



UNIVERSIDADE
CATOLICA
PORTUGUESA

INSTITUTO DE ESTUDOS POLÍTICOS

The efforts for the protection of Cultural Heritage in the context of armed conflicts

The potential of post-conflict peacebuilding in the recovery of memory
through the work and role of UNESCO

Master's in Political Science and International Relations: Security and Defence

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Ana Carolina Godinho de Oliveira Fontoura (Student Number 100522007)

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ABSTRACT

Armed conflicts have been a reason not only for human suffering, but also damage to cultural heritage, contributing to the erasure of memory and identity. The purpose of this dissertation is to examine how the protection and preservation of cultural heritage can contribute to post-conflict peacebuilding in societies affected by conflict, with a focus on UNESCO's role in this process, as well as the part that local communities play.

Based on the assumption that the protection of cultural heritage requires institutional frameworks, we aim to analyse how the application of such frameworks helps to protect cultural heritage and how that protection, in turn, helps communities pave the way for post-conflict peacebuilding. This work begins with an explanation of core concepts regarding cultural heritage and the importance of culture, as well as its protection. We then proceed to analyse and contextualise influential documents related to the safeguarding and preservation of cultural heritage through an examination of UNESCO conventions, declarations, and reports, as well as relevant papers and journal articles, and their relevance for social development and cohesion. Finally, using practical examples and a case study of Aleppo, Syria, the importance of protecting cultural heritage in post-conflict peacebuilding is explored as a strategy for achieving sustainable peace.

We suggest that UNESCO acts as an international actor with the capabilities and resources necessary for the identification, protection, and preservation of cultural heritage, while the involvement of local communities helps the revival of memory and the rebuilding of identity. Together, they transform heritage from a target of violence into a tool for reconciliation, aiming to achieve a sustainable recovery and a peaceful future.

Key Words: Cultural Heritage; Cultural Property; Armed conflicts; UNESCO; Peacebuilding; Identity; Memory; International law.

RESUMO

Os conflitos armados têm vindo a causar não só sofrimento humano, mas também danos no património cultural, contribuindo para o desaparecimento da memória e da identidade. O objetivo desta dissertação consiste em examinar como a proteção e a preservação do património cultural podem contribuir para a construção da paz pós-conflito, com foco no papel e função da UNESCO e das comunidades locais nesse processo.

Partindo do pressuposto de que a proteção do património cultural requer um regime jurídico, pretendemos analisar como a aplicação desse regime ajuda a proteger o património cultural e como essa proteção, por sua vez, apoia as comunidades na preparação de um caminho para a construção da paz em situações de pós-conflito. Este trabalho começa com uma explicação dos conceitos fundamentais relativos ao património cultural e à importância da cultura, bem como à sua proteção. Em seguida, analisamos e contextualizamos importantes documentos relacionados com a salvaguarda e a preservação do património cultural por meio de uma análise das convenções, declarações e relatórios da UNESCO, bem como de artigos e publicações pertinentes, e a sua relevância para o desenvolvimento e coesão social. Por fim, utilizando exemplos práticos e um estudo de caso de Aleppo, na Síria, exploramos a importância de proteger o património cultural na construção da paz pós-conflito como estratégia para alcançar uma paz sustentável.

Sugerimos que a UNESCO atua como um agente internacional com as capacidades e os recursos necessários para a identificação, proteção e preservação do património cultural, enquanto o envolvimento das comunidades locais contribui para o renascimento da memória e a reconstrução da identidade. Juntos, transformam o património de um alvo de violência para uma ferramenta de reconciliação, de modo a alcançar uma recuperação sustentável e um futuro pacífico.

LIST OF ABBREVIATIONS AND ACRONYMS

A

AKDN - Aga Khan Development Network

AKTC - Aga Khan Trust for Culture

ALIPH - Alliance for the Protection of Cultural Heritage in Conflict Areas

D

DGAM - Directorate-General of Antiquities and Museums

E

EU - European Union

I

ICC - International Criminal Court

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

ICOM - International Council of Museums

ICOMOS - International Council on Monuments and Sites

ICRC - International Committee of the Red Cross

ICTY - International Criminal Tribunal for the former Yugoslavia

IHL - International Humanitarian Law

INTERPOL - The International Criminal Police Organization

IRMCT - International Residual Mechanism for Criminal Tribunals

ISIS - Islamic State of Iraq and Syria

J

JNA - Yugoslav people's Army

L

LTTE - Liberation Tigers of Tamil Eelam, Sri Lanka

M

MINUSMA - United Nations Multidimensional Integrated Stabilization Mission in Mali

N

NATO - North Atlantic Treaty Organization

NGO - Non-governmental organisation

R

R2P - Responsibility to Protect

S

SC - Security Council

SDG - Sustainable Development Goal

SHOSI - Safeguarding the Heritage of Syria and Iraq Project

SOC - UNESCO's State of Conservation Information System

U

UN - United Nations

UNAMA - United Nations Assistance Mission in Afghanistan

UNDP - United Nations Development Programme

UNESCO - United Nations Educational, Scientific and Cultural Organization

UNIDROIT - International Institute for the Unification of Private Law

W

WHL - World Heritage List

INTRODUCTION

«A people without knowledge of their past history,
origin and culture is like a tree without roots.»

Marcus Garvey (1923)¹

Culture is a legacy. It serves as an anchor, reflecting the life of a community, its entire history, and identity. A significant part of who we are stems from our experiences and the environment around us. Culture enables the construction and shaping of people's unique personalities, which is subsequently shared with the world. Whether we consciously choose it or not, it is deeply ingrained in our origins and influences how we interact within a community.

Societies have, for long, been devastated by armed conflicts, as a never-ending global issue. In recent decades, the deliberate targeting of cultural heritage has emerged as a strategy of war, being rarely accidental, and is aimed at erasing the history of a community, with the intent of weakening their resilience and breaking social structures. It results not only in the loss of several human lives and displacement but also causes irreparable damage to cultural heritage, erasing centuries of history, and posing a dangerous threat to cultural artefacts, monuments, sites, and traditions that reflect people's identity. It becomes essential to find a way to achieve post-conflict peacebuilding so that a revival of memory through culture can be created, since its destruction does not just affect the people in the community it occurs, it affects humanity as a whole.

This challenge can only be effectively addressed when we build upon the work and efforts that UNESCO and the international community have undertaken over the past years through a series of Conventions, Protocols, and initiatives, recognising the importance of safeguarding cultural heritage. It was just after the Second World War that conversations about the protection of culture and the definition of cultural heritage began to surface, as the

¹ This quote is widely attributed to Marcus Garvey's speeches on history and culture. However, no verified original source containing this exact wording has been located.

consequences of the destruction of large urban centres and the looting of artwork were very noticeable. Doubts on the means States had to protect their own culture, as their respective governments had been denying democratic principles for years, were also raised. This led to the creation of UNESCO on a straightforward yet bold premise: «since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed».² It was founded on the belief that lasting peace could not be achieved through political means, but rather through education, culture, and a shared understanding, with a focus on the minds of individuals and their rights. Since its creation, UNESCO has promoted this framework as a fundamental pillar of peace, and its instruments have sought to protect heritage from destruction, misuse, looting, and neglect.

From there, a direct response to the pressing issue emerged, as the **Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954)** and its **Regulations** began to be prepared and soon put into practice. The **Additional Protocols (1954 and 1999)** were adopted as a reinforcement and improvement of the existing protection system. States started to develop specific measures to address this issue of cultural property and its protection, including their capacity to resist, anticipate, and adapt, which made it possible for the approach of respecting and protecting cultural heritage to gain momentum. Over the years, UNESCO's efforts have resulted in the development of several international instruments for safeguarding all the elements of cultural heritage, particularly during armed conflicts, but also to be implemented in periods of peace for a broader protection. Despite this, the deliberate destruction of cultural property continues in many conflicts. This raises questions about the effectiveness of these mechanisms and how heritage protection can impact post-conflict recovery and peacebuilding.

² United Nations Educational, Scientific and Cultural Organization (UNESCO), *Constitution of the United Nations Educational, Scientific and Cultural Organization*, preamble, adopted November 16, 1945, entered into force November 4, 1946, <https://unesdoc.unesco.org/ark:/48223/pf0000382500>.

This thesis seeks to analyse the role of UNESCO and local communities in the protection and preservation of cultural heritage in the context of armed conflicts, with particular attention to post-conflict peacebuilding. Having in mind these reflections and the larger context, the research question considered to be the most fruitful is the following: «What role do UNESCO and local communities play in the protection and preservation of cultural heritage in post conflict peacebuilding?». In order to analyse this general question in a more detailed way, a direct complementary question / research hypothesis is suggested, namely: «Does the inclusion of cultural heritage preservation in post-conflict peacebuilding efforts and initiatives contribute to sustainable peace and reconciliation in conflict-affected regions?» The reason behind the primary question has to do with the fact that investigating the role of UNESCO and local communities provides insights into the complexities of post-conflict peacebuilding processes.

UNESCO acts as an international actor with capabilities, legitimacy, and resources when it comes to cultural heritage identification, protection and preservation, while local communities possess intimate knowledge of their heritage and are directly impacted by the consequences of the conflicts that affect them. The involvement of both can influence the reconstruction of memory and the rebuilding of identity. Focusing on post-conflict peacebuilding through the recovery of memory and the future potential of cultural heritage allows for a broader view of the issue. There is a focus not only on examining the relevance of culture and cultural heritage, as well as the impact of conflicts on the latter, but also on evaluating UNESCO's initiatives and analysing how peacebuilding through culture contributes to heritage's perpetuation, enabling people to relive their cultural experiences and regain memories of great historical and cultural treasures. Preserving and restoring cultural heritage sites can help contribute to promoting this intrinsic sense of identity and the feeling of belonging to a certain community. Experiencing cultural heritage after it has been lost or destroyed grants the opportunity to reclaim of a sense of belonging.

Additionally, by analysing their roles, we can identify the challenges, the most beneficial practices, and areas for improvement in their collaboration, resulting in concrete feedback that can be adapted to the development of policies and guidelines aimed at improving the protection and preservation of cultural heritage in these areas, which could lead to increased funding and resources being allocated to these efforts. Demonstrating how cultural heritage preservation greatly contributes to sustainable and durable peace reinforces the support for such initiatives from international organisations, governments, and other potential collaborators, influencing policymaking at both national and international levels. The answer to the research hypothesis will allow us to explain to what extent these efforts contribute to sustainable peace and reconciliation by assessing the effectiveness of post-conflict interventions.

The relevance of this thesis lies in bridging the gap between cultural heritage protection and peacebuilding studies. Although considerable focus has been directed towards the institutional frameworks that protect cultural heritage, fewer studies have examined the cultural and social impact of heritage reconstruction on communities emerging from conflict. Therefore, it becomes indispensable not only to explore potential paths for enhancing the protection of cultural heritage in armed conflict situations, but also the role of its preservation and reconstruction for these communities, to achieve post-conflict peacebuilding. This provides an opportunity to contribute to the discourse on cultural heritage preservation, and humanitarian and peacebuilding efforts in regions affected by conflict.

The topics are interconnected, as the explanation of how and why armed conflicts occur, what is done to prevent and mitigate them, and why cultural heritage is attacked, will serve as a basis for the responsibility of UNESCO, an organisation specifically created to protect cultural heritage and important cultural sites. With cultural heritage being protected through the various international and national legal mechanisms, it becomes possible to show how peacebuilding can be achieved in conflict-affected societies, allowing for reconciliation, the fostering of

stability, and for heritage to be experienced again, contributing to the common good of all humanity.

The thesis is divided into four chapters. Chapter I defines the concepts of cultural property and cultural heritage, outlines their types and significance, and examines the impact of armed conflicts on heritage. Related to that and bearing in mind the theme, it is appropriate to analyse armed conflicts and the way they critically threaten cultural heritage, including the destruction, looting, and illicit trafficking of artefacts and the impact on intangible cultural practices. The complexity and challenges faced in the event of these disputes, as well as the risks to cultural heritage that arise amid them, will also be assessed.

Additionally, Chapter II analyses the role and contribution of UNESCO in safeguarding cultural heritage, focusing on its conventions, initiatives, and policies in areas affected by conflict, and its influence in shaping international standards. There is a system to respect and measures to be taken in the case of destruction of cultural heritage, to protect, restore and transform it when it suffers the consequences of war. In this matter and recognising the need to give the theme a more actual and factual strand, there will be a mention of some of the United Nations' Sustainable Development Goals, as heritage is a driver of development that is socially, economically and environmentally sustainable.

Furthermore, Chapter III explores in detail the link between the protection of cultural heritage and post-conflict peacebuilding, considering its role in reconciliation, memory recovery, and sustainable development. This also entails eventual limitations, strategies that can be taken, and their effective capability to approach the challenges that arise because of armed conflicts.

Finally, Chapter IV will examine the case of the destruction of the city of Aleppo, in Syria, analysing preservation efforts, the conceptual approaches that have been applied in

different situations and their impact on overall social cohesion, the recovery of cultural memory, and the potential of UNESCO's work in promoting peace.

In summary, this thesis argues that the protection of cultural heritage is not only about preserving the past but also about laying the foundations for a better recovery after conflict, establishing a more sustainable and resilient future. Through the safeguarding of monuments and traditions, UNESCO and local communities contribute to reviving people's memories and rebuilding their identity, which ultimately restores trust among themselves and creates conditions for lasting peace.

In order to make this point clearer, a possible perspective of this argument is that sustainable peace is strongly connected to the protection of cultural heritage. The connection between post-conflict peacebuilding and the protection of cultural heritage is multifaceted, with cultural heritage playing a crucial role in the healing, reconstruction, and long-term stability of societies emerging from conflict. Protecting cultural heritage goes beyond safeguarding monuments and artefacts. It involves preserving the collective memory, identity, and resilience of communities, and providing a sense of normality.

Cultural heritage lies at the heart of community identity. As mentioned, identities matter because they give individuals a sense of belonging, a shared purpose, allowing them to act and differentiate themselves from the rest of the group, while at the same time shaping their thoughts and actions. Armed conflicts often disrupt this sense of belonging through the chaos, destruction and displacement, leaving people disconnected and disoriented. Restoring cultural sites, traditions, and practices helps rebuild shared identity and social cohesion, offering communities something to hold onto, reconnect with, and bond through shared experiences.

Culture serves as a powerful force of motivation for the participation in joint activities and symbolises resilience in the face of destruction. Engagement with cultural heritage can support psychological recovery after conflict by providing spaces for expression, remembrance,

and hope. In this sense, heritage serves as a form of reparation, acknowledging the suffering from the past while creating opportunities for reconciliation in the future.

Cultural heritage can also serve as a means to bridge divisions between groups. Protecting and restoring it fosters mutual respect and the improvement of knowledge and understanding across communities, being not merely an end in itself but an entry-point for a deeper social, cultural, and political dialogue. Responsibility at a global level in this field ensures that every culture contributes equally to the shared humanity that is culture, while preserving its unique characteristics. A sense of unity is necessary to overcome the terrible circumstances of war, and this can be achieved through shared history, culture, and interests.

Efforts to protect cultural heritage can attract international support and resources, reinforcing peacebuilding initiatives. Heritage protection also serves as a form of cultural diplomacy, strengthening international cooperation. UNESCO's mandate highlights this role, emphasising the promotion of the «free flow of ideas by word and image».³ In practice, this involves establishing and enforcing protective institutional frameworks, and mobilising global solidarity and support for the preservation of heritage as a foundation for peace through peacebuilding processes.

Cultural heritage protection is integral to peacebuilding. It rebuilds resilience, facilitates reconciliation, and fosters international cooperation. By safeguarding cultural heritage, societies not only preserve their past but also create the conditions for lasting peace.

³ UNESCO (1945), art. I.

CHAPTER 1

CULTURAL HERITAGE AND POLITICS

«Heritage is our legacy from the past, what we live with today,
and what we pass on to future generations.»

UNESCO⁴

Cultural heritage embraces the tangible and intangible elements of a specific society or group that are then passed down to future generations. But it is not just that. Cultural heritage is the outcome of something that is continually created, preserved, and enjoyed by people with a deep care for their culture and identity. It is not a luxury, but a privilege, to experience the great monuments and traditions created to serve a purpose.

In a world increasingly affected by conflict and globalisation, understanding the nature and value of cultural heritage has become more crucial than ever. This chapter will examine the meaning and types of cultural heritage, as well as how it is impacted by armed conflict and why its protection is essential for preserving identity and promoting peace.

1.1. Types and Importance of Cultural Heritage

To explain the context of my work, let us first examine the definitions and the political and institutional frameworks surrounding this topic, as understanding definitions is the first step in comprehending a particular associated subject and its associated aspects. This includes, at the same time, a review of the ideas of some important authors and research results that guide my dissertation.

The Cambridge Dictionary defines heritage as «features belonging to the culture of a particular society, such as traditions, languages, or buildings, that were created in the past and still have historical importance».⁵ The Oxford Dictionary adds: «property that is or may be

⁴ UNESCO, 'World Heritage', *UNESCO*, accessed November 9, 2025, <https://www.unesco.org/en/world-heritage>.

⁵ Cambridge Dictionary, *Heritage*, Cambridge University Press, accessed November 18, 2025, <https://dictionary.cambridge.org/dictionary/english/iconoclasm>.

inherited» or is «preserved for the nation».⁶ Cultural heritage has always been a subject of concern because of the value attributed to it. However, its concept has undergone change and evolution. Now, it is more focused on the individual and the group to which it belongs. They are the ones at the centre of the cultural heritage definition and of its safeguarding, since those are derived from the protection of fundamental rights, according to the ideas presented by Marie Cornu.⁷ This is relevant because the role communities play in protecting cultural heritage has immense value in the peacebuilding process and the promotion of non-violence.

Even though cultural heritage does not have a standard definition or understanding of its content and exact nature, as it has been incorporated into several international law instruments, each one with its own understanding, it has a much broader range than cultural property.⁸ Culture is comprehended, safeguarded, and advanced mainly due to its connection to individuals and communities and the variety of relationships that are preserved and encouraged.⁹ Cultural heritage is incredibly valuable, but it cannot be separated from the people who create and enjoy it. The nature of cultural heritage is often intertwined with the relationship between culture and society, as the definition of cultural heritage is generally based on a selection of elements considered valuable and worthy of preservation, thus contributing to the inheritance of future generations.¹⁰

Cultural heritage concerns expressions that reflect a specific perspective on life and verify its authenticity and history.¹¹ It is indeed through cultural heritage that a society can

⁶ Oxford Dictionary, *Heritage*, Oxford University Press, accessed November 18, 2025, <https://www.oxfordlearnersdictionaries.com/definition/english/heritage>.

⁷ Marie Cornu, 'Safeguarding Heritage: From Legal Rights over Objects to Legal Rights for Individuals and Communities?', in *Cultural Heritage Ethics*, 1st edn, ed. Sandis Constantine (Open Book Publishers, 2014), <https://doi.org/10.11647/OBP.0047.13>.

⁸ Janet Blake, 'On Defining the Cultural Heritage', *International and Comparative Law Quarterly* 49, no. 1 (2000): 61–85, <https://doi.org/10.1017/S002058930006396X>.

⁹ Marc-André Renold and Alessandro Chechi, 'International Human Rights Law and Cultural Heritage', in *Cultural Heritage and Mass Atrocities*, 1st edn, ed. James Cuno and Thomas G. Weiss (Getty Publications, 2022), <https://doi.org/10.2307/jj.6142257>.

¹⁰ Blake (2000).

¹¹ Lyndel V. Prott and Patrick J. O'Keefe, "'Cultural Heritage" or "Cultural Property"?", *International Journal of Cultural Property* 1, no. 2 (1992): 307–20, <https://doi.org/10.1017/S094073919200033X>.

convey its message and its vast past, giving insights into what it has endured and its resilience in overcoming difficult times, as well as its art, magnificence and purpose. What matters is the narrative that communities, local or global, choose to associate with culture rather than the culture's physical aspects. Each society has a history it selects to portray through culture.

The role of cultural heritage entails a significant political dimension, as the determination of what qualifies as worthy of protection and preservation is typically determined by national State authorities and intergovernmental organisations at the international level.¹² The emergence of contemporary States is not, therefore, detached from culture. Culture is a way of expressing diversity and variety within the States that compose the international community. It ultimately contributes to the pluralism of national societies and the State's articulation among various social actors, such as communities from different ethnic backgrounds, indigenous peoples, and minorities, who frequently strive for international recognition and status.¹³

Bearing in mind that my work is primarily aimed at explaining and clarifying the protection of cultural heritage, it is essential to first briefly outline how it is currently safeguarded. As the intangible element began to be recognised as one of the most important, shifting away from a material-only aspect to incorporate people's identity, history, and life, and also considering the serious threats of damage, loss and destruction it faced, a need arose to further enhance its protection and preservation. This led to its incorporation into international institutional frameworks. It is relevant to note, for now, the first one that applied to intangible cultural heritage, the **2003 UNESCO Convention for the Safeguarding of the Intangible**

¹² Blake (2000).

¹³ Francesco Francioni, 'Beyond State Sovereignty: The Protection of Cultural Heritage as a Shared Interest of Humanity', *Michigan Journal of International Law* 25, no. 4 (2004): 1209–28, <https://doi.org/10.4324/9781315254135>.

Cultural Heritage, adopted thanks to the common will and concern to safeguard it.¹⁴ The remaining most pertinent instruments are mentioned in the next chapter.

According to the preamble of the Convention, it was created «considering the importance of the intangible cultural heritage as a mainspring of cultural diversity and a guarantee of sustainable development», mentioning also the «deep-seated interdependence between the intangible cultural heritage and the tangible cultural and natural heritage».¹⁵ Heritage, especially intangible, must be understood as something without which people lose their sense of self and belonging. It generates curiosity, is a key source to make cultures rich and unique, and preserves local knowledge, practices, and traditions. This inevitably leads to cohesive and resilient communities and societies.

