

**REPUBLIC OF AZERBAIJAN**

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**ABSTRACT**

of the dissertation for the degree of Doctor of Laws

**INTERNATIONAL LEGAL PROTECTION OF CULTURAL  
HERITAGE IN TIMES OF MILITARY CONFLICT**

Specialty: 5603.01 – “International law;  
human rights”

Field of science: Law

Applicant: Leyla Fagani Hashimova

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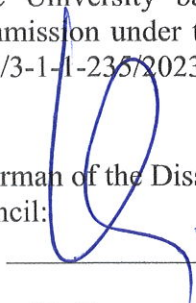
The dissertation was performed at the UNESCO Chair of Human Rights and Information Law of the Law Faculty of Baku State University.

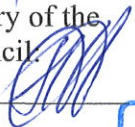
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## GENERAL CHARACTERIZATION OF THE DISSERTATION

**Relevance of the topic and degree of research.** The protection of cultural heritage during military conflicts should be considered relevant and important from several perspectives.

First, military conflicts require specific protections across all spheres. In this case, even the formation of new directions or areas can be observed. Thus, the protection of human rights during military conflicts is regulated by international humanitarian law, which is an important area of international law. Therefore, the protection of cultural heritage during military conflicts requires a special approach and the formation of specific elements in this area<sup>1</sup>. At the same time, it should be noted that, according to the analyses conducted in the legal literature, including international treaties signed in this area, the protection of cultural heritage during military conflicts combines the safeguarding and respect for cultural heritage, as well as broader relations related to it (such as combating the illicit trafficking of cultural property, etc.). Furthermore, international and national legal regulations should also be distinguished here and mutually coordinated.

As a second direction, the factor of human rights and international law as a whole should be especially emphasized. Thus, the protection of cultural heritage is closely linked to international law, human rights, and then to cultural rights<sup>2</sup>. Cultural rights, on the other hand, mainly belong to the second generation of human rights and have a special role within the broader system of human rights. In this context, a specific approach is required during periods of military conflict. Overall, an analysis of international documents adopted in this field shows that the system for protecting cultural heritage includes the following key measures, which are directly related to the human rights factor: identification of cultural

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<sup>1</sup> Защита прав человека во время вооруженных конфликтов и в постконфликтных ситуациях: международно-правовой аспект. Отв. ред. У.Маммадов, Т.Гусейнов. Баку, Elm və Təhsil, 2023, с. 950.

<sup>2</sup> Çeçen A. İnsan hakları. Genişletilmiş 4. Baskı. Ankara, Sözkesen Matbaacılık, 2015, s. 211-225; Dogan İ. İnsan hakları hukuku. 1. Baskı. Ankara, Astana Yayınları, 2013, s. 143-144.

heritage, compilation and continuous updating of cultural heritage lists, including World Heritage Lists; adoption and improvement of domestic regulatory and legal acts in the field of cultural heritage protection and establishment of relevant institutions; creation and continual improvement of international mechanisms (such as international treaties and organizations) for the protection of cultural heritage, despite the existence of current mechanisms; increasing the activity of international non-governmental organizations in this field; formation and further strengthening of international and national legal liability mechanisms in the field of cultural heritage protection; constant development of international norm-setting in the field of cultural heritage protection. Finally, the necessity of conducting joint measures by neighboring and regional states in the field of cultural heritage protection should be noted. Thus, this can also be considered one of the effective mechanisms for the protection of cultural heritage in world practice.

As a third direction, the significant role of the fundamental and universally recognized principles of international law, as well as the specific principles of several branches of international law (such as international human rights law, international humanitarian law, etc.), is clearly felt in this context. This is a direction in which the cultural heritage belonging to each nation must also be regarded as part of the common heritage of humanity. This, in turn, necessitates close cooperation among states, the conscientious fulfillment of international obligations, and, importantly, the integrated application of all fundamental principles of international law. The obligations of states in the protection of cultural heritage must first and foremost be linked directly to the fundamental and universally accepted principles of international law. Legal scholarship rightly emphasizes that, in particular, the international protection mechanism for world cultural heritage encompasses both the obligations set out in international conventions and the monitoring systems established based on international documents<sup>3</sup>.

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<sup>3</sup> Павлова Л.В. Статус всемирного культурного наследия в международном праве. Журнал международного права и международных отношений, Минск, 2007, № 4, с. 3-10.

The fourth direction is the characterization of the unlawful acts targeting cultural heritage as international crimes or more precisely, as war crimes<sup>4</sup>. This factor is also specifically noted and fully substantiated in the studies conducted in this direction<sup>5</sup>. The international practice that has developed in this area is also of considerable significance. International crimes not only contradict the interests of humanity, but also directly encroach on fundamental human rights and freedoms. It is rightfully noted that the destruction of cultural heritage creates a sense of fragmentation among people of different communities and nations, eliminates the chances of reconciliation, and also leads to long-term discrimination and hatred. Thus, cultural heritage serves as a means of self-identification for communities and is a source of pride for every society. It is not only of cultural value but also a marker of the identity of groups and communities<sup>6</sup>. In all cases, it should be unequivocally accepted that this protection is specifically implemented during military conflicts<sup>7</sup>. At the same time, it is also necessary to analyze unlawful

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<sup>4</sup> Schabas W. An Introduction to the International Criminal Court. Cambridge, Cambridge University Press, 2017, p. 74-75.

<sup>5</sup> Usubova A.C. Mədəniyyət sərvətlərinə qarşı mübarizənin cinayət-hüquqi və kriminoloji problemləri. Hüquq üzrə fəlsəfə doktoru elmi dərəcəsi almaq üçün təqdim edilmiş dissertasiyanın avtoreferatı. Bakı, 2016, 27 s.; Клебанов Л. Р. Уголовно-правовая охрана культурных ценностей. Науч. ред. А. В. Наумов; Ин-т государства и права Рос. акад. наук. Москва, Норма: ИНФРА-М, 2011, 351 с.; Пузырева Ю.В., Клоенкова А.А. Международное правоохранительное сотрудничество в борьбе с незаконным оборотом культурных ценностей. Вестник Московского университета МВД России, 2020, №7, с. 205–212; Сергеев Д.Н. Международная криминализация посягательств на культурные ценности. Российское право: образование, практика, наука. 2019, № 3, с. 18–24; Czeglédi Bonnie. Crimes Against Art: International Art and Cultural Heritage Law. Carswell, 2010, 488 p.

<sup>6</sup> Upadhyay N.K., Rathee M. Protection of Cultural Property under International Humanitarian Law: Emerging Trends, Brazilian Journal of International Law, 2020, 17(3). URL: [https://www.academia.edu/68284052/Protection\\_Of\\_cultural\\_property\\_under\\_International\\_Humanitarian\\_Law\\_emerging\\_trends](https://www.academia.edu/68284052/Protection_Of_cultural_property_under_International_Humanitarian_Law_emerging_trends), p. 391-393.

<sup>7</sup> Çokişler E. Silahlı Çatışmalar Sırasında Kültürel Malların Korunması Rejimi: Tarihsel Gelişimin Analizi, Uluslararası İlişkiler, 16(61), 2019. URL: <https://dergipark.org.tr/tr/download/article-file/673695>, s. 56-57; Kuran S., Kahraman T. Silahlı Çatışmalarda Kültürel Varlıkların Korunması Hukuki Rejiminde Bir İstisna Olarak Askeri Gereklilik: Antlaşmalarla Getirilen Düzenlemeler, Marmara Üniversitesi Hukuk Fakültesi Hukuk Araştırmaları Dergisi, 2017, 23(1). URL:

actions against cultural heritage in the context of the international treaties signed in various areas of international law and customary international law<sup>8</sup>.

The fifth key direction concerns the growing relevance of international responsibility in the relevant field. It should be noted that, although the Draft Articles on the Responsibility of States for Internationally Wrongful Acts have not yet been formally adopted by the international community, this issue remains one of the core directions of international law<sup>9</sup>. Moreover, it is closely linked to the principle of international legal responsibility which is one of the emerging principles of international law<sup>10</sup>.

Furthermore, the protection of cultural heritage highlights the relevance of both international and national-level enforcement measures, as well as coordination in this field. This may include issues such as the formation and further development of the national legislative framework in accordance with international legal norms, the activation of the activities of national state institutions, their close coordination with international bodies and so on. At the international level, current issues include the establishment and further development of international mechanisms based on treaties and organizational frameworks, as well as the coordination of the activities of international intergovernmental and non-governmental organizations.

It should be noted that among the war crimes committed, crimes against cultural heritage hold a special place, and in this regard, there is

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<https://dergipark.org.tr/tr/download/article-file/331960>, s.90; Van der Auwera, S. International Law and the Protection of Cultural Property in the Event of Armed Conflict: Actual Problems and Challenges, *The Journal of Arts Management, Law, and Society*, 2013, 43:4. <https://www.heritage.sensecentar.org/assets/home/sg-7-02-sigrid-armed-conflict.pdf>, p.177.

<sup>8</sup> O'Keefe R., Péron C., Musayev T., Ferrari G. Protection of cultural property, military manual. Manual. UNESCO, PARIS, 2016. <https://openarchive.icomos.org/id/eprint/1739/1/Protecting%20Cultural%20Property%20Military%20Manual%20UNESCO%20Blue%20Shield%20246633e.pdf>, p. 4-8.

<sup>9</sup> Malcolm N. Shaw QC. *International Law*. Eighth edition. Cambridge University Press 2017, p.589.

<sup>10</sup> Əliyev Ə.İ. *Beynəlxalq ümumi hüquq. Metodiki vəsait*. Bakı, Şirvanəşr, 2004, s.26; Əliyev Ə.İ. *İnsan hüquqları. Dərslük*. Bakı, Nurlar, 2019, s. 23-24.

a need for improving directions of international cooperation. The establishment of the International Criminal Court, following the efforts initiated through the work of international military tribunals, should be particularly emphasized in this context. This has led not only to the resolution of issues related to international responsibility but also to the development of national legislations of states<sup>11</sup>. However, the fact that military conflicts have not only failed to decrease but have actually increased in modern times is proof of the serious threat not only to human life but also to cultural heritage, which in turn indicates that international mechanisms are still not effective enough.

The Armenia-Azerbaijan conflict, which has been going on for nearly 30 years, has been characterized by the commission of not only genocide, aggression, crimes against humanity, but also war crimes, including the destruction of cultural heritage, by Armenia. During the prolonged occupation, the territories of the Republic of Azerbaijan were completely destroyed and looted, including cultural heritage sites. Furthermore, in Western Azerbaijan (present-day territory of Armenia), which is the historical ancestral land of Azerbaijanis, cultural heritage monuments were entirely destroyed and all traces erased<sup>12</sup>. The failure of the international community to take necessary measures in this direction for a long time has made the problem even more urgent. This inaction has also negatively affected the reputation of international organizations, and even the OSCE Ministerial Council adopted a decision on September 1, 2025, to close the OSCE Minsk Group and related structures, which have been working to ineffective resolve this conflict for a long time. The decision also declared all decisions previously adopted within the OSCE framework regarding the past Armenia-Azerbaijan conflict null and void<sup>13</sup>. The signing of a Joint Declaration between the Republic of Azerbaijan and the Republic of

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<sup>11</sup> Сафаров Н.А. Проблемы обеспечения совместимости Римского Статута Международного Уголовного Суда и национальных правовых систем. Москва, Юридическая литература, 2002, s.21-22.

<sup>12</sup> Azərbaycan məcburi köçkünlərinin pozulmuş hüquqlarına dair kompleks beynəlxalq hesabat. Bakı, BDU, 2021, s. 6-7.

<sup>13</sup> Official press release of the Ministry of Foreign Affairs of the Republic of Azerbaijan - <https://mfa.gov.az/az/news/no35225>

Armenia, as well as the initialing of the agreed text of the Agreement on the Establishment of peace and interstate relations between the Republic of Azerbaijan and the Republic of Armenia in Washington, USA, on August 8, 2025, is envisaged, thereby establishing normal interstate relations between the two states. We believe that the above-mentioned will also affect the legal regulation of existing problems in important areas such as the protection of cultural heritage, responsibility, etc.

Overall, the points mentioned above further emphasize the relevance of the research. It should be noted that although various studies have been conducted in this field both internationally and locally, they have not been carried out in a comprehensive manner. This lack of comprehensiveness is reflected in the fact that research has mainly focused on individual state practices, without thoroughly analyzing recent developments, and without examining all elements and directions of cultural heritage protection together. In the case of the Republic of Azerbaijan, one of the key features of the research is its comprehensive approach to the issue by taking into account all relevant aspects in an integrated and holistic manner.

