



Lessons learned on cultural heritage protection in conflict and protracted crisis

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Question

What are the lessons learned from initiatives aimed at embedding better understanding of cultural heritage protection within international monitoring, reporting and response efforts in conflict and protracted crisis (e.g. IASC approaches, OHCHR, HRC and others)?

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1. Summary

This rapid literature review finds that:

- Despite being part of international humanitarian law (IHL), **cultural heritage protection is only embedded in military practice and humanitarian response in an ad hoc manner because of limited institutional support and capacity** and the view that cultural heritage protection is a separate field.
- Human rights justifications for cultural protection have been widely voiced, **but formal links between human rights law and cultural protection are as of yet indirect**. A human rights approach can nevertheless inform programming.
- There is widespread agreement that **cultural heritage protection is important in peacebuilding and development work, but as yet little systematic evidence as to 'what works'**.
- Much of the evidence stresses the **importance of including a 'bottom-up' approach to heritage protection that includes the needs and views of local communities**.
- The meanings of cultural heritage can be highly contested, **and work to protect and restore it should therefore take proper account of the social, cultural, economic and political context**.

This report considers responses to destruction of cultural heritage in conflicts and protracted crises, including deliberate targeting. The latter is particularly prominent in identity-based conflicts where the sites or practices of a particular group may be attacked. Most of the literature discusses protection during conflicts rather than natural disasters. The report does not consider destruction of cultural heritage through development (e.g. mining or building).

The report uses the terms cultural property and cultural heritage interchangeably. Since the signing of the Hague Treaty in 1954, there has been a shift from 'cultural property' to 'cultural heritage'. Culture is seen less as 'property' and more in terms of 'ways of life' (Donders, 2020). However, in much of the literature and for the purposes of this review, cultural property and cultural heritage are used interchangeably. Tangible and intangible cultural heritage incorporates many things, from buildings of globally recognised aesthetic and historic value, to places or practices important to a particular community or group.¹

¹ <https://whc.unesco.org/en/conventiontext>: Article 1 of the UNESCO Convention on Cultural and Natural Heritage lists: monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science; groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science; sites: works of man or the combined works of nature and of man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological points of view.

<https://ich.unesco.org/en/convention>: Article 2(1) of the UNESCO Convention on Intangible Cultural Heritage, lists the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage.

Heritage protection can be supported through a number of frameworks international humanitarian law, human rights law, and peacebuilding, in addition to being supported through networks of the cultural and heritage professions. The report briefly outlines some of the main international legal instruments and approaches involved in cultural heritage protection in section 2. Cultural heritage protection is carried out by national cultural heritage professionals, international bodies and non-governmental organisations (NGOs) as well as citizens. States and intergovernmental organisations may support cultural heritage protection, either bilaterally or by supporting international organisations. The armed forces may also include the protection of cultural heritage in some operations in line with their obligations under international law.

Cultural heritage protection is a broad field. Activities considered as part of cultural heritage protection include: identification and protection of sites of cultural significance, or practices of cultural significance; restoring and rebuilding physical structures, or helping to revive practices; protecting such sites and practices through legal and political means; building capacity for heritage protection; building networks for heritage protection; supporting community initiatives.

There is huge variety in the aims and objects of cultural heritage protection, meaning lessons are not always easily comparable. The report therefore discusses the different approaches to cultural heritage protection, and includes assessments of their strengths and weaknesses, alongside lessons about the implementation of particular approaches. The function of cultural heritage protection can vary. Scholars distinguish between heritage protection focused on high-profile sites deemed to be of cultural and historic value; and heritage protection focused more on the role of cultural heritage, whether globally significant or not, within local communities. Heritage protection can also be highly politicised. Donors or international heritage protection bodies may frame the meaning of a particular heritage site or practice differently than local actors, and individuals or groups within a state may also perceive it differently. Heritage sites can contribute towards social cohesion or division and peacebuilding goals. If they have been attacked, any restoration must navigate issues of justice, retribution and reconciliation. Debates over their definition and use can therefore be highly contentious.

In the third section, this report outlines broad lessons on the institutional capacity and politics underpinning cultural protection work (e.g. the strength of legal protections; institutional mandates; production and deployment of knowledge; networks of interested parties); the different approaches taken; the efficacy of different approaches; and the interface between international and local approaches to heritage protection.

