



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL**
**ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

HERITAGE UNDER SEIGE: THE HAGUE CONVENTION, 1954

AUTHORED BY - SHERBAJ SINGH

1. INTRODUCTION

Because of its importance as a part of humanity's history, cultural heritage has been incorporated in public international law, necessitating legal protection not only at the national, but also at the international level. For a long time, the concept of "cultural property" was employed as a source of protection in international law, particularly humanitarian law¹. The Cultural property was a term used to describe artefacts that had worth primarily as a commodity that could be purchased and sold. Possession rights and ownership were central, and they were intimately tied to control over the items and access to them. Although the importance of these artefacts as part of a community's or individual's cultural history was occasionally highlighted, it was not crucial to this approach.

The concept of 'cultural heritage' has gained popularity in recent years. Cultural legacy is held in such high regard that it must be protected in the public interest, regardless of who owns it². Unlike the concept of 'cultural property,' which is rather static and mostly relates to tangible artefacts, the concept of 'cultural heritage,' on the other hand, is a more dynamic and flexible concept that encompasses both physical and immaterial (intangible) elements. In a dynamic world of connection, cultural legacy is developed, created, interpreted, and reinterpreted³.

In case the foreign Invaders enters the cultural property the occupying force is not wholly responsible for looting in the territory, even then such occupying force must use the due diligence so that such looting maybe avoided⁴. In our modern society, many Army personnel are of the view that the protection of the cultural heritage is the useless responsibility it has nothing to do with their main

¹ For instance, the Convention for the Protection of Cultural Property in the Event of Armed Conflict, 1954 (249 UNTS 240).

² Pok Yin S. Chow, 'Culture as Collective Memories: An Emerging Concept in International Law and Discourse on Cultural Rights' (2014) 14(4) *HRLR* 611, 636–638.

³ Lucas Lixinski, *Intangible Cultural Heritage in International Law* (Oxford University Press 2013) 145–147.

⁴ Joris D. Kila, "Heritage under siege: Military implementation of cultural property protection following the 1954 Hague convention," 1 *Heritage and Identity* 2 (2012).

business. It can be generally seen that the tasks which are not the part of specific culture are not fulfilled with the same enthusiasm and resources in comparison to the tasks which form the part of the culture⁵. After the second world war the protection of the cultural property got vanished as a relevant topic but it again gained momentum at the international level at the time of huge disaster of cultural heritage in the former Yugoslavia, Iraq and Afghanistan. But even at that time the planning schemes for the protection of cultural property did not come into operation because of lack of interest and limitation of expertise. Various other problems such as the paucity of the means of transportation for the officers responsible for the protection of the cultural property, among the military organisations the officers engaged in the protection of the culture heritage were given low priority, lack of funds for the implementation of protection of the cultural property and for Research and Education in this field⁶. The protection of cultural heritage is not only a worthy objective, but is also a means to an end. To cope up with the challenges a legal normative framework for protecting cultural heritage is required.

The constitution of the UN has laid down the conservation of world's cultural heritages among its important functions. The organisation asks to adopt appropriate legislation under which the extent of required protection must be defined, the property which is to be protected must be specified and measures must be set for the protection of the cultural heritage. Gradually, legislation has been made at international and national level distinctly.

At international level, various conventions, as well as recommendations, have been adopted by UNESCO, and rules governing the protection of the heritage have been laid down. Heritage is the bearer of the culture and is concerned with man's mind so it must be protected against various dangers irrespective of place wherever it is and civilisation to which it belongs.

There is direct concern of some conventions and recommendations with international relations and rules have been laid down that are to be followed by the States while observing their relations with each other, whether these States have peaceful relationship or they are at war. These are the instruments used by UNESCO for protection of cultural heritage during armed conflict, prohibiting the import of cultural property if done against State's will, who has original jurisdiction over it. For the protection of the cultural and natural heritage of the world, assistance had been provided at the

⁵ *Id* at 3.

⁶ *Id.* at 4.

international level and regarding the archaeological excavations, international cooperation had been recommended.

UNESCO's actions are not only limited to inter-State relationships but by means of recommendations and international conventions, it has made the standards and principles for protecting cultural heritage at nation's level. It has also Stated measures for every State for fortifying its cultural property. These recommendations have great influence over laws and practices of the nation as UNESCO is the supreme governing body so it possesses great authority.

