

Call for Publication:
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**Refuges and in situ Protection in the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict:
a Contemporary Re-evaluation**

Subject Fields: Humanities (Anthropology, History, Art History, Classics, Archaeology, Museum and Heritage studies), Creative Practice, Law, Security, Counter-Terrorism, Military Studies

Introduction

The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, including its two Protocols (HC54), is the key regulatory instrument regarding Cultural Property Protection (CPP) in the event of:

- Declared war
- Any other armed conflict
- All cases of partial or total occupation of the territory of a High Contracting Party (HCP) – even in the absence of armed resistance

(Article 18)

It is the only Hague convention dealing explicitly with armed conflict. Its core activities may be summarised as:

Preparatory peacetime measures:

- Preparation of inventories
- Planning of emergency measures for protection against fire and structural collapse
- Preparation for the removal of movable CP or the provision of adequate *in situ* protection
- Designation of competent authorities responsible for safeguarding

Regulations: executive measures during armed conflict:

The procedure by which the present Convention is to be applied is defined in the Regulations for its Execution.

(Article 20):

- Chapter 1: Taking operational control
- Chapter 2: Activating Special Protection measures
- Chapter 3: Transporting cultural property
- Chapter 4: Using the Distinctive Emblems

Written in the aftermath of the Second World War, HC54 sets out to achieve much more than establish the legal framework for CPP: it advances a series of guiding principles, developed further in the accompanying Regulations and Guidelines, addressing what safeguarding amounts to in practical terms, and how enabling activities should be managed.

Since 1954 multiple stakeholders, generally in the heritage sector, have glanced off the surface of HC54. More widely, however, states parties have, in the main, simply ignored its imperatives – ratification notwithstanding. Typically, attention has largely amounted to addressing the definition of cultural property and the vexed issue of inventory production, allied to generally abstracted, occasionally strident, third party appeals to combatants – both national ministries of defence and their armed forces, as well as non-state actors - to honour internationally recognised legal obligations towards the safeguarding of cultural property.

Cultural property protection environment

The cultural, political, legal, and military environment in which HC54 was drafted has mutated since 1954, precipitating challenges to its continuing relevance. Subsequent conventions, for example, offer competing definitions of cultural property: ‘heritage’ has emerged as the dominant cultural construct defining the field; and tangible cultural property – movable and immovable – is today twinned with the ‘intangible’. Meanwhile, physical (technological), moral, and conceptual developments have transformed the nature of armed conflict. Peer-to-peer encounters between state parties of the kind familiar to the authors of the Convention are now relatively rare; when they do occur their conduct is conditioned by the use of technologies unimaginable in 1954. More commonly today, exponents of, for example, Salafist terrorism, or of so-called hybrid warfare, deliberately challenge the dominant ‘rules-based’ international consensus – that what amounts to acceptable conduct during armed conflict is determined with reference to the Law of Armed Conflict, itself often forgotten in HC54 discourse.

This ever-changing cultural-military climate has caused some commentators to assert that all, or parts of, HC54 is an anachronism; a convention no longer adequate to the tasks of upholding CPP best practice, and of holding to account (states) parties who fall short of its obligations.

Aim

This volume sets out to test the counter-hypothesis: that the Convention remains fundamentally fit for purpose. Considered as a set of guiding principles rendered coherent by its framework for implementation, HC54 merely needs to be interpreted in the light of prevailing circumstances for it to function as intended. The ‘problem’ with HC54 is not that it is anachronistic, but that High Contracting Parties have been decidedly lukewarm about applying it in anything but gestural terms.

Contributions

The volume seeks to address the core of the safeguarding regime imposed on HCPs under the Convention and its Protocols: the safeguarding of cultural property in the Special Protection category, employing a combination of, (a) ‘a limited number of refuges’ for the storage of movable cultural property, and (b) the provision of adequate *in situ* protection for ‘centres containing monuments and other immovable cultural property of very great importance’ (Article 8.1). In doing so, contributions may also address tensions between the

use of Special and Enhanced Categories, and between state and non-state actors in upholding HC54 in these areas.

The editors propose to publish a collection of essays addressing either – or both – strands of the safeguarding regime: refuge use and the provision of *in situ* safeguarding measures. Prospective contributors are encouraged to address the topic in any way they see fit. All contributions must, however, set up HC54 as the core framing device, and must engage in detail with its specificities. Our purpose is to promote wider understanding of the *practical utility* of the Convention in the contemporary world; conclusions regarding utility and its limits will reside in a close address to relevant clauses towards conclusions about the perceived opportunities and constraints HC54 offers today. Although armed conflict is of course the determining framework, considerations of the Convention's general utility as a guiding framework, or doctrine, for other contingencies, including planning for natural or man-made disaster relief, are also welcome.

Details

The book *Refuges and in situ Protection in the 1954 Hague Convention: a Contemporary Re-evaluation* is expected to be published in mid 2020, in the Boydell and Brewer *Heritage Matters* series: <https://boydellandbrewer.com/series/heritage-matters.html>

We invite interested participants to submit a chapter title and abstract (in English) of no more than 300 words by the deadline of 1 March 2019, to paul.fox@ncl.ac.uk and emma.cunliffe@ncl.ac.uk.

Authors selected for inclusion will be notified by 1 April 2019.

The deadline for final submission of manuscripts will be 1 August 2019.

Final manuscript submissions will not exceed 6,000 words, including bibliography. It is our intent to ensure articles submitted to the volume are peer reviewed.

Editors:

Dr Paul Fox: <https://www.ncl.ac.uk/sacs/staff/profile/paulfox.html>

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