

THE POSSIBILITY OF APPLYING THE HAGUE CONVENTION FOR THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT IN THE CONDITIONS OF RUSSIA'S WAR AGAINST UKRAINE

Author:

Vladyslava Bakalchuk

The analytical memorandum explores the possibility of applying the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (hereinafter referred to as the Convention), along with its two protocols (1954 and 1999), and the Operational Guidelines for the Implementation of the Second Protocol. For the purposes of this study, the concept of "cultural property" corresponds to the definition established in the Convention. To denote a broader cognitive meaning of cultural values, the term "cultural heritage" is used, defining cultural property as a source of historical memory and as the material basis of the national identity of the Ukrainian people.

An analysis of the measures implemented at the national level for the implementation of the Convention has been conducted, along with perspectives on further priority directions for its implementation. The application of advanced international experience in implementing the Convention and its two protocols will contribute to:

- *Better protection of cultural property in the conditions of the Russian-Ukrainian war;*
- *Strengthening legal and institutional capacity to respond to challenges caused by Russian aggression;*
- *Improving coordination of international aid and efforts at the national level in matters of preserving cultural heritage in the context of Russian armed aggression;*
- *Further refinement of international experience in implementing the Convention and the Second Protocol, taking into account Ukrainian experience in preserving cultural heritage during the Russian aggression.*

International Experience and National-Level Measures in Implementing the Convention

Since the beginning of the Russian aggression in 2014, threats to the destruction and encroachment upon Ukraine's cultural heritage have played a significant role in [Russia's methods and goals](#) in its war against Ukraine. Consequently, they pose an existential challenge to preserving the identity of the Ukrainian people. With the full-scale invasion, challenges to the preservation of cultural heritage have diversified and taken on new dimensions. In these circumstances, the proper implementation of the 1954 Hague Convention and its two protocols (1954 and 1999) plays a crucial role in ensuring sustainable peace and security in Ukraine, as well as on the European continent and in the global context.

[The commitments undertaken](#) by the member states of the Convention aim to preserve cultural heritage through the implementation of the following measures:

- Adoption of preventive measures, such as inventory preparation, planning of emergency measures to protect property from the risk of fire or building collapse, and the preparation for the evacuation of cultural assets to safe places.
- Development of initiatives ensuring respect for cultural values located on their own territory or on the territory of other member states. This involves refraining from using such property in any way that may expose it to destruction or deterioration in the event of armed conflict, as well as refraining from any hostile acts directed against it.
- Registration of culturally significant items of particular importance in the International Registry of Cultural Heritage under special protection, with the aim of obtaining special protection for such items.
- Identification of specific important buildings and monuments with the emblem of the Convention.
- Providing a place for possible refuge for the shelter of movable cultural assets.
- Establishment of specialized units within the military forces responsible for the protection of cultural assets.
- Imposition of sanctions for violations of the Convention.
- Promotion of the Convention among the general public and through target groups, such as cultural heritage experts, military, or law enforcement agencies.

Ukraine is a party to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and the [First Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict](#) (adopted simultaneously with the Hague Convention of 1954). In 2020, Ukraine acceded to the Second Protocol of the Convention in accordance with [the Law of Ukraine dated April 30, 2020, No. 585-IX](#).

The **Second Protocol of 1999** [complements](#) and expands upon the provisions of the Convention, including:

- Introducing a new category of "enhanced protection" for cultural properties that hold the greatest significance for humanity;
- Strengthening the responsiveness of the Convention by defining sanctions for serious violations related to cultural properties and specifying the conditions under which individual criminal responsibility applies;
- Establishing an intergovernmental committee of twelve members to oversee the implementation of the Second Protocol and, *de-facto*, the Convention.

The adherence to the [Guiding Principles](#), developed based on the study of issues related to the implementation of the Second Protocol of the Convention, is a crucial document in the realization of the Second Protocol. These principles are formulated for the execution of the Convention and involve the further development of relevant recommendations. Recommendations on implementation are periodically reviewed to reflect the decisions of the Parties to the Second Protocol in 1999.

[The main objectives of the Guiding Principles are:](#)

- To provide a concise and practical tool to facilitate the implementation of the Second Protocol of 1999 by its parties;
- To offer recommendations to the Committee and the Secretariat of UNESCO on the performance of their functions as established by the Second Protocol of 1999; and
- To incorporate best practices in the implementation of the Second Protocol of 1999.

