

TALLINN UNIVERSITY OF TECHNOLOGY

School of Business and Governance

Department of Law

Heloísa Helena Leal Mendes Magalhães

**THE PROTECTION OF CULTURAL PROPERTY IN ARMED  
CONFLICTS OF THE 21ST CENTURY: POLICIES,  
PERSPECTIVES AND THE ROLE OF INTERNATIONAL  
ORGANIZATIONS**

Master's thesis

Supervisor: Assoc. Prof. Holger Molder

Tallinn 2017

I have written the Master's thesis independently.

All works and major viewpoints of the other authors, data from other sources of literature and elsewhere used for writing this paper have been referenced.

Heloísa Helena Leal Mendes Magalhães .....

(signature, date)

Student's code: 144719TASM

E-mail address: hhlmm87@gmail.com

Supervisor Assoc.Prof. Holger Mölder:

The thesis conforms to the requirements for the master's thesis

.....

(signature, date)

Chairman of the Defense Committee

Permitted to defense

.....

(Title, name, signature, date)

# TABLE OF CONTENTS

LIST OF ABBREVIATIONS .....	5
ABSTRACT .....	6
INTRODUCTION .....	7
Methodology .....	12
2. CULTURAL PROPERTY .....	14
3. THE DESTRUCTION OF THE CULTURAL PROPERTY .....	20
4. THE ROLE OF INTERNATIONAL ORGANIZATIONS IN THE PROTECTION OF THE CULTURAL HERITAGE .....	24
4.1 United Nations Education, Scientific and Cultural Organization .....	25
4.1.1 The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict .....	26
4.1.2 1970 - Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property .....	29
4.1.3 1972 - World Heritage Convention .....	30
4.1.4 Protection of Cultural Property Military Manual .....	31
4.2 International Council of Museums .....	33
4.3. International Council on Monuments and Sites .....	34
4.4. International Centre for the Study of the Preservation and Restoration of the Cultural Property .....	35
5. CHALLENGES AND PERSPECTIVES FOR THE PROTECTION OF THE CULTURAL PROPERTY IN THE 21st CENTURY .....	38
5.1 Challenges .....	38
5.1.1 Law Enforcement .....	38

5.1.2 Applicability and Efficiency of the UNESCO Conventions .....	40
5.1.3 Understand and Change of the Aggressors Mindset.....	41
5.1.4 Involving and Engaging Local Communities in the Risk Management and Protection of the Cultural Property During Peace Time and During Armed Conflicts ...	42
5.1.5 Nationalism .....	43
5.2 Perspectives.....	45
CONCLUSION.....	50
REFERENCES .....	57

## **LIST OF ABBREVIATIONS**

ICC - International Criminal Court;

ICCROM - International Centre for the Study of the Preservation and Restoration of the Cultural Property;

ICOM - International Council of Museums;

ICOMOS - International Council on Monuments;

UNESCO - United Nations Education, Scientific and Cultural Organization;

## **ABSTRACT**

The destruction of cultural property during armed conflict is still a concern in the 21<sup>st</sup> century, as well as the failure of preventing such disasters. Law enforcement alone has shown to be not enough and alternative procedures need to be employed by the international community to complement it and change this scenario. In this direction, education and a deep involvement of the local communities affected are indispensable, as well as the democratization of the decision making process that involve all the stages of protection of the cultural property.

Moreover it is necessary to transcend the ghost of the nationalism in its various forms that is still the trigger of the destruction of cultural property leading to cultural cleansing. Also, the cultural differences and mindset of the law makers and the societies current affected by conflicts shall be overcome.

The new dynamic of conflicts and means of warfare call for a new strategies to stop the physical destruction, pillage and looting.

Key-words: cultural property; heritage; destruction; armed conflicts; looting; illicit traffic; cultural artifacts; cultural cleansing; international organizations;

## INTRODUCTION

The destruction of Cultural Property during armed conflicts is part of the human history and has taken many forms since the appearance of the first groups of human beings. In general, such destruction can be accidental or intended, and the result constitutes a loss of material and immaterial cultural heritage. In this thesis the deliberate target of the cultural heritage in its material form (cultural property<sup>1</sup>) will be explored with the purpose to answer why it keeps going on, and further propose alternatives for changes in this scenario. To achieve that, it is necessary to look at both, the attacking agent and the failure of protection by the defensive agent, to understand why the cultural property is targeted and the reasons for such actions.

R. O’Keefe <sup>2</sup> (2006, 2) states in his book, *The Protection of Cultural Property in Armed Conflict* that there is a “popular thinking that the cultural property has always been deliberately attacked and looted in war or its protection at best ignored” and that “fact is that, since the end of the Napoleonic Wars, malicious destruction and plunder by armed forces and flagrant disregard for the wartime fate of cultural property have been exceptions devastating and not uncommon exceptions - but exceptions all the same, and condemned by other states on each occasion”. That is in fact true, especially when considering the 19th and 20th century and all the legislation which has been passed in this field. But still, since the last decade of the 20th century these actions against cultural property have been recurrent and more often based on the idea of cultural cleansing. One example is that during the breakup of Yugoslavia and the war in Bosnia and Herzegovina mosques, churches, and other cultural goods were targeted, meaning that they were intended destroyed. Even more recent, in the 21st century during the conflicts in Iraq and Syria the destruction of cultural sites and property for which the Islamic State has claimed responsibility in connection with its intention of cultural cleansing in these territories is considered a violation of human rights.

---

<sup>1</sup> For the definition of the term Cultural Property, please see chapter 2, page 14, or Definition of Cultural Property, Unesco 1954: [http://portal.unesco.org/en/ev.php-URL\\_ID=13637&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=13637&URL_DO=DO_TOPIC&URL_SECTION=201.html)

<sup>2</sup> Roger O’Keefe is a University Lecturer in Law and Deputy Director of the Lauterpacht Research Centre for International Law, University of Cambridge.

In such cases one of the reasons is the promotion of the humiliation of the group that is being attacked, destroying its legitimacy and right of existence and cultural expression, so the conqueror can impose its own culture on the defeated group. Consequently, the cultural property has to be perceived as a human right. Having the local communities as much power of decision than the states themselves, as they are the producers, the guardians and primary users. In brief, the integration of international and local level in the decision making is a must. That said, the problem of targeting cultural property needs a contemporary investigation and reevaluation of how this is being treated, internationally and locally (and especially the relation between both instances).

Throughout the 20th century a set of conventions, declarations and recommendations were drawn regarding this issue, however the applicability of the legislation during armed conflicts can be a challenge. Therefore there is a need of exploring other options at local level to at least minimize the damages to the Cultural Property. To stop this course of action, rather than the use of force against the aggressor, a change in the mentality of the groups during peace time, involving the local communities and integrating them, is what is required. It is also unavoidable to adapt the existing policies based on actual experiences and work in their application during peace time principally in unstable areas. Furthermore it is decisive to acknowledge that there is no level of priority when protecting the cultural property. All cultural goods and sites carry the same level of importance.

In the 20th century, after the Second World War, having acknowledged the destruction and looting of several cultural sites and cultural goods throughout Europe and the need for a framework of action towards the protection of the cultural property in possible of future armed conflicts, the Convention for the Protection of Cultural Property in the Event of Armed Conflict was called, and it was the first time that a legal framework for Cultural Heritage protection was addressed. The convention took place in 1954 in the city of The Hague, The Netherlands and was the first instrument to exclusively deals with the matter. Even though the UNESCO and other International Organizations have been working in developing new strategies and updating the existing ones constantly. Still sixty three years (until 2017) after the The Hague Convention 1954, this issue has been a constant problem, together with the looting and illicit traffic of cultural property. The destruction of cultural sites during the



breakup of Yugoslavia in the 1990's and the Iraq and Syrian destruction and looting of cultural goods in the 21st century are contemporary examples.

The research conducted on this subject since the The Hague Convention in 1954, make up a considerable amount of works and the majority of them are focused on the International Law that regulates the protection of the cultural heritage during armed conflicts. One of these is the *The Protection of Cultural Property in Armed Conflicts* by Roger O'Keefe (2006,1), already mentioned above, and in the words of its author: "offers a more basic service, namely to give a thorough and accurate account of a body of international law, outlining the relevant rules, setting them in a form of historical context and providing a guide to their interpretation and application by states, in accordance with orthodox positivist methodology".

The purpose of this research is not to go over the international laws that address the matter of the protection of the cultural property. However to draw any conclusion regarding its failures it is necessary to understand how the issue has been dealt with until now, and it is a fact that it relies on international law. Therefore it will be analyzed it in order to propose suggestions and alternative perspectives. The goal is to figure out if there are possible steps beyond changes in the international law that might succeed where the application of the law fails, focusing on the most affected party of the problem: those who are the subject of the destruction of the cultural property, the local community. For this purpose the work of O'Keefe is of extreme relevance (for the present research) because it provides an updated overview of the international law and its application. Furthermore, this is also explored in other works which are referred to in this research, for instance in the article written by Hanna G. He, (2015), where she not only analyzes such laws, but also makes suggestions on what should be changed in order to be more effective. Another essential work for this research is the *Cultural Heritage and Human Rights* which addresses the questions of who defines and who controls the cultural heritage and why this can lead to conflicts. Finally the most relevant documents and regulations drawn as well as the international organizations involved will be also researched.

To address the challenges, failures and perspectives of the protection of the cultural heritage in the 21st century, it is necessary first to understand what is cultural heritage/cultural

property, and what makes it worth of protection. Therefore, in the third chapter the cultural heritage is discussed from the point of view of its definitions and significance. Moreover it is noted how its destruction affects the life of the local community and the humanity in general. In addition, the importance of the cultural heritage in the post-war recovery is also taken into account to justify the urgent need of protection and reconstruction of what is already destroyed and looted.

Equally important is to comprehend how the destruction of the cultural property takes form and what are the goals of its targeting. Thus in the fourth chapter, the destruction of the cultural heritage is considered from four different angles that in some cases can be interconnected: the destruction of the site due to military operations by the attacker; the destruction of the site as a collateral damage by the defending forces; the deliberate attack and destruction of a site; and the looting followed by the illicit traffic of cultural goods. Examples of cultural heritage destruction in the 20th and 21st century will be briefly discussed, and differences in destruction methods, reasons as well efforts for protecting the affected areas will be pointed out. Such cases will be the Yugoslav war and the destruction of historic sites and cities in Croatia and Bosnia and Herzegovina, and the Syrian and Iraqi destruction of cultural heritage and illicit traffic of cultural property.

In the fifth chapter and its subchapters the regulations and instruments used to protect the cultural heritage are addressed, as are the role of the international organizations. These roles are analyzed from the point of view of how they deal with the risk management and the destruction and the post destruction of the cultural heritage during armed conflicts. The International organizations relevant in this research are: UNESCO, the ICOM, the ICOMOS and the ICCROM. Moreover their cooperation with other organs of the United Nations such as the International Criminal Court for example, which when established in 1998 in its statute covered the deliberate destruction of the cultural property as a war crime, have already convicted individuals for such crimes.

A subchapter is reserved for each of the international organizations to make it possible to examine its main competences, beginning with UNESCO as a main actor and the first to address the problem of the protection of the cultural heritage specifically. The Convention for the Protection of Cultural Property in the Event of Armed Conflict, which took place in the

year of 1954 in The Hague, had as an outcome the first document drawn up dedicated exclusively to the matter followed by First and Second Protocol of the convention. However, also important and approached in this study are the ICOM, ICOMOS and ICCROM as a complement to the UNESCO work offering their expertise, local experience, collected and organized information (Red lists of looted and theft of cultural goods organized by the ICOM, for example), and, occasionally drawing recommendations and issuing declarations following UNESCO's conventions.

In the sixth chapter all the policies and recommendations and ways of action discussed in the previous chapter and subchapters will be brought together. The aim is to point out the reasons of failure in what is already in course and what can be done to overcome them, also the challenges and perspectives for the next years are covered. The relevant literature, reveals a vast amount of work targeting the failure of applying the laws, or the ways in which laws or conventions were drawn up broadening the possibilities of legal attacks to the cultural heritage, such as the notion of "military necessity", which is discussed in the sixth chapter. What is noticed is that there is a gap in the knowledge when it comes to dealing with local communities.