First of all, it is necessary to mention the studies conducted by local and foreign researchers on cultural heritage. For example, M.Y.Eyyubova<sup>14</sup>, K.S.Imanov<sup>15</sup>, M.A.Suleymanli<sup>16</sup>, S.A.Suleymanli<sup>17</sup>, Z.Ahunbay<sup>18</sup>, H.Alpturker<sup>19</sup>, D.Chakirca<sup>20</sup>, T.Cheliktash<sup>21</sup>,

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<sup>14</sup> Eyyubova M.Y. Müasir dövrdə müharibə cinayətlərinə görə beynəlxalq hüquqi məsuliyyətin nəzəri və praktiki problemləri. Hüquq elmləri doktoru elmi dərəcəsi almaq üçün təqdim edilmiş dissertasiyanın avtoreferatı. Bakı, 2024, 58 s.

<sup>15</sup> İmanov K.S. Qeyri-maddi mədəni irs anlayışı və onun istifadəsi. Bakı, 2023, 34 s.

<sup>16</sup> Süleymanlı M.A. Mədəni irs, Dərslik, Bakı, "Elm və təhsil" nəşriyyatı, 2019, 424 s.

<sup>17</sup> Süleymanlı S.A. Mədəni irsin qorunması sahəsində beynəlxalq-hüquqi tənzimləmə və Azərbaycan Respublikasının qanunvericiliyi. Bakı, "Azərbaycan" nəşriyyatı, 2018, 296 s.

<sup>18</sup> Ahunbay Z. Kültür mirasını koruma: ilke ve teknikleri, Yem Yayın, İstanbul, 2019, 255 s.

<sup>19</sup> Alptürker H. Kültürel mirasın korumasında sivil toplum kuruluşları: Çadıra doğan güneş örneği. Karadeniz Araştırmaları. XIX/73: s. 301-309 <https://dergipark.org.tr/en/download/article-file/2337043>

<sup>20</sup> Çakırca D. Savaşın Savunmasız Düşmanı-Kültürel Miras, Munzur Üniversitesi Sosyal Bilimler Dergisi, Vol. 4, № 6, 2015, s. 16-35. URL: <https://dergipark.org.tr/tr/download/article-file/579582>

E.Chokishler<sup>22</sup>, M.Erdem<sup>23</sup>, M.Tuncher<sup>24</sup>, A.A.Akhmetzyanov<sup>25</sup>, V.A.Batir<sup>26</sup>, M.M.Boguslavskiy<sup>27</sup>, K.G.Borisov<sup>28</sup>, L.R.Klebanov<sup>29</sup>, I.E.Martynenko<sup>30</sup>, N.Chadha<sup>31</sup>, J. Clark<sup>32</sup>, C.Forrest<sup>33</sup>, F.Francesco<sup>34</sup>, P.Gerstenblith<sup>35</sup>, F.Macmillan<sup>36</sup>, P.Stone<sup>37</sup>, A.Vrdoljak<sup>38</sup> and others.

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<sup>21</sup> Çelikaş T. Kültürel mirasın korunmasının insan hakları hukuku ile ilişkisi ve kültürel miras hakkı. s. 1443-1481 <https://dergipark.org.tr/en/download/article-file/1985582>

<sup>22</sup> Çokişler E. Silahlı Çatışmalar Sırasında Kültürel Malların Korunması Rejimi: Tarihsel Gelişimin Analizi, Uluslararası İlişkiler, 16(61), 2019, s. 55-74. URL: <https://dergipark.org.tr/tr/download/article-file/673695>

<sup>23</sup> Erdem M. Silahlı Çatışma Esnasında Kültürel Malların Uluslararası Toplum Yararına Korunması, İnÜHFD, C:9 Sı:1, 2018, s. 185-216. URL: <https://dergipark.org.tr/en/download/article-file/473754>

<sup>24</sup> Tunçer M. Dünden Bugüne Kültürel Miras ve Koruma. Ankara, Gazi Kitapevi, 2017, 430 s.

<sup>25</sup> Ахметзянов А. Международно-правовая защита культурных ценностей в случае вооруженного конфликта. Автореферат по соисканию ученой степени кандидата юридических наук, Казань, 2005, 24 с.

<sup>26</sup> Батырь В.А. Международно-правовые режимы охраны культурных ценностей в условиях фактической ситуации вооруженного конфликта // Lex russica, 2023, Т. 76, № 7, с. 98–118. URL: <https://lexrussica.msal.ru/jour/article/view/3193/1392>

<sup>27</sup> Богуславский М.М. Культурные ценности в международном обороте: правовые аспекты. Москва, Норма, ИНФРА-М, 2015, 416 с.

<sup>28</sup> Борисов К.Г. Международно-правовое регулирование охраны культурных ценностей во время вооруженного конфликта. Московский журнал международного права, 1999, № 2, с. 291–300.

<sup>29</sup> Клебанов Л. Р. Уголовно-правовая охрана культурных ценностей. Науч. ред. А. В. Наумов; Ин-т государства и права Рос. акад. наук. Москва, Норма: ИНФРА-М, 2011, 351 с.

<sup>30</sup> Мартыненко И.Э. Международная и национальные правовые системы охраны историко-культурного наследия государств участников СНГ: учебное пособие. Москва: ИКД Зерцало-М, 2012, 943 с.

<sup>31</sup> Chadha N. Protection of Cultural Property During Armed Conflict: Recent Developments [2001] ISIL Year Book of International Humanitarian and Refugee Law 12. URL: <http://www.worldlii.org/int/journals/ISILYBIHRL/2001/12.html>

<sup>32</sup> Clark J.N. The Destruction of Cultural Heritage in Armed Conflict: The ‘Human Element’ and the Jurisprudence of the icty. International criminal law review 18 (2018), p. 36-66. [https://pure-oai.bham.ac.uk/ws/portalfiles/portal/46245167/Article\\_on\\_the\\_Destruction\\_of\\_Cultural\\_Heritage\\_Final\\_.pdf](https://pure-oai.bham.ac.uk/ws/portalfiles/portal/46245167/Article_on_the_Destruction_of_Cultural_Heritage_Final_.pdf)

Furthermore, in the research, the works of local scholars conducting studies in the fields of international and national law (F.Y.Samandarov<sup>39</sup>, I.M.Rahimov<sup>40</sup>, A.I.Aliyev<sup>41</sup>, L.H.Huseynov<sup>42</sup>,

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<sup>33</sup> Craig Forrest. *International Law and the Protection of Cultural Heritage*. London, Routledge, 2010, 480 p.

<sup>34</sup> Francesco Francioni, James Gordley. *Enforcing International Cultural Heritage Law*. Oxford, United Kingdom: Oxford University Press, 2013, 260 p.

<sup>35</sup> Gerstenblith P. *Cultural heritage and the law: Cases and materials*. 2nd ed. Carolina academic press, 2008, 856 p.

<sup>36</sup> Macmillan F. *The Protection of Cultural Heritage: Common Heritage of Humankind, National Cultural 'Patrimony' or Private Property?*, Northern Ireland Legal Quarterly, Vol. 64, N. 3, 2013, p. 351-364. URL: <https://nilq.qub.ac.uk/index.php/nilq/article/download/355/253/747>; Macmillan F. *Intellectual Property and Cultural Heritage*. Oxford Handbook on Intellectual Property Research, 2019

[https://www.academia.edu/38626456/Intellectual\\_Property\\_and\\_Cultural\\_Heritage](https://www.academia.edu/38626456/Intellectual_Property_and_Cultural_Heritage)

<sup>37</sup> Stone P. *The Challenge of Protecting Heritage in Times of Armed Conflict*, Cultural Property at Risk in Times of War, ICOM and Blackwell Publishing Ltd. 2016, 15 p.; Stone P.G. *Protecting Cultural Property during Armed Conflict: An International Perspective*, in *Heritage under Pressure*, ed. Michael Dawson, Edward James, and Mike Nevell (Oxford: Oxbow Books, 2019), p. 153–170; Stone P.G. *Protecting Cultural Property in Armed Conflict: The Necessity for Dialogue and Action Integrating the Heritage, Military, and Humanitarian Sectors* in Cuno, James, and Thomas G. Weiss, eds. *Cultural Heritage and Mass Atrocities*. Los Angeles: Getty Publications, 2022, p. 531-549. URL: [https://www.getty.edu/publications/cultural-heritage-mass-atrocities/downloads/pages/CunoWeiss\\_CHMA\\_part-5-31-stone.pdf](https://www.getty.edu/publications/cultural-heritage-mass-atrocities/downloads/pages/CunoWeiss_CHMA_part-5-31-stone.pdf); Stone P.G. *The Challenge of Protecting Heritage in Times of Armed Conflict*. *Museum International*, 2015, 67(1–4), p. 40–54. <https://www.tandfonline.com/doi/citedby/10.1111/muse.12079?scroll=top&needAccess=true>

<sup>38</sup> Vrdoljak A. *Self-determination and Cultural Rights*, 2008, 95 p.; Vrdoljak A. *The Cultural Dimension of Human Rights*. Oxford, Oxford university Press, 2013, 320 p.; Vrdoljak A.F. *Intentional Destruction of Cultural Heritage and International Law*. University of Technology, Sydney, 2007, 21 p. [chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.ohchr.org/sites/default/files/Documents/Issues/CulturalRights/DestructionHeritage/NGOS/A.P.Vrdoljak\\_text3.pdf](chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.ohchr.org/sites/default/files/Documents/Issues/CulturalRights/DestructionHeritage/NGOS/A.P.Vrdoljak_text3.pdf)

<sup>39</sup> Səməndərov F.Y. *Cinayət hüququ. Ümumi hissə. Dərslik*. Bakı, Hüquq Yayın Evi, 2015, 720 s.

<sup>40</sup> Rəhimov İ.M. *Cinayət və cəzanın fəlsəfəsi*. Bakı, Şərq-Qərb Nəşriyyat evi, 2014, 320 s.

<sup>41</sup> Əliyev Ə.İ. *Azərbaycan beynəlxalq cinayətlər hədəfində*. Bakı, 2018, 176 s.; Əliyev Ə.İ. *İnsan hüquqları. Dərslik*. Bakı, Nurlar, 2019, 352 s.

T.I.Hüseynov<sup>43</sup>, R.F.Mammadov<sup>44</sup>, N.H.Aliyev<sup>45</sup>, A.I.Sadigov<sup>46</sup>, O.F.Afendiyev<sup>47</sup>, N.A.Safarov<sup>48</sup>, Sh.T.Samadova<sup>49</sup>, E.A.Aliyev<sup>50</sup>, S.F.Aliyev<sup>51</sup>, Sh.I.Aliyev<sup>52</sup>, A.I.Mustafazadeh<sup>53</sup>, M.K.Abdullayev<sup>54</sup>, V.G.Mammadov<sup>55</sup>, A.J.Seyidov<sup>56</sup>, R.M.Garayev<sup>57</sup>, S.B.Hasanzadeh<sup>58</sup>,

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<sup>42</sup> Hüseynov L.H. Beynəlxalq hüquq. Dərslik, Qanun Nəşriyyatı, Bakı, 2012, 368 s.

<sup>43</sup> Hüseynov T.İ. Azərbaycan Respublikasının ekoloji təhlükəsizliyi: beynəlxalq hüquqi və dövlətdaxili aspektlər. Hüquq üzrə elmlər doktoru elmi dərəcəsi almaq üçün təqdim edilmiş dissertasiyanın avtoreferatı. Bakı, 2018, 41 s.

<sup>44</sup> Məmmədov R.F., Məmmədov X.R. Müasir beynəlxalq hüquq nöqtəyi-nəzərindən Azərbaycanın işğal olunmuş ərazilərində Ermənistanın qanunsuz və hüquqazidd fəaliyyəti. Bakı, “MM-S”, 2017, 260 s.

<sup>45</sup> Алиев Н.Г. Международное право и Нагорно-Карабахский конфликт. Москва, Вече, 2013, 176 с.

<sup>46</sup> Sadıqov Ə.İ. Xocalı soyqırım cinayəti: ümumi plan və siyasət çərçivəsində təzahür edən niyyət və beynəlxalq hüquq // Beynəlxalq hüquq və inteqrasiya problemləri jurnalı, 2014, № 1, Xüsusi buraxılış, s. 91-98.

<sup>47</sup> Эфендиев О.Ф. Международная противоправность военных преступлений (на примере конфликтов на Южном Кавказе). Автореферат диссертации на соискание ученой степени доктора юридических наук. Баку, 2009, 45 с.

<sup>48</sup> Сафаров Н.А. Проблемы обеспечения совместимости Римского Статута Международного Уголовного Суда и национальных правовых систем. Москва, Юридическая литература, 2002, 196 с.

<sup>49</sup> Səmədova Ş.T. Transmilli cinayət hüququnun nəzəri və praktiki problemləri. Bakı, Mütərcim, 2023, 304 s.

<sup>50</sup> Əliyev E.Ə. Avropa cinayət hüququ. Bakı, Kooperasiya nəşriyyatı, 2015, 64 s.

