Fortification of the International Defense of Cultural Property Trapped In Areas of Armed Conflict

Marissa E. Higgins  
*University of Maine - Main, marissa.higgins@maine.edu*

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FORTIFICATION OF THE INTERNATIONAL DEFENSE OF CULTURAL
PROPERTY TRAPPED IN AREAS OF ARMED CONFLICT

By

Marisa E. Higgins

A Thesis Submitted in Partial Fulfillment
Of the Requirements for a Degree with Honors
(Anthropology)

The Honors College
University of Maine
May, 2015

Advisory Committee:
Dr. Darren J. Ranco, Associate Professor of Anthropology, Coordinator of Native American Research, Thesis Advisor
Dr. Cindy Isenhour, Assistant Professor of Anthropology, Academic Advisor
Dr. Dan Sandweiss, Professor of Anthropology and Quaternary & Climate Studies
Dr. Paul “Jim” Roscoe, Professor of Anthropology, Cooperating Professor Climate Change Institute and School of Policy & International Affairs
Dr. Mark Haggerty, Rezendes Professor of Civic Engagement, Honors College
ABSTRACT

This thesis examines the state of cultural-property protection during armed conflict. Following a description of the ethical impositions and international background of the concept, theoretical expectations of cultural-property protection in present-day armed conflicts are compiled through the comparison of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and the 1972 UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage. These two conventions were chosen because of their relevance to the actual application of cultural-property protection during armed conflict, which was established through research into the effects the recent Syrian conflict has had on the area’s local cultural property through the use of media reports. The conclusion is four points in which cultural-property protection during armed conflict could be improved upon; these points suggest improvements to the term “military necessity”, the participation of academics in the military’s cultural property interactions, the use of cultural property lists during conflicts, and the emphasis on universality in promoting cultural property’s importance.
DEDICATION

To my families I am bound to through blood and music.

I hope you all know your support is the foundation for this piece.
ACKNOWLEDGEMENTS

My first thanks goes to Prof. Darren Ranco, who has supported me through this project with ideas for both content and the writing process. His patience seems limitless to me, and it was my pleasure and privilege to have him as my thesis advisor.

I also would like to thank everyone, in addition to Dr. Ranco, who read and commented on this thesis—my committee members, Greg Zaro, and Teresa Higgins. All the mistakes in this presentation are mine, but they did all they could to guarantee those errors were minimal.

My final thanks must go to Catherine West. While she was only my advisor for three semesters, her ethics class inspired all my thesis concepts and her initial support encouraged me to pursue this topic even after she left. This concept has opened my mind to problems and solutions I did not even know needed attention and challenged every skill I thought I had mastered.
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INTRODUCTION

This thesis researched and provisionally evaluated international efforts to protect physical cultural heritage—cultural property—threatened by local armed conflicts. Overall, the research goal was to identify points where improvements to cultural-property protection’s effectiveness could be made. To this end, both theoretical expectations and actual applications of cultural-property protection were analyzed; the former was done by examining two chosen international treaties, and the latter was established by compiling a media-based example of a conflict-torn area with large amounts of cultural property.

LAYOUT

Chapters One and Two are introductory chapters to the concept of cultural-property protection during armed conflict. Chapter One first touches on two possible impositions—the concept of “universal” human rights and concept of archaeology—which sometimes occur during the enforcement of present-day cultural property preservation; then, the chapter transitions to a review of selected journal articles addressing multiple topics about cultural-property preservation and protection. Chapter Two introduces a historical foundation of cultural-property protection during armed conflict through highlights of relevant military laws and international treaties. The laws included in this history are the Instructions for the Government of Armies of the United States in the Field, the 1899 Hague Convention (II) Laws and Customs of War on Land, the 1907 Convention (IX) Bombardment by Naval, and the Treaty between the United States of America and other American Republics [for the] Protection of Artistic and Scientific Institutions and Historic Monuments.
Chapters Three and Four analyze the present-day cultural-property protection available during armed conflict. In Chapter Three, two of present-day’s international treaties—the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and the 1972 UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage—are compared and used to compile main protection elements for the theoretical protection of cultural property. Then, Chapter Four uses the conflict in Syria that began in 2012 as an example of these treaties’ actual application and effectiveness in cultural-property protection during armed conflict.

The conclusion is a list with brief discussions of four points where cultural-property protection during armed conflict could potentially be improved based on my readings into the international treaties, the media about the Syrian conflict, and the scholarly literature about the topic. These points are (1) the more specific definition of the term “military necessity”, (2) the increased participation of academics with the military’s cultural-property protection efforts, (3) the safer distribution of cultural-property lists, and (4) a new equality emphasis for cultural property’s importance vs. the traditional emphasis of its “universality”. While the discussion points are brief, the hope is they will encourage renewed discussion for improved cultural-property protection during armed conflicts.
CHAPTER ONE

CULTURAL PROPERTY: ITS NECESSARY EVILS AND NECESSITY

What are the impositions of cultural property preservation? In the context of this thesis—armed conflict protection—the imposition is generally on the military to spare cultural property, even it is make their goals more challenging to accomplish. For those local to the cultural area, this imposition would be considered an additional one, because cultural property preservation is not always as simple as protecting a national monument with signs and guards. Commonly, there are two impositions cultural property preservation can have on local communities that raise concerns about the ethics of the preservation process, in addition to the imposition protection can have on military forces. These impositions are the imposition of “universal” human rights and the imposition of the concept of archaeology on a diverse world population.

An example of the imposition of “universal” human rights with cultural property preservation is Gillespie’s (2013) work on the Angkor Archaeological Park in Cambodia. In this instance, the “human right to development” was impeded by the obligations of the 1972 World Heritage Convention. According to Gillespie’s study, the park is home to a young population experiencing a “perceived” diminish in the value of their land due to its proximity to the park (3165-3167). According to the UN endorsed “Declaration on the Right to Development” Gillespie cited, development partially consists of “the constant improvement of the well-being of the entire population” (2013: 3161), and the limits on land use to perversive to the park in accordance to the 1972 World Heritage Convention have prevented some development opportunities for the area. While to many, the concept of cultural property preservation is one of many human rights (Bhat 2001), it does not always have universal benefits; as Logan (2007) writes, “The right to culture is limited at
the point at which it infringes on another human right. No right can be used at the expense or destruction of another” (2007: 39—qtd. from Ayton-Shenker).

Moreover, the importance of cultural property, itself, can be questioned when certain cultures have little importance placed in their material heritage. This is where the concept of archaeology can also seem like an imposition to the locals. For example, for Mire’s (2011) work in Somalia, a twenty-year civil war resulted in extensive destruction and looting of the local archaeological record. However, when asked about the destruction, locals said to Mire, “They did not experience this as a loss of heritage, because archaeology was not something they were aware of” (2011: 78). For most in Somalia, their nomadic lifestyles have made most material heritage obsolete to them and local heritage is thought of as a person’s knowledge and experiences rather than their property (Mire 2011: 78). In cases like this, in addition to general protection and preservation, it would likely be difficult to encourage an army to respect the local cultural property when the locals seem to express little interest in it.

With these impositions in mind, however there can still be a place to encourage cultural-property protection, even during armed conflicts. Though to some the protection and preservation is an imposition, the destruction of culture “constitutes human rights violation itself” (Bhat 2001) and the protection of a community’s heritage, in any form, is as equivalent to freedom and life as part of human dignity (Logan 2007: 38; Bhat 2001: 5). Cultural-property protection should not need to be the most important human right for it to be a respected human right, even in times of conflict when so many other human rights are also being violated. As Milligan (2008) writes, “The destruction of cultural property during armed conflict can be considered one manifestation of a policy of
genocide or ethnic cleansing, and a way to dominate over a particular group by eliminating any physical record of their history” (98). Moreover, if some armed forces, such as those fighting in Croatia in the 1990s (Anonymous 1991) and the Taliban in 2001 (Crossette 2001), find it is worthwhile to destroy cultural property, would that not suggest it is especially worthwhile to protect cultural property during conflicts? Successful cultural-property protection during armed conflict has potential if the desire to do so does not overstep the necessity for it to happen. Sokal (2008) wrote, “With such awareness it should be possible to devise effective measures to protect the world's cultural heritage, and to make that heritage widely available to people around the world in a safe and democratic way” (52).

**LITERATURE REVIEW**

As can be suggested the different sources of the above section, cultural-property protection within academic literature has taken many forms across the disciplines of anthropology, archaeology, military critique, art history, and even law; and though my thesis in narrowed to international cultural-property protection during armed conflict the topics presented were still numerous. While some authors such as Boylan (2006) and Colwell-Chanthaphonh and Piper (2001) wrote about the United States’ initial hesitation to ratify a major cultural-property-protection treaty, Rush (2012), Stone (2013a; 2013b), and Cogbill (2008) focused on how the military could be better equipped to carry out this protection. And then there were those, including Sokal (2008), Demoule (2012), Bhat (2001), and Elia (2007), who chose to discuss cultural-property protection in terms of conflict as an example of destruction. With the selection of articles I read for this thesis and the many topics those covered, I have chosen to breakdown the literature into the
groupings and emphases I noticed, though I did find a couple topics were lacking among the authors.

I divided the literature in this selection into two major focuses, general cultural-property protection and cultural-property protection during armed conflicts. The general cultural-property protection group will be discussed as a singular group because it is relatively a small set compared to the armed-conflict literature. As for cultural-property protection during armed conflict group, these will be broken-down into multiple emphases. The first emphasis in the literature is on the 1972 World Heritage Convention, which I have found to be focused on the World Heritage List. The second and third emphases are both for literature about the 1954 Hague Convention, and are divided between either authors who evaluated the 1954 Convention or authors who discussed the ratification of the convention.

**Literature on General Cultural-Property Protection**

Beginning with the concept of cultural property, there are those who have made arguments cultural heritage is not accurately entrapped within physical objects. Handler (2003) suggested, “it is impossible to conserve or ‘authentically’ re-create culture,” (355) and, “a culture does not exist in the real world as a bound entity” (356). This argument, therefore, makes the need for cultural-property protection an unsubstantiated method to preserve culture.

However, the desire to preserve the archaeological record can counter this argument, because the record can possibly contain snap-shots of cultures or a culture’s past that cannot be found in the present. Elia (1997) and Sokal (2008) both discuss the protection of this type of cultural property in terms of looting and the destruction it
causes to the archaeological record. Elia designates looting as one of five major sources of damage to the archaeological record—the others being “environmental forces, development, warfare, [and] vandalism” (1997: 86)—due to the destruction of the archaeological context, which is needed for proper and complete archaeological information. In addition, according to Sokal, “Every time an object is ruthlessly extracted from the ground and separated from its context […] invaluable historical knowledge is irreparably lost” (2008: 36). Handler stressed predecessors’ ideas that, “When people act in the world, they are not simply reproducing culture or structure, they are creating it anew” (2003: 355), and Elia similarly states, “It is that new archaeological sites are being formed every day by the same processes that created sites in the past […] But archaeological resources from past epochs can never be renewed” (1997: 85). Elia does not see culture as a stagnant entity buried in the ground and emphasized that sometimes the only way to access some historic cultures and moments in a culture’s history, is through the cultural property left behind.

**Literature on Cultural-Property Protection during Armed Conflicts**

Though the early focus for cultural-property protection in the world seems to have been on the art stolen by the Nazis, or “high culture” (Handler 2003: 358), most literature suggests the destruction during World War II sparked interest in preserving a broad-spectrum of heritage. In Gerstenblith (2009), Van der (2013), Stone (2013a), Demoule’s (2012), Bhat’s (2001), Schipper and Frank’s (2013), and Colwell-Chanthaphonh and Piper’s (2001), the history of cultural-property protection included protecting cultural property and cultural-*types* of properties.
Overall, treaties and literature focused on the international protection of cultural-property protection included armed conflict as a significant opponent to the effort’s success. The 1954 Hague Convention and 1972 World Heritage Convention are the two treaties I chose to work with for my thesis because of the former’s focus on protection during armed conflict and the latter’s status within media on the topic, and this choice was supported when other cultural-property-protection literature, with and without focus on armed conflict, also discussed these treaties.

For example, within the discussion on “preventative archaeology” in Europe, Demoule (2012) briefly mentioned the 1972 World Heritage Convention it created one of the major, international, protected-heritage lists (613). Moreover, the 1954 Hague Convention is mentioned in both Demoule (2012) and Bhat (2001). Bhat’s historical overview mentions the 1954 Hague Convention as a “landmark” outcome of the new worldly desire for cultural-property protection (2001: 4). Demoule included the 1954 Hague Convention for similar reasons he mentioned the 1972 World Heritage Convention, because it was one of the first policies about “the destruction of archaeological heritage entailed by the rapid economic development of the postwar years” (2012: 612).

1972 World Heritage Convention Literature

This literature review includes only a few scholars focused on the 1972 World Heritage Convention. Of these articles, the focus seemed to be on the World Heritage List, which is the main feature of the Convention and is meant to contain cultural and natural heritage locations of universally importance heritage. For the 1972 World Heritage List, the selection process is relatively well defined, however both Meskell
(2013; 2014) and Stovel (2008) wrote about trouble with the overall site selections. Specifically, Meskell makes the following remark about the state of world heritage:

> The 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage is not so much about protection anymore, but instead about branding, marketing, and promoting new nominations in an increasingly acquisitive heritage economy. (Meskell 2014: 237)

Both Meskell and Stovel suggest politics are sometimes imposed on the selection-process and affect the list’s integrity as universally representative (Stovel 1994: 259; Meskell 2013: 498; Meskell 2014: 228). While the selection for cultural property for the list could be an important point for improvement of cultural-property protection, the topic is not included within this thesis. In contrast to Meskell’s and Stovel’s attention on politics, the authors discussing the 1954 Hague Convention focused on parts of the convention, itself, and how specific states parties have interacted with it.

**1954 Hague Convention Evaluation Literature**

In the 1954 Hague Convention evaluation literature, I found two themes relevant to my thesis topic and goals. Firstly, the term “military necessity” used in the Convention to give state parties an opening to achieve an extreme military goal without violating the Convention entirely was a regular concern (Colwell-Chanthaphonh and Piper 2001: 229; Hladik 1999; Bhat 2001: 9). This problem will be discussed in the thesis conclusion, but in summary, the concern has been, as Bhat writes, “Instead of [a] nice balancing of these factors, states, in practice, resorted to translate military convenience into military necessity” (2001: 9).

The second major theme in the evaluations of the 1954 Hague Convention was the discussion of involving academics (anthropologists and archaeologists) in the military work with cultural-property protection. Stone (2013a) discussed his prior work with the
military due to expressed, ethical concerns he had been “providing an academic legitimacy for an illegal invasion [in Iraq 2003]” (2013a: 168). Even with this and other similar concerns in the air, some academics continue to work with the military to encourage better protection of cultural property because their involvement has made cultural-property protection in conflicts more successful.

From her work with the military during and after the 2003 Iraq invasion, Rush (2012) states, “A critical component of success with military cultural property initiatives to date has been partnership between three critical groups: academic archaeologists, […] civilian defense employees responsible for environmental compliance […], and uniformed military personal” (364). Stone (2013b) also offers multiple suggestions for improvement in cultural-property protection in a “four-tier approach” that involve academics at most of the levels. For example, his second tier calls for the “‘specific pre-deployment training’” in which some soldiers would be required to have intimate knowledge of the locations at risk for attack (2013a: 173). Stone (2013b) also discussed the use of cultural inventories and suggests, “A goal might be to have these lists produced by nations in conjunction with the wider academic community” (2013b: 3).