The ratification of the Convention and its two protocols involves systematic reporting on its implementation at the national level. In the [previous monitoring cycle](#), Ukraine partially reported on the adoption of specific measures to implement the Hague Convention of 1954 and/or the two protocols (1954 and 1999). The table indicates the specified directions within which Ukraine has taken specific measures to implement its international obligations.

Electoral Group/State Party	1954 Hague Convention	Resolution II of the 1954 Hague Conference 1954	First Protocol 1999	Second Protocol
Ukraine	Article 3 + Article 6 – Article 7 + Article 25 + Article 28 +	–	+	Article 5 – Article 9 – Article 10 + Article 15 + Article 16 + Article 21 + Article 30 – Article 33 +

Among the unfulfilled provisions is the issue of implementing the [Resolution of the Second Hague Conference](#) of 1954 concerning the establishment at the national level of a responsible body for the implementation of the Convention and its two protocols. According to the recommendations of the Resolution, such a body may take the form of a national advisory committee composed of civilians responsible for the preservation of cultural heritage, a representative of the military general staff, a representative of the Ministry of Foreign Affairs, an international law specialist, and two or three other members whose official duties or specialized knowledge are related to the areas covered by the Convention. This interdepartmental group may be included in the national commission for the implementation of international humanitarian law at the national level, if such a commission exists in the country.

The main functions of the *national committee* are:

- a) to advise the government on measures necessary for the implementation of the Convention in its legislative, technical, or military aspects, both in peacetime and during armed conflicts;
- b) to appeal to its government in the event of an armed conflict or when such a conflict appears imminent, with the aim of ensuring that cultural values located within its own territory or in the territory of other countries are known, respected, and protected by the armed forces of the country, in accordance with the provisions of the Convention;
- c) to organize, with the consent of its government, communication and cooperation with other similar national committees and with any competent international body.

The establishment of such an advisory body in Ukraine aligns with the best practices of implementing the Convention, as well as the challenges that have arisen for Ukraine in preserving cultural values in the face of Russian aggression. In Ukraine, this function can be performed by the National Commission for UNESCO at the Ministry of Foreign Affairs of Ukraine. The regulations of the National Commission of Ukraine for UNESCO were [approved](#) on February 9, 2023, and provide for the possibility of forming advisory and other auxiliary bodies to fulfill the tasks entrusted to it.

The advanced practices of implementing the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and/or its two protocols (1954 and 1999) have been defined by UNESCO [based on national reports for the national periodic reporting cycle](#) for the years 2017-2020. Based on national reports on the implementation of the Convention and its two protocols, the UNESCO Secretariat [systematizes the best practices](#) of implementing the Hague Convention of 1954 and its two protocols (1954 and 1999), in particular:

Measures taken to protect cultural property from anticipated consequences of armed conflict.

Such measures include a detailed approach to the inventory of cultural assets, their mapping and plans for the evacuation of cultural assets. Cultural values included in the register may have local, national or international significance, include private property, and may be movable or immovable. States encourage private asset inventories through advocacy and advisory assistance. Inventory lists can be used by national security forces for operational planning and field deployment. Also, the common practice of compiling national cadastres in a publicly available national online database.

The overall assessment of the achievement of [the strategic goal of the inventory of cultural heritage objects](#), ensuring the filling and publicity of the electronic register of cultural heritage objects, as of 01.02.2024, is 0%. At the same time, 35.7% of measures are in the implementation stage, while the rest have not been implemented, or the implementation of which has not been started.

The absence of a single source of information about all cultural values significantly complicates the question of proper preservation of cultural heritage in Ukraine. In particular, it conditions existing practices of abuse in the development of cultural heritage sites. It also complicates the work of law enforcement agencies in the process of qualifying and investigating war crimes on one hand, and creates problems for the Armed Forces of Ukraine in planning military operations on the other. Among the shortcomings in the process of inventorying cultural values at the national level is the lack of measures to inventory private collections (non-state ownership).

Digitization and the use of modern technologies are of great importance in the process of inventorying cultural values. The digitization of cultural values provides broader opportunities for their research and preservation even in the event of their physical destruction. The digitization of cultural heritage may also include private collections of cultural values. A positive practice is also ensuring the accessibility of an online database of inventoried cultural values. As part of the UNESCO thematic program "Memory of the World," the digitization of documentary cultural heritage at the national level contributes to additional involvement of financial mechanisms in its preservation.