Cultural heritage incorporates three definitions:¹⁶

- Tangible Heritage (physical elements):
 - Movable heritage (cultural objects that can be physically moved without losing their meaning, significance, or function), such as artefacts, paintings, books, scientific collections, sculptures, manuscripts, documents, and artworks. The Magna Carta, issued in 1215 and one of the most celebrated documents in English history, is an example of movable heritage. It has become a symbol of freedom and democracy throughout the world, since it imposed for the first time

¹⁴ UNESCO, *Convention for the Safeguarding of the Intangible Cultural Heritage*, adopted October 17, 2003, entered into force April 20, 2006, preamble, <https://ich.unesco.org/en/convention>.

¹⁵ UNESCO (2003), preamble.

¹⁶ These definitions are a compilation of the ones present in Article 2 of the *Convention for the Safeguarding of the Intangible Cultural Heritage* (2003), Articles 1 and 2 of the *Convention Concerning the Protection of the World Cultural and Natural Heritage* (1972), and Article 1 of *The Hague Convention* (1954). The examples were retrieved from the following Webpages: UNESCO, 'World Heritage List', *UNESCO World Heritage Convention*, accessed November 18, 2025, <https://whc.unesco.org/en/list/>; UNESCO, 'Browse the Lists of Intangible Cultural Heritage and the Register of Good Safeguarding Practices', *UNESCO Intangible Cultural Heritage*, accessed November 18, 2025, <https://ich.unesco.org/en/lists>; European Parliament. 'European Cultural Heritage Days: Russia's Cultural War Against Ukraine'. *European Parliament Think Tank*. September 16, 2022. Accessed November 27, 2025, [https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI\(2022\)733650](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2022)733650).

detailed written restrictions on royal authority in diverse fields, reiterating the potential of customary practice. It was registered as a Memory of the World in 2009, submitted by the United Kingdom.

- Immovable heritage (cultural property fixed to a specific location), such as buildings, monuments of architecture, art or history, libraries, landscapes, depositories of archives, archaeological works and sites, sculptures, inscriptions and cave dwellings. An example of this case is the Archaeological Areas of Pompei, Herculaneum and Torre Annunziata, in Italy, inscribed in 1997 on the World Heritage List (WHL), giving a very authentic impression of the lifestyle in the early Roman Empire. Additionally, the Bourges Cathedral, in France, was inscribed in 1992. Built between the 12th and 13th centuries, the Cathedral of St Etienne of Bourges stands as a remarkable example of Gothic architecture, renowned for its proportions and cohesive design. It also reflects the prominent influence and power of Christianity in medieval France.

- Underwater heritage (underwater remnants of human existence that have cultural, historical, or archaeological qualities), including shipwrecks, and underwater ruins or cities. For example, there are more than 1,000 documented shipwrecks dated between the 15th and 20th centuries, as well as 100 identified underwater archaeological sites in the Azores archipelago, Portugal. They serve as time capsules of European history, symbolising a different era.

- Intangible Heritage (non-physical elements): practices, representations, expressions, skills, traditions, languages, rituals, festivals, music, dance, craftsmanship, and knowledge. The Cante Alentejano, a genre of

traditional polyphonic singing from Alentejo, Portugal, can be included here. It is performed without instruments and is distinguished by unique melodies, lyrics and vocal styles. It was inscribed in 2014 on the Representative List of the Intangible Cultural Heritage of Humanity. Another example is the Asturian cider culture in Spain, which was inscribed on the same list in 2024. It is a symbol of local identity, referring to the areas and processes involved in producing, serving, and enjoying natural cider in Asturias.

➤ Natural Heritage (natural sites with cultural aspects associated): cultural landscapes of global scientific value or particularly natural beauty, physical, biological, or geological formations and areas that constitute the habitat of threatened species of animals and plants. Kilimanjaro National Park, in the United Republic of Tanzania, is a great example of natural heritage, inscribed on the WHL in 1987. The park protects Mount Kilimanjaro, the largest free-standing volcanic massif in the world, meaning it rises prominently above the surrounding landscape. It is also the highest point in Africa, at 5,895 meters. Also relevant is the Great Barrier Reef on Australia's northeast coast, which comprises the world's largest coral reef ecosystem and was inscribed on the same list in 1981.

There is an extensive list of elements that comprise the world's heritage, given their importance not only to the directly affected people. It is a privilege to experience the rich cultural and natural diversity that others in faraway lands have created, and how it can educate and transform us. Also crucial is the recognition of the international community and organisations such as UNESCO that such cultural and natural heritage must be protected. It is an outstanding achievement by humanity, serving as a tool for awareness and cooperation, and demonstrating both the ambition and responsibility required to safeguard our shared heritage.

Furthermore, Article 2 of the Convention mentions how intangible heritage is:

transmitted from generation to generation, constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity.¹⁷

Hence, cultural heritage is about the identity and values that shape the cultural fabric of societies. Cultural heritage encompasses the living expressions and traditions that communities recognise as part of their cultural legacy, emphasising their overall cultural identity and continuity.¹⁸ Cultural heritage adds value and emotional influence on a particular group. The cultural elements are not static, so they continue to be adapted and reshaped over time, considering the natural changes that occur due to their surroundings, lifestyles, experiences, and the phenomenon of globalisation, as well as climate or economic conditions.¹⁹ These traditions and customs give people the feeling of fitting in and connecting to their roots. It is by valuing heritage that we learn to appreciate other cultures and recognise the limitless potential of human creativity.

Cornu notes that the aim is not only to pass it on to future generations, but also to connect it to “sustainable development and integration,” which has “social, environmental and economic aims”.²⁰ Cultural heritage protection has been gaining a greater role in the reconciliation of societies affected by conflict, serving to bring people together and help them envision a positive outcome to a destructive path. Additionally, its reconstruction offers the chance for an experience of revival, always concerned with the circumstances and conditions, and serves as a source of tourism and economic recovery.

Cultural heritage reflects a society's history, beliefs, and traditions. It links the past, present, and future, providing communities and individuals with a sense of identity and

¹⁷ UNESCO (2003), Art. 2.

¹⁸ Janet Blake, ‘Taking a Human Rights Approach to Cultural Heritage Protection’, *Heritage & Society* 4, no. 2 (2011): 199–238, <https://doi.org/10.1179/hso.2011.4.2.199>.

¹⁹ Blake (2000).

²⁰ Cornu (2014), 203.

continuity. However, according to David Lowenthal, there is an important distinction between heritage and history. Heritage is not history; «it is not an inquiry into the past, but a celebration of it... a profession of faith in a past tailored to present-day purposes».²¹ The meaning of this phrase comes from the idea that heritage is not so much about discovering or analysing the past for its own sake, since that is the role of history. It is more about the meaning that communities attribute to the past and the way the past is remembered and preserved, as well as its allocated purposes in the present. Heritage is also selective and subjective, in the sense that not every detail of the past or history is commemorated in the same way. Instead, certain aspects are chosen by a group or society to value, given the social, political, and cultural circumstances of their creation and the needs of the people.

Before the term “cultural heritage” became widely recognised, the international community was primarily focused on the physical and material elements. It then becomes relevant for my work, before entering the realm of heritage, human rights and identity, to mention cultural property and how it evolved into the definition of heritage and all it entails.

1.2. Cultural Property

Culturally, the term “property” has a somewhat different meaning than its definition in the Cambridge Dictionary of an object that belongs to someone, a building or an area of land, and the legal right to own and use something. Culture does not belong to anyone, as it is part of humanity, available for people to experience.

«The cultural property that a community produces is an overt mark of its identity, a repository of cultural and traditional information, and an essential thing for a cultural group’s self-understanding».²² It is the physical form of expression for every culture worldwide, which is later transformed into the world’s cultural heritage, as “the creative human genius” transcends

²¹ David Lowenthal, *The Heritage Crusade and the Spoils of History* (Cambridge University Press, 1998), x.

²² P Ishwara Bhat, ‘Protection of Cultural Property Under International Humanitarian Law: Some Emerging Trends’, (conference paper, Seminar on International Humanitarian Law, University of Mysore, June 1, 2000).

geopolitical borders.²³ Cultural property began to be identified as a symbol of a community's distinctiveness, serving to express itself. The level of cultural development intensely influences many of the works and accomplishments that have been produced. This translates into a rising movement toward culture from several generations' interest in safeguarding, maintaining, and developing the cultural property left by their ancestors.²⁴ The protection of cultural property would not be possible, at the level achieved today, without the national and international concern that has been reached.

Each culture produces its cultural property, which ultimately contributes to the cultural heritage of humanity. However, this raises the question of whether a particular culture has the right to own its cultural property. The idea that a specific culture has a right of ownership over its cultural productions has been contested by James Young, arguing that «culture will seldom, if ever, inherit a right to cultural property».²⁵ What the author means is that the basis for a culture's claim on tangible cultural property is not that it was produced by certain individuals or groups belonging to a specific culture in a community - they are not guaranteed an inheritance right just because they made it - but rather the great intrinsic worth it has for the members of that culture. The author attributes a “cultural significance principle” to an item of cultural property because of its «aesthetic, historical, or other value to the members of some culture», basing it on how genuine, substantial, and enduring that value is.²⁶ Tangible cultural heritage is intrinsically valuable, and the contribution it can have to the cultural enrichment of all civilisations transcends questions of ownership. While such heritage is often the product of specific communities or civilisations, shaped by their histories, beliefs, and artistic expressions, its significance extends beyond its place of origin. Despite being the product of their creation,

²³ Bhat (2000).

²⁴ Katerina Papaioannou, 'The International Law on the Protection of Cultural Heritage', *IJASOS-International E-Journal of Advances in Social Sciences* III, no. 7 (2017): 257–62, <https://doi.org/10.18769/ijasos.309684>.

²⁵ James O. Young, 'Cultures and Cultural Property', *Journal of Applied Philosophy* 24, no. 2 (2007): 113, <https://doi.org/10.1111/j.1468-5930.2007.00359.x>.

²⁶ Young (2007), 122.

it should be appreciated as a shared legacy. Every culture ultimately benefits from and is inspired by some aspect of all cultural property. Its value comes not only from its physical presence but also from the ability to promote connection and understanding in every society.

Neil MacGregor also agrees, stating that when it comes to who has a right to inherit cultural heritage, it does not matter what economic value is attributed to the object. What matters is its meaning, which «presupposes a consensus and a community of language».²⁷ Therefore, ownership implies a group of people who share beliefs and see the narrative they choose to tell about themselves embodied in a concrete thing, typically set in a context that extends beyond the duration of a single human life. Over the years, communities will attribute distinctive meanings to the various available cultural objects, and it may take time to reach a consensus on that meaning, but it will always hold value. Furthermore, Fiona Macmillan adds, in the article ‘The Protection of Cultural Heritage: Common Heritage of Humankind, National Cultural “patrimony” or Private Property?’ (2013) that rights regarding the usufruct and enjoyment of cultural heritage tend to surpass those of intellectual property. The author argues that this is because of its relevance to processes such as nation-building and self-determination, as well as its importance for certain minority groups, including indigenous peoples, on the grounds of ethics, justice, and the right to development.²⁸ It is the enduring value of cultural property and heritage that emphasises its access and collective benefit, as a common good.

In international law, cultural property has historically referred to the object of protection. However, it comes with specific traditional and ideological values that can be hard to change, especially when dealing with matters such as environmental protection.²⁹ These ideas about property often need to be adjusted to achieve evolving social objectives. Using the term

²⁷ Neil MacGregor, ‘Why Do We Value Cultural Heritage?’, in *Cultural Heritage and Mass Atrocities*, 1st edn, ed. James Cuno and Thomas G. Weiss (Getty Publications, 2022), 50, <https://www.jstor.org/stable/jj.6142257.9>.

²⁸ Fiona Macmillan, ‘The Protection of Cultural Heritage: Common Heritage of Humankind, National Cultural “patrimony” or Private Property?’, *Northern Ireland Legal Quarterly* 64, no. 3 (2013): 351–64.

²⁹ Blake (2000).

“property” for cultural resources can also be problematic because it focuses on the owner's rights, which may conflict with the need to limit those rights for the protection of the cultural resource. Also, labelling something “cultural property” implies it has a market value, depicting cultural artefacts as items that can be bought and sold like commodities, which is precisely what has been sought to avoid. Lastly, using that term is too limited to encompass the range of possible elements that can incorporate culture. These are reasons justifying that the term “property” evolved into “heritage,” to comprise a range of different elements and aspects that cannot be ignored as time passes, and new issues that need to be accounted for.³⁰ While material objects typically define cultural property, cultural heritage has a broader scope, encompassing all intangible aspects of culture.³¹

As already mentioned, cultural property has a narrower spectrum than cultural heritage. It centres on the physical, tangible items that have specific cultural, historical, artistic, or archaeological significance that are considered crucial to the cultural heritage of a community, nation, or humanity as a whole, and their preservation and protection. Material cultural heritage is valuable because it supports a community's intangible heritage by confirming the narrative that sustains and shapes its present.³² Cultural objects are a significant representative resource that promotes a community's sense of cohesiveness and belonging while offering a shared range of elements that sets groups apart. With the help of mythology, rituals, and memory, culture can create or restore a sort of lastingness with previous generations.³³ In this way, cultural property is a clear mark of a community's history and therefore helps to preserve and prolong it.

³⁰ Blake (2000).

³¹ Benjamin Charlier and Tural Mustafayev, ‘International Humanitarian Law and the Protection of Cultural Property’, in *Cultural Heritage and Mass Atrocities*, 1st edn, ed. James Cuno and Thomas G. Weiss (Getty Publications, 2022), <https://doi.org/10.2307/jj.6142257>.

³² MacGregor (2022)

³³ Hermann Parzinger, ‘Cultural Heritage under Attack: Learning from History’, in *Cultural Heritage and Mass Atrocities*, 1st edn, ed. James Cuno and Thomas G. Weiss (Getty Publications, 2022), <https://www.getty.edu/publications/cultural-heritage-mass-atrocities/part-1/03-parzinger/>.

As the preamble of the UNESCO **1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property** states, cultural property

constitutes one of the basic elements of civilization and national culture, and that its true value can be appreciated only with the fullest possible information regarding its origin, history and traditional setting [and that] the interchange of cultural property among nations for scientific, cultural and educational purposes increases the knowledge of the civilization of Man, enriches the cultural life of all peoples and inspires mutual respect and appreciation among nations.³⁴

There is a deep civilizational value of cultural property, as a core component of national identity and collective heritage. It is essential to protect cultural property, as it plays a positive role in intercultural exchange, fostering respect, curiosity, and solidarity, and helping to defend and strengthen people's minds, thus avoiding ignorance and resentment. While maintaining its uniqueness, every culture becomes equally part of the global heritage, ensuring the continuation and support of its identity.³⁵ The benefits gained from the exchange of different cultures contribute to increased knowledge and understanding.

In this context, it is also relevant to mention the international institutional frameworks for the protection of cultural property and how they became a reality. Considering that cultural property had, in 1954, already been subject to excessive destruction and damage, it was decided by the High Contracting Parties in the **1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict**, also known as **The Hague Convention**, that such property was worthy of superior protection and special measures for its guarding.³⁶ The Convention was a product of the idea that the preservation of cultural property and heritage was

³⁴ UNESCO, *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*, adopted November 14, 1970, entered into force April 24, 1972, preamble, <https://www.unesco.org/en/legal-affairs/convention-means-prohibiting-and-preventing-illicit-import-export-and-transfer-ownership-cultural>.

³⁵ Bhat (2000).

³⁶ UNESCO, *Convention for the Protection of Cultural Property in the Event of Armed Conflict*, adopted May 14, 1954, entered into force August 7, 1956, <https://www.unesco.org/en/legal-affairs/convention-protection-cultural-property-event-armed-conflict-regulations-execution-convention?hub=180145>.

not only a matter incumbent upon the States on whose territory it is located, but also has immense importance for all people and therefore deserves international protection.³⁷ There was a need for these objects to be protected, as they were not only being subjected to destruction but also being treated as commodities to be purchased and sold in the marketplace, without consideration for their cultural heritage significance or value.³⁸ Cultural property of a specific community or group makes a significant contribution to the world's culture and ultimately constitutes part of the world heritage.

The term has undergone changes over the years as more inclusions have been made, given their growing significance and value to humanity, continually evolving and developing to integrate the concept of heritage. Heritage protection laws based on material realities have undergone a significant transformation, profoundly altering the nature of heritage law.³⁹ Not only are there concrete measures for its safeguarding and protection, but the utmost respect is required and expected not only from the States but also from the individuals who play an important role in its preservation. The selection criteria defining what should be regarded as being part of this inheritance has significantly expanded over time. Today, the international community acknowledges and accepts that the cultural heritage belongs to all of us, regardless of whether it is considered a specific national or community's property. It is considered of utmost significance for successful and inspired sociological development.

1.3. Human Rights and Cultural Heritage

The topic of cultural heritage cannot be discussed without mentioning human rights. Given the undeniably crucial role of cultural heritage in people's lives, this perspective will help develop a more consolidated approach to understanding it. The protection of cultural heritage is not only a matter of preservation but also a matter of human rights. A «human rights

³⁷ Bhat (2000).

³⁸ Blake (2000).

³⁹ Cornu (2014).

approach to cultural heritage requires us to move away from an object-centered cultural property policy and toward a human-centered perspective (...).⁴⁰ There is a connection between heritage and local, national and international communities, since they have a legally recognised right to access, maintain, and transmit their cultural heritage. Even just the concept of human dignity already covers the right of individuals to have their cultural heritage, which is a critical component of their identity, history, and civilisation, respected. Human rights are the basis of our dignity and sense of expression.⁴¹

The mentioned human rights include the right to access and participate in cultural life, the right of people to preserve their culture, the right to assemble, the right to education, and the right to enjoy the benefits of scientific progress. They are described in important documents that guarantee their practical implementation. As stated in Article 22 of the **1948 Universal Declaration of Human Rights**,

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the (...) cultural rights indispensable for his dignity and the free development of his personality.⁴²

The development and growth of an individual or a community must be sustained through self-expression, and what better way to do that than through culture? Cultural rights should not be considered secondary since they are central to the realisation of human dignity. However, it is not always possible to achieve them alone and, therefore, national and international assistance are crucial, providing support and the necessary funds. There is a need for responsibility and cooperation, emphasising the general obligation to ensure access to cultural life for all. Equal

⁴⁰ Patty Gerstenblith, 'Protecting Cultural Heritage: The Ties between People and Places', in *Cultural Heritage and Mass Atrocities*, 1st edn, ed. James Cuno and Thomas G. Weiss (Getty Publications, 2022), 365, <https://www.jstor.org/stable/jj.6142257.31>.

⁴¹ Francioni (2004).

⁴² United Nations General Assembly, *Universal Declaration of Human Rights*, A/RES/217 (III) (New York: United Nations, 1948), <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

opportunities require equal access, and sometimes that access can only be guaranteed with the proper support for the creators and the observers. Culture is a fundamental human need.

Also, Article 27 specifies that «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».⁴³ Not only are people guaranteed access to culture, but they should also be able and willing to actively participate in the cultural process, thereby further contributing to its continuity in various areas. Furthermore, Article 15 of the **1966 International Covenant on Economic, Social and Cultural Rights** recognises the same idea by stating that there is a «right of everyone to take part in cultural life» (paragraph 1 (a)).⁴⁴

When it comes to minority groups, Article 27 of the **1966 International Covenant on Civil and Political Rights** provides them protection by stating that

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.⁴⁵

This article recognises that culture, religion, and the expression of language are fundamental to the identity and dignity of minority groups. It asserts that individuals belonging to a minority group not only have the right to live and express themselves by their cultural traditions, but also to do so communally. There is a heightened need for protection, as these groups have been ostracised throughout history, which inevitably implies a higher level of consideration so that they can genuinely and freely enjoy their cultural rights without judgment

⁴³ United Nations General Assembly (1948), Art. 27.

⁴⁴ United Nations, *International Covenant on Economic, Social and Cultural Rights*, adopted December 16, 1966, entered into force January 3, 1976, Art. 15, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>.

⁴⁵ United Nations, *International Covenant on Civil and Political Rights*, adopted December 16, 1966, entered into force March 23, 1976, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

or denial. It places a responsibility on States not just to avoid discrimination, but to actively support the existence and thriving of minority cultures.

Finally, when it comes to indigenous peoples, it is clear in the **2007 United Nations Declaration on the Rights of Indigenous Peoples** that they have a «right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions (...)» (Article 31, paragraph 1).⁴⁶ For similar reasons as the previous article, indigenous peoples are part of communities that were often repressed or excluded from decisions regarding their heritage. This grants them their self-determination back, allowing them to define, manage, and disseminate their cultural knowledge and expressions on their own terms, emphasising their autonomy and participation.

The political choice of favourability for cultural rights is well-defined in other international instruments. For example, the **2001 UNESCO Universal Declaration on Cultural Diversity** states in Article 5 that cultural rights are integral to human rights and should be guaranteed to everyone.⁴⁷ Additionally, the **2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions** recognizes in Article 1 the «sovereign rights of States to maintain, adopt and implement policies and measures that they deem appropriate for the protection and promotion of the diversity of cultural expressions on their territory».⁴⁸ Article 2 also acknowledges that «the cultural aspects of development are as important as its economic aspects, which individuals and peoples have the fundamental right to participate in and enjoy» making it clear that culture is more than just an object of property.⁴⁹ Additionally, Article 7 promotes policies that encourage people to create and disseminate

⁴⁶ United Nations General Assembly, *UN Declaration on the Rights of Indigenous Peoples*, A/RES/61/295 (New York: United Nations, 2007), Art. 31, <https://www.ohchr.org/en/indigenous-peoples/un-declaration-rights-indigenous-peoples>.

⁴⁷ UNESCO, *Universal Declaration on Cultural Diversity* (Paris: UNESCO, 2001), <https://www.unesco.org/en/legal-affairs/unesco-universal-declaration-cultural-diversity>.

