

How Can the International Community Respond to the Damage to and Destruction of Iran's Cultural Heritage Caused by Illegal US-Israeli Aggression?

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It is a sad fact that the question of safeguarding Iran's cultural heritage during armed conflict has now become one of immediate importance to the country following the egregious attacks on Iran's historic monuments and sites during the illegal Ramazan War waged against Iran by the United States of America ('US') and Israel. This war began on 28 February 2026 with attacks that included the bombing of a girls' primary school in Minab (Southwest Iran) in which 168 children were killed and the assassination of the country's Supreme Leader. At the time of writing, a shaky ceasefire that began on 8 April continues to hold, but no final peace agreement has yet been concluded. It is essential that these aggressor states are held to account for the attacks against Iranian cultural heritage committed during this war – many of which constitute harm to humanity as a whole – when the dust has metaphorically settled since this destruction is not simply 'collateral damage' but is an attack against Iranian culture, civilization and identity.

During the enemy aggression against Iran, over 120 historical sites and buildings have been damaged,² among which were the over 200-year-old Rashak Palace in Isfahan which has been largely destroyed. Other cultural heritage sites that have been damaged include the World Heritage properties of the Golestan palace complex in Tehran (dating from the Safavid era and developed further during the Qajar dynasty in the 18th to 19th centuries CE), Chehel Sotoon Palace and Imam Square in Isfahan – also known as the Naqsh Jahan or 'Map of the World' – which is the site of some of the most significant monuments of the early Safavid period such as the Ali Qapoo Palace. These World Heritage properties are not only highly significant for Iranian history and identity, but are also deemed to be of outstanding universal significance such that their damage constitutes a harm to all humankind. In addition, the complete destruction of the Rafi-Nia Synagogue in central Tehran by a US-Israeli strike on 7 April during the Jewish holiday of Passover was a clear violation of the international humanitarian law prohibition on attacking religious as well as cultural and historical monuments and sites. This and other damage and destruction caused to Iran's historic sites by the United States and Israeli bombing campaign is not only in contravention of UNESCO's 1954 'Hague' Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) but also of the 1949 Geneva Conventions (and their Additional Protocols of 1977) and customary international humanitarian law. It further constitutes violations of cultural heritage and human rights law.

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² Source: 'Scholars condemn damage to Iran's cultural heritage', Tehran Times newspaper 21 April 2026.

Of course, this is not just an issue for Iran and, during 2024-26, there were 112 active armed conflicts of which some have continued for one or more decades; 34 of these are of an international nature and 78 are internal conflicts.³ Armed conflicts today also carry serious consequences for civilian populations, in particular forced displacement, which can also have an impact on cultural heritage either through the separation of populations from their material culture or making it extremely difficult to practise their cultural traditions. According to UNHCR, by the end of June 2024 122.6 million people worldwide had been forcibly displaced from their homes due to persecution, conflict, violence, human rights violations and events seriously disturbing public order.⁴ Although this massive forced migration was not all due to armed conflict and pressures due to climate heating are increasingly the cause of displacement, by far the largest number of this 122.6 million people were directly or indirectly impacted by conflicts.

The international humanitarian law framework

The protection of cultural property during armed conflict was raised at the Hague Peace Conference in 1899 and the 1907 Hague Convention IV on the Laws and Customs of War on Land explicitly prohibited the looting of cultural property. In 1935, the Treaty on the Protection of Artistic and Scientific Institutions and Historic Monuments (the 'Roerich Pact') was signed in Washington, Article 1 of which stated that "historic monuments, museums, and scientific, artistic, and educational institutions shall be considered neutral and must be respected and protected by belligerents." Now superseded by more recent agreements, this provision sets out a fundamental principle and norm of international law with regard to protection of cultural property and monuments during armed conflicts.

The four Geneva Conventions were adopted on 12 August 1949 under the aegis of the International Committee of the Red Cross and codify the customary law of armed conflict. Under the Geneva Conventions regime, the destruction or seizure of enemy cultural property can only be permitted when this can be justified by military necessity. Additional Protocol I to the 1949 Geneva Conventions (1977) prohibits attacks on the civilian population— now better known, perhaps, as 'collateral damage' —and restricts the purpose of any attack to strictly military objectives (excluding strictly civilian infrastructure and industry. Notably, Article 53 explicitly prohibits any hostile acts against historical monuments and places of worship.