2. Approaches, instruments and law

States, non-governmental organisations and heritage professionals undertake various initiatives to protect cultural heritage.

The United Nations Educational, Scientific and Cultural Organization (UNESCO) was formed in 1946.² Its work includes the protection of global heritage, including monitoring the 1954 Hague Convention. As an intergovernmental organisation, UNESCO's identification committees are dominated by state-appointed politicians rather than experts (Fernández, 2019).

² <https://www.refworld.org/docid/3ddb73094.html>

UNESCO treaties are between states. As such they do not provide rights for individuals or communities. They do show the importance of cultural heritage to states, and can be linked to human rights. But they do not create human rights or make explicit references to existing rights. States must submit reports for UNESCO instruments, but these are confidential (Donders, 2020, p. 7). Treaties are monitored by intergovernmental committees made up of state representatives. States have the power to legally recognise heritage. This means that minority groups may not have their cultural heritage protected through this mechanism (e.g. in non-international conflicts).

International humanitarian law (IHL) protects cultural property. In addition to existing protections for civilian property, the **Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954)** and its two Protocols of 1954 and 1999 mean that attacks against cultural property can constitute a war crime.³ The Hague Convention also "obligates the implementation of safeguarding measures in peacetime in order to provide maximum protection to sites (in article 3), and the 1999 Second Protocol (article 5) elaborates that these measures should include the production of inventories (i.e. the creation of heritage no-strike lists)" (Cunliffe, 2020).

There are 133 signatory states and the respect of cultural property by conflict parties, including not attacking it unless required by military necessity, is deemed 'a norm of customary international law applicable in both international and non-international armed conflicts.'⁴ According to Weiss and Connelly (2017) it is unclear to what degree non-state groups are bound by the Hague Convention. Obligations relevant to peacetime, such as training specialist heritage personnel, do not apply to non-state armed groups (NSAGs), and there is no mechanism for inventories of a state's heritage to be passed to NSAGs during a conflict. For a more detailed discussion see Geneva Call (2018).

Destruction of cultural property may "meet the definition of a war crime under the 1998 Rome Statute of the International Criminal Court (ICC)" (Weiss and Connelly, 2017, pp. 18-19).⁵ States also have obligations to protect cultural and religious sites under the additional protocols of the Geneva Convention in 1977 (Price-Jones, 2020). Recent prosecutions for attacking cultural heritage are:⁶

- Prosecutions were made at the International Court of Justice (ICTY) for attacks on cultural sites during the wars in the former Yugoslavia in the 1990s "as part of wider cases of genocide and crimes against humanity, ruling that the destruction of cultural heritage constituted genocidal intent" (Fernández, 2019).

³ http://portal.unesco.org/en/ev.php-URL_ID=13637&URL_DO=DO_TOPIC&URL_SECTION=201.html

⁴ https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule38

⁵ <https://blogs.icrc.org/law-and-policy/2020/02/13/cultural-property-protection-humanitarian/>

⁶ <https://www.icc-cpi.int/itemsDocuments/2021-03-22-otp-draft-policy-cultural-heritage-eng.pdf>

- Mr Ahmad al-Faqi al-Mahdi was imprisoned for 9 years and ordered to pay EUR 2.7 million in reparations by the International Criminal Court for attacking world cultural heritage in Timbuktu.⁷

Other relevant UNESCO treaties are the Convention concerning the Protection of the World Cultural and Natural Heritage (1972); the Convention on the Protection of the Underwater Cultural Heritage (2001); and the Convention on the Safeguarding of the Intangible Cultural Heritage (2003).

Humanitarian guidelines such as SPHERE or those of Inter Agency Standing Committee (IASC) do not make explicit reference to cultural heritage protection. An ICRC blog argues that "cultural property protection (CPP) is already implicitly included in the Sphere Protection Principles through mentions to culturally appropriate interventions" (Price-Jones, 2020). It notes that CPP issues have many links with existing forms of humanitarian assistance, such as livelihoods through cultural tourism, or the potential use of cultural sites in relief and recovery, and that it would therefore be appropriate to include explicit reference to cultural property protection (Price-Jones, 2020). The conservation body the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM) has produced a handbook, *First Aid to Cultural Heritage in Times of Crisis*.⁸ ELHRA has also discussed the use of technology in heritage preservation during humanitarian crises.⁹ UNESCO argues for integrating culture within humanitarian, security, peacekeeping and human rights frameworks.¹⁰