⁴⁸ UNESCO, *Convention on the Protection and Promotion of the Diversity of Cultural Expressions*, adopted October 20, 2005, entered into force March 18, 2007, Art. 1, <https://www.unesco.org/en/legal-affairs/convention-protection-and-promotion-diversity-cultural-expressions>.

⁴⁹ UNESCO (2005), Art. 2.

cultural expressions freely. These provisions reinforce the role of the State in creating measures related to cultural heritage and its benefits, prioritising cultural rights over concerns about economic ownership.

The former Special Rapporteur in the field of cultural rights, Karima Bennoune, noted that «rather than constraining people by assigning them to narrow identity categories», a human rights and cultural rights approach recognises each person's «internal diversities and their agency to engage in cultural exploration and development».⁵⁰ Cultural heritage is a cornerstone of individual and collective identity, and it is up to people to choose where they construct their reality from. It is then essential to aim for the protection of cultural heritage to advocate for cultural rights and promote human dignity by preserving cultural expressions and knowledge for future generations, providing the information needed to create individual and collective identities.⁵¹

A human rights-based approach ensures that cultural heritage is safeguarded not only as a historical or artistic asset but as a vital element of individual and community life. It insists that communities must be included in decisions about the management, use, and interpretation of their own cultural heritage, highlighting how vital inclusion and participation is in policies regarding heritage. From a human rights perspective, there is the guarantee that acts of destruction to cultural heritage are seen not just as a loss, but as grave violations of fundamental rights. Ultimately, cultural rights contribute to reconciliation and healing in post-conflict contexts, particularly when heritage is used to bring back the continuity of culture, making human rights an essential basis for peacebuilding.

⁵⁰ United Nations General Assembly, *Field of Cultural Rights: Note by the Secretary-General*, A/76/178, (New York: United Nations, 2021), para. 17, <https://docs.un.org/en/A/76/178>.

⁵¹ Brian I. Daniels, 'Culture, Cultural Rights, and the Right to Assemble', *Anthropological Quarterly* 83, no. 4 (2010): 883–95, <https://doi.org/10.1353/anq.2010.0013>.

1.4. The Idea of Cultural Identity

Discussing cultural rights inevitably leads to matters relating to people's identity. What is at stake when discussing the protection of cultural heritage as an element within cultural rights is the cultural heritage's role in the construction of cultural identity.⁵² The feeling of identity «is, for most people, essential to their dignity and self-confidence, values that underlie in part the concept of human rights itself».⁵³ A sense of identity is a crucial component of dignity, not just a cultural asset. It helps people build their self-worth and sense of belonging, which are the foundations of human rights. When there is an attack on identity through the destruction of cultural heritage, there is a direct attack to human dignity.

Identity is seen as extremely relevant because it serves to connect and build trust among individuals, providing people with an important foundational reason of existence as a distinct community. That reason will undoubtedly be translated into a common purpose and objective, usually intertwined with something that can be put into practice through processes people join.⁵⁴ The structure and tendencies of a society are reflected in how the past is manifested in its heritage and which values appear in its process of identification.⁵⁵ It is through cultural heritage that society reveals itself to its members and the outside world.

However, how people associate identity with their heritage will often generate different outcomes. Harrison presents an interesting perspective on how people react differently to cultural heritage, depending on their relationship with it, by drawing an analogy with the understanding of aesthetics. Since there is an intangible heritage associated with its tangible heritage, which provides a diverse experience for its various users, it is important to be mindful

⁵² Blake (2000).

⁵³ Eugene Kamenka, 'Human Rights, Peoples' Rights', in *The Rights of Peoples*, ed. James Crawford (Oxford Clarendon Press, 1992), 127-40.

⁵⁴ Kwame Anthony Appiah, 'Who Are We? Identity and Cultural Heritage', in *Cultural Heritage and Mass Atrocities*, 1st edn, ed. James Cuno and Thomas G. Weiss (Getty Publications, 2022), <https://doi.org/10.2307/jj.6142257>.

⁵⁵ Jan Assmann and John Czaplicka, 'Collective Memory and Cultural Identity', *New German Critique* 65 (1995): 125-33.

of various perceptions of heritage. The same happens with art. «There is no art without the spectator, and what the spectator (and critic) makes of the artwork sits alongside what the artist and what official culture designates in a discursive and often contested relationship».⁵⁶ The assessment of an object's value might be based on its inherent features, which then help select which objects are worthy of preservation. However, other factors, such as personal or national connections reflected in identity, may also influence its use. Identities come from distinct perspectives on heritage.

In summary, cultural heritage plays a vital role in fostering social cohesion and inclusion within communities, enabling people to unite and celebrate their shared heritage, thereby contributing to the necessary sense of belonging. Protecting cultural heritage ensures that future generations from all over the world can understand and appreciate their roots and the work that has been and continues to be done for its safeguard. Preserving diversity is crucial to ensure mutual understanding, respect, and tolerance among different cultures and societies.⁵⁷ It enriches the global cultural scenery and promotes dialogue and cooperation across countries.

Moreover, cultural heritage is often a significant economic asset, attracting researchers and tourists. Tourism, in particular, is essential for funding the preservation and promotion of heritage, as heritage attracts tourists who purchase services and promote the State's or region's "brand".⁵⁸ Historic sites, museums, and cultural events also contribute to economic growth by generating income and creating jobs, thereby promoting sustainable development.

Lastly, many cultural heritage sites are situated in natural landscapes and ecosystems. For their preservation and conservation, specific efforts made that also benefit the environment.

⁵⁶ Rodney Harrison, 'What Is Heritage?', in *Understanding the Politics of Heritage*, 1st edn (Manchester University Press, 2009), 10.

⁵⁷ UNESCO (1970).

⁵⁸ Harrison (2009), 21.

Therefore, by safeguarding cultural heritage, societies can also contribute to biodiversity preservation and to the mitigation of climate change.

Having examined the nature and significance of cultural heritage and its components, it is essential to consider next the real threats it faces in times of armed conflict, where heritage is often not only subject to collateral damage but to deliberate attacks that have profound implications. In Chapter II, I will develop the institutional frameworks, national heritage laws, and international agreements that provide a broad legal basis for protecting cultural heritage and ensuring that its significance is recognised and respected globally. «Its protection and conservation can play a key role in rebuilding societies and overcoming the sense of loss and displacement caused by conflict».⁵⁹ These frameworks establish mechanisms for identifying, safeguarding, and promoting cultural heritage, reflecting the shared commitment of the international community to preserve the world's cultural diversity and heritage for future generations.

1.5. Armed conflicts and their impact on Cultural Property and Heritage

In the early Middle Ages, while the Goth ruler Totila besieged Rome and prepared to burn it, one of the Generals of Justinian, Belisarius, wrote to him: «If you win this war, by destroying Rome, you will not have destroyed someone's property, but your own, whereas if you preserve it, you will logically acquire the most precious of all artistic heritage».⁶⁰ It is remarkable how, centuries ago, there was already a degree of concern with protecting cultural property and heritage. This quote can be applied to the present day, as the art and creations of a given culture help to build the heritage of all humanity, irrespective of their origin. Therefore, the destruction of cultural heritage will ultimately have a negative direct impact on the perpetrators, who, narrow mindedly, only view it as a form of territorial gain or conquest.

⁵⁹ Mounir Bouchenaki, 'Preface', in *Protecting Cultural Heritage in Times of Conflict: Contributions from the participants of the International Course on First Aid to Cultural Heritage in Times of Conflict*, ed. Simon Lambert and Cynthia Rockwell (ICCROM, 2012), ix.

⁶⁰ Belisarius writing to Totila, quoted in Bhat (2000), 2.

Culture is priceless and irreplaceable. Even in war, destroying something that has universal significance is counterproductive.

This quote also proves that many types of cultural heritage have been the subject of destruction since many years. Armed conflicts have been a part of history for centuries, driven by the unavailability of diversity, which leads to a clash of ideas and thoughts. A certain community is viewed by its members as sacred, which sometimes is incompatible with any other form of expression. Change is inevitable, but the inevitability of change in these cases often leads to hatred, as human nature, stubborn as it is, sometimes doesn't allow for alternative communication opportunities through culture. Even though cultural heritage is a channel through which people express their identity and history, it also ends up being a motive for aggression, fostering these armed conflicts, where the symbols of cultural identity of one of the parties end up being destroyed, becoming a weapon and target of war.⁶¹

Modern international and national armed conflicts have undoubtedly resulted in the destruction and devastation of cultural property, inflicting extensive loss, disrupting equality between generations and degrading the level of intellectual and artistic achievements worldwide.⁶² The damage inflicted is deeply symbolic, affecting connections between communities and their history. Moreover, future generations are denied access to the cultural and artistic legacies that shape their identities and allow for continuity. This constitutes a violation of cultural rights and undermines the principle that heritage is supposed to be shared and benefit everyone who comes into contact with it. They «pose a critical threat to our shared cultural heritage, impact cross-national borders and threaten international peace and security».⁶³

⁶¹ Blake (2000).

⁶² Bhat (2000).

⁶³ UNESCO, 'Panel 4: Modern Armed Conflicts: Emergency Response Mechanism', in *International Conference on the 20th Anniversary of the 1999 Second Protocol of the 1954 Hague Convention: Protecting Cultural Property - Conference Proceedings*, ed. UNESCO and Swiss Federal Department of Foreign Affairs (Geneva and Paris: UNESCO, 2020), 79, <https://www.ohchr.org/sites/default/files/Documents/Issues/CulturalRights/Activities/Geneva2019-ConferenceProceedings.pdf>.

Besides contributing to the destruction of the physical elements of heritage, armed conflicts also aim to target and deny people's identity and emotional security. Destruction impacts humanity as a whole.

The loss of heritage is often viewed as regrettable collateral damage, ranking far lower in priority than the loss of human lives. Irina Bokova argues in the journal article 'UNESCO's Role in Emergency Situations: What Difference Can Soft Power Make in Times of Crises?' (2017), that this is a wrong view of contemporary conflicts. The choice is not between destroying human lives or heritage; the goal is to attack both to "install fear and chaos".⁶⁴ This statement underscores the importance of recognising cultural heritage protection as an integral part of international humanitarian law and peacebuilding efforts, rather than as a secondary concern. There should be a desire to protect both human lives and heritage, as both are relevant to the reconstruction of societies and the prolongation of peace.⁶⁵

By being on the front lines of war, culture is far too frequently the target of violence. «As well as the humanitarian toll it takes, conflicts often involve damage to and the destruction of cultural heritage as well as the looting of artefacts».⁶⁶ Not only are buildings, monuments, libraries, and museums being used as collateral damage for their advantageous location, but artwork, artefacts, and other objects are also pillaged and trafficked. As "the dust of war settles", the loss of cultural heritage erodes the foundations of peace and fosters aggression, anger, and retaliation among people.⁶⁷ Armed conflicts are responsible for many types of loss, both physical and emotional. Culture, as a binding element, is essential for the expression of the community and society which it belongs. It is one of the most important elements that define

⁶⁴ Irina Bokova, 'UNESCO's Role in Emergency Situations: What Difference Can Soft Power Make in Times of Crisis?', *Journal of International Affairs* 70, no. 2 (2017): 64.

⁶⁵ Bokova (2017).

⁶⁶ Nicole Winchester, 'Targeting Culture: The Destruction of Cultural Heritage in Conflict', *House of Lords Library*, December 14, 2022, <https://lordslibrary.parliament.uk/targeting-culture-the-destruction-of-cultural-heritage-in-conflict/>.

⁶⁷ UNESCO, 'Safeguarding Culture in Times of Crisis', *UNESCO*, 2025, accessed November 19, 2025, <https://www.unesco.org/en/emergencies/culture>.

them, exploring what their people have gone through, what they created, their evolution, and the concretisation into a heritage that will be passed on through generations to come, who, due to destruction, will not be able to enjoy and live it fruitfully.

According to the International Committee of the Red Cross, international humanitarian law distinguishes between two types of armed conflicts: international armed conflicts, which involve two or more States, and non-international armed conflicts, which occur between governmental forces and non-governmental armed groups or between those groups only on the territory of a State. The armed confrontation must reach a minimum level of intensity, and the parties involved in the conflict must show a minimum level of organisation.⁶⁸ The primary legal bases for the matter are the **1949 Geneva Conventions**, mentioning, in Article 3 of each Convention, «armed conflicts not of an international character occurring in the territory of one of the High Contracting Parties»,⁶⁹ and Article 1 of its **Additional Protocol II**, which states that

armed conflicts which take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol.⁷⁰

Nowadays, non-international armed conflicts are more predominant and usually occur in nations where different identities (especially religious), clash, the stability of the government is not very viable, or the government itself is collapsing. This lack of security and assurance

⁶⁸ International Committee of the Red Cross (ICRC), *How is the Term 'Armed Conflict' Defined in International Humanitarian Law?*, Opinion Paper, Geneva, March, 2008,

<https://www.icrc.org/sites/default/files/external/doc/en/assets/files/other/opinion-paper-armed-conflict.pdf>.

⁶⁹ ICRC, *The Geneva Conventions of 12 August 1949*, adopted August 12, 1949, entered into force October 21, 1950, <https://www.icrc.org/sites/default/files/external/doc/en/assets/files/publications/icrc-002-0173.pdf>. The four Geneva Conventions of 1949 include: The Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (I); The Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked members of Armed Forces at Sea (II); The Geneva Convention Relative to the Treatment of Prisoners of War (III); and The Geneva Convention Relative to the Protection of Civilian Persons in Time of War (IV).

⁷⁰ ICRC, *Protocol Additional to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)*, adopted June 8, 1977, entered into force December 7, 1978, <https://ihl-databases.icrc.org/en/ihl-treaties/apii-1977>.

leads to insecure individuals and communities who, in their desire to trigger change or impose their views, often go to extreme efforts, usually spoiling everything that crosses their path.

This is nothing new; it is part of human history. However, over the last few decades, it has become extremely organised and, a problem of higher proportions.⁷¹ These internal armed conflicts have a clearly outlined purpose and means. Now it is more directed towards ethnic conflict.⁷² The deliberate destruction of cultural property and heritage throughout the late 20th and early 21st century conflicts is the product of a developing and ever-increasing type of armed conflict: internal and civil wars. On the other hand, the number of wars between States has notably declined. To prove the point, I created the following table (**Table 1**), displaying, chronologically, the most relevant examples of modern armed conflicts and cultural heritage destruction over the last century:⁷³

Year(s)	Place/Context	Event and result	Cause
1920's - 1930's	China (Mao Zedong's communist movement)	Looting and demolishing of temples and ritual representational images of Chinese feudal history.	Campaign aimed to radicalise the entire nation and propagate Maoism as a religion.
1966-1976		Attacks on numerous temples, shrines, cult images, ritual objects, porcelain, paintings, books and manuscripts.	Economic motivations.
		Persecution of artists considered "degenerate".	

⁷¹ Molly Fannon, 'The Looting of Cultural Heritage has been Happening Since the Very Existence of Cultural Heritage, It Is Not Anything New, But What We See Now Is That Looting Has Become Highly Organized', *WCO News*, June 26, 2016, <https://mag.wcoomd.org/magazine/wco-news-81/the-looting-of-cultural-heritage-has-been-happening-since-the-very-existence-of-cultural-heritage-it-is-not-anything-new-but-what-we-see-now-is-that-looting-has-become-highly-organized/>.

⁷² Parzinger (2022).

⁷³ Data compiled by the author from the following sources: Parzinger (2022); Gerstenblith (2022); Winchester (2022); European Parliament, 'Destruction of cultural heritage monuments in Ukraine', Parliamentary question, March 31, 2022, accessed November 19, 2025, https://www.europarl.europa.eu/doceo/document/E-9-2022-001324_EN.html; and UNESCO online sources, including: UNESCO, 'Culture' (n.d.), <https://www.unesco.org/en/culture>; UNESCO, 'World Heritage List' (n.d.), <https://whc.unesco.org/en/list/>; UNESCO, 'UNESCO's emergency response' (n.d.), <https://www.unesco.org/en/emergencies>; UNESCO 'Cultural Heritage: 7 successes of UNESCO's Preservation Work' (n.d.), <https://www.unesco.org/en/cultural-heritage-7-successes-unescos-preservation-work?hub=171411>; and UNESCO 'Safeguarding Culture in Times of Crisis' (n.d.), <https://www.unesco.org/en/emergencies/culture>.

1966-1976	China (Mao Zedong's communist movement)	Extensive sale of works of art and artefacts.	
1933	Germany (Nazi government)	Frontal assault on the arts and its representatives. Seizing of major art collections, museums, libraries and archives owned by Jews. Cultural genocide against the Jewish population and other eastern European countries that Germany occupied during the war. Pillaging of the artwork and cultural objects that caught the Nazis' interest. The remainder were methodically demolished. Palaces, houses, churches, museums, libraries, archives, and whole historical districts of towns with the greatest cultural significance were destroyed.	Politico-ideological foundations. Racial motivations. Systematic extermination of Jewish and non-Jewish populations (Poland, Soviet Union), life and culture. To steal the cultural identity of people.
1937		Book burnings. “Degenerate Art” Exhibition, where art and culture were discredited and obliterated.	Economic exploitation.
1938		The Law on Confiscation of Products of Degenerate Art established a legal basis for the destruction of modern art - 20,000 works by 1,400 artists were confiscated from over 100 German museums. Systematic international sale of seized “degenerate” art was arranged through Swiss galleries to raise money for the war of aggression.	
1975	Cambodia (Khmer Rouge, Maoist)	Deportation of a large segment of the population to the	Glorification of agricultural life

1975	nationalist guerilla movement)	countryside, which became a work camp where millions of people ended their lives, which constituted a crime against humanity. Extermination of the wealthy and educated. Burning of books. Closing of Universities. Prohibition of music and dance and the exercise of religion. Destruction of most of the Buddhist temples and shrines, churches and mosques. Destruction and incineration of works of art. Looting of historical sites, sale and resale of valuable objects abroad through illegal excavations and organised traffic.	Elimination of the prior cultural identity of the Cambodian people.
1990's	Former Yugoslavia	Systematic and targeted destruction, specifically the Muslim bridge of Mostar.	The goal was to make ethnic cleansing campaigns irreversible. War against the people and their heritage
1998-1999	Kosovo (War)	Destruction of orthodox churches and mosques.	The architectural heritage became a symbolic battlefield.
2000's	Afghanistan	Demolition of the Buddha statues in Bamiyan	Performative Islamic iconoclasm. Attack on a hegemonic conception of Western thought and the Western idea of cultural heritage
2012	Mali	Attempt to set up an independent Islamic state by Islamist militias (ex: Ansar Dine), which led to the destruction of the mausoleums of Timbuktu, previously declared a World Heritage Site by UNESCO. Demolishing of Sufi shrines and mosques.	Intention of destruction of everything considered "World Heritage". These acts resulted in Ahmad al-Faqi al-Mahdi, an Ansar Dine Leader, being convicted by the International Criminal Court, which was incredibly important as it constituted the first sentence at an international criminal tribunal for a war crime against culture.

2013	Syria and Iraq	ISIS's reign of terror. Illicit excavations and illegal trade in ancient artefacts from abroad. The plundering of archaeological sites has become more professional and has reached industrial proportions. Destruction and looting of the museums, universities and public libraries in the cities of Aleppo, Mosul, Nineveh, Nimrud, Hatra. Devastation of the Roman ruins of Palmyra, an extremely significant centre of culture in the ancient world. Looting of artefacts, illicit excavations and complete damage to the monuments and ancient markets in the Old City of Aleppo.	Crimes against humanity and outrageous human rights violations. Deprivation of communities of their cultural and religious identities. Attempt to create a caliphate, the reign of a chief Muslim ruler.
2014	Ukraine (War by Russia)	Cultural heritage destruction deliberately targeted by Russia – cultural, artistic, scientific and religious institutions, sites and works.	Planned campaign of cultural cleansing.
2022		Target of cultural assets and destruction of libraries and educational institutions by the Russian army.	

Table 1. Chronology of the most relevant examples of modern armed conflicts and their effects on cultural heritage over the last century.

From these examples, we see a clear common denominator: the destruction of identity of a particular group. With its long and varied history, intentional cultural heritage destruction has a wide range of motives behind it. In the opinion of Sigrid van der Auwera in the article ‘Contemporary Conflict, Nationalism, and the Destruction of Cultural Property During Armed Conflict: A Theoretical Framework’ (2012), internal conflicts use cultural heritage for three main reasons. In the first place, because communities, rather than nations, are fighting these new battles, they must look for sources of income, and resort to criminal activity, such as looting

and the subsequent illegal trade of cultural property.⁷⁴ In line with this idea, Sabine von Schorlemer adds how financial reasons have an influence «due to the high commercial value of movable antiquities in international markets, the way how they are exploited by non-state actors has changed».⁷⁵ The only way armed groups have access to sources of financial income is through the theft and subsequent sale of such items. Secondly, these new wars happen mostly in weak or failed states with a lack of law and order, which makes pillaging and the destruction of cultural property simpler and easier. Lack of government control inevitably leads to an increase of these types of actions by the perpetrators. Finally, several state and non-state entities can get involved, suggesting that there are more potential culprits for the destruction of cultural property during armed conflicts (insurgents, mercenaries, peace-keeping forces, etc.).

It is the «relationship of a people to their cultural heritage which is really under attack in such conditions».⁷⁶ The objective is not only to damage the cultural property of a community but to completely erase their shared history and memory. Human rights offences and other violations and crimes, especially those involving ethnic cleansing and genocide, also frequently accompany cultural destruction.⁷⁷ There is a constant need to annihilate a culture's past and present, or even its people. It is sometimes used as an attempt to rewrite history to conform to a view that is considered adequate to those who orchestrate it. They aim to destroy people's recollections of their own culture and serve as a form of coercion to cause fear. «The targeting of cultural heritage is intended as an attack on the communities for which the heritage is an essential part of their unique cultural identity».⁷⁸ There is a clear impact on cultural and physical

⁷⁴ Sigrid Van Der Auwera, 'Contemporary Conflict, Nationalism, and the Destruction of Cultural Property During Armed Conflict: A Theoretical Framework', *Journal of Conflict Archaeology* 7, no. 1 (2012): 49–65, <https://doi.org/10.1179/157407812X13245464933821>.