The world has witnessed since 2014 that how Russia had utilised its military forces and invaded Ukraine. These actions of the Russia raised the concern in Eastern Europe over the chances of armed conflict in their region, the effect of Russian politics upon the territory of Ukraine. By the Russia's actions the potential cost that Ukraine have to bear is regarding the loss of Ukrainian cultural heritage. The question arose about the prevention of collateral damage⁷. The UNESCO recently said that it had reinforced measures to shield Ukraine's endangered cultural heritage under The Hague Convention, 1954 keeping in view Russia's invasion of Ukraine⁸. This research paper considers the legal protection of cultural heritage at the international level through The Hague Convention, 1954.

2. BACKGROUND OF THE HAGUE CONVENTION, 1954

In 1907, 4th Hague Convention was passed relating to customs and laws of warfare on land and this convention is the follow up of that. That convention was the kind of introductory protection that was provided for arts and sciences' structure and ancient monuments. This convention provided for the fortification of the property (whether movable or immovable) which attaches great importance to the cultural heritage. As per this convention, the place of origin or ownership has nothing to do with the protection provided to the property under it. According to this convention, it is obligated to respect the property of great importance for people's cultural heritage.

During peacetime, the State within whose jurisdiction this property comes shall take required measures for its protection.

⁷ Zoe Niesel, "Collateral Damage: Protecting Cultural Heritage in Crimea and Eastern Ukraine," 4 *WFLRO* 25 (2014).

⁸ "Hague Convention of 1954 - JournalsOfIndia," *available at*: <https://journalsofindia.com/hague-convention-of-1954/> (last visited June 11, 2024).

While the States are in the situation of armed conflict even then both enemy States and territorial States are duty bound to respect the protected property. At the time of war, the parties to the convention shall not use the protected property in a way that it is likely to get destroyed and no action of hostility shall be taken against this property. Any kind of theft, misappropriation, vandalism or pillage against such property had been prohibited, and if required preventive steps may also be taken.

A special kind of protection had been provided to the cultural heritage that is highly valuable and to the refuge.

Regulations for the execution of convention provide for the procedure of its application. These regulations were for the first time applied in 1967 when there was a conflict in the Middle East and at that time Director-General of UNESCO took initiative for it.

The party's contracting the convention must send a report, regarding any measures taken in pursuance to the convention, to the Director-General of UNESCO once in every four years.

This convention was adopted at Hague in an international conference of States organised by UNESCO on 14th May, 1954 but the enforcement of this convention took place on 7th August, 1956.

Along with the convention in 1954, a Protocol that had forbidden the export of cultural property from occupying territories was established. The contracting States must also take preventive measures in lieu of it.

If any cultural property had been exported, then upon cessation of hostilities that property must be returned to the authorities competent to receive it. Purchaser or holder of the goods, if purchased such property in good faith must be indemnified by the State which was previously occupying that property.

As per the protocol, if such property got transferred from the occupying State then that must not be retained in form of compensation of war.

3. OBJECTIVES OF THE CONVENTION

- It has been recognised by high contracting parties that because of armed conflicts serious damage had been suffered by the cultural property and as techniques of warfare got more developed, the danger of destruction of cultural property has also increased.
- As every person has contributed to the world's cultural properties, any kind of damage to any cultural property is the damage to the whole of mankind's cultural heritage.
- It is very important to preserve the world's cultural heritage, that is why protection at the international level is required. This convention is the sequel to the convention on the protection of cultural property at the times of armed conflict, adopted in Hague in the year 1899 and 1907 and pact signed in Washington in 1935 on 15th April, 1935.
- To make protection of cultural property effective, the measures for peacetime at national and international level must be taken. The provisions of the convention have been agreed upon in order to take all possible steps for the protection of such property.

On 14 May 1954, at The Hague, forty-three States and the Holy See marked the Convention and adjointed instruments on the Protection of Cultural Property in the occasion of Armed Conflicts which was sponsored by UNESCO. The Convention provides for: (a) precautionary measures (shelters, special instructions to military authorities, and so on) to uphold cultural property; (b) the negative compulsion not to obliterate or damage such property; (c) negotiation mechanisms when cultural property is affected by armed clash; and so on.

