If Memory Serves: Losing Intangible Cultural Heritage Amidst The Syrian Civil War

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ISIL Occasional Paper

Abstract

The ongoing Syrian Civil War has precipitated a devastating wave of epistemicide, i.e. a systematic eradication of Intangible Cultural Heritage (ICL) and obliteration of the collective memory of the Syrian people. The present paper aims to locate and examine the notion of ICL within the Syrian context in the preservation of Syrian identity through oral traditions, rituals, and performing arts.

The paper commences with situating epistemicide as an elemental violation of humanitarian law. This is followed by an evaluation of extant international instruments on the matter, i.e. the 1954 Hague Convention and the 2003 UNESCO Convention. It is sought to scrutinise their effectiveness and applicability in addressing the destruction of ICL in Syria with the goal of identifying and foregrounding significant gaps and limitations.

Thereafter, comparative case studies of efforts to safeguard ICL in key regions of Syria are employed to highlight both successful strategies (including UNESCO initiatives in one particular region) alongside the challenges encountered in protecting said cultural heritage amidst conflict. The paper culminates in synthesising these findings to propose suggestions that carry the potential to allow for reforms that are culturally sensitive, legally robust, practically feasible, and endeavour to build and fortify resilience against present and future threats.

Keywords: Syrian Civil War, Epistemicide, Intangible Cultural Heritage, 1954 Hague Convention, 2003 UNESCO Convention.

I. Introduction: Contextualization and Research Rationale

A. Intangible Cultural Heritage in Syrian Identity

Intangible Cultural Heritage (hereinafter referred to as "ICH"); it is a term laden with meaning; its truest extent needs and deserves pages upon pages of description. Elementally, it is akin to a patchwork fabric; woven of memory and of identity within Syrian society. It embodies a collective legacy of oral traditions, rituals, and performing arts. These cultural expressions not only serve as the repository of historical consciousness but also function as active agents in the social cohesion and the determination of the Syrian personal selfhood.[1]

Oral traditions in Syria, such as storytelling (*Hikaye*) and poetic duels (*Zajal*), play a pivotal role in transmitting the collective remembrance and moral values of the community. They are often performed in social gatherings and narrate tales of heroism, ethics, and ancestral wisdom from Syrian history and mythology.

Scholars note their utility in preserving the historical and cultural ethos of Syria, which is then passed down through generations.[2] Moreover, Al-Sabouni highlights the role of architecture in these storytelling practices, observing that the local environment (which they call the "memory of place") in cities like Aleppo and Damascus enriches the narratives recounted during *Hikaye* and *Zajal* sessions. They further find that these narratives are not static; they evolve and morph with the society, reflecting and responding to the contemporary challenges Syrians face, particularly in times of conflict.[3]

Performing arts, such as the traditional dance of *Dabke,* fulfil a similar function. *Dabke*, which often involves traditional line and circle dances at social events and celebrations, including weddings and birthdays, is more than just a dance; it is a ritual that strengthens community bonds and reaffirms social values. This is because work by Shannon reveals that *Dabke's* steps and rhythms are taught from one generation to the next, thereby becoming a transmitted dance language that expresses societal emotions and stories.[4]

Moreover, religious festivals such as *Ramadan* and *Eid* are imbued with customs that are unique to Syrian culture, involving the consumption of specific foods and the performance of specific prayer rituals. Al-Sabouni notes these practices as crucial in maintaining the psychological well-being of individuals, providing a sense of normalcy, the presence of a "Syrian people," and civilizational continuity amidst the disruption caused by the Syrian Civil War (hereinafter referred to as "the War"). They even find mosques and historical buildings containing carvings of descriptions concerning *Ramadan* and *Eid* customs. The same is reflective of the linking between tangible and intangible cultural elements [5]

B. The Imperative to Write

The War has not only inflicted immense physical devastation but has also eroded ICH and the Syrian sense of belonging.[6] The loss of the former portends a cultural amnesia that could sever countless generations from their historical moorings. The present paper is an attempt towards shedding light on this erosion. This is hoped to not merely end as an academic exercise in scholarship; the endeavour is to notify people of a silent languishing, an unseen tragedy hidden behind a more visible, more violent one.

More attention would entail more awareness; perhaps more field studies might be commissioned, greater funding and suggestions might ensue for preservation and rehabilitation efforts, for in art as in life, recovery is vital. This is the hope and objective behind the writing of this paper; the necessity of its subject matter cannot be overstated, only understated.

Further, research on the loss of ICH in Syria is necessary, firstly, because it provides a systematic record of what is being lost in the tumult of war. Its intangibility must be framed in the context argued by Darke, where they see ICH as the "soul of the society," which, once lost, leaves communities bereft of their unique cultural identities and anchoring to their homeland.[7]

Furthermore, documenting ICH can mobilise targeted international support and intervention as a critical resource for healing and recuperation. This cultural and social rebuilding has been suggested as a mitigating factor against the furtherance of wars by Gerstenblith.[8]

It would be pompous and egotistical to assume that a single paper is capable of rebuilding entire societies. However, it is at least capable of indicating to its readers, the need to *see*, not *look*, upon the unheard sufferings of a vanishing people and maybe write on it, maybe contribute towards efforts that seek change, maybe even participate in them. This is not to say that the people of Syria are meek victims in need of constant rescue; at any given point in time, they are actively mounting resilience against cultural extinction. What they need is support, collaboration and brotherhood. The goals of this paper lie towards the fruition thereof.