1954 Hague Convention Ratification Literature

Within literature about the ratification of the 1954 Hague Convention, authors focused on either the United States’ or the United Kingdom’s ratification status post the cultural property damage of the 2003 Iraq invasion (Colwell-Chanthaphonh and Piper 2001: 235; Rush 2012: 368; Gerstenblith 2009: 29; Boylan 2006; Stone 2013a: 169; 2013b: 1; Brodie 2006: 214). According to authors focused on the United States’ ratification, prior to 2009 the United States was already following the convention’s
guidelines (Gerstenblith 2009: 29). Rush (2012) then wrote, with the ratification cultural-property protection in the United States shifts from a policy to “a requirement of US treaty law” (368). Similarly, with the United Kingdom moving towards ratification, Boylan (2006) pointed out that most of the obligations of ratifying the convention would require only changes in administrative-level regulations; “The other obligations under Hague, though substantial, can generally be met through policy and administrative actions” (Boylan 2006: 4).

Absent from the Literature

While a couple of the topics in this review will be revisited in this thesis, within the selection I found there were two topics I thought could have been addressed more and in different ways. The first was a comparison of the two international, cultural-property-protection treaties chosen for this thesis—1954 Hague Convention and 1972 World Heritage Convention—and the second was an analysis of the importance World War II and the 2003 Iraq War each had on increasing the amount of discussions about cultural-property protection.

In Bhat (2001) and Van der Auwera (2013), both the 1954 and 1972 Conventions were included, but the discussions were separate and the 1954 Convention was talked about much more. In a similar manner, World War II and Iraq are included, but there were no extended comparisons or discussions about their effects. For example, Cogbill (2008) wrote how World War II and the Iraq War prompted changes in cultural-property protection thinking, such as in the following passage:
“The U.S. failure to prevent this disaster [to protect the National Museum of Iraq] raises questions about the extent to which the military integrates cultural considerations into its planning. […] Since World War II, broader cultural considerations such as language and customs have been and continue to be incorporated into military planning, but specific planning for protecting cultural objects has been conducted only on an ad hoc basis.” (203)

Moreover, Gerstenblith (2009)—just before the United States ratified the 1954 Convention—wrote the loss during the Iraq war “seems to have provided the needed impetus for several of the major military powers to finally take action” (2009: 29). While the conflicts are mentioned, their uses are limited to damage examples and the beginning of policy changes.

Both an orchestration of how these two treaties can work together and an analysis of how World War II and the 2003 Iraq War sparked the interest of experts and non-experts in cultural-property protection could help push cultural-property protection to the forefront in people’s vision of conflict destruction. As for my work, while my following thesis does compare the features and protection elements of the 1954 Hague Convention and the 1972 World Heritage Convention in order to analyze the potential protection offered to cultural property during armed conflicts, I also have limited inclusion of World War II and the 2003 Iraq War and, in fact, use the recent Syrian conflict as an example in the same manner as these conflicts are often utilized.
CHAPTER TWO

In the 1860s, the United States was the first country to write and utilize a national military code of conduct containing directives for the protection of cultural properties (Bhat 2001; Colwell-Chanthaphonh and Piper 2001; Stone 2013a). Prior to the late 1800s, when many countries were instating these national military codes, the destruction of cultural properties was regarded as simply another casualty of war (Stone 2013a; Colwell-Chanthaphonh and Piper 2001; Schipper and Frank 2013; Bhat 2001). This chapter will highlight a few of the early and influential national and international military directives concerning cultural-property protection. However, it is important to note that until after World War II, these protections were for cultural-types of properties with the following characteristics:

- The object’s or location’s religious significance warranted special protection
- The object’s or location’s artistic significance warranted special protection
- The object’s or location’s educational value warranted special protection—e.g. museum, library, or academic institute

Though these specific characteristics vary slightly from those of culture used today, they can be used to show the growth of cultural-property protection in armed conflicts.¹

LIEBER CODE — AMERICAN CIVIL WAR

One of the earliest military codes including the protection of cultural-types of properties was the United States’ Instructions for the Government of Armies of the United States in the Field, also known as the Lieber Code, used by the Union during the American Civil War. Protecting cultural-types of properties is included in both the second and sixth sections of the Lieber Code; Section 2 includes the protections for

¹ Potentially, the formation of anthropology and archaeology in the 1800s (Encyclopedia Britannica 2014), the increase in European-national humanitarianism (Colwell-Chanthaphonh and Piper 2001), or the desire to “modify [war’s] severity” (Hague Convention (II) 1899, Preamble) all could have culminated into the inclusion of cultural property protection in these laws, but the exact reasoning is unclear.
specified objects and locations from unnecessary violence and procurement, while Section 6 outlines the use of designated flags to protect these objects and locations.

In Section 2, the protection of cultural-types of locations begins with the separation of “exclusively charitable” establishments, “foundations for the promotion of knowledge,” and “establishments of educations” from public property (Art. 34)—examples of these locations include churches, hospitals, public schools, universities, and museums. The importance of this separation links back to Article 31, which allows an army to procure only “public” money and property “for its own benefit or of that of its government”. Together, these articles helped establish properties carrying cultural-types of significances, such as religious locations and museums, should be treated with respected.

Section 2 also addresses the treatment of cultural-types of objects in Articles 35 and 36. For these objects—such as “classical works of art, libraries, scientific collections, or precious instruments”—protection includes being secured against “all avoidable injury” during besieges and bombardments (Art. 35). Moreover, while Article 36 allows a conquering state to take possession of the objects, in which “ultimate ownership is to be settled by the ensuing treaty of peace”, that state is only allowed to take them if the removal does not harm the objects. In addition, if an army procures any cultural-types of property, Article 36 requires that, “In no case shall they be sold or given away, if captured by the armies of the United States, nor shall they ever be privately appropriated, or wantonly destroyed or injured.” The likely inclusion of these articles in Section 2 is to discourage excessive destruction.
Section 6 briefly discusses “Flags of protection” in Articles 111–118. Articles 111–117 discuss flags of truce and those designating hospitals, and Article 118 encourages the use and respect of similar flags displayed to protect cultural-types of properties. Specifically, the article says, “The besieging belligerent has sometimes requested the besieged to designate the buildings containing collections of works of art, scientific museums, astronomical observatories, or precious libraries, so that their destruction may be avoided as much as possible” (Art. 118).

While the Lieber Code includes only a couple directives for cultural-property protection, it influenced similar codes in Germany, Great Britain, Italy, Japan, Spain, Russia, and France (Colwell-Chanthaphonh and Piper 2001: 221; Bhat 2001). In addition and along with the Brussel’s Declaration of 1874 and Oxford Manual of 1880, the Lieber Code went on to influence two of the first major international laws of war, both of which include mentions of protection for cultural-types of properties (ICRC 2014a; Schipper and Frank 2013).

**HAGUE CONFERENCES — PRE AND POST WORLD WAR I**

The Hague Conventions of 1899 and of 1907 were each the result of international conferences held prior to World War II in The Hague, Netherlands; and the goals for both these conferences were to create sets of international treaties establishing laws of war. Similar to the Lieber Code, these treaty-sets addressed a multitude of wartime situations, and the references to cultural-types of property are briefly mentioned in different sections.
The conference called in 1899 resulted in four conventions and three declarations covering topics including war on land, maritime warfare, and launching projectiles from balloons. Within the second convention of this set—*1899 Hague Convention (II) Laws and Customs of War on Land*—are the two most notable inclusions of the protection of cultural-types of property. In the chapter called, “On the means of injuring the Enemy, Sieges, and Bombardments”, Article 27 combines a couple ideas included in the *Lieber Code*:

In sieges and bombardments all necessary steps should be taken to spare as far as possible edifices devoted to religion, art, science, and charity, hospitals, and places where the sick and wounded are collected, provided they are not used at the same time for military purposes. The besieged should indicated these buildings or places by some particular and visible signs, which should previously be notified to the assailants. (Hague Convention (II) 1899)

This article covers locations similar to those in the *Lieber Code* Section 2, and the use of visible symbols to distinguish these locations as included in Article 118 of the *Code*. With this, the *1899 Hague Convention* requires the participation of both sides of the conflict in the effort to protect large cultural-types of property from long-range assaults.

Protection for movable cultural-types of property is granted by linking there protection to private property. Firstly, in the section on military authority within a “hostile” nation, Article 46 of the *1899 Convention (II)* directs that “private property cannot be confiscated” by the state and the lives, rights, religions, and property of families and individuals must be respected. Then, the *1899 Convention (II)* links the protection of cultural-types of property to the protection of private property in Article 56—shown below:

```
The property of the communes, that of religious, charitable, and educational institutions, and those of arts and science, even when State property, shall be treated as private property.
```
All seizure of, and destruction, or intentional damage done to such institutions, to historical monuments, works of art or science, is prohibited, and should be made the subject of proceedings. (Hague Convention (II) 1899)

The second Hague Peace Conference was called in 1907 after World War I exposed potential fixes needed to the 1899 Hague Conventions. As the Preamble of the 1907 Hague Convention (IV) states, “[The High Contracting Parties] have deemed it necessary to complete and explain in certain particulars the work of the First Peace Conference”. While the conventions and declarations of the 1907 Hague Conventions changed little between the 1899 and 1907 Hague Conventions (ICRC 2014c), the difference important to the idea of cultural-property protection in armed conflict comes from the 1907 Convention (IX) Bombardment by Naval Forces, which focuses on water vs. land assaults.

In this convention, Article 5 makes the following statement about naval vessels attacking ports that could be home to cultural-types of properties:

In bombardments by naval forces all the necessary measure must be taken by the commander to spare as far as possible sacred edifices, buildings used for artistic, scientific, or charitable purposes… It is the duty of the inhabitant to indicate such monuments, edifices, or places by visible signs, which shall consist of large, stiff rectangular divided diagonally into two colored triangular portions, the upper portion black, the lower portion white. (Hague Convention (IX) 1907: Art. 5)

With this article, not only were cultural-type of properties protected from attacks at sea, but this article also gives the first specific description of a symbol to use for protecting cultural property. This is unlike the Lieber Code and the 1899 Hague Convention, which both asked for a flag to be used to designate these properties without providing specific descriptions of the flags.
Overall, fifty states\(^2\) became members of the 1899 *Hague Convention (II)*, including the United Kingdom, Russia, Italy, Japan, Iran, and Germany in 1900, and the United States in 1902 (ICRC 2014c). Then thirty-six countries became full members of the 1907 *Hague Convention (IX)*; and thirty-three states did so before the outbreak of World War II, including Japan, the United States, the United Kingdom, Russia, Germany, and France (ICRC 2014a).

Though the 1899 and 1907 *Hague Conventions* had limited success during World War I or World War II in terms of cultural-property protection (Colwell-Chanthaphonh and Piper 2001: 223; Schipper and Frank 2013:15), their ultimate success was helping lay groundwork for the first conventions focused entirely on the protection of cultural property during armed conflicts. These conventions are the *Roerich Pact*—discussed in the upcoming section—and the 1954 *Hague Convention*.

**ROERICH PACT—PRE WORLD WAR II**

Between the two World Wars, states of the Americas signed and ratified the first international treaty exclusively concerned with protecting cultural-types of property during armed conflicts (Schipper and Frank 2013: 16). The *Roerich Pact*—full title: *The Treaty between the United States of America and other American Republics [for the] Protection of Artistic and Scientific Institutions and Historic Monuments*—is comprised of only a preamble and eight articles, but most of its ideas can be found in later cultural-property-protection laws. The following description of the *Roerich Pact*’s five articles concerned with cultural-property protection (Articles 6-8 contain logistics of the treaty’s ratification and denunciation) is not only a summary of its ideas, but also an outline for

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\(^2\) States in this sense is equivalent to the more commonly used terms of “nations” or “countries”
key components addressed in successive protection treaties. These components are (1) defining the properties considered cultural properties by the treaty; (2) designation of responsibilities for cultural-property protection; (3) stating required preparation measures for cultural-property protection; (4) describing methods for cultural property identification; and (5) outlining when cultural property loses the protection of the treaty.

Article 1 addresses protected properties, and begins with a list of “neutral” locations that should be “respected and protected” during times of war and peace. The locations include historic monuments, museums, scientific, artistic, educational, and cultural institutions. Article 2 outlines both responsibilities and preparation measures, saying it is the responsibility of the government to adopt appropriate laws to ensure the protection; this article also extends this protection to the state’s entire territory. Articles 3 and 4 address cultural-property identification by both creating an official list of protected properties, and instituting the use of a specific flag to visually distinguish the properties (Figure 1, next page). Finally, Article 5 makes the following statement about when a location no longer receives the protection of the Roerich Pact: “The monuments and institutions mentioned in article I [one] shall cease to enjoy the privileges recognized in the present treaty in case they are made use of for military purposes” (Roerich Pact 1935: Art. 5).

After 21 states signed the Roerich Pact only 10 ratified it, but for four of the ratifying states—Chile, Columbia, El Salvador, and Venezuela—the Roerich Pact is still the state’s international obligation to protect and respect cultural property in times of armed conflict (Schipper and Frank 2013: 16, 23; ICRC, 2014d).
IN SUMMARY

The Hague Conventions of 1899 and 1907 and the Roerich Pact were each the beginnings of formal protection for cultural property during armed conflicts. While the success of the protection during World War II was arguably limited (Berge et al. 2006; Colwell-Chanthaphonh and Piper 2001: 223; Schipper and Frank 2013), the desire to protect cultural property during the war was not.

In 1943, General Eisenhower told his troops the respect of the culture of Europe was of the utmost importance. He went on to say, “In the path of our advance will be found historical monuments and cultural centers which symbolize to the world all that we are fighting to preserve. It is the responsibility of every commander to protect and respect these symbols whenever possible,” (Colwell-Chanthaphonh and Piper 2001: 224). While there are many examples of when the United States and the Allies put cultural property in

Figure 1: Roerich Pact Emblem. The Roerich Pact designates the depicted symbol to be used to distinguish cultural property to be protected during armed conflict (International Centre of the Roerichs 2014)
their crosshairs, there is probably no better example of their commitment to cultural-property protection than their Monuments, Fine Arts and Archives teams—better known as the Monuments Men. Officials from museums around the United States worked extensively for President Franklin D. Roosevelt’s approval (Edsel 2014) to send these volunteer teams to the war with the mission to save the artistic culture of Europe (Bompane 2010). Approximately 400 “art-specialist officers” were scattered throughout the Allied Forces working to protect, restore, and return the art during and after the war (Archaeological Institute of America et al. 2008; Bompane 2010; Edsel 2014).
CHAPTER THREE

World War II was a pivoting-point for the direction of cultural-property protection during armed conflict. During the fighting, cultural property was both a collateral-damage-victim (Stone 2013a: 168) and the victim of deliberate looting done primarily by the Nazis (Wegener 2010: 1; Gerstenblith 2007: 21; Archaeological Institute of America et al. 2008; Bompone 2010; Berge, Cohen and Newham 2006; Colwell-Chanthaphonh and Piper 2001).

Once the war had ended the newly formed United Nations and United Nations Educational, Scientific and Cultural Organization—UNESCO—worked to create treaties to protect the cultural property of countries caught in the modern armed conflicts (Gerstenblith 2007; Van der Auwer 2013; Archaeological Institute of America et al. 2008; Bhat 2001; Zaprianova-Marshall 2011). As a result, over the next few decades, many national, bilateral, multilateral, and international directives were instated with the intents of protecting cultural properties in both war and peace times. Of these, the following (in chronological order) could be considered some of the most comprehensive:

3. The 1972 UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage
4. The 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects
5. The 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage
Discussing all these treaties in detail is beyond the capabilities of this thesis. Therefore, it is at the author’s discretion to focus on the two treaties that appear—from preliminary research and the observations of media outlets—to have the most connection to the mission to protect cultural property during armed conflicts and actual application. These two selected treaties are the 1954 Hague Convention and the 1972 World Heritage Convention.

