

Protection of Cultural Property: Online Course for the Military, Police, and Law Enforcement



United Nations
Educational, Scientific and
Cultural Organization



Peace Operations
Training Institute®

Protection of Cultural Property:

Online Course for the Military, Police,
and Law Enforcement



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View course videos for each lesson:

<www.peaceopstraining.org/videos/course/194/unesco-protection-of-cultural-property/>.

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The course materials have been enriched with additional case studies, photos, and information pertinent to peacekeeping operations personnel.

Foreword

Throughout history, cultural objects and sites have been destroyed, vandalized, looted, or illicitly traded for reasons such as obtaining military advantage, displaying dominance of an occupying party, retaliation, trophy hunting, self-enrichment, or financing the continuation of military operations. Damage was sometimes caused accidentally or as collateral damage of an attack, but in other cases it was done intentionally. In recent years, historic monuments and sites, museums, libraries, and archives have been targeted deliberately as a means of ethnic or cultural cleansing, or as a strategy of so-called “identity warfare”. Images of destruction of World Heritage sites by extremists have gone viral, much to the indignation of the international community.

International humanitarian law, or the law of armed conflict, prohibits the wilful destruction of cultural property in armed conflict. It obliges combatants to respect and protect cultural property. Not complying with the international protective rules may constitute a war crime that may result in the prosecution of individual soldiers and their commanders. Therefore, it is paramount that every officer in the field knows the do’s and don’ts when encountering cultural property during operations. At the outset this requires a notion of what cultural property is, and what it looks like in a given mission area to enable its recognition and action towards it in a just fashion. Furthermore, showing respect towards a country’s or a local community’s cultural heritage, and taking measures to protect it, contributes to the overall image of the mission.

In this context, this course has been developed to support the implementation of rules governing the protection of cultural property, which aim to protect cultural property in armed conflict and prevent it from being destructed, pillaged, looted, or illicitly trafficked. The course has been developed for military professionals who would like to gain a better understanding of the international legal framework for the protection of cultural heritage in armed conflict, as well as good practices in the application of the law. Although broadly applicable to military operations and activities, the course has been made with UN peacekeeping operations in mind. It describes some real-life situations from earlier missions in conflict areas and touches on relevant topics, such as gender and civil-military cooperation. Please bear in mind that the focus of this particular course is on legality, more than on operational guidance. It draws on the UNESCO’s Military Manual on Cultural Property Protection.

This course is composed of five lessons. The first lesson explains the overall importance of protecting cultural property in the course of military operations and the set of international rules that have been put in place to this end. In lesson two, cultural property is defined, and the identification of cultural property in the field is discussed. Lesson three focuses on engagement with cultural property in the course of operations, when it may come under attack or fall victim as collateral damage. In the fourth lesson, the obligation to protect cultural property under the force’s control is discussed. Lastly, the fifth lesson takes a look at the indispensable cooperation with civil authorities, heritage institutions, and experts.

Lazare Eloundou

Director

Culture and Emergencies Entity, UNESCO

Method of Study

This self-paced course aims to give students flexibility in their approach to learning. The following steps are meant to provide motivation and guidance about some possible strategies and minimum expectations for completing this course successfully:

- Before you begin studying, first browse through the entire course. Notice the lesson and section titles to get an overall idea of what will be involved as you proceed.
 - The material is meant to be relevant and practical. Instead of memorizing individual details, strive to understand concepts and overall perspectives in regard to the United Nations system.
 - Set personal guidelines and benchmarks regarding how you want to schedule your time.
 - Study the lesson content and the learning objectives. At the beginning of each lesson, orient yourself to the main points. If possible, read the material twice to ensure maximum understanding and retention, and let time elapse between readings.
 - At the end of each lesson, take the End-of-Lesson Quiz. Clarify any missed questions by rereading the appropriate sections, and focus on retaining the correct information.
 - After you complete all of the lessons, prepare for the End-of-Course Examination by taking time to review the main points of each lesson. Then, when ready, log into your online student classroom and take the End-of-Course Examination in one sitting.
- » ***Access your online classroom at***
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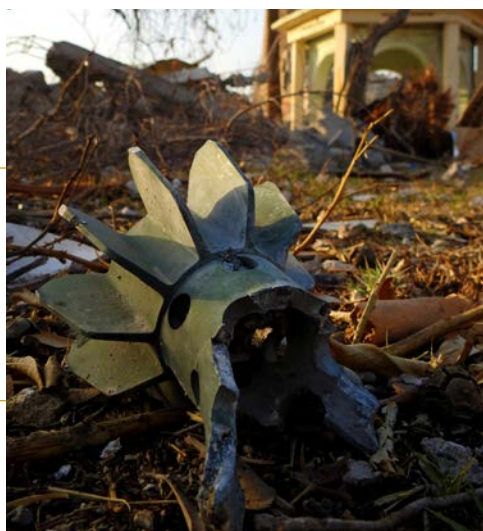
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LESSON

