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Original
Fragmented guardianship: Navigating legal, financial, and operational challenges in cultural heritage protection during armed conflict / Licci, E.. - In: AEDON. - ISSN 1127-1345. - (2025), pp. 384-393. [10.7390/119516]

Availability:
This version is available at: 11583/3009057 since: 2026-03-23T13:30:05Z

Publisher:
Società Editrice Il Mulino

Published
DOI:10.7390/119516

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07 November 2026

Il Mulino - Rivisteweb

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(doi: 10.7390/119516)

Aedon (ISSN 1127-1345)
Fascicolo 3, settembre-dicembre 2025

Ente di afferenza:
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Aedon

Rivista di arti e diritto *on line*

numero 3, 2025, issn 1127-1345 Home Indice Ricerca Risorse web

Uno sguardo oltre il confine nazionale

Fragmented guardianship: Navigating legal, financial, and operational challenges in cultural heritage protection during armed conflict

di *Eva Licci* [*]

Sommario: 1. Introduction. - 2. The International legal system and the evolution of cultural heritage protection in armed conflict. - 2.1. From the origins to the 1954 Hague Convention. - 2.2. Cultural heritage and international humanitarian law. - 2.3. Cultural heritage and international criminal law. - 2.4. Peacetime frameworks and the expansion of cultural rights. - 3. The emergence of a new heritage protection system. - 4. Main actors of the international heritage protection system. - 4.1. Financing heritage protection initiatives. - 4.2. Implementation of heritage protection initiatives. - 5. Rethinking heritage protection: challenges and future directions. - 6. Conclusions.

Over the past decades, the international system for protecting cultural heritage in armed conflict has evolved from the state-centered framework of the 1954 Hague Convention into a complex and diversified network of governmental, intergovernmental, and civil-society actors. While this transformation has expanded participation and operational reach, it has also generated new tensions. This article traces the system's legal and institutional development and examines how contemporary governance and funding mechanisms shape its effectiveness in practice. Drawing on insights from the literature and an illustrative example from Heritage for Peace, it argues that the proliferation of actors and donor frameworks has produced a fragmented architecture marked by politicization, short-termism, and persistent asymmetries of power. The analysis highlights the need to reconnect legal principles with field realities and to foster more coherent, inclusive, and ethically grounded approaches to heritage protection in conflict and post-conflict settings.

Keywords: armed conflict; cultural heritage protection; civil society organizations; Unesco; financing system.

Tutela frammentata: affrontare le sfide legali, finanziarie e operative nella protezione del patrimonio culturale durante i conflitti armati
Nel corso degli ultimi decenni, il sistema internazionale di tutela del patrimonio culturale nei conflitti armati si è evoluto dal modello originariamente incentrato sugli Stati delineato dalla Convenzione dell'Aia del 1954 verso una rete complessa e diversificata di attori governativi, intergovernativi e appartenenti alla società civile. Sebbene tale trasformazione abbia ampliato la partecipazione e la capacità operativa del sistema, essa ha al contempo generato nuove tensioni. Il presente articolo ricostruisce lo sviluppo giuridico e istituzionale del sistema ed esamina in che modo le attuali modalità di governance e i meccanismi di finanziamento incidano sulla sua effettiva efficacia. Sulla base della letteratura esistente e di un esempio illustrativo tratto da *Heritage for Peace*, si sostiene che la proliferazione di attori e di schemi di finanziamento da parte dei donatori abbia dato luogo a un'architettura frammentata, segnata da politicizzazione, logiche di breve periodo e persistenti asimmetrie di potere. L'analisi mette in evidenza l'esigenza di riallineare i principi giuridici alle realtà operative sul terreno e di promuovere approcci più coerenti, inclusivi ed eticamente fondati alla protezione del patrimonio nei contesti di conflitto e post-conflitto.

Parole chiave: conflitto armato; protezione del patrimonio culturale; organizzazioni della società civile; Unesco; sistema di finanziamento.

1. Introduction

In the past decade, the protection of cultural heritage during armed conflict has become one of the most visible and contested issues in international debates. From Syria and Yemen to Ukraine and Gaza, the destruction and deliberate targeting of monuments, museums, and historic cities have exposed the extreme vulnerability of cultural heritage in war. At the same time, heritage has been increasingly weaponized, appropriated, erased, or instrumentalized to serve political and ideological agendas [1].

In response, a growing constellation of actors has mobilized: States, international organizations, philanthropic foundations, and civil society initiatives have launched emergency interventions and dedicated funds to safeguard at-risk heritage. Cultural heritage is now routinely invoked within broader frameworks of post-conflict recovery, resilience, and peacebuilding [2].

Yet this rapid expansion has not been accompanied by a systematic understanding of how the protection system operates in practice. On the ground, interventions often reveal a fragmented and poorly coordinated landscape, where government agencies, international bodies, Ngos, and donors work in parallel within the same geographical areas,

frequently with limited coordination, divergent mandates, and inconsistent expectations [3].

To address this gap, this article offers a critical analysis of the evolving heritage protection system in conflict-affected contexts. It traces the historical development of international legal instruments, explores the emergence of hybrid governance models and donor mechanisms, and analyses how different categories of actors interact within this evolving system. Drawing on insights from the literature and an illustrative example from a civil society organization, the discussion highlights the structural imbalances that shape heritage protection in conflict-affected settings and reflects on possible directions for more coherent and inclusive approaches.

2. The International legal system and the evolution of cultural heritage protection in armed conflict

2.1. From the origins to the 1954 Hague Convention

Efforts to regulate the protection of cultural heritage during armed conflict developed gradually over more than a century, evolving from early humanitarian norms toward a dedicated body of international law. The first international rules concerning the conduct of hostilities, the 1899 and 1907 Hague Regulations, as a matter of fact, contained only limited references to cultural property, primarily as part of the broader obligation to respect private property and religious buildings. Cultural objects were thus conceived mainly as *property* subject to protection, rather than as expressions of identity or collective memory [4].