⁷⁵ Sabine Von Schorlemer, 'Cultural Heritage Protection as a Security Issue in the 21st Century: Recent Developments', *Indonesian Journal of International Law* 16, no. 1 (2018), 35, <https://doi.org/10.17304/ijil.vol16.1.742>.

⁷⁶ Blake (2000), 76.

⁷⁷ Parzinger (2022).

⁷⁸ Winchester (2022).

property, as well as a destructive effect on people's minds, weakening them and leaving no alternative but to obey.

As mentioned, cultural heritage destruction either comes from collateral damage, such as bombings during armed conflict, or it is deliberate and targeted,⁷⁹ resulting in iconoclasm and religious conflict. Iconoclasm, defined as «strong opposition to accepted beliefs and traditions»,⁸⁰ can be driven by ideology or politics and usually aims to erase the representative signs and symbols that define an overcome past or to erase the memory of an overturned system.⁸¹ The author distinguishes between religious and economic iconoclasm. Religious iconoclasm basically happens when there is loathing of icons of other religions and repression of the idolatry and worship of gods of those religions, simply because they are despised by the perpetrators. Economic iconoclasm occurs when the theft and looting of cultural heritage are driven by financial gains, which may result in the emergence of shadow economies and profits for the responsible groups. By identifying these two forms, it is possible to recognise the complex interaction between ideology and material interests in the destruction of heritage. This implies that, in post-conflict recovery initiatives, the security responses need to include not only the destroyed property but also the reasons behind it.

According to the Appeals Chamber of the International Criminal Tribunal for the Former Yugoslavia, cultural heritage destruction may be considered a war crime not only when it occurs during armed conflicts but also when it is connected to them, which means that there is a link between them:

The nexus between the acts of the accused and the attack consists of two elements: the commission of an act which is objectively part of the attack coupled with knowledge on

⁷⁹ Winchester (2022).

⁸⁰ Cambridge Dictionary, *Iconoclasm*, Cambridge University Press, accessed November 18, 2025, <https://dictionary.cambridge.org/dictionary/english/iconoclasm>.

⁸¹ Parzinger (2022).

the part of the accused that there is an attack on the civilian population and that his act is part thereof.⁸²

This means that, not only there is an attack during armed conflict, but that this attack is thoroughly planned and motivated by a purposeful intent to target heritage and the population, which is the case most of the time.

Additionally, it can be regarded as a crime against humanity when there is a specific intent to target and discriminate against a specific racial, religious, or ethnic group.⁸³ The crime against property transforms into a crime against people due to the interrelation of heritage places with human values, identity, beliefs, and artistic creations. In addition, cultural heritage can serve as a bridge that connects different and various ethnic and religious groups, which means that an attack on one is an attack on all.⁸⁴ «Destruction of cultural heritage devastates both the cohesiveness and the diversity of multicultural, multiethnic populations».⁸⁵ It erases shared symbols that unify communities and targets the distinct traditions and identities of several groups. In multicultural societies, heritage serves as both a source of collective memory and an indicator of identity, so its loss can contribute to further divisions and increased resentment, weakening the basis for peaceful coexistence.

Numerous aspects of life are impacted by armed conflict, generating consequences for post-conflict societies and profoundly affecting human values, civilisations, and religions,⁸⁶ such as community trauma and adverse effects on their character. They intend to undermine the adversary, eradicate the communal identity of people to whom it holds particular importance, and jeopardise their cultural existence.⁸⁷ It is done strategically to impoverish the people on the other side, leaving them with fewer tools to defend themselves, think for themselves, and feel

⁸² Prosecutor v. Kunarac et al., Case Nos. IT-96-23 and IT-96-23/1-A, Appeals Chamber Judgment, June 12, 2002, para. 58 (International Criminal Tribunal for the Former Yugoslavia).

⁸³ Gerstenblith (2022).

⁸⁴ Kanishk Tharoor, 'Life Among the Ruins', *The New York Times*, March 19, 2016, <https://www.nytimes.com/2016/03/20/opinion/sunday/life-among-the-ruins.html>.

⁸⁵ Gerstenblith (2022), 366.

⁸⁶ Bouchenaki (2012).

⁸⁷ Renold and Chechi (2022).

free in the small world that surrounds them. When treasured structures are lost or damaged, the inhabitants of the impacted area experience despair and enormous suffering, so that it becomes far more difficult for their community to recover after the conflict is over.⁸⁸ Reconstruction of cultural heritage and its recovery process after wilful destruction entail not only a material but also a social challenge, since the symbols of connection and continuity represented by that heritage, crucial for rebuilding a sense of normalcy, are no longer there. It is a long operation that requires strong resilience from the people.

Notable differences exist from previous armed conflicts in history, including the deliberate targeting of heritage sites as acts of cultural genocide. The most noteworthy aspect that differentiates previous and current armed conflicts is the increasing preoccupation with the necessity to protect cultural heritage,⁸⁹ reflected in laws and international instruments that I will discuss in the next chapter. The greater international concern for this topic means a greater understanding of the relevance of saving cultural heritage for the preservation of identity and long-term peace, and the appreciation that it is not just collateral damage of war, but often a strategic target. As conflicts evolve, the frameworks that protect this binding element must also change.

⁸⁸ Etienna Clement, 'Cultural Heritage Law: Recent Developments and Current Challenges', *UNESCO REGIONAL Seminar on Implementation of International Law and Cultural Heritage Law, Kathmandu 1997 A Report*, quoted in P Ishwara Bhat, 'Protection of Cultural Property Under International Humanitarian Law: Some Emerging Trends', June 2000, 1.

⁸⁹ Parzinger (2022).

CHAPTER 2

PROTECTION AND SAFEGUARD OF CULTURAL HERITAGE: UNESCO

«Protecting culture today is essential
for building peace tomorrow.»

UNESCO (2016)⁹⁰

International instruments are necessary to safeguard cultural heritage because they provide substantial protection that would be difficult to implement otherwise. Protecting cultural heritage without some degree of intervention is often unattainable, as societies do not always recognise how essential and valuable culture is. It must be actively taken care of to ensure it can be passed on to future generations. The most relevant instruments that will be pointed out include the work undertaken by UNESCO and other organisations over several decades, as well as some international humanitarian law treaties.

Cultural heritage protection is a multidimensional issue that involves not only States but also the individuals who reside in them, who have corresponding rights and obligations supported by international law.⁹¹ When States sign agreements created for the protection of cultural heritage, they assume obligations to ensure that the objective is achieved, and that the people from that country recognise the importance of their contribution to that same goal. The actual test of the instruments' effectiveness is to ensure their correct implementation on the ground in emergency and conflict situations, which requires all State Parties to come together and demonstrate their political commitment and ongoing funding.⁹² UNESCO has real influence over the States' ability to adopt measures, create and implement programs, and facilitate the application of its regulations. However, the States must cooperate and carry out these requests, implementing them on the ground.

⁹⁰ UNESCO, 'The Value of Heritage', *YouTube*, video, 4:20, November 23, 2016, https://www.youtube.com/watch?v=K1_f-GqaHHo.

⁹¹ Papaioannou (2017); Bhat (2000).

⁹² Bokova (2017).

As mentioned in Chapter I, the concern for the protection of cultural property and heritage dates back a long time, when it became necessary to find legal protection for cultural heritage as it was being used and abused in armed conflicts, with no consideration given to its importance and the consequences for communities and the population. It was recognised that its intrinsic worth was considered valuable enough to be preserved and taken into consideration in conflicts with direct and indirect implications for cultural heritage.

Having that in mind, let us see, in the next sections, how international instruments matter for the protection of cultural heritage.

2.1. International Instruments

The first effort to codify and impose a complete set of principles and rules regulating the behaviour of belligerent forces in enemy territory was the Lieber Code of 1863, created to be applied in the American Civil War.⁹³ The Code stated that

the property belonging to churches, to hospitals, or other establishments of an exclusively charitable character, to establishments of education, or foundations for the promotion of knowledge, whether public schools, universities, academies of learning or observatories, museums of the fine arts, or of a scientific character (...) is not to be considered public property» by the victorious army.⁹⁴

The degree of concern was exclusive to buildings that had educational or cultural significance attributed to them, but, nonetheless, it represented a significant leap forward. In addition, Article 35 mentions that

Classical works of art, libraries, scientific collections, or precious instruments, such as astronomical telescopes, as well as hospitals, must be secured against all avoidable injury, even when they are contained in fortified places whilst besieged or bombarded.⁹⁵

⁹³ John Henry Merryman, 'Two Ways of Thinking about Cultural Property', *American Journal of International Law* 80, no. 4 (1986): 831–53, <https://doi.org/10.2307/2202065>.

⁹⁴ United States War Department, *Instructions for the Government of Armies of the United States in the Field* (Lieber Code), Gen. Orders No. 100 (Washington, DC: Government Printing Office, 1863), Art. 34, <https://ihl-databases.icrc.org/en/ihl-treaties/liebercode-1863>.

⁹⁵ US War Department (1863), Art. 35.

Through this passage, it is clear that they not only attempted to exclude cultural objects and establishments from being considered public property, but also sought to avoid making them subject to collateral damage or attacks that usually occur during the war. The Code has shaped the way these rules are now based, and «the norms and measures of protection to cultural property have been crystallised, stabilised and developed».⁹⁶ It was becoming ever clearer that the harm caused to present and future generations would be immense if people in conflict destroyed the most wonderful works of art that civilisation has created and is very proud of.

Today, measures to protect cultural heritage are included in several international instruments, such as Conventions, Protocols, Declarations, decisions of international criminal tribunals, as well as customary law. The growth of the heritage industry can be illustrated in the graphic below, from the book chapter ‘What is Heritage?’ by Rodney Harrison (2009). It shows the number of cultural heritage policy documents developed over the centuries by key international organisations involved in its management. These organisations play an indispensable role in cultural preservation on a global scale, with UNESCO holding a leading position in this area.

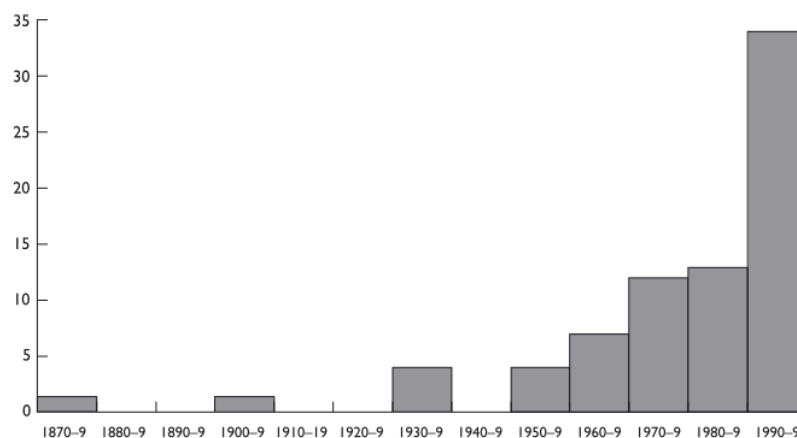


Figure 1. «Cultural heritage policy documents by decade, 1870-2000.»

Source: Rodney Harrison, ‘What is Heritage?’, in *Understanding the Politics of Heritage*, ed. Rodney Harrison (Manchester University Press, 2009).

⁹⁶ Bhat (2000).

From the 1870s to around the 1930s-1940s, there was a consistently low number of policy documents, reflecting a period when international coordination on cultural heritage was minimal and its protection was not a primary concern. Immediately following the end of the Second World War, the number of such documents increased exponentially, with a notable surge in the 1990s. This reflects the growing awareness of the need to preserve cultural identity and heritage, especially after large-scale destruction, and aligns with the expansion of international institutions such as UNESCO.

Following this brief explanation of the international context, the next section presents and examines the main UNESCO Conventions that have defined the global approach to safeguarding cultural heritage.

a) The UNESCO Conventions

It was under UNESCO's auspices that international cultural heritage law started concerning itself not only with the preservation of tangible objects, but also recognised the connection of these objects with its producers and creators, and the people that relate with it, especially having in mind its connection with human rights.⁹⁷ The legal framework is vast and encompasses several conventions and treaties that aim to protect cultural heritage in all its forms, during armed conflict and periods of peace. I will provide an overview of the most relevant ones, focusing on those developed through UNESCO's regulatory work, and discuss their scope, purpose, and effectiveness.

UNESCO's instruments include:

⁹⁷ Renold and Chechi (2022).

Year	Convention Title
1954	Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague Convention)
1970	Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property
1972	Convention concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention)
2001	Convention on the Protection of the Underwater Cultural Heritage
2003	Convention for the Safeguarding of Intangible Cultural Heritage
2005	Convention on the Protection and Promotion of the Diversity of Cultural Expressions

Table 2. Selected UNESCO Conventions on Cultural Heritage. Compiled by the author.

Source: UNESCO, Conventions, accessed November 19, 2025, <https://www.unesco.org/en/legal-affairs/standard-setting/conventions>.

The **1954 Hague Convention** introduced the notion of cultural property for the first time and was the first and most widespread multilateral treaty dedicated solely to protecting cultural property both in times of peace and during armed conflict.⁹⁸ Two protocols were also drafted for this Convention, the **First Protocol (1954)** and the **Second Protocol (1999)**, with the intention to enhance its level of protection and address some gaps that were noticed.⁹⁹

Launched as a «protection plan designed for war-time, it was the starting point in the construction of international law relating to the conservation of cultural heritage».¹⁰⁰ It includes national and international measures to protect and respect culture, demonstrate its importance to humankind, and prevent, in the future, the same damages and destruction it suffered during the Second World War. According to John Merryman in the journal article ‘Two Ways of Thinking About Cultural Property’ (1986), the Hague Convention had a significant impact on the international law of cultural property, as it not only generated general interest in cultural property but also demonstrated that, due to the inherent importance of cultural property, it is

⁹⁸ UNESCO, ‘Cultural heritage and armed conflicts: 1954 Convention’, *UNESCO*, accessed November 12, 2025, <https://www.unesco.org/en/heritage-armed-conflicts/1954-convention>.

⁹⁹ UNESCO, ‘Cultural heritage and armed conflicts: About’, *UNESCO*, accessed November 12, 2025, <https://www.unesco.org/en/heritage-armed-conflicts/about?hub=180145>.

¹⁰⁰ Cornu (2014), 198.

justifiable to adopt special measures for its protection.¹⁰¹ The aim is to ensure that everyone understands why preserving it is necessary, as everyone contributes to the world's cultural legacy.

The Convention applies to international armed conflicts, in the

event of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one or more of them [and] to all cases of partial or total occupation of the territory of a High Contracting Party.¹⁰²

This means that as soon as a conflict starts in one of the countries that is a signatory to the convention, the convention's regulations are immediately applied to that conflict. The parties must follow the regulations as presented. If one of the Parties is not a Party to the Convention, the treaty obligations remain binding on them and any other party that declares that they accept the provisions (Article 18, paragraph 3). It also encompasses non-international armed conflicts (Article 19), where each of the parties to the conflict is obligated to respect the Convention “as a minimum”, excluding «situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature» (Article 22 paragraph 2, 1999 Protocol).¹⁰³ The application to non-international armed conflicts is acknowledged as being part of customary international law.¹⁰⁴

The **First Protocol (1954)** focuses on protecting cultural property during occupation. It prohibits all exportations from the occupied territory and requires that the High Contracting Parties take into their custody cultural property of the occupied territory that enters their

¹⁰¹ Merryman (1986).

¹⁰² UNESCO (1954), Art. 18.

¹⁰³ UNESCO, *Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict*, adopted March 26, 1999, entered into force March 9, 2004, <https://unesdoc.unesco.org/ark:/48223/pf0000130696>.

¹⁰⁴ Determined in: *Prosecutor v. Duško Tadić*, Case No.IT-94-1-A, Interlocutory Appeal on Jurisdiction Judgment, Appeals Chamber, ¶¶ 98, 127 (International Criminal Tribunal for the Former Yugoslavia, October 2, 1995).

territory, for protection purposes (paragraphs 1 and 2).¹⁰⁵ The property shall be returned to the territory of the State from which it was exported and must never be kept as war reparations (paragraph 3), meaning that it is prohibited to use those cultural objects as compensation or punishment. Additionally, there is a prohibition on retaining cultural property, which means that when occupation ends, the State must return the cultural object to the previously occupied authorities (paragraph 5). This reflects the idea that cultural property remains part of a nation's identity and heritage, even when it is displaced during war. Finally, the Protocol prohibits the sale of cultural property. If cultural property from occupied territory is illegally sold and purchased, the occupying power is responsible and must return the cultural property to its rightful owners while providing fair compensation to the purchaser (paragraph 4). The obligations outlined in the First Protocol have been essentially duplicated in UN Security Council Resolutions, specifically regarding Iraq in the First Gulf War in 1990 and during its invasion in 2003.¹⁰⁶ It prohibited trade and mandated the safeguarding and repatriation of cultural heritage taken away from that country.¹⁰⁷

The preamble of the Convention mentions that cultural property should receive international protection, meaning to include the «international community's duty to abstain from damaging, and its duty to avoid damage by positive interference in such circumstances of grave necessity».¹⁰⁸ This means that the Convention imposes a dual responsibility on the States,

¹⁰⁵ UNESCO, *First Protocol to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954*, adopted May 14, 1954, entered into force August 7, 1956, <https://unesdoc.unesco.org/ark:/48223/pf0000082464.page=67>.

¹⁰⁶ Ana Filipa Vrdoljak, 'Cultural Heritage in Human Rights and Humanitarian Law', in *International Humanitarian Law and International Human Rights Law*, 1st edn, ed. Orna Ben-Naftali (Oxford University Press, 2011), <https://doi.org/10.1093/acprof:oso/9780191001604.003.0007>.

¹⁰⁷ See United Nations Security Council, *On Sanctions against Iraq*, S/RES/661 (New York: United Nations, 1990) and United Nations Security Council, *On Lifting the Economic Sanctions on Iraq imposed by Resolution 661 (1990)*, S/RES/1483 (New York: United Nations, 2003), para. 7, which states that «all Member States shall take appropriate steps to facilitate the safe return to Iraqi institutions or Iraqi cultural property and other items of archaeological, historical, cultural, rare scientific, and religious importance illegally removed from the Iraq National Museum, the National Library, and other locations in Iraq since the adoption of resolution 661 (1990), including by establishing a prohibition on trade in or transfer of such items and items with respect to which reasonable suspicion exists that they have been illegally removed», calling upon UNESCO, Interpol, and other international organisations to assist in the implementation.

¹⁰⁸ Bhat (2000), 5.

requiring them not to cause harm and to actively work to prevent harm when possible. It creates obligations for States Parties by requiring them to implement specific measures during periods of armed conflict and belligerent occupation, as well as during times of peace. According to Article 3, States must adopt preventive measures in peace to prepare against “foreseeable effects of an armed conflict”.¹⁰⁹ These measures are at the State’s discretion, considering its financial and technical conditions.¹¹⁰ Examples include the creation of inventories, organisation of emergency plans to safeguard property from the possibility of fire or building collapse, the preparation of the transfer of cultural property to secure locations, and the nomination of competent authorities (Article 5, 1999 Protocol).¹¹¹ These preventive actions aim to ensure that the authorities responsible for safeguarding valuable cultural property are prepared to handle an eventual armed conflict.¹¹²

The Convention also battles for fostering a spirit of appreciation for cultural property by stating, in Article 7, that the Parties should undertake, in times of peace, to introduce into their military regulations provisions that ensure observance of the Convention, and to foster in the members of the armed forces a spirit of respect for the culture and cultural property of all peoples. There should also be a plan for services or specialists whose purpose is to secure respect from and cooperate with the civilian authorities responsible for safeguarding the culture. Failing to fulfil these responsibilities in peacetime does not waive the obligation to respect cultural heritage in the event of hostilities (Article 4, paragraph 5).

¹⁰⁹ UNESCO (1954), Art. 3.

¹¹⁰ Vrdoljak (2011).

¹¹¹ For instance, in Syria’s voluntary national report of 2024 on the implementation of the 1954 Hague Convention and its two protocols (1954 and 1999), it is mentioned that, in the cycle of 2017-2020, a few monuments were marked with the blue shield emblem (to grant higher protection), the military was provided with the location of all registered archaeological sites and cities in the country and new legislation is being drafted; See UNESCO, *National report on the implementation of the 1954 Hague Convention and its two (1954 and 1999) protocols, voluntary report 2024: Syria*, (Paris: UNESCO, 2024), <https://unesdoc.unesco.org/ark:/48223/pf0000391842>.

¹¹² Charlier and Mustafayev (2022).

Furthermore, another very relevant point is that the High Contracting Parties must disseminate the text of the Convention and the Regulations as widely as possible in their countries so that its principles are known by the whole population (Article 25).

The High Contracting Parties undertake, in time of peace as in time of armed conflict, to disseminate the text of the present Convention and the Regulations for its execution as widely as possible in their respective countries. They undertake, in particular, to include the study thereof in their programmes of military and, if possible, civilian training, so that its principles are make known to the whole population, especially the armed forces and personnel engaged in the protection of cultural property.¹¹³

Educating the public encourages popular support for the cause. «In fact, efficacy of law consists in basing it in the popular conscience of the community».¹¹⁴ Communities' opinions matter, and they have the right to be involved in the discussions of regulations that affect their own culture. Education should always be a top priority in times of peace, especially when access to it may be challenging or lost due to armed conflicts.