Like the 1899 and 1907 Hague Conventions, the 1954 Hague Convention was the result of a conference held in Hague and it has since been the major international treaty geared towards the protection of cultural property during armed conflict. The novelty of the convention is laid out in the following summary:

The Convention is the first international multilateral treaty with a universal scope entirely focused on the protection of cultural heritage in the event of armed conflict. The convention shields movable and immovable property, including architectural, artistic or historical monuments, archeological sites, works of art, manuscripts, books and other objects of artistic, historical or archeological interests as well as scientific collections of all types. (Zaprianova-Marshall 2011)

Alternatively, the 1972 World Heritage Convention was the result of a peacetime need for international assistance to protect world landmarks. In 1959, the government of Egypt went to UNESCO for assistance in the preservation of the Abu Simbel temples to be flooded with the building of the Aswan High Dam (Meskell 2014: 219). Approximately fifty countries donated $40 million to help complete archaeological research of the valley and move the temples to higher ground (UNESCO World Heritage Centre 2014). UNESCO state-parties wrote and ratified the 1972 World Heritage Convention after similar projects were undertaken in Italy, Pakistan, and Indonesia, and, “Recognizing the increasing threats to natural and cultural sites, coupled with traditional conservation challenges” (Meskell 2013: 483).
For both the *1954 Hague Convention* and the *1972 World Heritage Convention*,
the mission to protect cultural property is linked to an idea that the cultural property of all
cultures is worth protecting. The following three paragraphs are taken from the preambles
of the conventions (the first two from the *1954 Hague Convention*, and the third from the
*1972 World Heritage Convention*):

**Being convinced** that damage to cultural property belonging to any people
whatsoever means damage to the cultural heritage of all mankind, since each
people makes its contribution to the culture of the world;
**Considering** that the preservation of the cultural heritage is of great importance
for all peoples of the world and that is its importance that this heritage should
receive international protection [.] (Hague Convention 1954, Preamble)

**Considering** that, in view of the magnitude and gravity of the new dangers
threatening them, it is incumbent on the international community as a whole to
participate in the protection of the cultural and natural heritage of outstanding
universal value, by the granting of collective assistance which, although not
taking the place of action by the State concerned, will serve as an efficient
complement thereto. (World Heritage Convention 1972, Preamble)

These preamble-selections suggest these conventions see cultural property as in need of
protection and the protection is important enough it should be brought to the attention and
administration of the international community. Even with these similar missions,
however, the *1954 Hague Convention* and *1972 World Heritage Convention* ultimately
go about protecting cultural property in different manners, which affects both how that
protection is applied during armed conflicts and the success of the protection.

This thesis will focus on four protection elements addressed within each
convention. These elements are the following:

1. Cultural property covered by the convention
2. General responsibilities of the convention
3. Resources available to the convention
4. Varying degrees of identification and protection offered by the convention
However, before discussing the protection elements of these conventions, three properties will be explained to avoid confusion. These properties are the organizations of the conventions, the relationships of these conventions, and membership of the conventions.

**CONVENTION PROPERTIES**

**Organization**

To begin with, the *1954 Hague Convention* and the *1972 World Heritage Convention* are divisible into separate documents containing the conventions’ missions, duties, and official details. Today’s *1954 Hague Convention* is compiled from the following three documents:

1. The *1954 Convention*[^3], which contains the main body of articles and the regulations for the mission’s execution—*Regulations for the Execution of the Convention for the Protection of Cultural Property in the Event of Armed Conflict*.
2. *Protocol 1*, which contains additional work that was separated from the *1954 Convention* in response to major world powers’ hesitation to ratify.

What is unique about these three documents is that they can be ratified separately. That is, a state can choose to ratify the *1954 Convention* and ratify neither *Protocol 1* nor *Protocol 2*, and is therefore under the obligations only laid-out in the *1954 Convention*.

By comparison, the two documents of the *1972 World Heritage Convention* are complementary parts. Much like the *1954 Convention* and the *Regulations* (see 1 above), the *1972 Convention*[^5] contains the main body of articles, while the *Operational Guides for the Implementation of the World Heritage Convention* gives details for the execution

[^3]: Beyond this explanation, “1954 Convention” refers to the convention entity, while “1954 Hague Convention” refers to the Convention, Protocol 1 and Protocol 2 together.
[^4]: While Protocol 2 was written in 1999, it did not enter into force until 2004
[^5]: Beyond this explanation the “1972 Convention” refers to the convention piece, while “1972 UNESCO Convention” refers to the Convention and the Operational Guidelines together
of the 1972 Convention\textsuperscript{6}. In general, both conventions are comprised of paragraphs that are grouped into articles, sections, and chapters; and it is within these paragraphs and articles that the information is laid-out—including the relationship the convention has to other international treaties.

\textbf{Relationships}

\textit{1954 Convention} addresses its relationship with the \textit{Roerich Pact}, \textit{1899 Hague Conventions}, and \textit{1907 Hague Conventions} in Article 36 but, because it was written 20 years prior, it does not include a relationship with the \textit{1972 World Heritage Convention}. However, \textit{Protocol 2} (again, added in 1999) in the "International Cooperation" section states, "In situations of serious violations of this Protocol, the Parties undertake to act, jointly through the Committee, or individually, in cooperation with UNESCO and the United Nations and in conformity with the Charter of the United Nations" (Art. 31). A possible reason \textit{Protocol 2} does not make specific mention of the \textit{1972 World Heritage Convention} could be because, while the goals of the \textit{1954 Hague Convention} also fall under the protection of the \textit{1972 World Heritage Convention}, the \textit{1954 Hague Convention} does not protect all of the properties covered by the \textit{1972 World Heritage Convention} (see “Cultural Property Covered by the Convention” on page 28).

For the \textit{1972 World Heritage Convention}, the \textit{Operational Guidelines} mentions thirteen conventions that would be to the "benefit" of the World Heritage Committee—the governing body of the \textit{1972 World Heritage Convention}—to work with, which includes the \textit{1954 Hague Convention} (2013: Par. 41, 44).

\textsuperscript{6} While the \textit{Regulations} is similar to the \textit{Operational Guidelines}, it is rarely separated from the \textit{1954 Convention} so it is not necessary within this thesis to treat them as separate entities except within citations.
Membership

As of September 2012, there were 190 state parties to the 1972 World Heritage Convention, 126 state parties to the 1954 Convention, 103 for Protocol 1, and 67 for Protocol 2. For a complete list of state parties for these conventions, and those in the previous chapter, see Annex 1: Table of International Treaty State Parties.

While the conventions are governed by their own groups of state parties, both are administrated by the UN and UNESCO. This means all translations, instruments of ratification or acceptance, additional documents, and management are done through the Director General of UNESCO and the UN Secretariat (Hague Convention 1954: Art. 40.2, 23, 29; World Heritage Convention 1972: Art. 32). However, this relationship with UNESCO does not limit which states may become members of either convention. Because the 1954 Hague Convention is simply an international treaty, any state may join; and, while UNESCO membership makes the process easier, Article 32 of the 1972 World Heritage Convention allows states to be “invited by the General Conference of the Organization” to join even if they are not a member of UNESCO.

With these properties covered, the remainder of this chapter will be dedicated to the analysis and comparison of the protection elements of these two major conventions in the practice of cultural-property protection during armed conflict.

COMPARISON OF PROTECTION ELEMENTS

Throughout the four protection elements to be discussed—the cultural property covered by the conventions, the general responsibilities of the conventions, the resources available to the conventions, and the varying degrees of protection and identification
offered by the convention—some of the biggest differences can be linked to each conventions’ origins. Specifically, the 1954 Hague Convention is entirely dedicated to cultural-property protection during armed conflicts, while the 1972 World Heritage Convention offers assistance and recognition to world heritage sites deserving of protection from multiple-types of potential threats, including armed conflict, development, neglect, and natural disasters.

In preview, these goals affect the protection elements in the following comparative ways:

- **1954 Hague Convention**
  - Covers artifacts and locations;
  - Duties are in either preparation of war or during war;
  - Has a limited amount of resources available to the state parties;
  - Utilizes multiple symbols and lists to protect cultural property in different levels

- **1972 World Heritage Convention**
  - Covers sites;
  - Duties protect from many threats;
  - Has a significantly greater amount a resources available to the state parties;
  - Utilizes two lists to protect sites at two levels

**CULTURAL PROPERTY COVERED BY THE CONVENTION**

The type of cultural properties protected under each convention is one of the biggest differences between the 1954 Hague and 1972 World Heritage Conventions. The 1954 Hague Convention has arguably the broader range for inclusion of cultural property because it can include all types of cultural property and the inclusion of a property is almost entirely to the discretion of the state party in which the property is located. For the purpose of the 1954 Hague Convention, cultural property is stated as, “[Moveable] or immoveable property of great importance to the cultural heritage of every people,” (Hague Convention 1954: Art. 1), and it specifically includes the following list of sites and artifacts:

- Architectural, artistic, and historical monuments of religious or secular nature
• Building groups of historic or artistic nature  
• Archaeological sites  
• Artwork  
• Scientific collections  
• Other objects considered artistic, historical or archaeological  
• Manuscripts and books  
• Book collections and archives

In addition, locations where artifacts are or can be housed also receive the protections of the 1954 Hague Convention—this includes museums, libraries, safe houses, and designated refugees (Hague Convention 1954: Art.1).

This range for inclusion of cultural properties contrasts to the 1972 World Heritage Convention. To begin with, for a cultural property to be protected by the 1972 World Heritage Convention, it has to be nominated by the state party in which the property resides and then approved to receive the protection—“inscribed”—by UNESCO's World Heritage Committee. Meaning, the decision to include a property is at the state party’s discretion but the actual protection is not guaranteed until an international committee decides the property meets enough of the required criteria. For inscription there are two major nomination criteria; the most basic is the property must be immovable—a site— and the other is it must be of “outstanding universal value”.

1972 World Heritage Convention cultural property must be a site, and, “Nominations of immovable heritage which are likely to become movable will not be considered” (Guidelines p.48). Overall, the sites fall into the two categories of either cultural heritage sites or natural heritage sites. Article 1 lists cultural heritage sites as:

• Monuments  
  ▪ Artistic, historic, or scientific architectural works, inscriptions, cave dwellings, monumental painting, etc.

7 Within this thesis, both the terms “immovable property” and “site” are used, and the difference in use is determined mostly by whether the reference is made within the discussion of the 1954 Hague Convention or the 1972 World Heritage Convention, respectively.
• Groups of buildings
  o Artistic, historic, or scientific; separate or connected; with certain architectural, homogeneity, or landscape qualities
• Sites
  o Historic, aesthetic, ethnographical, anthropological, or archaeological sites

Then Article 2 lists the natural-heritage-site possibilities to include:

• Natural features
  o Physical or biological features with aesthetic or scientific qualities
• Geological formations and endangered species’ habitats
  o With scientific or conservation interests
• Natural areas
  o With scientific, conservation, or natural beauty qualities

While the natural heritage sites are not relevant to this thesis, with inclusion of this category within the 1972 World Heritage Convention extends the vision of cultural properties through the subcategories of mixed properties and cultural landscapes (see Figure 2, on page 31). “Mixed properties” include sites with some or all the characteristics of both cultural and natural heritage sites (Operational Guidelines 2013, Par. 46). An example is Mali’s Cliffs of Bandiagara, which represents a place of natural beauty in West Africa and both the traditional religion and architectural heritages of the local people. This is in comparison to the Cultural Landscape of Honghe Hani Rice Terraces in China, which falls under cultural heritage sites as a cultural landscape. Essentially, while a mixed property has both natural and cultural features, a cultural landscape is, “illustrative of the evolution of human society and settlement over time, under the influence of the physical constraints and/or opportunities presented by their natural environment” (Operational Guidelines 2013: Par. 47), meaning the uniqueness of the location is because of a human element.
If the site criterion is met, the second major criterion for inscription—the most likely reason a site is not ultimately inscribed—is it must be of “outstanding universal value” with properly established “authenticity” and “integrity”. Although the idea is mentioned in the Preamble, the outstanding universal value is not given an expanded definition until paragraph 49 of the Guidelines, which explains the idea as the following:

Outstanding Universal Value means cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity. As such, the permanent protection of this heritage is of the highest importance to the international community as a whole.

In addition to this definition, the Guidelines also contains ten potential points for meeting the criteria of outstanding universal value:

- a) Represent a masterpiece of human creative genius;
- b) Exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town-planning or landscape design;
- c) Bear a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared;
- d) Be an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history;

Figure 2: Mixed Property v. Cultural Landscape—1972 World Heritage Convention. The Cliff of Bandiagara (Land of the Dogons), left, and the Cultural Landscape of Honghe Hani Rice Terraces, right, are examples of the extended vision of cultural sites with the 1972 World Heritage Convention (UNESCO 2015b).
e) Be an outstanding example of a traditional human settlement, land-use, or sea-use which is representative of a culture (or cultures), or human interaction with the environment especially when it has become vulnerable under the impact of irreversible change;

f) Be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance. (The Committee considers that this criterion should preferably be used in conjunction with other criteria);

g) Contain superlative natural phenomena or areas of exceptional natural beauty and aesthetic importance;

h) Be outstanding examples representing major stages of earth's history, including the record of life, significant on-going geological processes in the development of landforms, or significant geomorphic or physiographic features;

i) Be outstanding examples representing significant ongoing ecological and biological processes in the evolution and development of terrestrial, fresh water, coastal and marine ecosystems and communities of plants and animals;

j) Contain the most important and significant natural habitats for in-situ conservation of biological diversity, including those containing threatened species of Outstanding Universal Value from the point of view of science or conservation (Par. 77)

While a site has to meet a minimum of one of these points, the establishment of the quality of a site’s authenticity and integrity is one of the most important parts of a state party’s nomination (Operational Guidelines 2013: Par. 78).

For authenticity, the traits the World Heritage Committee often considers are the site’s design, materials, function, location, intangible heritage, “spirit and feeling”, as well as other “internal and external factors” (Operational Guidelines 2013: Par. 82).

However, the 1972 World Heritage Convention has a relatively unlimited standard for authenticity-establishing sources with the hopes of inscribing a wide cultural variety of sites, as is outlined in the following paragraph:

Judgments about value attributed to cultural heritage, as well as the credibility of related information sources, may differ from culture to culture, and even within the same culture. The respect due to all cultures requires that cultural heritage must be considered and judged primarily within the cultural contexts to which it belongs.” (Operational Guidelines 2013: Par. 81)
As for integrity, the World Heritage Committee determines it by, “the measure of the wholeness and intactness of the natural and/or cultural heritage and its attributes” (Operational Guidelines 2013: Par. 88). Therefore, for a site to be considered to have outstanding universal value by the World Heritage Committee, the boundaries given in the nomination must contain all key pieces of the site, and “development and/or neglect” should not be altering the site in negative ways” (Operational Guidelines 2013: Par. 88).

As of May 2015, there are 779 cultural heritage sites (with 28 inscribed as cultural landscapes), 197 natural heritage sites, and 31 mixed sites (with one inscribed as a cultural landscape).