As a matter of fact, in the ongoing conflicts in the Middle East where there is a vast of deliberate attacks on cultural sites, it is acknowledged that rebels and extremists groups are not worried about punishments for violating international laws. Therefore one can conclude that, even if the destruction of the cultural heritage during armed conflicts is a crime of war according to article eight of the Statute of Rome, the applicability of the law in such conflicts is not a reality. To overcome this plans should be made for all areas that are considered under risk, involving the local communities, to prevent such destruction. The process of preserving a site or any cultural property has to begin in times of peace and the local community needs to be constantly stimulated to participate, being integrated in the process of listing sites, goods, and in the decision making. Hence increasing the chances of succeeding during conflict.

## **METHODOLOGY**

The method of research employed in this thesis is the document analyses. First the literature about the destruction of the cultural heritage and examples was selected and analyze. Further, after the acknowledgement of the characteristics of the destruction, literature about what Cultural Heritage is, why it matters and what is the role of it in the life of the communities affected by armed conflicts, was also chosen and discussed. Thus the first section of this research is dedicated to justify the importance of addressing its protection.

Following the discussion about the importance of the cultural property and its protection, its destruction in the 21st century as well as the examples selected are examined in order to identify the patterns and the differences between them. This discussion was addressed to point out the different reasons why the cultural heritage is destroyed and the development of this phenomenon in areas of different mentalities. The destruction of historic sites and cities in the 1990's during the war in Yugoslavia and the destruction of cultural heritage in Syria and Iraq. Moreover the course of action of international organizations are reviewed as well as efforts to protect and recover the cultural property destroyed.

Next, the international organizations involved in the protection of the Cultural Heritage in areas suffering with armed conflicts are addressed. These include UNESCO, ICOM, ICOMOS, ICCROM and their partnerships, policies towards the matter and the international law that regulates them and how it is applied by them. Conventions, recommendations, declarations and legal matters since the 1954 Hague Convention (Convention for the Protection of Cultural Property in the Event of Armed Conflict) up until the year of 2016 are examined. However, the aim of this present research is not to give legal advice, but to develop alternative solutions to the problem focusing on the relationship between these international organizations and the local communities. But to be able to do that, their formal roles have to be discussed and documents have to be analyzed in order to understand why they are still not enough to protect the cultural heritage in the areas suffering with armed conflicts and where they are failing.

All that was postulated in the previous sections are brought together and linked bringing to light the challenges of the international organizations in the conflict zones when

dealing with the protection of the cultural heritage. Including perspectives for action in current conflicts. Finally in the conclusion, the results of this analysis are presented explaining why the destruction of the cultural heritage keep going on, the reasons for the failure of the International Organizations as to this issue, and the perspective of change in this scenario. In addition, strategies to protect the cultural heritage in danger are proposed based on the interaction with the local communities and not only on law enforcement.

## 2. CULTURAL PROPERTY

What is Cultural Property?

According to the Convention for the Protection of Cultural Property in the Event of Armed Conflict, The Hague 1954, Cultural Property is defined as:

“For the purposes of the present Convention, 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;

(b) buildings whose main and effective purpose is to preserve or exhibit the movable cultural property defined in sub-paragraph (a) such as museums, large libraries and depositories of archives, and refuges intended to shelter, in the event of armed conflict, the movable cultural property defined in sub-paragraph (a);

(c) centers containing a large amount of cultural property as defined in sub-paragraphs (a) and (b), to be known as centers containing monuments’.” (UNESCO 1954)

This definition clearly states the material aspect of cultural property, and that is why it will be used as the base of the discussion in this research<sup>3</sup>. However, to understand the importance of its preservation it is necessary to consider the definition of cultural heritage:

“Cultural Heritage is an expression of the ways of living developed by a community and passed on from generation to generation, including customs, practices, places, objects, artistic expressions and values. Cultural Heritage is often expressed as either Intangible or Tangible Cultural Heritage.” (ICOMOS 2002).

---

<sup>3</sup> Also because this a definition made by the UNESCO which is the main body that deals with Cultural Heritage protecting, having developed since 1954 legally binding mechanisms for such protection.

The cultural heritage is the expression of a community's identity, and it is what unites and gives them particular values. In this sense the cultural heritage can also seem to be an instrument of separation and stereotyping. This is a common approach when analyzing the meaning of the cultural heritage, going from the particular to the general, focusing on its local importance and production. However, when inverting the perspective, the fact is that this is a product of human beings, therefore representing the humankind in general.

Primarily, the cultural property is impregnated with historical, aesthetic and religious symbolism and significance. Therefore its destruction is the destruction of a collective memory shared by a community and humankind in general, and this means a loss of what brings them together. It is important to understand that this destruction goes way beyond the monetary value of the properties and goods, in fact this is a small part of the problem. Much more important is the deprivation of the knowledge provided through experiences that can be described as an "adventure into the past", as remarked by Helena Edgreen<sup>4</sup> (2007,16): "People wish to be offered an experience of another place and time which allows them to become physically and spiritually involved in the past, and to view their own lives in contrast. To put it simply, we all want to go to an adventure into the past!"

This "adventure into the past", can also bring to the present examples of what should not happen again, such as the center in memory of the holocaust<sup>5</sup>, and all other institutions that represent the persecution of minorities during the Second World War. In this direction, the 1972 World Heritage Convention, states that "damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of mankind, since each people makes its own contribution to the culture of the world" (UNESCO 1972). Hence geographical distance and the different types of material and forms adopted are of no importance, the cultural heritage has a universal value bringing together all the cultures as one, as representing

---

<sup>4</sup> Helena Edgreen is the Director General at National Museum of Finland.

<sup>5</sup> In the case of Auschwitz for instance, there is a local center of memory in the location where it was placed, so people can go there and see what happened *in locus* and it is called Memorial and Museum Auschwitz-Birkenau in the city of Oświęcim (for more information visit: <http://auschwitz.org/en/>). Still, there are also other centers of memory devoted to the victims of the holocaust in other countries such as the United States Holocaust Memorial Museum, located in Washington DC. USA, where people can visit, learn about the subject and pay their respect to the victims even if they cannot go to original location (for more information visit: <https://www.ushmm.org>).

the human specie and pointing out its similarities and what makes them part of this group. It also brings into light both good and bad times in the history of mankind that should not be forgotten. Henceforth, this is the primary reason why it should be protected at all times by everyone, independently of its geographical location or material and means of production.

Equally important is the social-economic use of the cultural property which is not a new phenomenon. Temples, churches, squares, official buildings, etc. were always used by the local communities as places of gathering, worship and also for other and private activities, even housing as stated by Eduardo Rojas<sup>6</sup> (2013, 3): “historic centers and other urban heritage areas provide space for productive and service activities as well as houses”. Moreover, during times of armed conflicts some of these places can be used also by the population as shelter<sup>7</sup>.

Furthermore, the material cultural heritage or cultural property plays a significant role in the sustainable development of local communities, as it promotes income revenue from tourist activities, the so called cultural tourism<sup>8</sup>. These economic activities have a direct relation to the historical, aesthetic and social meaning of the cultural property, and according to the UNESCO, the cultural tourism industry is “now regarded as the biggest in the world ahead of automobiles and chemicals”<sup>9</sup> (2016). The level of “importance”<sup>10</sup> given to the local cultural property and these meanings varies according the attention given to the cultural property, consequently affecting the flow of outside interest in them. It is argued that the

---

<sup>6</sup> Eduardo Rojas is an Urban Development Specialist in the Social Programs Division of the Sustainable Development Department in the Inter-American Development Bank.

<sup>7</sup> Although it is not a common practice and often forbidden, in times of armed conflict when the civilian population is under siege with nowhere to go, they seek shelter in historical buildings and other cultural institutions as the only safe place they can find. The policies towards this practice and also its risks will be discussed in chapter 6.

<sup>8</sup> “...a discerning type of tourism that takes account of other people’s cultures” (Unesco)

<sup>9</sup> The growth of employment in the sector in Europe relative to the total growth of employment from 2008 to 2010 gives an idea of the importance of this industry, specially taking into account the economic crisis started in 2008.

“From 2008 to 2010, numbers of cultural jobs rose by an annual average of 0.7 %. Although modest at first sight, this represents quite a good performance compared to total employment, for which a negative average annual growth rate was recorded over the same period (– 1.4 %).” Source: Eurostat

<sup>10</sup> The use of the word “importance”, even if it gives a prejudicial tone to the treatment of the cultural property discussion is necessary in this context. The reason is that there is a clear stratification of it when it comes to the matter of visibility and preservation of the cultural property.



revenue that comes directly from using the cultural property for tourism activities (such as museum visitation, cultural guided visits and others) is less than the amount of money spent on preserving the site or goods, thus using the cultural property for tourist purposes is not what generates profit<sup>11</sup>. In other words, it is not what generates money and does not play an important role in the development of the region. But it is the employment that this industry generates at local level<sup>12</sup>, the growth in the number of visitors to the region and the attraction of new business that account for profit and development. Furthermore it cannot be ignored that to preserve and restore such areas attract business to such areas. T. Nypan (2007, 59) points out that “ businesses – among others exploit cultural heritage in marketing, promotion and reception activities. Cultural landscapes, townscape, individual sites and buildings are used for the film and television industry, and also as input or a backdrop for many PC-games”. And it is also noted by him that, “90% of turnover generated by the cultural heritage falls to actors outside the site (Ibid.)” which means that when going to visit a museum, for example, before and/or after, the actual visit the tourist will spend money in local businesses.

In this sense the use of the cultural property for the sustainable development of the region is a key factor during all times. During times of peace and during post war recovery it can sometimes be the only economic opportunity in the region and preserve it is to preserve its own means of subsistence.

The local and universal values and uses of the cultural property should be reason enough to preserve and protect it at all times. However in the course of the armed conflicts observed in the 21st century, the destruction of cultural property and the human rights violation are constantly intertwined, and such targeting as a strategy of warfare is a current concern<sup>13</sup>.

---

<sup>11</sup> “Only 6-10% of the visitor’s daily spending is left at the cultural heritage site” (Terje Nypan 2007, 61).

<sup>12</sup> Employment in such institutions and in local business, which can grow in accordance with the increase of the number of visitors, as well as the employment generated by attracting outside business.

<sup>13</sup> The meanings and level of importance attributed to the Cultural Property and how it affects its preservation will be discussed in chapters 5 and 6.

In the Human Rights Declaration<sup>14</sup>, Article 27 states:

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Therefore when an armed group deliberately attacks and destroys or damages the cultural property, they are taking away means of the local community to enjoy its own cultural production and the use of it for its own sustainability and spirituality. This intentional targeting of cultural property has been a characteristic of the Iraq and Syrian armed conflicts, specially driven by ISIS in its attempts of imposing its own set of values on the conquered areas. Consequently together with the destruction of the material cultural property comes the persecution of the local communities, forcing on them new religious beliefs, societal arrangements and even in some cases a new language, promoting a cultural cleansing in the regions. The destruction of the material cultural property is necessary to erase any type of contact with the communities' past, tradition and history, and identity, any contact with what they are. For this reason, to protect the cultural property also means against human rights violations. Thus, in the face of such threats to the affected communities and the possible growth of such strategies, this is one more reason why the protection of the cultural property is an urgent issue.

Finally, I. Bokova, (2012) states that “Culture and heritage are not about stones and buildings – they are about identities and belongings. They carry values from the past that are important for the societies today and tomorrow. [...] We must safeguard the heritage because it is what brings us together as a community; it is what binds us within a shared destiny.<sup>15</sup>” Therefore to safeguard the cultural property is an universal responsibility, it does not mean only to safeguard the past, but the present and the future of communities and humankind.

---

<sup>14</sup> Universal Declaration of Human Rights, United Nations.

<sup>15</sup> Address by Irina Bokova on the occasion of the ICOMOS Gala to Commemorate the 40th Anniversary of the World Heritage Convention, 2 December 2012.

Binding the humankind together as one group of people through a shared past and a common future can avoid disputes, wars, cultural cleansing and the persecution of minorities, as everyone is considered equal.

### 3. THE DESTRUCTION OF THE CULTURAL PROPERTY

The destruction of Cultural Property during armed conflicts is part of human history and has taken place in many forms since the first groups of human beings appeared. To put it simply, the forms in which it happens can be accidental, intended or “military necessity”, and the result constitutes a loss of material and immaterial cultural heritage<sup>16</sup>. The forms of destruction are not restricted to the actual breaking or smashing of cultural items, but also encompasses when the context where the item is destroyed, often by looting. Looting, smuggling and selling of antiquities and archeological artifacts, constitute a very lucrative business for the conqueror, and also a way of making money for the displaced and affected people during conflicts<sup>17</sup>. When there is looting, the cultural item can end up out of the country where it belongs, and the tracking and restitution of it can be very difficult, sometimes nearly impossible<sup>18</sup>.