Additionally, Article 4 mentions the respect expected from a State Party regarding cultural property situated within their territory and on the territory of other States. They must abstain from using the property in a way that might expose it to destruction or deterioration in the event of armed conflict, and refrain from acts of hostility and vengeance against it. This obligation may be waived only in the case of imperative military necessity (Article 4, paragraph 2), for which the definition was not explicit in the Convention but elaborated in more detail in the 1999 Second Protocol.

Charlier and Mustafayev note that the term “military necessity” has not been defined in the Convention or other International Humanitarian Law instruments, which may create complications for those responsible for its application during armed conflict.¹¹⁵ The authors state that one of the main principles of armed conflict law is that it acknowledges the realities and natural inevitabilities of war, including the necessity of military operations, thereby making

¹¹³ UNESCO (1954), Article 25.

¹¹⁴ Bhat (2000), 8.

¹¹⁵ Charlier and Mustafayev (2022).

the rules seen as practical and worth following by the parties involved. However, they might ignore those rules if there is no flexibility for military needs. That is the reason for including “military necessity”, to give armies some freedom of action. Still, if the concept is not carefully defined, it could be misused and weaken the entire purpose of protecting cultural heritage. This balance is rather delicate because, unlike rules that protect people’s lives, this area of the law is about protecting symbols of identity and heritage. Since cultural heritage is valuable to all humanity, finding the right balance between military needs and cultural protection led to complex negotiations before the Hague Convention was finalised, and an attempt to clarify its scope became one of the critical issues during the drafting of the 1999 Protocol.

According to the Second Protocol (1999), this waiver may only be invoked to direct an act of hostility against cultural property when and for as long as that cultural property has, by its function, been made into a military objective¹¹⁶. It also required that there is no feasible alternative to obtain a similar military advantage to that offered by directing an act of hostility against that objective (Article 6 (a)). The general rule is that cultural property must not be attacked or used as a means to obtain an advantage in the conflict. And if exceptional conditions allow such attack to happen, the principle of proportionality must be respected.

When initiating an attack, a party must take the following precautions, as outlined in Article 4 of the Convention and Article 7 of the Second Protocol (1999): it must take feasible measures to ensure that the objectives to be attacked are not cultural property and to refrain from damage to cultural property. They must also cancel or suspend the attack if it becomes apparent that the objective is protected cultural property and that the incidental damage caused would be excessive in relation to the military advantage.

¹¹⁶ The term “military objective” has been distinctly defined in the Additional Protocol I to the Geneva Conventions of 1949, corresponding to “those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage” (Article 52, Paragraph 2). If there is a doubt whether an object is “normally dedicated to civilian purposes”, the object must “be presumed not to be so used (Paragraph 3). Examples might include the Notre Dame or even an old Mosque in a small village.

A concrete example of these obligations can be seen in the case of the Donetsk Regional Museum of Local History, «an important cultural landmark», and «one of the oldest and largest in Ukraine».¹¹⁷ The Museum suffered extensive damage during the hostilities in August of 2014 when artillery strikes hit the building, destroying parts of the walls, roof, basement, several exhibition halls, also damaging the ceiling.¹¹⁸ The surrounding area was subjected to heavy, unguided shelling using weapons designed to have effects in a wide-area, despite the museum's clear civilian and cultural character.¹¹⁹ This incident demonstrates the relevance of Article 7 of the Second Protocol: an attacking force is required to verify the nature of its target and to select means and methods of warfare that minimise incidental damage to nearby cultural property. The use of imprecise indirect fire in a densely built urban area containing a well-known cultural site raises questions about whether all feasible precautions were taken. Moreover, the fact that no warning was given and that the attack was not suspended despite the obvious risk to the museum highlight how difficult it can be in practice to follow the rule that attacks should be cancelled or postponed when the expected damage to cultural property would outweigh the military gain.

For Bhat, the Second Protocol (1999) outlined strict guidelines for military necessity and framed the belligerent's powers in this area.¹²⁰ However, the power of the Committee for the Protection of Cultural Property, established in that Protocol, to suspend or cancel enhanced protection in the case of serious violation of immunity of cultural property (Article 14) is a weak point of the Protocol. It raises the issue of military necessity, with the only difference

¹¹⁷ Ukrainian Institute, 'Donetsk Regional Museum of Local History', *Ukrainian Institute*, accessed November 22, 2025, <https://ui.org.ua/en/postcard/donetsk-regional-museum-of-local-history/>.

¹¹⁸ Ukrainian Institute, 'Donetsk Regional Museum of Local History' (n.d.); Interfax-Ukraine, 'Shells hit Donetsk Local History Museum', *Kyiv Post*, August 21, 2014, accessed November 22, 2025, <https://archive.kyivpost.com/article/content/war-against-ukraine/shells-hit-donetsk-local-history-museum-361476.html>.

¹¹⁹ Human Rights Watch, 'Ukraine: Rising Civilian Toll in Luhansk', *Human Rights Watch*, September 1, 2014, accessed November 22, 2025, <https://www.hrw.org/news/2014/09/01/ukraine-rising-civilian-toll-luhansk>. This Human-Rights Watch reporting from the 2014 Luhansk attack documented the widespread use of unguided artillery and rocket attacks that struck populated areas and civilian infrastructure. These are the same kind of weapons and tactics that tend to cause collateral damage to nearby cultural property, illustrating the danger to cultural sites during those operations. This information allows us to draw parallels with the attacks in Donetsk.

¹²⁰ Bhat (2000).

between the Convention and the Protocol regarding the issue of military necessity is that the former leaves the decision power with the State while the latter defends that it is the Committee that decides the matter. That view may have some validity. Still, these types of situations need to be controlled, and it is better to give that control to an impartial organism that clearly understands the matter than to give it to States that are too involved in the situation. The management of military necessity by an unbiased and neutral international body is commendable.

To facilitate its recognition, the Convention mentions that «cultural property may bear a distinctive emblem» (Article 6). The emblem is the form of a shield, pointed below, that is blue and white diagonally in both directions (Article 10), and it may be used alone or repeated three times in a triangular formation (Article 17), as seen in the images below.¹²¹



Figure 3. Distinctive Emblem for the Protection of Cultural Property (The Blue Shield Emblem).

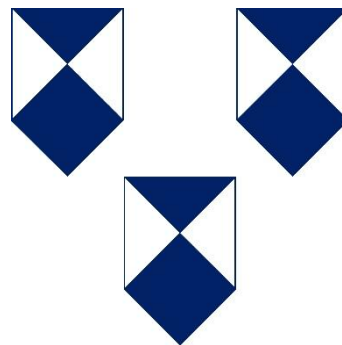


Figure 2. Distinctive Emblem for Cultural Property under Special Protection

¹²¹ Article 17 of the 1954 Hague Convention states that «1. The distinctive emblem repeated three times may be used only as a means of identification of: (a) immovable cultural property under special protection; (b) the transport of cultural property under the conditions provided for in Articles 12 and 13; (c) improvised refuges, under the conditions provided for in the Regulations for the execution of the Convention. 2. The distinctive emblem may be used alone only as a means of identification of: (a) cultural property not under special protection; (b) the persons responsible for the duties of control in accordance with the Regulations for the execution of the Convention; (c) the personnel engaged in the protection of cultural property; (d) the identity cards mentioned in the Regulations for the execution of the Convention.». The source of the images is the following: Blue Shield International, ‘The 1954 Hague Convention Blue Shield Emblems of Protection, *Blue Shield International*, accessed November 23, 2025, <https://theblueshield.org/download/the-1954-hague-convention-blue-shield-emblems-of-protection/>.

Cultural property under special protection shall be immune to any act of hostility directed against it and its surroundings for military objectives (Article 9). This immunity can be withdrawn if one of the Parties violates this obligation, allowing the opposing Party, as long as the violation persists, to be released from the immunity as well, and in the case of «unavoidable military necessity, and only for such time as that necessity continues» and when permitted by a commanding officer of high-rank, usually at the level of a division commander, such as a general (Article 11, paragraphs 1 and 2).

In practice, there has been no loss of cultural status under this kind of protection, reflecting the approach and commitment to maintaining protection even during armed conflicts, with withdrawal being treated as a last resort. Nevertheless, an illustrative example of the misuse of cultural property during armed conflict under international law can be found in the 1991 Gulf War, when Iraq used places adjacent to the ancient temple of Ur, one of the most prized sites of the country, to position military assets such as fighter aircrafts and to shield them from attack by exploiting the site's cultural significance and its protected status.¹²² While enhanced protection under the Second Protocol was not yet applicable at that time, this incident symbolises the type of misuse that, under the current framework, could lead to suspending or withdrawing enhanced protection status following serious and continuous violations, as outlined in Article 14.¹²³

The **Second Protocol (1999)** was adopted in response in response to the recognition that numerous non-international armed conflicts, notably the conflicts in the former Yugoslavia during the 1990s caused significant damage to cultural property. It became apparent that the general provisions of the Hague Convention in such conflicts, were insufficient. As a result, Article 22 of the Second Protocol explicitly applied its rules, obligations, and enforcement

¹²² Bhat (2000).

¹²³ See United Nations Doc. S/22115 (January 21, 1991), United Nations Doc. S/22122 (January 21, 1991), and United Nations Doc. S/22218 (February 13, 1991).

mechanisms to non-international armed conflicts, thus complementing and strengthening the Convention.

Among new measures and due to the weakness of the type of protection provided by the Convention regarding culture under special protection, the Second Protocol introduced and adopted the concept of “Enhanced protection” for cultural sites considered of extraordinary value. Cultural property should meet certain conditions: it is cultural heritage of the greatest importance for humanity;¹²⁴ it is protected by adequate domestic legal and administrative measures that recognise its value; and it is not used for military purposes or to shield military sites, and a Party declares not to use it for the same reason (Article 10).

Additionally, it was foreseen that, if necessary, cultural property may need to be relocated in urgent situations to ensure its safety or avoid placing military objectives in its neighbourhood (Article 8). Also, Article 9 stipulates that an occupying power must prohibit and prevent any illicit export, removal, or transfer of ownership of cultural property, as well as unauthorised excavations and alterations that could damage or conceal its cultural, historical, or scientific value, except when strictly necessary for preservation purposes. To preserve cultural property, the occupying party must work in cooperation with and assist the competent

¹²⁴ According to the Draft Guidelines for the Implementation of the 1999 Second Protocol (2009), specifically Guideline 32, to decide if it is of the greatest importance for humanity, «the Committee shall evaluate, case by case, its exceptional cultural significance, and/or its uniqueness, and/or if its destruction would lead to irretrievable loss for humanity». The following criteria determine exceptional cultural significance (Guideline 33):

- It is an exceptional cultural property bearing testimony to one or more periods of the development of humankind at the national, regional or global level;
- It represents a masterpiece of human creativity;
- It bears an exceptional testimony to a cultural tradition or to a civilisation which is living or which has disappeared; it exhibits an important interchange of human achievements, over a span of time or within a cultural area of the world on developments in arts and sciences;
- It has a central significance to the cultural identity of societies concerned.

Uniqueness is defined by the nonexistence of “other comparable cultural property that is of the same cultural significance” (Guideline 34). The criteria of “irretrievable loss for humanity” is satisfied “if the damage or destruction of the cultural property in question would result in the impoverishment of the cultural diversity of cultural heritage of humankind” (Guideline 35).

Accessed November 10, 2025, <https://unesdoc.unesco.org/ark:/48223/pf0000185791>.

national authorities, taking the necessary preservation measures, if possible, in cases where the authorities are unable to do so.

One of the most significant improvements of the Second Protocol concerns the criminal repression system for offences committed against cultural property:

Any person commits an offence with the meaning of this Protocol if that person intentionally and in violation of the Convention or this Protocol commits any of the following acts:

- (a) making cultural property under enhanced protection the object of attack;
- (b) using cultural property under enhanced protection or its immediate surroundings in support of military action;
- (c) extensive destruction or appropriation of cultural property protected under the Convention and this Protocol;
- (d) making cultural property protected under the Convention and this Protocol the object of attack;
- (e) Theft, pillage or misappropriation of, or acts of vandalism directed against cultural property protected under the Convention.¹²⁵

Firstly, the Hague Convention merely stated, in Article 28, that States are legally responsible for violations of the Convention to impose penal or disciplinary sanctions upon breaches of the Convention. However, there was no clear enforcement mechanism or procedure to follow, leaving enforcement vague and mostly dependent on the State's political will. The Protocol, on the other hand, defined the acts that, when committed in violation of the Convention or Protocol, must be considered criminal offences under the domestic law of each State Party. Article 15 of the Second Protocol established individual criminal responsibility, denoting that individuals, not just States, can be held accountable for these crimes. Moreover, it instituted universal jurisdiction, which means that jurisdiction over serious offences against cultural property is no longer limited to the government of the offender. That is, other countries

¹²⁵ UNESCO (1999), Art. 15.

or international courts have the right to prosecute individuals of any nationality for crimes involving cultural property during armed conflict.

Even though the Protocol has broad provisions regarding the identification of serious violations, jurisdiction, prosecution and extradition (Articles 15 to 18), the first responsibility is always of the States, which must adopt the necessary measures to establish as criminal offences under its domestic law the offences that are present in the Protocol, and to establish appropriate penalties to such offences, in compliance with general principles of law and international law, «including rules extending individual criminal responsibility to persons other than those who directly commit the act» (Article 15, paragraph 2). For example, Article 17 of obliges the State where the alleged offender is located to either extradite the person or submit the person to its competent authorities for prosecution, regardless of the person's nationality or the location of the offence.

The Second Protocol represented a significant legal advancement in the protection of cultural heritage as it provided robust and amplified means of accountability.¹²⁶ The protection of cultural property starts to become a shared international responsibility. It aligns heritage protection with core principles of international criminal law, reinforcing that cultural crimes can be prosecuted similarly to other war crimes and acting as a constraint against intentional acts of destruction.

An example is the case of the city of Dubrovnik (Croatia), a site inscribed in the UNESCO World Heritage List. For the duration of the 1990s wars in the former Yugoslavia, hundreds of religious and cultural sites were deliberately targeted and destroyed as a form of ethnic and cultural eradication of certain groups in some areas.¹²⁷ One specific episode was the shelling of the historic city of Dubrovnik by the Yugoslav People's Army (JNA), led mainly by

¹²⁶ Charlier and Mustafayev (2022).

¹²⁷ United Nations International Residual Mechanism for Criminal Tribunals (IRMCT), 'Dubrovnik and Crimes against Cultural Heritage', *IRMCT*, accessed November 10, 2025, <https://mapa.irmct.org/en/outreach/documentaries/dubrovnik-and-crimes-against-cultural-heritage>.

Serb and Montenegrin officers. Pavle Strugar, born in present-day Kosovo, was the commander of the forces involved in the attack. Over several months, artillery and airstrikes damaged or destroyed around 68% of the historic buildings of the Old Town.¹²⁸ Strugar was charged with war crimes and sentenced to 7,5 years' imprisonment. These crimes include

attacks on civilians; destruction or wilful damage to institutions dedicated to religion, charity and education, the arts and sciences, historic monuments and works of art and science; devastation not justified by military necessity; [and] unlawful attacks on civilian objects (violations of the laws or customs of war).¹²⁹

This case is significant because Serbia or Montenegro did not prosecute Strugar. Instead, he went on trial and was convicted by the International Criminal Tribunal for the former Yugoslavia (ICTY), an international tribunal established by the United Nations. It illustrates how, if a national government does not act, an international body can step in. The ruling also highlighted that intentional destruction of cultural heritage is a serious war crime, helping to reinforce international norms and set precedents for future tribunals, such as the International Criminal Court.

Yuval Noah Harari, in his book 'Unstoppable Us, Vol. 2: Why the World isn't Fair' (2024), argues that human societies are built and held together by shared dreams created through telling stories that give meaning, identity, and purpose to collective life, and allow people to collaborate.¹³⁰ Cultures survive because of shared stories. Cultural heritage embodies these stories in physical form through monuments, historic cities and sacred spaces. These are expressions of the narratives communities tell about themselves. Stories can unite, but, when manipulated or weaponised, can fuel hostility and justify acts of destruction. «No matter how powerful a story is and no matter how many people believe in it, we can eventually realize that

¹²⁸ Prosecutor v. *Strugar (Pavle)*, Case No. IT-01-42-PT, Third Amended Indictment, ¶ 29 (International Criminal Tribunal for the Former Yugoslavia, February 16, 2003).

¹²⁹ Case Information Sheet, 'Dubrovnik (IT-01-42) Pavle Strugar', Communications Service, International Criminal Tribunal for the Former Yugoslavia, February 16, 2003, accessed November 10, 2025, https://www.icty.org/x/cases/strugar/cis/en/cis_strugar_en.pdf.

¹³⁰ Yuval Noah Harari, *Unstoppable Us Volume 2 - Why the World isn't fair* (United Kingdom: Penguin Random House, 2024), Kobo edition, chap. 4.

it's just a story. We may be trapped inside the dreams of dead people, but there is a way out».¹³¹
We just have to choose which stories to believe in and which to let go.

In this sense, attacks on cultural heritage, such as the deliberate shelling of Dubrovnik, can be read as attempts to weaken a community by erasing the shared stories embedded in its monuments and in the city's architecture. As recognised by the ICTY, the JNA targeted Dubrovnik for its symbolic power and cultural significance. Interpreted through Harari's lens, such acts represent attempts to erase or delegitimize a community's shared story, attacking its identity and memory, in order to impose another. It is precisely against this form of narrative destruction that the 1954 Hague Convention was created: to safeguard the cultural foundations of societies and prevent the eradication of their stories through violence.

The issue of preserving cultural heritage began to worry the international community when it came to times of peace, and not just during armed conflict, including continuous and real threats, such as acts of terrorism, illegal trafficking of cultural property, climate change and the worsening of environmental conditions and natural disasters.¹³² Following the establishment of UNESCO and the first Convention and its Protocols, a new set of regulations began to be drafted and incorporated into instruments that addressed additional issues aiming to safeguard, preserve, and protect cultural assets globally in peacetime.

From this standpoint, the **Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970)** established a framework at the state level to regulate the handling of stolen artwork, antiquities, and other historical, archaeological, and ethnological items.¹³³ The State Parties recognise that the «illicit import, export and transfer of ownership of cultural property is one of the main causes of the impoverishment of the cultural heritage of the countries of origin of such

¹³¹ Yuval Noah Harari (2024), chap. 4.

¹³² Papaioannou (2012).

¹³³ Daniels (2010).

property», that trade in cultural objects contrary to the provisions is illicit, and that one of the most efficient means of protecting said cultural property is international cooperation (Article 2 and 3).¹³⁴

«Art knows no frontiers, neither does organized crime».¹³⁵ It aimed to prohibit the illicit international trafficking of cultural objects and establish mechanisms to facilitate the return of stolen artefacts to their source nations. It also prohibits the import of cultural property stolen from a museum or monument in another State Party after the Convention enters into force and prevents transfers of ownership of cultural property that would result in the illicit import or export of such property. Additionally, it ensures that competent services cooperate, admits actions for the recovery of lost or stolen items to the rightful owners, and recognises the right of each State Party to classify and declare specific cultural property as inalienable (Articles 7, 9, and 13).

Since it is «incumbent upon every State to protect the cultural property existing within its territory against the dangers of theft, clandestine excavation and illicit export»¹³⁶, there are impositions on States to care for cultural property in their national territories through valid services, supporting national retention of their cultural property and giving the nation of origin the power to define the term “illicit” (Article 5).

Cultural property rightfully belongs in its nation of origin. Thus, works that are kept in foreign museums and collections are improperly situated there due to plunder, theft, illegal exportation, or exploitation, and ought to be repatriated.¹³⁷ As stated in the Convention’s preamble, «cultural property constitutes one of the basic elements of civilization and national culture», and its true value can only be appreciated «in relation to the fullest possible

¹³⁴ UNESCO (1970).

¹³⁵ UNESCO, ‘Fight Illicit Trafficking of Cultural Property’, *UNESCO*, accessed November 23, 2025, <https://www.unesco.org/en/fight-illicit-trafficking?hub=66535>.

¹³⁶ UNESCO (1970), preamble.

¹³⁷ Merryman (1986).

information regarding its origin, history and traditional setting».¹³⁸ Cultural property does not include mere physical objects, but is a fundamental component of civilisational and national identity. Cultural objects obtain their meaning from the context of their origin. Therefore, their removal or trade without proper documentation and consent undermines their value, constituting a form of cultural loss.

The approach to protecting material objects has undergone significant changes over the years. However, the **World Heritage Convention (1972)** still has a clear objective of conserving and protecting physical and natural heritage considered to be of «outstanding value to humanity», and pursues its «identification, protection and preservation around the world».¹³⁹ This Convention reaffirms, in peacetime, the same principles of the Hague Convention, in that it emphasises the exceptional universal worth of cultural and natural heritage, which needs to be preserved as it constitutes part of humanity's heritage. Also, the “deterioration” or “disappearance” of any cultural or natural heritage represents a detrimental impoverishment of the heritage of all nations.¹⁴⁰

According to UNESCO, the concept of World Heritage is special because of its universal relevance, as World Heritage sites belong to all humanity, regardless of the country in which they are situated, and it connects the ideas of cultural preservation and environmental protection.¹⁴¹ Additionally, as it strongly highlights the role of local communities, the Convention is a valuable instrument for addressing issues such as natural disasters, mass tourism, rapid urbanisation, climate change, and sustainable socioeconomic growth. Moreover, to date, 195 nations have ratified the Convention, joining an interconnected community dedicated to identifying and protecting the world's most important natural and cultural treasures.

¹³⁸ UNESCO (1970), preamble.

¹³⁹ UNESCO, ‘World Heritage’ (n.d.).

¹⁴⁰ UNESCO, *Convention Concerning the Protection of the World Cultural and Natural Heritage*, adopted November 16, 1972, entered into force December 17, 1975, preamble, <https://whc.unesco.org/en/conventiontext/>.