The Responsibility to Protect (R2P) is an international norm stating that states have a responsibility to protect their citizens from extreme violence and rights abuses, and the possibility for international intervention if a state is unwilling or unable to do this. It has been argued the R2P can apply to cultural heritage protection (Weiss & Connelly, 2017). Since 2013, the UN Security Council has passed four resolutions that address the protection of cultural heritage (Weiss & Connelly, 2017):

- Resolution 2100 (2013) authorised peacekeeping in Mali. Its 'mandate was the first to include cultural protection as part of a UN peace operation.'
- Resolution 2199 (2015) is focused on terrorist financing, but condemns destruction in Iraq and Syria.
- Resolution 2253 (2015) builds on 2199's sanctions and includes the role of trafficking in cultural heritage.
- Resolution 2347 (2017) condemns destruction/looting by terrorist groups, and calls for more measures to prevent illegal trafficking in cultural property. 'it cites UNESCO's Heritage Emergency Fund and the International Alliance for the Protection of Heritage in Conflict Areas (ALIPH)' [ALIPH to prevention (training, implementation of emergency

⁷ <https://www.icc-cpi.int/mali/al-mahdi>

⁸ https://www.iccrom.org/sites/default/files/2018-10/fac_handbook_print_oct-2018_final.pdf5 ; <https://www.iccrom.org/publication/path-peacebuilding-assessment-tool-heritage-recovery-and-rehabilitation>

⁹ <https://www.elhra.org/project-blog/heritage-stewardship-its-place-in-the-humanitarian-landscape/>

¹⁰ <https://en.unesco.org/The-role-of-culture-for-resilience-peace-and-security>

safeguarding plans, compiling inventories, digitizing collections), intervention which is possible during the conflicts (financing the transfer of cultural property to safe havens, raising awareness of the fight against illicit trafficking), and projects to restore the damaged heritage following conflicts.

The protection of cultural heritage has been articulated as a human rights issue

(Bennoune, 2016). According to the Special Rapporteur in the field of cultural rights, 'cultural heritage is a fundamental resource for other human rights, including the rights to freedom of expression, freedom of thought, conscience and religion, as well as the economic rights of the many people who earn a living through tourism related to such heritage' (Bennoune, 2016).

Cultural heritage is not mentioned in human rights treaties, but several provisions imply rights related to cultural heritage (Donders, 2020, p. 4). The "most prominent human rights provisions in relation to cultural heritage are the right to take part in cultural life and the rights of (members of) minorities and indigenous peoples to enjoy their own culture, practise their own religion, and speak their own language. Other human rights important for cultural heritage are the right to self-determination, the rights to freedom of expression and religion, the right to respect for private life, and the right to education" (Donders, 2020, p. 14). These all imply rights on access to cultural heritage and that cultural heritage is a precondition for enjoyment of these rights.

In 2009, the United Nations Human Rights Council (UNHRC) established 'independent expert in the field of cultural rights'.¹¹ It later became the mandate of a Special Rapporteur in the field of cultural rights. This provides a forum for states, rights experts and civil society organisations (Fernández, 2019). The UN Human Rights Council has adopted resolutions on the issue:

- Resolution 33/20 of 6 October 2016¹² links the enjoyment of the right to take part in cultural life with the protection of cultural heritage.
- Resolution 37/17, adopted on 22 March 2018.¹³ Highlights the need for 'the protection of the cultural heritage of minority communities from intentional destruction aimed at erasing evidence of their presence and the engagement of indigenous peoples and local communities in international debates on cultural heritage protection' and gender sensitive approaches.

Some scholars interpret cultural heritage destruction as 'identicide' (killing social identity) or 'memoricide' (eradicating collective memory) (Barakat, 2021, p. 434). UNESCO uses the term 'cultural cleansing', which is "an intentional strategy that seeks to destroy cultural diversity through the deliberate targeting of individuals identified on the basis of their cultural, ethnic or religious background, combined with deliberate attacks on their places of worship, memory and learning."¹⁴ It can be a weapon of war and part of attempts at ethnic cleansing, such as Daesh

¹¹ <https://www.ohchr.org/EN/Issues/CulturalRights/Pages/MappingCulturalRights.aspx>

¹² <http://undocs.org/A/HRC/RES/33/20>;
<https://www.ohchr.org/en/issues/escr/pages/culturalrightsprotectionculturalheritage.aspx>

¹³ <https://undocs.org/en/A/HRC/RES/37/17>

¹⁴ https://en.unesco.org/new/en/media-services/single-view/news/conference_report_heritage_and_cultural_diversity_at_risk_in_iraq_and_syria/%23.VR6UI_msX_0

attacks on the Yazidi people of Iraq (Isakhan & Shahab, 2020; Price-Jones, 2020). Weiss and Connolly (2017) note that this is not a legal term, but that it does link cultural heritage to conceptions of human security and therefore should be integrated into protection efforts.