The following are along with the actions which ensure application of the Convention:

- a. the institution and preservation of an international record for cultural property under special protection;
- b. the organization in the event of armed clash of a controlling body to make certain the safety of cultural property under a Commissioner-General chosen from a global list of persons by joint contract between the Party to which he will be attributed and the shielding Powers
- c. Sources and control to be worn in the convey of movable cultural property to guarantee its conservation

A particular Protocol is anticipated to avert property from province taken during an armed conflict, and deals with the guardianship of such property and its come back at the shut of conflict. By the end of 1966, fifty-four States had affirmed or stuck to the Convention and Protocol.

4. PROVISIONS OF THE HAGUE CONVENTION, 1954

Chapter I of the convention covers general provisions with respect to the protection. ‘Cultural property’⁹ term has been defined in the convention. According to this definition such property has nothing to do with place of origin and ownership of the cultural property. Collections for scientific purposes or books’ or archives’ collections; Pieces of art, books and manuscripts which have artistic, historical or archaeological value; artisans work; Cluster of structures collectively having great artistic or historical importance; Sites of archaeological interest; Religious or secular buildings that are related to art, history or architecture; And reproduction of all these properties are of great importance to Public’s cultural heritage. It does not matter whether these properties are in movable or immovable form¹⁰. The sheltering refuge; archives’ depositories; large libraries or museums preserving or exhibiting the cultural property as its main object during the times of armed conflict are also covered under the definition of the cultural property¹¹. Centres under which huge quantum of cultural property is covered, are called ‘centres containing monuments’, are also the part of ‘cultural property’ term. Safeguarding and giving respect to the cultural property as its protection¹².

It has been understood by the high contracting parties that appropriate measures would be taken by them in their territorial jurisdiction during peacetime for foreseeable effects of war on the protection of the cultural property¹³. Undertaking has been given by the high contracting parties for respecting cultural property within their or other parties’ territorial jurisdiction. These parties have refrained themselves from using cultural property or its surroundings or its appliances in such a way that expose them to the danger of destruction during wartime. These parties in the undertaking also abstained themselves from acting as an antagonist against this property¹⁴. Only in case of vital military requirement the obligations undertaken may be waived off¹⁵. Moreover, undertaking has refrained the contracting parties from occupying the cultural property within territorial jurisdiction of other party. Responsibility of preventing any kind of theft, misappropriation, vandalism or robbery against such property has also been mentioned in an undertaking¹⁶. In order to take revenge, no act shall be done

⁹ Convention for the Protection of Cultural Property in the Event of Armed Conflict, 1954, Art.1.

¹⁰ *Id.* at Art.1(a).

¹¹ *Id.* at Art.1(b).

¹² *Id.* at Art.2.

¹³ *Id.* at Art.3.

¹⁴ *Id.* at Art.4(1).

¹⁵ *Id.* at Art.4(2).

¹⁶ *Id.* at Art.4(3).

against such property¹⁷. There shall be no evasion from these obligations for the reason that other party has not taken measures for protecting such property against foreseeable effects of the war¹⁸.

In case whole or any part of territory of one of the party is in occupancy of the other party, then the former party must provide the possible aid to the competent authorities of the nation, for protecting such property, whose property it is occupying¹⁹. If the competent authorities of their nation are helpless to avoid damages caused to such property because of military operations, then party occupying such property shall cooperate with these authorities in taking measures for preservation of the cultural property²⁰. If resistance movement members considered the government of high contracting party as a legitimate one then, it shall ask them to observe the provisions relating to the cultural property²¹.

For recognition of property as a cultural property, different emblem must be borne upon them²². It has been undertaken, by the parties agreeing with the convention, that during peacetime military personnels may be asked to foster respect for every person's cultural property and provisions of convention may also be inculcated in the regulations and instructions of the armed forces²³. Specialist personnel within military may also be appointed by the contracting parties in order to secure respect for such property. This personnel shall act an cooperation with the civilian authorities, having the obligation to preserve such property²⁴.