The devastation of the two World Wars transformed this legal and moral landscape. The unprecedented scale of destruction, looting, and displacement of artworks during World War II exposed the inadequacy of existing norms and motivated the adoption of new instruments addressing both humanitarian protection and the restitution of property [5]. The 1949 Geneva Conventions and the Universal declaration of human rights reflected an emerging consensus that cultural and human rights were interlinked. Within this context, the newly established United Nations educational, scientific and cultural organization (Unesco) assumed a central role in developing a specialized treaty on cultural property.

Adopted under Unesco's auspices in 1954, the Hague Convention for the protection of cultural property in the event of armed conflict became the first multilateral treaty devoted exclusively to the safeguarding of cultural heritage in wartime. Its preamble invokes the idea of "the cultural heritage of all mankind," framing heritage as a universal good rather than a matter of state ownership. The Convention introduced two core obligations for States parties: to safeguard cultural property in times of peace (article 3) through documentation, risk prevention, and preparedness; and to respect it during armed conflict (article 4) by refraining from using heritage sites for military purposes or targeting them during hostilities [6].

Despite its pioneering role, the Convention's effectiveness has been hindered by several limitations. Article 4 (2) authorizes derogation from the obligation to respect cultural property when "imperatively required by military necessity". Scholars have long criticized this clause for its vagueness and the wide discretion it grants to military authorities [7]. While intended as a pragmatic compromise to ensure ratification by major powers, the clause diluted the Convention's protective force and created enduring ambiguity in its application. Similarly, article 4(3) prohibits theft, pillage, and vandalism but lacks strong enforcement provisions, making it dependent on national implementation and post-war restitution mechanisms [8].

To address the problem of wartime looting and illicit transfer of cultural property, the First protocol to the Convention, also adopted in 1954, imposed obligations on occupying powers to prevent the export of cultural property from occupied territories and to ensure the return of unlawfully removed objects. It also prohibited third States from retaining or acquiring such property [9]. While the First protocol was an important step toward linking cultural heritage protection with post-conflict restitution, its limited ratification, especially among major art-market States, restricted its effectiveness.

The shortcomings of the 1954 framework became evident during later conflicts, particularly in the Balkans during the 1990s, where extensive heritage destruction occurred despite States' adherence to the Convention. In response, the Second protocol to the Hague Convention was adopted in 1999, strengthening the original text in several respects. It introduced a stricter interpretation of military necessity (article 6), required parties to minimize incidental damage to cultural property (article 7), and established a system of *enhanced protection* for sites of exceptional importance that meet specific criteria (articles 10-13). The Protocol also criminalized serious violations (article 15) and obliged States Parties to incorporate these offences into domestic law, including through extraterritorial jurisdiction (article 16) [10].

The 1954 Convention and its protocols thus laid the legal foundation of modern international heritage protection. Yet, as many scholars note, their practical implementation remains deeply reliant on State compliance and military discretion [11]. The framework's state-centric character limits its adaptability to the realities of contemporary conflict, where cultural destruction often occurs in civil wars, asymmetric conflicts, or situations involving non-state armed groups. Although article 19 extends the obligation to respect cultural property to non-international armed conflicts, its enforcement remains largely symbolic [12].

2.2. Cultural heritage and international humanitarian law

The 1954 Hague Convention constitutes the foundational legal framework for the protection of cultural heritage in armed conflict. Complementing this, broader international humanitarian law (Ihl) frameworks have also made significant, albeit sometimes indirect, contributions to the safeguarding of cultural property. While Ihl principally governs the conduct of hostilities and the protection of civilians during armed conflict, it explicitly recognizes cultural property as part of the civilian domain, thereby extending both general and specific protections through the Geneva Conventions and their additional protocols [13].

The 1949 Geneva Conventions, though not explicitly focused on cultural heritage, prohibit attacks on civilian objects and emphasize the need to protect civilian populations from the effects of war. The 1977 additional protocol I, applicable in international armed conflicts, offers more direct reference. Article 53 prohibits acts of hostility against historic monuments, works of art, and places of worship, provided they constitute the cultural or spiritual heritage of peoples. It also forbids their use in support of military efforts and their targeting in retaliation. These provisions, grounded in the Ihl principles of distinction, proportionality, and military necessity, affirm the civilian character of cultural property and its protection from attack [14].

Protocol II, addressing non-international armed conflicts, contains more limited provisions (notably article 16), though it similarly prohibits acts of hostility against cultural and religious property. However, enforcement is more challenging in these contexts, where non-state armed groups often operate outside formal treaty obligations and are less constrained by international norms [15], Moreover, asymmetrical warfare, marked by urban combat, insurgency tactics, and contested territorial control, has complicated the application of traditional Ihl frameworks, making violations against heritage both more common and more difficult to address.

In practice, the division between humanitarian law and cultural heritage law is reflected in the fragmented mandates and weak coordination in the field. Humanitarian response frameworks, particularly those led by Un agencies or the red cross, have traditionally prioritized life-saving assistance and critical infrastructure, relegating heritage protection to a secondary status or cultural "luxury" [16]. Only in recent years has the nexus between heritage and humanitarianism gained more traction, particularly within Unesco, Unhcr and Icrc discourse, where the cultural dimension of crises, such as displacement, identity loss, and memory destruction, is increasingly recognized. Nevertheless, this normative shift has not yet translated into consistent field integration. Coordination between heritage actors and humanitarian agencies remains ad hoc, and the protection of cultural property is still rarely embedded in humanitarian response mechanisms, despite growing acknowledgment of its relevance to resilience, identity, and post-conflict recovery and the call of many heritage scholars to introduce cultural heritage in humanitarian efforts [17].

2.3. Cultural heritage and international criminal law

The protection of cultural heritage has gradually entered the domain of international criminal law, reflecting a normative shift from viewing cultural destruction as a property offence to recognizing it as a violation of collective identity and human dignity. While earlier treaties treated attacks on monuments or religious buildings primarily as breaches of military discipline or the laws of war, the establishment of international criminal tribunals in the late twentieth century introduced individual criminal responsibility for such acts [18].

The 1998 Rome Statute of the International criminal court (Icc) explicitly codified this evolution. Article 8(2)(b)(ix) classifies as a war crime the intentional targeting of buildings dedicated to religion, education, art, science, or charitable purposes, as well as historic monuments, provided they are not being used for military purposes. This provision draws upon the principles of the 1954 Hague Convention and the 1977 additional protocol I but reframes them within the logic of individual accountability rather than State responsibility [19]. It thereby connects the protection of heritage to the broader framework of atrocity crimes under international law.