UNESCO's Convention for the Protection of Cultural Property in the Event of Armed Conflict (the 'Hague Convention', 1954) is now commonly regarded as the most important instrument adopted on this subject. This treaty was ratified by Iran in 1959, and both Israel and the United States are also Parties (since 1957 and 2009, respectively). Under this treaty, causing damage to or destruction of cultural heritage (including religious and historic buildings) is prohibited (Article 4) and can be construed as not only a contravention of the treaty's rules but also a

³ See: <<https://warwatch.ch/>>

⁴ See: <<https://www.unhcr.org/uk/about-unhcr/who-we-protect/internally-displaced-people>>

harm to the international community as a whole (Preamble). The customary nature of this prohibition gives it a greater strength as a legal imperative. The 1954 Hague Convention is based on the premise that protecting cultural heritage is not solely the responsibility of the state where the property is located but, rather, this protection is of great importance to all the peoples of the world and therefore requires their collective support.⁵

It is important to note that none of the cultural monuments in Iran that have been damaged in the recent US-Israeli attacks have any military purpose nor have any of them been used for such purposes, and so there was no military reason for attacking them directly. These sites are tourist sites for civilian use only, as one can easily confirm by a cursory examination of documents available on the UNESCO website and innumerable tourism information brochures and websites and other information sources. As a consequence, there appears to be no legal justification under the argument of military necessity for these attacks on Iranian cultural heritage which begs the question as to the purpose; given the numerous attacks on the country's military and political leadership, schools, universities, hospitals, health centres and first responders it would appear to be part of a wider attempt to cause disorder and break the morale of the Iranian populace. In response to the claim that their damage or destruction was due to the impact of strikes nearby (as was claimed by Israel in the case of the destruction of the Rafi-Nia Synagogue in Tehran), it is hard to imagine how this could have been true for 120 historical sites and buildings although it may have been the case for a small number of these. It is hoped that this question as to the justifications made for these strikes which have caused this damage to a cultural heritage of such importance not only to Iran but also to the world will be examined after the war is over and any culpability appropriately assigned.

State and individual responsibility and universal jurisdiction

The intentional and serious destruction of cultural heritage that is of significant value for humankind constitutes a breach of general international law that is applicable both in peacetime and in the event of armed conflicts, entailing international responsibility on the part of the acting State and the possibility of recourse to international sanctions against it.⁶ In addition, the Geneva Conventions of 1949 and UNESCO's 1972 World Heritage Convention have both been ratified by 196 countries and so enjoy universal application. Hence, the Parties to these treaties also can invoke the principle of state responsibility for the damage to and destruction of Iran's cultural heritage on the basis of the obligations *erga omnes partes* enshrined in these treaties. Moreover, damage to sites and monuments that are internationally recognized as World Heritage constitutes a harm to the heritage of all humanity in view of their outstanding and universal value.

⁵ The First Protocol on the Protection of Cultural Property in the Event of Armed Conflict, to which Iran and Israel are both Parties but the United States is not, was also adopted in 1954 which primarily addresses the illicit movement of cultural objects. A Second Protocol was adopted in 1999, to which none of the three parties to this conflict are States Parties.

⁶ Francesco Francioni and Federico Lenzerini, 'The Destruction of the Buddhas of Bamiyan and International Law,' (2003) *European Journal of International Law*, 14(4): 619–651, <https://doi.org/10.1093/ejil/14.4.619>.

The destruction of and serious damage to cultural heritage during armed conflict also carry international criminal liability under Article 8 of the Rome Statute of the International Criminal Court (1998). This treaty states that the intentional targeting of religious, educational, artistic, or historic sites that are not military objectives constitutes a war crime. Recent developments in international criminal law, in particular the *Al Mahdi* case heard before the ICC,⁷ demonstrate that international courts now regard the deliberate destruction of cultural heritage as a war crime.

A further aspect of this discussion that is important is that of universal jurisdiction. Under international law, the national courts of all countries are authorized (and arguably required) to prosecute the perpetrators of war crimes, including those responsible for attacks on civilians and cultural heritage. This obligation exists regardless of the jurisdiction in which the crimes were committed.