3. Lessons

International donors and the framing of heritage protection

The focus of cultural heritage protection programmes varies significantly. Some cultural heritage protection focuses on high-profile global heritage sites, whereas others focus more on engagement with communities local to particular heritage and includes goals such as peacebuilding. Chalcraft distinguishes between 'charismatic' and 'careful' cultural heritage protection (Chalcraft, 2021). Charismatic protection "identifies those sites—like Palmyra, the Al Nuri Mosque, the Stari Most bridge—that are recognised as highly symbolic, as icons of a past culture'. Charismatic heritage can be used for diplomatic purposes or 'mobilised for ethno-nationalist and xenophobic identities". By contrast, "careful heritage diplomacy is less spectacular. Here, donors fund high-risk projects, often dealing with communities and intangible heritage that are—quite simply—hard to work with.... tries to open up the past and make it work for communities traumatised by conflict." There is greater international attention on the deliberate destruction of prominent monuments than destruction by development (e.g. mining, urbanisation). This is partly because it can play into 'clash of civilisations' narratives, and partly because of the visibility of acts of destruction such as Daesh's attack on Palmyra (Chalcraft, 2021). This report focuses on efforts to protect heritage during and following conflict.

Many point to the role of cultural heritage in identity formation and contestation. As such, the identification, preservation and restoration of heritage can be politically fraught. "reconstruction is understood as a process that encompasses the restoration and rebuilding of some physical structures and building of new structures, as well as the parallel process of re-imagining the country's past, recodifying its value system and formulating the resulting narrative" (Viejo-Rose, 2013, p. 4). In post-conflict settings, those identifying and restoring or rebuilding heritage sites may re-affirm fault-lines or seek to change narratives of the past and culture. Restoration can be particularly contentious if it seeks to interpret recent conflicts (Viejo-Rose, 2013).

Viejo-Rose highlights the potential differences between international visions for reconstruction projects, and the reality of projects being implemented. She argues that the concept of 'universal value' is not helpful (Viejo-Rose, 2013). Moreover, "questions must be raised as to the ethics, the motives and the criteria behind the choices that initiate or sustain an international intervention in the reconstruction of cultural heritage after wars" (Viejo-Rose, 2013, p. 15). The meaning of heritage sites is contested, and can be appropriated by illiberal and exclusionary actors as well as liberal and cosmopolitan ones. Cultural heritage work needs to address negative connotations too. Rebuilding or restoration work should consider local perspectives, competing ideologies that may contest a particular piece of heritage, and the roles and meanings of that heritage within communities. It is argued that "when (re)building material heritage its immaterial dimensions should also be considered" (Viejo-Rose, 2013, p. 14). This means that rebuilding should be accompanied by cultural policies and the heritage sector, to prevent sites being appropriated by particularly partisan agendas.

The reconstruction of buildings can be more or less congruent with local architectural traditions and meanings. For instance, in post-war Sarajevo, the international community restored symbolic buildings from the Catholic, Orthodox and Muslim faiths to restore the city's multicultural fabric. However, some donors built or rebuilt religious sites in an imposing manner, with no reference to local architectural traditions, as a way of "demarcating space" (Viejo-Rose, 2013, p. 10)

Cultural heritage may be instrumentalised for political projects, particularly in the absence of competing voices. Rosén shows how Russia's cultural heritage policies are playing an instrumental role in its occupation of Ukrainian territory (Frederik Rosén, n.d.). Russia has declared ownership over all museum artefacts and cultural monuments, and is attacking Crimean Tartar heritage in order to emphasise Russian and Christian cultural heritage as part of attempts to legitimise its annexation.