A defining moment in this development was the Al Mahdi case before the Icc. In 2016, the Court convicted Ahmad Al Faqi Al Mahdi, a member of an armed group associated with Ansar Dine, for the intentional destruction of ten Sufi mausoleums and a mosque in Timbuktu, Mali. This was the first Icc judgment focusing exclusively on the destruction of cultural heritage. The decision was groundbreaking in two respects: it affirmed that such acts constitute war crimes even when no direct loss of life occurs, and it recognized the *cultural harm* inflicted upon communities as a violation of their identity and dignity [20].

The Al Mahdi judgment signaled a growing judicial understanding of heritage as inseparable from the protection of people. The Court emphasized that deliberate attacks on cultural sites undermine the social fabric of communities and the cultural diversity of humankind. Reparations in the case included both individual and collective measures, such as the restoration of damaged monuments and community-based reconciliation initiatives, highlighting the link between heritage protection, justice, and post-conflict recovery [21].

Despite this progress, the reach of international criminal law remains limited. The Rome statute provisions apply only to intentional destruction committed in the context of an armed conflict and within the jurisdiction of States parties or through referrals by the United Nations security council. As a result, numerous acts of cultural destruction, whether motivated by ethnic cleansing, ideological campaigns, or economic exploitation, fall outside the Court's scope [22]. Moreover, prosecutions are rare: most cases depend on political will, availability of evidence, and security conditions that enable investigation and witness protection. The symbolic importance of Al Mahdi thus outweighs its practical deterrent effect.

A further conceptual gap persists between cultural and human rights protection. While some scholars have proposed recognizing cultural genocide as a distinct international crime, this idea has not gained traction in treaty law or jurisprudence [23]. The deliberate targeting of cultural heritage can, however, serve as evidence of genocidal intent, as acknowledged in the jurisprudence of the International criminal tribunal for the former Yugoslavia (Icty) and in several United Nations reports on Syria and Iraq [24]. These precedents indicate that cultural destruction is increasingly perceived not merely as an attack on objects but as a form of violence against people and their collective memory.

2.4. Peacetime frameworks and the expansion of cultural rights

Parallel to the evolution of humanitarian and criminal law, a complementary body of international instruments has emerged to address the protection of cultural heritage in peacetime. These frameworks reflect a gradual broadening of the concept of heritage, from tangible monuments and artefacts to the diverse cultural expressions, practices, and

ecosystems that constitute the social fabric of communities. They also mark the progressive integration of cultural heritage within the field of human rights, linking its preservation to identity, participation, and sustainable development [25].

The 1970 Unesco Convention combats the illicit import, export, and transfer of cultural property, while the 1972 World heritage convention established the notion of "outstanding universal value" and created the World heritage list and the list of World heritage in danger. Both instruments emphasize the global responsibility to protect heritage, though they remain dependent on state cooperation and capacity.

Newer conventions, such as the 2001 Convention on underwater cultural heritage, the 2003 Convention on intangible cultural heritage, and the 2005 Convention on the diversity of cultural expressions, have expanded the legal definition of heritage beyond the tangible and monumental, reflecting a more inclusive and pluralistic understanding of cultural rights [26].The 2003 Unesco Declaration on the intentional destruction of cultural heritage, although non-binding, represents a normative milestone by affirming that both states and individuals bear responsibility for heritage destruction in both war and peace. It recognizes intentional destruction as a violation of cultural rights and calls for states to align national laws with international commitments [27].

3. The emergence of a new heritage protection system

Despite the progressive development of legal instruments regulating the protection of cultural heritage in armed conflict, from the 1954 Hague Convention and its protocols to humanitarian and criminal law frameworks, contemporary conflicts have revealed the limits of a system anchored in state responsibility and treaty compliance. As discussed in the previous section, enforcement remains weak, coordination across humanitarian and heritage domains is inconsistent, and normative recognition frequently fails to translate into effective practice on the ground [28]. These weaknesses are rooted in two interrelated dimensions. First, the legal framework itself contains structural shortcomings: key provisions such as the "military necessity" clause remain open to broad interpretation, several instruments are non-binding, and many obligations presuppose effective state actors, even though contemporary conflicts increasingly involve non-state armed groups and asymmetric warfare [29]. Second, the international institutions tasked with operationalizing these norms, most notably Unesco, have often proved too slow, rigid, or diplomatically constrained to respond adequately to heritage emergencies [30]. Their reliance on state cooperation and formal diplomatic channels can hinder timely action, especially in politically sensitive or inaccessible contexts [31].

The combined effect of these legal and institutional limitations has prompted a broader reconfiguration of the heritage protection landscape. Over the past two decades, a more decentralized, practice-oriented, and plural operational system has emerged, driven less by state-led institutions and more by civil society organizations, Ngos, and donor-funded interventions. As Meskell and Isakhan [32] observe, this shift was particularly accelerated by heritage emergencies in the Middle East, which underscored the fragility of state-based mechanisms and the need for alternative forms of protection capable of navigating political volatility and institutional collapse in conflict areas.

Importantly, these new actors, while still operating within the legislative framework for the protection of cultural heritage described in the previous section, interpret and apply it in ways that are often more flexible and context-sensitive than traditional intergovernmental mechanisms. International Ngos, private foundations, academic networks, and local initiatives increasingly structure their work through project-based mechanisms that prioritize technical expertise, rapid deployment, and accountability to donors. Prominent initiatives such as Aliph (International alliance for the protection of heritage), the Cultural emergency response (Cer) program, and the Cultural protection fund (Cpf) exemplify this transition. Unlike Unesco's multilateral, state-dependent model, these programs can be more agile, working directly with local stakeholders, sometimes in areas inaccessible to traditional intergovernmental institutions. Their operations emphasize measurable outcomes, field adaptability, and financial oversight, closely aligning with the logic of development and humanitarian programming [33].