<sup>51</sup> Əliyev S.F. İnzibati hüquq. Dərslik. Bakı, “Ləman Nəşriyyat Poliqrafiya” MMC, 2019, 726 s.

<sup>52</sup> Əliyev Ş.İ. Sosial hüquqların beynəlxalq hüquqi tənzimlənməsi: nəzəriyyə və praktika. Hüquq elmləri doktoru elmi dərəcəsi almaq üçün təqdim edilmiş dissertasiyanın avtoreferatı. Bakı, 2016, 57 s.

<sup>53</sup> Mustafazadə A.İ., Əliyev E.Ə., Əfəndiyev O.F., Hüseynova F.E. Beynəlxalq (publik) hüquq kursu. Dərslik. I cild. Ümumi hissə. Bakı: Günəş-B, 2018, 752 s.

<sup>54</sup> Абдуллаев М.К. Ограничение прав и свобод человека в международном праве (проблемы теории и практики). Монография. Баку, Эльм и Техсил, 2015, 301 с.

<sup>55</sup> Məmmədov V.Q. Tibbi hüquq və bioetikanın Azərbaycan Respublikasında formalaşması və müasir inkişaf tendensiyaları. Hüquq elmləri doktoru elmi dərəcəsi almaq üçün təqdim edilmiş dissertasiyanın avtoreferatı. Bakı, 2022, 56 s.

<sup>56</sup> Seyidov Ə.C. Cinayət prosesində insan hüquqlarının təminatı məsələləri: beynəlxalq standartlar və dövlətdaxili qanunvericilik. Hüquq elmləri doktoru elmi dərəcəsi almaq üçün təqdim olunmuş dissertasiyanın avtoreferatı. Bakı, 2013, 63 s.

S.M.Rahimli<sup>59</sup>, D.M.Ganbarov<sup>60</sup>, Z.A.Askerov<sup>61</sup>, Z.H.Aliyev<sup>62</sup>, V.A.Ibayev<sup>63</sup>, R.K.Mammadov<sup>64</sup>, A.Q.Mammadov<sup>65</sup>, A.V.Allahverdiyev<sup>66</sup> and others) have been thoroughly examined and duly referenced.

Taking the above into account, the key aspects and directions of the relevance of this research for the Republic of Azerbaijan can be identified as follows: first of all, the issue in question has been insufficiently studied in the national legal literature of Azerbaijan; secondly, there is a significant need to improve the domestic legislation of the Republic of Azerbaijan in this area; in addition, it is necessary to comprehensively define the issues of liability at both international and national-legal levels in relation to unlawful acts against cultural heritage; at the same time, the research may contribute significantly to international legal doctrine (for example, by putting forward various proposals related to norm-setting in the fields of human rights,

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<sup>57</sup> Qarayev R.M. Ermənistan-Azərbaycan münasibətlərinin nizamlanmasında dövlətlərin ərazi bütövlüyü və xalqların öz müqəddəratını təyinetmə prinsiplərinin qarşılıqlı əlaqəsi. Hüquq elmləri doktoru elmi dərəcəsi almaq üçün təqdim edilmiş dissertasiyanın avtoreferatı. Bakı, 2023, 60 s.

<sup>58</sup> Həsənzadə S.B. Azərbaycan Respublikasında ailə institutunun konstitusiya hüquqi statusu: (beynəlxalq hüquqla müqayisəli təhlil). Hüquq üzrə elmlər doktoru elmi dərəcəsi almaq üçün təqdim edilmiş dissertasiyanın avtoreferatı. Bakı, 2018, 54 s.

<sup>59</sup> Rəhimli S.M. Şəxsi hüquqlar və İnsan Hüquqları Komitəsi. Bakı, Elm və Təhsil, 2020, 232 s.

<sup>60</sup> Qənbərov D.M. Birləşmək hüququnun insan hüquqları sistemində yeri: nəzəri və təcrübi problemlər. Hüquq elmləri doktoru elmi dərəcəsi almaq üçün təqdim edilmiş dissertasiyanın avtoreferatı. Bakı, 2024, 50 s.

<sup>61</sup> Əsgərov Z.A. Konstitusiya hüququ, Dərslük. Bakı, Bakı Dövlət Universiteti nəşriyyatı, 2011, 760 s.

<sup>62</sup> Əliyev Z.H. Avropa İnsan Hüquqları Məhkəməsi. Dərs vəsaiti. Bakı, AZSEA Nəşriyyatı, 2012, 232 s.

<sup>63</sup> İbayev V.İ. Beynəlxalq humanitar hüquq. Bakı, Hüquq ədəbiyyatı, 2001, 496 s.

<sup>64</sup> Məmmədov R.K. Beynəlxalq cinayət hüququ və Azərbaycan Respublikasının cinayət qanunvericiliyi. Bakı, NAT Co MMC, 2012, 312 s.

<sup>65</sup> Məmmədov Ə.Q., Məhərrəmov M.Y. Mədəni irsin mühafizəsində Heydər Əliyev Fondunun rolu // Beynəlxalq hüquq və inteqrasiya problemləri (elmi-analitik və praktik jurnal). Xüsusi buraxılış. 2014, № 2 (38), s.92-109.

<sup>66</sup> Allahverdiyev Ə.V. Beynəlxalq hüquqda insanlıq əleyhinə cinayətlər. Dərs vəsaiti. Bakı, Elm və Təhsil, 2017, 376 s.

international humanitarian law, international criminal law, etc.); finally, it may serve as a substantial source for the development of legal grounds for establishing responsibility for the unlawful acts committed by Armenia, including as a reference for use by international institutions.

**Theoretical and normative-legal foundations of the research.** The theoretical basis of the research is formed through the extensive use of scientific studies by Azerbaijani and foreign researchers in the relevant field. The normative-legal foundation of the research comprises international legal instruments adopted in this field regardless of their legal force, international customary norms, international judicial practice, decisions of ad hoc international tribunals, the legislation of foreign states, as well as the national legislation of the Republic of Azerbaijan in this area.

**Object and subject of the research.** The object of the research encompasses the theoretical and practical problems of the international legal protection of cultural heritage during military conflicts in the modern era. The subject of the research consists of the existing legal regulations in the sphere of international legal protection of cultural heritage during contemporary military conflicts, the shortcomings arising in this context, and a comprehensive analysis of the ways to address them.

**The purpose of the research** is to analyze the main directions and characteristics of the international legal protection of cultural heritage during military conflicts in the modern era, to address the theoretical and practical problems of international legal responsibility in this context, to contribute to the further improvement of the domestic legislation of the Republic of Azerbaijan in this field, and, finally, to develop the legal grounds for establishing Armenia's international legal responsibility for the damage caused to cultural heritage.

To achieve the aforementioned objectives, **the following tasks** have been identified in the research:

- analysis of the concept and main characteristics of cultural heritage in international law;
- examination of the concepts of military conflict, war and armed conflict, along with their main characteristics;

- analysis of the concept of cultural genocide and its main characteristics;
- study of the historical development of the protection of cultural heritage during military conflicts;
- analysis of the issues of the recognition of cultural rights and cultural heritage in the main international documents on human rights and freedoms;
- determination of the fundamental principles of the protection of cultural property;
- analysis of universal and regional international normative documents on the protection of cultural heritage during military conflicts;
- determination of the international legal responsibility of states and individuals for damage to cultural heritage during military conflicts;
- analysis of the issues of international legal measures to combat the illicit trafficking of cultural heritage objects;
- consideration of the role of modern technologies in the protection of cultural heritage during military conflicts;
- review of the main directions and features of UNESCO's activities to ensure the protection of cultural heritage during military conflicts;
- analysis of the characteristics of ICESCO's activities in the protection of cultural heritage during military conflicts;
- examining the role of international non-governmental organizations in the protection of cultural heritage;
- study of regional organizational mechanisms for ensuring the protection of cultural heritage during military conflicts;
- analysis of the issues of establishing the legal foundations of the protection of cultural heritage in the domestic legislation of the Republic of Azerbaijan;
- review of important aspects of the protection of cultural heritage in the legislation of various states;
- identifying existing contradictions and gaps in the process of implementing international legal norms in the field of cultural heritage protection into the national legislation of the Republic of Azerbaijan;
- investigation of damage to cultural heritage and issues of international legal responsibility in the context of international crimes committed by Armenia against the Republic of Azerbaijan.

**Research methods.** As in other studies, this research also primarily employed general methods such as analysis and synthesis. In addition, specific methods were used, including theoretical-legal, comparative-legal, historical-legal, and socio-legal methods, among others.

**The following main new scientific provisions are introduced to the defense:**

1. The analysis of the historical aspects of the protection of cultural heritage during military conflicts shows that in each period the protection of cultural heritage has certain characteristic features. In general, several stages can be distinguished here. As the first stage, the protection of cultural heritage during military conflicts in ancient times should be distinguished, where issues related to cultural heritage were not the main goal, but the successful completion of military conflicts were taken seriously, and cultural heritage was treated according to the will of the victorious side. The second stage is the Middle Ages, when the process of forming ideas for the protection of cultural heritage in all cases began. At the same time, the influence of religious norms in this area was also particularly felt. The third period, in the late 19th and early 20th centuries, is characterized by the regulation of military conflicts in various directions and, subsequently, the formation of human rights ideas. With the formation of human rights ideas, the issues of the protection of cultural heritage also began to be regulated, albeit weakly. The next stage began with the adoption of the Geneva Conventions of 1949, where the issues of both human rights and the protection of cultural heritage were in the spotlight by regulating military conflicts. The fifth stage, starting from the 1970s, should be characterized by the formation of international organizational mechanisms for the protection of cultural heritage and the prevention of military conflicts. Finally, the last stage - starting from the end of the 20th century - the beginning of the 21st century - should be characterized as the formation and development of international liability measures for unlawful actions in the mentioned sphere. We believe that at this stage the activities of national mechanisms should also be strengthened and close coordination with international mechanisms should be established.

2. In modern international law, although the term cultural genocide is not included in the constitutive elements of the crime of genocide in key international instruments, the acts committed under this notion cause serious harm to the interests of the international community due to their socially dangerous nature. Recent international practice also demonstrates that the scope of damage caused by cultural genocide is so extensive that it not only targets the destruction of a people, or a national, ethnic, racial, or religious group, and the erasure of their historical and other traces, but also severely undermines the interests of the international community and international security. International judicial practice already reflects that the consequences of cultural genocide are as dangerous as those of the crime of genocide itself. Taking into account the above, an additional protocol should be adopted to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide to address the fight against the crime of cultural genocide.

3. International judicial practices and research conducted in this field indicate that the scope of acts constituting cultural genocide must be comprehensively defined. This should include the destruction of cultural heritage, cultural heritage items, the places where such heritage is preserved, museums, libraries, historical monuments belonging to a group, materials in the language of that group, as well as the prohibition of the use of their customs and traditions, artistic and folklore expressions, traditional knowledge, lifestyle, and other features that enable their identification. All these elements should be fully reflected in a newly adopted additional protocol to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, specifically aimed at combating the crime of cultural genocide. Furthermore, the application of the customary international legal nature of responsibility for the crime of genocide, as established in international practice, to cultural genocide should be considered a highly positive step toward resolving issues of international responsibility.

4. In ensuring the protection of cultural heritage, the fact that, in addition to the international legal norms adopted in this area, international human rights norms also serve as the basis allows for a stronger legal basis for that protection, and in the event of a violation, these cases can be assessed as more serious violations of law, thereby

comprehensively determining international liability measures. Damage to or destruction of cultural heritage results in a massive violation of cultural rights. Therefore, if the provision of cultural rights has a positive impact on the formation and efficiency of the mechanism for the protection of cultural heritage, then the high-level organization of the protection of cultural heritage also results in the provision of cultural rights. At the same time, this is a full basis for ensuring close coordination between the existing international mechanisms for cultural heritage and cultural rights, between international and national mechanisms, and finally between national mechanisms themselves.

5. Cultural heritage has a direct and close interaction with cultural rights. The interaction between ensuring the protection of cultural heritage and cultural rights should be assessed as a cause-and-effect relationship in itself. Thus, the right to participate in cultural life is one of the fundamental human rights that directly determines the protection of cultural heritage as an obligation. Similarly, intellectual property rights and artistic freedom create the opportunity and encourage the formation of a more advanced legal mechanism for the protection of cultural heritage. Failure to ensure the protection of cultural heritage can also result in the violation of cultural rights, and failure to ensure cultural rights can result in damage to or destruction of cultural heritage. Taking this into account, in these relations, which are closely related to cultural rights, the provisions that provide the basis for the protection of cultural heritage should be included in the content of international and national normative acts aimed at ensuring these rights. In this case, it is possible to form and further develop a broad international and national normative-legal basis for the protection of cultural heritage, in which international judicial practice should also be used. The implementation of this process has become especially important during military conflicts. At the same time, the mentioned process will also have a significant impact on the creation of international law. Taking this into account, the necessity of forming international cultural law or international cultural heritage law as one of the newly developing subfields of international law (international human rights law) can also be justified. This can also be noted by the already formed specific elements of that subfield, which can be indicated by the sufficient number of international treaties adopted in

that sphere, international organizational mechanisms, the existence of the subject of regulation (international relations in this field) and international legal principles, etc. In addition, the direct interest of the international community as a whole in the effective regulation of relations in this field should also be considered one of the main elements.