II. Epistemicide and Humanitarian Law

A. Defining Epistemicide in the Syrian Context

Attaining a more realised understanding of epistemic operations in modern Syria is incomplete and isolated in the absence of a historical contextualisation of its colonial past.

Syria came under the French mandate in the aftermath of World War I, following the partitioning of the Ottoman Empire through the Sykes-Picot Agreement and subsequent sanctions by the League of Nations in 1920. The French mandate system, as Philip Khoury details, was marked by an overt imposition of French administrative, legal, and educational systems designed to restructure Syrian society along lines conducive to French political and economic interests.[9]

This period was characterised by significant resistance from the Syrian population, culminating in major national uprisings such as the Great Syrian Revolt of 1925-1927. The French response to said uprisings involved not only military repression but also attempts to manipulate the customs and social fabric of Syrian society, including the suppression of local religious and cultural leaders who were seen as threats to colonial authority.[10]

The ramifications for education were particularly consequential; French was suddenly and universally mandated upon the native population whilst suppressing the use of the Arabic language in institutional and official functions, and in the dissemination of Islamic education. Edward Said, the noted oriental analyst, highlights the French treating local tradition and languages in an inferior fashion, often relegating them to the realms of folklore and mysticism rather than acknowledging them as legitimate expressions of knowledge and civilisation.[11]

This attempt at establishing cultural hegemony extended to the undermining of local educational institutions and systems of knowledge transmission, which were either replaced with or subordinated to Western models of education.[12] The notion of Syrians as a "mystical, pastoral herding peoples," incapable of birthing great writing or knowledge, perpetuates to this day; one may randomly select an editorial from any American or European publication, and bear witness.

In the past and today, such actions directly contribute to epistemicide by devaluing and diminishing the local knowledge systems that have been integral to Syrian society. The French emphasis on Western curricula and the marginalisation of indigenous scholarship led to a generational disconnect from traditional

forms of knowledge and practices, which impacted everything from legal practices to agricultural methods.[13]

However, epistemicide in and of itself, is an often-misunderstood term; it is employed by media outlets and political lobbyists without much thought to its actual meaning. It is frequently used interchangeably with genocide, another one of humanity's greatest ills. However, it is necessary to understand that epistemicide is not a synonym for genocide; rather, these are two human-borne calamities that unfold contemporaneously.[14]

Turku argues that they supplement and uphold one another in their aim of removing all vestiges of a group of individuals, in that not only the latter's physical existence today but their existence throughout history as a distinct grouping of human beings with their own perspectives and ways of being, is sought to be eroded. It is therefore nothing less than vital to comprehend the scope of epistemicide as it relates to ICH.[15]

In an ICH-context, epistemicide involves the systematic eradication of knowledge and cultural practices that are passed through generations. This term, as conceptualised by Boaventura de Sousa Santos, refers to the destruction or undermining of a community's '*episteme*,' i.e. their fundamental way of understanding the world, which forms the basis of their identity and continuity, as initiated by the French in Syria.[16]

The process of perpetuating epistemicide in conflict zones can be methodically viewed through the lens of 'cultural cleansing', a term used by scholars to describe the intentional destruction of socio-cultural symbols to erase a community's history, customs, heritage, and identity.[17] As described by Viejo-Rose in their examination of cultural destruction

in Bosnia, the obliteration of traditional symbols is a strategy aimed at destabilising the foundational identity of target populations, thereby magnifying the impact of physical destruction and displacement.[18]

Furthermore, understanding epistemicide also requires an exploration of its broader implications. When a culture's *episteme* is attacked, the damage extends beyond those most immediate; it severs the link between past and future generations. This severance not only results in the loss of ethnic diversity but also impoverishes the global collective heritage (as a whole) in the process of its removal.[19]

Such impacts underline the need for a re-framing of theoretical structures dealing with culture and heritage loss in warfare, where epistemicide cannot solely be seen as a byproduct of conflict but as an *intentional* element towards the effectuation of lineage annihilation, an attempt to dismantle the very essence of having a persisting notion of community identity.