As stated early in this chapter, the events leading to the creation of each convention likely played a role in the different types of properties each convention protects. During World War II, movable and immovable properties, alike, were being stolen and destroyed, while UNESCO chose to narrow the focus of the 1972 World Heritage Convention to sites in need of assistance. In addition to how this affects the types of properties, the conventions differ in how the state parties participate. The 1954 Hague Convention gives power to individual states, while the control is more centralized within the international community for the 1972 World Heritage Convention.

**GENERAL RESPONSIBILITIES OF THE CONVENTION**

Number wise, state parties to the 1954 Hague Convention have two overarching obligations when protecting cultural property during armed conflict, whereas the obligations of the 1972 World Heritage Convention can be divided into over a dozen duties addressing different protection threats. Of those duties of the 1972 World Heritage Convention, some are required of all state parties, some of only state parties with
inscribed sites, and then only a few duties of either of these groups are **specifically** directed towards protection during armed conflict.

Beginning with the *1954 Hague Convention*, the major duties connect to the mission of protecting cultural property during armed conflicts (Hague Convention 1954: Art. 2). To assist in the definition of conflict, the *1954 Convention* outlines multiple situations in which state parties are required to apply the convention. According to Articles 18 and 19, these situations are:

- When a *1954 Convention* state party is involved in a declared war, regardless of whether all parties “recognize” the war or all the nations involved are *1954 Convention* state parties.
- When a state party’s territory is partially or totally occupied, even if the occupation meets no resistance.
- When an internal-armed conflict breaks-out in the territory of a *1954 Convention* state party.

If any of the above occur, the obligations of the state parties involved are divided into two types of protection obligations—respecting cultural property during conflicts and safeguarding cultural property during peace and pre-conflict times—and both are required until “military necessity” is exercised.

**Cultural Property Respect**

According to Article 4, “respecting” cultural property during armed conflicts requires a state party to acknowledge the importance and neutral-nature of cultural property, and, therefore, limit the property’s exposure to damage; prevent any pillaging, confiscation, looting, and vandalism; and never retaliate against a state through threats to culture property. Specifically, three of the most important ways to respect cultural property are:

- Do not target a cultural property site or anything listed in Article 1 as “cultural property”.

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• Do not use the protection offered to cultural property as a military advantage.
• Do not use cultural property and its “immediate surroundings” in ways that draw attention and destruction to it.

All three of those points are emphasized as respecting cultural property, but the third point—drawing attention to cultural property—also links to the safeguarding obligation of the 1954 Convention.

Cultural Property Safeguarding

In order for a state party to properly “safeguard” cultural property, a state party will prepare and have plans in place to protect cultural property in anticipation for a conflict—both their own and if they come across other’s property (Hague Convention 1954: Art. 3). One of the most specific safeguards in the 1954 Convention is the training and institution of the 1954 Convention within the military. Article 7 (“Military Measures”) asks state parties to instill the “spirit of respect for the culture and cultural properties of all peoples” within the military instructions and members, as well as have specialists in the field of cultural-property protection within the military.

Both the protection obligations of respect and safeguarding require a state party’s military forces to make conscious efforts to protect cultural property, whether it is within the coordination of bases, movements, and attacks, or in the fighting itself. With this, the 1954 Hague Convention appears to understand that these obligations are not the primary focus of the strategists and soldiers and no state party would adhere to a treaty negatively affecting their military’s chances of achieving objectives or saving lives. In order to overcome this conflict-of-interests, the convention offers the exemptions of “military necessity” and “military objectives”.

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Military Necessity

Military necessity is supposed to be the only way in which the respect of cultural property can be lifted without potential chastisements (Hague Convention 1954: Art. 4, 11, 6). The idea is best described in Protocol 2, Article 6, where it says military necessity can only be invoked (i.e. a state party can only intentionally attack a cultural property) when there is no better way to gain the same military advantage and/or the cultural property has been transformed into a military objective. A military objective—according to 1954 Convention, Article 8, and Protocol 2, Article 1—is a place in which the “destruction, capture or neutralization… offers a definite military advantage” and can effect military victories because of “nature, location or purpose”—e.g. railroad stations, radio stations, military bases, and communication centers. The 1954 Hague Convention includes details such as military necessity and objectives because of its focus on armed-conflict situations. As for the 1972 World Heritage Convention, protection during armed conflicts is only one of the destructive forces states parties need to be concerned so the specifics included in the 1954 Hague Convention are not found.

World Heritage Protection

For the state parties of the 1972 World Heritage Convention, the five most basic duties are “the identification, protection, conservation, and presentation, and transmission to future generation of the cultural and natural heritage … situated on its territory” (Article 4). These five duties are broken-down in the Operational Guidelines, Paragraph 15, and in summary they cover:
It is within the last point of damage to world heritage sites where protection for armed conflict falls for both cultural and natural heritage sites. The duty to protect heritage during conflict is most directly found under Article 6.3, which says the following:

Each State Party to this Convention undertakes not to take any deliberate measures which might damage directly or indirectly the cultural and natural heritage referred to in Articles 1 and 2 situated on the territory of other States Parties to this Convention. (Art. 6.3)

The 1972 Convention and Operational Guidelines make few express references to armed conflict. In total, the convention references “armed conflict” once (Art. 4) and the Guidelines references “conflict” four times in relation to inscribed-sites lists.

While the 1972 World Heritage Convention has fewer specific responsibilities for state parties or the international community in terms of armed-conflict protection, this convention’s inclusion in this thesis is due to its presence in public awareness on the topic. In comparison to the 1954 Hague Convention, the 1972 World Heritage Convention appears to be better known to the public, likely because of the next two protection elements—financial resources and property identification—associated with the convention.

RESOURCES AVAILABLE TO THE CONVENTION

While the mission to protect cultural property has monetary-backing from various sponsors, private foundations, and non-governmental organizations, both of the 1972
World Heritage Convention and the 1954 Hague Convention have access to their own trust funds for financial resources. In the 1972 Convention, establishing a trust fund to support the projects of its states parties was one of the major objectives in its conception.

By comparison, the 1954 Convention does not originally establish a fund to work with; it is not until Protocol 2, forty-five years later, a trust fund similar to the one for the 1972 World Heritage Convention was established.

World Heritage Fund

The details of the 1972 World Heritage Convention’s World Heritage Fund are established in Chapter IV of the convention. Overall, the use of the fund is granted by the World Heritage Committee (World Heritage Convention 1972, Art. 22), and a state party may receive fund-assistance in several different forms (Art. 20) to assist in the main duties of the 1972 Convention (i.e. identification, protection, conservation, presentation, and transmission of heritage sites). Overall, the Committee will grant assistance so long as the site is or may become an inscribed site (Art. 20) and the assistance is potentially given in one of six forms listed below in Article 22:

Assistance granted by the World Heritage Fund may take the following forms:
a) studies concerning the artistic, scientific and technical problems raised by the protection, conservation, presentation and rehabilitation of the cultural and natural heritage, as defined in paragraphs 2 and 4 of Article 11 of this Convention;
b) provisions of experts, technicians and skilled labour to ensure that the approved work is correctly carried out;
c) training of staff and specialists at all levels in the field of identification, protection, conservation, presentation and rehabilitation of the cultural and natural heritage;
d) supply of equipment which the State concerned does not possess or is not in a position to acquire;
e) interest or interest-free loans which might be repayable on a long-term basis;
f) the granting, in exceptional cases and for special reasons, of non-repayable subsidies. (Article 22)
The use of the *World Heritage Fund* towards protection from armed conflict could take several possible forms—for example, the training of special military personnel or repairing damage after a conflict—but the fund is not meant to take the everyday responsibility of the *1972 World Heritage Convention*’s duties from the state party. It is strictly stated, “only part of the costs of work necessary shall be borne by the international community. The contribution of the states benefiting from international assistance shall constitute a substantial share of the resources…” (*World Heritage Convention* 1972, Art. 25).

One of the biggest differences between the two conventions’ trust funds is their contributors. The *World Heritage Fund* has multiple sources to provide resources for the trust fund, which includes the “compulsory” payments from the states, gifts from outsiders parties, and interest earned on the trust. This contrasts with the *1954 Hague Convention*’s fund, which is made-up of mostly voluntary contributions from state parties, gifts from various organizations, fundraisers, and accrued interest (Protocol 2 Art. 29.2).

**Fund for the Protection of Cultural Property in the Event of Armed Conflict**

*Protocol 2* outlines two main uses for the *Fund for the Protection of Cultural Property in the Event of Armed Conflict*, which are to provide assistance in safeguarding plans and provide emergency assistance during conflicts or in the “immediate recovery” time after the conflict has ceased (*Protocol 2* Art. 29). When deciding the use of the fund, there are four factors looked into before making any distributions (*Guidelines for the Fund* 2010).
According to paragraph 6 of the Guidelines for the Fund, the first factor is the likelihood granting money will encourage monetary support from other sources; and similarly, the second factor is whether the project already has legislative, administrative, and other financial commitments to it. Factor three is the project’s “exemplary value”, which could mean either the project is a model example of cultural property protection, or the project is likely to encourage others to do the same to their cultural property. Then, the final factor is the project’s “cost-effectiveness”. An example of a project using the Protection Fund has been by El Salvador, who received funding for “preparatory measures” to protect five national cultural properties from potential looting, infrastructural damage, and being mistakenly used by military forces as refuge (Committee for the Protection of Cultural Property 2011; 2014).

In relation to armed-conflict protection, both of these funds could be effective measures for protecting cultural properties if utilized during pre- and post-conflict times, such as training and restoration efforts. Although this can also be the case for the final protection element of identification, the various parts of this final element have been heavily utilized during armed conflicts.

VARYING IDENTIFICATION AND DEGREES OF PROTECTION

To call attention to the importance of cultural properties, both the 1954 Hague Convention and 1972 World Heritage Convention employ the use of symbols and inventories to distinguish important properties⁸. In summary, the 1954 Hague Convention offers three different levels of protection—general, enhanced, and special—that are

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⁸ The use of lists and symbols in the protection of cultural property ultimately limits the use of these conventions—and other conventions like them—by some cultures. And while this limit is an important part of complete cultural property protection it is not addressed within this thesis.
typically distinguished from each other by varying uses of the shield emblem and being inventoried on either the List of Property under Enhanced Protection or the International Registers of Cultural Property under Special Protection. The 1972 World Heritage Convention offers two levels of protection for inscribed sites, and these levels are designated by placement on one or both of its lists—the World Heritage List or List of World Heritage in Danger.

**Emblem of the Hague Convention**

The level of general protection offered by the 1954 Convention is open to all cultural property within a state party’s territory that it deems worth affixing the “Emblem of the Convention”. A state party is asked to place the emblem on any cultural property they wish for opposition and state forces to respect while the conflict is happening. The single Emblem, described in Article 16 and shown in Figure 3 below, is used to mark both cultural property at the general level of protection and designated cultural-property-protection personal:

The distinctive emblem of the Convention shall take the form of a shield, pointed below, persaltire blue and white (a shield consisting of a royal-blue square, one of the angles of which forms the point of the shield, and of a royal-blue triangle above the square, the space on either side being taken up by a white triangle). (Hague Convention 1954)

The way in which the single emblem is displayed is “to the discretion of the competent authorities” in the state party as long as it is visible from the ground and air when necessary (Hague Convention 1954, Regulations Art. 20). Examples of states using the emblem can be seen in Figure 4 on page 42.
Figure 3: Emblem of the 1954 Hague Convention (General Level of Protection). This shield is affixed to cultural property state parties of the 1954 Convention wish for all military forces to respect during conflicts (UNESCO 2014b).

Figure 4: Displays of the Emblem of the Convention. The Iraq National Museum in Baghdad (top) painted the single shield on the roof prior to the 2003 invasion, and El Salvador displays the single emblem (bottom) at the Jewel of Cerén archaeological site (Source: USCBS 2015).
List of Property under Enhanced Protection

According to the following comparison of general and enhanced protection, there are very few differences between these two levels except the stricter stance on using cultural property for military purposes:

There is no difference in the level of protection for cultural property under general or enhanced protection. The only difference is that the holder cannot change cultural property under enhanced protection into a military objective whereas cultural property under general protection may be converted into a military objective. (T.M.C Asser Instituut 2014)

While enhanced protection can be considered the middle level of protection offered by the 1954 Hague Convention, only state parties who have ratified Protocol 2 are eligible to use it. This is because the level was created as an attempt to help bridge the gap between the general level and level of special protection created in the 1954 Convention.

Part of bridging the gap was the formation of the List of Cultural Property under Enhanced Protection in which cultural properties under enhanced protection are listed (Protocol 2: Art. 11; UNESCO 2014). In order for a cultural property to be included on this list, the state party must submit a request to the Committee for the Protection of Cultural Property in the Event of Armed Conflict (Protocol 2: Art. 24), and the property must meet three conditions. The first two conditions are that the property is already well protected at the national level and there are preparation measures taken to “recognize its exceptional cultural and historic value.” The third condition—going back to the previous stance on military objectives—is that the property is not and will not be used for any direct or indirect military purposes (Protocol 2: Art. 10).

However, even if a property under enhanced protection becomes a military object, an attack is only permitted in the case of military necessity (Protocol 2 Art. 13); e.g.:
• The attack is the only way to stop the property’s use for military purposes;
• Measures are taken to limit the damage caused to the site;
• And, unless it is “immediate self-defense”, the order to attack the enhanced-protection property comes from the “the highest operational level of command and advance warning is given to allow the opposition to rectify the violation of Enhanced protection”.

As of 2014, there are ten sites included on the enhanced protection list, five of which were added in December of 2013 (Rossler 2013), and the list is included in Annex 2: Enhanced Protection Inventory.

**Inter-National Registers of Cultural Property under Special Protection**

While neither the 1954 Convention nor Protocol 2 states which level—enhanced or special—is the highest level of protection, from reading the convention it appears special protection is more prestigious because it is meant to include only the most important cultural properties. While the protection is similar to enhanced protection, special protection differs in two ways. The first is (as of 2014) there is no distinct emblem-variation for enhanced protection, while a location under special protection is signified by the display of a trio of Emblems (see Figure 5). The second difference is the list for properties under special protection has more limits on what properties may be put on it. This list is called the International Register for Cultural Property under Special Protection (Hague Convention 1954: Art. 8.6), and it allows for a limited number of shelters and immovable-property-centers to be put under special protection.

While the Register has existed for over 50 years, during my research there were discrepancies about which, if any, cultural properties are under special protection. In 1994, according to the World Heritage Committee, “only one monumental complex, the whole of the territory of the Vatican City State, has been entered in the Register” (World Heritage Committee 1994: Art. 3). Then, in an article from the International Review of
the Red Cross, Jan Hladik—an Assistance program specialist with UNESCO—wrote there were six sites under special protection and included on the Register (Hladik 1999); this number is supported in another article written about same time, where the author said, “Only one centre containing monuments and eight refuges have been listed in the Register. As three refuges were withdrawn from the list in 1994, only one centre containing monuments and five refuges remain” (Henckaerts 1999). Moreover, all of this is in comparison to the copy of the Register available through the UNESCO website—and included in Annex 3: International Register of Special Protection—that has nine locations on the list with all but four handwritten as “cancelled” (UNESCO 2008).

**UPDATE:** While editing this thesis, it was discovered that in April 2014 after the original submission, the Register was updated and published to the UNESCO’s “Armed Conflict and Heritage” website. According to this update—included in Annex 4: International Register for Cultural Property under Special Protection the Register has contained nine locations and four have been cancelled.

![Figure 5: Emblem of the Convention (Special Protection). The 3-shield variation of the Emblem of the Convention is reserved for property shelters and centers under the level of special protection (UNESCO 2014b).](image-url)
The ways in which the *1954 Hague Convention* uses distinct emblems and multiple lists to create levels of protection different from the practices of the *1972 World Heritage Convention* that used two lists, with a single symbol, to distinguish cultural property under its protection.