1

The Importance of the Protection of Cultural Property



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The importance to military forces of the protection of cultural property in armed conflict is abstract, strategic, and legal.

In this lesson »

Section 1.1 Abstract, Strategic, and Legal Aspects of the Protection of Cultural Property by the Military

Section 1.2 Sources of International Rules on the Protection of Cultural Property in Times of Armed Conflict and their Application

Section 1.3 The Role of Military Commanders in Ensuring the Protection of Cultural Property in Armed Conflict

Section 1.4 Peacekeeping Operations and the Protection of Cultural Property

Lesson Objectives »

- Understand the abstract, legal, and strategic aspects of the protection of cultural property in military operations, including peace operations.
- Learn about the 1954 Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict and its two (1954 and 1999) Protocols, as well as other sources of international rules on the protection of cultural property in times of armed conflict.
- Understand the key role and responsibilities of military commanders in ensuring the protection of cultural property.
- Become aware of the most relevant UN Security Council Resolutions and Mandates with regard to the protection of cultural property in armed conflict.



Destruction of Palmyra's historical monuments. © UNESCO

Section 1.1 Abstract, Strategic, and Legal Aspects of the Protection of Cultural Property by the Military

The importance to military forces of the protection of cultural property in armed conflict is abstract, strategic, and legal.

In **abstract** terms, cultural property forms a vital part of the cultural identity of individuals, communities, peoples, and all humanity. It is the tangible expression of the unchanging human condition and of the creative genius, diversity, and memory of humankind. Its preservation is essential to human wellbeing and flourishing.

In **strategic** terms, the protection of cultural property in armed conflict is an imperative. Avoidable destruction or damage and all misappropriation of cultural property by military forces, especially foreign military forces, as well as the looting of it by others through these forces' lack of vigilance, endangers mission success. It arouses the hostility of local populations, offers the adversary a potent propaganda weapon, undermines support on the home front and among allies for the continued pursuit of victory, and, in the case of failure to prevent and put a stop to looting, provides a source of income for hostile non-state armed groups and terrorist organizations. It also embitters a conflict, making a returning to peace and subsequent reconciliation more difficult. Conversely, taking due care to spare cultural property from destruction, damage, and all forms of misappropriation, including through rigorous adherence to the laws of armed conflict, can form an effective part of strategic communications. It can win hearts and minds.

In **legal** terms, military forces' failure during armed conflict to take all measures required by international law to protect cultural property results, first, in the international legal responsibility of their state. This state may find itself compelled to make reparation to another state or to individuals for

destruction, damage, or misappropriation in armed conflict of objects, buildings, and sites of historic, artistic, or archaeological significance.

Additionally, and of direct personal concern to every man and woman in uniform, the intentional destruction, damage, or misappropriation of cultural property in armed conflict can result in the prosecution of culpable individuals for **war crimes** and even **crimes against humanity**.

At the end of the two world wars, several of the defeated states were required by peace treaties to make good in material terms their unlawful destruction or plunder of cultural property. For example, article 247 of the Treaty of Versailles obliged Germany "to furnish to the University of Louvain ... manuscripts, incunabula, printed books, maps and objects of collection corresponding in number and value to those destroyed in the burning by Germany of the Library of Louvain". In 1998, the United Nations Compensation Commission awarded close to USD 19,000,000 to an individual Kuwaiti collector for the destruction and pillage by invading and occupying Iraqi forces of his collections of Islamic art and rare books, which Iraq was compelled by the United Nations Security Council to pay. In 2009, the Eritrea Ethiopia Claims Commission ordered Ethiopia to pay Eritrea USD 50,000 for wilful damage caused by Ethiopian troops to an ancient Eritrean monument during the war between those two states.

