicated to process (UNITAR & UNESCO, 2024. A landmark report using satellite imagery to assess damage at 518 sites in Aleppo, funded by Norway and the UNESCO Heritage Emergency Fund).

3.2.2.Digital Preservation Techniques:

Documenting and protecting cultural heritage is an inevitable task for any nation regardless of its level of socioeconomic development. . Inventorying or documenting a heritage property is the first step in protecting it ,Countries need to be aware of the benefits of documenting heritage properties. An effective inventory provides a clear definition of every heritage property and documented evidence will be a vital reference during the war. Cultural records about the site and services, the objects, intangible values, and impacts need to be recorded as well. Inventorying requires proper software applications. There are some proprietary software packages available for heritage inventorying. However, there are no well-defined systems for properly managing the metadata

that accompanies digital preservation data. Because non-standardized and poorly developed data management systems cannot support long-term preservation (UNITAR-UNOSAT & UNESCO, February 2025. Reports on face-to-face training for satellite-based damage assessment and geospatial monitoring).

3.2.3.Strengthening International Legal Frameworks

According to the 1999 Second Protocol to the Hague Convention, attacks on "cultural property of the greatest importance to humanity" are only permitted in the most extreme circumstances of military necessity. Article 10 requires States Parties to take legislative and administrative measures to ensure the highest level of protection, including refraining from using such areas for military purposes (Guidelines for the Implementation of the 1999 Second Protocol). The Protocol requires States to enact penal laws to hold violators accountable and lists five "serious violations," including intentional attacks, looting, and military use of protected property. UNESCO and the International Institute of Humanitarian Law have published a military guide that describes how armed forces should follow Protocol II obligations in planning and operations.

Examples of institutional and financial mechanisms that are strengthened are the Protection Fund and the World Heritage Fund (UNESCO, Last update 2 April 2025. Details the mandate, funding criteria, and application procedures of the Fund established by Art. 29 of the 1999 Protocol). The Protection Fund provides financial and technical support for emergency and preventive measures during armed conflicts, while the World Heritage Fund has a budget of USD 5.8 million for 2024–2025, which includes USD 0.4 million for emergency assistance (UNESCO, 2024. Outlines the USD 5.8 million budget for global heritage conservation, including USD 0.4 million for emergencies) Two groups that offer emergency funding and partnerships are Blue Shield International and ALIPH (International Alliance for the Protection of Heritage in Conflict Areas).

Conclusion:

In conclusion, our analysis confirms that safeguarding immovable cultural property during armed conflicts is both a humanitarian and legal imperative to preserve world heritage. International legal frameworks, like the 1954 Hague Convention, its 1999 Second Protocol, International Humanitarian Law (IHL), and UNESCO treaties, have demonstrated efficacy in creating a normative basis for protection. Nonetheless, practical implementation encounters considerable problems, exacerbated by increasing dangers that introduce new obstacles, hence requiring robust methods to enhance enforcement. The results are:

- Immovable cultural property is varied and encounters several threats.
- A disparity exists between legal stipulations and actual conditions.

Notwithstanding progress in legislative frameworks, UNESCO assessments reveal that many immovable cultural property monuments have sustained significant damage due to the lack of efficient enforcement measures.

- Both governmental and non-governmental organizations are essential in

protecting immovable cultural property during armed situations.
- The inadequate coordination among international organizations, along with the insufficient legal authority and funding of non-governmental groups, hampers protection initiatives.

- Implementation deficiencies arise from a lack of political will and inadequate national ratification of international treaties.

at the end we can give this Suggestions:

-Update all antiquarian laws for broader international applicability, providing internationally applicable definitions for “military necessity” and “insecurity”. Create a one-stop cultural-property treaty and a sustainable duty-to-protect law, and limit denials and exemptions to this law.

- Create starting incentives for agent States to protect cultural property; create international agents for protection; address enforcement deficiencies of reports and criticisms; implement existing cooperative-assistance laws

- Enhance Compliance; Encourage non-signatory governments to ratify international protection conventions (e.g., the 1954 Hague Convention and its Protocols) and bolster these accords by national legislation that penalizes the destruction of immovable cultural property during armed conflicts.

- Strengthen Accountability; Empower the International Criminal Court (ICC) to prosecute individuals responsible for the destruction of cultural property by bolstering the principle of universal jurisdiction.

- Utilize Technology; Implement a UNESCO-led digital platform that employs artificial intelligence (AI) and high-resolution satellite imagery to proactively monitor and address hazards for improved protection.

- Establish Emergency Funding: Initiate an international emergency fund, collaboratively administered by UNESCO and the World Heritage Fund, to finance prompt interventions, immediate reactions, and thorough post-conflict restoration of impaired cultural monuments.

-increase education and awareness: Engage society and youth about cultural property; better educate front-line Soldiers; and promote treaty and regime awareness for venues and their attendees.

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