**World Heritage List**

The first list for the *1972 World Heritage Convention* is the *World Heritage List*, which is comparable to the levels of general and enhanced protection for the *1954 Hague Convention*. To be inscribed onto the *List*, a state party must first submit a “tentative list” of all the sites they feel should be part of humanity’s universal heritage. While not all tentative-list-sites become part of the *List*, it is recommended state parties include “a wide variety of stakeholders” in the creating of these tentative lists (Operational Guidelines 2013: Par. 64). Then, a state party would submit applications for individual sites on their tentative list (max two-per-year) to the World Heritage Committee whom chooses 45 nominations a year to review — the rest of the nominations are pushed to the pool for the following year’s review.

In the end, not all sites nominated to the World Heritage Committee are inscribed, and if a nomination is denied the site cannot be resubmitted to the *List* without extreme circumstances. However, that does not mean the site should not be considered an important location; as the *1972 World Heritage Convention* states in Article 12, “The fact that a property belonging to the cultural or natural heritage has not been included… shall in no way be construed to mean that it does not have an outstanding universal values for purposes other than those resulting from inclusion in these lists.”
Once a property is inscribed to the **World Heritage List**, the **Guidelines** state it should then be marked with the emblem of both the **1972 World Heritage Convention** and UNESCO (Figure 6), “in such a way that they do not visibly impair the property in question” (Operational Guidelines 2013, Par. 268); and while the emblem is used, it does not have the same weight or meaning as the Hague Emblem.

**Figure 6:** Emblem of **1972 World Heritage Convention**. The Committee added the official emblem in 1978 to better inform the public about the Convention, the List, the sites, and the concept of world heritage (Operational Guidelines 2013: Par. 269; UNESCO World Heritage Centre 2014b).

**List of World Heritage in Danger**

The second list for the **1972 World Heritage Convention** is the **List of World Heritage in Danger**, and being on this list means the international community is asked by UNESCO to give special attention to the property because it requires “major operations” to protect and preserve the site (World Heritage Convention 1972, Art. 11). In the **Operational Guides**, cultural properties are put on the **In Danger List** because there is either “Ascertained Danger” or “Potential Danger” (179) that includes the following serious threats (World Heritage Convention 1972: Art 11):

- Accelerated deterioration
- Large scale public/private projects (urban or tourist developments)
• Destruction from a change in use or ownership
• Major alterations from an unknown cause
• Abandonment
• Outbreaks or threat of armed conflict
• Calamities and cataclysms
• Natural disasters – fires (wild or manmade), earthquakes, landslides, volcanic eruptions, tidal waves, floods, changes in water level

While state parties must still submit nominations to the Committee to have a property placed on the In Danger List, the timetable for review is accelerated and the nomination does not have to be nearly as complete as is required for a traditional nomination (Operational Guidelines 2013, Par. 161).

Once a property is on either list of the 1972 World Heritage Convention, the property can be removed if it loses the features making it a property of outstanding universal value. According to paragraph 192 of the Operational Guidelines, properties can be deleted from the lists for two reasons, which are mostly dependent on the list they are inscribed. In the case of the World Heritage List, a site can be removed if “the property has deteriorated to the extent that it has lost those characteristics which determined its inclusion.” And for the In Danger List, a site can be removed if the state party was unable to protect or conserve the property from the threats it faced at the time of its inscription—e.g. if a location is inscribed for the threat of armed conflict and the conflict results in extensive and permanent damage, the site will lose the inscription. As of May 2015, of the 1,007 inscribed sites, 46 are also inscribed on the In Danger List, and only two sites—Germany’s Dresden Elbe Valley and Oman’s Arabian Oryx Sanctuary—have been delisted (UNESCO 2015b).
SUMMARY OF THE CONVENTIONS

With the existence of both the 1972 World Heritage Convention and 1954 Hague Convention (along with other international treaties not discussed in this thesis), cultural-property protection during armed conflict appears to have a solid presence within a majority of the international community. While a summary of the 1972 World Heritage Convention and 1954 Hague Convention can be found in Table 1 on page 51, between these two conventions, protected cultural properties include artifacts, art, ruins, museums, historic landmarks, landscapes, and various manners of collections at both the national and international levels. Moreover, this protection encourages the promotion of cultural-property protection within local, national, and international communities through the use of symbols and lists. However and as would be expected, the protection is not as easy to enact in the realities of politics and military actions. For example, while the United States had a praise-worthy role in cultural-property protection during World War II, their participation in either of these conventions has been negatively affected because of political situations.

The United States was a major factor in the writing of the 1954 Convention and Protocol 1 (Colwell-Chanthaphonh and Piper 2001: 228) but they did not ratify it for 50 years. One of the believed reasons the United States’ did not immediately ratify the 1954 Convention was because of potential restrictions on nuclear weapons and the risk the USSR could possibly use the convention to protection military objectives using the grounds of “historical significances” (USCBS 2014; Archaeological Institute of America et al. 2008; Hague Convention, 1954: U.S. Declar. 3). It was only after years of changing politics and pressure from cultural-protection groups the 1954 Convention (but neither of the protocols) was eventually ratified on March 13, 2009 (USCBS 2014; Gerstenblith
2007; Colwell-Chanthaphonh and Piper 2001: 219; Boyle 2013; Wegener 2010; Stone 2013a).

Then in 2013, the United States lost its voting right within UNESCO for withholding dues over of UNESCO’s recognition of Palestine as a member state of the 1972 World Heritage Convention. Due to legislation in the 1990s, the United States has a congressional policy to withhold funding to United Nations’ agencies recognizing Palestine (Rubin 2013; Erlanger and Sayare 2011; Rubin 2013; Meskell 2013: 490-491). This situation was triggered in early 2011 when the Palestine Ministry of Tourism and Antiquities officially nominated the Nativity Church and Pilgrimage Route in Bethlehem to the World Heritage Committee to be considered for the World Heritage List (Palestine News Network 2011).

These situations involving the United States only cover some of the political problems cultural-property protection can face. In the next chapter, the discussion on the recent conflict in Syria will be looked at as an example of what can, and often does, go wrong when trying to apply cultural-property-protection laws like the 1972 World Heritage Convention and 1954 Hague Convention to modern armed conflicts.
**Table 1:** Summary of the *1954 Hague Convention* and the *1972 World Heritage Convention* according to the main components highlighted in the *Roerich Pact*

<table>
<thead>
<tr>
<th><strong>1954 HAGUE CONVENTION</strong></th>
<th><strong>1972 WORLD HERITAGE CONVENTION</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TYPES OF PROPERTIES PROTECTED</strong></td>
<td></td>
</tr>
<tr>
<td>–Cultural Property Covered by the Convention</td>
<td>Movable and Immovable cultural properties</td>
</tr>
<tr>
<td></td>
<td>Inscribed sites of cultural, mixed, or cultural-landscape nature; has “outstanding universal value”</td>
</tr>
<tr>
<td><strong>DESIGNATION OF PRIMARY RESPONSIBILITIES</strong></td>
<td></td>
</tr>
<tr>
<td>–Resources Available to the Convention</td>
<td>Local governments; State parties involved in conflict</td>
</tr>
<tr>
<td>–General Responsibilities of the Convention</td>
<td>International community; State party in which inscribed site is located</td>
</tr>
<tr>
<td><strong>PREPARATION MEASURES</strong></td>
<td></td>
</tr>
<tr>
<td>–General Responsibilities of the Convention</td>
<td>Safeguarding</td>
</tr>
<tr>
<td></td>
<td>Identification and Inscription</td>
</tr>
<tr>
<td><strong>IDENTIFICATION OF PROPERTY TO BE PROTECTED</strong></td>
<td></td>
</tr>
<tr>
<td>–Varying Identification and Degrees of Protection</td>
<td>Hague Emblem; <em>List of Property under Enhanced Protection</em>; <em>Inter-National Registers of Cultural Property under Special Protection</em></td>
</tr>
<tr>
<td></td>
<td><em>World Heritage List</em>; <em>World Heritage in Danger List</em></td>
</tr>
<tr>
<td><strong>LOSS OF PROTECTION</strong></td>
<td></td>
</tr>
<tr>
<td>–Cultural Property Covered by the Convention</td>
<td>Used for military purposes; “military objective” or “military necessity”</td>
</tr>
<tr>
<td></td>
<td>Damaged to extent that what made the property “outstanding universal value” is lost</td>
</tr>
</tbody>
</table>
CHAPTER FOUR

While the 1954 Hague Convention and 1972 World Heritage Convention are just two of the international treaties used to protect cultural property during armed conflict, the choice to focus in these two conventions was mostly dependent on two factors. The first was because the 1954 Hague Convention is explicitly a convention meant to protect cultural property during conflicts. While it might have been enough to focus on this convention alone, when it came time to analyze an example of actual cultural-property protection, the 1954 Hague Convention lacked the media references I had chosen to use as data. Which is why the 1972 World Heritage Convention was also chosen for this thesis, factor number two; because, in comparison to almost all international treaties discussed in news articles about the Syrian conflict—the chosen conflict example—the 1972 World Heritage Convention was referenced more often, and its inscribed sites have received large quantities of media coverage.

CONFLICT SUMMARY (AS OF SPRING 2014)

The conflict in the Syrian Arab Republic became violent after government forces used military weapons and mass arrests to silence local protests (BBC News 2014; Almond 2012). In July of 2012, the conflict became a civil war between the Al-Assad’s government and multiple government opposition groups. According the BBC News, the main opposition groups are the National Coalition for Syrian Revolutionary and Opposition Forces (National Coalition); the Supreme Military Council of the Free Syrian Army; and the Islamic Front. The National Coalition is supported by the West as according to a BBC profile of Syrian, “By December 2012 the US, Turkey, Gulf states, France and Britain had recognized the main opposition National Coalition of the Syrian
Revolution as the ‘sole legitimate representative of the Syrian people’, signaling their belief that the Assad government is beyond redemption” (BBC News 2014). And while thousands of people have been killed during this civil war, the expansive cultural heritage located in Syria has also become a major casualty of war and has received attention in international and United States news outlets.

CULTURAL HERITAGE AND PARTICIPATION THE CONVENTIONS

According to a report sponsored by the Global Heritage Fund, it is believed the Syrian inscribed sites, alone, represent over two thousand years of extensive history (Cunliffe 2012). The Fertile Crescent wraps around Syria’s eastern, northern, and western borders, and it is home to two cities believed to be some of the longest continually inhabited locations on Earth—Damascus and Aleppo (BBC News 2013; Fanack Foundation 2015; Ghose 2013). As one reporter wrote, “Syria is home to thousands of years of civilizations at the cross roads of the Levant and boasts important cultural sites dating back to the Bible, the ancient Roman empire, the Crusades and the arrival of Islam” (Associated Press 2013).

During the present conflict, various cultural properties within the country, which include archaeological sites and living cities that go back thousands of years, have been at the mercy of both government and rebel forces looting, bulldozing, and shelling the area. A press statement from the United States Committee of the Blue Shield in August 2012 said the following about the conflict’s effect on the Syrian heritage, highlighting the responsibility of all parties to adhere to international law:
The cultural heritage of Syria is among the most valuable in the world, spanning from the beginnings of civilization through the Roman, Crusader, Medieval Islamic and Ottoman periods. It is the duty of all nations and all people to protect and preserve this heritage for future generations. It is particularly the responsibility of both the Syrian regime and the rebel forces to honor international law and the interests of the Syrian people in preserving their shared cultural heritage. (Wegener 2012)

Syria became a member of the 1954 Convention and Protocol I in 1958 and a member of the 1972 World Heritage Convention in 1975. While the extent of Syria’s use of the 1954 Hague Convention is not clear, since becoming a member of the 1972 World Heritage Convention, Syria has had six cultural sites inscribed on the World Heritage List; and after almost a year of fighting, the World Heritage Committee session in Cambodia put all of the Syrian cultural sites on the List of World Heritage in Danger. The desire for this move was to, “mobilize all possible support for the safeguarding of these properties,” and get the international community and Syria involved in the protection (Amelan and Bardon 2013). In addition to these six sites—which are the Ancient city of Aleppo, the Ancient city of Bosra, the Ancient city of Damascus, the Ancient villages of northern Syria, the site of Palmyra, and the Crac des Chevaliers and Qal’at Salah El-Din—Syria has twelve other sites on their Tentative List, suggesting that at a minimum, Syrians see these locations as important to their culture if not potentially other cultures throughout the world.

In relation to the cultural property damage done in the Syrian conflict, both the 1972 World Heritage Convention and 1954 Hague Convention can be applied by Syrians and the international community. The 1972 World Heritage Convention is applicable for all damage done to the six world heritage sites in Syria. Then, for damage done to other immovable cultural properties (including those on Syria’s Tentative List) and all movable
cultural property, the remaining cultural properties are protected by the 1954 Convention and Protocol 1.

**SYRIAN CULTURAL PROPERTY DAMAGE ANALYSIS**

The conflict in Syria is classified as a civil war, and is covered within the 1954 Hague Convention under Article 19, “Conflicts not of an international character”. Within that article, it is expected for the conflict-parties to adhere to the obligations of “respecting” the cultural property (Hague Convention 1954, Art. 4). This involves,

- Not using the properties or their immediate surroundings in military purposes
- Working to prevent and stopping thefts of cultural property
- Prohibiting any vandalism against cultural property

and the conflict groups with this obligation include the al-Asaad forces, National Coalition, the Supreme Military Council of the Free Syrian Army, the Islamic Front, and all non-local forces ratified to the 1954 Hague Convention.

At the beginning of the Syrian conflict, there were reports the al-Asaad government and the rebel forces were attempting to work in tandem to protect exposed cultural property. According to one news article, at the beginning the sides were preserving the cultural property, but sites were quickly compromised:

At first officials were optimistic that the rebels could be persuaded to preserve the sites—if only for themselves and their children, since they were Syrians. And initially they did. “But now Syria is divided in two: Everyone is for or against the government,” said a Syrian official involved in preserving antiquities. “One always wants to say that archaeology does not take a political position, but by 2012 we no longer had control of the sites.” (Rubin 2014)

While all parties involved—the opposition, governments, and bystanders—agree their cultural property needs to be protected (Jamieson 2012), there does not appear to be any forceful attempts to stop the destruction caused by the fighting. Moreover, when major
destruction does occur, such as in the case of two of Aleppo’s major cultural features—the Umayyad Mosque minaret in Figure 7—the blame for the destruction is passed back and forth between sides (Associated Press 2012; Lucas 2013; Martinez and Alkhshali 2013; Jamieson 2012; NBC News and wire services 2012).

**Figure 7:** Destruction's progress on the minaret at the Umayyad Mosque. Three Images of the Umayyad Mosque as the fighting progressed through the area; the bottom picture was taken after the minaret was destroyed (Maiquez 2013).
The resulting damage from both sides can be divided into two cultural-property-damage categories. The first category is looting damage, which has occurred in the country’s museums and thousands of archaeological sites; it falls under the protection of the 1954 Hague Convention. The second damage category is the destruction to the immovable property—sites—that has been mostly caused by utilizing cultural properties and their immediate surroundings for military purposes; damage to these cultural properties falls under either or both the 1954 Hague Convention and the 1972 World Heritage Convention.