6. Although UNESCO has certain positive activities in the field of cultural heritage protection, it is extremely necessary for the organization to work on creating stronger legal enforcement mechanisms. UNESCO can more effectively implement the responsibilities of states in this field by implementing real enforcement mechanisms, especially in conflict zones. Taking this into account, UNESCO's role in the field of cultural heritage protection, especially during military conflicts, should be continuously developed and strengthened. In this direction, states should not spare their support for UNESCO's activities by conscientiously fulfilling their international obligations. The international obligations of states in this field should consist of active participation in UNESCO's international legal documents and international mechanisms, full incorporation of the provisions of international treaties in national normative legal acts, application of international court precedents in national judicial practice, and finally, support for the activities of a number of international non-governmental organizations closely related to UNESCO, etc.

7. Although ICESCO has a successful activity and role in the protection of cultural heritage, there are a number of difficulties that it faces, like other organizations. Therefore, ICESCO's activity in the protection of cultural heritage cannot be considered fully effective. This is due to its limited powers as an international organization, as well as the limitation of its powers by state sovereignty. Furthermore, the failure of the parties to conflicts to comply with international law acts as a factor reducing the effectiveness of ICESCO's activities. In addition, the limited financial and technical resources also hinder the effective protection of cultural heritage in conflict zones. In some cases, the internal political situation in the member states also complicates the activities of ICESCO. For this reason, member states and international partners should provide more support to ICESCO. Thus, close international cooperation in

solving the above problems can further strengthen the development of ICESCO's activities and its role in the protection of cultural heritage. In this sense, the existing and currently ongoing close cooperation relations between the Republic of Azerbaijan and ICESCO can be cited as a basis and example in ICESCO's mutual relations with other states.

8. Decisions of international organizations and international courts (including international military tribunals and hybrid courts) play an important role in the protection of cultural heritage. In this context, further improvement of the mechanisms for the implementation of these decisions by states is one of the urgent issues. In addition, the further development of national judicial practice in this direction, and finally, the achievement of the wide application of international court precedents in the relevant sphere by national courts, should further increase the important role in the protection of cultural heritage. Here, one of the most important directions should be noted, namely the need to develop and adopt legal bases for the application of international court precedents in national legal systems.

9. One of the most effective mechanisms for preventing illegal actions against cultural heritage is the strengthening of regional cooperation. We believe that it is extremely necessary to establish (or improve) such mechanisms in a more advanced form, both in treaty and organizational form, within the framework of the Council of Europe, as one of the regional organizations that has established close cooperation with the Republic of Azerbaijan. The mentioned issue would also further enhance the activities of the European Court of Human Rights in the field of protection of cultural heritage. In general, the implementation of important activities in this direction in the practice of other regions (America, Africa, Asia, etc.) will be characterized by positive consequences for the effectiveness of universal mechanisms in the field of protection of cultural heritage.

10. The Rome Statute of the International Criminal Court should be developed and further enriched in relation to crimes against cultural heritage. In this case, the decisions of international organizations, international courts and military tribunals, as well as the legal doctrine and practice of developed states, can be taken as a basis. Then, by promoting participation in the Rome Statute of the

International Criminal Court, it should be ensured that the national legislation of states in the field of combating unlawful acts against cultural heritage is improved. The above-mentioned can lead to achieving efficiency in the international fight against crimes against cultural heritage as one of the aspects of war crimes.

11. International non-governmental organizations play an important role in the protection of cultural heritage as improved legal, public and technical mechanisms. It is important to eliminate a number of significant gaps in the protection of cultural heritage during military conflicts due to the lack of the necessary infrastructure or the inadequacy of mechanisms at the international level. Taking this into account, more inclusive approaches and regional cooperation formats should be applied to prevent the deliberate destruction of cultural heritage during modern military conflicts. This can be achieved through the wider use of technological resources by NGOs, strategic support to organizations operating in risk regions, and coordination of priorities at the regional level with global mechanisms. Finally, closer coordination of the activities of international and national NGOs in the protection of cultural heritage should be carried out, joint action mechanisms should be developed, etc.

12. The active participation of the Republic of Azerbaijan in UNESCO's activities and the successes achieved in this framework, as well as the adopted international legal documents on the need to protect cultural heritage in the territories occupied by Armenia for a long time, prove that the international community has an adequate approach to these issues, but the impact of this approach should be even more effective in the long term. Consequently, the protection of cultural heritage is a common responsibility for global security, the sustainability of human values, and the transmission of history to future generations. In order to share and realize this responsibility, sound national strategies should be developed, providing for close cooperation of the Republic of Azerbaijan with important international intergovernmental and non-governmental organizations, including UNESCO, and a number of national action programs should be adopted. One of the main directions here is to increase the

effectiveness of the participation of the Republic of Azerbaijan in international agreements, both in terms of quantity and quality.

13. Since crimes committed against cultural heritage during military conflicts lead to more serious consequences, it is necessary to define independent criminal elements in the national criminal legislation of states in this area more broadly. Although unlawful acts are mainly characterized here as war crimes, their classification as separate elements should also be explained by the fact that it combines the features typical of the crime of genocide. This should be characteristic, in particular, for the national criminal legislation of the Republic of Azerbaijan. Furthermore, the necessity of ensuring closer and more effective coordination among the existing normative-legal acts in various directions and fields of cultural heritage, as well as international practice, substantiates the adoption of a special Law (On cultural heritage or On the protection of cultural heritage) in the Republic of Azerbaijan.

14. Among the war crimes committed by Armenia against the Republic of Azerbaijan, unlawful actions against cultural heritage hold a special place. These crimes should be analyzed in two directions and the issues of responsibility should be determined. First, there are crimes committed, and still ongoing, against cultural heritage in the territory of Western Azerbaijan, where Azerbaijanis historically lived. Second, there are crimes related to cultural heritage committed by Armenia during its nearly 30-year occupation of the territories of the Republic of Azerbaijan. In determining international responsibility in this area, two directions should be taken together, it should be considered in connection with other international crimes committed, and finally, appropriate international responsibility measures should be implemented.

15. The illegal actions committed by Armenia against the cultural heritage of the Republic of Azerbaijan and the Azerbaijani people also fully realize individual responsibility. In this regard, the holding of persons accused of committing these crimes in the Republic of Azerbaijan over an extended period should be highly appreciated from the point of view of international law norms. Armenia should also cooperate legally with the Republic of Azerbaijan in resolving the responsibility issues of other persons

currently in Armenia and accused of committing these crimes, and these persons should be presented to the Azerbaijani justice system for appropriate liability measures.

**The scientific novelty of the research** should be mainly associated with the fact that in modern times, a complex scientific study has not been conducted on the mutual analysis of international and domestic legal norms in the practice of the Republic of Azerbaijan in the direction of the main theoretical and practical problems of protecting cultural heritage during military conflicts. At the level of the present dissertation, the first scientific study of a complex nature has been carried out, where important elements, directions and features of protecting cultural heritage during military conflicts have been extensively analyzed, ways of improving existing mechanisms at the international and domestic levels in this area have been discussed, the necessity of applying international responsibility measures in the mentioned sphere has been substantiated and ways of solving the emerging problems have been discussed, and finally, a number of key issues on regulation in this sphere in the Republic of Azerbaijan have been studied. Although there are certain scientific studies devoted to separate directions on this topic in the Azerbaijani legal literature, they have not been conducted in a single and holistic direction, but only in scientific articles, monographs, textbooks, etc., which requires a detailed analysis of the mentioned directions by combining them and approaching them in a comprehensive manner. Taking into account the above, the present study summarizes all foreign and local studies, analyzes them from a comparative and modern perspective in different directions, and finally, substantiated conclusions are obtained on both international and national law.

Another aspect of the scientific novelty of the study is the extensive analysis and substantiation of Armenia's illegal actions against cultural heritage, and the discussion of appropriate liability measures. Here, the responsibility of Armenia as a state and the responsibility of individuals are distinguished, and the main features of each direction are identified in detail.

**Theoretical and practical significance of the research.** The research, by identifying a number of modern theoretical and practical problems in the protection of cultural heritage during military

conflicts, can draw attention to these and other pressing issues in international and national law and to the presentation of substantive conclusions, as well as to the discussion of important issues and ways to solve them in this area, and finally to the elimination of a number of gaps in this area. The above-mentioned is also very important in the analysis of the issues of holding Armenia and relevant individuals accountable for illegal actions against cultural heritage.

Furthermore, the research can be widely used in the teaching process of important areas of international law - international human rights law, international humanitarian law, international criminal law, responsibility in international law, etc.; and in areas of national law - constitutional law, criminal law, civil law, administrative law, etc., in future scientific research in this area, and finally in the writing of textbooks, teaching aids, monographs, etc.

**Application of research results.** The research work was carried out at the UNESCO Chair on Human Rights and Information Law of the Faculty of Law of Baku State University, discussed and recommended for the main defense. The main provisions of the research were published in various foreign and local authoritative scientific journals and materials of international scientific conferences (Republic of Azerbaijan, Republic of Türkiye, Russian Federation, Ukraine, Kazakhstan, Moldova, Belarus, etc.) in Azerbaijani and English languages.

**The structure of the research.** The dissertation consists of an introduction, five chapters, conclusion and sources used.

## **MAIN CONTENT OF THE RESEARCH**

In the **Introduction** of the dissertation the relevance of the topic is substantiated, the degree of its development is analyzed, the object and subject of the research, its aims and objectives, the new scientific theses submitted for defense are identified, the scientific novelty is justified, theoretical and practical significance of the research is explained, information about the approbation of the research result and the structure of the dissertation is provided.

**The first chapter is entitled "The essence, main features and history of formation of the protection of cultural heritage in times of military conflict" and consists of five paragraphs.**

**The first paragraph** analyzes the concept, main characteristics and types of cultural heritage.

Research that provides an understanding of cultural heritage is distinguished in three directions. The first of these involves approaching cultural heritage as an information resource and an indicator in a cultural context. The second group defends that cultural heritage is an object of inheritance or property belonging to society and proposes to evaluate it as such in the context of legal relations. Also, the third group is distinguished, which is studied within the concept of economic development, since it has economic value and the potential to generate income from tourism and other social directions<sup>67</sup>. In general, cultural heritage is a broad concept and can encompass many forms of human creativity. It can be defined as a "cultural value" inherited from the past and perceived as an expression of people's developing values, beliefs, knowledge and customs. It is obvious that when trying to understand the essence and content of the term cultural heritage, it is necessary to take into special consideration the two constituent elements that make up it, culture and heritage.

Cultural heritage can be classified into two main categories: tangible and intangible. In this method, tangible cultural heritage samples are further divided into two subcategories (movable and immovable). It is also possible to carry out classification according to the importance of the value conveyed by cultural heritage. From this aspect, national, local, regional and world cultural heritage can be distinguished. It is true that although all cultural heritage samples are extremely necessary in terms of the existence of culture, some of them transcend national and regional borders, being considered unique examples of the world and humanity. As another subcategory of tangible cultural heritage, the differentiation of underwater cultural heritage should also be noted. In general, the extensive conduct of the

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<sup>67</sup> Копсергенова А.А. Культурное наследие: философские аспекты анализа. Дисс. на соис. учен. степ. канд, философ. наук. Ставрополь, 2008, с. 23-26.

classification will allow us to more accurately determine the features of the protection of cultural heritage in each direction.

**The second paragraph** analyzes the issues of comparative analysis of the concepts of military conflict, war and armed conflict, and the necessity of protecting cultural heritage.

One of the important issues related to cultural heritage is the understanding of armed events and the analysis of their main characteristics, because military conflict, war, and armed conflict are separate concepts, each of which is associated with different situations and events.

A military conflict defines its boundaries by the range of subjects. This helps to determine its main distinguishing elements. If in an armed conflict the parties to the conflict on the field can exist in the form of organized groups, even if they are not military groups, then in a military conflict both parties to the conflict consist of the groups that form part of the military structure. This gives grounds to say that the state always acts among the subjects of military conflicts.

During the period of military conflicts, the main executive role is played by military units and groups. In armed conflict, the situation is somewhat different. Organized armed groups that are not military groups can also initiate armed conflicts. That is why the legal regime applied in connection with military conflicts is distinguished by its severity. Because military units or organizations are distinguished by their strict order, discipline, specialized material and technical base, as well as combat readiness. For this reason, the armed clashes and conflicts they carry out can have more serious consequences. For this reason, military conflicts should be considered as relations whose regulation is more necessary and important than armed conflicts, and one of the main directions here is the protection of cultural heritage.