¹⁴¹ UNESCO, ‘World Heritage’ (n.d.).

The cultural heritage and the natural heritage are increasingly threatened with destruction not only by the traditional causes of decay, but also by changing social and economic conditions which aggravate the situation with even more formidable phenomena of damage or destruction.¹⁴²

For these reasons, and as mentioned above, the World Heritage Convention established a mechanism that enables the acknowledgement, recognition and protection of cultural and natural heritage sites of remarkable universal value, deemed to be particularly notable, the World Heritage List.¹⁴³ This creation stems from the difficulty in identifying protected cultural property during armed conflict, and the necessity to preserve those sites. Once on the list, they have a higher level of protection.¹⁴⁴ The Galápagos Islands, located in Ecuador, were the first cultural site inscribed on the WHL in 1978. There are 1248 properties on the list, and 53 of them are in danger, including the Old City of Aleppo, Syria, which will be discussed in Chapter IV.¹⁴⁵

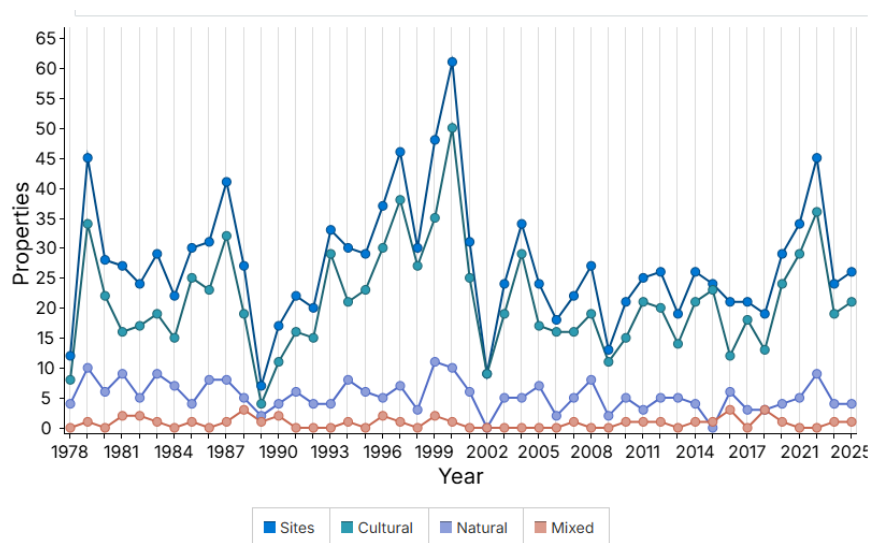


Figure 4. «Number of World Heritage properties inscribed each year: Cultural, Natural, and Mixed».

Source: UNESCO, 'World Heritage List Statistics', *UNESCO World Heritage Convention*, accessed November 24, 2005, <https://whc.unesco.org/en/list/stat#d31>.

¹⁴² UNESCO (1972), preamble.

¹⁴³ Daniels (2010).

¹⁴⁴ Charlier and Mustafayev (2022).

¹⁴⁵ UNESCO, 'World Heritage List', *World Heritage Convention*, accessed November 11, 2025, <https://whc.unesco.org/en/list/>.

This figure illustrates the number of properties inscribed on the UNESCO World Heritage List between 1978 and 2025, divided into cultural, natural, and mixed categories. Over the years, the numbers have fluctuated. Cultural properties constitute the largest segment each year, with noticeable peaks in the late 1980s, around 1999 and 2000, and again in the early 2020s. Natural sites follow a similar, but lower pattern. Mixed sites remain relatively rare throughout the entire period, appearing in small and stable numbers. Overall, the graphic highlights both the growth and periodic nature of UNESCO inscriptions, reflecting the influence of procedural factors that shape the World Heritage Committee's annual decisions.

The List serves a critical role in promoting global cooperation for heritage conservation, providing legal protection, raising awareness, and creating economic benefits, essential for safeguarding humanity's shared legacy and promoting respect for diverse cultural and natural treasures worldwide. Sites on the List «are a magnet for international cooperation and may thus receive financial assistance for heritage conservation projects from a variety of sources».¹⁴⁶ The inclusion of a site on the List effectively gives it a different status, transforming it into a symbol that is recognised internationally, improving its visibility, and its importance. Despite some tension that could originate between traditional practices and international objectives, as UNESCO and States can now influence decisions, the Convention aims to create appropriate measures, while also raising awareness and communication, especially with local communities.

It is the role of the States to identify, delineate, protect, conserve, present and transmit to future generations the different cultural properties or natural heritage on their territories, to the best of their abilities (through, for example, general policies, services and technical and scientific studies) and, if necessary, resort to international assistance and cooperation (Articles 3, 4 and 5). States should also create education programs to «strengthen appreciation and respect

¹⁴⁶ UNESCO, 'The World Heritage Convention', *UNESCO World Heritage Convention*, accessed November 24, 2025, <https://whc.unesco.org/en/convention/>.

by their peoples of the cultural and natural heritage» and inform their population about the dangers that threaten this heritage (Article 27).

The State Parties submit to the World Heritage Committee, created for the sake of this Convention, «an inventory of property forming part of the cultural and natural heritage» (Article 11, paragraph 1). The international experts who are part of the Committee choose these sites and add them to the WHL based on rigorous established criteria¹⁴⁷ and with the consent of the State concerned (Article 11, paragraphs 2 and 3). As soon as sites become legal entities and are acknowledged as belonging to heritage because of their inclusion on an official heritage list, they are “created” as “official heritage” and subject to specific norms regarding their treatment, different from others.¹⁴⁸ Technical and international assistance, as well as funding, are provided to ensure their preservation (Articles 13, 15, and 21).

¹⁴⁷ To be included on the World Heritage List, sites must be, as mentioned, of “outstanding universal value” and meet at least 1 of 10 criteria, delineated (and here transcribed) in paragraph 77 of chapter II.D of the Operational Guidelines for the Implementation of the World Heritage Convention (2025):

- i. To represent a masterpiece of human creative genius;
- ii. To exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town-planning or landscape design;
- iii. to bear a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared;
- iv. to be an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history;
- v. to be an outstanding example of a traditional human settlement, land-use, or sea-use which is representative of a culture (or cultures), or human interaction with the environment especially when it has become vulnerable under the impact of irreversible change;
- vi. to be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance. (The Committee considers that this criterion should preferably be used in conjunction with other criteria);
- vii. to contain superlative natural phenomena or areas of exceptional natural beauty and aesthetic importance;
- viii. to be outstanding examples representing major stages of earth's history, including the record of life, significant on-going geological processes in the development of landforms, or significant geomorphic or physiographic features;
- ix. to be outstanding examples representing significant on-going ecological and biological processes in the evolution and development of terrestrial, fresh water, coastal and marine ecosystems and communities of plants and animals;
- x. to contain the most important and significant natural habitats for in-situ conservation of biological diversity, including those containing threatened species of outstanding universal value from the point of view of science or conservation.

Accessed November 11, 2025, <https://whc.unesco.org/en/guidelines/>.

¹⁴⁸ Harrison (2009).

Since not all cultural heritage is situated above ground, and underwater heritage was in danger due to unauthorised activities such as «looting, exploitation of marine resources, climate disruption, and pollution», there was a need for stronger measures to prevent them.¹⁴⁹ For that reason, the **2001 Convention on the Protection of Underwater Cultural Heritage** was created. It establishes a common framework for identifying, preserving and sustaining «all traces of human existence having a cultural, historical or archaeological character which have been partially or totally under water, periodically or continuously, for at least 100 years» (Article 1, paragraph 1).¹⁵⁰ It includes the protection of underwater artefacts in the oceans, lakes, seas, rivers, and streams, such as shipwrecks, artworks, and everyday objects that “tell a unique tale of humanity”.¹⁵¹

An important rule states that, before engaging in any activities directed at underwater cultural heritage, the first option to consider should always be preservation *in situ* (Article 2, paragraph 5). If required, the activities directed at underwater cultural heritage must be authorised, shall not adversely affect it more than necessary for the intended objectives and «must use non-destructive techniques and survey methods in preference to recovery of objects» (Annex, Rules 1 and 3). Each State Party shall enforce sanctions adequate in severity for violations of measures it has taken to implement the Convention (Article 17, paragraphs 1 and 2). The involvement of the public is recommended, such as non-intrusive access to observe or document the heritage, in order to raise awareness of the value and importance of underwater cultural heritage and its protection (Articles 20, and 2, paragraph 10).

It was with the introduction of the **2003 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage** that the nature of heritage law suffered a noticeable change,

¹⁴⁹ UNESCO, ‘Underwater Cultural Heritage 2001 Convention’, *UNESCO*, accessed November 11, 2025, <https://www.unesco.org/en/underwater-heritage>.

¹⁵⁰ UNESCO, *Convention on the Protection of the Underwater Cultural Heritage*, adopted November 2, 2001, entered into force January 2, 2009, <https://www.unesco.org/en/legal-affairs/convention-protection-underwater-cultural-heritage?hub=412>.

¹⁵¹ UNESCO, ‘Underwater Cultural Heritage 2001 Convention’ (n.d.).

where the concept of intangible heritage was first introduced in international law, connecting heritage with a group and its belonging.¹⁵² It stemmed from a need to “build greater awareness” and from the “invaluable role” that this type of heritage has in bringing people closer and guaranteeing “exchange and understanding”.¹⁵³ Intangible heritage is crucial in preserving cultural diversity in an increasingly globalised world. Getting to know the intangible heritage of numerous communities enables dialogue between diverse cultures and fosters respect for different traditions, practices, and lifestyles. It is significant because it provides expertise and a set of skills that will be valuable to multiple generations, contributing significantly to social and economic well-being.

Just as in the previous Conventions, the States Parties must take the necessary measures to safeguard their heritage and identify and define the elements of intangible heritage present in their territory, adding them to inventories submitted to the Intergovernmental Committee (Article 11). Programs are also created to safeguard traditions, rituals, performing arts, languages, and other forms of intangible heritage (Article 18). Communities, groups, and individuals are encouraged to participate as much as possible in the activities and management of the protection of intangible cultural heritage (Articles 13, 14 and 15), and efforts should be made to foster international cooperation and assistance (Article 19). A fund is also established, primarily from the State's contributions, whose resources are appropriately used for the purpose of protecting intangible cultural heritage (Article 25).

Lastly and most recently, the **Convention on the Protection and Promotion of the Diversity of Cultural Expressions** was adopted in 2005, emphasising that «cultural diversity forms a common heritage of humanity and should be cherished and preserved for the benefit of all» and recognising that «the diversity of cultural expressions, including traditional cultural expressions, is an important factor that allows individuals and peoples to express and to share

¹⁵² Cornu (2014).

¹⁵³ UNESCO (2003).

with others their ideas and values».¹⁵⁴ The concept of cultural diversity, referring to the ways groups and societies find cultural expression, resulting from overall creativity, brought with it the idea of “humanity”.

The Convention emphasises the inextricable link between cultural diversity and human rights, in that cultural diversity implies an assurance of the realisation of human rights, fundamental freedoms, and the ability of individuals to choose cultural expressions for their protection and promotion, in particular of minorities and indigenous peoples (Article 2, paragraphs 1 and 3). As a powerful tool, culture facilitates dialogue and mutual understanding, helping to prevent conflicts. By encouraging various forms of expression, each with its own unique story, it is possible not only to enrich a society's cultural life but also to improve social inclusion and promote peaceful coexistence.

This Convention also considered the role of globalisation, which presented «unprecedented conditions for enhanced interaction between cultures» and represented a «challenge for cultural diversity» (preamble). Globalisation is a driving force for the connection between cultures. However, it may also threaten their diversity, as it can contribute to the dominance of specific cultures and the disregard of others due to an uneven distribution of wealth and resources, which is why it is even more important to fight for its protection nowadays.

Now that we have analysed the UNESCO Conventions and their role in shaping the global framework for cultural heritage protection, it is also important to consider the broader legal landscape that has evolved since then. UNESCO's work helped bring global attention to the issue, inspiring other international bodies, including regional organisations and tribunals, to take part in the matter, shaping how cultural heritage is protected and understood today.

¹⁵⁴ UNESCO (2005), preamble.

b) Other International Institutional frameworks and Institutions

International humanitarian law, also known as the law of war, is relevant here, as it aims to mitigate the effects of death and destruction associated with war. In this context, the 1977 Protocols of the 1949 Geneva Conventions, one applicable to international armed conflicts and the other to non-international armed conflicts, are of interest, since they also mention cultural heritage. The primary purpose of these protocols is to confirm the significance of the core elements outlined in the Hague Convention.

Article 53 of Protocol I, under a chapter dedicated to civilian objects, prohibits the commitment of «any acts of hostility directed against the historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples».¹⁵⁵ Although it essentially covers the same idea as Article 2 of the Hague Convention, the obligation has been made stricter. This norm has no exceptions, not even in the case of military necessity. The only way to invoke the principle is if the conflicting parties are included in both the Hague Convention and Additional Protocol I (Article 53: (b)). Article 85 mentions that grave breaches of these instruments, such as the attack and destruction of «clearly-recognized historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples and to which special protection has been given by special arrangement» (paragraphs 4 and 5) shall be considered war crimes. It is also prohibited to «use such objects in support of the military effort» and «to make such objects the object of reprisals».¹⁵⁶ The problem lies in the term “military effort”, which is not defined and may lead the participants to use it to their benefit. But it is clear, as well as in the Hague Convention, that the intention is to prevent attacks

¹⁵⁵ ICRC, *Protocol Additional to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, adopted June 8, 1977, entered into force December 7, 1978, <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977>.

¹⁵⁶ ICRC (1977), Art. 85.

on cultural objects and heritage, and to give it a higher protection than to most of civilian objects¹⁵⁷ to keep as much heritage as possible to allow people's right to express themselves.

Article 16 of Protocol II, applicable to internal conflicts, supports the same message. It refers to culture in the sense that it is prohibited to carry out any hostile actions against «historic monuments, works of art or places of worship» that «constitute the cultural or spiritual heritage of peoples» and to use them for military means.¹⁵⁸ This protection applies just to heritage objects directly linked to countries' subjective judgment.¹⁵⁹

Offences committed against cultural heritage are not only a violation of international law, but can also lead to individual criminal responsibility, as articulated in the case law of international courts and tribunals, particularly the International Criminal Tribunal for the former Yugoslavia.¹⁶⁰ As stated in article 5 of its Statute,

The International Tribunal shall have the power to prosecute persons responsible for (...) crimes when committed in armed conflict, whether international or internal in character, and directed against any civilian population: (...) persecution on political, racial and religious grounds.¹⁶¹

If someone intentionally damages cultural property to harm or erase the identity of a specific group, it can be considered a war crime and a crime against humanity.

It could also be the case of Genocide if acts such as «deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part» are committed with the intention to «destroy, in whole or in part, a national, ethnical, racial or religious group» (Article 4, paragraph 2 (c)).¹⁶² Francioni recognises that there are limitations

¹⁵⁷ According to paragraph 1 of Article 52, “civilian objects are all objects which are not military objectives”.

¹⁵⁸ ICRC, *Protocol Additional to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)*, adopted June 8, 1977, entered into force December 7, 1978, Art. 16, <https://ihl-databases.icrc.org/en/ihl-treaties/apii-1977>.

¹⁵⁹ Papaioannou (2017).

¹⁶⁰ Francioni (2004).

¹⁶¹ United Nations Security Council, *Statute of the International Criminal Tribunal for the Former Yugoslavia*, S/RES/827, annex, adopted May 25, 1993, <https://www.icty.org/en/documents/statute-tribunal>.

¹⁶² United Nations Security Council (1993), annex.

to the jurisprudence, as it mainly applies in situations of war.¹⁶³ However, when it comes to serious violations, such as deliberately destroying exceptionally relevant cultural buildings, monuments and other sites, there is a growing belief that this kind of destruction is also illegal during peacetime, not just in war. Although it is not clearly defined, there is an *opinio juris* among States and other international actors that it is prohibited to destroy cultural heritage in peacetime, thereby helping to shape new international norms. Essentially, cultural heritage destruction is becoming recognised as a purposeful attack on communities rather than mere collateral damage that occurs because of war, and international law is holding individuals accountable for it.

The author uses the example of the 2003 UNESCO Declaration Concerning Intentional Destruction of Cultural Heritage, which was a condemnation against the deliberate destruction by the Taliban of the great Buddha of Bamiyan in 2001.¹⁶⁴ It constituted a «deliberate act of destruction, motivated by an extremist ideology that aimed to destroy culture, identity and history (...) revealing how the destruction of heritage could be used as a weapon against local populations».¹⁶⁵ Even though it is an instrument of soft law, meaning it is not a binding treaty, it marked a significant turning point. It led to a universal recognition of the need to protect cultural heritage at risk, reflecting the shared will of the entire international community, since all countries were present in the UNESCO's General Conference, that intentionally destroying cultural heritage, whether during war or in peace times, can lead to legal State or individual responsibility.

Furthermore, the Statute of the International Criminal Court (ICC) likewise has jurisdiction in respect of war crimes, such as «extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly» (i.e.,

¹⁶³ Francioni (2004).

¹⁶⁴ Francioni (2004).

¹⁶⁵ UNESCO, 'Commemorating 20 Years since the Destruction of Two Buddhas of Bamiyan, Afghanistan', *UNESCO World Heritage Convention*, March 11, 2021, accessed November 11, 2025, <https://whc.unesco.org/en/news/2253>.

recklessly) (Article 8.2 (iv)).¹⁶⁶ A notable and previously but briefly mentioned example of the application of this provision is the case of *Prosecutor v. Ahmad Al Faqi Al Mahdi*.¹⁶⁷ In 2016, the ICC convicted Al Mahdi and sentenced him to 9 years for the war crime of intentionally directing attacks against cultural and religious monuments in Timbuktu, Mali, including sites recognised as UNESCO World Heritage. This was the first ICC case to focus solely on the destruction of cultural heritage as a war crime and «the first case where the defendant made an admission of guilt».¹⁶⁸ It marked a significant moment by reinforcing that such acts, even without human fatalities, are punishable under international criminal law, acknowledging that cultural heritage protection aligns with efforts aimed at transitional justice and reconciliation. The court highlighted, too, that deliberate attacks on cultural property not justified by military necessity constitute serious violations of the laws and customs of war.

More recently, there is also the example of the United Nations Security Council Resolution 2347 (2017) that condemns the destruction of cultural heritage, including the «destruction of religious sites and artefacts, as well as the looting and smuggling of cultural property from archaeological sites, museums, libraries, archives, and other sites» in armed conflict by terrorist groups in Iraq and Syria, such as ISIS/Da'esh and Al-Qaeda.¹⁶⁹ It was the first Security Council Resolution dedicated entirely to protecting cultural heritage. It reaffirmed that all parties in armed conflict must comply with international humanitarian law, emphasised that illicit trade of cultural property finances terrorism and organised crime, and called for action from Member States to prosecute those responsible, strengthen border controls and develop

¹⁶⁶ International Criminal Court (ICC), *Rome Statute of the International Criminal Court*, adopted July 17, 1998, entered into force July 1, 2002, <https://www.icc-cpi.int/publications/core-legal-texts/rome-statute-international-criminal-court>.

¹⁶⁷ *Prosecutor v. Ahmad Al Faqi Al Mahdi*, ICC-01/12-01/15, Judgment and Sentence (International Criminal Tribunal, September 27, 2016).

¹⁶⁸ ICC, 'Al Mahdi Case', *International Criminal Court*, accessed November 11, 2025, <https://www.icc-cpi.int/mali/al-mahdi>.

¹⁶⁹ United Nations Security Council, *On Destruction and trafficking of cultural heritage by terrorist groups in situations of armed conflict*, S/RES/2347 (New York: United Nations, 2017), <https://main.un.org/securitycouncil/en/s/res/2347-%282017%29>.

broad law enforcement, judicial cooperation and capacity building. It ultimately recognised that destroying or stealing cultural heritage can threaten international peace and security.

Institutional support for the protection of cultural property is one of the core purposes of the International Committee of the Red Cross (ICRC), whose development, expansion and scope of application of International Humanitarian Law has been substantial. The ICRC offers humanitarian aid, defends rights and eases the suffering of people around the world who have been affected by violence.¹⁷⁰

Additionally, the International Committee of the Blue Shield was created to work alongside UNESCO. Standing as an emergency coordination and response committee, its main objectives include supporting global reactions to emergencies or threats, promoting cultural property protection, especially to improve risk preparedness standards, and forming experts at national or regional level to foresee, mitigate and recover from calamities (Blue Shield International, n.d.).¹⁷¹

Besides treaty law, customary law is also a relevant source of obligations under International Humanitarian Law and should not be underestimated. It certainly contributes to the protection of victims of armed conflict by addressing some of the gaps left by treaty law.¹⁷² The rules governing cultural property preservation are based on widely recognised legal norms and are enforceable against belligerent parties, regardless of whether a treaty has been ratified.

Considering what was stated, and although various international and regional institutions have contributed to the protection of cultural heritage, UNESCO continues to hold a central role globally. Nevertheless, there is also an indication of UNESCO's limited capacity to impose its standards. There have been successful attempts, but the lack of binding

¹⁷⁰ ICRC, 'We Take Action, Not Sides', *International committee of the Red Cross*, accessed November 11, 2025, <https://www.icrc.org/en>.

¹⁷¹ Blue Shield International, 'International Committee of the Blue Shield', *Blue Shield International*, accessed November 11, 2025, <https://theblueshield.org/about-us/history/international-committee-of-the-blue-shield-icbs/>.

¹⁷² Charlier and Mustafayev (2022).

enforcement mechanisms or penalties, combined with the differences in the political will of the States, conflicts, challenges in prosecuting cultural heritage crimes, and the vagueness of terms like “military necessity,” often override legal norms, making it challenging to implement or allowing for abuse. For successful protection of cultural heritage, cooperation is always needed.