The funders of cultural heritage projects, organisations undertaking them, and national bodies in the host state may have differing perspectives. Lagnér's (2018) analysis of the European Agency of Reconstruction's and Cultural Heritage Without Borders' (CHwB) project in Kosovo shows such differences. The project repaired damaged *kullas* (traditional buildings) in Kosovo during 2001-2. During the war, around 500 of 700 *kullas* were vandalised by Serb forces. Actors' disagreed on the overall purpose and framing of the project. The United Nations mission in Kosovo (UNMIK) hoped these efforts "would shape a post-war Kosovar identity uniting the ethnic groups and contributing to reconciliation" (Legnér, 2018, p. 5). It worked with Kosovo's Institute for the Protection of Monuments (IPM). SIDA (Sweden's foreign aid department) paid part of costs, and had the aim of 'reinstating' Kosovan identity, and blaming Serbs. The EAR was more 'neutralist' in the way it framed the restoration.

Cultural heritage protection is typically undertaken by a range of 'local' and international actors. Cultural heritage can have a number of functions for donors, users and heritage professionals, which shape how they approach protection work. For example, Chalcraft (2021) analyses the positioning and role of donor-funded heritage bodies. The British Council's Cultural Protection Fund (CPF) was initiated in response to a number of concerns, including 'cultural atrocities' and UK's role in the illicit antiquities trade. However, it has considerable input from stakeholders in the heritage and cultural sectors and does not simply reflect UK foreign policy. It derives from the relative independence of UK aid from political goals and the Heritage Lottery Fund model of funding a diverse range of heritage based on its social value rather than just 'iconic' monuments. In particular, Chalcraft (2021) highlights how it is distinct from some donor-funded projects in including many 'social' aims, with a focus on development goals. It therefore includes projects on 'intangible heritage, community cohesion, religiously sensitive cultural practices'. As an example of this approach, Training in Action is a British Council-funded project training heritage officials in Libya and Tunisia in documentation techniques. It creates a 'community of practice' between heritage professionals and national funders (Chalcraft, 2021).

Stengård and Legnér (2019) show how the relationship between Cultural Heritage without Borders (CHwB) and its funder SIDA shaped the heritage work they did in Bosnia and Herzegovina between 1995 and 2008. They chart a shift from restoration to capacity building to social and economic development as a way of adapting to Swedish and EU aid priorities (Stengård & Legnér, 2019).

Dialogue with local communities

The meaning of cultural heritage is contested and changes with use. Scholars point to the importance of considering the views of members of the communities where a given piece of cultural heritage is situated. Communities may value heritage differently (or value sites or practices not recognised by international experts). They may have different interpretations of the meaning of a given site. They may also have more utilitarian needs, such as shelter and space.

Research on heritage reconstruction in Afghanistan, the Balkans and elsewhere suggests that the voices of heritage experts may be heard more than those of local communities (Isakhan & Meskell, 2019). This is partly a result of a lack of integration between heritage work and development. Heritage reconstruction as a symbol of peace can take precedence over the economic, spiritual and cultural needs of local communities if it is not informed by meaningful consultation (Isakhan & Meskell, 2019).

Aljawabra (2020) highlights the value of cultural heritage protection that "creatively preserves traditions". She argues that conventional restoration/preservation practices are "largely ineffective in providing sustainable solutions or rebuilding post-conflict societies" (Aljawabra, 2020, p. 167). In the case of Syria, the government uses cultural heritage to assert nationalistic values while extremist Islamist groups also interpret culture in very specific ways. She therefore argues that heritage work should include "management of change to assert continuity and ... should assume a social role that addresses the transmission of messages and the interpretation of information and ideas" (Aljawabra, 2020, p. 166).

Olive Branch Cultural Centres in Daraa are run by Syrian organisations that arrange music, education and religious festivals. Their approach is to "utilize common knowledge and traditions but also encourage participants and audiences to reconsider them so that they can appropriate and build on them to overcome the challenges of everyday life" (Aljawabra, 2020, p. 175). They therefore present a distinct alternative to the "nationalistic narratives" of Syrian state heritage.

A key part of their work is "capacity-building workshops that seek to support local skills and knowledge and help conflict-affected communities to transform them into income-generating activities so that they can improve the quality of their life" (Aljawabra, 2020, p. 177). These include traditional crafts, as well as skills less directly related to cultural heritage such as computer skills and first aid.