**The third paragraph** analyzes the historical aspects of the protection of cultural heritage during military conflicts.

The initial concepts about the protection of cultural heritage during military conflicts date back to ancient times. As a result of the generally accepted custom, it was believed that everything taken from the enemy as booty during wars, including all property, should belong

to the victor<sup>68</sup>. However, at the same time, the need to prohibit and protect destruction was also justified. Thus, in some theories prevalent before our era, purposeless destruction during wars was strongly condemned. At the same time, although the conquest of new territories was justified through wars, the principle of not damaging all places and goods captured at that time was instilled<sup>69</sup>. In ancient Greece, there was also a rule that cultural heritage should not be destroyed in retaliation for war. Taking this into account, temples were considered inviolable, and people who took refuge in temples were also accepted as refugees. In Roman times, it was also emphasized that the plunder of cultural heritage (limited to places of worship) was immoral<sup>70</sup>.

Religious norms also played an important role in the protection of cultural heritage. Thus, in the 10th-11th centuries, the decisions of the Catholic Church, along with the codification of the rules of war, specified the methods and means of war, and a number of places were marked as places that could not be used and touched in the conduct of war. Provisions on this are also found in the Holy Quran. For instance, such provisions are present in verse 18 of Surah At-Tawbah, and later in verse 114 of Surah Al-Baqarah.

The Westphalian Peace Congress of 1648, which is notable for its significant contributions to the codification of international law, categorically condemned the looting of works of art and established the principle that such items must be returned after the war. The Congress of Vienna of 1815 also stated that works of art should be returned to their owners after the war. Later, in the middle of the 19th century, as one of the first steps in the codification of the laws of war, the Lieber Code, compiled in 1863, in addition to regulating warfare, prohibited all purposeless destruction. A number of international documents adopted at that time - the Paris Declaration of 1856, the Geneva Convention of

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<sup>68</sup> Гроций Г. О праве войны и мира. Книга третья – с.88-89. [https://www.civisbook.ru/files/File/Groziy\\_Kn3.pdf](https://www.civisbook.ru/files/File/Groziy_Kn3.pdf)

<sup>69</sup> Давид Э. Принципы права вооруженных конфликтов. Курс лекций. Москва, Международный Комитет Красного Креста, 2011, с. 42-43.

<sup>70</sup> Çokişler E. Silahlı Çatışmalar Sırasında Kültürel Malların Korunması Rejimi: Tarihsel Gelişimin Analizi, Uluslararası İlişkiler, 16(61), 2019, s. 56-57. URL: <https://dergipark.org.tr/tr/download/article-file/673695>

1864, the St. Petersburg Declaration of 1868, and the Brussels Declaration of 1874 - also provided for the regulation of the rules of war, including the protection of cultural heritage to one degree or another. Subsequently, the first official international legal documents regulating the rules of war at the international level were the Hague Conventions of 1899 and 1907, which were adopted directly in accordance with the Lieber Code and the Brussels Declaration. At that time, one of the most important features of the reservation made to the Hague Conventions by the F.Martens was the justification of the importance of customary law and customary international norms and the laying of the foundation for the future application of these norms to the protection of cultural heritage.

After World War II, important international documents were adopted in this area and relevant international mechanisms were formed, and from the end of the 20th century to the beginning of the 21st century, the protection of cultural heritage began to take on a new meaning.

**The fourth paragraph** analyzes the concept and main characteristics of cultural genocide.

Although the 1948 International Convention on the Prevention and Punishment of the Crime of Genocide, which defined the concept of genocide at the UN level after World War II, was adopted, an approach to cultural genocide has not been established. In general, the target object of the act constituting cultural genocide is cultural heritage examples and cultural objects. In their destruction, the main intention is to destroy the culture of a group distinguished by specific characteristics and to eliminate their sources of reference. The main point here is that the intention of the subject committing the socially dangerous act is the same in both the crime of genocide and cultural genocide. The destruction, falsification or damage to the cultural heritage belonging to a group with the aim of destroying and erasing its traces is at least as socially dangerous as the killing of the members of that group. The killing of all members of that group and the destruction of the cultural heritage belonging to the group end with the same result. In both cases, the group cannot maintain its existence. In one case, the group ceases to exist physically, while in the other, it undergoes assimilation and loses its national identity, thereby bringing its existence to an end.

The main characteristic of cultural genocide is that it is committed with a single intention. Thus, the main intention in destroying or damaging cultural heritage, as well as the places where it is stored, is to erase the traces of the group to which that cultural heritage belongs. Another main characteristic of cultural genocide is that the objects damaged by the socially dangerous act at the time of the relevant act belong to that group.

The scope of acts that constitute cultural genocide should be broadly defined. This should include the destruction of cultural heritage, cultural heritage objects, places where cultural heritage objects are stored, museums, libraries, historical monuments, materials in the language of the group, the prohibition of the use of their customs, traditions, art and folklore, traditional knowledge, lifestyles and features that allow them to be identified, etc. In addition, considering the fight against unlawful acts directed against cultural heritage and cultural genocide and the appropriate responsibility as part of customary international law could yield more effective results in the fight against these crimes.

**The fifth paragraph**, consisting of two subparagraphs, analyzes the international legal fight against the illegal circulation of cultural heritage objects and the role of modern technologies in the protection of cultural heritage during military conflicts.

The illicit circulation of cultural heritage includes theft and smuggling, as well as import and export, where military conflicts and other similar events act as the main factor. The issues of combating the illicit circulation of cultural heritage objects are regulated by the UNESCO Recommendations of 1964 on the Prevention of the Illicit Export, Import and Transfer of Ownership of Cultural Property, 1976 on the International Exchange of Cultural Property, 1978 on the Protection of Movable Cultural Property, and others, the International Code of Professional Ethics for Dealers in Cultural Property, the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict, and the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

The issues of international legal combat against the illegal circulation of cultural heritage objects are a rather urgent problem and have a special importance in the system of protection of cultural heritage, and the international obligations of states in this area necessitate the

implementation of special national legal measures. It is precisely in the interaction of international and national legal systems that it is possible to achieve significant and effective results in this area. Thus, the growing military conflicts and the level of crime imply the formation and constant improvement of sustainable and effective cooperation in this area.

The development of digital technologies, as in other fields, has created new opportunities for the protection of cultural heritage during military conflicts. As a result of the increasing influence of digital technologies, it is possible to document, monitor and protect cultural heritage objects even in wartime. Thanks to digital technologies, tangible cultural heritage can now be preserved, documented and protected in digital form, regardless of geographical location and physical barriers.

Satellite technologies play an important role in assessing and monitoring damage to cultural heritage during military conflicts. For example, the official report of Azercosmos Open Joint Stock Company for 2017 noted the massive fires and damage caused by Armenia in the occupied territories of the Republic of Azerbaijan for a long time, and also noted the significant expansion of mining areas through space monitoring of ore deposits located in the Kalbajar and Zangilan regions. In addition, it was shown that a large amount of mineral resources extracted from 2 gold, 4 mercury, 2 chromite, 1 lead-zinc, 1 copper and 1 antimony deposits located in the territories of the Republic of Azerbaijan were sent to processing plants in Armenia. As a result of illegal activities in the Kalbajar region alone, up to 13 tons of gold were obtained annually. Additionally, the extensive extraction of construction materials and facing stones was also confirmed by concrete facts in this area<sup>71</sup>.

One of the most significant projects for the digitization of cultural heritage is the implementation of joint activities with international intergovernmental, including non-governmental organizations. Then, a number of measures implemented in this direction by the Ministry of Culture of the Republic of Azerbaijan, which implements state policy and management in the field of cultural heritage, should be specially noted. Thus, the Ministry of Culture of the Republic of Azerbaijan adopted the ““e-Culture” Digital Development Strategy of the Ministry of Culture of the Republic of Azerbaijan (2024-2026)”.

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<sup>71</sup> Əliyev Ə.İ. Azərbaycan beynəlxalq cinayətlər hədəfində. Bakı, Nurlar, 2018, s. 74.

Thus, modern technologies have brought revolutionary changes in the protection of cultural heritage during military conflicts. Thanks to the application of digital documentation, geomatics, 3D modeling, satellite and drone monitoring, artificial intelligence and blockchain technologies, the protection, restoration and presentation of cultural heritage to the general public have become more efficient. These innovations ensure not only the monitoring of destruction, but also the digital protection of cultural heritage for future generations. Organizations such as UNESCO, ICOMOS, INTERPOL have implemented a number of projects in the field of cultural heritage protection, supporting the application of artificial intelligence, satellite monitoring and drone technologies. In the future, further improvement of technologies, the widespread application of artificial intelligence and blockchain technologies will create new opportunities in the protection of cultural heritage. Among the main priorities should be the restoration of damaged cultural heritage to its original form using these technologies in post-war recovery efforts, as well as the interactive presentation of cultural heritage assets.

**The second chapter of the dissertation, entitled "International legal basis of the protection of cultural heritage in times of military conflict" consists of four paragraphs.**

**The first paragraph** analyzes the interrelationship between cultural heritage and cultural rights.

Cultural rights and freedoms are included in the category of fundamental human rights and freedoms, and ensuring the protection of these rights has become one of the important directions of cooperation and obligations of states. Therefore, establishing such a connection between human rights and cultural heritage is of great importance for the protection of cultural heritage sites, especially for their protection from real threats that may arise during military conflicts.

The UN Human Rights Council, in its report adopted at its 17th session on March 21, 2011, noted that ensuring the protection of cultural heritage is included in the context of protecting fundamental human rights and freedoms<sup>72</sup>. A document prepared by the UN Human

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<sup>72</sup> Human Rights Council, Report of the Independent Expert in the Field of Cultural Rights, Farida Shaheed Human Rights Council Seventeenth session agenda item 3, 21 March 2011 [A/HR/C/17/38]. <https://digitallibrary.un.org/record/706544?ln=ru&v=pdf>

Rights Council Special Rapporteur notes that ensuring the protection of cultural rights, which are part of human rights, is extremely important. Also, the destruction of cultural property and cultural heritage objects in territories captured as a result of military conflicts and international armed conflicts should not only be considered a violation of international law, but also a violation of human rights<sup>73</sup>.

It can be concluded that the main cause of damage or destruction of cultural heritage is the fact of violation of human rights. Cultural rights provide people with the opportunity to protect their rightful status in the field of culture, use existing objects belonging to them, and at the same time create a cultural heritage for future generations through self-expression. Therefore, human rights, especially cultural rights, should not be approached in a narrow framework. The interaction between ensuring the protection of cultural heritage and cultural rights can be assessed as a cause-and-effect relationship in itself. Because the failure to ensure the protection of cultural heritage can also result in the violation of cultural rights, and the failure to ensure cultural rights can result in damage to cultural heritage or its destruction. Taking into account the above, in these relations, which are closely related to cultural rights, the provisions that provide the basis for the protection of cultural heritage should be included in the content of normative acts aimed at ensuring these rights. In this case, a broader normative base for the protection of cultural heritage can be formed, and it is also possible to achieve significant results in this area by developing the existing base.

**The second paragraph** analyzes the issues of establishing the international legal basis for the protection of cultural heritage in international documents on human rights and freedoms.

For the first time, the Universal Declaration of Human Rights of 1948 established the right to participate freely in cultural life and to benefit from scientific progress, the right to education, freedom of religion and belief, and the right to equality. These emphasize the importance of culture in the context of social development and human

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<sup>73</sup> Information by Azerbaijan to the study on intentional destruction of cultural heritage (Responses to the questions by Ms. Karima Bennouna, Special Rapporteur in the field of cultural rights)

[https://www.ohchr.org/sites/default/files/Documents/Issues/CulturalRights/Call/1\\_Azerbaijan\\_1.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/CulturalRights/Call/1_Azerbaijan_1.pdf)

rights. The Universal Declaration of Human Rights also establishes the initial basic provisions on the protection of cultural heritage. The International Covenant on Economic, Social and Cultural Rights of 1966 can be considered an international human rights document in which legal norms in the field of protection of cultural heritage are more fully expressed. It emphasizes the need for international cooperation in the protection of cultural heritage and establishes fundamental rights and freedoms in this field. The European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 and its additional protocols touch on the protection of cultural rights to a certain extent, indirectly creating an opportunity for the protection of cultural heritage and promoting cooperation between cultures. In other words, although the norms related to cultural heritage are not directly defined, the provisions of the European Convention can be fully interpreted for the protection of cultural heritage. These cases we have mentioned have also been confirmed by the precedents established by the European Court of Human Rights.