Culpable individuals include not just those who physically destroy, damage, or misappropriate the property but also those who in some other way participate intentionally in its destruction, damage, or misappropriation. It also includes military commanders who fail, intentionally or simply negligently, to take all necessary and reasonable measures within their power to prevent or repress such crimes or to submit them to the competent authorities for investigation and, where appropriate, prosecution.

Several of the defendants before the International Military Tribunal at Nuremberg were convicted for their role in the systematic destruction and plunder of cultural heritage in occupied territory. More recently, a number of the accused before the International Criminal Tribunal for the former Yugoslavia were convicted for their intentional destruction and damage of cultural sites during the conflicts in the Balkans in the 1990s. In 2016, the International Criminal Court sentenced Ahmad Al Faqi Al Mahdi to nine years' imprisonment for committing the war crime consisting in intentionally directing attacks against religious and historic buildings in Timbuktu, Mali, in June and July 2012.

Section 1.2 Sources of International Rules on the Protection of Cultural Property in Times of Armed Conflict

The law of armed conflict

The main source of the international rules on the protection of cultural property in armed conflict is the law of armed conflict, also known as **international humanitarian law (IHL)**. The pertinent rules of the law of armed conflict are found in several multilateral treaties and in customary international law.

(a) 1954 Hague Convention and its two (1954 and 1999) Protocols

The centrepiece of the relevant treaty-law is the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954 Hague Convention) concluded in 1954. The 1954 Hague Convention is supplemented by two protocols, one concluded at the same time as the Convention in 1954 and now known as the First Protocol, and the other a Second Protocol concluded in 1999. Together these three treaties provide a detailed international legal framework for the protection of cultural property during armed conflict, including belligerent occupation.

This training course will elaborate more on the 1954 Hague Convention and its two (1954 and 1999) Protocols in upcoming parts.



Check out an animated video about the 1954 Hague Convention.¹

(b) 1977 Additional Protocols to the 1949 Geneva Conventions

Brief provisions on the protection of cultural property in armed conflict can be found in article 53 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Victims of International Armed Conflicts 1977 (“Additional Protocol I”) and in article 16 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Victims of Non-International Armed Conflicts 1977 (“Additional Protocol II”). Under these treaties, it is prohibited to commit any acts of hostility directed against historic monuments, works of art, or places of worship which constitute the cultural or spiritual heritage of peoples, and to use them in support of the military effort.

(c) Customary international law of armed conflict

Even where a state is not party to one or other treaty regulating the protection of cultural property in armed conflict, it remains bound by obligations imposed by the customary international law of armed conflict — that is, by what might loosely be called “unwritten” rules of international law, developed



Blue Shield on a monument, Obelisk at the entrance on Domplatz 6, in Maria Saal, Austria.
© Johann Jaritz / CC BY-SA 4.0

1) Video available here: <<https://m.youtube.com/watch?v=mqdgj1aPHqs>>.

over time through the maintenance among states of a general practice accepted as law. As it relates to cultural property, the content of this customary international law of armed conflict mirrors to a large extent the rules embodied in treaty form in the 1954 Hague Convention and its two Protocols.

International criminal law (ICL)

A significant source of rules of international law for the protection of cultural property in armed conflict is **international criminal law (ICL)**, the part of international law that deals with the criminal responsibility of individuals and the rights and obligations of states in relation to it.

(a) War crimes

The most relevant body of rules of ICL in the present context is the **law of war crimes**. A war crime is a violation of the law of armed conflict that gives rise to the criminal responsibility of the perpetrator under international law, whether customary or treaty-based. Perpetrators of war crimes may find themselves prosecuted before a national criminal court, military or civilian, and whether in their own state or in another. Indeed, various law of armed conflict treaties oblige states parties to prosecute criminal violations of their substantive provisions, including on extraterritorial bases. Alternatively, perpetrators of war crimes may find themselves prosecuted before an international criminal court or tribunal.



*The entrance to the Nuremberg Palace of Justice, the location of the Nuremberg Trials. Signs in English, Russian, German, and French state "Nuremberg Trial Memorial". © EWY Media / Shutterstock.com**

Both the destruction or damage and the misappropriation of cultural property during either international armed conflict, including belligerent occupation, or non-international armed conflict can amount to a war crime. Many perpetrators have been convicted of such crimes by both national and international criminal courts and tribunals, including by the International Military Tribunal at Nuremberg, the International Criminal Tribunal for the former Yugoslavia (ICTY), and the International Criminal Court (ICC).

