

CONFERENCES AND EVENTS

Editorial Note

*International Law in a Fluid World /
Le droit international dans un monde
en mouvement*

The 81st Biennial Conference
of the International Law Association

Athens, 25-29 June 2024

New Committee
on Safeguarding Cultural Heritage
in Armed Conflict

In 2024, a new Committee of the International Law Association (ILA) commenced its activities. Its research focus and mandate are on safeguarding cultural heritage in armed conflicts. The Committee builds on the ILA's multi-decade-long work on international cultural heritage law, in particular the work of the long-standing Committee on Cultural Heritage Law (1988-2016), as well as that of the Committee on Participation in Global Cultural Heritage Governance (2017-2022). These committees build upon the experience and studies conducted by other ILA Committees, including, among others, the Committee on Reparation for Victims of Armed Conflict (2003-2014) and Non-State Actors (2005-2016). This latter committee is chaired by Kristin Hausler (British Institute of International and Comparative Law in London), and Andrzej Jakubowski (Institute of Law Studies of the Polish Academy of Sciences in Warsaw) serves as the Committee's rapporteur.

The Committee acknowledges both the potential role of cultural heritage as a vehicle of long-lasting peace, as well as

the lack of guidance anchored in international law with regard to addressing the adverse consequences of armed conflicts on all forms of cultural heritage. The Committee aims at exploring and analysing examples from practice in order to inform initiatives in the field of cultural heritage at all stages of the conflict cycle. It will also endeavour to formulate a set of recommendations and guidelines with regard to addressing cultural heritage in a holistic manner at all stages of a conflict, including in post-conflict situations; guidelines which would be submitted for adoption by the ILA.

In this regard, the Committee has three key objectives: first, to provide a detailed gap analysis of the international norms applicable to addressing the safeguarding of cultural heritage in relation to armed conflicts; second, to map and analyse past initiatives in redressing the harm caused to tangible or intangible forms of cultural heritage, as well as initiatives concerned with cultural heritage in post-conflict situations; and third, to use this knowledge to develop policy-oriented and *de lege ferenda* recommendations for ensuring that cultural heritage is addressed adequately at all stages of an armed conflict, in order to strengthen its role as a vehicle for lasting peace. Such a work examining the role and safeguarding of heritage across all phases of a conflict is not only necessary and methodologically sound, but is also timely. The 1999 Second Protocol to the Hague Convention of 1954 has its 25th anniversary during the mandate of the Committee, which will trigger a lot of interest and energy around its assessment. Furthermore, the International Criminal Court continues to hear cases concerned with cultural heritage, and the ICC Prosecutor has a policy dedicated to cultural heritage. The invasion of Ukraine also highlights the need to adequately monitor and report attacks against cultural heritage in order to ensure effective legal proceedings. The attacks on cultural heritage in Lebanon, Gaza, Yemen, and Sudan are also driving the need for more research in this area.

The Committee met for the first time at the 81st Biennial Conference of the ILA in Athens this June. Debates were held in both an open session (aimed at all participants of the 81st ILA Conference) and in a closed session. The most important goal of the meeting was to prepare the Committee's work for the next two years. In particular, responses to the questionnaire that was distributed to members were summarized. The focus was on the question: What are the key legal gaps in the current safeguarding of cultural heritage in armed conflicts? Responses were grouped into "legal" and "non-legal" gaps. On the basis of the debates, a plan was developed for the future work on specific gaps in the cultural heritage protection system. The research plan and research questionnaire were discussed at an online meeting on 25 October 2024. The initial reports are scheduled for submission in January 2025.