According to the [International Register "Memory of the World"](#), Ukraine has registered 5 items: Documentary heritage of Babi Yar (2023), Act of the Union of Lublin (2017), Documentary heritage related to the Chernobyl accident (2017), Radziwill Archives and Nesvizh library collection (2009), Collection of Jewish Musical Folklore 1912-1947 (2005).

Mapping of inventoried cultural values is created to inform civilian and military personnel for identifying cultural values in a specific locality that require special attention in case of

an emergency situation. *They can, for example, be included in lists of prohibited strikes or military maps.* A common practice for mapping is the use of a Geographic Information System (GIS) database type. The Secretariat recommends that maps of inventoried cultural values be distributed among civilian and military personnel tasked with protecting cultural values.

National and local plans for emergencies and readiness for risks. The development of national plans for the protection of cultural values in case of emergencies precedes the conduct of risk assessment, identification of potential threats, and their impact on cultural value. They may be applicable in the event of armed conflict and prioritize lists for the protection of cultural values (priority property). Evacuation measures and safe shelters include, among other things, determining the evacuation risk threshold and a list of priority objects for evacuation. Shelters for evacuated cultural values must be completely protected from any dangers and remote from any military target; their presence must be known to all armed forces, and for their protection, the emblem "Blue Shield" is used.

The issues of organizing the evacuation of cultural valuables are included in the [Handbook of the State Emergency Service \(2022\)](#). According to the approved List in the event of a threat of armed conflicts (from areas of possible hostilities to safe areas), cultural valuables specified in Article 1 of the Law of Ukraine "On the export, import, and return of cultural valuables," including those included in the Museum Fund of Ukraine, entered in the State Register of National Cultural Heritage of Ukraine, and documents of the State Library Fund of Ukraine, are subject to evacuation.

The lack of timely evacuation of cultural values and the lack of experience in cross-industry cooperation in the organization of the preservation of cultural values in emergency situations have resulted in significant losses for the cultural heritage of Ukraine in the conditions of Russian aggression. Additionally, the appropriation of cultural values of Ukrainian museum funds by the Russian side during the full-scale aggression in temporarily occupied territories has occurred.

The submission of cultural values to the International Register of Cultural Values under special protection and to the International List of Cultural Values under enhanced protection. This practice effectively contributes to ensuring better protection of cultural values, as it allows creating favorable conditions for the protection of cultural heritage from anticipated consequences of armed conflict during peacetime. In the case of granting special or enhanced protection status and in accordance with paragraph 67 of the Guidelines, the participating states are obliged to monitor these objects and inform the Committee of any changes affecting cultural value to meet the criteria outlined in Article 10 of the Second Protocol.

Since the beginning of the full-scale invasion of Russia into Ukraine, it has intensified its efforts to identify cultural heritage assets that need enhanced protection and cooperation with the relevant UNESCO Committee. Yes, According to the results of the

3rd extraordinary session of the UNESCO Committee for the Protection of Cultural Property in the Case of Armed Conflict, convened at the initiative of Ukraine on September 7, 2023, the Committee made a decision to strengthen the protection of 20 objects of cultural heritage of Ukraine, in particular in Kyiv, Lviv, Odesa and Chernivtsi. **The Committee invites Ukraine to submit to the Secretariat maps with specified boundaries of the specified cultural values, as well as their geographic coordinates as part of the retrospective inventory.**

The application of this practice encourages the state to identify among its national heritage assets that require enhanced protection and is *necessarily accompanied by efforts to adapt* the national system of cultural heritage protection in accordance with the standards of protection provided for in the Hague Convention of 1954, the Second Protocol and the Guidelines.

Designation of cultural values with national symbols of cultural values of special importance or *the Blue Shield*, increasing criminal liability in case of their damage. Emblems of special and enhanced protection – objects can have different statuses, indicated by several emblems: regional or national importance, world heritage sites, special or enhanced protection.

Ukraine, with the support of UNESCO, has intensified the processes of marking cultural values with the "Blue Shield" emblem since the beginning of full-scale Russian aggression, in particular in Kyiv, Odesa and Lviv.

Training of Armed Forces in Protection of Cultural Values

The secretariat defines as best practice the appointment of individuals for the development of a training program for military personnel in the protection of cultural values in armed conflict conditions. The preparation of the armed forces and security service personnel for the protection of cultural values involves providing all military personnel with appropriate theoretical and practical training, taking into account their ranks and duties. Training courses may be part of regular training or optional seminars/practical sessions for a limited number of employees.