Chapter II grants special protection to the cultural property. Under the cover of special protection, limited refuges which are made with an intention of sheltering cultural property, which is in the form of movables, during war time have been covered. Further, special protection has also been provided to the centres with ancient buildings or other cultural property of great value i.e. immovable in form²⁵. But the condition is that properties covered under special protection must not be too near to any grand factory or near vulnerable area where military operations are to be carried or near any port or near

¹⁷ *Id.* at Art.4(4).

¹⁸ *Id.* at Art.4(5).

¹⁹ *Id.* at Art.5(1).

²⁰ *Id.* at Art.5(2).

²¹ *Id.* at Art.5(3).

²² *Id.* at Art.6.

²³ *Id.* at Art.7(1).

²⁴ *Id.* at Art.7(2).

²⁵ *Id.* at Art.8(1).

important railway station or near main line of communication. There must be an adequate distance of cultural property from above mentioned places²⁶. The other condition is that these property must not be in use for military operations²⁷. If any refuge has been constructed, for harbouring movable property, at the location where it is not likely to be destroyed by bombs then, special protection may be granted to it also²⁸. If monumental centre is being used for transmission of armed force personnel or their material; for military activities; for posting of army men or place is being used for producing any material that may be required in war, then it shall be considered that such centre is being used for military purposes²⁹. But if cultural property has been guarded under the custody of an army personnel who has been given power to do so or if any policeman who is duty bound to normally maintain public order is present in the locality of such cultural property then it does not mean that such property is being used for military purposes³⁰. If nearby the cultural property any important military objective can take place then special sort of protection may be required during wartime. Avoid using such property for military objective and specifically all traffic be diverted from port, railway station near such property. But the work of diversion shall be done during peacetime³¹. Regulations for the execution of this convention and provisions of the convention provides that for granting special protection to the cultural property, entry of such property shall be made in 'International Register of Cultural Property under Special Protection'³². Except using such property or its locality for military purposes no act of hostility shall take place against such property once entry has been made in international register as high contracting parties undertake to immune such property³³. It has been provided by the regulations for execution of convention that during the times of war for granting special protection to cultural property, unique emblem shall be used to mark such property and this property shall be subjected to the international control³⁴. In case of infringement of obligation, to immune cultural property by providing special protection, by one of the high contracting parties then opposite party also get released, But as soon as possible within reasonable time the violating party shall initiate the request to cease this violation³⁵. When special protection has been granted to the

²⁶ *Id.* at Art.8(1)(a).

²⁷ *Id.* at Art.8(1)(b).

²⁸ *Id.* at Art.8(2).

²⁹ *Id.* at Art.8(3).

³⁰ *Id.* at Art.8(4).

³¹ *Id.* at Art.8(5).

³² *Id.* at Art.8(6).

³³ *Id.* at Art.9.

³⁴ *Id.* at Art.10.

³⁵ *Id.* at Art.11(1).

cultural property it gets immuned, but in case of military necessity which can't be avoided such immunity has to be withdrawn till necessity continues. Whether military necessity is unavoidable it has to be established by the commanding officer of the army. In advance notification shall be given to the opposing party regarding withdrawal of immunity³⁶. According to regulations for execution of convention, party withdrawing immunity must give intimation in written along with reasons to Commissioner General³⁷.

Chapter III of the convention deals with the transportation of cultural property. Special protection have been provided in the form specified in regulations which must be fulfilled while transporting cultural property within the territory or outside³⁸. International supervision must be there over transport in case it requires special protection and while transportation unique emblem must be displayed over the cultural property³⁹. If transportation is to be done under special protection then any act of hostility by the high contracting parties must be abstained⁴⁰.

Especially at the beginning of armed conflict, if application for granting special protection under article 12 was moved and it was refused and high contracting party thinks that it is urgent to transfer the cultural property for its safety then transfer can be made by displaying distinctive emblem upon transport. Opposing party also to be notified if possible. In case special protection has been granted (in express terms) to the transport that it need not to display distinctive emblem⁴¹. Necessary precautions to be taken by the high contracting parties so that hostile behaviour against such transport be avoided⁴².

Saving the right to visit and search, placing in prize or capturing, the means of transport which is exclusively involved for transferring cultural property and the cultural property which has been granted special shield under article 12 and 13 are immune from seizure⁴³.