While this emerging project-based system has introduced important innovations, such as localized capacity-building, faster response times, and context-sensitive interventions, it has also created significant challenges. Persistent donor - recipient asymmetries allow external funders to retain substantial control over project design, evaluation criteria, and funding continuity [34]. At the same time, the rapid proliferation of Ngos and initiatives often produces overlapping projects, competition for resources, and fragmented strategies, particularly in the absence of robust coordination mechanisms or shared standards. In high-profile conflict zones, multiple organizations frequently operate on the same sites, creating duplication and inefficiencies [35]. While this visibility might suggest a strong commitment to heritage preservation, it often masks an environment driven by competition for funding and recognition. Larger, well-resourced organizations tend to overshadow smaller or local initiatives, and in some cases, projects backed by powerful donors have claimed credit for work initiated by others [36].This atmosphere of rivalry undermines cooperation, shifting the focus from collaborative protection to individual institutional gains, and ultimately weakens the effectiveness and sustainability of cultural heritage interventions.

Nonetheless, this evolution signals a broader reconceptualization of the operational side of heritage protection in armed conflict. The field now encompasses a more diverse array of actors, including humanitarian workers, academic institutions, and grassroots defenders, whose legitimacy rests not on formal mandates but on proximity, expertise, and operational effectiveness. As Labadi [37] and others have argued, this diversification represents not only a pragmatic adjustment to the shortcomings of the state-centered system but also a normative shift toward more inclusive, situated, and relational understandings of heritage protection, attuned to the lived experiences of communities under threat.

4. Main actors of the international heritage protection system

The reconfiguration of the heritage protection landscape described above has reshaped not only the types of actors operating in conflict-affected settings but also the modalities through which interventions are financed, governed, and

implemented. These new actors, including Ngos, foundations, and hybrid consortia, have introduced more flexible, decentralized, and project-based approaches that contrast with traditional state-led and intergovernmental mechanisms.

Understanding the underlying financial and governance structures of this actor-diverse system is essential to grasp how priorities are defined, which organizations gain access to resources, and how accountability and legitimacy are negotiated in practice. These dynamics also help explain the structural difficulties faced by small, agile civil society organizations (CSOs) in navigating a fragmented and highly competitive funding environment.

4.1. Financing heritage protection initiatives

The operationalization of cultural heritage protection in conflict settings relies on a fragmented yet expanding constellation of financial actors including governmental agencies, multilateral institutions, philanthropic foundations, hybrid consortia, and emergency response mechanisms. Although these funders differ in mandate, institutional structure, and operational logic, they are increasingly interconnected through overlapping projects, co-financing arrangements, and shared frameworks that position cultural heritage as a vehicle for resilience, recovery, and cultural diplomacy.

Governmental donors play a central role in financing heritage protection efforts. Prominent examples include the Uk's Department for culture, media and sport (Dcms), the U.S. Ambassadors fund for cultural preservation (Afcp), and the European Commission. These institutions support heritage protection initiatives in fragile and conflict-affected areas through funding streams linked to development cooperation, cultural diplomacy, or foreign policy strategies [38]. In many cases, their contributions are drawn from Official development assistance (Oda) budgets and integrated into broader stabilization or peacebuilding agendas. Oda, as defined by the Oecd development assistance committee (Dac), refers to public aid flows that promote the economic development and welfare of recipient countries, classified according to gross national income (Gni) thresholds [39].

The Uk government is among the most actively engaged in supporting cultural heritage protection in conflict-affected regions, channeling resources through a range of dedicated instruments. One of its central mechanisms is the International Cultural heritage protection (Ichp) Programme, administered by Dcms, which funds initiatives to safeguard heritage, building climate resilience and disaster-preparedness capacity, prevent illicit trafficking and advance research. With an annual budget of approximately £10.5 million, the Ichp works with a small number of strategic partners chosen for their expertise and operational capacity [40]. Core partners include Unesco (particularly its heritage emergency fund and the fund for the protection of cultural property in armed conflict), the United Nations office on drugs and crime (Unodc), the Organization for security and cooperation in Europe (Osce), the Arts and humanities research council (Ahrc), and Blue shield international.

Established in 2016 as a flagship initiative of the Uk Dmcs, the Cultural protection fund (Cpf) has become one of the main actors in the cultural heritage protection system. It is financed by Dcms through Oda resources and implemented by the British Council under a formal Operational Alliance Agreement. The Cpf supports both emergency and longer-term heritage protection projects, with an annual budget fluctuating between £4 million and £10 million [41]. Funds are distributed through competitive open calls requiring detailed proposals, risk assessments, and rigorous reporting protocols. All programs adhere to the United Kingdom's overseas development goals and comply with rigorous regulations governing aid expenditure. They aim to deliver cost-effective outcomes while supporting the economic growth and well-being of developing nations through the protection of endangered cultural heritage [42].

Beyond publicly funded mechanisms, several key actors operate through hybrid models that blend public and private resources. The International alliance for the protection of heritage in conflict areas (Aliph), created in 2017 by different national governments, including France and the United Arab Emirates, exemplifies this model. Structured as a public-private partnership, Aliph unites states, private donors, and international institutions under a joint governance structure [43]. It provides both emergency micro-grants and larger long-term investments, supporting interventions ranging from site stabilization and institutional recovery to climate resilience and disaster preparedness [44].

Similarly, the Cultural emergency response (Cer) program, established in 2003 by the Prince Claus Fund for Culture and Development following the destruction of the Bamiyan Buddhas in Afghanistan, offers rapid-response grants for safeguarding cultural heritage in the immediate aftermath of conflicts and disasters. Since 2022, Cer has operated independently from the Prince Claus Fund. Its flexible grants, ranging from €15,000 to €35,000, fund urgent stabilization, damage assessments, and basic repairs, while minimizing bureaucratic burdens [45]. Supported by a network of global partners and experts, Cer facilitates rapid mobilization and local responsiveness. The program has become a benchmark in the field for its community-oriented, low-threshold approach that emphasizes local agency and preparedness.

In parallel, several philanthropic institutions contribute significant resources with greater flexibility and shorter decision-making timelines. These include, among the most famous, the J.M. Kaplan fund, the Mellon Foundation, the Gerda Henkel foundation, and the Aga Khan trust for culture (Aktc). The Kaplan fund, through its preserving global cultural heritage initiative, supports emergency preservation efforts worldwide in close collaboration with Ngos and heritage networks [46]. The Aktc, with deep roots in the Muslim world, has implemented heritage restoration projects in conflict-affected areas such as Syria and Afghanistan, integrating cultural preservation with broader goals of social cohesion and community revitalization [47].