External training programs on the protection of cultural values in armed conflict conditions are also provided by the UN, NATO, the Institute for Peacekeeping Operations in collaboration with UNESCO. The UNESCO secretariat defines as best practice systematic theoretical and practical training for the protection of cultural values in armed conflict conditions for members of the armed forces, considering their ranks and duties

In 2023, Ukrainian military personnel for the first time joined the American training program for officers in the protection of cultural heritage. The event was organized through

the joint efforts of the Smithsonian Cultural Rescue Initiative and the Civil Affairs and Psychological Operations Command of the U.S. Army Reserve.

For Ukraine, in conditions of challenges to preserve cultural heritage during Russian aggression and possible scenarios of territory de-occupation, including military aspects, important is the intensification of the Ukrainian side in relevant international military training programs. One of the priority directions could be cooperation between Ukraine and NATO regarding the protection of cultural heritage in armed conflicts.

The appointment of individuals or the creation of special services in the armed forces for the protection of cultural values (Article 7 of the Convention). The lack of resources and awareness is a common obstacle to the creation of a specialized unit for the protection of cultural values in the national armed forces of the Convention's participating countries. A specialized unit for the protection of cultural values in national armed forces has been established, in particular, in the United Kingdom, the United States, and Austria.

The creation of specialized units for the protection of cultural values in the Armed Forces of Ukraine will contribute to both further implementation of the Convention and the scale of threats to preserving the cultural heritage of Ukraine in the conditions of Russian aggression.

The development of rules for conducting military operations, specifically designed to protect cultural values in areas of armed conflict, and the dissemination of such rules among members of the armed forces. The relevant international commitments of Ukraine are enshrined in the [Instruction](#) on the Procedure for Implementing the Norms of International Humanitarian Law in the Armed Forces of Ukraine regarding: the non-use of cultural values for military purposes; enhanced protection of objects from the International Register of Cultural Property under special protection; the obligations of the occupying state regarding the protection of cultural values; the extension of the protection of International Humanitarian Law to personnel responsible for the protection and preservation of cultural values. The units of the Armed Forces of Ukraine must be provided with texts from the International Register of Cultural Property under special protection and the State Register of National Cultural Heritage.

In the face of challenges posed by Russian aggression, the development of further specialized instructions regarding the incorporation of provisions of the Convention and its two protocols into the national armed forces of Ukraine is urgently needed for the preservation of Ukraine's cultural heritage.

The development and/or dissemination of a military manual on the protection of cultural values. Among the educational materials, in addition to the national military manual on the protection of cultural values, a special Military Manual from UNESCO on the protection of cultural values may be used for dissemination among the national armed forces. At the national level in Ukraine, there is neither a developed national military manual nor a

translation into the state language of the UNESCO Military Manual (Protection of cultural property: military manual).

Civil-military partnership for the protection of cultural values may include the signing of a memorandum of cooperation between the Ministry of Culture and the Ministry of Defense. For example, in Poland, as a result of an agreement between the Ministry of National Defense and the Ministry of Culture and National Heritage, the International Center for Training and Research on Cultural Heritage, under threat, was established in 2020.

An example of civil-military partnership for the protection of cultural values is the organization of joint training by the Ministry of Defense of Belgium, "Training in a Hostile Environment (HEAT)", for training specialists from museums and cultural heritage in responding to hostile military or emergency situations. *UNESCO's Secretariat identifies as best practice the strengthening of "civil-military" cooperation to achieve synergy in the collaboration of civilian and military personnel involved in the protection of cultural values in times of armed conflict.*

In October 2023, as part of civil-military partnership under the Command of the Forces of Territorial Defense of the Armed Forces of Ukraine, a pilot project on the functioning of a unit for the protection of cultural heritage and the surrounding natural environment has been implemented. The project is carried out in accordance with the Convention and NATO Doctrine. It involves the engagement of civilian experts to preserve and assess damage to cultural heritage sites within the military's responsibility zone.

The cooperation entails training regarding timely formation of complete and accessible databases on cultural landmarks and consideration of this data in the planning of military operations. Further implementation of civil-military cooperation practices with the aim of protecting cultural landmarks during military operations and ensuring the achievement of the results of these operations. In particular, the training of military units and the strengthening of partnerships between civilian and military or specialized military agencies.

