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The development of international law relating to the protection of cultural property in the event of armed conflict : the second protocol to the 1954 Hague Convention / Andrea Gioia

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Abstract:	The author identifies various weaknesses of 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and highlights a number of ways in which the Second Protocol of 1999 addresses these problems: 1) The Protocol applies equally and in its entirety to both international and non-international conflicts; 2) The 1999 Protocol improves on the Convention's "vague" exception for military necessity by providing an exception only when the cultural property is being used specifically for military purposes or when there is no alternative; 3) The Protocol enhances protections for cultural property in occupied territories, requiring the occupying power to prevent the export and transfer of cultural property ; 4) The Protocol specifies and improves preparatory measures to be taken in peacetime; 5) The 1999 Protocol implements a new, improved regime of enhanced protection for cultural property "of the greatest importance for humanity"; 6) The Protocol improves international monitoring through the establishment of a Committee of state representatives and a voluntary Fund; 7) The Protocol enhances the regime of individual criminal responsibility by specifying certain serious violations to be classified as war crimes and clarifying the role of states in prosecuting the individuals responsible. [Summary by students at the University of Toronto, Faculty of Law (IHRP)]
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