LOOTING

For Syria, looting is covered in both the 1954 convention and Protocol 1 as respect for movable culture. Specifically, looting addressed in the following sections:

The High Contracting Parties\(^9\) further undertake to prohibit, prevent and, if necessary, put a stop to any form of theft, pillage or misappropriation… ( Hague Convention 1954, Art. 4.3)

Each High Contracting Party undertakes to prevent the exportation, from a territory occupied by it during an armed conflict, of cultural property as defined in Article I of the Convention for the Protection of Cultural Property in the Event of Armed Conflict, (Protocol 1 Section I)

Moreover, in Syria there is a fifteen-year sentence for looting; and though there was little Syrian officials could effectively do, to protect the archaeological sites the officials reported measures were taken to move the museum collections to secure locations (Cunliffe 2012; Rubin 2014; Johnston 2012).

In an article for the US Committee of the Blue Shield, Syria’s head of the antiquities department, Maaamoun Abdulkarim, expressed his concern Syria would

\(^9\) “High Contracting Parties” is the term used by the 1954 Hague Convention to refer to ratified state party members to the conventions
devolve into another Iraq situation (Associated Press 2013) in which looters captured thousands of artifacts from museums and archaeological sites. It is because of the looting that occurred in Iraq in 2003 protection of cultural properties centers, as well as archaeological sites, in Syria has been a concern and priority for experts in the country and around the world (Rubin 2014; Sage 2013). Unfortunately, to this concern, there have been reports of organized groups digging-up artifacts from archaeological sites (Associated Press 2013; Cunliffe 2012), and locals going through what the archaeologists left behind to sell for emergency income (A. Fielding-Smith 2012; Rubin 2014).

In adherence to the previously mentioned articles and sections of the 1954 Convention and Protocol 1, Syria has some measures in place for cultural-property protection. For example, Syria’s punishment for looting is a manner of prohibition. Then for prevention, as the looting has occurred Abdulkarim has gone to UNESCO, the UN Security Council, and their neighboring countries of Turkey and Iraq for help enforcing smuggling at the borders (A. Fielding-Smith 2012); and this is in addition to the previously mentioned movement of museum collections to secure locations. Where the Syrian situation seems to be following short in terms of protection against looting is stopping it from occurring once the preventative measures had limited success.

This observation of looting prevention in Syria is made with the use of news outlets as the primary sources, and it is within this source material the looting plight has gone comparatively under-noticed, as best expressed by the following news article:

Syria’s turmoil has increasingly threatened the country’s rich archaeological heritage but the issue of smuggling artifacts has taken a back seat to more dramatic images as some of the most significant sites got caught in the crossfire between regime forces and rebels. (Associated Press 2013)
DAMAGE TO IMMOBILE SITES

In the Syrian conflict, the sites have received the most attention from the media, and this is especially true for the sites under the protection of the 1972 World Heritage Convention. The extent of the specific protection the 1972 World Heritage Convention offers to the sites, during armed conflicts is limited. However, Article 4 and Article 6, paragraph 3, shown below, both render any damage done to the sites as violations of the convention:

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 referred to in Articles 1 and 2 and 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. (WHC Article 4)

Each State Party to this Convention undertakes not to take any deliberate measures which might damage directly or indirectly the cultural and natural heritage referred to in Articles 1 and 2 situated on the territory of other States Parties to this Convention. (WHC Article 6.3)

Article 4 applies directly to the Syrian forces, and Article 6, paragraph 3, applies to the non-local forces who are state parties to the 1972 World Heritage Convention. Moreover, though Article 4 makes no specific mention of conflict, destruction caused to the inscribed sites would hinder most ideal methods for protecting, conserving, presenting, and transmitting the site to future generations.

By moving all of the Syrian sites to the World Heritage in Danger List, the World Heritage Committee is working to uphold the 1972 World Heritage Convention at its end, as per Article 11, which says the following:
The Committee shall establish, keep up to date and publish, whenever circumstances shall so require, under the title of "List of World Heritage in Danger", a list of the property appearing in the World Heritage List for the conservation of which major operations are necessary and for which assistance has been requested under this Convention… The list may include only such property forming part of the cultural and natural heritage as is threatened by serious and specific dangers, such as the threat of disappearance caused by accelerated deterioration, large-scale public or private projects or rapid urban or tourist development projects; destruction caused by changes in the use or ownership of the land; major alterations due to unknown causes; abandonment for any reason whatsoever; the outbreak or the threat of an armed conflict; calamities and cataclysms; serious fires, earthquakes, landslides; volcanic eruptions; changes in water level, floods and tidal waves. (Par. 4)

While the World Heritage Committee could offer assistance with emergency funds to help with the protection of the inscribed sites, in February 2013 the estimated costs of reconstruction moved into the hundreds of millions of dollars (Burnham 2014).

As for the protection these and other immovable cultural properties could be receiving from the 1954 Convention, both safeguarding and respecting the immovable cultural property appears to have been very limited. Firstly, there was no evidence of use of the Hague Emblem (Burnham 2014) or inclusion of properties on the List of Property under Enhanced Protection or the Inter-National Registers of Cultural Property under Special Protection. Although Abdulkarim did attended a UNESCO workshop in February 2013 in which they focused on planning how to “help safeguard the Syrian antiquities” (Associated Press 2013), safeguarding is best done before an attack, not after two years and an estimated 420 sites have been effected (Burnham 2014; Cohen 2012).

This lapse in safeguards—apparent to the media—then leaves the protection obligation of respect for cultural property to be adhered to, as Article 4 states:

No High Contracting Party may evade the obligations incumbent upon it under the present Article, in respect of another High Contracting Party, by reason of the fact that the latter has not applied the measures of safeguard referred to in Article 3. (Par. 5)
However, as can be assessed from the hundreds of millions of dollars of damage already done, adherence appears to have been minimal so far. This is especially true for one of the most notable violations of respect for immovable cultural property in this conflict—per *1954 Convention* Article 4, paragraph 1—which has been the use of this property for military purposes.

However, these uses are potentially acceptable in the cases involving military necessity under *1954 Convention* Article 4, paragraph 2. This is one of the biggest problems with enforcing the *1954 Convention* in Syria, because many of the castles and citadels considered cultural property were originally built for warfare. Moreover, the cities of Damascus and Aleppo—cities on the *World Heritage List*—are both key locations for any side to control in this conflict (Cohen 2012). Damascus is the capital of Syria, and the fighting damaged much of the city when it moved into the city limits (Associated Press 2012b). Moreover, in August 2012 the al-Asaad forces took Aleppo’s Citadel and used the position to attack the rebels. As one news article covering the attack said, “Built on a massive outcropping of rock, the easily defended Citadel has been an important strategic military point for millennia and is once again serving that function” (Cohen 2012). Aleppo was also in the news following when the fighting burned the Souk al-Madina market in September 2012 and the loss of the minaret in April 2013 (NBC News and wire services 2012; Associated Press 2012b; Martinez and Alkhshali 2013; Lucas 2013; Saad and Gladstone 2013).

The Syrian conflict has demonstrated the difficulty for cultural-property protection in regards to some groups of immovable property when the waiver of military necessity is in place. As one article put it, "At present, unfortunately, the most anyone
can do is closely monitor and publicize the devastation... and plead for both sides to respect the country's cultural heritage, as UNESCO has done.” (Jamieson 2012). Until the fighting stops and an assessment can be done, there is a limit on what can be done to help the inscribed sites.

OVERALL ASSESSMENT

Table 2 on page 64 summarizes the protections offered to cultural property during armed conflict by the 1954 Hague Convention and 1972 World Heritage Convention and how those protections could have been applied to the Syrian conflict.

The destruction in Syria has successfully caught the attention of some of the public and international organizations who work to protect cultural property, including the Global Heritage Fund, the World Monuments Fund (WMF), and the International Council of Museums (ICOM), US Committee of the Blue Shield (USCBS), UNESCO and the World Heritage Committee. In a Wall Street Journal article, Bonnie Burnham, president of the WMF, said she wanted the return of the Monuments Men to assist in protection cultural property—“Protecting cultural heritage is not a luxury. Bring back the Monuments Men, whose unstinting service made it clear that the greatest works of civilization are worth preserving” (Burnham 2014). She, like others, wants action to be taken against the destruction in Syria. Along these lines, the destruction has resulted in some international organizations and non-local-nations—including the WMF (Press 2013c), the ICOM (Johnston 2012) , and the United States (Ghose 2013)—to create safeguards such as “no-strike” lists incase outside involvement is needed.

The Syria conflict has the potential to be perceived as an overall failure for cultural-property protection during armed conflict, more so than many conflicts because
it is the local people who have committed most of the destruction to the cultural property. However, those who desire cultural property to be protected can use this conflict, just as World War II and the 2003 Iraq War were used previously, to acknowledge the shortcomings and gaps of cultural-property protection and work to make cultural-property protection during armed conflict more successful in the future.
Table 2: Summary of the Syrian conflict’s expected and actual adherence to the *1954 Hague Convention* and *1972 World Heritage Convention*

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<tr>
<td>Movable and Immovable cultural properties</td>
<td>Inscribed sites of cultural, mixed, or cultural-landscape nature; has “outstanding universal value”</td>
<td>Extensive cultural property in both movable and immovable forms; some sites considered to have “outstanding universal value”</td>
<td>Movable cultural being looted from archaeological sites and collections; Immovable property and sites experiencing conflict-related damage</td>
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</tbody>
</table>

| Designation of Primary Responsibilities | | | |
| Local governments; State parties involved in conflict | International community; State party in which inscribed site is located | Forces mostly culturally-local combatants; State party to: *1972 World Heritage Convention; 1954 Convention; Protocol 1* | Both sides responsible for damages; Some locals working to protect cultural properties; World Heritage Committee updating Lists |

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<th>Preparation Measures</th>
<th>Safeguarding</th>
<th>Identification and Inscription</th>
<th>Identified sites for the World Heritage List</th>
<th>6 inscribed sites, collections moved to securer locations</th>
</tr>
</thead>
</table>

| Identification of Property to be Protected | Hague Emblem; *List of Property under Enhanced Protection; Inter-National Registers of Cultural Property under Special Protection* | *World Heritage List; World Heritage in Danger List* | 6 sites inscribed on the World Heritage List | Sites on *World Heritage List* moved to *World Heritage In Danger List* |

| Loss of Protection | Used for military purposes; “military objective” or “military necessity” | Damaged to extent that what made the property “outstanding universal value” is lost | *(Inscribed sites have military history and cites have tactical advantages)* | Sites experiencing heavy damage; Sites being used for military purposes |
CHAPTER FIVE

As can be seen in the example of the conflict in Syria, there is a gap between what is theoretically expected from the 1954 Hague Convention and the 1972 World Heritage Convention and what is actually happening during the fighting, according to the media. In reality, the planning and execution will likely never match-up, but the option to ignore the importance of properly protecting cultural property during armed conflicts is as much an error in judgement as the cultural property destruction. The 1954 Hague Convention and the 1972 World Heritage Convention have both been updated in the past, and it is possible for stakeholders and participants in cultural-property protection to alter how they approach the issue to reach a relatively successful outcome.

For example, according to an article by Kane (2013), as Libyan protests turned into armed-resistances in February 2011 her team had some success in protecting the region’s archaeological record by assisting with airstrike-targeting data. As Kane explains, in March of 2011 the U.S. Committee of the Blue Shield (USCBS) contacted Kane and others for help creating a cultural-property-no-strike list of the Libyan area. Corine Wegener, president of the USCBS, was looking for a list to distribute to the United States’ military containing names and coordinates of “importance archaeologist sites and museums” (Kane 2013) to avoid, and after approximately a month the list of 242 locations was sent to NATO through the U.S. State Department, which included archaeological sites, museums, buildings, and other cultural properties (Kane 2013). With the help of this list, a post-conflict evaluation done at two major cultural sites in Libya showed damage was isolated to small arms, anti-aircraft, and heavy equipment damage
(Kane 2013). This outcome is a stark contrast to the situation in Syria, where not even the world heritage sites escaped destruction, let alone other cultural properties.

While there are differences between the two conflicts, this comparison shows it is possible for cultural property to be successfully protected without sacrificing military goals, if the correct approach is taken. From reading scholarly literature, the 1954 Hague Convention, 1972 World Heritage Convention, and news media about the Syrian conflict, I have compiled four points—three application-based and one theoretical-based—that may be areas for improvements for cultural-property protection during armed conflict.

The first point is about the term “military necessity”, which has been addressed in previous literature, and how it can be better defined to curb some of its misuses. Going back to the literature review and Kane’s Libya example, point two is increasing the participation of academics in the military’s work with cultural-property protection. Point three—that could be slightly dependent on the participation of academics for success—is the use and risks of cultural property lists during conflicts. Then the theoretical-based point will be a brief discussion on the possibility of cultural property being protected by focusing on the importance it has to “someone else”, rather than only on its “universal” importance. While solutions are included with these discussion points, the proposed ideas would need much more research and rhetoric before being considered as viable alternatives to the existing frameworks and policies.

**MILITARY NECESSITY**

The term military necessity has been a continuous struggle between its logical existence and its actual use. As mentioned in the Syrian example, several of the heavily-damaged sites being criticized for use during the fighting were originally built for warfare
(Associated Press 2013; BBC News 2013; Cohen 2012). Moreover, the medieval market fire in 2012 was part of a “decisive battle,” according to new articles (Associated Press 2012b; NBC News and wire services 2012). In both of these instances the perceived military necessity resulted in the destruction of cultural property; however, these uses and criticisms raise the question if there were any convention violations and if the properties had reasonable hope of protection because of their military origins. This particular trouble with military necessity has been slightly compounded by the lack of a clear concept of military necessity for cultural-property protection.

While the term is used in the 1954 Convention —and was even “updated” in Protocol 2 —it is still not well defined for this convention (Colwell-Chanthaphonh and Piper 2001; Hladik 1999). Scholars have said in the original drafting of the 1954 Convention and Protocol 2, some involved parties wanted the term left-out because, “it would diminish the scope of the protection and open the door to abuses” (Hladik 1999). While there are examples of these concerns happening (Zaprianova-Marshall 2011), and the former can be seen in the Syrian conflict, this thesis supports the inclusion of a term like military necessity because it is especially important for the realities of cultural-property protection’s application (Hladik 1999; Colwell-Chanthaphonh and Piper 2001).

Hladik’s (1999) work on military necessity reports in May 1998 definitions of military necessity were created by the Secretariat of UNESCO for use in the 1954 Hague Convention. Parts of the definition are seen in Protocol 2, but the exact Secretariat’s explanation—recreated below—of military necessity is not included in the protocol:
Measures undertaken by a military commander to obtain, as quickly as possible, the complete surrender of the enemy must be lawful and in conformity with the generally recognized principles of international humanitarian law, both of treaty and customary nature, such as the distinction between combatants and non-combatants, proportionality and the prohibition of reprisals against protected categories of persons and objects. (Hladik 1999)

The reason I have highlighted this definition is because of its similarities to the Lieber Code’s definition of military necessity, which arguably contains the clearest definition of the term included in all of the military directives included in this thesis. It reads, partially, as the following:

Military necessity, as understood by modern civilized nations, consists in the necessity of those measures which are indispensable for securing the ends of the war, and which are lawful according to the modern law and usages of war. Military necessity admits of all direct destruction of life or limb of armed enemies, and of other persons whose destruction is incidentally unavoidable in the armed contests of the war […]

[…] in general, military necessity does not include any act of hostility which makes the return to peace unnecessarily difficult. (Lieber Code 1863, Art. 14-16)

While the destruction of cultural property is a great loss to its people and the world as a whole, the reality of armed conflict means realistically there is potential need for the concept.