Non-material heritage

Today, when we talk about “cultural heritage” we also include its non-material elements, known as “intangible cultural heritage”, that are primarily safeguarded under UNESCO’s 2003 Convention for the Safeguarding of the Intangible Cultural Heritage. This heritage comprises “practices, representations, expressions, knowledge, skills” that are inter-generationally transmitted and represent the adaptation of bearer communities to their environment and historical experience.⁸ It also provides them with “a sense of identity and continuity” which is essential for the health and sustainability of society. Of relevance to existing international humanitarian law (IHL), this heritage also extends to “the instruments, objects, artefacts and cultural spaces associated” with it and so can also encompass some movable physical objects and places used in its practice.⁹ These objects may be musical instruments, masks or costumes, handicraft tools or sacred or ritual items. Many ICH elements depend on specific spaces and buildings for their enactment and performance, which would not fall within the normal definition of a protected place under any of the relevant humanitarian law.

ICH is manifested in a number of domains of which the following are seen as the predominant ones: oral traditions, performing arts, social practices and rituals, knowledge about nature and the universe and traditional craft skills.¹⁰ Iran is exceptionally rich in this form of heritage, with Persian carpets and miniatures celebrated worldwide while the country’s musical traditions encompass numerous regional variations and the country is home also to a unique culinary heritage. The 27 elements inscribed by Iran on the two lists and the Register of the

⁷ Karolina Wierczyńska and Andrzej Jakubowski, ‘Individual Responsibility for Deliberate Destruction of Cultural Heritage: Contextualizing the ICC Judgment in the *Al-Mahdi* Case,’ (2017) *Chinese Journal of International Law*, 16 (4): 695–721, <https://doi.org/10.1093/chinesejil/jmx029>.

⁸ Intangible cultural heritage is defined in Art.2(1) of the 2003 UNESCO Convention.

⁹ Roger O’Keefe, Study on the legal consequences for violation of the immunity of cultural property under enhanced protection, UNESCO, 2025, at <https://unesdoc.unesco.org/ark:/48223/pf0000396396>.

¹⁰ According to Art.2(1) of the 2003 UNESCO Convention.

2003 Convention¹¹ are a testament to the wealth and diversity of this heritage in Iran.¹² The full list is given in the footnote, but we can mention 2 or 3 to illustrate how diverse these elements are and how deeply embedded some are in everyday life: Nowrouz or Persian New Year inscribed on the Register of Intangible Cultural Heritage of Humanity (RL) in 2024; Sericulture and traditional production of silk for weaving inscribed on the RL in 2022; Turkmen-style needlework art inscribed on the RL in 2022; and Flatbread making and sharing culture inscribed on the RL 2016. Although some are closer to high art, others of these elements represent a way of life and the ability to live sustainably and all are essential to national or community identity. As we see also, Iran's ICH is not limited to the five domains set out in the 2003 Convention¹³ and also covers, among other things, a deep and extensive traditional medicinal knowledge and spiritual traditions.

The nature of ICH – otherwise known as 'living heritage' – means that safeguarding it during periods of armed conflict presents a rather different challenge from protecting buildings, monuments and sites. Traditionally, the protections afforded by IHL have focused on monuments with a special cultural and/or religious significance and movable cultural objects. However, the extreme suffering caused by modern armed conflicts to civilian populations, in particular women and children who face disproportionate impacts as a consequence of displacement, is a serious issue to be addressed. So far, over 3,440 Iranian civilians have been killed, over 26,000 wounded and 3.2 million are estimated to be displaced internally by the US-Israeli attack on Iran.¹⁴ When considering the safeguarding of ICH during armed conflict, a major part of that consideration must be focused on the protection of civilians and civilian objects, whether in conflict zones or as displaced persons and refugees. Practising their ICH

¹¹ List of Intangible Cultural Heritage in Need of Urgent Safeguarding (USL); Representative List of the Intangible Cultural Heritage of Humanity (RL); and the Register of Good Safeguarding Practices (RGSP). These are provided for in Articles 16, 17 & 18, respectively.