In some cases, the relevant war crime may be defined in terms specific to cultural property. For example, the Rome Statute of the International Criminal Court vests the ICC with jurisdiction over the war crime, in international armed conflict and non-international armed conflict respectively, of "[i]ntentionally directing attacks against buildings dedicated to ... art [or] science ... [and] historic monuments, ... provided they are not military objectives". In other instances, a war crime against cultural property may be prosecuted under a more general heading, such as "[d]estroying or seizing the enemy's property unless such destruction or seizure be imperatively demanded by the necessities of war" or "[p]illaging a town or place, even when taken by assault", as per the Rome Statute.

Criminal responsibility for war crimes extends under international law not just to those who physically commit the crime but also to those who in some way intentionally participate in it, whether by ordering it, aiding, abetting or otherwise assisting in it, or contributing to a common plan to commit it. Additionally, military commanders who fail, intentionally or just negligently, to take all necessary and reasonable measures within their power to prevent or repress such acts or to submit them to the competent authorities for the purpose of investigation and prosecution can be held criminally responsible for the war crimes of their subordinates.

(b) Crimes against humanity

The intentional destruction of cultural property on discriminatory grounds can also constitute the crime against humanity of persecution when it is committed as part of a widespread or systematic attack against a civilian population, and both the Nuremberg Tribunal and the ICTY convicted perpetrators on this count. Several trial chambers of the ICTY similarly held that the plunder of public or private property, which would include cultural property, on a discriminatory basis can, in appropriate circumstances, amount to persecution as a crime against humanity.

As with war crimes, criminal responsibility under international law for crimes against humanity encompasses not just physical perpetrators but also those who intentionally participate in the crimes some other way and to military commanders who intentionally or negligently fail to take all necessary and reasonable measures within their power to prevent or repress such crimes or to submit them to the competent authorities for the purpose of investigation and prosecution.

International human rights law (IHRL)



The Hague, Netherlands- December 02 2019: The International Criminal Court (ICC-CPI) has his Assembly of States Parties conference, Fatou Bensouda, prosecutor.

© Mike Chappazo / Shutterstock.com*

A number of guarantees under international human rights law (IHRL) are relevant to the protection of cultural property in armed conflict. The most generally applicable is article 15(1) (a) of the International Covenant on Economic, Social and Cultural Rights 1966, which guarantees to everyone the right to take part in cultural life. This right is taken to impose on states parties to the Covenant an obligation to “[r]espect and protect cultural heritage in all its forms, in times of war or peace”.

In practice, when it comes specifically to the protection of cultural property in armed conflict, military forces need not concern themselves independently with the obligations imposed by IHRL, since compliance with the relevant rules of the law of armed conflict guarantees compliance with the corresponding rules of IHRL. By the same token, however, a violation of the relevant law of armed conflict can constitute in addition a violation of IHRL.

The World Heritage Convention

As of August 2020, 869 cultural sites worldwide of “outstanding universal value” were inscribed on the “World Heritage List” in accordance with the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage (“World Heritage Convention”), adopted under the auspices of UNESCO. Article 4 of the World Heritage Convention obliges states parties to protect any cultural sites on their territory covered by the Convention, while article 6(3) obliges the parties not to take any deliberate measures that might damage, directly or indirectly, any protected cultural sites situated on the territory of another state party.

The World Heritage Convention does not cease to apply in armed conflict.

In practice, as with IHRL, when it comes to the protection of cultural property in armed conflict military forces need not concern themselves independently with the obligations imposed by the World Heritage Convention. Compliance with the relevant rules of the law of armed conflict guarantees compliance with the World Heritage Convention. Conversely, however, breach of the law of armed conflict can amount further to a breach of the World Heritage Convention. Moreover, when sentencing persons convicted of war crimes involving the destruction or damage of cultural property, both the ICTY and the ICC have treated the presence of a site on the World Heritage List as adding to the gravity of the offence.

It is worth noting that the World Heritage Convention can in fact assist military forces in complying with the rules of the law of armed conflict. The inclusion of a cultural site on the World Heritage List by a state party and, when it comes to forces in the field, the presence on or near a cultural site of the World Heritage Emblem are in practice conclusive indicators that the site is of sufficient importance to the cultural heritage of the state concerned to be considered “cultural property” for the purposes of the 1954 Hague Convention.