B. Epistemicide as a violation of international humanitarian law

International Humanitarian Law (IHL) aims to limit the effects of armed conflict for humanitarian reasons. The goal is to protect persons "who are not or are no longer participating in hostilities, and restrict the means and methods of warfare to avert and mitigate needless damage and destruction to life and property." Epistemicide frequently stands in the way of these objectives, for it aggravates harm to non-combatants and their property, thereby violating a host of international IHL instruments.[20]

The Geneva Conventions of 1949, alongside their Protocols, explicitly outlaw actions pejorative to cultural property. Considering that ICL (as previously delineated) includes

practices and knowledge that are integral to sustaining a cultural identity, its destruction therefore, can be seen as a violation of Article 53 of Additional Protocol I, which prohibits "acts of hostility directed against historic monuments, works of art, or places of worship which constitute the cultural or spiritual heritage of peoples."[21]

This is because, in the act of bombing or dismantling said monuments or places, it is not only the tangible (physical) structure that is lost but also the mythos of stories it supports in its carvings, in its history, and in its place as a perennial character within the minds of the native people. Examples from Syria include the destruction of the *Umayyad Mosque's minaret* in Aleppo, a site of considerable cultural and religious significance.[22] The aforementioned has been observed to be accompanied by the utilisation of cultural sites as militia bases and the conduction of illegal trade of looted artefacts.[23]

The interlinked nature of objects and knowledge begets noting that the "cultural or spiritual heritage" under Article 53 must be representative of the transmittable essentiality of the ways of living that a people possess. While the Article itself makes references to tangible objects only, commentators posit that the entries are not to be read as conclusive but indicative, as in a list, expanding into the territory of intangible usages, customs, knowledge, and belief systems that have been passed down from generations so as to be integrated into the ethnic characteristics.[24]

Moreover, according to Rule 38 of the International Committee of the Red Cross' (ICRC) Study on Customary International Humanitarian Law, property of great importance to the cultural heritage of every people must be protected, unless imperatively required by military necessity.[25] Upon closer inspection, one may notice that this rule is derived from the aforementioned Article 53 of Protocol I to the Geneva Conventions and is further supported by the provisions of the 1954 Hague Convention (discussed in the forthcoming section).

The ICRC considers this rule as applicable universally, owing to the consistent and uniform adherence to this rule by states in the past, while carrying the psychological belief of being legally obligated to follow said rule (called '*opinio juris*'), hence granting it the status of an international custom. It includes protection against acts of epistemicide, and therefore the deployment of epistemicidal activities amounts to a violation of customary international law.[26]

It imposes a dual obligation on parties to the conflict (including non-state actors such as militias and armed rebel groups): *firstly*, to take all possible steps to avoid damaging cultural property and, *secondly*, to refrain from using such property in a way that would expose it to destruction unless absolutely necessary for military operations.

Nevertheless, Groizard and Santana-Gallego have further analysed the practical applications of Rule 38, noting the challenges in its enforcement. They discuss how military necessity often complicates the protection of cultural property, as parties to a conflict may interpret this principle broadly and in their favour to justify actions that could harm cultural sites. They argue for a stricter interpretation of said principle to only include activities the absence of which will cause great loss of life among the soldiers, or cause the warring entity to indelibly give up, as a tool to ensure that cultural property is genuinely protected under the Rule.[27]

Lastly, under the Rome Statute, intentionally directing attacks "against buildings dedicated to religion, education, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, provided they are not military objectives," is a war crime under Article 8(2)(b)(ix).[28]

The term "military objectives" should be construed in its narrowest sense herein, for the International Criminal Court (ICC) Trial Chamber VI in *Prosecutor v. Bosco Ntaganda* observed military objectives to be such, "which, by their nature, location, purpose, or use, offer a definite military advantage that *cannot* be achieved through any *alternative means* whatsoever." It called for the strict construction of the term to ensure the protection of civilian heritage.[29]

It has been argued that the destruction of intangible cultural heritage can be pursued as a war crime under Article 8 even when it entails the intentional targeting of tangible cultural objects. This is because these objects, apart from being valuable in and of themselves, also contain material cultural expressions in their creation, handling, preservation, examination, or storage.[30] Moreover, the ruination of heritage sites is often used as a weapon of war, intended to demoralise opponents and erase the identity markers of the adversary.[31]

The destruction of Palmyra, an ancient archaeological site in Syria containing important structures such as *the Great Colonnade*, *the Tetrapylon,* and *the Temple of Bel*, represents a turgid violation of the Statute.[32] It is reflective of a direct attack on the religious, architectural and intellectual heritage of the Syrian people.

III. Extant International Protections

While the previous section highlighted some of the prominent international instruments that majorly penalise the destruction of culture and history (occupying a predominantly curative functionality), the present section will deal with others that prominently seek to safeguard, shelter and ameliorate.

