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The international legal protection of World Heritage sites during armed conflict / Anne-Marie Carstens

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Abstract:	<p>The World Heritage programme and the law of armed conflict governing the protection of cultural property share the common principle of preserving the 'cultural heritage of mankind'. World Heritage sites are vulnerable to deliberate destruction in modern warfare, particularly during conflicts motivated by ethnic and religious animus. The vulnerability of World Heritage sites has been proven by a succession of deliberate attacks on World Heritage sites, beginning with the shelling of the Old City of Dubrovnik in 1991 and continuing through attacks on World Heritage sites in Syria and Timbuktu in 2012. This article explores the extent to which belligerents must afford heightened protection to cultural sites on UNESCO's World Heritage List, pursuant to either the World Heritage programme or the law of armed conflict. In outlining the legal protection afforded by these regimes, it considers whether the World Heritage List can serve as a proxy for a list of properties entitled to prima facie heightened protection during armed conflict. Based on this analysis, a presumption of heightened protection should prevail for a significant subset of World Heritage sites, and the article therefore aims to identify the characteristics or categories of World Heritage sites that will support such a presumption.</p>
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