UNESCO World Heritage Site emblem at the Temple of Apollo Epicurius. © Joaquin Ossorio Castillo / Shutterstock.com*

1970 Convention against looting and illicit trafficking of cultural property

A key component in the international legal fight against the illicit traffic in cultural objects is the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970, adopted under the aegis again of UNESCO. The Convention is indirectly relevant to military forces involved in armed conflict, including belligerent occupation, in two ways, both of which should serve as disincentives to unlawful conduct. First, article 8 of the Convention increases the likelihood of prosecution of personnel who, in the course or at the close of active service, smuggle cultural objects out of a country or smuggle certain cultural objects into another. Article 8 requires states parties to impose penalties or administrative sanctions on any person responsible for the unlawful export of cultural property from their territory or for the unlawful import into their territory of documented cultural property stolen from a museum, public monument, or somewhere similar. Secondly, the obligations shouldered by states parties under articles 7 and 13 increase the likelihood that any cultural objects trafficked by military forces on active service are seized and repatriated.

Application of rules

As far as states go, the 1954 Hague Convention and its two protocols, along with the 1977 Additional Protocols I and II to the Geneva Conventions, bind only those states that are parties to them. These treaties cannot bind states that are not parties to them (so-called “third states”) without the latter’s express consent. In contrast, customary international law of armed conflict binds all states, at least insofar as they have not maintained a position of persistent objection to a given rule. The distinction, however, is of secondary importance when it comes to the protection of cultural property in armed conflict. The relevant **rules of customary international law** mirror to a large extent the rules embodied for the purposes of treaty law in the 1954 Hague Convention and its protocols. As a consequence, whether or not they are parties to the convention and to one or other of its two protocols, states are bound in most cases by customary international rules to the same effect.

In principle, the rules of the law of armed conflict applicable in the event of **international armed conflict**, including belligerent occupation, and those applicable in the event of **non-international armed conflict** are not necessarily the same. But leaving aside belligerent occupation, which by definition exists only in the context of international armed conflict, in practice the substantive rules on the protection of cultural heritage in armed conflict (notably, with respect to cultural property), be they treaty-based or customary, are identical as between international armed conflict and non-international armed conflict. The conduct with respect to cultural property required of military forces during armed conflict is for all intents and purposes the same whether the conflict is an international armed conflict or a non-international armed conflict.

Finally, the rules of the law of armed conflict relevant to the protection of cultural property are the same whether the military operations are by land, sea, or air.

Section 1.3 The Role of Military Commanders in Ensuring the Protection of Cultural Property in Armed Conflict

Military commanders at all levels bear operational responsibility for ensuring that military forces abide by the rules of law of armed conflict and adopt best practice for the protection of cultural property in armed conflict.

The responsibilities of commanders are not just operational. They are also legal. They are reflected in the military law of a commander's own state and are punishable under that law in the event of the commander's failure. They are also enshrined in international law. Military commanders can be held criminally responsible under international law for war crimes, crimes against humanity, and other international crimes committed as a result of their failure to exercise control properly over forces under their command.

There is a range of ways in which commanders can seek to ensure that forces under their command abide by the rules of the law of armed conflict and adopt best practices for the protection of cultural property in armed conflict. Different ways may be appropriate to different services, force sizes, missions, national military traditions, and so on. But the bottom line remains that the wartime fate of cultural property rests on the effective acquittal by commanders of their operational and legal responsibilities.

History provides numerous examples of orders, directives, and the like from senior commanders directed towards the protection of cultural property during a campaign. On 29 December 1943, a few weeks before the Allied landings at Anzio, General Eisenhower, then Allied Commander in the Mediterranean, issued General Order No 68 ("Historical Monuments") spelling out detailed instructions with respect to the military use and prevention of looting of historic buildings in the Italian campaign and emphasizing that the seriousness of offences against cultural property was to be impressed by commanders on all Allied personnel. General Order No 68, which put in more emphatic form a similar order issued by Allied Force Headquarters in April 1943, bore a covering memorandum in which Eisenhower emphasized that he did not want military necessity "to cloak slackness or indifference" and placed the responsibility on all commanders to ensure compliance with his orders. Eisenhower reiterated these points as Supreme Commander, Allied Expeditionary Force, in a directive and memorandum of 26 May 1944, just prior to the Normandy landings, in which he instructed commanders to preserve centres and objects of historical and cultural significance "through the exercise of restraint and discipline". General Alexander, Supreme Commander of the Allied Forces Headquarters in the Mediterranean theatre, issued a similar directive on 12 January 1945. Many other examples could be given.