This complex funding ecosystem is not without limitations. Donor priorities are often shaped more by political, strategic, or symbolic considerations than by actual needs on the ground [48]. Governmental and large philanthropic donors tend to support projects that align with foreign policy goals, cultural diplomacy strategies, or high-visibility agendas. Consequently, iconic or Unesco-listed sites are prioritized over lesser-known yet locally significant heritage forms, especially intangible or community-based practices. Additionally, shifting political agendas can alter funding streams

and priorities, creating uncertainty for implementers and reinforcing asymmetries in access to resources [49]. Projects that do not align with donors' geopolitical interests may struggle to secure support, even when addressing urgent threats. These dynamics risk marginalizing alternative narratives or politically sensitive heritage, especially in contexts marked by contestation or social fragmentation. The cumulative effect is a system that tends to prioritize visibility and institutional legitimacy over contextual needs and long-term sustainability [50].

4.2. Implementation of heritage protection initiatives

The delivery of heritage protection initiatives in conflict-affected settings relies on a broad and heterogeneous spectrum of implementing organizations. These actors vary widely in mandate, structure, and geographic scope, ranging from multilateral agencies and international Ngos to academic institutions and local civil society groups. While their roles differ, they commonly engage in project design, field implementation, capacity-building, technical coordination, and reporting to donors. Many also serve as intermediaries between funders and communities, translating programmatic objectives into operational activities on the ground.

One major group of implementers consists of intergovernmental and international organizations with formal mandates in heritage protection. Institutions such as Unesco, Iccrom, and Undp lead or coordinate large-scale initiatives across different phases of the conflict cycle. Unesco's programs on safeguarding endangered heritage and Iccrom's training and technical assistance initiatives are key examples of how these organizations combine normative guidance with operational delivery [51].

A second group comprises international Ngos and specialized heritage organizations, which are often contracted as delivery partners by public or philanthropic donors. Notable examples include Blue Shield International, which focuses on emergency protection and coordination with military and humanitarian actors, and the World monuments fund (Wmf), active in post-conflict restoration and documentation in countries such as Iraq and Syria. These organizations frequently collaborate with national authorities and local partners, bringing conservation expertise and logistical capacity to crisis contexts. Some, like the National trust (Uk), although traditionally not focused on conflict zones, have extended their work through international partnerships with donors such as Aliph and the Cpf.

Academic institutions have also become increasingly central to the implementation of heritage-related projects, particularly in areas involving research, digital documentation, and capacity-building. Universities such as the University of Pennsylvania (PennChc), University College London (Ucl) through its Nahrein network, and Uwe Bristol have been active in Iraq, Syria, and Yemen. These institutions often receive direct donor funding, manage consortia, and provide technical and methodological expertise for both the preservation and the valorization of cultural heritage. Their involvement has blurred the boundaries between research and implementation, making academic actors increasingly central to the operationalization of heritage protection.

The endangered archaeology in the Middle East and North Africa (Eamena) [52] project exemplifies this trend: it brings together academic institutions and cultural heritage organizations to use satellite imagery to monitor damage to archaeological sites in areas where on-the-ground access is restricted. These initiatives, often developed in partnership with national authorities or international organizations, play a direct role in the physical preservation, documentation, and restoration of cultural heritage [53]. Museums, too, are assuming a growing role in the protection of cultural heritage during armed conflicts, acting as both custodians and advocates for at-risk heritage [54].

Finally, local civil society organizations and community-based actors are essential implementers in conflict-affected regions. Their contributions include emergency stabilization, site monitoring, documentation, and awareness-raising. However, these actors often lack the administrative and technical capacity to lead large-scale projects and are frequently relegated to sub-grantee or support roles [55]. Despite their proximity to heritage and affected populations, they face barriers to direct funding access and limited involvement in project design and evaluation. Rufián Fernández and Sabrine (2024) [56] note that local participation is frequently invoked in donor discourse but is rarely accompanied by meaningful power-sharing or co-leadership. Instead, local organizations are often tasked with implementation while international partners retain control over strategic decisions.

The experience of Heritage for peace (Hfp) provides a concise but revealing illustration of these structural dynamics. Founded in 2013 in response to the destruction of Syrian cultural heritage, Hfp operates as a neutral, volunteer-based network of heritage professionals working across conflict-affected contexts. Its mission, to support local actors in safeguarding and documenting heritage, embodies the participatory rhetoric that underpins contemporary international heritage discourse. Yet, as Rufián Fernández and Sabrine [57] observe, Hfp's trajectory also exposes the vulnerabilities of small Csos navigating donor-driven architectures. Without permanent staff or core funding, the organization relies on project-based grants from donors such as Aliph, the Cpf, and the Gerda Henkel Foundation among others. This dependence reflects a broader pattern within the international heritage protection system, where grassroots participation is encouraged but seldom accompanied by the resources and authority required for long-term sustainability.

Hfp's activities, from the Syria damage assessment newsletter and the Syrian heritage law training (Sheltr) to the Sudan heritage protection initiative, reflect its flexibility and ability to act rapidly in crises. Yet its dependence on fragmented, short-term funding underscores the precarity of such efforts. The Al-Qahira Castle restoration in Taiz (Yemen), coordinated under the Arab Network of Civil Society Organizations to Safeguard Cultural Heritage (Ansch), an initiative launched by Hfp, demonstrates how political volatility and donor cycles shape project outcomes. The work advanced through successive funding phases, initially supported by Aliph and later by the U.S. Ambassadors fund for cultural preservation (Afcp), each governed by distinct donor expectations and procedures. However, when U.S. aid to Yemen was suspended in 2025, the Afcp grant was frozen, abruptly halting the project; continuity was maintained only through volunteer labor and informal partnerships [58].