A. The Hague Convention of 1954

The 1954 Hague Convention emerged in the aftermath of World War II, a period that witnessed unprecedented destruction of cultural heritage on both ends, be it the Allied or Axis forces, culminating in the nuclear levelling of the cities of Hiroshima and Nagasaki on 6 and 9 August 1945, respectively.[33]

The Convention's history is marked by the efforts to address the inadequacies in the protection of cultural property that were evident during warfare. The Convention finds its origins in the Lieber Code, a compendium of guidelines instituted by US President Lincoln in 1863 to govern the "conduct of Union forces during the American Civil War."[34] Furthermore, the Lieber Code inspired other nations to formulate military regulations of a like nature in the nineteenth century, resulting in the formalisation of "laws and customs of warfare."[35] Over time, this paved the way for the "establishment, drafting, and ratification of multilateral treaties aimed at safeguarding cultural heritage from ruination and looting in the context of armed conflict," with a significant proportion of nations independent hitherto, endorsing such agreements.[36]

It is subsequent to the Second World War that the concern reached a high urgency, in response to the utter devastation said War had caused. UNESCO, in its 1949 General Conference, Fourth Session avowed to

"direct attention towards the safeguarding of monuments, alongside the preservation of all culturally significant artifacts, especially those housed within museums, libraries, and archives, in light of the potential ramifications of armed conflict."[37] Three expert meetings were subsequently held to that effect.[38]

Ultimately, the Hague Convention was born on 14 May 1954, stemming from a common and collective recognition of the immense loss caused to humanity's civilisational legacy and the desire to prevent such losses in future conflicts. It was the first truly international treaty with a sole focus on the protection of and respect for cultural heritage during armed conflict. It came into effect two years later.[39]

Article 1 of the Convention defines cultural property as "movable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art, or history, archaeological sites, works of art, manuscripts, books, and other objects of artistic, historical or archaeological interest, as well as scientific collections of all kinds regardless of their origin or ownership."[40] This broad definition encapsulates the wide array of properties, expressions, and assets that the Convention seeks to protect, indicative of a more progressive and inclusive approach than that undertaken by previous treaties.

Furthermore, Articles 3 and 4 are pivotal in outlining the conservation measures. Together, they encompass a two-level protection mechanism, including both positive and negative duties therein. At the first level, Article 2 obliges the contracting parties to take "preventive actions during *peacetime* to safeguard cultural property (positive duty) within their own territory against foreseeable effects of an armed conflict." Article 4 operates at the next level by further mandating that parties "refrain and restrict themselves from any act of hostility directed against such property (negative duty), and to prohibit, and if necessary, put a stop to any form of theft, pillage, or misappropriation of, and any acts of vandalism directed against, cultural property."[41]

Hence, the Articles of the Convention, collectively, establish the operational framework within which the states must act. It is supplemented by two protocols; the first protocol (1954) creates specific provisions to curb the exportation of movable cultural property from occupied territories.[42] The second protocol (1999) originated in the wake of concerns surrounding the Convention's effectiveness, especially against emergent non-state militant groups such as *Al-Qaeda* and *Lashkar-e-Taiba*. It set up a system for providing special protection for cultural property that is deemed to be of the greatest importance, as well as established a committee for overseeing implementation and offering guidance to state parties.[43]

Nevertheless, the failure of States Parties to implement the legal responsibilities mandated by the Convention, coupled with its insufficient incorporation into domestic legislations has hindered its advancement to the status of customary international law.[44] Therefore, scholars such as Sir Norman Bentwich have highlighted the lacunae in adherence and implementation, as found in earlier treaties, calling for the drafting of a specialised legal instrument to safeguard cultural heritage.[45]

Despite its continuing limitation towards ICH, which shall be discussed shortly, the Convention's utility as a seminal landmark in the development of international heritage law must be appreciated. It introduced distinct legal obligations to protect cultural property for the very first time in international law.

B. The UNESCO Convention of 2003

UNESCO, as a specialised agency of the UN came into existence in November 1945. It was borne out of war, with a mandate to assist in both "the material and moral reconstruction" of the global community.[46] According to the UNESCO Constitution, "culture" is regarded as essential, and consequently, it is something that requires preservation.[47]

Following its genesis, the preservation of cultural heritage amidst armed conflict has emerged as a pivotal focus of UNESCO's cultural initiatives. It undertook the initiative for the "Rescue of Nubian Monuments and Sites in both Egypt and Sudan." Said initiative facilitated the transfer of significant monuments therefrom, to alternative, more secure locales, following the jeopardy posed to their conservation by dam construction activities.[48] This undertaking by UNESCO elevated tangible heritage to be of an importance that transcended individual national interests, thereby positioning these monuments as matters of international significance.[49] Over the years, a need was felt to do the same for ICH.

The UNESCO Convention is a product of an evolving understanding of societal heritage. It arose in response to the growing recognition of the aforementioned need to protect cultural expressions not encompassed by the Hague Convention, which remained primarily focused on tangible heritage. Blake finds that while it is certain that the destruction of physical objects and spaces, especially religious ones, accomplishes the ruination of folklore and oral traditions to some degree. However, it is harder to draw this connection as scoped within the Hague definition of cultural property from a legal standpoint.[50]

This in part, results from the unseen nature of the process associated with cultural erosion; it is easier to capture and document the loss of a building than to capture the equally profound loss of family mythology. Human beings bear chief witness to the latter and may not always be equipped to find the roots, for instance, of their songs, stories, and dances in lost architectures, desecrated years ago. Not surprisingly, destruction of the tangible renders amiable the attrition of the intangible. The intangible needs particular saving, it needs mechanisms that support its particular way of being.