³⁶ *Id.* at Art.11(2).

³⁷ *Id.* at Art.11(3).

³⁸ *Id.* at Art.12(1).

³⁹ *Id.* at Art.12(2).

⁴⁰ *Id.* at Art.12(3).

⁴¹ *Id.* at Art.13(1).

⁴² *Id.* at Art.13(2).

⁴³ *Id.* at Art.14.

Chapter IV is related to personnel for security of cultural property, Personnel which are duty bound to protect cultural property must be respected. Personnel responsible for safeguarding cultural property must be allowed to do so even if property fall in the hands of opposing party⁴⁴.

Chapter V speaks about the distinguishing insignia. Article 16 of this chapter covers the Convention's Emblem, it runs as follows:

The Convention's unique emblem must be a shield with a pointed bottom and a persaltire blue and white colour scheme (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)⁴⁵. Under the requirements set forth in Article 17, the symbol may be used alone or three times in a triangle shape (one shield below)⁴⁶.

Article 17 tells about the Emblem Use, it says that: The distinctive emblem, replicated three times, may only be used to identify: (a) immovable built heritage under special protection; (b) cultural property transport under the conditions set out in Articles 12 and 13; and (c) improvised refuges under the conditions set out in the Convention's Regulations for Implementation⁴⁷. The distinctive emblem may only be used to identify: (a) cultural property that is not subject to particular protection; (b) persons in charge of the control duties in accordance with the Convention's Regulations; and (c) employees involved in the preservation of cultural property; (d) the identity cards Stated in the Convention's Implementation Regulations⁴⁸. During an armed conflict, the use of the distinctive emblem for purposes other than those listed in the preceding paragraphs of this Article, as well as the use of a sign imitating the distinctive emblem for any purpose, is prohibited⁴⁹. The distinguishing insignia may not be displayed on any immovable cultural property unless it is accompanied by a suitably dated and signed permit from the High Contracting Party's competent authority⁵⁰.

⁴⁴ *Id.* at Art.15.

⁴⁵ Convention for the Protection of Cultural Property in the Event of Armed Conflict, 1954, Art.16(1).

⁴⁶ *Id.* at Art.16(2).

⁴⁷ *Id.* at Art.17(1).

⁴⁸ *Id.* at Art.17(2).

⁴⁹ *Id.* at Art.17(3).

⁵⁰ *Id.* at Art.17(4).

The cultural sites and monuments in Ukraine have been marked by UNESCO with the distinctive “Blue Shield” emblem of the 1954 Hague Convention, so that Ukraine’s Cultural Property can be protected in the Event of Armed Conflict from deliberate or accidental damages⁵¹.

Chapter VI of the Convention is related to the Convention's Scope of Application. The present Convention applies in the case of declared war or any other armed confrontation between two or more of the High Contracting Parties, even if the State of war is not recognised by one or more of them, apart from the provisions that apply in times of peace⁵². The Convention applies to all circumstances of partial or whole occupation of a High Contracting Party's territory, even if there is no violent opposition to the occupation⁵³. Even if one of the conflicting Powers is not a Party to the present Convention, the Powers who are Parties to it will be bound by it in their mutual relations. They will also be obliged by the Convention in reference to the Stated Power if the latter has announced that it accepts and will apply the provisions of the Convention⁵⁴.

Article 19 of the convention tells that the Conflicts are of a national rather than international nature. In the event of a non-international armed conflict occurring inside the territory of one of the High Contracting Parties, each party to the conflict is obligated to apply, at a minimum, the provisions of the present Convention relating to cultural property respect⁵⁵. All or part of the other provisions of the present Convention shall be brought into force by separate agreements between the parties to the dispute⁵⁶. The United Nations Educational, Scientific, and Cultural Organization (UNESCO) may provide assistance to the conflicting parties⁵⁷. The legal standing of the parties to the conflict is unaffected by the application of the preceding rules⁵⁸.

Chapter VII is about the Convention's Implementation. Article 20 provides for the regulations required for the Convention's Implementation. The mechanism for implementing the current Convention is outlined in the Regulations for its Implementation, which are an inherent component

⁵¹ Reuters, “UN cultural agency moves to protect Ukraine’s heritage sites” *The Indian Express*.