Peacebuilding, social cohesion and development work

Cultural heritage protection can help with peacebuilding objectives through the protection or reinterpretation of heritage, the creation of dialogue, justice and reconciliation, and the revival of economic, social and cultural activities surrounding heritage. Barakat argues that heritage protection "must follow an integrated approach that combines developmentalism with social transformation and reconciliation" (Barakat, 2021, p. 6). Best practice from the development sector should underpin cultural heritage recovery in post-war contexts (Barakat, 2021, p. 6). For instance, "converting historic buildings may better restore community collective life, thus freeing schools for education, whilst simultaneously protecting historic buildings" (Barakat, 2021, p. 11). Heritage sites can also help in boosting tourism and economic growth. Religion is often extremely important in war-torn societies and agencies should acknowledge this in rebuilding priorities (Barakat, 2021, p. 438).

An EU evaluation of its cultural heritage protection work in Iraq argues for the convergence of heritage and peacebuilding (Kathem et al., 2020). It suggests that previous EU heritage work in the Middle East has been 'piecemeal' and calls for more strategy. There are 'no integrated cultural heritage and conflict related frameworks to inform policy' (Kathem et al., 2020, p. 10). The EU's work in Iraq included education projects in Mosul, rehabilitation and job creation in Basra, and heritage work as job creation for displaced persons in Erbil. Its evaluation emphasises the need to bring cultural heritage work together with peacebuilding; that it should work with other donors; should involve local communities; and should support the cultural infrastructure (which in Iraq was fragmented) (Kathem et al., 2020).

Quick impact projects (QIP) on cultural heritage may be effective in stabilisation missions (Leloup, 2019). Leloup argues that they can help 'win hearts and minds'. However, the success of such projects **depends on how they are integrated into the mandate on the ground**. Contrasting peacekeeping missions in Mali (MINUSMA) and the DRC (MONUSCO), she argues that the former's use of civilian staff in heritage work (due partly to limited resources) led to better outcomes than MONUSCO's use of the military to protect cultural heritage sites (and displacing locals), thereby generating animosity (Leloup, 2019).

While it is widely agreed that cultural heritage is often highly meaningful, and may encourage cohesion or division, there is little evidence on what works. It is argued that "trying to apprehend what heritage means to communities, in the mess and trauma left by conflict, or by the deep scars of living under totalitarianism, is hard to evaluate. Peacebuilders with decades of experience still struggle to predict how culture works in post conflict scenarios" and that "heritage's potential in rebuilding postconflict societies is still unproven: working in the contact zones of heritage remains an art rather than a science" (Chalcraft, 2021, p. 12). Legner (2018, p. 78; see also Kathem et al, 2020, p. 38) also argues that there is a lack of understanding of the effect of architectural interventions in conflict areas.

Some evidence suggests that international projects focused on high-profile monuments may fail to understand social dynamics on the ground. Barakat (2021) warns against a "victors' peace" vision of heritage and highlights the need to understand the social, cultural, political and economic context. Examples from Bosnia Herzegovina show the differences between the international and local perspectives. For example, "rebuilding the Mostar bridge [in Bosnia Herzegovina] has not been successful in reconstructing, by extension, the links of trust and communication between the town's communities" (Viejo-Rose, 2013, p. 9) and schools and clubs remain segregated. In divided societies, contemporary cultural figures rather than 'world heritage' may be more likely to be 'safe shared symbols'. Viejo-Rose (2013) gives the example of a local artist in Mostar in Bosnia-Herzegovina building a bronze statue of Bruce Lee, the kung-fu film star, for that reason.

Working with militaries

IHL includes protections for cultural property. States should list their own sites, and refrain from attacking cultural property in conflict. Rosén (2017) argues that CP is increasingly important to militaries because of a number of additional factors. These are: "new norms related to CP; the new role of identity politics as a key driver of armed conflicts; the globalization of conflict; the urbanization of conflict; the rise of so-called hybrid warfare; and the rapidly evolving transnational market for illicit antiquities enabling armed groups to more easily

make an income out of looting and trafficking antiquities ” (Rosén, 2017, p. 9) Cultural awareness is seen as a key part of 'hearts and minds' strategies (Rosén, 2017).