International Assistance and Cooperation

International cooperation regarding the protection of cultural values in conditions of armed conflict can be carried out under the auspices of international organizations such as NATO, OSCE, or the UN, or at the level of various networks of experts. Practices of international partnership include active collaboration with the local Blue Shield committee, international or national Red Cross/Red Crescent committee; financial or technical assistance from ICCROM, ALIPH, the Smithsonian Institution, the Prince Claus Fund. There is also the possibility of seeking financial assistance from the Fund for the Protection of Cultural

Values in the event of armed conflict and actively engaging in comprehensive cooperation with UNESCO.

Request of Ukraine to the Secretariat regarding the activity on *building the potential for the protection of cultural values during an armed conflict for specialized military and judicial personnel*. The Committee authorized the Secretariat to use up to \$100,000 from the Fund for partial financing of its implementation. The Secretariat is discussing with the Ukrainian authorities the terms and modalities of the activity. ([Report on the protection of cultural values in Ukraine](#) (Conference: Committee on the Protection of Cultural Values in Armed Conflict, 18, Paris, 2023).

Since the full-scale Russian invasion, the initiatives of numerous international and foreign organizations have been consolidated around the preservation of the cultural heritage of Ukraine. According to the report of the Committee on Culture and Education of the European Parliament, measures of international aid to Ukraine are aimed at:

- Damage and risk monitoring either through satellite imagery (eg UNESCO and SCRI) or on the ground (UNESCO; notably a specialized application from ICCROM).
- Emergency assistance on the ground in Ukraine for the provision of material and technical assistance for cultural institutions (almost all participants are involved, including ALIPH, CER and the EU through the Civil Protection Mechanism). Assistance is also provided to transport collections to safe locations in Ukraine (e.g. ALIPH, SCRI). Measures are being taken to prevent further damage to monuments and sites (e.g. UNESCO and the EU, mainly in partnership with ICCROM, ALIPH and SCRI).
- Training of cultural heritage professionals, officials and military to avoid (further) damage to cultural institutions and sites (e.g. UNESCO in cooperation with WMO, INTERPOL and EU, ICCROM and SCRI).
- Digitization of cadasters and archives for further damage assessment. Interesting projects in this category include, for example, the EU-supported initiative Competence Center for the Conservation of Cultural Heritage (4CH), "Save the Ukraine Monuments" (SUM) and the Backup Ukraine project supported by BS Denmark. Support of the cultural sector and education system in Ukraine (for example, UNESCO, EU and Europa Nostra).
- Development of programs for the long-term restoration of the heritage sector in Ukraine, carried out by UNESCO, the EU and the Council of Europe.

Since many actors are involved in heritage protection in Ukraine, it is important to establish coordination at the national level in international assistance and domestic efforts of Ukraine. Such coordination of international and national efforts could be performed by the national Commission for the implementation of the Convention and its two protocols.

Protection of Cultural Values from Illegal Removal and the Issue of Restitution

The Convention and its two protocols prohibit the removal of cultural values from the occupied territories, change their ownership and obligate the return of cultural values to the authorities of the previously occupied territory (Article 4 (3) of the Convention, Articles 1-5 of the First Protocol, Article 9 of the Second Protocol). Contrary to the provisions of international law, and not being a contracting party to the Second Protocol, Russia systematically carries out the illegal export and transfer of cultural values, has transferred ownership of cultural values in the occupied territories to its own benefit, and conducts illegal archaeological excavations in the temporarily occupied Crimea.

In 2023, UNESCO together with the European Union published a detailed guide [Combating the Illicit Trafficking of Cultural Property: A Toolkit for European Judiciary and Law Enforcement Authorities](#), which offers a practical and comprehensive toolkit for professionals, particularly in conditions of military occupation. In particular, the authors of the document suggest that at the level of national legislation, use the projects of the *Model Regulation on the right of state ownership* of undiscovered cultural values, developed by UNESCO and UNIDROAT. The implementation of this provision at the national level is driven by the need to provide legal justification for ownership claims in the context of the return and restitution of undiscovered cultural objects, such as excavated archaeological artefacts.