R. O’Keefe (2006, 2) states in his book, *The Protection of Cultural Property in Armed Conflict*, that there is a “popular thinking that the cultural property has always been deliberately attacked and looted in war or its protection at best ignored”, and it is true that the accidental or inevitable<sup>19</sup> destruction of cultural property occurred on a larger scale. However, even after states realized that most of the time such destruction is not intentional, and made efforts to try to minimize such destruction (by legislation, conventions and resolutions), in the event of an armed conflict and especially in conflicts taking place in the Middle East, this is a crescent concern, and its roots lie in the type of dominance that the attacker wants to

---

<sup>16</sup> Although the focus of the discussion is the destruction of the material cultural heritage (cultural property), it is inevitable to address the destruction of the immaterial cultural heritage as a consequence of such course of action.

<sup>17</sup> In the case of the armed conflicts involving the Islamic State, the organization turned it into a business, even issuing licenses for the locals to excavate in the territories dominated by them and in this way making it a source of income for both parties.

<sup>18</sup> It is strictly forbidden for all parts of a conflict to move or misappropriate items, and it is also a responsibility to stop others who engage in such activity. Such activities are considered war crimes (see *Protection of Cultural Property Military Manual* page 82, (ii) Prohibition and Prevention of Certain acts)

<sup>19</sup> “Inevitable”, refers to cases of “military necessity”, or cases of collateral damage.

perpetuate over the attacked. In this case the phenomenon is characterized by the attacking group targeting and physically destroying and/or spoiling cultural artifacts or constructions.

Moreover, the means of destroying and exploiting the conquered property differs from time to time and according to the conqueror's own culture and available means of warfare. Thus, with the advance of the technology over time and the development of weapons of mass destruction, the destruction of the cultural heritage followed the same path and the issue became critical. Although armed conflicts vary in nature and warfare, all the parties involved are responsible for the safeguard of the cultural property at any time, having it under its own protection or not, but this is surely not an idea shared by every society.

One example of deliberate destruction of cultural property during an armed conflict, is the destruction that the Islamic State is promoting in Iraq and Syria with the prerogative of destroying idols in accordance with the dogma of the Koran. In Iraq the city of Nimrud, an Assyrian pre-islamic site, was vandalized and the destruction of an Assyrian palace was broadcasted<sup>20</sup>. The aim of the Islamic State is not only to eradicate remains of other civilizations which practiced other religions, but also to annihilate any type of manifestation of religiosity that is not in accordance with the Sunni interpretation of the Koran (such as the shiit interpretation, for example). Finally their goal is to establish what they call a Sunni caliphate, and for that an ethnic and cultural cleansing is necessary, having as an ultimate aim the destruction of everything that is not in accordance with the Sunni interpretation of the Koran a must.

It is argued that this is not the Islamic State's only reason for destroying cultural property, and that there is also the matter of provoking a reaction from western powers to engage in a ground war against them.

“This is a conscious and deliberate effort to provoke western actors with the aim for more direct military intervention in the Middle East, in particular in the fight against the IS. Many pious warriors are convinced that the greatest happiness can be achieved when a person dies a ‘martyr’ in the fight against nonbelievers.” (Almohamad; Ditman 2015, 31)”

---

<sup>20</sup> The broadcast of the destruction of the ancient city of Nimrud is available at: <https://www.youtube.com/watch?v=Nizbkppbls>

The example mentioned is an extreme and deliberated attack on the cultural property and it is not the only type of destruction of cultural property during armed. Besides, the attacking party in the conflict is not the only actor. As mentioned before, accidents (caused by confrontations around an archeological site can spill on it)<sup>21</sup> and the “military necessity”<sup>22</sup> are among the main causes of destruction of cultural property, and the defending party can also be the cause such destruction.

Another example is what happened at the end of the 20th century. In the 1990’s, during the break-up of Yugoslavia, several incidents of deliberate destruction of cultural property were documented. During the War of Independence in Croatia, the Yugoslav Army and paramilitary Serbian formations were accused to intentionally target the cultural property, causing damage and destruction even to World Heritage Sites and monuments marked with the Blue Shield<sup>23</sup> emblem. One expressive target was the Old Town of Dubrovnik, which is listed as a World Heritage Site, as well as other significant monuments across the country such as the Fortress at Stara Gradiska and according to B. Sulc ( 1992, 45) the “pillage of galleries, museums, churches and library in the Vukovar by the Yugoslav Army and paramilitary Serbian formation”. Still according to Sulc, looted Croatian cultural treasures were taken to Belgrade and Novi Sad, Serbia:

“Cultural heritage of Vukovar was looted and taken to Belgrade and Novi Sad under the direction and supervision of the Ministry of Culture of Serbia and with the assistance of

---

<sup>21</sup> Although accidents may happen and are far from being rare in armed conflicts, the recommendation made by the Unesco in the Protection of Cultural Property, Military Manual is that: (...) parties to an armed conflict must, to the maximum extent feasible, avoid locating military objectives near such property. In other words, to the extent that the military situation and other relevant factors admit, a party must refrain from positioning in the vicinity of cultural property any foreseeable military target (...) (IV, E, §150, 2016, 44). Thereby to the maximum extent avoiding any risk of accidents.

<sup>22</sup> Military Necessity is a concept present in the The Hague Convention of 1954 and generally speaking states that a Cultural Property shall lose its immunity during armed conflicts only in the case where its targeting is unavoidable on the grounds of gaining military advantage. Therefore it should only be used for military purposes if all alternatives are exhausted and the advantage sought is indispensable. This concept is polemic and some authors argue that it should be withdrawn. It will be discussed in the next chapter.

<sup>23</sup> “The Blue Shield is the symbol used to identify cultural sites protected by this Convention. It is also the name of the International Committee of the Blue Shield (ICBS) that works to protect world cultural heritage threatened by natural and human-made disasters.” International Committee of The Blue Shield (ICBS)

the expert conservators and curators of the museums of Belgrade and Novi Sad and the Institute for the Protection of Cultural Heritage of Serbia, and the whole action was proclaimed by Serbian media to be an evacuation.” (Ibid.)

In both examples, even though the nature of the conflicts are different (religious in the case of the Islamic State and political in the War of Independence in Yugoslavia), the idea behind targeting the enemy’s cultural property is the same: destroy the other, destroy their national history and destroy their memory. Furthermore, in both conflicts the displacement of the local population, and, together with it, the destruction of everything referring to their existence in the place they had leave serves to demotivate their return.

All in all, during armed conflicts the cultural property as well as other property are always in risk to be damaged or destroyed. Independent of how the damage is done, what is lost is the its cultural value and traces of the identity of its producer bringing even more instability to the area. Hence its protection is indispensable.

## **4. THE ROLE OF INTERNATIONAL ORGANIZATIONS IN THE PROTECTION OF THE CULTURAL HERITAGE**

To discuss the instruments of protections of the cultural property during armed conflicts is fundamental to address the work of international organizations and their roles. Also, it is important to mention the field in which each of them work to understand their focus, as well as the historic context of their work development.

In 1863 the United States passed the Lieber Code. The intention was to protect Churches, Hospitals, Museums of Fine Arts or Science during armed conflicts, leading up to, at the turn of the century to international agreements such as The Hague Conventions with Respect to the Laws and Customs of War in Land in 1899 and 1907, and in 1954 The Hague Convention. This last one became the foundation stone for a specific approach to the issue and also for further development of policies and strategic action towards the safeguard of cultural property.

The UNESCO is the international organization responsible for drawing documents that set rules for the behavior of its member states towards cultural property during armed conflicts<sup>24</sup>. These rules are set during conferences addressed to the problem, such as the Convention for the Protection of Cultural Property in the Event of Armed Conflict, which took place in the year of 1954 in The Hague, and its first and second protocol. Another important milestone is the 1972 UNESCO World Heritage Convention and the creation of the World Heritage List.

Other international organizations act as complement for the work of UNESCO, addressing specific problems. For example the ICCROM - International Centre for the Study of the Preservation and Restoration of the Cultural Property - which is responsible for the Disaster Risk Management Program; the ICOM - International Council of Museums - which together with law enforcement instances fights illegal traffic of cultural goods, and works towards the prevention of disasters in museums and offer to support in the recuperation of these institutions in case of destruction; the ICOMOS - International Council on Monuments

---

<sup>24</sup> The states are parties of the conventions are obliged to comply to its set of rules after signing and ratifying its documents.



and Sites - which provides risk management for architectural and archeological sites. The work of each of the mentioned international organizations will be discussed below, keeping in mind its relevance to the protection of the cultural property during armed conflicts.

#### **4.1 United Nations Education, Scientific and Cultural Organization<sup>25</sup>**

According to Article 1, §1 of the UNESCO Constitution:

“The purpose of the Organization is to contribute to peace and security by promotion collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations.” (UNESCO 1954)

The UNESCO is an intergovernmental organization that is part of the United Nations ,and one of its objectives is to “promote the collaboration among the nations through education, science and culture” (Ibid.) as stated above. These three features (education, culture and science) are interconnected and promoting one of them means promoting all of them. Also protecting one of them means to protect all of them, because the easiest way to attack the education in a society is to attack its cultural property and cultural heritage and vice versa. As much as the purpose of UNESCO is to promote culture, education and science, it also encountered the necessity of protecting them during armed conflicts. Either by accident or intentionally they can be damaged and destroyed and their destruction does not only affects physical structures, but also attacks the identity of the local community, its economy, and thereby the history and memory of the mankind. Thus it can also be subject regarded as an instance to human rights violations and prosecuted on the ground of war crime. The main documents produced by UNESCO that deal with the protection of the cultural property are described and considered below.

---

<sup>25</sup> Although the promotion and protection of all features dealt with by the UNESCO (education, culture and science) are intertwined, for methodology purposes only the documents regarding the protection of the cultural property will be analyzed in this thesis.

---

#### **4.1.1 The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict**

In 1954 a set of binding and non-binding instruments and regulations were elaborated by the UNESCO during a conference in The Hague which is called the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, often known as the The Hague Convention. It was the first time the matter of cultural heritage protection during armed conflicts was specifically addressed, in a framework of action in face of the destruction promoted during the Second World War. The uniqueness of this document lies in the fact that it is an international convention, therefore with the need of being ratified by its member countries and having them obliged to comply with its regulations.

This convention regulates the actions of the signatory states towards cultural property during both peacetime and armed conflicts. In the case of armed conflict it specifically regulates how military forces should act in order to protect the cultural property located on or near the battlefield. Its Article 4 §1 states that the parties shall protect the cultural property within its own territory and outside it, not using it for protection or any other activity that might cause damage to it. The following paragraph presents “military necessity” as the waiver of such protection. The concept of “military necessity” is polemic and has been criticized since it was included in the The Hague Convention 1954, Article 11 §2 : “Apart from the case provided for in paragraph 1 of the present Article, immunity shall be withdrawn from cultural property under special protection only in exceptional cases of unavoidable military necessity, and only for such time as that necessity continues. Such necessity can be established only by the officer commanding a force the equivalent of a division in size or larger. Whenever circumstances permit, the opposing party shall be notified, a reasonable time in advance, of the decision to withdraw immunity”. (UNESCO 1954) In the second protocol (March 1999) there is a restriction to the use of the waiver, saying that it should be applied “to direct an act of hostility” (Second Protocol, Article 6 (a), 1999). Therefore the cultural property can not be used for gaining military advantage. It can only be defended if it is being used for military purposes, and it must be taken over for protection as soon as the occupant is driven out. Some authors, however, argue that such a waiver still gives an understanding that

an opportunity parties might to act carelessly as it provides a legal way to justify the act of destruction of cultural property under their own protection. According to Hannah G. He “In order to protect cultural sites from destruction during the conflict with ISIS, the Second Protocol’s waiver of protection for sites being used for military purposes must be removed, and an analysis balancing military necessity and protection must be instituted in all decisions to target cultural sites.” (H. G. He 2015, 186) However such claims appear to make sense, there is also a need to think that in armed conflicts things do not always go as planned. Armed conflicts are not rules but exceptions, consequently there is a need of rules for the not expected and the military necessity can be perceived as one. In the Protection of Cultural Property Military Manual is made clear that such cases have to be treated as not having a feasible alternative. In the § 126 is stated: “Imperative military necessity implies the existence of no feasible alternative for obtaining a similar military advantage (UNESCO IV, C, §126, 2016) .” Finally, this is not an alternative measure, but a lack of alternative, and in the reality of an armed conflict its existence is necessary.