Hence, the origins of the UNESCO Convention came about in 2003, at a time when terrorist groups were rampant in their plunder and erasure of indigenous history and culture, in their efforts to conquest, subdue and oppress many parts of the world. It recognises the living nature of ICH, emphasising upon its preservation in times of war as well as peace. This distinction is crucial as it acknowledges that threats to ICH are not only from conflict but also from erosion by economic, social, and ethno-cultural transformations.[51]

Article 2 of the Convention supplies an adaptable definition, describing ICH to include "the practices, representations, expressions, knowledge, skills, and their associated tools and spaces, recognised by groups, communities, and individuals as part of their cultural identity."[52]

In terms of the obligations state parties are required to accomplish, Article 11(b) necessitates States to identify the varied kinds of cultural heritage present in their territory, with intended stakeholder participation of affected groups and communities in the process of doing so.[53]Article 12 builds upon the aforementioned, requiring said States to record their identification endeavours in a regularly maintained inventory and submit a report to a Committee formed under the Convention to further the goals of the latter.[54]

Article 13 is aimed at ICH promotion and

development, calling for states to fashion general policies aimed at promoting the utility of ICH in society and integrating its safeguarding into planning programs while "fostering scientific and artistic studies" directed towards conserving ICH that finds itself in danger of existence[55] owing to encroaching modernization and assimilative tendencies of Western society.[56]

Lastly, to advance international cooperation and assistance, Article 19 enables the sharing of experiences, information, and best practices between states, and Articles 20 and 21 provide for financial and technical assistance where necessary. This is crucial for resource-poor countries that house rich intangible heritages but may lack the capacity to safeguard them effectively on their own.[57]

This is not to insinuate that the Convention has found great and measured success; rather, the seeing of various forms of ICH shrinking across war, civil strife, totalitarian oppression, and political hegemony, not only in Syria but in all parts of the world, bears testament to its limitations and fallacies of execution.[58] Rectification is not simply preferred but necessary.

C. Limitations: in Theory and Practice

Theoretical Considerations

The Hague Convention, despite its hitherto pioneering ideals, finds itself short in fulfilling its intended objectives. The Convention assumes a conventional warfare scenario and does not address non-state groups such as ISIS that have engaged in systematic destruction of cultural heritage, not just as a byproduct of conflict but as a deliberate tactic of war. The Convention lacks mechanisms to directly engage or bind these actors, who often do not recognise international norms or the legitimacy of such treaties. It depends upon states to halt these groups; this, however, is arduous when the state machinery has been severely weakened by prolonged fighting (as in the case of Syria)[59] and de-facto territorial and popular control has been assumed by the former.[60]

While the Second Protocol to the Hague Convention[61] (1999) attempts to address entities in non-international armed conflicts, it is inadequate because it will cause non-state actors be bound by the Convention only if they have declared their intention to adhere to it. Conversely, the harsh reality is that many of the most devastating acts of cultural destruction in Syria and elsewhere have been perpetrated by factions that neither recognize nor respect the Convention's mandates, or international law for that matter.[62]

A further concern pertains to the basic structure of the Convention which is centred around *reactive* measures to be implemented during conflicts, rather than *proactive,* protectionary ones that can be put in place before conflicts escalate. It lays no impetus upon measures such as the establishment of safety zones around cultural sites to protect against the threat of demolition in the first place.

Similarly, the UNESCO Convention, notwithstanding the aims of its inception, has been riddled with gaps in its formulation and on-ground execution that have hindered its accomplishments. Foremost and ironically enough, the Convention's very strength i.e. its broad definition of ICH, has also posed a significant challenge at times. Article 2's wide description of ICH has led to ambiguities in the implementation of conservation efforts. As Deacon observes, the lack of precise criteria for what constitutes "ICH" can result in a dilution of efforts, where nearly any form of historical or cultural expression might be nominated for protection without adequate scrutiny of its significance or its need for preservation.[63]

Secondly, its state-centric approach is extremely autonomous in all respects and does not

understand pragmatic considerations. The Convention heavily relies on state parties to identify, protect, and promote ICH within their jurisdiction. This has occasioned a whole host of problems.

Take, for instance, Article 12; as previously discussed, said Article calls for States Parties to create inventories recording various types of ICH found in their territory. This obligation, though pivotal for the systematic protection and management of heritage, becomes quite problematic in times of war or civil unrest. For countries like Syria and Ethiopia, ongoing conflicts not only make it logistically challenging to conduct and update inventories but also pose significant risks to the safety and lives of those involved in such documentation efforts.

Deacon also argues that the lack of specific guidelines or allowances for these contexts within the Convention means that these crucial tasks are often deferred or inadequately addressed, thereby causing significant on-ground gaps in documentation and protection.[64]

Moreover, while the Convention establishes an Intergovernmental Committee for the Safeguarding of ICH under Article 29, this body primarily serves advisory and promotional roles without any adjudicatory or enforcement powers. Blake and Lixinski note that this lack of authoritative power limits the Committee's ability to effectively ensure compliance with the Convention's provisions. The absence of a strong enforcement mechanism leads to reliance on state goodwill, which is not always sufficient for the safeguarding of ICH in politically unstable regions.[65]

Additionally, the Convention details mechanisms for international cooperation and assistance but does so without providing a clear articulation of how these mechanisms should operate in practice. Articles 19 through 24 outline the provisions for assistance but lack detail on the processes for mobilizing resources, prioritizing requests, and ensuring equitable distribution of assistance. This vagueness can easily cause delays in response times when rapid action is required to safeguard endangered ICH.