Among the problematic issues of return and restitution of plundered objects in the conditions of occupation is the confirmation of their identification. In particular, this concerns illegally exported cultural values originating from illegal excavations. The complexity of confirming the origin of cultural values that were stolen before proper inventory increases if national legislation stipulates that the burden of proving the origin of the object lies with the plaintiff country. Ensuring the possibility of considering analogies in courts regarding such objects as adequate evidence of their origin will contribute to the issue of restitution of cultural values after the conclusion of the Russian-Ukrainian war.

The System of Sanctions in Case of Non-Compliance with the Hague Convention of 1954 and the Two Protocols thereto

Ratification of the Convention and its protocols obliges the participating countries to develop a set of national legislation, policies and administrative measures to ensure the implementation of the provisions of these documents on the national territory. The Convention and the Second Protocol also require States Parties to take all necessary measures to prosecute and apply criminal sanctions to persons responsible for violations of the Convention.

It is a common practice among the participating states to include in their national Criminal Codes a separate provision regarding the criminalization and prosecution of any violations of the Hague Convention of 1954 and the two protocols thereto. The adoption of a special piece of criminal legislation to prosecute crimes against cultural property and to regulate the jurisdiction of courts to try cases under Chapter IV of the Second Protocol of 1999 is highly appreciated by the UNESCO Secretariat and recommended to all parties to the Convention.

[According to experts](#), Ukraine needs to update Article 438 of the Criminal Code, which establishes criminal responsibility for violating the laws and customs of war, in particular, in terms of defining war crimes against cultural values. It is also appropriate to introduce a separate provision regarding the criminalization of actions that are contrary to the Hague Convention of 1954 and the Second Protocol.

[Giving the court jurisdiction over offenses against the Second Protocol of 1999](#) includes the appointment of a special court to deal with cases related to cultural property, or the possibility of instructing its ordinary courts to deal with these matters. If necessary, the International Criminal Court may be involved, or jurisdiction may be transferred to another state in accordance with an international convention (e.g. NATO's SOFA), bilateral or multilateral agreements.

Prosecution for the destruction of cultural values in the context of military conflict can be a component of the transitional justice system. The experience of establishing Special Transitional Jurisdictions in Colombia as part of the Truth, Justice, Reparations and Non-repetition System (Special Justice for Peace – JEP) may be useful. The JEP has its own prosecutors and judicial police responsible for investigating and punishing crimes under the Convention and Additional Protocols. The second jurisdiction is Justice and Peace for crimes under the Second Protocol of 1999, which are investigated by the country's Prosecutor General's Office and tried by the Justice and Peace Court.

Establishing the inevitability of punishment for the destruction of cultural heritage in Ukraine should be integrated into measures to overcome Russia's armed aggression against Ukraine, as well as into the policy of transitional justice in the post-conflict period.

Dissemination among the General Public of the Rules for the Protection of Cultural Values in the Event of an Armed Conflict

The UNESCO Secretariat identifies as a best practice the development of information materials for the general public, both in digital and printed formats, to instill in citizens the basic principles of protecting cultural property and combating the illicit traffic of cultural property.

For the purposes of implementing this practice, it is expedient for Ukraine to translate the text of the Convention, its Resolutions, the Guidelines for the implementation of the Second

Protocol into the national language, as well as the development and implementation at the national level of information materials for various target audiences regarding international standards and best practices for the implementation of the Convention and two its protocols.

Protection of Cultural Values during Military Operations

The Secretariat notes that the preparation of digital maps of cultural properties is a good practice to ensure their identification during armed conflicts. However, these maps must be secured and not available to the public. The Secretariat identifies as best practice the development of digital maps of cultural assets to facilitate their identification.

An important mechanism of appropriate mapping for the protection of cultural values during hostilities, [according to domestic experts](#), is the entry of relevant information into the **national military situational awareness system "Delta"**, which is used by the security and defense forces of Ukraine.

Forecasts and Perspectives

[From the time of the full-scale invasion](#), Ukraine has significantly progressed in the implementation of the Convention and its two protocols while simultaneously requiring attention to the harmonization of national policies regarding the protection of cultural heritage in accordance with the Convention and its two protocols. **Ukraine's accession to the Second Protocol in 2020 provides additional opportunities to protect cultural heritage and hold the Russian side accountable for crimes against cultural heritage, particularly those committed in occupied territories.**

Further implementation of the Convention and its protocols will facilitate the adaptation of national legislation and cultural heritage management according to international standards and practices. This, in turn, will enhance the institutional capacity of state structures involved in the preservation of cultural heritage in the context of the Russian-Ukrainian war, responding to challenges caused by Russian aggression, and ensuring the resilience and sustainable post-war recovery of Ukraine.