The establishment of the emblem of the convention, which serves to identify the cultural property, is also an important development. It is used to identify immovable property under special protection<sup>26</sup>. The emblem is known as the Blue Shield because of its visual composition of “a shield consisting of a royal-blue square, one of the angles of which forms the point of the shield, and of a royal-blue triangle above the square, the space on either side being taken up by a white triangle” (UNESCO 1954). However, in spite the fact that the symbol serves to identify in order not to target the cultural property, in conflicts where there is an intention to target it, this emblem can serve against its purpose. Therefore taking into account the ongoing conflicts in the Middle East and the operations involving attacks on

---

<sup>26</sup> Article 8. Granting of special protection

1. There may be placed under special protection a limited number of refuges intended to shelter movable cultural property in the event of armed conflict, of centers containing monuments and other immovable cultural property of very great importance, (...) (UNESCO 1954)

The idea of putting cultural property under special protection is that it either needs more attention because it was already rescued from a dangerous area or that the level of importance of the monuments deserve an immunity of military uses. However the waiver of military necessity could still be evoked, therefore not making its status any different from that of any other cultural property under “regular” protection. The Second Protocol tries to solve this issue by restricting the use of such waiver.

cultural goods, the efficacy of using the emblem is doubtful as it can promote and not prevent such attacks.

In addition to the convention and its first protocol, in 1999 its Second Protocol (1999) was presented as a development of the The Hague Convention (1954) facing the gaps acknowledged during armed conflicts subsequent from its adoption, especially the ones in former Yugoslavia (Bokova, 2010), for example when the Yugoslav Army and the Paramilitary Serbian Forces claimed military necessity to have targeted cultural properties in Croatia and Bosnia. Besides being a complement to and not replacing the convention, this protocol specifies measures to be taken during peacetime<sup>27</sup>, includes non-international armed conflicts and paramilitaries and rebels as parties of a conflict and punishable under the treaty, and defines the violations that are subject to criminalization under the protocol. The definition of the crimes is one of the most important aspects of the Second Protocol as it defines the duty of the party to hold accountable and punish the violator.

One relevant issue regarding the Second Protocol is that not all signatories of the first one signed and ratified it. Syria and Iraq, for example did not, and are not part of it. Therefore, even though they are obliged to comply with the premises of the convention, the new features of the Second Protocol (which are updated to the type of conflict those countries are in), are not applicable.

Anyway, the convention and its protocols are still one of the greatest achievements towards the protection of cultural property during armed conflicts. Its policies and application, however need constant analysis and update regarding the context and means of warfare. Also it is important to consider the different mindsets between east and west when reviewing it in

---

<sup>27</sup> While the document from 1954 gives rather vague directions of measures to be taken during peacetime to avoid the destruction of the cultural property during armed conflicts, the Second Protocol (UNESCO 2010) provides specific measures to be taken. Article 5 – Safeguarding of cultural property states: “Preparatory measures taken in time of peace for the safeguarding of cultural property against the foreseeable effects of an armed conflict pursuant to Article 3 of the Convention shall include, as appropriate, the preparation of inventories, the planning of emergency measures for protection against re or structural collapse, the preparation for the removal of movable cultural property or the provision for adequate *in situ* protection of such property, and the designation of competent authorities responsible for the safeguarding of cultural property.”

While the Article 3 of the The Hague Convention (UNESCO 1954) states: “The High Contracting Parties undertake to prepare in time of peace for the safeguarding of cultural property situated within their own territory against the foreseeable effects of an armed conflict, by taking such measures as they consider appropriate.”

order to cover the different types of conflicts in the present. Moreover as a convention, and even though it is an international convention, its application is subject to the ratification of the signatory countries. Therefore there is the issue of how to deal with a non signatory state where the jurisdiction of a convention does not apply. However if one of the parties is a signatory that party has the obligation to comply and the non0signatory is encouraged to as a compliance with customary international law.

---

#### **4.1.2 1970 - Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property**

As the name of the convention suggests, its main purpose is the prohibition of import, export and transfer of ownership cultural property. Article 3 states: “The import, export or transfer of ownership of cultural property effected contrary to the provisions adopted under this Convention by the States Parties thereto, shall be illicit” (UNESCO 1970). Furthermore the the convention also gives a guideline of measures that should be taken by the member states regarding the protection of its own cultural goods, as well as how to act when importing cultural items to avoid illegal import. The proposal is that the member states create national services dedicated to the matter, keep an up to date list of public and private cultural property, pass laws and establish regulations, and see to it that appropriate publicity is given to disappeared items.<sup>28</sup> Although it is mentioned in the The Hague Convention 1954<sup>29</sup> that such practices be condemned, the term illicit only appears in 1970. It is a breakthrough in the effort to avoid such practices as it implies that punishment and penalties will be imposed.

The looting and pillage of cultural property is an equally important cause of its loss as the physical destruction of it. Even though the physical destruction gives the idea of permanent damage, a loss caused by looting or pillage, besides the fact that it might be prolonged or even permanent, as it can be nearly impossible to locate the item, which often is

---

<sup>28</sup> Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, Article 5. (UNESCO 1970)

<sup>29</sup> Article 4 §3 The High Contracting Parties further undertake to prohibit, prevent and, if necessary, put a stop to any form of theft, pillage or misappropriation of, and any acts of vandalism directed against, cultural property. They shall refrain from requisitioning movable cultural property situated in the territory of another High Contracting Party. (UNESCO 1954)

trafficked outside its place of origin, also destroys the context in which it belongs. This practice is not new and it is closely related to imperialist practices. From Egyptian obelisks stolen by Napoleon, passing art and antiquities stolen from the Jews by the Nazis and to the looting of the Iraq National Museum and the illegal archeological excavations conducted by the Islamic State in Syria, it is observed that the reasons for the plundering vary from the thought of the right to own the past of the conquered party to viewing the cultural property as an alternative source of money to finance the occupation and further campaigns. Anyway the domination or the attempt to gain supremacy over the other party seems to give the conqueror the right to the communities' past, especially when it comprises valuable cultural properties.

This convention is an important step forward in the protection of the cultural property and together with the Second Protocol of the The Hague Convention 1954, which states that each party shall take measures to suppress its illicit export, (Article 21, b. Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict 1999), it has an aim that states should be prepared to avoid such export of cultural property during the event of an armed conflict. However, even though, governments in times of peace might pursue such measures, the fact is that during an armed conflict the control of such activities in territories occupied by the enemy forces can become nearly impossible, as can presently be seen in Syria and Iraq. Therefore, when it is not possible to control the sellers, to stop buyers and thereby putting a stop to the business might be the only way to end or at least to reduce this practice.

---

#### **4.1.3 1972 - World Heritage Convention**

The World Heritage Convention introduces the idea of preserving cultural and natural heritage, emphasizing the cultural features of natural properties. Another important point is that it introduces the idea of a cultural property of international importance and therefore the signatory states should all be responsible for its preservation. The states as parties are responsible for choosing the cultural property that will be part of the World Heritage List and, as soon as there is a threat report it to the World Heritage Committee which if necessary will “decide on specific program needs and resolve recurrent problems” (UNESCO 1972).

The importance of this convention for the preservation of cultural property during armed conflicts, relies on the fact that belonging to the World Heritage List gives a special importance to the cultural property in question by the fact that the whole world recognizes the importance of not losing that specific cultural feature. Moreover this special attention given to it together with the fact that it is stated in the convention that the international community has the duty to preserve it can in some cases be crucial in saving it.

Another two important aspects of this convention concerning times of armed conflict are the List of World Heritage in Danger and the World Heritage Fund. The List of World Heritage in Danger, as the name suggests intends to inform the international community of potential and imminent danger. To be on the list the cultural property has to fulfill one of the criteria stipulated by the Committee, and in the case of potential danger one of them is: “outbreak or threat of armed conflict” (UNESCO)<sup>30</sup>. Once inscribed in the list, funds from the World Heritage Fund can be destined according to the committee’s evaluation. Therefore in the case of damage during armed conflicts, the committee and the state party involved will work together to recover the cultural property. Furthermore, all possible necessary assistance will be given to the state party, since during and after an armed conflict the social and economic local situation requires external help.

The downside of the List of World Heritage is that it gives an idea of preference to cultural property on the list over other cultural properties that might be of the same importance for the local community.

---

#### **4.1.4 Protection of Cultural Property Military Manual**

“This manual serves as a practical guide to the implementation by military forces of the rules of international law for the protection of cultural property in armed

---

<sup>30</sup> For example, the Ancient City of Aleppo, the Ancient City of Bosra, the Ancient City of Damascus, the Ancient Villages of Northern Syria, the Crac des Chevaliers and Qal’at Salah El-Din and the Site of Palmyra were all inscribed in the List in 2013 due to the armed conflict ongoing in Syria since 2011. The international community is not succeeding in the protection of the cultural properties at any level in Syria. During an emergency mission to Syria in January 2017 the UNESCO reported in a preliminary assessment that “some 60% of the old city of Aleppo has been severely damaged, with 30% totally destroyed” (UNESCO 2017).

conflict” (UNESCO, Protection of Cultural Property Military Manual, I INTRODUCTION A. THE PURPOSE OF THIS MANUAL §1, 2016, 1).

As it says above, the manual is a practical guide for the military forces and it puts together all relevant sources of lawful instruments developed along the way towards the protection of cultural property during armed conflicts. The timing of the publication of this material could not make more sense and the contemporaneity of the experiences too<sup>31</sup>. For the past decade, the deliberate targeting of the cultural property has been recurrent and even if it often is not possible to preclude the targeting, it is necessary to have at hand information about how to move forward to recover the target, i.e. the cultural property. Therefore the relevance of this manual is that it can be used as a training material by states to prepare its military forces to deal with the targeting and recovery of cultural property in case of an armed conflict. However, even though, it is often unpredictable which circumstances will arise during armed conflicts, to have a homogeneous and official source of information can prevent damage to and losses of cultural items.

This type of document goes beyond the lawful matters, it is an educational tool and such should be developed for all sectors of society. It is important that everybody has this type of knowledge, not only experts, specially in unstable areas. There the local community should also be trained to know where to get assistance and advise as to what they can and should do beforehand. This material can be used as a basis to develop similar guides in other sectors of the society<sup>32</sup>, therefore it is an important milestone as concerns the education towards the cultural heritage.

---

<sup>31</sup> The manual addresses to cases of destruction of cultural property as a crime against humanity. The Introduction, C, (b) Crimes Against Humanity §18. “The intentional destruction of cultural property on discriminatory grounds can also constitute the crime against humanity of persecution when it is committed as part of a widespread or systematic attack against a civilian population, and both the Nuremberg Tribunal and the ICTY convicted perpetrators on this count (see appendix IV)”. (UNESCO 2016, 3) This has been a recurrent feature of the most recent armed conflicts.

<sup>32</sup> When saying that it can be a base for other guides, it is meant that some features of the material as for example when it concerns to where to look for assistance. It is understood that the manual has the specificities necessary for the military.



## 4.2 International Council of Museums

The International Council of Museums (ICOM) is a global network of museums and museums professionals for the promotion and protection of the cultural heritage (tangible and intangible). It is a non-governmental and non-profitable organization related to the UNESCO and also a founding member of the International Committee of the Blue Shield. The focus of the ICOM is the museum and its needs providing “professional cooperation and exchange; dissemination of knowledge and raising public awareness of museums; training of personnel; advancement of professional standards; elaboration and promotion of professional ethics; preservation of heritage and combating the illicit traffic in cultural property” (ICOM Mission).

As to what concerns the protection of the cultural property during armed conflicts three features need to be highlighted<sup>33</sup>. The first one is the fight against illicit traffic of cultural goods introducing red lists of looted and stolen cultural goods. The aim of the red list is to enhance the diffusion of information putting together types of art and archeological items according to its provenance area. Such areas are considered risk areas and the items were or are likely to be stolen, therefore this knowledge can prevent their illicit export and import. This is a tool to help to recognize illegally moved items for customs officers, gallery owners, art collectors, museums and whoever encounter these items in suspicious conditions and risk areas. Furthermore the red lists have a double character as the spread of this information on one hand can prevent items to leave their places of origin, and on the other hand can also help to recover them in the places of destination. Moreover emergency red lists are also designed according to the current necessity, which is the case of the Emergency Red List of Iraqi Cultural Objects at Risk, updated in 2015<sup>34</sup>.