¹² These 27 elements are: Ayeneh-Kari, the art of mirror-work in Persian architecture (RL, 2025); Ceremony of Mehregan (RL, 2024); Art of crafting and playing rubab/rabab (RL, 2024); Nawrouz, Nowruz, Nowrouz, Nowrouz, Nawrouz, Nauruz, Nooruz, Nowruz, Navruz, Nevruz, Nowruz, Navruz (RL, 2024 – a multinational element initially inscribed in 2012); Iftar/Eftari/Iftar/Iftor and its socio-cultural traditions (RL, 2023); Art of illumination: Təzhib/Tazhib/Zarhalkori/Tezhip/Naqqoshlik (RL, 2023); Sadeh/Sada celebration (RL, 2023); Sericulture and traditional production of silk for weaving (RL, 2022); Yaldā/Chella (RL, 2022); Turkmen-style needlework art (RL, 2022); Crafting and playing the Oud (RL, 2022); National programme to safeguard the traditional art of calligraphy in Iran (RGSP, 2021); Pilgrimage to the St. Thaddeus Apostle Monastery (RL, 2020); Art of miniature (RL, 2020); Traditional skills of crafting and playing Dotār (RL, 2019); Art of crafting and playing with Kamantcheh/Kamancheh, a bowed string musical instrument (RL, 2017); Chogān, a horse-riding game accompanied by music and storytelling (RL, 2017); Flatbread making and sharing culture: Lavash, Katyrma, Jupka, Yufka (RL, 2016); Qālišūyān rituals of Mašhad-e Ardehāl in Kāšān (RL, 2012); Naqqāli, Iranian dramatic story-telling (USL, 2011); Traditional skills of building and sailing Iranian Lenj boats in the Persian Gulf (USL, 2011); Traditional skills of carpet weaving in Kashan (RL, 2010); Traditional skills of carpet weaving in Fars (RL, 2010); Music of the Bakhshis of Khorasan (RL, 2010); Pahlevani and Zoorkhaneh rituals (RL, 2010); Ritual dramatic art of Ta'zīye (RL, 2010); and the Radif of Iranian music (RL, 2010).

¹³ At Art.2. These are: (a) oral traditions and expressions, including language as a vehicle of the intangible cultural heritage; (b) performing arts; (c) social practices, rituals and festive events; (d) knowledge and practices concerning nature and the universe; and (e) traditional craftsmanship.

¹⁴ Official statistics provided by the Iranian Ministry of Health and the UNHCR.

can help people displaced or otherwise impacted by war to preserve their social and cultural identity and their dignity, and even to re-build their lives post-conflict by using the skills and knowledge they carried with them.

A human rights-based approach

Importantly, access to and enjoyment of cultural heritage – one's own and that of others – is also a human right protected under Article 15(1) of the UN International Covenant on Economic, Social and Cultural Rights (1966) which is a widely adopted treaty. Hence, damage to these Iranian cultural monuments not only contravenes the aforementioned international humanitarian and cultural heritage law, but is also a violation of the human rights of the people of Iran and any other people around the world who wish to enjoy this unique and outstanding heritage. Most importantly, its damage causes serious harm to the cultural identity of all Iranians and is an attack not only on their monuments but also on their human dignity.

Is there any remedy available?

Of course, what all this leads us to is not only the question as to how we can prevent such damage and destruction to cultural heritage during future conflicts, but also what remedies exist *ex post facto* for such egregious acts. Iran might have recourse to the ICJ and, as we have seen, the basis for a complaint against both the US and Israel under international law. However, the first and obvious impediment to this course of action is the voluntary nature of the jurisdiction of the Court and the likelihood that the US and Israel will simply refuse to be Parties to any action. In addition, the damage to and destruction of cultural heritage would probably form only a small part of a much broader complaint. Since none of the three parties to the conflict are States Parties to the Rome Statute (1998), the only avenue available for Iran to make a complaint to the ICC would be through referral by the UN Security Council¹⁵ which is hard to imagine given the US veto on the UNSC. This leaves invoking State responsibility on the grounds either of violation of an *erga omnes* obligation (if the violation is deemed sufficiently serious) or of an *erga omnes partes* obligation (under the 1972 World Heritage Convention, for example) which could lead to sanctions or other measures taken against the US and Israel. This is an avenue legally open to most, if not all, countries but the question is whether any of the States with sufficient economic and political clout would decide to take such action. Further, more political, action may also be taken in relevant intergovernmental frameworks such as the World Heritage Committee, the Committee of UNESCO's 2003 Convention,¹⁶ the Human Rights Committee and the CESCR.

¹⁵ Acting under Chapter VII of the UN Charter.

¹⁶ Here, it is noteworthy that some of the damage caused to historical buildings included to the mirror-work which was inscribed by Iran on the RL in 2025 as the Ayeneh-Kari element.