Several projects have sought to help conflict parties to fulfil their cultural heritage protection obligations. This may take the form of awareness raising through conferences and training in militaries (Stone, 2019, pp. 9–10). No Strike Lists are another central part of this strategy. Heritage protection bodies may help militaries develop lists of cultural heritage to be protected during attacks, in line with obligations under the Hague Conventions. For example, the NGO Blue Shield has passed on information on important cultural heritage to the UK military and NATO in recent wars.

There is evidence that No Strike Lists have been successful in protecting sites. For instance, an ICRC report outlines the protection to historic sites in Libya. During NATO's military intervention in Libya, UNESCO 'divulged a call for the protection of two of the World Heritage Sites, the Old Town of Ghadamès and Leptis Magna' (Ottaviani et al., n.d.). The Blue Shield Committee and the International Military Cultural Resources Work Group established a No Strike List in collaboration with NATO and Libyan experts. It listed sites to be kept safe from the attacks and was uploaded to NATO's target database. The precautionary measures of local museum professionals were also important reasons for the protection of the sites (Ottaviani et al., n.d.).

Precision bombardment allowed NATO to hit radar stations and anti-aircraft guns at the Ra's Al Marqab Roman fort without damaging the fort. However, in discussing the issue, military figures emphasise 'the importance of setting priorities to avoid an overwhelming number of listed site coordinates, thus giving commanders a better opportunity to make decisions based purely on military grounds when necessary' (Ottaviani et al., n.d.). The ICRC report argues that cultural protection should understand military targeting procedures. These include the collateral damage estimation methodology, and technologies such as satellite remote sensing and geographical information systems.

Difficulties with this approach include:

- The criteria for listing sites of cultural heritage varies between states (Cunliffe, 2020).
- Certain types of heritage, such as religious buildings without historic or aesthetic value, are unlikely to be included on cultural heritage lists (although will be protected by other strands of IHL). The lists can therefore exclude some of the most significant sites of local significance. Libraries and archives are also often excluded, as are private art collections (Cunliffe, 2020).
- NGOs such as Blue Shield or heritage professionals may make lists when states have not done so. However, the process of making lists of important heritage is difficult and time-consuming because of a lack of data, inconsistent collation practices, and the difficulty of collecting new information during conflicts (Cunliffe, 2020).
- International attention on important sites such as the Bamyjan Buddhas in Afghanistan, the ruins at Palmyra and the shrines at Timbuktu may have been a factor in encouraging armed groups to attack them (Rosén, 2017, p. 17). Similarly, lists of sites of cultural importance could be misused (i.e. deliberately targeted), although many lists are publically available and some of the sites they mention are famous enough to be targeted anyway so it is unlikely that targeting can be attributed to the process of listing (Cunliffe, 2020).

- Evidence from NATO operations suggests that it only considers CPP on an ad hoc basis (Frederic Rosén, 2017, p. 22).
- Although there are examples of good practice, legal protections and systematic use of no strike lists are limited. Successes are somewhat ad hoc and shaped by informal networks. For instance, it has been suggested that 'once handed over to the military it is difficult to know what is done' with the No Strike Lists compiled by the Blue Shield (Stone, 2019, p. 7).
- Most parties to the 1954 Convention have “still not implemented central aspects of the convention, namely those of relevance for the defence sector” (Rosén, 2017, pp. 18-19).
- Following the US-led invasion of Iraq, much cultural property was looted. Two of the largest invading armies, the US and the UK, had not ratified the Hague Convention at this time (Stone, 2019). CPP was not on military list of priorities. Cultural heritage experts had not maintained close links with the military (Stone, 2019). It is therefore important to engage with the military and make the case that cultural protection does not detract from military goals.
- Although some parts of IHL protecting cultural heritage apply to non-state armed groups (NSAGs), and although some NSAGs are willing to protect cultural heritage, heritage protection organisations such as UNESCO or NGOs have undertaken little engagement with NSAGs as yet, either through limitations in their mandate or lack of resources (Geneva Call, 2018).

Networks, capacity and institutions

As outlined in section 2, cultural heritage protection is included in a number of legal instruments. It can fall under both IHL and international human rights law (IHRL). It is also supported by networks of heritage professionals and NGOs. However, many argue that capacity is weak and cultural protection efforts tend to be ad hoc and are not always sustained. For instance, Chalcraft contends that “many of those who work on the ground remain deeply concerned that current efforts are totally inadequate: more performances of solidarity to allay guilt than programmes that actually help” (Chalcraft, 2021, p. 5).