⁵² *Id.* at Art.18(1).

⁵³ *Id.* at Art.18(2).

⁵⁴ *Id.* at Art.18(3).

⁵⁵ *Id.* at Art.19(1).

⁵⁶ *Id.* at Art.19(2).

⁵⁷ *Id.* at Art.19(3).

⁵⁸ *Id.* at Art.19(4).

of it. Article 21 provides the powers of protection. The present Convention, as well as the Regulations for its implementation, will be implemented with the cooperation of the Protecting Powers in charge of protecting the interests of the conflicting parties. Article 22 gives the procedure for conciliation. The Protecting Powers shall lend their good offices in all cases where they deem it necessary in the interests of cultural property, particularly if the Parties to the Conflict disagree on the application or interpretation of the present Convention's provisions or the Regulations for its implementation⁵⁹. For this purpose, each of the Protecting Powers may propose to the Parties to the Conflict a meeting of their representatives, in particular the authorities responsible for the protection of cultural property, on suitably chosen neutral territory, either at the invitation of one Party, the Director-General of the United Nations Educational, Scientific, and Cultural Organization, or on its own initiative. Parties to a disagreement are obligated to follow through on meeting proposals made to them. The Protecting Powers shall propose to the Parties to the Conflict, a neutral Power or a person presented by the Director General of the United Nations Educational, Scientific, and Cultural Organization, who shall be invited to attend such a meeting in the capacity of Chairman, for approval by the Parties to the Conflict⁶⁰.

Article 23 asks for Assistance from the United Nations Educational, Scientific, and Cultural Organization (UNESCO). The High Contracting Parties may seek technical assistance from the United Nations Educational, Scientific, and Cultural Organization in organising the protection of their cultural property or in connection with any other issue arising from the application of the present Convention or its Regulations. The Organization will provide such support within the parameters established by its programme and resources⁶¹. The Organization is permitted to submit proposals to the High Contracting Parties on its own initiative in this issue⁶². The High Contracting Parties may enter into special agreements for any topic for which they believe it is appropriate to make separate provision⁶³. No special agreement may be reached that would weaken the current Convention's protection of cultural property and the persons responsible for its care⁶⁴.

Article 25 is concerned about the Convention's Dissemination. The High Contracting Parties agree to

⁵⁹ *Id.* at Art. 22(1).

⁶⁰ *Id.* at Art. 22(2).

⁶¹ *Id.* at Art. 23(1).

⁶² *Id.* at Art. 23(2).

⁶³ *Id.* at Art. 24(1).

⁶⁴ *Id.* at Art. 24(2).

distribute the text of the present Convention and the Regulations for its implementation as widely as practicable in their respective countries, both in times of peace and in times of armed conflict. They commit, in particular, to incorporate its study in their military and, if possible, civilian training programmes, so that its principles are known to the entire population, particularly the armed forces and personnel engaged in cultural property preservation.

Article 26 acquaints that the official translations of the present Convention and the Regulations for its implementation must be communicated to the High Contracting Parties by the Director General of the United Nations Educational, Scientific, and Cultural Organization⁶⁵. They shall also submit to the Director-General, at least once every four years, a report containing whatever information they deem appropriate regarding any measures taken, prepared, or contemplated by their respective administrations in accordance with the present Convention and the Regulations for its implementation⁶⁶.

Article 27 is linked with meetings. With the agreement of the Executive Board, the Director-General of the United Nations Educational, Scientific, and Cultural Organization may organise meetings of representatives of the High Contracting Parties. If at least one-fifth of the High Contracting Parties requests it, he must hold the meeting⁶⁷. The purpose of the meeting, without prejudice to any other functions conferred on it by the present Convention or the Regulations for its implementation, will be to study problems relating to the application of the Convention and the Regulations for its implementation, and to formulate recommendations in this regard⁶⁸. If a majority of the High Contracting Parties are represented and the provisions of Article 39 are followed, the meeting may go on to revise the Convention or the Regulations for its implementation⁶⁹.

The High Contracting Parties agree to take all necessary efforts to pursue and impose penal or disciplinary consequences on those persons, of whatever nationality, who commit or order the commission of a breach of the present Convention within the scope of their usual criminal jurisdiction⁷⁰.