The dissertation also analyzes other documents in this field in the same direction. The close connection between the protection of cultural heritage and human rights has also had a significant impact on international law. Taking this into account, the necessity of forming international cultural law or international cultural heritage law as one of the new subfields of international law (international human rights law) can also be justified.

**The third paragraph** analyzes the principles of the protection of cultural heritage during military conflicts.

When it comes to international legal principles for the protection of cultural heritage during military conflicts, first of all, the basic, universally recognized principles of international law should be mentioned, and then the specific principles of individual areas of international law on the protection of cultural heritage (international human rights law, international humanitarian law, international criminal law) should be mentioned.

In this case, the protection of cultural heritage should be considered as a fundamental principle. Another fundamental principle in this area is the principle of respect for cultural heritage, according to

which respect for the cultural heritage of other peoples plays an important role in promoting cultural diversity in the world and implementing international cooperation in the direction of protecting tangible and intangible cultural heritage.

Article 2 of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions sets out a number of principles in this area. The Convention uses a mixed system of principles for the protection of cultural heritage, i.e. it takes into account both the general principles of international law and specific principles. Thus, the principles of respect for human rights and fundamental freedoms, the principles of sovereignty, the principles of equal dignity and respect for all cultures, the principles of international solidarity and cooperation, the principles of complementarity between the economic and cultural aspects of development, the principles of sustainable development, the principles of equal opportunities, the principles of openness and balance play an important role here.

Article 5 of the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage also reflects a number of specific principles in this area: the principle of implementing a general policy aimed at assigning certain functions to cultural and natural heritage in public life and including the protection of this heritage in general planning programs; the principle of the necessity of taking appropriate legal, scientific, technical, administrative and financial measures for the preservation of cultural and natural heritage.

In legal literature, as specific principles of cultural heritage protection, principles of respect for cultural heritage, integration, the immunity of cultural heritage, sustainable development, planetary governance, the common concern of humanity, the necessity of protecting cultural heritage in both international and non-international conflicts without any exception and without any discrimination, cultural heritage management, identifiability, neutrality or non-military designation, the obligation of states in the field of cultural heritage protection at both national and international levels, the loss of existing privileges related to these protection measures in the event of the use of cultural heritage objects for military purposes in the context of the principle of military necessity, the universal significance of

cultural heritage, the registration of cultural heritage, the restoration and conservation of cultural heritage, monitoring of the protection of cultural heritage, and the principle of public awareness are also distinguished.

Thus, although the principles of cultural heritage protection have been normatively established in important international documents, the main directions here should be the formation and further improvement of relevant international monitoring mechanisms, the implementation of these principles into the national legislation of states, and finally, close mutual cooperation between international and national mechanisms should be effectively established and developed.

**The fourth paragraph** analyzes international normative documents and international legal regulation issues related to the protection of cultural heritage during military conflicts.

The dissertation firstly classifies various international treaties on the protection of cultural heritage during military conflicts, and then analyzes their main features separately.

The Washington Treaty on the Protection of Artistic and Scientific Institutions and Historical Monuments (Roerich Pact), adopted in 1935, which establishes the main rules for the protection of cultural heritage both in times of peace and in times of war, should be considered as the first international document in this field and a continuation of the Hague Conventions of 1899 and 1907. The Roerich Pact recognized the protection of cultural objects in times of war as a special priority. The main purpose of this document was to provide cultural and scientific objects with the right of immunity during military conflicts and to prohibit their use for military purposes.

A characteristic feature of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict is that it is based on the principles set out in the 1899 and 1907 Hague Conventions and the 1935 Roerich Pact regarding the protection of cultural heritage during military conflict. Overall, the 1954 Hague Convention and its additional protocols promote international cooperation in the protection of cultural property and strengthen measures to prevent the destruction or looting of these objects.

The dissertation further analyzes the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage, the 2005 Convention for the Protection and Promotion of the Diversity of Cultural Expressions, the 2006 Convention for the Safeguarding of the Intangible Cultural Heritage, and the 1949 Geneva Conventions and Additional Protocols concerning the protection of war victims.

The 1995 Convention on Stolen or Illegally Exported Cultural Objects can also be considered one of the main international documents that has a positive impact on the protection of cultural heritage and forms a certain mechanism by regulating these relations. The Convention is complementary to the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted in 1970. Both international documents provide international legal mechanisms to ensure the protection of cultural property and strengthen international cooperation in the field of returning cultural objects stolen during military conflicts.

Moreover, in international practice, it has already become an international custom to refrain from damaging cultural heritage during military conflicts. In general, the provisions of the 1954 Hague Convention and other rules relating to cultural heritage have already become customary international law. In this respect, they are binding even for subjects of international law that are not parties to them.

**The third chapter of the dissertation is entitled “Main directions of activity of international organizational mechanisms in the protection of cultural heritage in times of military conflict” and consists of five paragraphs.**

**The first paragraph** analyzes the main directions and features of the activities of UNESCO, as an important international organization, in the protection of cultural heritage during military conflicts.

The main international organization in the protection of cultural heritage is the United Nations Educational, Scientific and Cultural Organization (UNESCO). According to Article 1 of the UNESCO Constitution, the main purpose of the Organization is to maintain, develop and expand international cooperation among states by ensuring the preservation and legal protection of the cultural heritage of humanity.

The international documents adopted by UNESCO in the field of cultural heritage protection, in particular the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, provide for the creation of effective legal mechanisms for the protection of cultural heritage during military conflicts. One of the legal mechanisms applied by UNESCO for the protection of cultural heritage, which covers a wider spectrum, is the World Heritage List within the framework of the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage. One of the important steps taken by UNESCO in the field of cultural heritage protection is the UNESCO Declaration concerning the Intentional Destruction of Cultural Heritage adopted in 2003.

Alongside the “hard law” norms adopted in the form of conventions and similar binding instruments within the framework of UNESCO, it is also necessary to mention the so-called “soft law” norms of a recommendatory nature. For example, the 1964 Recommendation on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, etc.

Although UNESCO has extensive resources and experience in the protection of cultural heritage, the effective use of these resources in military conflict zones is often limited. In light of this, several suggestions can be made to further enhance UNESCO’s activities in the field of cultural heritage protection during military conflicts: more serious pressure from UNESCO and other international organizations on the parties to the conflict, and the establishment of legal and political accountability can provide significant support for the protection of cultural heritage during conflict; strengthening legal prosecution and punitive measures by considering acts targeting cultural heritage as crimes during conflict would further increase the responsibility of the parties to the conflict; further development of international support and logistics for the safe transportation of cultural heritage at risk should be considered necessary.

Thus, while UNESCO’s activities in the protection of cultural heritage are commendable, it is necessary for the organization to establish stronger legal enforcement mechanisms. At the same time,

states should not spare their support for the activities of the international organization by duly fulfilling their international obligations.

**The second paragraph** analyzes the main directions of ICESCO's activities in the protection of cultural heritage during military conflicts.

The Islamic World Educational, Scientific and Cultural Organization (ICESCO) is recognized as one of the important international organizations in the protection of cultural heritage, especially during military conflicts. The organization has identified the protection of the cultural heritage of the Islamic world as one of its priorities and pays special attention to preventing the destruction of this heritage during military conflicts. Founded in 1982, ICESCO, which includes 53 member states, has managed to bring about 240 Islamic world heritage complexes under its mandate. The organization is developing strategies to prevent the destruction of cultural heritage during military conflicts and to ensure its restoration, and in this regard, the Strategy for Islamic Cultural Action Outside the Islamic World, adopted at the 9th Islamic Conference held in 2000, should be noted.

The Cultural Heritage Center for the Islamic World, established by ICESCO and operating within its structure, carries out regional and international activities, determines the rules for the protection and use of cultural heritage, and provides support to the participating states in this direction. In 2007, a decision was made within the framework of ICESCO to establish the Islamic Heritage Committee, and in 2019, this organization was renamed the Islamic World Heritage Committee. The document entitled the Rules and Procedures of the Islamic World Heritage Committee, which regulates the activities of the Islamic World Heritage Committee, addresses a number of important issues that will have a positive impact on the protection of cultural heritage.

Cooperation with the Republic of Azerbaijan should be particularly emphasized in the activities of ICESCO. The city of Shusha, fulfilling the mission of the Cultural Capital of the Islamic World in 2024, acted as an exemplary model of international cooperation in the process of restoring cultural heritage after military conflicts. The 12th session of the Islamic World Heritage Committee, held in Shusha in October 2024,

showed the importance of legal mechanisms and organizational efforts in the protection of cultural heritage.

Although ICESCO has a successful activity and role in the protection of cultural heritage, there are a number of challenges that it faces, like other organizations. Therefore, ICESCO's activities in the protection of cultural heritage do not allow achieving fully effective results. The effective activity of ICESCO mainly depends on the internal political situation and international relations within the member countries. This is also due to its limited powers as an international organization, as well as the limitation of its powers by state sovereignty. In addition, the failure of the parties to conflicts to comply with international law and gross, systematic violations in this direction also act as a factor reducing the effectiveness of the organization. In addition, the limited financial and technical resources also hinder the effective protection of cultural heritage in conflict zones. Furthermore, combating attacks on cultural sites by terrorist groups or non-state actors remains a complex problem within the international legal framework. Therefore, the formation of international cooperation in addressing the above-mentioned problems can further strengthen the role of ICESCO in the protection of cultural heritage by developing its activities.

**The third paragraph** analyzes regional mechanisms for the protection of cultural heritage during military conflicts.

The role of the European Union in the protection of cultural heritage during military conflicts is of particular importance from a norm-creating perspective. In this regard, the main objectives of the European Union Concept on Cultural Heritage in Conflicts and Crises, adopted on 21 June 2021, which presents a new conceptual approach to the protection of cultural heritage from the impact of conflicts and crises, include preventing the destruction of cultural heritage, defining such cases as war crimes and protecting cultural heritage. At the same time, combating the smuggling and illicit trafficking of cultural heritage, documentation through digital technologies and strengthening international cooperation have also been highlighted.

Among the acts within the European Union, the following should be mentioned: Regulation No. 3911/92 of 1992 on the export of cultural goods, Directive No. 93/7 of 1993 on the return of property

unlawfully removed from the territory of the European Union, the Council Regulation of 18 December 2008 on the export of cultural goods (this Regulation replaced the Council Regulation of 9 December 1992 on the export of cultural goods), the Directive of the European Parliament and of the Council of 15 May 2014 on the return of cultural goods unlawfully removed from the territory of the Member States, the Regulation of the European Parliament and of the Council of 17 April 2019 on the import and export of cultural goods, etc.

In 1954, the European Cultural Convention was adopted within the framework of the Council of Europe, which acts as one of the main documents in ensuring the protection of cultural heritage. One of the contributions of the Council of Europe to the protection of cultural heritage during military conflicts is the preparation and adoption of the 1985 Convention for the Protection of the Architectural Heritage of Europe within the context of this international institution. The adoption of the 1992 Valletta Convention of the Council of Europe on the Protection of the Archaeological Heritage, which includes special protective measures for the protection of archaeological sites in the event of conflict, can also be considered one of the important achievements in the protection of cultural heritage in military conflicts.

Among the international organizations included in the regional organizational mechanisms, the Organization of Turkic States should also be specially noted. In addition, TURKSOY and the Turkic Culture and Heritage Foundation, which are affiliated with the organization, have been established as competent specialized structures for the protection of Turkic cultural heritage.

A number of important documents have also been adopted within other regions. For example, the Convention on the Protection of the Archaeological, Historical and Artistic Heritage of the American Peoples of 1976, the Central American Convention for the Protection of Cultural Heritage of 1995, the Charter for the Cultural Renaissance of Africa of 2006, etc.

The CIS Intergovernmental Agreement on Cooperation in the Field of Culture of May 15, 1992 should also be considered a regional legal document that establishes the normative framework and obligations of states to ensure the protection of cultural heritage.

Thus, regional mechanisms play an important role in the protection of cultural heritage during military conflicts and, complementing the measures taken at the universal level, provide more extensive and effective protection. Strategic approaches to the protection of cultural heritage are being formed at the regional level through such means as legal regulations, monitoring mechanisms, training and awareness-raising programs. One of the main advantages of regional mechanisms is their ability to adapt to regional specificities and improve more quickly, taking into account the requirements of international law.

**The fourth paragraph** analyzes the role of international court precedents in the protection of cultural heritage.

The practice of the UN International Court of Justice in the field of protection of cultural heritage is of great importance. In this regard, first of all, the UN International Court of Justice's case on the Preah Vihear Temple in Cambodia v. Thailand, the decision of the UN International Court of Justice in the case of Bosnia and Herzegovina v. Serbia and Montenegro on the application of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, the decision of the UN International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965, and others can be noted.