Also, the protection of cultural property at the international level has undoubtedly acquired a human dimension, given the nature of the objects protected and their relation to individuals and their communities. Furthermore, while international law is constantly evolving to address new challenges, it strives to incorporate human aspects, with its legal basis significantly influenced by international human rights laws.¹⁷³ Even so, there is some criticism¹⁷⁴ on the fact that, even though some cultural rights are included in the international instruments that protect cultural heritage (ex: right to participate in cultural life, right to education, freedom of expression and creativity) and the international community has recognised them as important and respected under those treaties, there is a limitation on how much international law can influence how a country manages and protects its cultural heritage. International law can establish frameworks and expectations, but without the power to intervene in nations’ matters and political will, its practical impact is often constrained. Cooperation and the provision of incentives for States to comply are the central methods of influence.

As warfare evolves, it is inevitable and essential to continually assess the robustness and effectiveness of the rules relating to safeguarding cultural property. There should be a focus on the importance of the existing legal framework and strengthening its practical implementation.¹⁷⁵ As the efficacy of law is influenced by the broad acceptance of the international community, it should «remain coordinated and jointly tackle the problems that still exist towards the important objective of protection and preservation of the world culture».¹⁷⁶

¹⁷³ Papaioannou (2017).

¹⁷⁴ Blake (2011).

¹⁷⁵ Charlier and Mustafayev (2022).

¹⁷⁶ Papaioannou (2017).

The values of human dignity, solidarity, awareness, and knowledge, when considered in combination with the protection of cultural heritage, demand that all actors support and implement the various sets of laws for the better conservation of the works of civilisation and their future.

Beyond the creation of legal instruments, UNESCO's influence extends much further. The following section examines how the organisation has influenced global awareness, inspired institutional practices, and facilitated international cooperation for the protection of cultural heritage.

2.2. The influence of UNESCO

a) UNESCO's foundation

The United Nations Educational, Scientific and Cultural Organization (UNESCO) is a specialised agency committed to enhancing our collective humanity by advocating for education, science, culture, and communication. It establishes specific guidelines, develops tools, and cultivates knowledge to address some of today's significant concerns while generating societal equality and peace.¹⁷⁷

The concept of UNESCO started to be developed due to the international community's concern over the destruction caused by World War II, when the United Kingdom began holding regular Conferences of Allied Ministers of Education in 1942, bravely deciding to use education to foster collaboration and achieve a more durable peace.¹⁷⁸ Over the years, this ultimately led to the approval of UNESCO's Constitution by unanimous vote from 44 countries on the 16th of November 1945.¹⁷⁹ According to Mayor, experiencing a war in that manner emphasised the importance of sustaining a genuine culture of freedom of thought and expression, as well as the

¹⁷⁷ UNESCO, 'Who we are', *UNESCO in brief*, accessed November 11, 2025, <https://www.unesco.org/en/brief>.

¹⁷⁸ Bokova (2017).

¹⁷⁹ Federico Mayor, 'The Role of UNESCO in the Construction of Peace', *Medicine and War* 8, no. 1 (1992): 18–24, <https://doi.org/10.1080/07488009208409017>.

need for individuals to have the educational tools to understand and resist the kind of manipulation and provocation that often leads to hatred.¹⁸⁰ They believed in full and equal educational opportunities for everyone and in the “exchange of ideas and knowledge”, which would guarantee mutual understanding and contribute to further knowledge about each other’s lives.¹⁸¹

UNESCO’s Constitution took on a bold premise: «Since Wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed».¹⁸² Meaning that peace is not only a political or military matter, but a cultural and intellectual one. Since conflicts begin in people’s minds, they are usually rooted in intolerance, ignorance, and a lack of understanding. Therefore, to achieve peace one needs to focus on the factors that contribute to the opposite reactions: culture and education. Peace should be built through dialogue, knowledge, mutual respect and the protection of culture. In the context of cultural heritage, this principle explains UNESCO’s mission to preserve and promote cultural diversity as a strategy for peacebuilding, as heritage contributes to a sense of identity and community, which are essential values for resilient societies. Cultural protection can serve as a bridge between communities and as a tool for reconciliation, especially in post-conflict scenarios.

UNESCO was created to be the leading multilateral organisation dedicated to contributing to “peace and security” through nations’ cooperation in the sectors of education, science, and culture. This would enable the achievement of «universal respect for justice, for the rule of law and for the human rights and fundamental freedoms», which apply to all people in the world, without distinction (Article I).¹⁸³ The scope of UNESCO’s concerns and actions has been growing, but the organisation has never renounced this concept.

¹⁸⁰ Mayor (1992).

¹⁸¹ UNESCO (1945), preamble.

¹⁸² UNESCO (1945), preamble.

¹⁸³ UNESCO (1945), Art. 1.

Humanity's unanimity must be the foundation of peace if it is to last, and peace should not be based exclusively on the political and economic agreements of governments, as they do not guarantee the enduring support and sincerity of the people.¹⁸⁴ A need arose for an international organisation that intervened when States failed to guarantee the realisation of their people's rights, with the ultimate goal of ensuring dignity and a fulfilling life for all. UNESCO was founded to serve that purpose, the promotion of peace through education, culture and cooperation, where political settlements alone are not enough.

b) Initiatives and programmes

Through its initiatives, UNESCO has contributed to the improvement of many lives, influencing action on the international level in its area of expertise. Today, the agency continues its efforts, working with 194 Member States worldwide to safeguard heritage, protect biodiversity, address artificial intelligence, develop quality education, and ensure access to trustworthy information.¹⁸⁵

As briefly mentioned earlier, UNESCO is recognised for its international efforts to protect cultural heritage at risk during armed conflicts. Through its extensive agenda, it provides emergency assistance to safeguard damaged or threatened sites. Moreover, UNESCO plays a role in emergency response mechanisms, including recovery efforts in post-conflict and post-disaster situations. Besides Syria, which will be developed in Chapter IV, the organisation has consistently led international efforts to safeguard heritage in crisis in several countries. For example, following the explosions in Beirut, Lebanon, UNESCO launched the Li Beirut ("For Beirut") initiative, which aims to reconstruct and restore Beirut's cultural heritage and revive its cultural life.¹⁸⁶

¹⁸⁴ UNESCO (1945).

¹⁸⁵ UNESCO, 'Who we are' (n.d.).

¹⁸⁶ UNESCO, 'LiBeirut', *UNESCO*, accessed November 11, 2025, <https://www.unesco.org/en/libeirut>.

UNESCO also supports reconstruction efforts in post-disaster situations by providing technical and financial assistance, therefore contributing to the preservation and sharing of a global cultural legacy with future generations. By offering intricate solutions to problems that are becoming increasingly complex and multifaceted, the organisation is adapting its special mandate to new challenges.¹⁸⁷ As a result of its work, the organisation is, more than ever, promoting awareness of these issues and establishing standards that are slowly being followed.

Over the years, UNESCO has launched pioneering programs to bring people together and strengthen humanity's intellectual and moral solidarity through mutual understanding and dialogue between cultures. From the beginning, it developed innovative projects that reshape how we understand and value heritage, such as the concept of living heritage and World Heritage sites.¹⁸⁸

The World Heritage Programme was established to list, monitor, and safeguard sites under threat that are inscribed on the WHL. The list has 1,248 properties, including 972 cultural, 235 natural, 51 transboundary and 41 mixed properties, located in 170 of the 196 States Parties that have ratified the World Heritage Convention.¹⁸⁹ Below, **Figures 5, 6, and 7** show the number of World Heritage properties inscribed each year by region, the number of World Heritage Properties by region, and the List of World Heritage in danger by region.

¹⁸⁷ Bokova (2017).

¹⁸⁸ UNESCO, 'Our history', *UNESCO in brief*, accessed November 11, 2025, <https://www.unesco.org/en/brief/history?hub=171411>.

¹⁸⁹ UNESCO, 'World Heritage List' (n.d.).

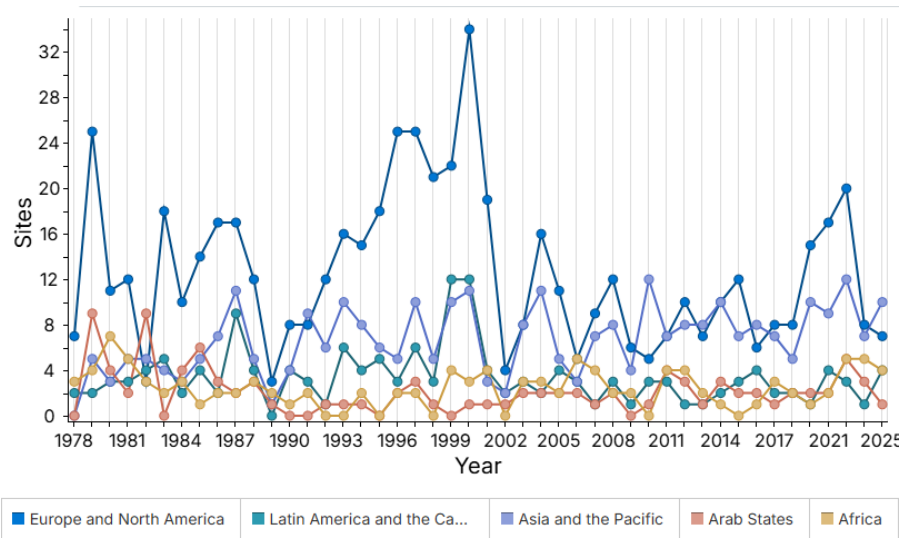


Figure 5. «Number of World Heritage properties inscribed each year by region», 1978-2025.

Source: UNESCO, 'World Heritage List Statistics', *UNESCO World Heritage Convention*, accessed November 11, 2025, <https://whc.unesco.org/en/list/stat#d6>

From **Figure 5**, we see that the regions of Europe and North America consistently lead in the number of annual inscriptions, with a peak in 2000, when over 30 sites were inscribed in a single year, revealing an imbalance in the recognition of World Heritage. Asia and the Pacific demonstrate significant growth, indicating increased investment in these processes and a growing recognition of heritage in these regions. On the other hand, there is an underrepresentation of Africa and the Arab States, as well as Latin America and the Caribbean, although the latter is more visible, which highlights structural challenges, such as limited resources, political issues, and lower capacity for nomination.¹⁹⁰

¹⁹⁰ UNESCO, 'Global Strategy', *UNESCO World Heritage Convention*, accessed November 11, 2025, <https://whc.unesco.org/en/globalstrategy/>.

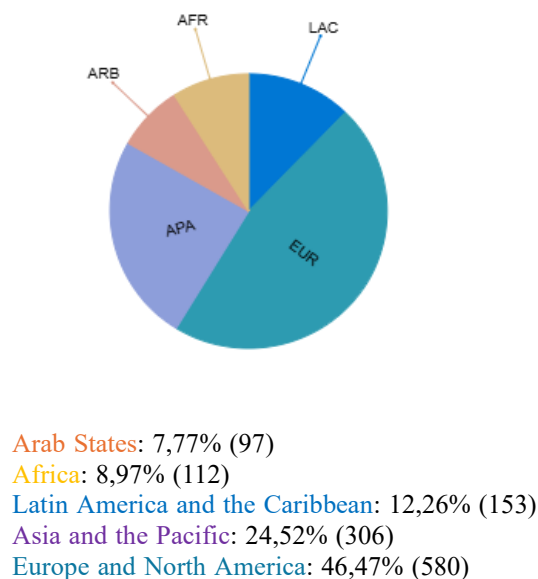


Figure 6. «Percentage and number of World Heritage properties by region», as defined by UNESCO for its activities.
 Source: UNESCO, 'World Heritage List Statistics', *UNESCO World Heritage Convention*, accessed November 11, 2025, <https://whc.unesco.org/en/list/stat#d1>.

Figure 6 corroborates the same pattern observed above, with a clear overrepresentation of Europe and North America, followed by Asia and the Pacific. This highlights the influence of historical, political, and economic factors, such as a greater capacity for preparing nominations and improved engagement with these UNESCO processes. In comparison, the relatively small parts that represent Latin America and the Caribbean, Africa, and the Arab States, emphasise disparities that limit access to heritage recognition.

Regions	Cultural	Natural	Mixed	Total	%
Latin America and the Caribbean	4	2	0	6	11%
Europe and North America	6	1	0	7	13%
Asia and the Pacific	4	2	0	6	11%
Arab States	22	0	0	22	42%
Africa	3	9	0	12	23%

Figure 7. «List of World Heritage in danger by region».
 Source: UNESCO, 'World Heritage List Statistics', *UNESCO World Heritage Convention*, accessed November 11, 2025, <https://whc.unesco.org/en/list/stat#s9>.

While it is clear that there is a predominance of sites in Europe and North America, and, to a lesser degree, Asia and the Pacific, **Figure 7** shows that the sites in danger are primarily located in the Arab States (42%), which underscores the need to continue fighting for the protection of cultural heritage in these regions and highlights its importance. The current status still reflects unequal access to visibility and protection, but this issue is being by UNESCO through its “Global Strategy” initiatives, which aim to increase the representation of heritage worldwide.¹⁹¹

Since caring for culture and its protection is closely linked to education, there has always been a concern with strengthening this connection. Therefore, there are specific examples of programs in this area that UNESCO has developed and implemented, which are worth mentioning. They are part of Sustainable Development Goal 4, whose objective is to «ensure inclusive, equitable and quality education and promote lifelong learning opportunities for all»:¹⁹²

➤ **World Heritage Education Programme (1994):** This project enables young people to express their concerns and participate in the protection of cultural and natural heritage, aiming to motivate and empower future decision-makers to engage in heritage protection and address the ongoing risks to our World Heritage.¹⁹³

➤ **Education for All (1990):**¹⁹⁴ Education is a fundamental universal human right. Subsequently, it is a global commitment to provide quality education for everyone, from childhood to adulthood. It aims to ensure that students achieve satisfactory learning outcomes and acquire values and skills that enable them to contribute positively to their societies, since many countries that are determined to

¹⁹¹ UNESCO, ‘Global Strategy’ (n.d.).

¹⁹² United Nations, ‘The 17 Goals’, *United Nations Department of Economic and Social Affairs - Sustainable Development*, accessed November 11, 2025, <https://sdgs.un.org/goals>.

¹⁹³ UNESCO, ‘World Heritage Education Programme’, *UNESCO World Heritage Convention*, accessed November 12, 2025, <https://whc.unesco.org/en/wheducation/>.

¹⁹⁴ UNESCO, *Education for All Global Monitoring Report 2005: The Quality Imperative* (Paris: UNESCO, 2004), 18-24, <https://doi.org/10.54676/CLEA4672>.

provide education for all children sometimes do not give sufficient attention to the quality of the education. However, the quality of education influences children's scope of personal, social, and developmental gains.

➤ **UNESCO Global Partnership for Girls' and Women's Education (2011):**¹⁹⁵ as a strong advocate for the right to quality education for all, UNESCO launched this partnership to increase learning opportunities, end illiteracy and the abandonment of secondary education, and contribute to the empowerment of girls and women, who, many times and in many countries face access barriers and are discriminated solely based on gender. It aims to eradicate persistent poverty and promote greater social justice. The partners include governments, international organisations, the private sector, civil society organisations and NGOs. There have been favourable outcomes in Kenya, Lesotho, Senegal, Ethiopia and Tanzania. Educating girls results in "improved family health, civic participation, increased productivity and prosperity".¹⁹⁶

In my understanding, these last two programmes are of particular interest since education is one of the most effective ways to prevent violence in adulthood, and this process begins in childhood. Through education, children not only acquire the knowledge and skills necessary to succeed individually in society but also develop the values that ensure them to become responsible citizens. Moreover, ensuring the quality of education helps to break down gender disparities in access to education and its outcomes, which is essential for achieving equitable and sustainable development, closely aligning with UNESCO's vision of inclusive education. Ultimately, educated individuals are more likely to contribute to the well-being of their societies, not to their harm.

¹⁹⁵ UNESCO, *Better Life, Better Future - UNESCO Global Partnership for Girls' and Women's Education* (Paris: UNESCO, 2015), 2-9, <https://unesdoc.unesco.org/ark:/48223/pf0000232189>.

¹⁹⁶ UNESCO, *Better Life, Better Future - UNESCO Global Partnership for Girls' and Women's Education* (n.d.), 9.

➤ **Literacy for Empowering Afghan Police (LEAP) (2011):**¹⁹⁷ By supporting the Ministry of Interior Affairs (Mol) of Afghanistan, UNESCO helped lead the country's most extensive literacy program. Many police officers could not read or write, which made interactions with civilians, police checks and respect for the rule of law significantly more challenging. It was not only an education issue but a security one as well, and contributed to improving their work, solving problems, writing reports and building cohesion amongst their teams.¹⁹⁸ This programme stands out because, unlike many UNESCO educational initiatives that are directed at children or the general population, it focuses on the members of the security forces, who are responsible for protecting their citizens, demonstrating how education can strengthen governance, the rule of law and the relations between communities. Not only is education a human right, but it is also a strategic tool for promoting peace. Improving literacy among police officers promotes better communication, allowing for justice and accountability, which are essential for rebuilding trust, specifically in post-conflict societies.

UNESCO ensures that individuals at risk of social exclusion are safeguarded through assistance to countries, establishing connections with education ministries and other interested parties, as inclusion issues manifest differently in every nation.¹⁹⁹ The organisation is raising awareness about its importance through educational campaigns and publications, aiming to promote a deeper understanding of cultural diversity and heritage preservation, and seeking to foster a sense of responsibility among individuals and communities. UNESCO's cultural heritage programs are aligned with Sustainable Development Goal 11 ("Sustainable Cities and Communities"), particularly target 11.4, which focuses on strengthening efforts to protect and

¹⁹⁷ UNESCO, *The Effects of Police Literacy Training in Afghanistan* (Paris: UNESCO, 2016), <https://unesdoc.unesco.org/ark:/48223/pf0000246451>.

¹⁹⁸ Bokova (2017).

¹⁹⁹ David T. Killion, 'Why UNESCO is a Critical Tool for Twenty-First Century Diplomacy', *The Fletcher Forum of World Affairs* 37, no. 2 (2013): 7–14.

safeguard the world's cultural and natural heritage.²⁰⁰ And also, with Goal 16 (“Peace, Justice and Strong Institutions”), which relates to cultural heritage as a means of fostering peace and conciliation, given that its objective is to «promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels».²⁰¹

Furthermore, UNESCO supports research initiatives and documentation projects to improve the understanding people have of cultural heritage and of its significance, as an advocate in the digital era. This involves initiatives to digitise cultural artefacts, develop databases, and promote collaboration in heritage studies, in particular to preserve heritage through 3D modelling and digitisation efforts. Since digital technologies are tools that have the power to transform societies, many ideas and projects have been shared. Examples include documentation through media production projects that allow us to «understand the evolutionary trends of a certain element of intangible cultural heritage and formulate measures for its safeguarding», 3D printing that has enabled historians to be able to repair and recreate cultural heritage sites and their artefacts, and augmented reality and virtual reality that allow a very realist way to experience cultural heritage sites and artifacts.²⁰² Technology has exceptional capabilities for recovering and preserving humanity's cultural heritage as our digital society advances. It helps to infuse culture into our present reality when it is not easily accessible or was destroyed and partially or fully lost during hostile conflicts. Just as the concept of cultural heritage evolves, its preservation and perception should also evolve.

Through these and other initiatives, UNESCO plays a crucial role in encouraging the protection, preservation, and promotion of cultural heritage worldwide, thereby influencing

²⁰⁰ United Nations General Assembly, *Transforming Our World: The 2030 Agenda for Sustainable Development*, A/RES/70/1 (New York: United Nations, 2015), 24, <https://sdgs.un.org/publications/transforming-our-world-2030-agenda-sustainable-development-17981>.

²⁰¹ UN General Assembly (2015), 28.

²⁰² UNESCO, ‘Cutting Edge | Protecting and preserving cultural diversity in the digital era’, *UNESCO*, October 28, 2020, updated April 20, 2023, <https://www.unesco.org/en/articles/cutting-edge-protecting-and-preserving-cultural-diversity-digital-era>.

policies and contributing to the sustainable development and well-being of societies. The organisation engages in partnerships with other United Nations agencies, governments, NGO, and academic institutions to ensure that everyone, both today and in the future, contributes to protecting our most valuable cultural assets.

The organisation serves as a central mechanism for setting and coordinating global standards for protecting cultural heritage worldwide, primarily by monitoring and observing whether countries comply with these standards.²⁰³ However, its effectiveness can be questioned, since while UNESCO can promote standards and encourage best practices, it relies heavily on the voluntary cooperation of States, making its influence more symbolic than legal or political. UNESCO needs to maintain international action and efforts. It communicates through national commissions, making proposals, offering training programmes, granting technical assistance and capacity-building initiatives to member States and heritage professionals. Each country's government appoints members to these committees, which serve as intermediaries between UNESCO and national governments or organisations, playing an important role in cultural activities.²⁰⁴ This support helps to increase conservation and management practices for cultural heritage sites, promoting sustainable development in the conservation of cultural heritage.

Despite all this cooperation, it may not always go as expected, and achieving its goals can sometimes be made difficult by political tensions, limited financial resources and bureaucratic inefficiencies. This topic will be explored in the following chapters. Nevertheless, some important introductory remarks can be made. To begin with, without a robust budget, UNESCO's actions are severely limited. Because it is the States that ultimately decide UNESCO's policies and provide the funding for the organisation,²⁰⁵ budget cuts have a negative and direct impact on UNESCO's efforts and work. For example, the United States contributed

²⁰³ Papaioannou (2017).

²⁰⁴ Anthony Seeger, 'Understanding UNESCO: A Complex Organization with Many Parts and Many Actors', *Journal of Folklore Research* 52, nos 2–3 (2015): 269–80, <https://doi.org/10.2979/jfolkrese.52.2-3.269>.