This example encapsulates the systemic tensions described throughout this section: HfP's proximity to local actors and

capacity for rapid action exemplify the strengths of civil society engagement, while its reliance on external, shifting funding frameworks reveals the enduring asymmetries of the global heritage protection system. In this sense, the organization's experience is not an anomaly, but a practical example of a broader structure characterized by diversification without coordination and participation without empowerment. The next section develops this argument, examining how these recurring patterns constitute structural challenges for the international heritage protection regime.

5. Rethinking heritage protection: challenges and future directions

The current architecture of cultural heritage protection in conflict-affected contexts reveals a paradoxical dynamic: the diversification of actors and instruments has not led to more coherent or equitable governance. What appears as institutional pluralism often conceals fragmentation, short-termism, and persistent asymmetries of power and access. The tensions observed in the previous section, *diversification without coordination* and *participation without empowerment*, capture the structural nature of these problems and explain why the international heritage protection regime continues to struggle with coherence and sustainability.

The first of these dynamics, diversification without coordination, reflects the proliferation of legal, institutional, and funding frameworks that has broadened the field but diluted its strategic focus. As discussed in Section 2, international heritage law now spans cultural, humanitarian, and criminal frameworks, each governed by distinct mandates and enforcement mechanisms. This dispersion, described by Meskell and Isakhan (2021) as a "post-UNESCO regime", has created a dense yet poorly integrated system in which actors pursue parallel objectives with limited coordination. Intergovernmental organizations, donors, and Ngos operate within overlapping jurisdictions and divergent reporting systems, resulting in duplication, inconsistent standards, and competition for visibility. In conflict-affected contexts, these issues are amplified, as heritage interventions intersect with questions of legitimacy, territorial control, and national identity, transforming what should be a humanitarian concern into a geopolitical arena [59].

The second systemic pattern, participation without empowerment, stems from the project-based logic that dominates international cultural funding. The short-term nature of donor grants, whether from public aid, philanthropic foundations, or hybrid partnerships, imposes narrow timelines, rigid reporting frameworks, and externally defined performance metrics [60]. This managerial approach privileges visibility and quantifiable outputs over long-term engagement, resulting in fragmented interventions that rarely translate into sustainable strategies. Moreover, donor agendas are often shaped by political or symbolic considerations rather than by local needs. As Christensen [61] and Meskell and Isakhan [62] observe, high-profile or Unesco-listed sites tend to attract funding, while less visible but locally significant heritage is neglected. In this environment, participation frequently becomes a procedural requirement rather than a meaningful transfer of authority.

These imbalances are particularly evident in the experience of small civil-society organizations. Hfp, for example, embodies the potential of grassroots action in fragile contexts but also illustrates its structural vulnerability. Dependent on short-term and unpredictable funding cycles, such organizations must constantly adapt to donor priorities and shifting political conditions. Their inclusion within international frameworks remains largely instrumental, they are valued for their implementation capacity but excluded from strategic and evaluative processes. Reliance on volunteer labor, while enabling flexibility, is ultimately unsustainable and prevents long-term institutional development [63]. The resulting dynamic reinforces accountability upwards, to donors and funders, rather than horizontally, to local communities and heritage professionals.

Taken together, these patterns demonstrate that the limitations of the international heritage protection system are not transitional but systemic. The coexistence of fragmented governance, donor dependency, and politically conditioned funding reflects a broader transformation of global governance: from centralized, state-based cooperation toward networked but hierarchically managed systems of intervention.

Addressing these structural imbalances requires more than improved coordination mechanisms. It calls for a redefinition of legitimacy and accountability within the heritage protection regime, recognizing local expertise not simply as an operational asset but as a principle of governance. Future research should therefore investigate how funding architectures, public, philanthropic, and hybrid, shape inclusiveness and sustainability; how participatory mechanisms can genuinely redistribute decision-making authority; and how informal, trust-based networks, such as those sustaining Hfp, can complement institutional frameworks. Only by linking institutional critique with grounded analysis of practice can the sector advance toward a more coherent, equitable, and ethically grounded model for safeguarding cultural heritage in times of crisis.

6. Conclusions

This article has traced the evolution of the international system for the protection of cultural heritage in armed conflict, from its legal and institutional foundations to its contemporary, actor-diverse configuration. The trajectory that began with the 1954 Hague Convention and its state-centered conception of protection has developed into a complex and decentralized governance landscape. This transformation has expanded participation, introduced new operational capacities, and enabled faster responses to crises, but it has also generated persistent structural tensions. The diversification of actors and mechanisms has not resolved asymmetries of power, coordination, or access; rather, it has often reproduced them in new forms.

The analysis has shown that these tensions stem from the very architecture of the system itself. Fragmented legal frameworks, donor-driven funding models, and project-based operational logics have together produced a protection regime that is both plural and hierarchical. While intergovernmental institutions retain normative authority, much of the actual work of heritage protection now occurs through a number of Ngos, academic consortia, and civil-society actors, each operating within externally defined priorities and accountability frameworks. The experience of organizations such as heritage for peace illustrates this paradox: their proximity to affected communities and capacity for rapid action

make them indispensable, yet their dependence on short-term funding and donor agendas constrains their autonomy and long-term sustainability.

These findings suggest that the future of heritage protection lies in reconfiguring its internal relationships. Coherence cannot be achieved through additional coordination mechanisms alone; it requires a redistribution of legitimacy and authority across the network of actors involved. Integrating local knowledge and community-based institutions as full partners, rather than as implementers, is essential to building a system capable of ethical, inclusive, and context-sensitive protection.

Ultimately, translating the normative principles that inspired the international heritage regime, shared responsibility, respect for cultural diversity, and the safeguarding of humanity's common heritage, into consistent practice remains an unfinished but essential endeavour.

Note

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[1] M.E.B. Christensen, *They All Know Which Way the Wind Is Blowing, Which Way the Money Is Flowing: Museum Actors'Perspectives on Involvement in the Protection of Cultural Heritage in Armed Conflict*, in *International Journal of Cultural Policy*, 2024, pag. 36.

[2] M.E.B. Christensen, *The Cross-Sectoral Linkage Between Cultural Heritage and Security: How Cultural Heritage Has Developed as a Security Issue?* in *International Journal of Heritage Studies: IJHS*, 2022, 28 (5), pagg. 651-663; T. Winter, *Heritage diplomacy* in *International Journal of Heritage Studies* 2015, 21 (10), pagg. 997-1015.