The second feature is the Museums Emergency Program which in cooperation with the International Committee of the Blue Shield aims to develop strategies “to limit and

---

<sup>33</sup> All in all, the whole work of the ICOM is important for the times of armed conflicts for its educational and awareness perspectives towards not only the tangible but also the intangible heritage.

<sup>34</sup> “Following the successful seizures made possible thanks to the 2003 *Emergency Red List of Iraqi Antiquities at Risk*, the International Council of Museum’s (ICOM) first Emergency Red List, and in view of the persisting threat to the Republic of Iraq’s cultural heritage, ICOM concluded that an updated version of the List was necessary.” (ICOM 2015)

contain damage through preventive conservation measures and rapid intervention to save cultural heritage, with the involvement of local communities and respect for local traditions, techniques and know-how” (ICOM 2007). This initiative intends to produce and diffuse knowledge to manage risks against cultural property in all of its natures (natural and human disasters) basically conducting researches and training and by using “the ICOM network (currently c. 20 000 members) to spread information on Risk Preparedness and Response” (Ibid.).

Finally the Disaster Relief Museums Fund, which is directed to provide assistance for the recovery of cultural and natural heritage institutions from natural and human catastrophes “through public awareness campaigns in the media, site surveys, relief projects, post facto capacity building programs, production of risk management tools, or any other action deemed necessary” (Ibid.).

Altogether these three features can be perceived for their educative character. The diffusion of information is an inherent characteristic of them and it was one of the strategies used when trying to recover stolen items from the Iraqi National Museum which together with the involvement of the local population has proven to be effective.(Bogdanos 2005, 499)

### **4.3. International Council on Monuments and Sites**

The International Council of Monuments and Sites (ICOMOS) is a non-governmental international organization that deals with the conservation of monuments and sites conserving and preserving architectural and archeological heritage. It promotes risk management for monuments and sites through reports and heritage alerts identifying threatened locations. The heritage alerts can be sent by anyone to the ICOMOS International Secretariat that will process it and if the threat is confirmed the threat will share the information with the relevant authorities. Raising awareness of the cultural property in danger as well as providing disaster risk management for them is the primary aim of this international organization. It works with the idea that the cultural heritage can have an important role building resilience in the post

disaster<sup>35</sup> period and that therefore it should be protected and rapidly restored in case of damages.

The ICOMOS follows the UNESCO conventions (1972 - World Heritage Convention; 2003 - Convention for the Safeguarding of the Intangible Cultural Heritage; 2003 - Convention for the Safeguarding of the Intangible Cultural Heritage; 2001- Convention on the Protection of the Underwater Cultural Heritage).

#### **4.4. International Centre for the Study of the Preservation and Restoration of the Cultural Property**

The ICCROM is an intergovernmental organization which provides training and research dealing with the preservation and restoration of all types of cultural property. In general the institution provides training, research and diffusion of information. The ICCROM role in the protection of cultural properties during armed conflicts lies in its preventive activities such as its Disaster Risk Management Program. Also two other programs are directed to the preventive conservation of collections. One is the Reducing Risks to Collection program which is a course based on case studies that intend to train professionals to identify risks and to mitigate them. Another is the Re-ORG (storage reorganization) program, which provides tools and guidance (the program provides training in situ and online) with the purpose of minimizing risks for the collections by reorganizing storage. Those two initiatives allow the professionals to identify exactly the weak points of its collection and collection organization, and thus, in case of an armed conflict they can be ready to protect it.<sup>36</sup>

---

<sup>35</sup> The rebuilding of the Mostar Bridge in the Bosnia and Herzegovina territory is an example of it. During the war in the 1990s the historic bridge of Mostar as well as the Old City of Mostar were destroyed leaving both sides of the river (Croats on the west side and Bosnian Muslims on the east side) without its heritage. In spite of both ethnic and religious groups polarization, the reconstruction was an imperative for both and ended up bringing both groups working together towards this objective. “The reconstructed Old Bridge and Old City of Mostar are symbols of reconciliation, international cooperation and the coexistence of diverse cultural, ethnic and religious communities.”(UNESCO)

<sup>36</sup> Those initiatives are not aimed at reducing risks during armed conflicts, but are useful in the event of such because promoting a deep knowledge of a collection’s as well as storage, making the action of protection, rescue or in some cases transport of the cultural property safer.

Another important program of the ICCROM for the protection of the cultural property is the First Aid to Cultural Heritage in Times of Crisis (FAC). This program is offered in the framework of the Disaster Risk Management with the goal of reducing the impact of disasters such as armed conflicts to cultural properties. Due to the unpredictability of the events during an armed conflict, this type of protective initiative is as important as prevention because even if parts of a collection or other type of cultural property are damaged, a trained straight forward response can prevent more damage to be done. As well it gives the opportunity of promptly treating what is already damaged avoiding its complete loss. This program is offered in the form of educational trainings and some key points are: “assess and manage risks to cultural heritage in crisis situations; Secure, salvage and stabilize a variety of cultural materials; Take preventive actions to reduce the disaster risk and improve response” (ICCROM).

Risk management initiatives can be very effective in unstable areas and it is important to train not only professionals but the population and give them access to report damages and threats such as the ICOMOS does with its heritage alerts.

The ICCROM, ICOM and ICOMOS follow the UNESCO guidelines and conventions, and cooperate with each other. For example, in 2010 the UNESCO, ICCROM, ICOMOS published the ‘Managing Disaster Risks to World Heritage’ which is a manual that complements other two manuals which were developed to help the management bodies to help protect their sites. These partnerships are fundamental in the protection of the cultural property as the work of one organization will complement the work of others and also gather different experiences that can be adapted to new contexts.

The role of the mentioned international organizations towards the cultural property is basically the same: preservation and protection in face of threats. The UNESCO as an intergovernmental organization<sup>37</sup> through its conventions<sup>38</sup> provides legal foundation for the protection of the cultural property during armed conflicts, and such rules are binding to all its

---

<sup>37</sup> An Intergovernmental Organization (IGO) is an organization made up of sovereign states

<sup>38</sup> The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, and its two (1954 and 1999) Protocols; the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property; and the 1972 UNESCO Convention (The World Heritage Convention).

member states. In cooperation with the International Criminal Court (ICC)<sup>39</sup> efforts are made to hold accountable those responsible for attacks against cultural property on the basis of the article 8 of the Rome Statute,<sup>40</sup> which states as a war crime: “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;” (Rome Statute of the International Criminal Court, Article 8, Section b §4, 1998).

The International Criminal Court was established in 1998, and the inclusion of deliberate attack on cultural property in the Rome Statute shows the contemporaneity of the issue and the need of characterizing it as war crime, specially after the events which occurred during the break up of the former Yugoslavia<sup>41</sup>. Article 8 of the Rome Statute also reinforces the legal grounds for the protection of the cultural property set on the UNESCO Convention’s acknowledging it as a war crime.

Although the provision of legal instruments is indispensable in this context, the role of the other international organizations are not less important. The ICOM, ICOMOS and ICCROM, through research, training and diffusion of information as well as their cooperation with the UNESCO provide material and experiences that can be used to adapt and update the current legislation. Therefore the role of these international organizations cannot be regarded just as a support, but as a complement.

To summarize, the role of these international organizations is essential to the protection of the cultural property not only during armed conflicts, but also during peace time. As policy maker, risk management agents or producing inventories, their cooperation and change of experiences is what make possible the development of new strategies.

---

<sup>39</sup> The International Criminal Court (ICC) deals with four main types of crimes: war crimes, crimes against humanity, genocides and crimes of aggression. It can exercise its jurisdiction only over a part that is a state member, a crime that is committed in the territory of the member state, or if referred by the United Nations Security Council. Furthermore the ICC works in cooperation with the member states and depend on their support.

<sup>40</sup> The Rome Statute is the treaty that establishes the International Criminal Court (ICC).

<sup>41</sup> In the 1990s during the conflicts followed by the break up of the former Yugoslavia, the destruction of the cultural property was used as a means of warfare. Some examples are the destruction of the Old Bridge of Mostar and the Old City of Dubrovnik.

## **5. CHALLENGES AND PERSPECTIVES FOR THE PROTECTION OF THE CULTURAL PROPERTY IN THE 21st CENTURY**

### **5.1 Challenges**

---

#### **5.1.1 Law Enforcement**

In 1998 when the International Criminal Court was established, the Article 8 of the Rome Statute direct attacks on cultural property were acknowledged as a war crime. This was an important development in the protection of the cultural property during conflicts, and, for example in September 2016 in the case of “Prosecutor v Al-Mahdi” the latter charged with war crimes in the shape of destruction of cultural property, including World Heritage-listed shrines, in Mali, was found guilty and sentenced to 9 years in prison. This shows the commitment and efficiency of this body and is also proof of an updated policy.

Even though the inclusion of the direct attacks to cultural property in the scope of war crimes is an important development, in the case of the ICC it should also be extended to the crimes of Genocide and Crimes Against Humanity. Even if not directly expressed such in the grounds of war crime, it can be interpreted as such. As for Crimes Against Humanity the paragraph one the Article 7 of the Rome Statute states: 1. For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: and among the definitions in the paragraph two is: (h) "The crime of apartheid" means inhumane acts of a character similar to those referred to in paragraph 1, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime; (Rome Statute, Article 7, §1, §2). The deliberate destruction of the cultural property can be included as crime of apartheid, for its clear intention of “systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime” when precluding the access of the

group to its own history and culture assets. And as for Genocide: For the purpose of this Statute, "genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (Rome Statute, Article 6). In this case the deliberate destruction to the cultural property can affect the conditions of life, and promote instability in the region, when taking away its social dimension and in many cases means of subsistence. Consequently it should be able to be prosecuted also on the grounds of genocide.

The problem with law enforcement in this field is jurisdiction. In the Case of the ICC its jurisdiction depends on whether the state involved is a member state or accepts the ICC's statute. An alternative is to have the United Nations Security Council bring the case before the court. But anyway the challenge is to convince more states to become a member or to accept ICC's jurisdiction<sup>42</sup>.

Another challenge regarding law enforcement is what concerns illegal trade of looted cultural items. In this case there is the matter of punishing the seller and punishing the buyer. In the case of Syria and Iraq, the Islamic State is using such trade as a source of income. In order to diminish the source of income of the Islamic State and any other terrorist group in the area, in 2015 the United Nations Security Council passed a resolution "Condemning the destruction of cultural heritage in Iraq and Syria particularly by ISIL and ANF, including targeted destruction of religious sites and objects; and recalling its decision that all Member States shall take appropriate steps to prevent the trade in Iraqi and Syrian cultural property and other items of archaeological, historical, cultural, rare scientific, and religious importance illegally removed from Iraq since 6 August 1990 and from Syria since 15 March 2011, including by prohibiting cross-border trade in such items, thereby allowing for their eventual safe return to the Iraqi and Syrian people,"(United Nations Security Council, Resolution

---

<sup>42</sup> For example in the case of Ukraine, which not being a party to the Rome Statute, therefore not being a member state of the ICC, in 2013 "lodged a [declaration](#) under article 12(3) of the Rome Statute accepting the ICC's jurisdiction over alleged crimes committed on its territory from 21 November 2013 to 22 February 2014." (International Criminal Court, 2014).

2253, 2015). To condemn and punish the buyers<sup>43</sup> is one of the few possibilities to deal with such illicit traffic in zones where a conflict is ongoing, due to the difficulty of applying measures to the local sellers and the fact that if the latter have no customers the business will collapse.

The problem, though, is to track the period when the shipment of the cultural property started and its original provenance. Therefore this ban should be on all cultural property suspected to be from Iraq and Syria, and such a ban should be valid for all areas during or in the imminence of an armed conflict.

---

### **5.1.2 Applicability and Efficiency of the UNESCO Conventions**

The first challenge is to bring more countries to be signatories of conventions and its additional protocols (when they exist). One of the reasons is that, in case of an international conflict, if both parties are signatories, the parts are ruled by the same rules and there are more chances that the rules will be followed. Furthermore if there is a need of punishment, this will be done in a homogeneous way regulated by the same treaty, therefore making the process easier. Moreover, to follow its subsequent protocols is a way to keep the parties updated regarding the rules. In the case of the The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, and its two (1954 and 1999) Protocols, of a total of 195 countries, 124 are party of the convention, 101 are party of the first protocol, and 66 are party of the second protocol (UNESCO 2013). In this case being party of the second protocol means to be party of an instrument that together with the International Court of Crime recognizes destruction and damage of cultural property as a war crime.