A potential solution for this point is the definition of military necessity should incorporate the level of detail included in the Lieber Code’s explanation (which goes into more than was included above). If the international community involved in cultural-property protection desires to tighten the reins on the use of military necessity, I suggest the following two goals, which have potential to yield a more standardized—and potentially enforceable —result:

1. Following closely the example of the Lieber Code, include a more exact definition of military necessity for the use within the 1954 Hague Convention, Protocol 1, and Protocol 2.
2. To better address cultural property with a higher probability of military function or objectivity—e.g. historic forts, train yards, or heavily
populated cities—have stricter standards for inclusion and include specific limits on what damage is reasonably allowed in respect to the conflict at hand.

Details such as, “The damage is necessary to end the immediate suffering of the local civilians” could make deciding to attack a more black-and-white decision; and as for goal two, a statement similar to the following would also make military use and potential protections clearer: “Respecting the military origins of this cultural important site, military necessity includes on the following potential uses:…” With a new update, either within execution guidelines or another protocol, the likelihood for abuse of military necessity could be limited with specific and easy applicable details.

**ACADEMIC PARTICIPATION WITHIN MILITARY PROTECTION**

After the United States ratified the *1954 Convention*, the question became how cultural property specialists would go about trying to assist in its implementation (Wegener 2010). While in the years prior to ratification, some work was done in post-invasion Iraq (Greenleese and Wiser 2013; Brodie 2006; Stone 2013a), there is a divide in the academic community as to whether it is ethical for archaeologists and anthropologists to use their knowledge of a local communities to assist the often invading military (Jordan 2012).

One of the main arguments against academic-participation within military initiatives is the notion providing cultural information to the military is equivalent to supporting military objectives and potentially becoming “the cultural branch of a war machine” (Jordan 2012), which stems from the history relating anthropology and archaeology to imperial colonialism (Lalaki 2013) and the disciplines’ desire to maintain their “autonomy as scholars” (Jordan 2012). This concern is readily established with
negative past experiences, but waiting until damage is done during conflicts hasn’t been a successful tactic, as is especially apparent comparing the situation in the 2003 Iraq War (Greenleese and Wiser 2013) to the success described in Libya (Kane 2013).

Successful cultural-property protection during armed conflicts appears to have largely come-down to the completeness of pre-conflict planning and safeguarding (Wegener 2010), and this planning can be executed effectively with the assistance of cultural property specialists from the academic community. Jordan (2012) pointed-out helping cultural-property protection is not the same as being an “active collaborator in destruction or legitimizing invasion.” Moreover, many non-military experts and organizations worked towards the United States’ ratification of the 1954 Convention (Archaeological Institute of America et al. 2008; Gerstenblith 2007), and with the ratification the military will likely require assistance to effectively enforce the convention. As Wegener wrote, “We in the cultural heritage community must become familiar with the convention provisions and help ensure our success in implementing the treaty” (Wegener 2010).

Academics could effectively assistant and instigate the implementation of the convention in several possible ways. One way, which is becoming a popular avenue (Boyle 2013; Stone 2013a; Wegener 2010), is involvement in the training of military personal responsibly for cultural-property protection. Another way, which would likely involve a broad range of experts and has its own risks with use in conflicts, is assisting and improving the creation of cultural property lists for individual states and multinational operations to use specifically for armed conflict situations.
LISTS FOR ARMED-CONFLICT SITUATIONS

From the explanations of the 1954 Hague Convention and the 1972 World Heritage Convention, lists of important cultural property are already in existence at the international levels, and many state parties have similar lists of cultural properties at the national levels. And beyond cultural-relevance of cultural-property lists to some cultures, one of the main concerns with using cultural property lists during armed conflicts is the risk of an opposition force using the information to easily target cultural property. According to Boylan (2006), some states have chosen not to mark their cultural property because it makes it much easier to target in a culture-based conflicts.

One vivid example of this occurrence in relatively recent memory was during the Yugoslavia and Croatia conflicts in 1990 (Boylan 2006; Stone 2013b) where “Mosques for Serbs and Croats, Orthodox churches for Muslims and Croats, Catholic monasteries for Serbs and Muslims” (Chapman 1994: 120) were all targeted. Unfortunately, eliminating this risk altogether is largely impossible, but while this potential misuse is concerning for the creation and distribution of these types of lists, the main issue with not having these lists is simply these places cannot be protected and avoided if those fighting—without cultural agendas—do not know there locations.

While there may be many cultural-property lists in existence, Stone (2013b) reports the number of inventories useful to the military is limited, as, “Many countries produce such lists as part of their heritage management. Unfortunately, many do not, and numerous lists do not include the precise location coordinates needed by the military.” The Libyan situation is a documented example of this, because prior to contacting any experts, the military’s database for the no-strike list contained only thirty cultural property sites (Kane 2013).
From the perspective of trying to implement the *1954 Convention*, a potential compromise for these concerns may be not to work *directly* with the military, and to coordinate the creation, housing, and distribution of the lists through organizations dedicated to the implementation of cultural-property protection, such as local Blue Shield Committees. This could be a solution for two reasons. The first is creating the lists adheres to safeguarding recommendations of the *1954 Convention* (Stone 2013b). The second reason is these organizations are ideally independent and neutral organization—similar to the Red Cross (Jordan 2012; USCBS 2014)—and can interact with the military at varying levels of discretion.

**COMMON HERITAGE**

The concept of a universal heritage appears in both the *1954 Hague Convention* and, especially, the *1972 World Heritage Convention*, and in much of the literature about the cultural-property protection (USCBS 2014; Jordan 2012). However, through my research on this topic, I came to question the emphasis of culture’s importance due of its suggested universality, and wondered if perhaps this was not the only way in which cultural-property protection could be inspired in those asked to enforce it. Handler (2003) writes, "culture brokers claim to operate in reference to universal aesthetic values, in my view such universals can never be other than rationalized presentations of historically specific cultural values" (2003: 59). While culture itself is a universal concept, what is important about a culture may be relevant to only specific people, states, or time periods.

As was briefly mentioned in the literature review the World Heritage List, the *1972 World Heritage Convention* has had some shortcoming being representative of as many cultures as possible. Meskell (2014) wrote, “[After 40 years] World heritage,
considered a new universal instrument for preservation and cultural memory, and by
many as a diver for development, peace, and intercultural dialogue, may be deeply
imperfect and in serious need of revision.” Moreover, in cases like Syria it could be
advantageous to stress the importance of cultural property at the local levels and not the
importance it has to outsiders who may or may not be involved in the fighting. An article
on new approaches to cultural property in the military, Stone (2013a) writes, “It would
emphasize the generic value of cultural property as a source of national pride, dignity,
and wellbeing,” and this idea of “national pride” can be a strong notion when respecting
cultural property in accordance to the 1954 Hague Convention.

For this point of potential improvement, I suggest the focus of cultural-property
protection be emphasized as national cultural property being part of the international
cultural property. In other words, cultural-property protection could be better served at
the national level; and then, cultural property protection could also be stressed to those
who will have to fight around foreign cultural property as part of the international
cultural property and should be respected as equal to their own cultural property. While
this takes away from the idea of cultural property as important because it is part of “all
our history”, it may add more realism to the situation. For example, a soldier who grew-
up in Maine may not have an easy time accepting a national treasure of a country in
Africa as part of “his” heritage, however he may be able to respect it as part the heritage
of someone else who is just as much part of the international heritage as he is.

IN CONCLUSION

In one of his latest articles on cultural-property protection, Stone wrote, “No-one
implies that CPP [cultural property protection] in times armed conflict is easy[…] but the
responsibility of the belligerent to include it in their planning, under IHL [international humanitarian law], is unequivocal” (2013: 166). With the reinvigorated interest in cultural-property protection brought on by news of conflicts like Syria, politics like the ratification of the 1954 Hague Convention, and the release of movies like the Monuments Men (2014), the road to success in cultural-property protection during armed conflict can start with individuals, groups, and nations taking responsibility for cultural-property protection and bringing this movement to the international stage. Each conflict, however damaging, is a resource to improve the groundwork started over 50 years ago. Moreover, no amount of rhetoric will improve cultural-property protection during armed conflict if left within the confines of academia. It is the responsibility of further research to extend out to those who can take proper action to improve the situation for all.
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UNESCO World Heritage Centre

UNESCO World Heritage Centre
Van der Auwera, Sigrid

Wegener, Corine

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World Heritage Committee

World Heritage Convention

Zaprianova-Marshall, Viara
### ANNEX 1: TABLE OF INTERNATIONAL TREATY STATE PARTIES

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87
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<tr>
<th>Country</th>
<th>Year 1</th>
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<th>Year 3</th>
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<td>1935</td>
<td>2005</td>
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<td>1990</td>
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<tr>
<td>Viet Nam</td>
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<td>1987</td>
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<td>Zambia</td>
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<td><strong>Total State Parties</strong></td>
<td>49</td>
<td>37</td>
<td>21</td>
<td>126</td>
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</table>

Data Sources:
ICRC 2014d; ICRC 2015a; ICRC 2015 b; UNESCO 2014a; UNESCO World Heritage Centre
ANNEX 2: ENHANCED PROTECTION INVENTORY

List of Cultural Property under Enhanced Protection
(Total: 10 sites, all of them being World Heritage properties)

- Azerbaijan:
  - Walled City of Baku with the Shirvanshah’s Palace and Maiden Tower
  - Gobustan Archaeological site

- Belgium:
  - House & Workshop of Victor Horta
  - Neolithic flint mines at Spiennes, Mons
  - The Plantin-Moretus House-Workshops-Museum Complex and the Business Archives of the Officiana Plantiniana

- Cyprus:
  - Choirokoitia
  - Painted Churches in the Troodos Region
  - Paphos

- Italy:
  - Castel del Monte

- Lithuania:
  - Kernavė Archaeological Site
Official Enhanced Protection Inscription Example

Azerbaijan: Gobustan Archaeological site

Name and identification

Gobustan Archaeological Site

Description

The Gobustan Archaeological Site is located on the Caspian Sea and the south-eastern outcrops of the Greater Caucasus. Its rich deposits of rock art and archaeological sites are spread over an area of over 150 km². This area is part of the Gobustan State Historical-Artistic Reserve and is one of the most important sites in Azerbaijan. The archaeological site is located in the Caspian District and the Absheron District, some 55 km south from Baku.

Location, boundaries and immediate surroundings

The Gobustan Archaeological Site is located in the Caspian District and the Absheron District, some 55 km south from Baku.

Date of Entry in the List

Statement of inclusion

Enhanced Protection was granted to the Gobustan Archaeological Site on 18 December 2013 by the Committee for the Protection of Cultural Property in the Event of Armed Conflict during its eighteenth meeting at UNESCO Headquarters (18-19 December 2013) by the adoption of the following Statement of Inclusion of the Property on the List of Cultural Property under Enhanced Protection:

Statement of inclusion

The cultural property of the Gobustan Archaeological Site, Azerbaijan, as amended by action of Article 10 of the Second Protocol in the following ways:

- by virtue of its inscription on the World Heritage List as the Gobustan Rock Art Cultural Landscape on the basis of criteria ii, iii and iv of paragraph 36 of the Guidelines for the Implementation of the Second Protocol to the 1954 Hague Convention, the Gobustan Archaeological Site complies with the condition of being of the greatest importance for humanity;
- protection measures have been taken and the cultural property is protected by (i) Order on the establishment of the Gobustan State Historical-Artistic Reserve approved by Decree No. 503 of the Council of Ministers of Azerbaijan and adopted on 2 September 1996, (ii) the Site of Gobustan National Reserve approved on 14 April 2009, (iii) Order on protection of the Gobustan and historical art properties on the territory of Gobustan, adopted by Decree No. 2213 on 11 June 2007, (iv) Decision of the Cabinet of Ministers of the Republic of Azerbaijan ‘About awarding the status of natural reserve to the Gobustan State historical-artistic reserve’ on 6 November 2007, (v) the adoption of a management plan action, approved on 27 March 2009, (vi) the inscription of the cultural property on an official list of monuments of global importance by Decision No. 132, dated 2 August 2001, (vii) the establishment of registers of the cultural property, (viii) the reinforcement of the security of the site in the application of Order No. 2213 on the protection of cultural and historical site situated on the territory of Gobustan, dated 11 June 2007, (ix) a Law on Fire Safety, dated 10 June 1997, (x) the establishment of an automated fire system response and fire safety rules, and (xi) the organization of civil emergency training according to Order 1502 on civil defence exercises for leading staff, dated 24 January 2013. Further, the Ministry of the Interior and the Ministry of Agriculture and Natural Resources, as amended on 11 December 2013, also comply with the condition of being of the greatest importance for humanity.

Today, Gobustan is home to more than 60,000 exhibits.

Source: UNESCO 2013
ANNEX 3: INTERNATIONAL REGISTER OF SPECIAL PROTECTION

International Register of Cultural Property under Special Protection

CLT/CIH/MCO/2008/PI/46

2000

Source: UNESCO 2008
### AUSTRIA

<table>
<thead>
<tr>
<th>No.</th>
<th>Description of the cultural property</th>
<th>Date of registration</th>
<th>Despatch of copies of the entry</th>
<th>Cancellation</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>I. Parag. II - Refuges</td>
<td>17 November 1967</td>
<td>(a) and (b), UN, all States</td>
<td></td>
</tr>
</tbody>
</table>

| (2) |                           |                      |                                 |              |

#### The Alt-Aussee refuge for cultural property includes:

(a) (i) a disused salt mine consisting of the following galleries:

- *Steinbergzelt* (Kruva), "Steineraumkreisloch" and "Steineraumkreislochkasten".

(b) The "Steinbergzelt" (Steinberg Gallery) leading to the mine; this forms the entrance to the mine and is at an altitude of approximately 900 m. It is approximately 200 m from the hamlet of Steinberg which is at the same altitude and approximately 2,500 m from Alt-Aussee whose average altitude is 700 m.

(c) A circular area having a radius of 5 km with the mine entrance as its centre.

(b) Underground area: ± 15,000 sq. m.

(c) Entry to the Steinberg Gallery is through a low building built onto the rockface and overhung by the upper part of this rockface. There is only one road, approximately 2 km long, from Alt-Aussee to the refuge. The summit of these mountains (Fischler - 1,723 m, Dietrichs - 1,124 m, and Törlenstein - 926 m) form a triangle with the entrance to the mine in the middle.


### FEDERAL REPUBLIC OF GERMANY

<table>
<thead>
<tr>
<th>No.</th>
<th>Description of the cultural property</th>
<th>Date of registration</th>
<th>Despatch of copies of the entry</th>
<th>Cancellation</th>
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<tbody>
<tr>
<td>(1)</td>
<td>II. Parag. I - Refuge</td>
<td>24 April 1970</td>
<td>(a) and (b), UN, all States</td>
<td></td>
</tr>
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</table>

| (2) |                           |                      |                                 |              |

#### Zentraler Bergbauort (Central Refuge) Oberrieder Station

- The refuge is situated about 2,500 m south-west of the Oberrieder mountain办公室.

- Area: approximately 1,400 sq. m. Sheltered by a green meadow about 200 m high, the main drift is 600 m long. There are two parallel side drifts, each 50 m long.

- It can be reached from the southern end of the village of Oberrieder by a road which, 1,000 m from the village exit, leads to a connecting road branching off to the right (westward) and reaching three hours after 230 m. From these three houses, which are situated at a bend in the road, the road runs uphill through the woods for another 240 m leading to a 600 sq. m circular open space in front of the actual entrance to the Central Refuge. The entrance itself is at the end of a rock well. The drift can be reached directly via the L. 316 road leading from 3 km, as the crow flies, from the Schauinsland Peak.

