

CALL FOR PAPERS

2/2024 (10) "Santander Art and Culture Law Review"

Safeguarding Cultural Property in Armed Conflict: Revisiting the Implementation of the 1954 Hague Convention on the Occasion of Its 70th Anniversary

2024 marks the 70th anniversary of the adoption by the General Conference of UNESCO of one of the most important international cultural heritage treaties: The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict ("the 1954 Hague Convention") and its First Protocol. Twenty-five years have also already passed since the adoption of its Second Protocol.

While as of 2023 it has only 135 States Parties, a large number of its provisions are considered as binding by virtue of international customary law. Together with the system of the Geneva Conventions and their Additional Protocols, the 1954 Hague Convention and its Protocols create a comprehensive system of legal protection for cultural property during international as well as non-international armed conflicts, and set out the obligations of states, both in peacetime and in war. These apply to the conduct of all parties to armed conflicts, but they also concern the duties of non-participants, and provide for their accountability in the event of breaches of the rules on the protection of cultural property. However, the 1954 Hague system has often failed to save cultural property from threats of armed conflicts, and perpetrators of particularly egregious violations of the rules of this treaty have gone unpunished. This raises questions about the implementation of the regime and its effectiveness.

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This call, launched by the “Santander Art and Culture Law Review” (SAACLR), seeks to bring together a range of perspectives on the current and future functioning of the 1954 Hague Convention. It invites submissions exploring the variety of methodological perspectives and theoretical accounts and concerns vis-à-vis the safeguarding of cultural property during armed conflict. Practical approaches, military strategies, and empirical studies are also encouraged. In particular, we are interested in contributions exploring implementation modalities, including preliminary inventories and the training of the military and civilian personnel, as well as conditions for effective cooperation between all entities involved in the protection of cultural heritage in the event of an armed conflict.

Amongst other topics, we invite submissions exploring the role of human rights law and cultural resilience within the framework of the 1954 Hague Convention and its Protocols. We also welcome papers debating the scope of protected “cultural property” and reinterpretations of the understanding of conventional concepts in the light of the requirements of the 21st century and the changing face of war.

Therefore we are looking for answers to the following fundamental questions. What is today protected by the 1954 Hague Convention and its Protocols? To what extent are the international humanitarian law regulations adequate in the case of the protection of intangible heritage? What is the status of military and historic monuments and under what circumstances can the protection provided for them by the provisions of international law be excluded? What are the politics related to the 1954 Hague regime amongst states and relevant international organizations? Additionally, we welcome studies devoted to evidentiary issues and the use of new technologies and tools in collecting evidence for the purposes of subsequent proceedings in cases involving gross violations of the obligation to respect cultural property during hostilities and in occupied territories. Last but not least, we are interested in texts addressing the issue of threats, opportunities, and challenges related to the activities of non-state actors (entities) in the context of the security of cultural heritage, both in peacetime and during armed conflict.

Guest Editors:

Frederik F. Rosén (University of Copenhagen)
Marta Szuniewicz-Stępień (Polish Naval Academy)

Issue Editors:

Alicja Jagielska-Burduk (SAACLR, University of Opole)
Andrzej Jakubowski (SAACLR, Institute of Law Studies
of the Polish Academy of Sciences)

Details concerning submissions: content, length, and due date

The deadline for submission of manuscripts is 29 February 2024. Decision letters will be provided to the author(s) by 30 April 2024. We expect to publish the issue at the end of 2024.

Manuscripts should be submitted via e-mail at: saacreditors@gmail.com in .doc, and shall not exceed 9,500 words, including spaces and footnotes. A longer article may be accepted only by specific arrangement with the Editors. More information concerning guidelines for authors and editorial rules are available on the journal's website: <http://www.ejournals.eu/SAACLR>.