[3] L. Meskell & B. Isakhan, *Reconstruction across the Middle East: UNESCO and the rise of heritage INGOs*, in *Contemporary Levant*, 2024, 9:1, pagg. 33-49.

[4] P. Gerstenblith, *The Destruction of Cultural Heritage: A Crime Against Property or a Crime Against People?*, in *John Marshall Review of Intellectual Property Law*, Vol. 15, No. 336, 2016, pagg. 370-375; J. Toman, *The Protection of Cultural Property in the Event of Armed Conflict, Dartmouth/ Unesco*, Aldershot/Paris, 1996, pagg. 108-109.

[5] P.J. Boylan, *Review of the Convention for the Protection of Cultural Property in the Event of Armed Conflict: (The Hague Convention of 1954)*, Unesco, 1993; M. Frulli, *The Criminalization of Offences against Cultural Heritage in Times of Armed Conflict: The Quest for Consistency*, in *European Journal of International Law*, 2011, 22 (11), pagg. 203-217.

[6] M. Lostal, *Syria's world cultural heritage and individual criminal responsibility*, in *International Review of Law*, 2015(1). Retrieved from https://journals.qu.edu.qa/index.php/IRL/article/view/1242; P. Gerstenblith, *The Destruction of Cultural Heritage: A Crime Against Property or a Crime Against People?*, cit., note 4.

[7] P. Gerstenblith, *The Destruction of Cultural Heritage: A Crime Against Property or a Crime Against People?*, cit., note 4; J. Toman, *The Protection of Cultural Property in the Event of Armed Conflict, Dartmouth/ Unesco*, cit., note 4.

[8] P.J. Boylan, *Review of the Convention for the Protection of Cultural Property in the Event of Armed Conflict: (The Hague Convention of 1954)*, cit., note 5.

[9] J. Toman, *The Protection of Cultural Property in the Event of Armed Conflict, Dartmouth/ Unesco*, cit., note 4.

[10] M. Frulli, *The Criminalization of Offences against Cultural Heritage in Times of Armed Conflict: The Quest for Consistency*, cit., note 5; M. Lostal, *Syria's world cultural heritage and individual criminal responsibility*, note 6.

[11] J. Toman, *The Protection of Cultural Property in the Event of Armed Conflict, Dartmouth/ Unesco*, cit., note 4; P. Gerstenblith, *The Destruction of Cultural Heritage: A Crime Against Property or a Crime Against People?*, cit., note 4; P.J. Boylan, *Review of the Convention for the Protection of Cultural Property in the Event of Armed Conflict: (The Hague Convention of 1954)*, cit., note 5.

[12] M. Frulli, *The Criminalization of Offences against Cultural Heritage in Times of Armed Conflict: The Quest for Consistency*, cit., note 5.

[13] P. Gerstenblith, *The Destruction of Cultural Heritage: A Crime Against Property or a Crime Against People?*, cit., note 4, pagg. 352-356.

[14] P. Gerstenblith, *The Destruction of Cultural Heritage: A Crime Against Property or a Crime Against People?*, cit., note 4, pag. 354.

[15] R. O'keefe, *The Protection Of Cultural Property In Armed Conflict*, 2006; K. Chamberlin, *War and cultural heritage: a commentary on the hague Convention 1954 and its two Protocols*, 2d ed. 2013).

[16] J.O. Price-Jones, *Heritage Destruction from a Humanitarian Perspective. In The Routledge Handbook of Heritage Destruction*, (edited by) J.A. González Zarandona, Emma Cunliffe, and May Saldin, Routledge, 2023, pag. 430.

[17] J.O. Price-Jones, *Heritage Destruction from a Humanitarian Perspective. In The Routledge Handbook of Heritage Destruction*, note 16.

[18] M. Frulli, *The Criminalization of Offences against Cultural Heritage in Times of Armed Conflict: The Quest for Consistency*, cit., note 5; R. O'Keefe, *The Protection Of Cultural Property In Armed Conflict*, note 15.

[19] M. Lostal, *Syria's world cultural heritage and individual criminal responsibility*, cit., note 6; P. Gerstenblith, *The Destruction of Cultural Heritage: A Crime Against Property or a Crime Against People?*, cit., note 4.

[20] M. Frulli, *The Criminalization of Offences against Cultural Heritage in Times of Armed Conflict: The Quest for Consistency*, cit., note 5.

[21] M. Lostal, *Syria's world cultural heritage and individual criminal responsibility*, note 6.

[22] M. Frulli, *The Criminalization of Offences against Cultural Heritage in Times of Armed Conflict: The Quest for Consistency*, cit., note 5; R. O'Keefe, *The Protection Of Cultural Property In Armed Conflict*, note 15.

[23] P. Gerstenblith, *The Destruction of Cultural Heritage: A Crime Against Property or a Crime Against People?*, cit., note 4.

[24] M. Frulli, *The Criminalization of Offences against Cultural Heritage in Times of Armed Conflict: The Quest for Consistency*, cit., note 5; R. O'Keefe, *The Protection Of Cultural Property In Armed Conflict*, cit., note 15.

[25] F. Francioni, *The Human Dimension of International Cultural Heritage Law: An Introduction*. *European Journal of International Law*, 2011, 19(1), pagg. 9-22. https://doi.org/10.1093/ejil/chn001.

[26] Unesco, *Convention on the protection and promotion of the diversity of cultural expressions*, 2005. Also available at: https://en.unesco.org/creativity/sites/creativity/files/passeport-convention2005-web2.pdf.

[27] Unesco Declaration concerning the Intentional Destruction of Cultural Heritage, 2004. Available at https://unesdoc.unesco.org/ark:/48223/pf0000133874.

[28] E. Cunliffe, N. Muhesen, M. Lostal, *The Destruction of Cultural Property in the Syrian Conflict: Legal Implications and Obligations*, in *International Journal of Cultural Property*, 2016, 23(1), pagg. 1-31.

[29] S. Barakat, *The failed promise of multi-donor trust funds: Aid financing as an impediment to effective state-building in post-conflict contexts* in *Policy Studies*, 2009, 30(2), pagg. 107-126.