Lastly, a significant limitation emerges from the absence of provisions for sanctions against States that fail to comply with their treaty obligations. Blake and Lixinski write that without such measures, there is limited recourse for ensuring that States take the necessary steps to conserve their ICH. They suggest that the effectiveness of the Convention could be enhanced by integrating measures that hold States accountable in more tangible ways, such as the imposition of monetary penalties and the liability of undertaking restitution.[66]

Practical Lacunae

In Yemen, for example, the ongoing conflict has severely hampered the ability to implement the provisions of the Hague Convention effectively. The Yemeni rebels do not recognise any international law as being binding upon them, let alone the Second Protocol to the Hague Convention, and continue to pillage, plunder, loot valuable sites and places, hence causing the destruction of the country's heritage.[67] This is true (especially for non-state actors) in any civil strife or conflict presently taking place anywhere on Earth, be it in Europe, Asia, the Americas, or Africa.

In terms of conservation under the UNESCO Convention, despite the nation's rich ICH, which includes millennia-old oral poetry (called *Zamil*) and singing styles that are crucial for communal identity, active conflict has disrupted the local capacities to safeguard

these practices. The destruction of social infrastructure, the lack of government stability and the displacement of communities[68] have made it nearly impossible to conduct the inventories as required by Article 12 of the Convention.

This presents another concern: de-prioritisation of cultural policies amidst political precariousness. Consider regions like South Sudan, where continuous civil unrest prevails, the urgency of humanitarian needs such as food, shelter, and medical care often diverts attention and resources away from the safeguarding of customs and traditions.[69] The application of the Convention's measures, such as policy programs and scientific studies on ICH rejuvenation (under Article 14), fall behind when the basic survival needs of the population are not being met. An erosion of cultural practices ensues as younger generations displaced by conflict are likely to grow up without the traditional cultural education in areas away from their homelands.

The intent here is not to belittle; ensuring vibrant community participation in ICH-related decisions made by the state (under Article 15) is a good thing. But the Convention never concerns itself with the logistics, there are no provisions to empower any entity to ensure that said participation is actually realised. Iraq represents a typical example of this failure. Here, the ongoing conflicts have not only physically displaced millions but have also fragmented communities that are custodians of rich ICH like the *Maqam* musical traditions.[70]

The scattering of these communities leads to a disruption in the transference of knowledge and practices, which are typically passed down through generations within social settings. Community involvement becomes impractical when those very communities are no longer cohesive.

IV. Successes and Hurdles in Preserving Intangible Syrian Heritage: Case Studies

Case Study: The Preservation of Aramaic Language and Traditions in *Maaloula*[71]

Maaloula, a small village in Syria nestled in the *Qalamoun* mountains, is one of the last places where Western Neo-Aramaic is still spoken, a language closely linked to that spoken by Christ. Maaloula is distinctive not only for its linguistic heritage but also for its religio-ethnic significance; it houses ancient Christian monasteries like *Mar Sarkis* and *Mar Taqla*, which attract pilgrims and tourists alike.

The local community, predominantly Syrian Aramaic Christian, has long been engaged in practices that are deeply intertwined with the Aramaic language, including rituals and oral histories carried through centuries.

Since the War, *Maaloula* has found itself at the front lines of fierce battles between rebel forces and the Syrian government. In 2013, the village was captured by the *Al-Nusra* Front (a rebel force that fought aggressively against the Syrian government), who caused significant damage to its cultural sites and lead to a mass displacement of its population, especially males in search of better jobs and housing for their family, many of whom have never returned.

Efforts to preserve the Aramaic language and heritage in *Maaloula* have since been initiated; they involve documentation (recording oral histories, religious practices, and the Aramaic liturgy), educational programmes, and the engagement of the community in cultural revival initiatives.

However, the socio-economic status of the community, previously heavily reliant on pilgrimage and tourism, has suffered tremendously due to the conflict, drastically

reducing the resources available for the protection efforts. Moreover, owing to their minority Christian ethnicity in a predominantly Arab country, they face discrimination in receiving aid that is channelled through the Syrian government.

Besides, the displacement has resulted in a diaspora who carry with them the knowledge, customs, and mores of their culture into other environments where they may not be sustained owing to the overriding agency of aforementioned assimilation, as any refugee would narrate.

In these perilous circumstances, it is the women who have emerged as custodians of both religious rituals and daily use of the Aramaic; they teach and pass on linguistic and cultural knowledge to the young children in their homes, in fields, in the surviving community halls and monasteries, wherever possible.