- Longitude: 7° 56' 12" East.
- Latitude: 47° 55' 20" North.
### Netherlands

<table>
<thead>
<tr>
<th>No.</th>
<th>Description of the cultural property</th>
<th>Date of registration</th>
<th>Despatch of copies of the entry</th>
<th>Cancellation</th>
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</thead>
<tbody>
<tr>
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</tbody>
</table>

#### Paragraph II - Refuges

1. **Commune of Zandvoort, province of North Holland**
   - Zok refuge for cultural property
     - (a) South-east of the town hall of Zandvoort
     - (b) Area: 150 sq. m at ground level
     - (c) The entrance to the Zok refuge at Zandvoort is situated 3,500 m on the road, to the south-east of the town hall of Zandvoort, 1,200 m west-north-west of the entrance of the dune water catchment area of the Amsterdam Water Service beside the Vogelzangweg, 1,775 m south-south-east of the entrance of the dune water catchment area of the Amsterdam Water Service beside the Zandvoort Haven and 400 m to the north-east of the Spaarkenslaan-VanderLeeuwenlaan link.
     - (d) Longitude: 4° 30' 26" East
     - Latitude: 52° 20' 55" North

2. **Commune of Zandvoort, province of North Holland**
   - Zok refuge for cultural property
     - (a) South-west of the Zok refuge
     - (b) Area: 150 sq. m at ground level
     - (c) The entrance to the refuge is situated 125 m to the south-west of the entrance to the Zok refuge.

3. **Commune of Heemskerk, province of North Holland**
   - Naf refuge for cultural property
     - (a) West of the town hall of Heemskerk, next to the Oudendijk dike
     - (b) Area: 150 sq. m at ground level
     - (c) The entrance to the Naf refuge at Heemskerk is situated 3,000 m on the road, to the west of the town hall of Heemskerk, 3,900 m to the west of the Oudendijk-Heemskerkweg "F" junction and 600 m to the north-west of the beginning of the Achterweg taking the Oudendijk as the starting point.
     - (d) Longitude: 4° 37' 31" East
     - Latitude: 52° 31' 00" North

4. **Commune of Heemskerk, province of North Holland**
   - Naf refuge for cultural property
     - (a) North-east of the Naf refuge
     - (b) Area: 161 sq. m at ground level
     - (c) The entrance to the Naf refuge is situated 87 m to the north-east of the entrance to the Naf refuge at Heemskerk.
     - (d) Longitude: 4° 37' 35" East
     - Latitude: 52° 31' 03" North

(Translated from French)
### Section 1: NETHERLANDS

<table>
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<tr>
<th>No.</th>
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<th>Cancellation</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Commune of Steenwijk, province of Overijssel</td>
<td></td>
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</tr>
<tr>
<td>(a)</td>
<td>Paaso refuge for cultural property</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>(b)</td>
<td>Area: 452 sq. m.</td>
<td></td>
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<tr>
<td>(c)</td>
<td>The Paaso refuge (commune of Steenwijk) is 1 km from the town hall of the commune of Oldemarkt in an easterly direction. The nearest hamlet, Paaso, is situated in the commune of Oldemarkt. The refuge is situated alongside the Paaso river, a side street leading off the provincial road from Steenwijk to Oldemarkt, via Tok, and it is in the middle of a wood, which means that the refuge cannot be seen from the provincial road.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>(d)</td>
<td>Longitude: 6° 07' 49&quot; East;</td>
<td>Latitude: 52° 48' 30&quot; North</td>
<td></td>
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### Section 2: STATO DELLA CITTA' DEL VATICANO (SANTA SEDE) (Holy See)

<table>
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<th>Despatch of copies of the entry</th>
<th>Cancellation</th>
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<tbody>
<tr>
<td></td>
<td>Paragraph II - Centre containing monuments</td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td>State della Città del Vaticano</td>
<td>18 January 1960</td>
<td></td>
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<tr>
<td></td>
<td>The whole of the territory</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>(a)</td>
<td>Bounded to the east by the streets which border the Piazza San Pietro outside the Bernini colonnade, and the walls which follow the Via della Angizia, the Piazza dei Risorgimento and part of the Via Leoni, to the north, west and south by the walls which follow the Viale Vaticano to the southeast by an imaginary line which follows the western and northern boundary of the Campodanico Teutonico as far as the facade of the church of Santa Maria della Pieta and the Via dell’Apostoli. Main cultural properties: Basilica of San Pietro (Saint Peter’s Basilica) and archaeological remains, Palazzo del Vaticano (the Vatican Palace) with their museums, Biblioteca Vatica (the Vatican Library), Archivi segreti (Secret archives)</td>
<td></td>
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<tr>
<td>(b)</td>
<td>Area: approximately 640,000 sq. m.</td>
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<tr>
<td>(c)</td>
<td>The &quot;Governatorato&quot; is situated approximately in the centre, in the gardens, to the west of Saint Peter’s Basilica</td>
<td></td>
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</tr>
<tr>
<td>(d)</td>
<td>Longitude: 12° 26' 55&quot; East;</td>
<td>Latitude: 41° 54' 06&quot; North</td>
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</tbody>
</table>

A major road (Via Aurelia) runs close to the southern frontier of the City, an Italian territory. The Italian Government has made a statement on this subject which was communicated to the High Contracting Parties by letter MUS/RC/801/1/3-29 dated 18 September 1956.
# ANNEX 4: INTERNATIONAL REGISTER FOR CULTURAL PROPERTY UNDER SPECIAL PROTECTION

International Register of Cultural Property under Special Protection

13 April 2014

(Translated from French)

<table>
<thead>
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<th>Section: AUSTRIA</th>
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<table>
<thead>
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<th>Despatch of copies of the entry</th>
<th>Cancellation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paragraph II – Refuges:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hamlet of Stainberg in Upper Austria, Commune of Ali-Aussee (village), Administrative district of the town of Leibn, Judicial district of Bad-Aussee (village), Federal Province of Styria (Steiermark) whose capital city is Graz. The Ali-Aussee refuge for cultural property includes:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| (a) (i) a disused salt mine consisting of the following galleries:  
  "Springgasse",  
  "Obert-Rammelgrabenweid",  
  "Heilige von Stainberg" and  
  "Wendelstift" | 17 November 1967 | (a) and (b), UN, all Status | Cancelled on 12 September 2003 |
| (ii) the "Steinbergstiefe" (Steinberg Gallery) leading to the mine; this forms the entrance to the mine and is at an altitude of approximately 980 m. It is approximately 200 m from the hamlet of Stainberg which is at about the same altitude and approximately 2,500 m from Ali-Aussee whose average altitude is 740 m. | | | |
| (iii) a circular area having a radius of 5 km with the mine entrance as its centre | | | |
| (b) Underground area: ±15,000 sq.m. | | | |
| (c) Entry to the Steinberg Gallery is through a low building built onto the rockface and overhanging by the upper part of this rockface. There is only one road, approximately 2 km long, from Ali-Aussee to the refuge. The summits of three mountains  
  (Rathskogel – 1,353 m, Dietrichskogel – 1,150 m, and Toefstein – 954 m) form a triangle with the entrance to the mine in the middle | | | |
| (d) Longitude: 13°44'45" East  
  Latitude: 47°39'40" North | | | |

Source: UNESCO 2014a; 2014b
### Section: FEDERAL REPUBLIC OF GERMANY

<table>
<thead>
<tr>
<th>Description of the cultural property</th>
<th>Date of registration</th>
<th>Despatch of copies of the entry</th>
<th>Cancellation</th>
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</thead>
<tbody>
<tr>
<td>Paragraph I – Refuge</td>
<td>24 April 1978</td>
<td>(a) and (b), UN, all States</td>
<td></td>
</tr>
<tr>
<td>(a) The refuge is situated about 2,500 m south-west of the Oberried municipal office.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) Area approximately 1,440 sq. m. Sheltered by a grove massif about 200 m high, the main drift is 480 m long. There are two parallel side drifts, each 50 m long.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) It can be reached from the southern end of the village of Oberried, by a road which, 1,010 m from the village exit, leads to a connecting road branching off to the right (westward) and reaching three houses after 250 m. From these three houses, which are situated at a bend in the road, the road runs uphill through the woods for another 200 m leading to a 430 sq. m. circular open space in front of the actual entrance to the Central Refuge. The entrance itself is set into a rock wall. The drift can be reached directly via the L 126 road leading from Kirchzarten to Todtnau. The refuge is situated approximately 3 km, as the crow flies, from the Schauinsland Peak.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>(d) Longitude: 7° 58' 12&quot; East</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Latitude: 47° 59' 25&quot; North</td>
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</table>

### Section: NETHERLANDS

<table>
<thead>
<tr>
<th>Description of the cultural property</th>
<th>Date of registration</th>
<th>Despatch of copies of the entry</th>
<th>Cancellation</th>
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<td>Paragraph II – Refuge</td>
<td>12 May 1969</td>
<td>(a) and (b), UN, all States</td>
<td></td>
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<tr>
<td>1. Commune of Zandvoort, province of North Holland</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zab refuge for cultural property</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) South-east of the town hall of Zandvoort</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) Area: 150 sq. m at ground level</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) The entrance to the Zab refuge at Zandvoort is situated 3,500 m, as the crow flies, to the south-west of the town hall of Zandvoort. 1,200 m west north-west of the entrance of the storm water catchment area of the Amsterdam Water Service besides the Vleutenzandweg 1, 975 m south-south-east of the entrance of the storm water catchment area of the Amsterdam Water Service besides the Zandvoortse Zand and 400 m to the north-east of the Spanjeiland-Van der Wijkseiland link.</td>
<td></td>
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</tr>
<tr>
<td>(d) Longitude: 4° 33' 46&quot; East</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Latitude: 52° 30' 46&quot; North</td>
<td></td>
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</tr>
</tbody>
</table>

2. Commune of Zandvoort, province of North Holland

Zod refuge for cultural property

(a) South-west of the Zab refuge
(b) Area: 150 sq. m at ground level
(c) The entrance to the refuge is situated 125 m to the south-west of the entrance to the Zab refuge.
3. Commune of Heemskerk, province of North Holland
   
   **Refuge for cultural property**
   
   (a) West of the town hall of Heemskerk, next to the Oudeendijk dike
   (b) Area: 150 sq. m at ground level
   (c) The entrance to the refuge is situated 3,300 m as the crow flies to the west of the town hall of Heemskerk, 1,000 m to the west of the Oudeendijk-Rivierstraatweg junction, and 600 m to the north-west of the beginning of the Achterweg taking the Oudeendijk as the starting point.
   (d) Longitude: 4° 37’ 31” East, Latitude: 52° 31’ 00” North

4. Commune of Heemskerk, province of North Holland
   
   **Refuge for cultural property**
   
   (a) North-east of the refuge
   (b) Area: 151 sq. m at ground level
   (c) The entrance to the refuge is situated 87 m to the north-east of the entrance to the refuge at Heemskerk.
   (d) Longitude: 4° 37’ 35” East, Latitude: 52° 31’ 05” North

5. Commune of Steenwijk, province of Overijssel
   
   **Refuge for cultural property**
   
   (a) Paasloegel Street, leading off the road from Steenwijk to Oldemarkt
   (b) Area: 452 sq. m
   (c) The Paasloegel refuge (commune of Steenwijk) is 4 km from the town hall of the commune of Oldemarkt in an easterly direction. The nearest hamlet is Paasloegel, situated in the commune of Oldemarkt. The refuge is situated alongside the Paasloegel, a side street leading off the provincial road from Steenwijk to Oldemarkt, via 'Tuk', and is in the middle of a wood, which means that the refuge cannot be seen from the provincial road.
   (d) Longitude: 6° 01’ 47” East, Latitude: 52° 48’ 50” North

6. Commune of Maastricht, province of Limburg
   
   **Refuge for cultural property**
   
   (a) Laid out inside the St-Petersberg hill
   (b) Area: 46 sq. m at ground level
   (c) The main (eastern) entrance of the refuge at Maastricht (St-Petersberg) is 7,300 m from the town hall of Maastricht in a southerly direction. Other indications are: from the old church of "St-Peter" (Observatorium), proceed 170 m north-west, then take the pathway on the left through the fields which then runs between high banks and after 140 m you come to the entrance to the system of galleries which forms the refuge.
   (d) Longitude: 5° 41’ 10” East, Latitude: 50° 50’ 01” North

Cancelled on 22 September 1994
Section: STATO DELLA CITTÀ DEL VATICANO (SANTA SEDE)  
(Vatican City State)  
(Holy See)

<table>
<thead>
<tr>
<th>Description of the cultural property</th>
<th>Date of registration</th>
<th>Despatch of copies of the entry</th>
<th>Cancellation</th>
</tr>
</thead>
</table>
| I. Paragraph II – Centre containing monument: Stato della Città del Vaticano. The whole of the territory (a) Bounded to the east by the streets which border the Piazza San Pietro outside the Borromini Colonnade, and the walls which follow the Via di Porta Angelica, the Piazza del Risorgimento and part of the Via Leone IV. To the north, west and south by the walls which follow the Viale Vaticano; to the south-east by an imaginary line which follows the western and northern boundary of the Campus Martius; to the east; and by the facade of the Church of Santa Maria della Pieta and the Via della Sorgente. Main cultural properties: Basilica di San Pietro (Saint Peter’s Basilica) and archaeological remains, Palazzi del Vaticano (the Vatican Palaces) with their museums; Biblioteca Vaticana (the Vatican Library); Archivio segreti (secret archives). (b) Area approximately 440,000 sq. m. (c) The “Giardino Lateranense” is situated approximately in the centre, in the gardens, to the west of Saint Peter’s Basilica. (d) Longitude 12° 26’ 55” East, Latitude 41° 54’ 06” North. | 18 January 1968  
(a) and (b) 16 February 1968 UN, all States  
5 May 1961: Cyprus, Kuwait, Nigeria, Somalia, Congo (Brazzaville), Cameroon, Congo (Leopold), Ivory Coast, Dahomey, Gabon, Upper Volta, Madagascar, Mali, Niger, Central African Rep., Senegal, Chad, Togo  
23 May 1982: Mongolia, Tungoum, Sierra Leone |  
1 March 1963: Uganda, Rwanda, Burundi, Algeria, Mongolia  
9 March 1964: Trinidad, Jamaica  
19 March 1965: Kenya, Malawi, Zambia  
2 June 1965: Malta  
22 December 1965: Singapore  
7 July 1967: Cyprus |
AUTHOR BIOGRAPHY

Marisa Higgins walked in graduation in May 2014, and, after a year of procrastination and editing, graduated from the University of Maine in May 2015, majoring in Anthropology with a minor in Professional and Technical Writing. While she loves anthropology's content, her true passion is in document editing and design where her only task is to make the work of others better—or as her friends have taken to calling it, "Spiffing stuff up."

While on campus, she spent most of her time and energy with the UMaine band program, either playing in Marching band and Pep band or serving the bands with her Tau Beta Sigma sisters and her Kappa Kappa Psi brothers. Growing-up a sports fan, her decision to attend the University of Maine was made one night when she was 12-years old; while watching a UMaine hockey game with her dad and seeing a clip of the UMaine pep band, she declared to her family, "I'm going to the University of Maine to play in the pep band to watch the men's ice hockey team play in the Frozen Four." Perhaps she jinxed the team with that statement, but she followed through and has never looked back with regret.

Marisa is a graduate of Searsport District High School and grew-up in Stockton Springs, Maine with her mom, dad, three younger sisters (one twin), dog, and cats.

If you are not too long, I will wait here for all my life. Oscar Wilde