In the same way, besides being party of the convention, the state parties themselves need to apply the set of rules established in its national territories, including adapting their own legal systems in times of peace, as stated by the Convention for the Protection of

---

<sup>43</sup> Another fact that makes it indispensable to apply harder measures against the buyers is that the antiquities are likely to leave the country of origin. For example, London, UK is one of the biggest market for antiquities followed by New York, USA. The UK and the USA are both countries that are not under any major social crisis and with no disturbances in the rule of law.



Cultural Property in the Event of Armed Conflict, with Regulations for the Execution of the Convention 1954 in what concerns to the contracting parties: **Being of the opinion** that such protection cannot be effective unless both national and international measures have been taken to organize it in time of peace; **Being determined** to take all possible steps to protect cultural property; (UNESCO 1954). The necessary adaptation on national level is not only about rules, but also involves programs and the educational system in order to teach the population the importance and meaning of the cultural property in peace times, during conflicts and in post war, specially in unstable areas.

Even though the legislation, recommendations and guidance are fairly up to date, and with the recent edition of a manual to facilitate the understanding and conduct of the military forces, the aggression against cultural property not only does not stop, but increases and becomes more brutal. Perhaps the International Organizations have focused too much on how to contain the behavior of armed forces and how to hold states accountable for the destruction. Now they are facing internal conflicts with the factor “religious extremism” bringing new problems concerning how to deal with attacks to cultural property based on it. Now the challenge is also to adopt policies to ensure the rule of law under such conditions.

Finally an even bigger than that is the challenge of how to bring states to understand that the acceptance of the jurisdiction of organizations such as the International Criminal Court, or even the UNESCO, is not a threat to their sovereignty but a complementation and support to their legal instruments<sup>44</sup>.

---

### **5.1.3 Understand and Change of the Aggressors Mindset**

This can be considered the major challenge in the protection of cultural property during armed conflicts. The reason is that in the recent conflicts in the Middle East, in

---

<sup>44</sup> “The perception that international regulation would constitute a violation of State sovereignty and an interference in internal matters has meant that even when treaties have been extended to NIAC, as in the case of the Cultural Property Convention, the process has been carried out through a poorly drafted provision that has subsequently given rise to different interpretations and legal ambiguity.”(Choudbury, Arimatsu 2015, 91)

countries in Africa (such as Mali)<sup>45</sup> and in the Balkans (Such as Bosnia and Herzegovina and Croatia)<sup>46</sup> destruction of cultural property is done to disseminate hatred and persecute minorities. Also in the case of the Islamic State such attacks are intended to defy the international community and the rule of law on national and international level. These courses of action turn all policies and legislation developed over the last 60 years into nothing but lines on papers. Therefore in these recent conflicts, the problem clearly does not rely primarily on the contemporaneity or deficiency of the policies, the problem relies on the different mindsets of those committing the crimes. Consequently the challenge is to understand why the aggressors are doing what they are doing, and develop ways to make them understand why their course of action also harms themselves beyond lawful punishments. In the conflicts in Syria and Iraq that have destroyed several World Heritage Sites, the problem is how to defy intolerance, hatred and extremism.

---

#### **5.1.4 Involving and Engaging Local Communities in the Risk Management and Protection of the Cultural Property During Peace Time and During Armed Conflicts**

The involvement of the local communities is a challenge for the protection of their own cultural property during armed conflicts. Cultural property and cultural heritage in general are products of the interaction of societies with their environment, therefore it is more than reasonable that they, as the primary owners, should decide what should be given priority of protection during crises. The UNESCO pursues the List of the World Heritage in Danger, and the sites listed in it are subject to emergency actions in case of threats. These sites, as part of the World Heritage List, are considered of universal value. Although there is a need for prioritization, specially under chaotic circumstances, there is also a need for protecting what

---

<sup>45</sup> “In 2012, the world witnessed the tragic destruction of the mausoleums in Timbuktu – one of Africa’s spiritual and intellectual capitals in the 15th and 16th centuries – inscribed on the UNESCO World Heritage Site list in 1988. Timbuktu’s legendary Sufi mausoleums and shrines were methodically leveled, and the Djingareyber and Sidi Yahyia mosques were also severely damaged. Violent extremist groups also seized radio and media equipment to disseminate their propaganda and sectarian messages through loud speakers in the streets of Timbuktu.”(UNESCO 2016)

<sup>46</sup> The examples of the Old City and Old Bridge of Mostar in Bosnia and Herzegovina and the Old City of Dubrovnik in Croatia.

the local communities acknowledge as important to them, and for that there is a need of more public participation in the making of the Tentative List<sup>47</sup>, because when only the State Party is able to point out what should be incorporated in the World Heritage List, it can lead to the exclusion of cultural properties<sup>48</sup>. Even though state parties are encouraged to make their Tentative Lists with the participation also of local communities, due to for example political reasons or even with the intent of not having some groups represented, they might not consult them or consider their suggestions. Therefore an interactive list where ordinary people could point out what is worth protection in their area, would bring the International Organizations (such as the UNESCO in this case) closer to them. There is the implicit necessity of abiding by rules and processes in the creation of such lists, but when dealing with cultural property goes beyond only State Parties acknowledging what is or not worthy of protection.

---

### **5.1.5 Nationalism**

The ghost of nationalism<sup>49</sup> is also contributing for it when two or more groups with different nationality and cultural identity share the same territory or ended occupying a territory that was previously occupied by another group clash. When such clash happens a way to destroy the rival group identity therefore destroying the pride and materiality of its culture is to attack their cultural property.

---

<sup>47</sup> The Tentative list is a list of cultural properties that the state parties consider to become part of the World Heritage List. Such a list is submitted to the UNESCO by the state party.

<sup>48</sup> Such exclusions can lead to conflicts and represent the persecution of some groups therefore the matter of the ownership of the cultural property has to be shared to avoid disputes.

<sup>49</sup> Nationalism is a concept difficult to define and there are many different attempts of definition and it can be found defining as an ideology. As it is not intended to open a discussion about it, the definition provided here will be based on decomposing the word in two nation + ism and linking the meaning of both. According to the Cambridge Dictionary, nation is: a country, especially when thought of as a large group of people living in one area with their own government, language, traditions, etc.; and/or: a large group of people of the same race who share the same language, traditions, and history, but who might not all live in one area. Still according to the same source -ism as a suffix means: used to form nouns that refer to social, political, or religious beliefs, studies, or ways of behaving; and/or: an example of typical behaviour. Therefore based on the meaning of the two words that compose the term, it is possible to say that: Nationalism is the behavior of a group that shares a government, language, traditions, religions, history or any other common background capable to unify them as a group.

While western societies learnt how to manage the risk of conflicts related to it, eastern societies seem to be still struggling. Also the groups such as the Islamic State are introducing a new dynamic to the subject expecting to create a nation-state based on religious beliefs and attacking, displacing, killing, raping and destroying all the traces of populations of different beliefs. If the notion of nation-state “is an area where the cultural boundaries match up with the political boundaries” (UNESCO) the Islamic State is trying to convert that into “religious boundaries match up with political boundaries” as different ethnicities and cultures are welcome to join them as long as they accept their core of religious values and laws based on it.

It would not be true to say that the conflicts based in nationalism do not exist in western societies anymore, but after the Second World War mechanisms were created to manage the risks of new insurrections, mainly through education, law enforcement and not letting that past experience to be forgotten. Irina Bokova, the Director-General of UNESCO, stated at the “Heritage and Cultural Diversity at Risk in Iraq and Syria” International Conference “that education is a vital resource in the fight against fanaticism, as it provides a platform for populations to forge collective identities, which is a fundamental element in overcoming conflicts” (Bokova, 2014, 5) and that “moreover underlined UNESCO’s role in raising the alarm and in bringing partners together to find solutions, and that condemning the violence is not sufficient.” (Ibid.). It shows that the main and more influent agency that deals with the cultural property protection during and at all times, knows that the strategies of law enforcement are not working.

It does not seem that the problem is the lack of legal instruments or them being out of date. The fact is that during a conflict this set of rules are difficult to be applied in consequence of the need to stop the spread violence and such instruments end up just being useful in order to punish the aggressors of the cultural property and at that point it will be already destroyed, and sometimes not even being possible to restore it. Therefore the as mentioned above the “education is a vital resource in the fight against fanaticism” (Ibid.) and might be the only one and the only hope in this battle against the destruction of the cultural property in countries like Iraqi and Syria. For that is necessary to understand the origin of the phenomena and this is only possible working together with the local affected communities. At

this stage, it is essential that the western and the eastern mentality find a common place because it is not just about to educate, but how to educate to prevent young generations to be brainwashed and join such groups. Moreover it is necessary to make them perceive the ancient cultural property in their living areas is not a threat to their current religion and beliefs, that both can coexist in the same place and how they can benefit from it, economically and culturally. Finally to understand the mindset of the affected population, and adapt the successful experiences of prevention and resilience to their context can be the most effective way to avoid further clashes, specially in areas where the cultural heritage are in the front line. It is also necessary to make them aware of the possibilities of punishment and how to report threats and abuses towards the cultural property.

## **5.2 Perspectives**

As concerns policies and law enforcement when it comes to the protection of the cultural heritage during armed conflicts, after the matter started to be treated as a war crime a new chapter started. Currently convictions have been made by the International Criminal Court, which shows its efficiency and the necessity of treating the matter as such. The conviction for such crimes can be seen as an example of non-impunity and at some point contribute to the inhibition of such course of action. For that reason unstable states should accept the jurisdiction of the ICC as the example of the Ukraine.

Regarding the current conflicts in the Middle East, specially in Syria, the amount of destruction already posed to the cultural property makes it necessary already to start thinking of what to do when the situation is stabilized. In this matter the support of the local communities will be a key factor as they are the witnesses to what has been happening to their

heritage<sup>50</sup>. That is the reason why gaining their trust and involving them in times of peace is the best method.

Actions towards the safeguarding of the cultural property in Syria and Iraq have been intensified as the crisis escalates, calling for the society in general to take part in it. “In March 2015, Unesco initiated the #Unite4Heritage worldwide social media campaign to protect endangered cultural heritage, aiming to encourage participants to contribute financially or to volunteer for cultural heritage protection projects. It accompanied a joint initiative 'Protecting Cultural Heritage – An Imperative for Humanity' organized jointly with Interpol and the UN Office on Drugs and Crime, to encourage international, states and partners to support cultural heritage from intentional destruction and trafficking. However, destroyed or damaged sites or artifacts can be restored, as witnessed by Unesco's bid to reconstruct the Samarra archaeological site in Iraq.” (European Parliament, 2016). These joint initiatives seem to be the only hope at the moment and they should not be abandoned after when the conflict is over, but revised, analyzed and tailored. The actual crisis needs to serve as a laboratory for further policy developments. Just as the Second World War brought into light the urgency of having specific policies towards the protection of the cultural property, the current crisis needs to be given the same role. It is expected that the dynamics of the armed conflicts in Syria and Iraq

---

<sup>50</sup> Matthew Bogdanos in his article *Casualties of War*, describes the relation of the Iraqi people to the recovery of the antiquities looted from the museum: “None of these recoveries would have been possible without the overwhelming support and trust of the Iraqi people. It was a trust we all worked hard to develop, largely by taking the time and effort to trust them first. It was a trust the Iraqis slowly but warmly returned. Relying heavily on informants in Baghdad to provide information about locations where antiquities could be found was precisely how I had conducted hundreds of criminal investigations in New York City.” (Bogdanos 2005, 499) He also stresses that: “publicity was educative: it told border officials what to look for, it told art dealers and collectors what not to buy, and it told the world what was being done to recover the stolen treasures.” (Bogdanos 2005, 493). This is a practical example of how the local community + publicity can help experts and law enforcement officials beyond the borders of the place where the armed conflict is ongoing.

are examined thoroughly in order to make amendments to the existing policies dealing with the specificity of such conflicts<sup>51</sup>.