Section 1.4 Peace Operations and the Protection of Cultural Property

The United Nations Charter gives the **Security Council** primary responsibility for the maintenance of international peace and security. In fulfilling this responsibility, the Council can establish a UN peace operation. In this regard, United Nations peacekeeping operations are established and deployed on the basis of a **mandate** given by the United Nations Security Council. This mandate may or may not include the protection of cultural heritage and/or measures to counter looting and illicit trafficking of cultural objects.

Over the years, the range of tasks assigned to UN peace operations has expanded significantly in response to shifting patterns of conflict and to best address threats to international peace and security. Although each UN peace operation is different, there is a considerable degree of consistency in the types of mandated tasks assigned by the Security Council. Depending on their mandate, peace operations may be required to:

- Deploy to prevent the outbreak of conflict or the spill-over of conflict across borders;
- Stabilize conflict situations after a ceasefire, to create an environment for the parties to reach a lasting peace agreement;
- Assist in implementing comprehensive peace agreements; and
- Lead states or territories through a transition to stable government, based on democratic principles, good governance, and economic development.

Depending on the specific set of challenges, UN peacekeepers are often mandated to play a catalytic role in the following essentially peacebuilding activities:

- Disarmament, demobilization, and reintegration of ex-combatants;
- Mine action;
- Security sector reform and other rule of law-related activities;
- Protection and promotion of human rights and of cultural property;
- Electoral assistance;
- Support for the restoration and extension of State authority; and
- Promotion of social, cultural and economic recovery and development.

As to date, the most significant UNSC Resolution to protect cultural heritage is the unanimously approved Resolution 2347 (2017). After an appeal by the former Director-General of UNESCO, Ms Irina Bokova, the UNSC agreed that the destruction, theft, and illicit trafficking of cultural property by Daesh in order to influence public media and to financially sustain its terrorist actions should be condemned by the global community as a form of “cultural genocide”.



New York, United Nations Headquarters.
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For more specific information on the types of mandated tasks and the characteristics of the “traditional” and “multidimensional” operations, please refer to the [UN Peacekeeping Operations: Principles and Guidelines - “Capstone Doctrine”](#), Part I, Chapter 2 (2.3 and 2.4).

As of May 2020, only the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) had a specific mandate on cultural heritage protection. In this regard, the UN [Security Council Resolution 2100 \(2013\)](#)² mandated MINUSMA “to assist the transitional authorities of Mali, as necessary and feasible, in protecting from attack the cultural and historical sites in Mali, in collaboration with UNESCO”. Although UN [Security Council Resolution 2423 \(2018\)](#)³ took the reference to the protection of culture out of the mandate of MINUSMA, the mission regularly trains its personnel on cultural property protection.

With respect to other peacekeeping operations, references to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict are included in the Status of Forces Agreements (“SOFA”) signed between the United Nations and host countries in several UN peacekeeping operations, such as the United Nations Mission in South Sudan (UNMISS) and the United Nations Interim Force in Lebanon (UNIFIL). For example, article 7(a) of the SOFA signed between the United Nations and the Government of Lebanon in 1995 states that without prejudice to the mandate of UNIFIL and its international status, the United Nations “shall ensure the UNIFIL shall conduct its operations in Lebanon with full respect for the principles and spirit of the general conventions applicable to the conduct of military personnel. These international conventions include the four Geneva Conventions of 12 August 1949 and their Additional Protocols of 8 June 1977 and the UNESCO Convention of 14 May 1954 on the Protection of Cultural Property in the event of armed conflict”.

The requirement to respect cultural property is also promulgated by the [UN Secretary-General’s bulletin 1999/13](#)⁴ entitled “Observance by United Nations Forces of International Humanitarian Law”, which entered into force on 12 August 1999. The bulletin sets out what it refers to as “fundamental principles and rules of international humanitarian law applicable to United Nations forces conducting operations under United Nations command and control”. These fundamental principles and rules are stated in section 1(1) to apply “to United Nations forces when in situations of armed conflict they are actively engaged therein as combatants, to the extent and for the duration of their engagement”, with the consequence that they apply “in enforcement actions, or in peacekeeping operations when the use of force is permitted in self-defence”. Several of these principles and rules have relevance for the protection of cultural property. Section 6(6) of the bulletin, a bare minimum of rules specifically on respect for cultural property, provides that United Nations forces are prohibited from attacking cultural property and must not use such property or its immediate surroundings for purposes which might expose it to destruction or damage. It further stipulates that theft, pillage, misappropriation, and any act of vandalism directed against cultural property is strictly prohibited. Section 6(9) prohibits UN forces

2) UN Security Council, “Resolution 2100 (2013)”, S/RES/2100 (2013), 25 April 2013. Available from: <[https://undocs.org/S/RES/2100\(2013\)](https://undocs.org/S/RES/2100(2013))>.