They work with international relief agencies to grow newer avenues of employment via social media, in disseminating their experiences therein, including a brave recounting of past sexual abuse suffered amidst wartime by some of the women. They also take online classes for international students interested in learning the language, despite having enjoyed limited formal education themselves.

But their adaptation to roles of educators and community leaders has not been a smooth affair; it has been tinged by an enduring patriarchy; some of the elder male clergy have frequently accused them of giving in to western vagrancies and "a destitution of the soul," wanting them to solely prioritise their traditional caregiver responsibilities. Domestic violence continues to be perpetuated by many men who stayed behind, who now feel inadequate in their masculinity for having to heed the directions of a woman who serves as the breadwinner of the family.

Despite it all, the women continue to persist and work to uplift and conserve their culture, their usages, and their people.

Case Study: Soap-Making in *Aleppo*[72]

Aleppo, a UNESCO World Heritage site, is a city in Northwestern Syria with a rich cultural history whose monuments and people have endured immense loss during the War. Aleppian soap making is one of its most cherished traditions; it is an ancient practice, which dates back to the 8th century, involving a unique method of soap production using laurel and olive oil. It is a craft learned by children at a young age who go on to teach (as adults) the same to their own children. It is, therefore, not a stretch to conclude that the custom is embedded in the native community's cultural and economic life.

To prevent the same from vanishing altogether, UNESCO's strategy involved chronicling the soap-making process in detail, engaging with local craftsmen, and creating high-definition visual and textual records. These efforts aimed to capture the skills involved in the process to ensure that the techniques are preserved and can be transmitted to future generations, even if the practice diminishes under the strains of war.

Despite these efforts, the initiative faced substantial hurdles. The War has severely restricted access to resources like laurel oil and compromised conventional trade routes that are crucial for the procurement of raw materials. Moreover, the displacement of skilled craftsmen due to gunfire and shell bombings in the region have made it difficult to teach the skill in larger numbers. The knowledge deprivation resulting from the scattering of artisans means that even well-documented practices might face challenges in being taught to future generations.

The people, however, have done anything but give up. Local artisans are trying to revive the practice to the best of their abilities. However, financial and resource assistance is sometimes cut off, people are also forced to evacuate at times. Illegal border crossings, especially by younger Syrians are quite frequent. The circumstances are tough but the communities of *Aleppo* are constantly striving to prevent the extinction of traditional soap-making.

Case Study: Storytelling in *Damascus*[73]

In the capital city of Damascus, located in southwestern Syria, a significant effort to preserve ICH has been the attempt to safeguard the tradition of *Damascene storytelling*. This initiative (primarily supported by indigenous cultural organisations with the backing of international sponsors) is aimed at keeping the centuries-old tradition of oral storytelling alive that has been a pivotal part of Damascus's cultural identity.

Damascene storytelling (known natively as *Hakawati*) was historically centred in the cafés and social clubs of old Damascus. It involves the verbal recounting of tales that combine folklore, history, and moral lessons. These stories are traditionally narrated by seasoned storytellers referred to as *Hakawatis*. They serve not only as entertainment but also as a means of imparting cultural values and historical usages, particularly to the younger individuals.

Recognizing the risk posed by the dispersion of storytellers and the destruction of traditional storytelling venues, a significant part of the initiative focuses on recording these narratives. Some high-quality audio and video recordings of performances have been made to ensure that the intonations, gestures, and nuances of the stories are preserved. These recordings are then archived in both regional and international digital libraries to safeguard them for posterity.

To counter the decline in the number of active *Hakawatis*, training sessions and workshops conducted by veteran storytellers have been organised. Moreover, public performances have been held at times, in collaboration with local cafés and cultural centres, serving as venues for the storytellers to exhibit their skills. The idea is to keep at least a semblance of the tradition alive in the public consciousness.

Nevertheless, the initiative has not been without its challenges; the War significantly limited public access to traditional venues and reduced the opportunities for social gatherings. Similar to Aleppo, the exacerbated economic decline has made it difficult for cultural organizations to fund events and training programs. Hence, funding is sporadic and operational capacity has reduced. Many of the veterans have taken shelter in other parts of Syria or migrated to foreign countries for fear of persecution by subsisting militants who find their tradition "distasteful." This has significantly reduced the ability to even conduct public events.

V. Suggestions

Remedying gaps is always a lofty goal; the suggestions presented hereinafter in no way purport to be exhaustive in nature. They are merely intended to be illustrative, to evoke awareness and public discussions surrounding these pertinent issues, which often go unlooked. They are as follows:

Firstly, creating a specialised mobile unit tasked with the documentation of ICH across Syria, especially in conflict and post-conflict zones, is vital. This *Mobile Heritage Documentation Unit* operating under the joint oversight of UNESCO and local Syrian cultural heritage organisations, would be equipped with the necessary digital tools to record, archive, and spread cultural practices to the concerned indigenous populations.