⁶⁵ *Id.* at Art. 26(1).

⁶⁶ *Id.* at Art. 26(2).

⁶⁷ *Id.* at Art. 27(1).

⁶⁸ *Id.* at Art. 27(2).

⁶⁹ *Id.* at Art. 27(3).

⁷⁰ *Id.* at Art. 28.

The current Convention is written in four languages: English, French, Russian, and Spanish, all of which are equally authoritative⁷¹. The United Nations Educational, Scientific, and Cultural Organization will arrange for the Convention to be translated into the other official languages of the General Conference⁷². The present Convention will take effect on the 14th of May, 1954, and will be open for signature until the 31st of December, 1954, by all States invited to the Conference held in The Hague from the 21st of April to the 14th of May, 1954⁷³. Signatory States must ratify the present Convention in conformity with their respective constitutional procedures⁷⁴. The ratification instruments must be deposited with the United Nations Educational, Scientific, and Cultural Organization's Director-General⁷⁵. All States named in Article 30 who have not signed the Convention, as well as any other State asked to join by the Executive Board of the United Nations Educational, Scientific, and Cultural Organization, may join from the date of its entry into effect. The deposit of an instrument of accession with the Director-General of the United Nations Educational, Scientific, and Cultural Organization is required for membership⁷⁶.

The present Convention will enter into force three months after the deposit of five ratification instruments⁷⁷. It will therefore enter into force three months after each High Contracting Party has deposited its instrument of ratification or accession⁷⁸. Ratifications or accession documents lodged by the parties to the conflict before or after the start of hostilities or occupation shall take effect immediately under the scenarios mentioned to in Articles 18 and 19. In such instances, the Director-General of the United Nations Educational, Scientific, and Cultural Organization will send the messages referred to in Article 38 as soon as possible⁷⁹. Within six months of the Convention's entrance into force, each State Party shall take all necessary steps to ensure its effective application⁸⁰. For any State that deposits its instrument of ratification or accession after the date of entry into force of the Convention, this time shall be six months from the date of deposit of the instruments of ratification or accession⁸¹. Any High Contracting Party may declare, at the time of ratification or

⁷¹ *Id.* at Art. 29(1).

⁷² *Id.* at Art. 29(2).

⁷³ *Id.* at Art. 30.

⁷⁴ *Id.* at Art. 31(1).

⁷⁵ *Id.* at Art. 31(2).

⁷⁶ *Id.* at Art. 32.

⁷⁷ *Id.* at Art. 33(1).

⁷⁸ *Id.* at Art. 33(2).

⁷⁹ *Id.* at Art. 33(3).

⁸⁰ *Id.* at Art. 34(1).

⁸¹ *Id.* at Art. 34(2).

accession, or at any time thereafter, that the present Convention applies to all or any of the territories for which it is responsible in international relations, by sending a notification to the Director-General of the United Nations Educational, Scientific, and Cultural Organization. The notification will go into effect three months after it is received⁸².

This last Convention shall be supplementary to the undermentioned Convention (IX) and to the Regulations annexed to the undermentioned Convention (IV) in the relations between Powers bound by The Hague Conventions concerning the Laws and Customs of War on Land (IV) and concerning Naval Bombardment in Time of War (IX), whether those of 29 July 1899 or those of 18 October 1907, and which are Parties to the present Convention⁸³. In relations between Powers bound by the Washington Pact of 15 April 1935 for the Protection of Artistic and Scientific Institutions and Historic Monuments (Roerich Pact) and Parties to the present Convention, the latter Convention shall be supplemental to the Roerich Pact and shall substitute the emblem defined in Article 16 of the present Convention for the distinguishing flag described in Article III of the Pact⁸⁴. Each High Contracting Party may, on its own behalf or on behalf of any territory for whose international relations it is responsible, denounce the present Convention⁸⁵. The denunciation shall be sent to the Director-General of the United Nations Educational, Scientific, and Cultural Organization by a written instrument⁸⁶. The denunciation takes effect one year after the instrument of denunciation is received. However, if the denouncing Party is participating in an armed conflict at the completion of this period, the denunciation will not take effect until the end of hostilities or the completion of cultural property repatriation efforts, whichever comes later⁸⁷.