3) UN Security Council, “Resolution 2423 (2018)”, S/RES/2423 (2018), 28 June 2018. Available from: <[https://undocs.org/S/RES/2423\(2018\)](https://undocs.org/S/RES/2423(2018))>

4) UN Secretariat, *Secretary-General’s Bulletin: Observance by United Nations forces of international humanitarian law*, Office of the Secretary General, ST/SGB/1999/13, 6 August 1999. Available from: <<https://conduct.unmissions.org/secretary-general%E2%80%99s-bulletin-observance-united-nations-forces-international-humanitarian-law>>.

from engaging in reprisals against objects, among them cultural property, protected under section 6. In addition, section 5 of the bulletin restates various general rules of law of armed conflict with implications for the conduct of UN forces with respect to cultural property. These include the prohibition on attacks that may be expected to cause incidental damage to civilian objects that would be excessive in relation to the concrete and direct military advantage anticipated and the obligation to take all necessary precautions to protect civilian objects against the dangers resulting from military operations.

In addition to the rules and regulations stated above, it is important to note that any crime or misconduct against cultural property by the personnel of a UN peace operation may negatively impact trust posed on the mission, as well as its reputation.

Practice Quiz »

1. **Complete the sentence: The importance to military forces of the protection of cultural property in armed conflict is _____.**
 - A. abstract
 - B. legal
 - C. strategic
 - D. All of the above.

2. **Select the false statement.**
 - A. Deliberate destruction of cultural property is prohibited under international law.
 - B. Avoidable destruction or damage of cultural property by military forces endangers mission success.
 - C. Military commanders who neglect to take all necessary and reasonable measures within their power to prevent or repress crimes against cultural property cannot be held responsible.
 - D. The intentional destruction, damage, or misappropriation of cultural property in armed conflict can result in the prosecution of culpable individuals for war crimes.

3. **The main source of the international rules on the protection of cultural property in armed conflict is _____.**
 - A. the law of armed conflict
 - B. customary international law
 - C. international human rights law
 - D. the 1972 World Heritage Convention

4. **Select the correct statement.**
 - A. The intentional destruction of cultural property may not amount to crimes against humanity.
 - B. Criminal responsibility for war crimes extends under international law not just to those who physically commit the crime but also to those who in some way intentionally participate in it, whether by ordering it, aiding, or abetting.
 - C. Smuggling cultural objects out of a country will not amount to a crime.
 - D. Nationals of states that are not parties to international treaties prohibiting destruction of cultural property do not have an obligation to avoid intentional damage to cultural property.

5. **What is the primary responsibility of military commanders in ensuring the protection of cultural property in armed conflict?**
 - A. Military commanders are in charge of identifying cultural property within the area of operation.
 - B. Military commanders at all levels bear operational responsibility for ensuring that military forces abide by the rules of law of armed conflict.
 - C. Military commanders shall ensure the training on cultural property for all members of the armed forces.
 - D. Military commanders have no role in ensuring the protection of cultural property during armed conflict.

Answer Key provided on the next page.

Practice Quiz »

6. **Damage to cultural property by personnel of a peacekeeping operation may _____.**
- A. negatively impact the reputation of the mission
 - B. negatively affect the trust in the mission by the local community
 - C. amount to a breach of the Status of Forces Agreements ("SOFA") signed between the United Nations and a host country
 - D. All of the above.
7. **The substantive rules (with respect to cultural property) on the protection of cultural heritage in armed conflict are identical as between _____.**
- A. international armed conflict and belligerent occupation
 - B. non-international armed conflict and belligerent occupation
 - C. international armed conflict and non-international armed conflict
 - D. All of the above.
8. **States not party to one or other treaty regulating the protection of cultural property in armed conflict are bound by obligations imposed by _____.**
- A. customary international law
 - B. international criminal law
 - C. the 1954 Hague Convention
 - D. None of the above.

Answer Key »

- 1) D
- 2) C
- 3) A
- 4) B
- 5) B
- 6) D
- 7) C
- 8) A