The Charter of the Nuremberg Tribunal, established after the Second World War, included the act of attacking cultural property within the scope of this article and considered it a war crime. The Statute of the International Criminal Tribunal for the former Yugoslavia also defines the seizure of educational, religious, artistic and scientific institutions, their destruction and intentional damage to such institutions as war crimes. The defendants were held responsible for the damage to 52 historical buildings and the destruction of 6 as a result of the attacks on the Old City of Dubrovnik, as these acts were carried out with the sole purpose of damaging historical monuments without any military necessity.

The International Criminal Court's 2016 trial of Ahmad Al Faqi Al Mahdi was the first to specifically prosecute cultural heritage. Ahmad Al Faqi Al Mahdi was convicted of complicity in the organization of

intentional attacks on religious and historical buildings in Timbuktu, Mali, in June and July 2012 and sentenced to 9 years in prison.

The European Court of Human Rights has formed a sufficient number of judicial precedents regarding the protection of cultural heritage. For example, the case of *Beyeler v. Italy* of the European Court of Human Rights, the case of *Chiragov et al. v. Armenia* of the European Court of Human Rights, the case of *the Athenian Society v. the United Kingdom* of the European Court of Human Rights, etc.

The case of the *Inter-American Court of Human Rights*, the case of the *Sawhoyamaxa Indigenous Community v. Paraguay*, and the case of the *Kaliña and Lokono Peoples v. Suriname*, have also formed a significant precedent in this direction.

As can be seen, in the sphere of the protection of cultural heritage, there are sufficient judicial precedents of both the UN International Court of Justice, the International Criminal Court and international military tribunals, as well as regional human rights courts (the European Court of Human Rights, the Inter-American Court of Human Rights, etc.), which should be considered very important not only in international and domestic lawmaking, but also in international and national legal implementation. Here, along with the protection of cultural heritage, the protection of human rights is also considered one of the main directions.

**The fifth paragraph** analyzes the role of international non-governmental organizations in the protection of cultural heritage during military conflicts.

According to Article 11 of the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, each State Party shall cooperate with communities, groups and relevant non-governmental organizations (NGOs) in identifying and defining the various elements of the intangible cultural heritage present in its territory within the framework of safeguarding measures. This imposes a number of obligations on NGOs operating in the field of culture regarding safeguarding measures in this sphere.

As early as 1877, the "Society for the Preservation of Ancient Buildings", founded in England, adopted the Manifesto called the Principles of the Society for the Preservation of Ancient Buildings, which is defined as the first document that encompasses the original and

innovative philosophy and approaches to the protection of ancient buildings.

ICOMOS (International Council on Monuments and Sites) is an NGO promoting the protection of architectural and archaeological heritage. Founded in 1965, this organization evaluates international assistance for the protection of cultural heritage sites and implements training programs based on the principles of the Venice Charter. At the same time, the International Council of Museums (ICOM) is also one of the important NGOs in the field of cultural heritage protection. Established in 1946, ICOM works towards the protection, management and development of museums and collections. Established in 1956, the International Centre for the Study of the Preservation and Restoration of Cultural Heritage (ICCROM) supports the development of interstate cooperation in the field of protection and restoration of cultural heritage and draws public attention to the importance of these issues. In addition, the International Union for Conservation of Nature (IUCN) has been working since 1948 to unite governments, NGOs and scientists to identify candidates for inclusion in the World Heritage List, assess and monitor natural sites in order to protect the diversity of nature. The International Committee of the Red Cross, which signed a Memorandum of Understanding with UNESCO in 2016 to further strengthen cooperation in the field of protection of cultural heritage, is committed to assisting victims of military conflicts and protecting cultural and historical monuments. The Blue Shield organization, established under the 1954 Hague Convention as one of the international NGOs to ensure the protection of cultural heritage during military conflicts, should also be specially mentioned.

Thus, international NGOs play a significant role in the protection of cultural heritage by creating improved legal, technical and social mechanisms. However, broader coordination of the activities of this international NGO with UNESCO and other existing international organizations in the field of protection of cultural heritage can create new opportunities in this direction. At the same time, more inclusive approaches and regional forms of cooperation should be applied in the international NGO system to prevent the deliberate destruction of cultural heritage during military conflicts.

Local NGOs also play an important role in reducing the damage caused to cultural heritage by ensuring direct participation of society in the processes and contributing to its restoration. These organizations can demonstrate a strong position in terms of knowing the needs of society more deeply, establishing relations with local communities and applying international standards in accordance with local realities. The Heydar Aliyev Foundation, which stands out among the NGOs operating in the field of cultural heritage protection in the Republic of Azerbaijan, implements important projects in various fields of culture both within the country and internationally, and closely cooperates with international organizations. In addition, as one of the NGOs, the Western Azerbaijan Community carries out important activities aimed at protecting the rights of Azerbaijanis expelled from the territory of Armenia at the international level, creating the necessary conditions for their return to their native lands, and protecting the historical and cultural heritage of the Azerbaijani people in those territories.

**The fourth chapter, entitled "The role of national legislation in the protection of cultural heritage in times of military conflict" consists of two paragraphs.**

**The first paragraph** analyzes the issues of establishing the legal bases for the protection of cultural heritage in the national legislation of the Republic of Azerbaijan.

In this regard, one of the important intentions of the Azerbaijani people, reflected in the Preamble of the Constitution of the Republic of Azerbaijan - to live in friendship, peace and safety with all the peoples of the world, adhering to universal human values, and to cooperate with this purpose - should be specially noted. Although there is no specific constitutional legal norm in the content directly establishing the protection of cultural heritage in the Republic of Azerbaijan, Article 77 of the Constitution states that it is the duty of every person to protect historical and cultural monuments. Article 16 of the Constitution determines the obligations of the state regarding the protection and development of cultural heritage, and determines the main directions of social and cultural policy in this area. Article 40 of the Constitution of the Republic of Azerbaijan, called "right to culture", establishes the right of everyone to participate in cultural life,

to have contact with and use cultural heritage objects. According to the content of the mentioned legal norm, the obligation of subjects to protect and respect cultural heritage is also established.

The Constitution of the Republic of Azerbaijan, while recognizing the primacy of international legal norms (through Article 151), also envisages both direct application (through Article 12) and, so to speak, indirect application (through Article 148-II) of international legal norms. As a continuation of this, Article 30 of the Law of the Republic of Azerbaijan on the Protection of Historical and Cultural Monuments dated April 10, 1998 states that if there is a contradiction between this Law and interstate treaties to which the Republic of Azerbaijan is a party, based on the Article 151 of the Constitution of the Republic of Azerbaijan, the international treaties shall be applied.

As national legal mechanisms in the field of cultural heritage protection, the main normative bases can be noted as the Law of the Republic of Azerbaijan on Culture dated December 21, 2012, the Law of the Republic of Azerbaijan on the Protection of Historical and Cultural Monuments dated April 10, 1998, and the Law of the Republic of Azerbaijan on the Cultural Capital of Azerbaijan - Shusha city dated May 31, 2021. The Culture Concept of the Republic of Azerbaijan, approved by the Decree of the President of the Republic of Azerbaijan dated February 14, 2014, determines the main directions of state policy related to the protection, development and transmission of cultural heritage to future generations.

In the Republic of Azerbaijan, legal liability for damage to cultural heritage is enforced through sectoral legislation. In this sense, the Code of Administrative Offenses of the Republic of Azerbaijan and the Criminal Code of the Republic of Azerbaijan are the main normative legal acts in determining legal liability in the relevant field. In addition, there are relevant provisions in the Civil Code (Article 187, Article 208), the Urban Planning and Construction Code (Article 4, Article 7, Article 12, Article 93), the Customs Code (Article 126), the Land Code (Article 24, Article 29), and the Forest Code (Article 30).

When analyzing organizational mechanisms, it should be noted, first of all, that the main central executive body in the field of cultural heritage protection is the Ministry of Culture of the Republic of

Azerbaijan. Subsequently, by the Decree of the President of the Republic of Azerbaijan dated December 18, 2014, the State Service for the Protection, Development and Restoration of Cultural Heritage was established under the Ministry of Culture of the Republic of Azerbaijan. In addition, the "Icherisheher" State Historical-Architectural Reserve Department, established under the Cabinet of Ministers of the Republic of Azerbaijan by the Decree of the President of the Republic of Azerbaijan dated February 10, 2005, should also be emphasized.

Thus, in the practice of the Republic of Azerbaijan, the formation of effective domestic mechanisms in the field of cultural heritage protection, which is very important for legal regulation and has been carried out in two important directions complementing each other: the formation of national legislation in this area in accordance with international law; the creation of organizational mechanisms in the form of important state bodies. Additionally, in the practice of the Republic of Azerbaijan, effective domestic mechanisms in the field of protection of cultural heritage have been formed in the direction of recognizing the primacy of international legal norms and broad cooperation with international organizations. At the same time, despite the implementation of effective regulation in the field of protection of cultural heritage in the practice of the Republic of Azerbaijan, it should be noted that in a number of areas, additional normative legal acts should be adopted (for example, a separate state program providing for the development of cooperation with international intergovernmental and non-governmental organizations, etc.). Furthermore, there is a need to improve and develop relevant internal organizational mechanisms in the field of protection of cultural heritage.

**The second paragraph** identifies issues related to the protection of cultural heritage in the national legislation of foreign states and their comparative legal analysis is carried out.

In Italy, cultural heritage is considered state property, and even cultural objects in private ownership are under strict control. In addition, Italy is the country with the largest number of heritage sites on the UNESCO World Heritage List, which contributes to its international recognition as the country hosting the largest number of cultural heritage sites. In Italy, the Ministry of Heritage and Cultural Activities is

responsible for the protection of cultural heritage. In accordance with the "Devolution Laws" adopted in the late 1990s, the regions were given legislative powers at the same level as the state in the field of heritage assessment. The Cultural Heritage and Landscape Code (Codice dei Beni Culturali e del Paesaggio), adopted by Italy in 2004, defines the protection of cultural heritage as one of the main directions of state policy and provides for strict administrative and criminal legal measures to ensure the protection of cultural heritage sites. In addition, Italian legislation encourages the active participation of local communities and citizens in the protection of cultural heritage, actively involving cultural foundations and non-governmental organizations in this process.

The foundation of cultural heritage legislation in France was laid by the Law on the Protection of Historic Monuments, adopted in 1913. More specifically, the main legal basis for the protection of cultural heritage in France is the Heritage Code (Code du Patrimoine), adopted in 2004. The Heritage Code is of a blanket nature and expands the definition of heritage by referring to the provisions of the relevant UNESCO convention. French urban planning legislation is also of great importance in terms of the protection and development of cultural heritage. The Urban Planning Code (Code de l'urbanisme) aims to both protect cultural heritage and ensure its integration into the urban environment. In this context, two other key laws are of particular importance: the Law on Freedom of Creation, Architecture and Heritage (LCAP), adopted in 2016, and the Law on Housing Development, Urban Planning and Digital Technology (ELAN), adopted in 2018.

The basis for the protection of cultural heritage in the United States is the National Historic Preservation Act of 1966. This normative legal act established the National Register of Historic Places and provides for the official state registration and enhanced protection of cultural heritage sites, such as districts, areas, buildings, and structures of federal or state significance, distinguished by their historical, architectural, or archaeological value. In addition, in the field of cultural heritage protection in the United States, a number of normative legal acts can be noted, such as the Lieber Code of 1863, the Antiquities Act of 1906, the Archaeological Resources Protection Act of 1979, and the Native American Graves and Repatriation Act of 1990.

One of the main legal acts in Israeli legislation in this area is the Antiquities Law of 1978, which states that all historical, archaeological and cultural sites created before the year 1700 within the territory of Israel are considered state property and their protection, study and restoration are carried out by the Israel Antiquities Authority. In addition, the Planning and Building Act of 1965 emphasizes the importance of paying special attention to cultural heritage sites in urban planning and construction projects in order to ensure the protection of historical and cultural monuments. The National Parks, Nature Reserves, National Monuments and Memorials Law of 1998 also provides additional legal protection for cultural heritage sites. The 1977 Israeli Criminal Law also provides for the protection of cultural heritage through certain provisions.

The main legislative act in the field of cultural heritage protection in the People's Republic of China is the Cultural Heritage Protection Law adopted in 1982, which sets out the basic principles for the protection, management and use of cultural heritage. The Criminal Code of the People's Republic of China also sets out important norms for the protection of cultural heritage.

The Ancient Monuments, Archaeological Sites and Remains Act adopted in 1958, one of the main legislative acts ensuring the protection of India's historical and cultural heritage, aims to protect monuments of historical, archaeological and artistic importance and pass them on to future generations. The Antiquities and Art Treasures Act of 1972 regulates the export trade of antiquities and artefacts and aims to prevent their smuggling and illegal circulation. In addition, the Indian Penal Code of 1860 also contains a number of provisions aimed at protecting cultural heritage. The new Indian Penal Code, which came into force on July 1, 2024, contains more extensive provisions in Chapter XVI to protect cultural heritage and religious beliefs of people.