Considering the role that cultural heritage plays in Russian aggression, it is expected that Russia will continue attacks on Ukraine's cultural heritage with the aim of establishing complete control over the Ukrainian people and erasing their historical memory and identity. Russia will continue to deny and evade responsibility for crimes against Ukraine's cultural heritage. As a member of the UN Security Council, Russia will obstruct the adoption of resolutions condemning the destruction of cultural heritage in Ukraine during the ongoing armed conflict, similar to UN resolutions in 2015 and 2017. Therefore,

maximizing the use of other international mechanisms for protecting cultural heritage in the context of the Russian-Ukrainian war is of crucial importance.

Ukrainian experience in addressing issues of preserving cultural heritage in the Russian-Ukrainian war can contribute to the preservation of cultural heritage globally and can be implemented in the guiding principles for the implementation of the Convention and its two protocols.

At the 18th meeting of the Committee on the Protection of Cultural Property in Armed Conflict on December 15, 2023, Ukraine was elected Vice-Chair of the UNESCO Committee on the Protection of Cultural Property in Armed Conflict for the first time. Ukraine's election to the Committee of World Heritage opens up new opportunities for active participation in the implementation of the Convention and its two protocols. According to Article 27 of the Second Protocol of 1999, the Committee performs the following functions:

As a member of the Committee (until 2025), Ukraine, based on its experience in the Russian-Ukrainian war, can contribute to:

- Further affirming the role of preserving cultural property in armed conflicts;
- Deepening understanding of the importance of international law in preserving global cultural heritage,
- Affirming the principle of the inevitability of punishment for crimes against cultural heritage as a component of genocide prevention policy,
- Improving existing practices in implementing the Convention, its two protocols, and guiding principles,
- Promoting the intensification and better coordination of international efforts in preserving global cultural heritage in armed conflicts.

Conclusions and Recommendations for Ukraine

Proper implementation of the Convention and its two protocols will contribute to the minimization of the destructive impact of Russian aggression on the cultural heritage of Ukraine and the sustainable post-war recovery of Ukraine. The national system for the protection of cultural heritage needs improvement in accordance with the challenges faced by Ukraine in the context of the Russo-Ukrainian war and in accordance with international obligations under the Convention and its two protocols.

Improvement of the national system for the protection of cultural heritage should be implemented based on international experience and best practices of implementing the Convention and its two protocols in line with the relevant guiding principles of the implementation of the Second Protocol. Such measures require implementation at the legislative level and at the level of the cultural heritage management system in Ukraine.

Inventory, digitization, and mapping of cultural assets (movable and immovable) have a priority for the proper preservation of cultural assets in Ukraine and the consideration of this data in the planning of military operations by national security and defense forces. In order to create a proper basis for further restitution and counteraction to the illegal circulation of cultural assets, the inclusion of cultural assets from private collections (non-state fund) in state projects for the inventory of cultural assets is of great importance.

It is important for the Ukrainian side to continue participating in international military training programs on the preservation of cultural heritage in various scenarios of military operations. Among the directions of such cooperation, priority should be given to intensifying efforts at the level of international organizations, including Euro-Atlantic cooperation between Ukraine and NATO, as well as at the level of bilateral relations with Ukraine. Military personnel training on the protection of cultural assets in armed conflicts should become systematic.

Pilot projects of specialized units in the Armed Forces of Ukraine for training military personnel in the protection of cultural heritage in conditions of Russian aggression need to be scaled up. Further development of civil-military cooperation in Ukraine should be directed towards achieving synergy in the collaboration of civilian and military personnel involved in the protection of cultural assets in the event of an armed conflict.

Ukraine needs to strengthen its involvement in issues related to affirming the importance of preserving cultural assets to ensure sustainable peace and security at the global, regional, and national levels.

© Centre for International Security

Author:

Vladyslava Bakalchuk

The information and views set out in this study are those of the author and do not necessarily reflect the official opinion of the Konrad-Adenauer-Stiftung e.V. or the Ministry of Foreign Affairs of Ukraine.

Centre for International Security

Borodina Inzhenera Street, 5-A, Kyiv, 02092, Ukraine

Phone: +380999833140

E-mail: cntr.bezpeky@gmail.com

<https://intsecurity.org/>