[30] L. Meskell, *A Future in Ruins: UNESCO, World Heritage, and the Dream of Peace*. Oxford University Press, Oxford, 2018; J. McCafferty, *UNESCO, Cultural Heritage and Conflict in Yemen, Syria and Iraq in Studies in Art, Heritage, Law and the Market* (SAHLM), Vol. 12. Springer, New York, 2023.

[31] L. Meskell and N. Isakhan, *Reconstruction across the Middle East: UNESCO and the rise of heritage INGOs*, in *Contemporary Levant*, cit., note 3.

[32] L. Meskell and B. Isakhan, *Reconstruction across the Middle East: UNESCO and the rise of heritage INGOs*, in *Contemporary Levant*, cit., note 3.

[33] S. Barakat, *The failed promise of multi-donor trust funds: Aid financing as an impediment to effective state-building in post-conflict contexts* in *Policy Studies*,2009, 30(2), pagg. 107-126.

[34] L.Meskell and N. Isakhan, *Reconstruction across the Middle East: UNESCO and the rise of heritage INGOs*, in *Contemporary Levant*, cit., note 3; S. Labadi (ed). *The cultural turn in international aid: impacts and challenges for heritage and the creative industries*, London, Routledge, 2019, pag. 256.

[35] L. Meskell and N. Isakhan, *Reconstruction across the Middle East: UNESCO and the rise of heritage INGOs*, in *Contemporary Levant*, cit., note 3.

[36] L. Meskell, *A Future in Ruins: UNESCO, World Heritage, and the Dream of Peace*, cit., note 30.

[37] S. Labadi, *The cultural turn in international aid: impacts and challenges for heritage and the creative industries*, cit., note 32.

[38] S. Labadi, *The cultural turn in international aid: impacts and challenges for heritage and the creative industries*, cit., note 32.

[39] S. Labadi, *The cultural turn in international aid: impacts and challenges for heritage and the creative industries*, cit., note 32.

[40] Interview with International Cultural Heritage Protection Programme Officer at Dcms 27/01/2025.

[41] Interview with, Senior Grants Manager Cultural Protection Fund Cpf, 17/01/2025.

[42] Interview with Senior Grants Manager Cultural Protection Fund Cpf, 17/01/2025.

[43] Aliph Fundation Mission, available at: https://www.aliph-foundation.org/en/our-ambition.

[44] Aliph, *Grant Application Guidelines*, available at: https://www.aliph-foundation.org/en/our-grants.

[45] Cer, *How we help*, avaialble at: https://www.culturalemergency.org/how-we-help.

[46] J.M. Kaplan Fund, available at: https://jmkfund.org/funds/heritage-conservation/.

[47] Aga Khan Trust for Culture, available at: https://the.akdn/en/how-we-work/our-agencies/aga-khan-trust-culture.

[48] M.E.B. Christensen, *They All Know Which Way the Wind Is Blowing, Which Way the Money Is Flowing: Museum Actors'Perspectives on Involvement in the Protection of Cultural Heritage in Armed Conflict*, cit., note 1; L. Meskell and N. Isakhan, *Reconstruction across the Middle East: UNESCO and the rise of heritage INGOs*, in *Contemporary Levant*, cit., note 3.

[49] M.E.B. Christensen, *They All Know Which Way the Wind Is Blowing, Which Way the Money Is Flowing: Museum Actors'Perspectives on Involvement in the Protection of Cultural Heritage in Armed Conflict*, cit., note 1.

[50] L. Meskell and N. Isakhan, *Reconstruction across the Middle East: UNESCO and the rise of heritage INGOs*, in *Contemporary Levant*, cit., note 3.

[51] Iccrom First Aid and Resilience for Cultural Heritage in Times of Crises (Far), available at: https://www.iccrom.org/programmes/first-aid-and-resilience-times-crisis-far/resources.

[52] Endangered Archaeology in the Middle East and North Africa, https://eamena.org/.

[53] N. Munawar, *Destruction of Cultural Heritage in Times of Conflict: The Case of Syria*. In *The Routledge Handbook of Heritage Destruction*, (edited by) J.A. González Zarandona, Emma Cunliffe, and May Saldin, Routledge, London, 2023, pag. 304.

[54] M.E.B. Christensen, *They All Know Which Way the Wind Is Blowing, Which Way the Money Is Flowing: Museum*

Actors'Perspectives on Involvement in the Protection of Cultural Heritage in Armed Conflict, cit., note 1.

[55] L. Meskell & B. Isakhan, *Reconstruction across the Middle East: UNESCO and the rise of heritage INGOs*, in *Contemporary Levant*, cit., note

[56] F.J. Rufián Fernández, I. Sabrine, *Facing Heritage Protection in Armed Conflicts, International Institutions and Civil Society*, in G. Mastandrea Bonaviri, M.M. Sadowski (a cura di), *Heritage in War and Peace: Legal and Political Perspectives for Future Protection*, Law and Visual Jurisprudence, Vol. 12, Springer, Cham, 2024, pp. 299-313.

[57] F.J. Rufián Fernández, I. Sabrine, *Facing Heritage Protection in Armed Conflicts, International Institutions and Civil Society*, cit., note 56

[58] Interview with President of HfP, 26/07/2025.

[59] M.E.B. Christensen, *They All Know Which Way the Wind Is Blowing, Which Way the Money Is Flowing: Museum Actors'Perspectives on Involvement in the Protection of Cultural Heritage in Armed Conflict*, cit., note 1.

[60] S. Labadi, *The cultural turn in international aid: impacts and challenges for heritage and the creative industries*, cit., note 32.

[61] M.E.B. Christensen, *They All Know Which Way the Wind Is Blowing, Which Way the Money Is Flowing: Museum Actors'Perspectives on Involvement in the Protection of Cultural Heritage in Armed Conflict*, cit., note 1.

[62] L. Meskell & B. Isakhan, *Reconstruction across the Middle East: UNESCO and the rise of heritage INGOs*, in *Contemporary Levant*, cit., note 3.

[63] F.J. Rufián Fernández, I. Sabrine, *Facing Heritage Protection in Armed Conflicts, International Institutions and Civil Society*, cit., note 56.

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