The first normative legal act regulating issues in the field of cultural heritage protection in the Republic of Türkiye can be considered the Law on Antiquities adopted in 1973. The Law on Antiquities was repealed in 1983 with the adoption of the Law of the Republic of Türkiye on the Protection of Cultural and Natural Resources. Within the framework of the administrative reforms carried out in 2004-2005 in the

field of cultural heritage protection in the Republic of Türkiye, the role of local government was strengthened. Within the framework of these reforms, in accordance with Article 14 of the Municipal Law No. 5393 of 2005, municipalities were authorized to engage in the protection, repair and reconstruction of cultural and natural heritage within their borders.

The Law of the Republic of Kazakhstan on Culture adopted in 2006 establishes the legal, economic and social foundations in the field of promotion, protection and use of cultural heritage. Also, the issues of protection and use of cultural heritage in the Republic of Kazakhstan are regulated by the Law on the Protection and Use of Historical and Cultural Heritage Objects, adopted in 2019.

The Law of the Republic of Uzbekistan on the Protection and Use of Cultural Heritage Objects, adopted in 2001, establishes the legal basis for the discovery, registration, protection, use and promotion of cultural heritage objects.

Among the main acts included in the regulatory framework for the protection of cultural heritage of the Russian Federation, the Law on the Export and Import of Cultural Property of 1993, the Law on Cultural Values Transferred to the USSR as a Result of World War II and Remaining on the Territory of the Russian Federation of 1998, the Law on Cultural Heritage Objects of the Peoples of the Russian Federation (Monuments of History and Culture), etc. can be noted.

**The fifth chapter is entitled “Protection of cultural heritage and issues of international legal responsibility in the context of the Armenian-Azerbaijan conflict” and consists of two paragraphs.**

**The first paragraph** analyzes the issues of damage to cultural heritage in the context of international crimes committed by the Republic of Armenia against the Republic of Azerbaijan.

As a result of Armenia's renewed policy of aggression, which began in the late 1980s, Azerbaijan's cultural heritage suffered significant damage for nearly 30 years. This damage was caused not only during the First Karabakh War, but also throughout the entire period of occupation, and attempts were made to appropriate cultural heritage.

In the occupied territories of the Republic of Azerbaijan for a long time, not only cultural heritage objects were looted, but also natural ecosystems were seriously damaged, and forests, rare vegetation and

unique biodiversity that have existed for thousands of years were destroyed. Monitoring and reports indicate that Armenia has committed acts such as destruction, vandalism or falsification of religious and historical monuments on a massive scale. Acts of vandalism observed with particular prejudice should be assessed as an attempt to erase cultural identity.

The cultural heritage objects that suffered the most as a result of Armenia's illegal actions, accompanied by its policy of international crimes, are precisely the places of religious worship. Therefore, it is these places that have been destroyed, misused, and obliterated. This is enough to show the extent of the damage caused. It should be noted that these illegal actions were carried out with the aim of erasing the historical and cultural traces of the people by damaging and destroying cultural heritage objects. As can be seen, these illegal actions of Armenia resulted not only in the destruction of the cultural heritage of Azerbaijan, but also in the destruction of the world's cultural heritage.

**The second paragraph** analyzes the issues of international legal responsibility for the destruction and damage to the cultural heritage of Azerbaijan as a result of the internationally unlawful actions of the Republic of Armenia. In this case, first of all, the issues of responsibility are carried out by analyzing the fundamental, universally recognized principles of international law.

When analyzing the principle of respect for human rights and fundamental freedoms, as one of the fundamental, universally recognized principles of international law, the violation of cultural rights related to cultural heritage as a result of the internationally unlawful actions of Armenia can be classified in several ways: the destruction of cultural heritage examples belonging to the Republic of Azerbaijan and its people; the looting of cultural heritage examples belonging to the Republic of Azerbaijan and its people, their sale in other countries, demonstrating them as cultural heritage examples belonging to other peoples, etc.; Armenianization of cultural heritage samples belonging to the Republic of Azerbaijan and its people or attempts to do so; destruction, looting, erasure and desecration of cemeteries belonging to the Azerbaijani people from various historical periods; the obstruction of the introduction of cultural heritage examples belonging to the

Republic of Azerbaijan and its people in the world, etc.; the illegal archaeological and other research in the territory of the Republic of Azerbaijan; attempts to change the names of historical places and settlements in the long-occupied territories of the Republic of Azerbaijan and make them Armenian; the loss of craftsmanship practices belonging to the Azerbaijani people; the disruption of the cultural, spiritual, and customary systems accumulated over centuries by people who became internally displaced persons as a result of the occupation of the territories of the Republic of Azerbaijan; Armenia's failure to implement the decisions of international organizations on preventing the destruction of cultural heritage examples belonging to the Republic of Azerbaijan and its people; etc.

The crimes committed by Armenia against the cultural heritage of Azerbaijan were committed not only in the territories of the Republic of Azerbaijan that that were under long-term occupation, but also in the territory of Western Azerbaijan, where Azerbaijanis historically lived. These crimes not only encompassed genocide, crimes against humanity, war crimes, but also included international crimes such as terrorist acts, among others. The destruction of historical, cultural and religious monuments historically belonging to Azerbaijan in the territory of Western Azerbaijan is also part of the international crimes committed against the Republic of Azerbaijan and its people. Also, ancient and recent monuments belonging to Azerbaijanis in Armenia have been completely destroyed and continue to be demolished. In addition, ancient toponyms in Western Azerbaijan, which belong to the historical places of the Azerbaijani people and statehood, have been completely changed in all directions and places in order to seriously distort their original characteristics and erase any possible traces, which is an integral part of the cultural genocide policy implemented by Armenia.

**The Conclusion part** of the dissertation reflects the scientific results obtained in connection with the research, which can be generally expressed as follows:

1. In the regulation of issues concerning the protection of cultural heritage during military conflicts, international human rights law, international humanitarian law, and international criminal law play a direct role. Indirectly, other branches of international law, such as the law

of state responsibility, international environmental law, the law of international organizations, and the law of treaties, are also significant. At the national level, branches of domestic law such as constitutional law, criminal law, civil law, and administrative law hold an important role.

2. A comprehensive approach to the problem of protection of cultural heritage has necessitated the adoption of a broad understanding of this concept. Furthermore, although different forms of military conflicts are distinguished and regardless of their status as parties and who (states, groups, etc.) acts, the issues of protecting cultural heritage during that period are of great importance.

3. The fact that the protection of cultural heritage during military conflicts has a rather ancient history and development characteristics, including the characteristic features of each period reflecting the relations of that period, has included important issues from the formation of ideas for the protection of cultural heritage to their normative determination.

4. The main directions of cultural heritage protection are also reflected in the international documents adopted in the field of human rights, with a broad definition of cultural rights. The above-mentioned are further strengthened by international court precedents.

5. The normative-legal basis in the field of cultural heritage protection during military conflicts can be classified as: international documents that serve as the basis for the adoption of all international instruments; international customary norms; international treaties that incorporate hard legal norms; international documents that incorporate recommendatory or “soft” legal norms; decisions of international organizations and international courts; model treaties that can play an important role in the formation of national legislation; bilateral treaties.

6. The role of international organizations in the protection of cultural heritage during military conflicts is significant, and it is currently necessary to identify important elements for development in this direction (improvement of implementation and enforcement mechanisms; strengthening of sanction mechanisms; taking important measures to restore cultural heritage damaged or destroyed as a result of military conflicts; application of modern technologies and innovative approaches, etc.).

7. Although the activities of UNESCO as the main international organization in the protection of cultural heritage are of great importance, the weakness of the enforcement mechanisms of the legal framework it has formed, the failure of the conflicting parties to comply with their international legal obligations, and the limited resources they possess, make it necessary to streamline and activate the organization's activities.

8. The directions necessary for strengthening the activities of ICESCO (development of UNESCO-ICESCO relations; formation and further development of relevant mechanisms within ICESCO both at the organizational level and at the treaty level; establishment of close cooperation relations between ICESCO and international and national NGOs; etc.) can lead to achieving significant results in the field of protection of cultural heritage.

9. One of the main directions for ensuring the protection of cultural heritage during military conflicts is the need for the adoption by the UN, as the main international organization in the regulation of international relations, of a universal unanimous international document within UNESCO, which provides for effective international monitoring mechanisms, as well as expands the role of international and local NGOs, and at the same time defines important obligations and international responsibility measures in this area.

10. National normative-legal and organizational mechanisms for the protection of cultural heritage in the Republic of Azerbaijan, including the Constitution of the Republic of Azerbaijan, have been formed in the direction of integration into the international community by defining the main legal framework ensuring the protection of the country's historical, cultural and spiritual values.

11. The development of existing national mechanisms in the Republic of Azerbaijan, using the experience of foreign countries that incorporate advanced and real practical systems for the protection of cultural heritage, can have a significantly positive impact on the efficiency of state activities in the field of cultural heritage protection.

12. The Code of Administrative Offenses and the Criminal Code, being the main normative basis for establishing legal liability in the protection of cultural heritage in the Republic of Azerbaijan, define effective mechanisms for the protection of cultural heritage objects,

prevention of violations of law in this area and prosecution of persons who commit violations of law, complement each other and, while forming a unified national legal system, need further improvement.

13. The unlawful actions committed by Armenia against the cultural heritage of Azerbaijan can be determined in a number of directions: violation of the fundamental, universally recognized principles of international law and provisions of international treaties; failure to implement decisions of international organizations and international courts; non-compliance with the provisions of a number of international documents signed on a bilateral basis; the long-standing failure and violation by Armenia of negotiations on the complete end of the Armenia-Azerbaijan conflict and the establishment of peaceful relations.

14. The scale of the damage inflicted by Armenia against the Republic of Azerbaijan can be assessed in several directions: direct damage; lost benefits; moral and social damage. In order to determine these damages, in the first stage, a complete inventory of the destroyed, looted, and damaged cultural heritage should be carried out, in the second stage, the financial costs required for the restoration of the destroyed, looted, and damaged cultural heritage should be specified, and in the third stage, an assessment of the loss of economic potential should be carried out. The Republic of Azerbaijan should continue its international activities to achieve a comprehensive assessment and accountability for the damages caused as a result of the international crimes committed by Armenia, the application of international liability measures should be achieved, and implement other activities as well (assessment of the destruction of cultural heritage by establishing international research groups and informing the world community, organization of technical and financial assistance for the restoration of cultural heritage, obtaining support from international organizations, etc.).

15. The unlawful actions committed by Armenia against the cultural heritage of Azerbaijan are characterized as international crime, but also gross, systematic violations of human rights, which are classified in various aspects in the dissertation. Furthermore, it should be specifically noted that the illegal actions committed by Armenia

against the cultural heritage of Azerbaijan were committed not only in the territories of the Republic of Azerbaijan, which it has occupied for a long time, but also in the territory of Western Azerbaijan, where Azerbaijanis have historically lived, and are still ongoing.

**The following scientific works of the applicant were published in connection with the dissertation research:**

1. Norms of soft law in international legal regulation of cultural heritage protection. *International Law and Integration Problems*, 2021, № 1 (62), p. 25-32.

2. The role of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Additional Protocols in regulating relations in this area. *Azerbaijan Law Journal (Azərbaycan Hüquq Jurnalı)*, 2021, № 2, p. 129-140 (in Azerbaijani).

3. International legal principles of protecting cultural heritage during military conflicts. *Azerbaijan Law Journal (Azərbaycan Hüquq Jurnalı)*, 2021, № 3, p. 98-113 (in Azerbaijani).

4. International legal aspects of the protection of cultural heritage during military conflicts with important international documents. *International Conference: XXI Century, new challenges and modern development tendencies of law*, Baku State University. Baku, 2021, *Book of Abstracts*, p. 75-76 (in Azerbaijani).

5. International organizational mechanisms for the preservation of cultural heritage. *Universitatea di stat din Moldova (Moldova)*, 2022, № 8, p. 121-127.

6. Substantial international norms on cultural heritage protection. *Problems of civil law and procedure: collection of scientific articles*, Yanka Kupala State University of Grodno (Belarus) (*Проблемы гражданского права и процесса: сб научных статей, ГрГУ им. Янки Купалы (Беларусь)*), 2022, № 7, p. 389-396.

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14. International crimes and protection of cultural heritage. International scientific and practical conference: "Strategic directions of combating crime at the national and transnational levels" (Russian Federation), 2023, p. 62-68.

15. International legal problems of protecting the cultural heritage of the Azerbaijani people in Western Azerbaijan. Materials of the international scientific conference on "Modern development trends of legal science and education", Baku, 2023, p. 317-324 (in Azerbaijani).

16. The concept of war, armed conflict and military conflict. Law (Qanun), 2024, № 9 (359), p. 31-38 (in Azerbaijani).

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