If it is true that war is a voluntary armed conflict (namely defined by animus bellandi, usually expressed by a war declaration), having continuative, universal and normally bilateral features, finalised to resolve coercively international political controversies, perhaps the pacifists' dream is by now a truth: in this specific meaning, in fact, war - if not disappeared - is by this time a rare phenomenon.

Since some decades, the distinction between wars stricto iure and internal conflicts (or "civil wars"), defined as the resistance of legitimate governments against insurrectionary, dissident or secessionist motions, has been dissolving.

This graduate homologation has been determined since in the international situation, also in a state of theoretical stability like that we have been living in after the Second World War, "internal conflicts" have been hundreds, and many ones are still in progress, even at this moment, as well as actions of international police or peace enforcing.

Therefore, also terrorism - up to now surely outside the notion of military conflict - gets to do with the subjects of International War Law, perhaps in a forced way, but authoritatively, quite as a consequence of the catastrophic war event of 11 September 2001.

It is to be noted that in a wider, but not less meaningful and authoritative interpretation, war had already been defined as "un'azione violenta, diretta a sovvertire l'ordine costituito ed a sostituirlo con uno nuovo, totalmente estraneo al sistema normativo anteriormente in vigore"
That is obviously a definition in which the notion of "international terrorism" can be included without forcing.

Maybe we have to admit that also in this sphere, reality is changing frenetically (and not positively at all) and that law must be adapted and brought up to date, as in the past: there is no exception for International Humanitarian Law that indeed has always been in the vanguard of adaptation to the evolution of times and the features of conflicts, whether international or not. Therefore, science of law must be interrogated on dramatic global escalation of the terrorist phenomenon, on the fact that it often replaces traditional means of conflict (the way it happened years ago with regard to the guerrilla), and finally it must admit that the International Humanitarian Law mechanisms must be confronted with this situation, by assuming new instruments for the protection of innocent victims.

It can not be enough to consider terrorist attacks an anomaly of international law, a lacked respect for the obligation to hit legitimate combatants and military objectives only, and therefore a violation of human rights, to be sanctioned by means of vacuous mechanisms of war crimes repression, like the International Penal Court established in Rome in 1998.

In order to frame the problem of the property protection in military conflicts, it can be opportune to recall shortly the fundamental norms of the Convention for the Protection of Cultural Property in the Event of Armed Conflict, done at the Hague on 14 May 1954 (entered into force on 7 August 1956).

Let's consider first of all Article 1, which delimits the sphere of that particular category of "civil property" (therefore not to be considered as "legitimate military objectives" – apart from some codified exceptions) first defined in this Convention as cultural property:

"The term cultural property shall cover, irrespective of origin or ownership:

(a) movable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular; archaeological sites; groups of buildings which, as a whole, are of historical or artistic interest; works of art; manuscripts, books and other objects of artistic, historical or archaeological interest; as well as scientific collections and important collections of books or archives or of reproductions of the property defined above;

1 “A violent action directed to overthrow the order and replace it with a new one, entirely divergent from the legal system formerly in force”.