Although the perspectives for stopping the damage to the cultural property in the current conflicts in Syria and Iraq are far from good, to reduce the illicit traffic of cultural property is even worse. First it is hard to identify the person who handed over the artifact to a dealer, next there are difficulties due to the lack of documentation, then there is the willingness of collectors to purchase the item; there are a lot of loose ends and law enforcement agencies are not being able to follow the growth and specialization of the market. According to Matthew Bogdanos “the most effective way to recover the smaller pieces stolen by insiders is by interdicting them in transit at border crossings” (Bogdanos, 2005, 516). However during an internal conflict this kind of control can be a challenge as the resources are likely to be redirected to restore the peace. Besides, it can be difficult to recognize a stolen good for a non expert on the way out and on the way into the destination. Furthermore, small artifacts can be easily hidden or go through customs as a souvenir if there are no experts or the personal do not know about them or are not trained to raise suspicions on such, specially in the absence of visual material to correlate it with.

Antiquities that enter the market should pursue a certificate of provenance as stipulated in the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property<sup>52</sup>, and the lack of these

---

<sup>51</sup> Religious Extremism and Terrorism need to be a part of the agenda of the protection of cultural property together with the persecution of minorities and cultural cleansing. During the break-up of the former Yugoslavia the problem was nationalism, with one ethnic group attacking the other in order to either maintain its territory in another country or expand its own territory, which is the same dynamic as in the conflict in Ukraine. Now, in the Middle East, a third party, which is united around a set of religious values and intend to build its state on religious laws and impose a sort of new nationality, is trying to define a territory for itself expelling the local population, raping the women and committing brutal assassinations and also trying to conquer more territories. For that they target unstable areas such as Iraq and Syria which were already having internal conflicts expecting that it would make it easier to conquer them. In fact in many ways it has been proven to be true although suffering defeat in counter attacks they seem to end up losing their dominance.

<sup>52</sup>(a) To introduce an appropriate certificate in which the exporting State would specify that the export of the cultural property in question is authorized. The certificate should accompany all items of cultural property exported in accordance with the regulations; (b) to prohibit the exportation of cultural property from their territory unless accompanied by the above-mentioned export certificate; (c) to publicize this prohibition by appropriate means, particularly among persons likely to export or import cultural property.

certifications seems not to be a problem as there are ways to overcome it. One way is to forge it for example.<sup>53</sup> This not only take away the history and memory of the region, but is also a source of financial aid to criminal organizations involved in armed conflicts. “Smuggling nourishes a system of illicit trafficking of cultural properties that is among the main sources of income for organized crime (between 7 to 15 billion USD every year, according to some sources). Trafficking routes cross neighboring<sup>54</sup> countries, including Lebanon, Turkey and the United Arab Emirates, to supply art markets in the UK, Switzerland and the US, amongst others. This is a global concern and can only be fought at the international level, involving government agencies such as police and customs services, as well as stakeholders in the art market, including auction houses, museums and private collectors”. (UNESCO 2013)

Acknowledging the difficulty in controlling any stage of the looted artifact journey, from when it is taken from to its final destination, and the organization and specialization of the market, it seems that the best option is to put an end to the market of antiquities in general. Without this move, even if not permanent, this issue will probably get even worse, and the humankind in general loses with it, not only the communities where these archeological items come from.

---

<sup>53</sup> Günther Wessel, in his article *Dealers and Collectors, Provenances and Rights: Searching for Traces* states that dealers use three methods to overcome forge a proof of the provenance of an illegal archeological item. “Method one: “I inherited it from my father”, former art dealer Christoph Leon explains. In some cases this kind of origin was invented when the last heir in a noble family had died. ‘It then becomes easy to declare that said object belongs to the collection of so-and- so, purchased by so-and-so, and originally from x.’ Or, as Salima Ikram puts it: ‘You take the item and go elsewhere, saying that it was found in a deceased aunt’s attic and you wonder whether it is worth anything.’” Wessel affirms that “it is impossible to prove that kind of statement or to expose it as a lie.” “Method two:

‘A little patience is needed,’ says former art dealer Christoph Leon as he explains how a rather clear and somewhat verifiable provenance can be obtained. ‘You keep the newly acquired item for a certain period and then put it on sale on the market with a provenance stating *Private collection ca. 1970*, – which cannot be verified by auctioneers and therefore remains unchecked. When you buy it at auction yourself, either anonymously or through “front men”, and you have an antiquity with an unequivocal invoice: acquired in the auction house at such-and-such auction. In addition, you acquire authentication since many auction houses guarantee the authenticity of the items they sell.’ “Forging the paperwork ‘I have come by forged papers, especially in the Middle East,’ says Michel van Rijn. ‘Fanciful provenances are invented. You can always find a notary there to confirm them.’ Helmut Thoma agrees. (...) Christoph Leon knows how to forge provenances: ‘It’s quite simple: you use old typewriters and paper to try and write some sort of letter which somehow indicates the origin.’” (Wessel 2015)

<sup>54</sup> Report of the International Conference “Heritage and Cultural Diversity at Risk in Iraq and Syria”, UNESCO, Paris 2014.



To conclude, the perspectives for the protection of cultural property during the ongoing conflicts, are not good. Now is time to start thinking of what to do to recover the damaged, looted and stolen cultural property. However, following the examples of the updates made in policies, instruments and courses of action after the end of the Second World War and the break up of the Yugoslavia, it is expected that international organizations and states will be better prepared in the event of new armed conflicts with the same characteristics as the current ones.

## CONCLUSION

One of the reasons that the intentional destruction of cultural property as a strategy of warfare keeps going on, is because the cultural property is used as an instrument of exclusion, dealt in a fragmented way. Representing and giving importance to only certain groups and aspects, instead of being seen as whole connecting the human specie in general. One example of it are the grades of importance applied to cultural property preservation. Some groups might understand it in the way that the decision makers are favoring some groups and aspects over others. When it is decided to give more importance and represent one feature over another that a group might consider also important, the group can think that what was chosen does not represent them at all.

In the same way what also contributes for the this course of action, is the lack of participation of the local community to decide what needs protection and what does not. When thinking the cultural property universally as stated in the 1972 World Heritage Convention “damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of mankind, since each people makes its own contribution to the culture of the world.”.

Besides bringing different cultures together and uniting them, it also raises the issue of the responsibility towards the protection of cultural property. If there is an universal ownership of the cultural property, there is also an universal responsibility for everybody to protect it, which means that in case of threat, the local government and community are not the only ones to have responsibilities towards its protection and should not be the only ones held accountable for it. Therefore the term World Heritage should be directed to all cultural property and its special status and enhanced protection should be according its level of threats not what is inscribed in the list. The responsibility of protection of cultural property lies in all humanity, governments, states and those out of the risk areas and that have the means, either financially and/or of personal. All states, according to their own capacities, have to share the same responsibility in protecting and preserving cultural property no matter where it is placed. Specially in cases where the local community and/or the state have no means to protect the cultural property located in its territory. This universal conscious towards the protection of

cultural property, can also have an unifying effect, because the destruction of it is an universal loss, therefore an universal approach should decrease chances of potential conflicts. Finally, this might sound poetic and difficult to achieve, but this change in mentality, in perceiving the universal value and importance of every cultural property is one of the few possibilities to assure its protection when its destruction is used as a method of ethnical cleansing and conquest of areas and populations, as seen in the conflict in Syria for example. This is also a trademark of the Islamic State in its cultural domination.

To what concerns the education towards the protection of cultural heritage during armed conflicts, it is necessary that the cultural heritage in general be part of the schools curriculums. In this sense, it is important that people grow up understanding its meanings, the important of its preservation, protection and restoration. To implement it, there is a need of integration, consistency and effective engagement among the organizations that are internationally recognized as policy and guidelines makers, with states, governments and local communities. Moreover, turning the decision making more democratic is also a way to educate and integrate the local communities.

The local community is the producer and the primary user of the cultural property and to include it in the decision making, makes them more conscious of the resources they have and also encourage the exchange of experiences in all levels, from the contemplation to protection.

More than to make them feel themselves represented is to give to them the ownership of their cultural items. The decision making and management of the cultural property often seems to rely only on the states, creating a gap between it and the society. This might cause disruption and also do not encourage the society to preserve and protect it. Not to mention, all said above have to embrace the totality of cultural manifestations throughout the world equally. The misrepresentation can have disastrous consequences dividing even more societies that already suffer with ethnic and/or religious conflicts for example, and giving space for aggressions.

To equally represent groups in a society it is also important that they are represented at the same level. Therefore, grades of importance and priority in preserve, protect and restore based on cultural matters rather on the condition of the cultural item, need to be left behind.

Massimo Montella, Professor of Economics and Management of Cultural Heritage at the University of Macerata (2014, 11), points out that: “‘Evidence’ indicates that the cultural value lies in the richness and authenticity of the information implicit in historical evidence even when there is no aesthetic value”. Therefore it makes no sense to choose the old over the contemporary, the rare over the abundant or the aesthetic over its functions. When preferences are applied or status are given, such as World Heritage for example, to an ancient site produced by an ancient civilization, it gives it more than an universal value but also a higher level of importance. Furthermore, when not applying the same level of importance to cultural property<sup>55</sup> that are produced and valued for the local communities as such, can create a feeling of prejudice and degradation. This can also raise disputes and lead the local community to do not care about the cultural property that does not represent them leading them to do not make efforts to take care of it. All cultural property and heritage in general should be thought universally and if it is to classify them, that has to be a better and more fair system than giving it level of importance. The persistence in classifying the cultural property according aesthetic, uniqueness/number and its age, shows the lack of understanding of its value of use and the non-social involvement in its management.

All in all, the point is not to state that the World Heritage concept and the policies related to it are not useful instruments. But to observe that one of the reasons that this instrument is not being enough to protect the cultural property as many others discussed along this research is the minimum involvement of its producers and that the attention given must be focused on the wrong direction.

Regarding the policies for the protection of cultural property during armed conflicts, the problem does not lie only in the capability of international organizations to keep them up to date or not. States have the duty to develop internal instruments based on the international regulation during peace time. However the recent conflicts in the Middle East have shown that there is a lack of such commitment driving the situation to chaos in the event of a conflict.

---

<sup>55</sup> It does not matter if the cultural property was produced in 2017 or 1817 as long as it is produced by the community currently occupying the space.

It is important to keep in mind that after destroyed, reconstruction, restoration, (and in the case of illegal trafficking repatriation), sometimes might not be a reality, and the cultural property will be lost permanently. Therefore the best policy is to create local instruments and policies based on the regulations and recommendations, with the necessary adaptations to the local context, proposed by the relevant international organizations in a joint work with the local government and community. Finally states with difficulty to follow this course of action due to lack of resources, economic and/or personal, should request help from other states. Also, the same international organizations responsible for drawing the recommendations and regulations should have an instrument to observe and monitor it and request other members help<sup>56</sup>

Next, the inclusion of the deliberate destruction of cultural property as war crime in the Roma Statute of the International Criminal Court has shown good results as the conviction in the case mentioned previously of “Prosecutor v Al-Mahdi” in Mali. In addition this type of crime should be possible to be judged also on the grounds of Genocide and Crimes Against Humanity, part of the same statute. This would grant more visibility and other angles to approach the matter providing a more severe punishment. If the deliberate destruction of cultural property during armed conflicts can be considered as a strategy of cultural cleansing it is natural that the punishment for it meets also the punishment for genocide and crimes against humanity.

Following the matter of law enforcement, in the case of the illicit traffic of cultural property, more strict rules for the buyer. Matthew Bogdanos in *The Casualties of War* (2005, 521) remarks that to combat these practices, international cooperation is fundamental, as well as cooperation in between the law enforcement agencies and of those with the art and archeological communities. Also that “there should be a single code of conduct embracing a single set of standards acceptable to and binding on archaeologists, museums, collectors, and dealers to include, among other things, the level of provenance required to trade in antiquities”. The impossibility to control the cultural artifacts in the area of origin and the challenge to intercept its smugglers during border crossing, lies on the fact that during an

---

<sup>56</sup> It is understood that the International Organization can not interfere in the states internal affairs. However when a state is member of a treaty/convention it becomes obliged to comply with its regulations.

internal conflict, it is natural that resources will be concentrated in establishing the internal order, therefore other areas might lack personal and economic. Therefore efforts need to be concentrated to prevent the trafficked cultural item to reach its destination and possibly disappear. For that research and monitoring of smugglers and routes are necessary as well as the dismantling of the net of buyers who acquire cultural goods of dubious provenance. Furthermore more severe punishment for those who buy illegal trafficked cultural property because if there is no buyer, the seller has no business, and in the case of the traffic promoted by the Islamic State, this also cuts one source of revenue for them.