The United Nations Educational, Scientific, and Cultural Organization's Director-General shall inform the States as well as the United Nations, of the deposit of all the instruments of ratification, accession, or acceptance as well as the notifications and denunciations⁸⁸.

⁸² *Id.* at Art. 35.

⁸³ *Id.* at Art. 36(1).

⁸⁴ *Id.* at Art. 36(2).

⁸⁵ *Id.* at Art. 37(1).

⁸⁶ *Id.* at Art. 37(2).

⁸⁷ *Id.* at Art. 37(3).

⁸⁸ *Id.* at Art. 38.

Any High Contracting Party may propose changes to the existing Convention or its implementing Regulations. The text of any proposed amendment shall be communicated to the Director-General of the United Nations Educational, Scientific, and Cultural Organization, who shall transmit it to each High Contracting Party with the request that such Party respond within four months stating whether it: (a) wishes to convene a Conference to consider the proposed amendment; (b) prefers to accept the proposed amendment without a Conference; or (c) prefers to reject the proposed amendment⁸⁹. The Director-General shall provide all High Contracting Parties the reply received under paragraph 1 of this Article⁹⁰. If all of the High Contracting Parties who have expressed their views to the Director-General of the United Nations Educational, Scientific, and Cultural Organization within the prescribed time limit, in accordance with paragraph 1(b) of this Article, inform him that they prefer acceptance of the amendment without a Conference, the Director-General shall notify them in accordance with Article 38. On the expiration of ninety days from the date of such notification, the change will become effective for all High Contracting Parties⁹¹. If more than one-third of the High Contracting Parties request it, the Director-General convenes a Conference of the High Contracting Parties to discuss the proposed revision⁹². Amendments to the Convention or the Regulations for its implementation that are dealt with under the terms of the preceding paragraph will enter into force only when they have been unanimously adopted and accepted by each of the High Contracting Parties represented at the Conference⁹³. Amendments to the Convention or the Regulations for its implementation adopted by the Conference mentioned in paragraphs 4 and 5 shall be accepted by the High Contracting Parties by depositing a formal instrument with the Director-General of the United Nations Educational, Scientific and Cultural Organization⁹⁴. Only the text of the Convention or the Regulations for its execution remain open for ratification or accession after revisions to the present Convention or the Regulations for its implementation enter into force⁹⁵. The current Convention will be registered with the United Nations Secretariat at the request of the Director-General of the United Nations Educational, Scientific, and Cultural Organization, in line with Article 102 of the United Nations Charter⁹⁶.

⁸⁹ *Id.* at Art. 39(1).

⁹⁰ *Id.* at Art. 39(2).

⁹¹ *Id.* at Art. 39(3).

⁹² *Id.* at Art. 39(4).

⁹³ *Id.* at Art. 39(5).

⁹⁴ *Id.* at Art. 39(6).

⁹⁵ *Id.* at Art. 39(7).

⁹⁶ *Id.* at Art.40.

The Hague Convention defined the rights and duties of States relating to cultural property before, during, and after armed conflict. Each State is required to protect its cultural property and respect other States' cultural property by not targeting or using such property for military purposes.

5. CONCLUSION

Armed conflicts have been a great havoc for the people. As armed conflict leads to a huge destruction of the cultural heritage of the country as well as it weakens the foundation of the communities, disturbs the peace and the prospects of reconciliation also lowers. As the cultural heritage is of great importance so UNESCO decided to preserve it for the whole of mankind and thus provided universal protection in the form of Convention for The Protection of Cultural Property in The Event of Armed Conflict, 1954. This Convention is also known as The Hague convention, 1954. For the protection of cultural heritage during the peace time as well as during wartime, it is the first most comprehensive multilateral treaty. As per the article 6 of The Hague convention, 1954, the cultural property is recognised by a unique Emblem that may be termed as a Blue Shield. As Russia has invaded in Ukraine then Ukraine's cultural heritage was endangered so UNESCO to avoid the accidental damages to the cultural heritage mark the property of Ukraine with distinctive "Blue Shield" emblem under The Hague convention 1954.

WHITE BLACK
LEGAL