The unit would consist of a mixture of trained cultural heritage officers (drawn from the very localities they would serve) and international experts. Equipped with portable recording devices, servers, and solar-powered technology, the unit would travel to different communities, especially those recently stabilised from conflict, to document disappearing cultural mores. This approach is intended to address the logistical challenges seen in fixed-site projects and adapt to the fluid security situation in Syria.

Key stakeholders would include UNESCO, Syrian Ministry of Culture, local councils, Non-Government Organisations (NGOs) focused on cultural preservation and international donors. Collaboration with universities in the wider Mediterranean region to recruit and train students as cultural heritage officers would ensure sustainability and capacity building within the community.

The greatest benefit of the mobile unit would perhaps be the rapid documentation of ICH which is crucial in situations where cultural practices are at imminent risk of extinction due to ongoing conflict.

Secondly, it is also suggested to establish small, agile community-centric heritage cells in various regions of Syria, notably in areas where traditional communal structures remain intact despite the War. These cells would be responsible for identifying, recording, and actively promoting the practice of local ICH, such as traditional music, dance, crafts, poetry, and more.

These cells would operate under the guidance of local cultural leaders and would collaborate closely with national and international cultural organisations for technical support and funding. Each cell would be equipped with basic digital recording tools and would conduct regular gatherings and workshops to practice and preserve native traditions.

Similar to the first suggestion, community members, NGOs, international cultural bodies like UNESCO, and the Syrian Ministry of Culture would be involved. Universities in the region could also participate by providing research support and volunteers.

This approach is useful since it would empower people by placing the preservation of their cultural heritage directly in their hands, fostering a bottom-up approach to cultural preservation. It would also help maintain the relevance of ICH practices by not portraying them as archaic ancestral wisdom but rather very real amalgamations into the daily lives of the people.

Lastly, carrying out the formulation and implementation of a contextualised legislation could be of great benefit if done properly. It is suggested to create a *Cultural Heritage Safe Zones (CHSZ) Act or Code*, and operationalise it in Syria. The legislation would legally define what constitutes a CHSZ. This would include areas with significant ICH concentrations.

A committee composed of representatives from the Syrian Ministry of Culture, ICH communities, and UNESCO would be responsible for identifying and designating these zones to enable transparency. Criteria for designation could be, *inter alia*, the socio-cultural significance of the area, the vulnerability of the heritage, and the feasibility of enforcement and protection.

Once designated, these zones would be afforded special protections under Syrian law, such as restrictions on the use of the area for non-cultural purposes, particularly military uses, regardless of whether the perpetrators recognise the law, with heavy fines and imprisonment for individuals causing violations.

Enforcement would be overseen by a special unit within the Syrian police force, trained in ICH protection and conflict-sensitive enforcement strategies by UNESCO, alongside some of the UN Peacekeepers already stationed in Syria.

Internationally speaking, the CHSZ law should ideally be developed in coherence and alignment with the Hague and UNESCO Conventions. Doing so would require an amendment in both instruments so as to grant international recognition and affirmation to such laws, when created in areas of armed conflict. The purpose here is for the Syrian government to bear accountability in circumstances of its failing to enforce CHSZ legislation (owing to its international status) without the same amounting to foreign interference in the domestic affairs of the state.

Through it all, funding is expected to be a critical and limiting issue; hence, it is suggested for states and organisations that already provide aid to Syria to enter into bilateral treaties or agreements that would secure technical and financial support for the preservation of these zones, earmarking a portion of their aid to be specifically invested into the aforementioned.

Additionally, to ensure the longevity of the initiative, adequate protection mechanisms to prevent misuse and discriminatory allocations by the Syrian Government are necessary, such as giving power to certain local and international NGOs of repute, as specified by the committee previously referenced in the second suggestion, to regularly audit the usage of funds at a prescribed time-period.

VI. Conclusion and The Way Forward

It is undeniable that ICH shapes the collective and individual identities of Syrians, through oral traditions, rituals, and performing arts, which collectively sustain the cultural and social fabric of the nation.

However, the limited efficacy of international laws including the Hague and UNESCO Conventions in the context of modern armed conflicts involving non-state actors suggests that much reformation needs to be undertaken.

Case studies from regions like *Maaloula* and *Aleppo* illustrate both the successes and persisting hinderances in safeguarding cultural practices valuable not merely as ICH but essential for the psychological resilience and continuity of native communities. But these are few and far between. Most people in Syria today struggle to protect their lives, identity and culture. Hence, urgent remediation becomes necessary.

In the long term, it is hoped that well-being is achieved on two fronts: *proactive*, as aforementioned, with reforms akin to the mobile units and heritage cells to empower indigenous communities to take ownership of their cultural legacies, and *reactive*, with the CHSW law becoming a standard model for preservation adopted by other similarly situated countries, especially considering that scholars have observed the legal recognition of cultural zones significantly enhancing heritage protection measures by providing a clear, enforceable structure for conservation efforts.[74]

It is further hoped that Syria can ensure a more efficacious preservation of its endangered yet rich ICH, capturing them in a form that can be promulgated and taught, thus preventing a total cultural amnesia, and inspire confidence in people worldwide, that in peril, resilience is possible.

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