In the case of the Iraq National Museum for example, regarding the recoveries of the looted items, “approximately 695 have been seized in the United States and the United Kingdom, and approximately 700 have been seized in Iraq’s border nations of Jordan, Syria, Kuwait, and Saudi Arabia” (Ibid.). These numbers show, no matter the total amount, some of the destinations of the looted cultural good. Knowing it, it is important that such states have task forces to deal with the matter, specially in times of armed conflicts in the countries of origin. In the case of the goods looted from Iraqi and Syria, at the moment the best strategy is to forbid the import of all cultural items with such provenience and all similar as well. Also neighboring countries of Syria and Iraqi should cooperate with either making available specialized teams to intercept smugglers and size cultural goods along the border. Moreover if necessary neighboring countries should ask for help from the international community to monitor their borders.

Finally, the challenge of stopping the illicit traffic of cultural goods goes beyond punishing the seller or the buyer. There is a need to stop the market of antiquities in general. Antiquities should not be perceived as a decoration, a matter of status or personal taste, its cultural value needs to serve everyone as part of the universal heritage and not locked in private collections. Putting the private market of antiquities in the illegality might not solve the problem at once, but will for sure diminish. Facing the many challenges on controlling the exit, the routes and the entrance of it and the destination states, this might be the only solution in the short run, and also give responsible agencies time to research and develop better strategies to control the market in the future.

To summarize, there is no doubt that the law enforcement is one of the pillars of this battle, however education is the biggest chance to change this scenario. Also to bring more states to be part of the conventions and/or subsequent legal instruments is indispensable<sup>57</sup> and such participations conventions should be encouraged to have a popular participation. As mentioned before, involving the local community in the decision making is a way to educate them toward the matter and also make them feel part of it, boosting their confidence and wish to help. Also gives them the opportunity to demonstrate if in first place they would like to be part of it or not.

Consequently, it is crucial that independent people and/or local entities have an easy access to the International Organizations as the priority of the state can be 100% directed to the population safety and other warfare issues. International Organizations need to work closer with the local community affected or to be affected by armed conflicts to build trust and to know their priorities and ideas. Therefore, including those in an action plan of determined area and perhaps create new policies of protection following such cases.

The democratization of the official instruments of protection of the cultural property in general goes together with educating the local communities. Such democratization should also include the necessity of every community having all its cultural heritage (independent of levels of importance) classified and identified internationally as in need of protection in the event of armed conflicts. The inventories should also be participative in order to cover the totality of local cultural expressions. These measures can prevent disasters and losses not only caused by armed conflicts, but also in case of natural disasters for example. Furthermore it also contribute for the post-war or post-natural disaster rebuild period.

It is important to keep in mind that the priority of the survival of the population and the protection of cultural property go hand in hand. The protection of the cultural property “is not only a matter of cultural urgency, but also a political and security necessity” (Bokova 2014). Thus, protecting the cultural property also means to protect the life of those involved in the armed conflicts, either using it as shelter, as places of gathering and worship, places that recovers their dignity and unite them. Moreover, as seen in the current conflicts in the Middle

---

<sup>57</sup> One example is the case of Syria, where the country did not ratify the Second Protocol of the The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.

East, the deliberate destruction of cultural property is being used as an attempt to enhance hostilities provoking local governments and the international community which again threatens the life of those who live around it.



## REFERENCES

- Anderson, B. *Imagined Communities. Reflections on the Origins and Spread of Nationalism.* (2006). Verso.
- Arimatsu, L., Choudbury, M. Protecting Cultural Property in Non-International Armed Conflicts: Syria and Iraq (2015). *International Law Studies*. Volume 91. pp 641-698 <http://stockton.usnwc.edu/cgi/viewcontent.cgi?article=1412&context=ils> (31.01.2017)
- Bahrani, Z. Iraq's Cultural Heritage: Monuments, History, and Loss. *Art Journal*, Vol. 62, No. 4 (Winter, 2003), pp. 10-17. Published by: College Art Association. [https://courses.marlboro.edu/pluginfile.php/45112/mod\\_page/content/19/Bahrani,%20Iraqs%20Cultural%20Heritage.pdf](https://courses.marlboro.edu/pluginfile.php/45112/mod_page/content/19/Bahrani,%20Iraqs%20Cultural%20Heritage.pdf) (29.11.2016)
- Bogdanos, M. The Casualties of War: The Truth about the Iraq Museum. (2005) Volume 109. No. 03. *American Journal of Archeology*. 477–526. <http://www.nycla.org/pdf/AJA-Casualties-of-War-article1.pdf> (13.02.2017)
- Bogdanos, M. Thieves of Baghdad: Combating Global Traffic in Stolen Iraqi Antiquities, 31 *FORDHAM INT'L L.J.* 725, 725-30 (2008)
- Countering Illicit Traffic in Cultural Goods: The Global Challenge of Protecting the World's Heritage Edited by France Desmarais. (2015). ICOM. [http://icom.museum/fileadmin/user\\_upload/pdf/publications/Book\\_observatory\\_illicit\\_traffic\\_version\\_issue.pdf](http://icom.museum/fileadmin/user_upload/pdf/publications/Book_observatory_illicit_traffic_version_issue.pdf) (28.04.2017)
- Cultural Heritage and Tourism. Potential, Impact, Partnership and Governance, The presentations on the III Baltic Sea Region Cultural Heritage Forum 25–27 September in Vilnius, Lithuania: <http://mg.kpd.lt/users/www/uploaded/3%20Forum%20publ%20on%20cultural%20heritage%20and%20tourism.pdf> (09.01.2017)
- Cultural Heritage in Postwar Recovery. Papers from the ICCROM FORUM held on October 4-6, 2005, edited by Nicholas Stanley-Price. ICCROM Conservation Studies 6, ICCROM, Rome.
- Dittmann, A., Almohamad H. (2015) Devastation of Cultural Heritage and Memory in Syria and Iraq: Component of a Multi-level Provocation Strategy. *International Journal of Humanities and Social Science* Vol. 5, No. 11; November 2015. [http://www.ijhssnet.com/journals/Vol\\_5\\_No\\_11\\_November\\_2015/4.pdf](http://www.ijhssnet.com/journals/Vol_5_No_11_November_2015/4.pdf) (08.04.2017)

Definition of Cultural Property. Unesco 1954. [http://portal.unesco.org/en/ev.php-URL\\_ID=13637&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=13637&URL_DO=DO_TOPIC&URL_SECTION=201.html) (21.02.2017)

Hannah G. He, Protecting Ancient Heritage in Armed Conflict: New Rules for Targeting Cultural Property During Conflict with ISIS, 30 Md. J. Int'l L. 168 (2015). Available at: <http://digitalcommons.law.umaryland.edu/mjil/vol30/iss1/12> (15.12.2016)

"Heritage and Cultural Diversity at Risk in Iraq and Syria" International Conference UNESCO Headquarters, Paris. <http://unesdoc.unesco.org/images/0023/002325/232562e.pdf> (10.09.2016)

International Centre for the Study of Conservation and Restoration of Cultural Property. <http://www.icrom.org/priority-areas/disaster-risk/> (30.09.2016)

International Committee of the Blue Shield (ICBS) <http://www.ancbs.org/cms/en/about-us/about-icbs> (31.03.2017)

International Council of Monuments and Sites. <http://www.icomos.org/en> (30.09.2016)

International Council of Museums: <http://icom.museum> (30.09.2016)

Ism, Meaning. <http://dictionary.cambridge.org/dictionary/english/ism> (02.04.2017)

Jakubowski, A. (2015 ) State Succession in Cultural Property. Oxford University Press 27/09/2016

Detling, K. J. Eternal Silence: the Destruction of Cultural Property in Yugoslavia, 17 Md. J. Int'l L. 41 (1993). <http://digitalcommons.law.umaryland.edu/mjil/vol17/iss1/5> (20.03.2017)

Macartney, L. (2011) Cultural Property Protection in the Post-Conflict Period: Exploring the Issue through the Example of the U.S. Experience in Iraq <https://law.wm.edu/academics/intellecualife/researchcenters/postconflictjustice/documents/Macartney%20PCJ%20Paper.pdf> (17.04.2017)

Managing Disaster Risks for World Heritage, Published in June 2010 by the United Nations Educational, Scientific and Cultural Organization. <http://whc.unesco.org/en/managing-disaster-risks/> (14.03.2017)

Myuhtar-May, F. (2014) Cultural heritage under siege : five narratives of Pomak heritage : from forced renaming to weddings. Volume 14. Brill (Leiden/Boston)

Memorial and Museum Auschwitz-Birkenau. <http://auschwitz.org/en/> (20.02.2017)

Montella, Massimo in Golinelli, Gaetano M. Cultural Heritage and Value Creation Towards New Pathways. Translation with updates from the Italian language edition: "Patrimonio

culturale e creazione di valore. Verso nuovi percorsi”, Gaetano M. Golinelli (Ed.), © Cedam 2012. All rights reserved

Nation, Meaning. <http://dictionary.cambridge.org/dictionary/english/nation> (02.04.2017)

Nation State. Unesco. <http://www.unesco.org/new/en/social-and-human-sciences/themes/international-migration/glossary/nation-state/> (02.04.2017)

Universal Declaration of Human Rights: <http://www.un.org/en/universal-declaration-human-rights/> (13.02.2017)

O’Keefe, R. *The Protection of Cultural Property in Armed Conflict* (2006) Cambridge University Press

Old Bridge of Mostar. <http://whc.unesco.org/en/list/946> (20.04.2017)

Peel, J. D. Y. “Context, Tradition, and the Anthropology of World Religions.” *Christianity, Islam, and Orisa-Religion: Three Traditions in Comparison and Interaction*, University of California Press, Oakland, California, 2016, pp. 105–124. [www.jstor.org/stable/10.1525/j.ctt1ffjng5.11](http://www.jstor.org/stable/10.1525/j.ctt1ffjng5.11). (29/03/2017)

Protection of Cultural Heritage in Armed Conflicts. European Parliament. [http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/579081/EPRS\\_BRI\(2016\)579081\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/579081/EPRS_BRI(2016)579081_EN.pdf) (10.09.2016)

Rome Statute of the International Criminal Court. <https://www.icc-cpi.int/resourcelibrary/official-journal/rome-statute.aspx#article8> (01.04.2017)

Rojas, E. (2013). *Culture: Key to Sustainable Development*. The Hangzhou International Congress <http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/EduardoRojasHangzhouCongress.pdf> (07.02.2017)

Silverman, H.; Ruggles, D. (2007). *Cultural Heritage and Human Rights*. Springer Science Business Media, LLC

Singer, G.G. (2015). *ISIS’s War on Cultural Heritage and Memory*. [http://ukblueshield.org.uk/wp-content/uploads/2015/06/Singer-Isis\\_Against\\_World\\_Heritage.pdf](http://ukblueshield.org.uk/wp-content/uploads/2015/06/Singer-Isis_Against_World_Heritage.pdf) (15.12.2016)

Stovel, H. 1998. *Risk Preparedness: A Management Manual for World Cultural Heritage*. Rome: ICCROM. [http://www.iccrom.org/ifrcdn/pdf/ICCROM\\_17\\_RiskPreparedness\\_en.pdf](http://www.iccrom.org/ifrcdn/pdf/ICCROM_17_RiskPreparedness_en.pdf) (03.04.2017)

Sulc, B. (1992) *The destruction and requisition of Croatian Cultural Heritage in the War*. Translated by: Zdenka Ungar. <http://www.heritage.sense-agency.com/assets/Uploads/sg-7-11-sulc-destruction-en.pdf> (12.04.2017)

Sulc, B. 2001. The Protection of Croatia's Cultural Heritage During War 1991-95. In *Destruction and Conservation of Cultural Property*. Ed. Robert Layton, Peer G. Stone, and Julian Thomas. New York: Routledge.

Table of Member States of the the Hague Convention and Protocols. [http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/CLT/pdf/4-INF-5SP-ratifications-EN\\_20131205.pdf](http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/CLT/pdf/4-INF-5SP-ratifications-EN_20131205.pdf) (15.04.2017)

UNESCO - Nature and status of the legal instruments and programs. <http://www.unesco.org/new/en/social-and-human-sciences/themes/advancement/networks/larno/legal-instruments/nature-and-status/> (27.09.2016)

United Nations Security Council, Resolution 2253, (2015). [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/2253\(2015\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2253(2015)) (01.04.2017)