

Abstract

This thesis is about The Protection of Cultural Property in the Event of Armed Conflict with the aim to observe the structure and characteristics of international law in which it was adaptively used in protection of cultural property in the event of armed conflict. In order that, the study focused on the analysis of various provisions of international law in which they could be enforced to protect cultural property in the event of armed conflict. The protection of cultural property following the convention and protocol for the cultural property in the event of armed conflict, which were Convention for the protection of cultural property in the event of armed conflict, Protocol to the Convention for the protection of cultural property in the event of armed conflict 1954, and Second Protocol to the Hague Convention of 1954 for the protection of cultural property in the event of armed conflict 1999, was mainly studied. Furthermore, other significant matters in the international law, with the objective of cultural property protection, were also studied.

The conception of cultural property protection has significantly played roles since the age of World War I, and has been continuing to World War II, when most of culturally valuable property such as monuments, holy places, national museums, and national libraries, were destroyed. Consequently, the tracer for genuine cultures of humankind resulting from cultivation and creation could not discover any trace, in which it also connected to other nations. Therefore, such cultural ruins about ancestor and history those should be researched by the next generation had been lost. Many states, consequently, realized the importance of protecting cultural property, as well as their special properties, affecting states and people as cultural heritages of humankind. The states agreed to conserve these heritages for the next generation. Therefore, in the event of armed conflict, cultural properties in fighting areas were at risk and generally affected by conflict or war. The result were many international documents to set the principles of cultural property protection, in which the main principle was the fighters should respect for and protect cultural properties in the event of International Armed Conflict and Non –

International Armed Conflict . Beside from international law about The Protection of Cultural Property in the Event of Armed Conflict, this thesis also examined legislative administration and international cooperation, in both levels of international organizations and states, about protection of cultural property. To compromise the dispute of infringement upon the cultural property, as well as to analyze the problem of measure of cultural property protection and legislative enforcement in the case study of armed conflict affecting the cultural property.

The findings suggest that Code of International Law preliminarily covers The Protection of Cultural Property in the Event of Armed Conflict but it has not been effectively used, especially the legislative measure of cultural property protection as part of the Hague Convention of 1954 for the protection of cultural property in the event of armed conflict and the First Protocol has not provided for protection of cultural property. In addition, they have not been practically use in effective way. According to consideration, as well as difficulty and inconvenience, the degree of penalty should be increased for international law violation. The Protection of Cultural Property in the Event of Armed Conflict should be pushed forward to improve so that it is acceptable for all nations, even non-member of the Hague Convention of 1954 for the protection of cultural property in the event of armed conflict and both of protocols, as their custom.