Law

Barakat (2021) highlights weak implementation of the Hague Conventions and other protections. He suggests that non-state actors and persistent conflicts are other challenges. Of the five permanent members of the UN Security Council, only the UK and France have ratified the Hague Conventions (Chalcraft, 2021, p. 5). Weiss and Connelly point to the limitations of international law and limited enforcement mechanisms (Weiss & Connelly, 2017, pp. 17–20). As stated above, militaries do not always integrate heritage protection into their missions (Frederic Rosén, 2017, p. 22).

Recent UN Security Council resolutions and UN Human Rights declarations suggest additional mechanisms through which cultural heritage protection can be undertaken. Many point to the conceptual links between cultural heritage protection and human rights. However, the legal instruments for the two are not always well linked as human rights and cultural heritage are protected by different legal instruments, which make them difficult to reconcile. Human rights

treaties include 'vertical' obligations for states to their citizens, whereas cultural heritage treaties tend to create obligations between states (Donders, 2018).

NGOs

Heritage protection organisations have relatively little capacity. For instance, although it is sometimes compared to the Red Cross, the Blue Shield is little known outside the heritage protection community and has "almost no income at all" and no paid staff (Barakat, 2021; Stone, 2019, p. 438). UNESCO has no operational cultural protection in conflict agenda (Rosen, 2017, p. 18). Weiss and Connolly (2017) point to cuts to UNESCO's funding and its status as an intergovernmental organisation limiting its ability to work effectively in conflict situations.

On the other hand, Aljawabra (2020) notes that 'local' organisations working with cultural heritage may not be perceived as cultural heritage organisations, or connected to international networks, but may nevertheless make innovative and useful contributions to cultural heritage.

Reconstruction requires sustained political and financial support. The funding imperatives of foreign donors may lead to hasty reconstructions that neglect local concerns and narrowly interpret cultural heritage as buildings of historical or archaeological interest. A longer-term process will also allow more use of local skills and resources, which may take time to revive after a conflict (Barakat, 2021).

Heritage networks

Epistemic communities are important in shaping how heritage protection or restoration is undertaken. Legnér (2018) highlights the different approaches to kulla restoration taken by the different actors in reconstruction work in Kosovo. Here Cultural Heritage Without Borders based its work on the architect Ove Hidemarks's belief in using original materials and crafts. However, Kosovan architects had been trained in Yugoslavian schools, and not necessarily trained in that type of restoration. There was therefore some disagreement on the best way to restore the kullas. Hidemark's approach necessitated development of craft persons' skills and the dialogue on Kosovan heritage, which meant the project was not quick to implement.

Many point to the separation between heritage protection and the humanitarian sector. One expert we consulted said that most cultural heritage protection organisations had staffed trained in the humanities rather than the social sciences, and so have limited ability to influence international humanitarian and human rights bureaucracies.

Local actors

The participation of local actors is important as local responses are often more efficient and sustainable. They also help to restore local capacity to undertake heritage preservation. They may also be more responsive to community needs (Barakat, 2021). "Local responses and solutions have significant benefits of harnessing local materials, skills and know-how, and thereby help in restoring dignity, confidence and faith in local capacities. For these reasons, they are more effective, more sustainable, and frequently cheaper than externally imported solutions" (Barakat, 2021, p. 12).

Local state capacity is important. Ministries in charge of culture and heritage can collapse during conflicts. The state can play a key role in institutionalising protection, including through

conservation codes, and developing professional networks. The development of this capacity should therefore be a priority (Barakat, 2021; Kathem et al., 2020).

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Key websites

- United Nations Office of Human Rights, Special Rapporteur on Cultural Rights: <https://www.ohchr.org/EN/Issues/CulturalRights/Pages/SRCulturalRightsIndex.aspx>
- Cultural Heritage Law: <https://www.culturalheritagelaw.org/Cultural-Heritage-and-Human-Rights>
- Blue Shield: <https://theblueshield.org/>
- ICRC Cultural Property: <https://www.icrc.org/en/war-and-law/conduct-hostilities/cultural-property>
- Heritage in War: <https://www.heritageinwar.com/blog>

- Cultural Heritage Without Borders: <http://chwb.org/>
- UNESCO Armed Conflict and Heritage: <http://www.unesco.org/new/en/culture/themes/armed-conflict-and-heritage/>

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