²⁰⁵ Seeger, 'Understanding UNESCO'.

the most considerable overall funding in 2011,²⁰⁶ when the country decided to cease funding after Palestine was admitted as a full member of UNESCO.²⁰⁷ This brought negative consequences such as the interruption of newly advertised positions, the cut of short-term programs, and the deterioration of the conservation and administration of World Heritage properties, weakening the organisation's effectiveness.²⁰⁸

Seeger also highlights the complex bureaucracy, challenging accounting, and a frequently slow decision-making process. This is mainly due to the positions of member States, and a limited budget that impose constraints, making it difficult to give full attention to all priorities and programs.²⁰⁹ For instance, educational programs have proven to provide effective results, but education is frequently the first budget line to be cut by governments facing conflict, accounting for just 2% of humanitarian aid.²¹⁰ As the former United Nations Secretary General (1997-2006), Kofi Annan, said in his speech at the "Learning Never Ends" colloquium in New York (1999), «Education is, quite simply, peace-building by another name. It is the most effective form of defence spending there is».²¹¹ Education is an investment that generates benefits far superior to any other, as it helps prevent conflict, encourages understanding, and provides people with opportunities that would otherwise be unachievable. The process of education is a long-term endeavour, and should be a priority as a joint effort, requiring joint action to achieve the goal of true peace.

Faced with today's issues, UNESCO's mandate is more relevant than ever, and with all its member States, it continues to lead the way forward. UNESCO defends that education is the

²⁰⁶ UNESCO, *Collection of Member States's Contributions* (Paris: UNESCO, 2011), 4, <https://unesdoc.unesco.org/ark:/48223/pf0000210825>.

²⁰⁷ Killion (2013).

²⁰⁸ Lynn Meskell, 'UNESCO's World Heritage Convention at 40: Challenging the Economic and Political Order of International Heritage Conservation', *Current Anthropology* 54, no. 4 (2013): 483–94, <https://doi.org/10.1086/671136>.

²⁰⁹ Seeger (2015).

²¹⁰ Bokova (2017).

²¹¹ United Nations, 'Secretary-General, in Address to "Learning Never Ends" Colloquium, Calls Education Investment Which Yields Highest Profit', *United Nations Meetings Coverage and Press Releases*, September 10, 1999, accessed November 11, 2025, <https://press.un.org/en/1999/19990910.sgsm7125.doc.html>.

best path to navigate through this ever-changing world, fostering peace among all communities.²¹² The organisation is establishing common standards for the protection of cultural heritage while developing new tools to combat the destruction of cultural heritage. Its mission, despite some challenges, remains essential.

Going back to the quote at the beginning of this chapter, UNESCO, through the establishment of norms and programmes, has already provided the framework for the protection of cultural heritage. The challenge now lies in transforming these principles into concrete tools for reconciliation. It is therefore appropriate to examine how this protection contributes to peacebuilding and recovery in post-conflict contexts, as explored in the next chapter.

²¹² UNESCO, 'Global citizenship and peace education', *UNESCO*, 2025, accessed November 12, 2025, <https://www.unesco.org/en/global-citizenship-peace-education>.

CHAPTER 3

THE RELEVANCE OF PROTECTING CULTURAL HERITAGE AND ITS ROLE IN POST-CONFLICT PEACEBUILDING

«Peace cannot be kept by force.
It can only be achieved by understanding»

Albert Einstein (1931)²¹³

After discussing the institutional frameworks that support the protection of cultural heritage, it is essential to bridge the gap and demonstrate its importance for post-conflict peacebuilding. This chapter will examine how cultural heritage protection involves not only its preservation but also the healing and recovery of societies after conflict through peacebuilding, referring to UNESCO's efforts and role in this matter. This issue is not merely about buildings, sites, and monuments. It involves people and communities, their rights, relationships and the support of one another in the construction of a reliable and peaceful future.

3.1. Peace and post-conflict peacebuilding

Peace is a small word, but a highly complex process. Historically, peace was perceived as order and tranquillity, as a «deep-rooted commitment to the principles of liberty, justice, equality and solidarity among all human beings».²¹⁴ Gradually, it has come to be recognised as a political responsibility, indicating that people and communities have a role in creating peace²¹⁵. A process that goes beyond agreements among States, it is enshrined in people's minds and shines through amity, solidarity, and mutual understanding between individuals and nations.

According to Federico Mayor, former UNESCO Director-General (1987-1999), achieving lasting and just peace is a collective effort between individuals and States, in the form

²¹³ Albert Einstein, *Cosmic Religion with other Opinions and Aphorisms* (Covici-Friede, 1931), 33.

²¹⁴ UNESCO, *Yamoussoukro Declaration on Peace in the Minds of Men* (Paris: UNESCO, 1989), preamble, <https://fund-culturadepaz.org/wp-content/uploads/2021/02/Yamoussoukro-Declaration.pdf>.

²¹⁵ UNESCO's 1945 Constitution states that «a peace based exclusively upon the political and economic arrangements of governments would not be a peace which could secure the unanimous lasting and sincere support of the peoples of the world, and that the peace must therefore be founded, if it is not to fail, upon the intellectual and moral solidarity of mankind», page 6, confirming the ideas mentioned.

of complying with international legal instruments, and respect for each other's rights and freedoms, allowing everyone to "express themselves" and "achieve self-fulfilment".²¹⁶ For the author, essential preconditions of peace include development, as inequalities in aspects such as living conditions lead to psychological and social intolerance, thereby increasing tension and violence. It also encompasses the protection of the environment, as armed conflicts generate significant damage and pollution, making it challenging to monitor resources and leading to disputes between states or communities. The aim is to ensure that conflicts are exclusively dealt with through negotiation and conciliation, to achieve an "equitable" and "democratic system of international relations".²¹⁷

After years of being purely defined by the absence of war, in its negative perception, peace assumes a positive dimension encompassing also the presence of conditions that foster human dignity, freedom, sustainability, transparent political institutions, political participation, and environmental respect and responsibility. It was John Galtung, in his article 'Violence, Peace, and Peace Research' (1969) who first came up with the terms of "negative peace" and "positive peace".²¹⁸ According to the author, the conditions for peace include the elimination of direct violence (e.g., armed conflicts where cultural property is deliberately destroyed; oppression of a specific group) and structural violence (e.g., the systematic erasure and neglect of cultural identities; the denial of basic human needs, such as education or culture). It is a process of growth and implies political and social transformation, along with continuous efforts in managing conflict. Galtung's ideas support our claim that protecting cultural heritage contributes not only to ending conflict but also to fostering peace through the preservation of identity, memory, and justice.

²¹⁶ Mayor (1992).

²¹⁷ Mayor (1992).

²¹⁸ Johan Galtung, 'Violence, Peace, and Peace Research', *Journal of Peace Research* 6, no. 3 (1969): 167–91.

Conflicts quickly escalate, but peace must be constructed and developed through institutions and the rule of law, a process that takes a considerable amount of time to achieve. «A commitment to peace implies a way of resolving conflicts (...) by respecting internationally accepted norms, the rule of law and negotiation, with the aim of achieving a fullness of life for each and every one».²¹⁹ Peace must be accomplished through explicit rules, particularly in a community that has experienced conflict. It is essential to rebuild peace and link this reconstruction to the establishment of institutions that will later contribute to sustainable development, in line with SDG 16, which concerns peace, justice, and strong institutions. High levels of violence and insecurity are factors that hinder a country's development, and crime is present in countries with no rule of law in place. Strong institutions eliminate the fear that resides within every person living in a context of internal conflict. It helps eradicate violence since it gives people something to anchor themselves to. Therefore, strengthening the rule of law and promoting human rights is fundamental to achieving the goal of lasting peace.

It is not sufficient to strive for peace. It is essential to continue building it to avoid reaching a point of no return. Boutros Boutros-Ghali, the former UN Secretary-General (1992-1996), first proposed, in his report 'An Agenda for Peace' (1992), the definition of post-conflict peacebuilding as an «action to identify and support structures which will tend to strengthen and solidify peace to avoid relapse into conflict».²²⁰ Boutros-Ghali addressed post-conflict peacebuilding from a new perspective on what peace entails. War does not end with a ceasefire.

²¹⁹ UNESCO, *Peacebuilding* (Paris: UNESCO, 2007), 1, <https://unesdoc.unesco.org/ark:/48223/pf0000156007>.

²²⁰ United Nations, *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-keeping*, A/47/277-S/24111 (June 17, 1992). Today, there is a 'New Agenda for Peace', proposed by Secretary-General António Guterres in 2023. This New Agenda calls for the development of national prevention strategies and the strengthening of national infrastructures for peace, so that peacebuilding is rooted in national ownership, and voluntary and inclusive processes. Prevention must be universal, since no country is immune from violence and conflict. Guterres links peacebuilding to a «comprehensive approach to prevention and sustaining peace», urging coherence across root causes, transnational and transboundary threats, and structural prevention. He highlights effective partnerships, sustainable resources, and collective action, including a stronger role for the Peacebuilding Commission as a space to address issues regarding peace and development, in order to support peacebuilding as a long-term strategic endeavour. This shift reflects a more anticipatory, integrated, and globally coordinated approach to sustaining peace; see United Nations Executive Office of the Secretary-General, *Our Common Agenda Policy Brief 9: A New Agenda for Peace*, EOSG/2023/9 (New York: United Nations, 2023), <https://www.un.org/sites/un2.un.org/files/our-common-agenda-policy-brief-new-agenda-for-peace-en.pdf>.

Most conflicts resume due to underlying issues, particularly social problems, that remain unaddressed. Additionally, nowadays peacebuilding is generally understood as «external interventions that are intended to reduce the risk that a state will erupt into or return to war».²²¹ Peacebuilding does not end when a situation reaches a point that can be considered peaceful and without immediate threats, because there is always the possibility of escalation if no further action is taken. Specific procedures are intended to ensure that the situation remains consistently undisturbed.

Every peace process is unique, considering the inherent divergences of each location, especially in terms of the level of group violence and its impact. However, the peacebuilding process is always complex and involves multiple functions and roles. On that note, post-conflict peacebuilding is closely tied to the social, political, and economic recovery of a specific country. It may include concrete “cooperative projects” that are beneficial and can «not only contribute to economic and social development but also enhance the confidence that is so fundamental to peace».²²² The focus should always be on the economic conditions, the strengthening of infrastructures and, particularly, the healing of the people. Reducing aggressive perceptions through “educational exchanges” and “curriculum reform” may be crucial to preventing the resurgence of cultural and national conflicts that could ignite constant hostilities.²²³

As Ho-Won Jeong states, in the book chapter ‘Issues and Approaches’ (2005), it «often entails a wide range of sequential activities, proceeding from cease-fire and refugee resettlement to the establishment of a new government and economic reconstruction».²²⁴ For the author, besides the physical reconstruction, the nuances of peacebuilding are influenced by human interactions and the social context. Overcoming the mental and structural barriers

²²¹ Michael Barnett et al. (2007).

²²² United Nations (1992), 32.

²²³ United Nations (1992), 32.

²²⁴ Ho-Won Jeong, ‘Issues and Approaches’, in *Peacebuilding in Postconflict Societies*, 1st edn (Lynne Rienner Pub, 2005), 1.

stemming from prolonged conflict requires time. For a lasting and sustainable peace process, there is always a need for social reconstruction, rehabilitation and reconciliation to alter the social organisation linked to power disparities.²²⁵

Peacebuilding is crucial, and it goes well beyond merely ending a war. There needs to be some sort of structural change to prevent threats to people and to facilitate their coexistence. Peacebuilding is more than achieving stability, as it aims to eradicate the origins of conflict, remove the motives behind violence, resolve differences, and enable states and societies to look forward to peaceful transformation.²²⁶ It allows for something to look forward to on the path to prolonged stability.

Richard Gowan argues, in the book chapter ‘Peace Operations and the Protection of Cultural Heritage’ (2022), that at the United Nations, peacebuilding is closely tied to the organisation’s peacekeeping operations.²²⁷ The author highlights the neglect of cultural heritage protection in peace operations, which is often overlooked as a priority. He states that heritage protection relates to three significant aspects of peace operations and should be more emphasised. First, the safeguarding of heritage sites is linked to the protection of civilians at risk in areas affected by conflict. Second, the prolonged task of convincing leaders of fragmented communities to agree on preserving their heritage can be a crucial component in formulating political solutions in the aftermath of war.²²⁸ Finally, initiatives to restore heritage sites can unite divided societies.

²²⁵ United Nations, *Conflict Transformation by Peaceful Means (the Transcend method): A Manual* (Geneva: UN Crisis Environments Training Initiative and the Disaster Management Training Programme, June 1998), ST/GENEVA/PERS/TES/98/17, <https://digitallibrary.un.org/record/255733?v=pdf>.

²²⁶ Barnett et al. (2007).

²²⁷ Richard Gowan, ‘Peace Operations and the Protection of Cultural Heritage’, in *Cultural Heritage and Mass Atrocities*, 1st edn, ed. James Cuno and Thomas G. Weiss (Getty Publications, 2022), <https://www.jstor.org/stable/jj.6142257.41>.

²²⁸ In this thesis, “communities” refers to the local populations and community members connected to heritage (i.e. professionals and representatives), directly affected by the conflict and the destruction of cultural heritage and who identify with and value the heritage in question. It does not include the groups or actors responsible for such destruction.

Let us look at one strong example: The **United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA)** was established in 2013 by the Security Council, whose mandate included assisting the authorities of Mali, «as necessary and feasible, in protecting from attack the cultural and historical sites in Mali, in collaboration with UNESCO».²²⁹ It provided logistical and security support for UNESCO experts and local people actively involved in the reconstruction of cultural sites that were destroyed during the occupation of Timbuktu by jihadist groups. Despite the broad mandate, MINUSMA was one of the most dangerous UN missions, with over 300 fatalities,²³⁰ had limited resources and lacked the enforcement capacity to neutralise terrorist threats, which resulted in the protection of cultural heritage being cut from the mandate in 2018, as it was no longer deemed a priority. They officially withdrew on December 31st, 2023.²³¹

There are still limitations to achieving peacebuilding when the state's capacity and political will are weak. Peacekeeping is not just about military control. It should also include preserving the cultural roots that make up the communities. «A peacekeeping operation is not an army, or a counter-terrorist force, or a human agency. It is a tool to create the space for a nationally-owned political solution».²³² The failure of MINUSMA demonstrated that heritage protection should not be put in second place or reconsidered. Instead, it should be an integral part of missions and mandates. When peace operations prioritise culture, they help protect not only the physical sites, but the memory, identity, and cohesion that communities undoubtedly need to rebuild after experiencing a violent conflict.

²²⁹ United Nations Security Council, *On establishment of the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA)*, S/RES/2100 (New York: United Nations, 2013), 8, <https://digitallibrary.un.org/record/748429?v=pdf>.

²³⁰ United Nations, 'Last UN Peacekeepers Poised for Complete Withdrawal from Mali', *United Nations News: Global Perspective Human Stories*, December 31, 2023, accessed November 15, 2025, <https://news.un.org/en/story/2023/12/1145207>.

²³¹ United Nations (2023).

²³² United Nations, 'Unrealistic Demands on UN Peacekeeping Costing Lives and Credibility - Guterres', *United Nations Peacekeeping*, March 28, 2018, <https://peacekeeping.un.org/en/un-news/unrealistic-demands-un-peacekeeping-costing-lives-and-credibility-guterres>.

The objective of peacebuilding must be articulated from a collective vision founded on mutual understanding and a collaborative approach to finding solutions.²³³ Jeong's view is that communities that have experienced repeated violence often lack a stable sense of social security because such violence disrupts the frame of everyday life. The promotion of social justice and equity is essential to rebuilding the well-being and relations between individuals and groups. Addressing these local challenges is more effective when it is grounded in the community's own cultural institutions and traditional customs. «Social peace is as important as strategic or political peace»,²³⁴ meaning that it is very difficult to obtain political peace if the society does not support or is unsatisfied with the current political situation. People are what moves progress at all levels.

Another important issue to understand the peacebuilding process is education. As Irina Bokova states in the article mentioned above, in «conflicts and disasters, the continuity of the educational system and respect for heritage should be a top priority. This will accelerate recovery and sustain cohesion and resilience».²³⁵ Education may serve not only as a form of reconciliation but also as a means to prepare for the future, allowing individuals to identify certain behaviours and oppose them when they are recognised as harmful. Current trends illustrate how limited access to education and culture can distort perceptions and increase people's susceptibility to extremist ideals. Education enables people to think critically, to question and doubt certain statements to determine their validity and cultivates the creation of one's own opinions instead of merely following what others say. Being able to respond to different perspectives can transform how communities are defined and contribute to creating meaningful change.

²³³ Jeong (2005).

²³⁴ United Nations (1992), 14.

²³⁵ Bokova (2017), 59.

The «soft power of education, culture, the sciences, communication, and information» is an invaluable tool in times of conflict and is what determines the ability to resist, predict and adjust to a shifting or hazardous environment when institutions and infrastructures are in a weak or threatened state.²³⁶ For Bokova, education serves as an expression of hope in times of despair, functioning as a catalyst for peace, the most effective long-term method to disrupt violent phases. Additionally, it can provide people with the means and confidence they need to create a new or better future for themselves and the communities in which they are involved, as it equips them with tools for social integration and inclusion. Providing education, one of UNESCO's principal actions, is a goal for sustainable development and an essential part of humanitarian assistance. This can be achieved by empowering governments to institutionalise initiatives aimed at learning and creating programs specifically designed to their reality, ensuring a significant impact in ways that promote long-term sustainability.

Just as education is fundamental in these situations to restore a sense of unity, the same applies to peacebuilding. Cultural heritage complements this process by serving as a peacebuilding tool, one that extends beyond legal protection to focus on social and psychological recovery. As Bokova emphasises, the goal is to «win the battle of ideas, on the battlefield of values, human rights, education and culture».²³⁷ Only by shifting mindsets and adapting principles to the lived realities of affected communities can reconciliation be achieved. The author adds that the use of “hard power”, which involves coercion and military force to impose one's will, is counterproductive if the long-term goal is peacebuilding, as retaliation usually exacerbates the situation and creates even more divisions, making it impossible to reach a compromise. Instead, “soft power”, which influences through appeal and persuasion, is vital. It not only facilitates the recovery process in post-conflict settings, but also helps to prevent the resurgence of violence. By shaping political agendas taking into consideration the legitimacy

²³⁶ Bokova (2017).

²³⁷ Bokova (2017), 61.

of cultural values, in a way that shapes the references of others, it becomes possible to “win the hearts and minds” of the people. Ultimately, civil societies thrive when creativity and freedom of expression are protected and encouraged.

3.2. Cultural heritage as a symbol of identity and its protection as a tool for reconciliation

Cultural heritage is often targeted during conflicts because it represents the identity of a group. As such, its destruction represents not only material loss but also a symbolic attack on a community’s character. This is why post-conflict restoration plays a crucial role, as it helps to reestablish that sense of identity, reinforcing shared values and a sense of belonging. In divided societies, shared heritage can bridge the divide in communities of diverse ethnic backgrounds; such diversity is to be celebrated rather than contested. Divisions often stem from irreconcilable differences, but also from ignorance and a lack of understanding.

Sustainable reconciliation requires the involvement not only of international actors but also of national and local actors.²³⁸ Cultural elements allow for the development of empathy, appreciation and a sense of connection. While reconciliation can be seen as challenging since it often requires compromise, it is essential because it gives people a sense of purpose. Heritage also plays a crucial role in preserving collective memory and the processes of historical truth, as it helps societies remember their past and the atrocities committed, while simultaneously preventing the distortion of history.

The role of UNESCO is particularly relevant in promoting reconciliation and social cohesion by protecting cultural heritage and highlighting its significance. Restoration projects can foster dialogue, cooperation, and mutual understanding. Via its Constitution, UNESCO’s purpose aims at advancing, «through the educational and scientific and cultural relations of the

²³⁸ Lorika Hisari et al., ‘The Role of Heritage in Post-War Reconciliation: Going Beyond World Heritage Sites’, in *50 Years World Heritage Convention: Shared Responsibility - Conflict and Reconciliation*, ed. Marie-Theres Albert et al. (Springer, 2022).

peoples of the world, the objectives for international peace (...)).²³⁹ UNESCO has been assisting countries devastated by conflict through a series of measures that ensure their recovery, including providing advice on policies and capacity-building efforts to restore national planning and management, thereby enabling them to address and overcome challenges. It helps build dialogue, confidence, and reconciliation, assisting local communities to participate in the peacebuilding process, and making sure that education is provided (e.g., through building capacity of managers in conflict-affected areas; advocating for the need of education in reconstruction processes; technical assistance to guarantee that the values and behaviours of a culture of peace are being accomplished).²⁴⁰

A relevant example is the rehabilitation of Timbuktu's mausoleums, destroyed in 2012 by Islamist armed groups (mainly Ansar Dine, linked to al-Qaeda). The militants deliberately destroyed 14 of the city's 16 mausoleums, which held thousands of ancient manuscripts. These acts were ideologically motivated, aiming to erase cultural and religious traditions seen as idolatrous.²⁴¹ In 2013, UNESCO launched a rehabilitation campaign in collaboration with the government of Mali, local communities, and international donors, including the European Union. All 14 mausoleums inscribed in the WHL, as well as the Djingareyber and Sidi Yaha mosques, which had also been deliberately destroyed, were rebuilt. The reconstruction was based on traditional knowledge systems, using local materials and masons trained in the original techniques.²⁴² The organisation also advocated for local communities to «take part in ancient manuscript conservation projects and ensure their lasting preservation for humanity» to ensure that restoration was both technically authentic and spiritually respectful.²⁴³ A significant aspect was the desire to incorporate the reconstruction of the mausoleum into a larger plan to revitalise

²³⁹ UNESCO (1945), preamble.

²⁴⁰ UNESCO (2007).

²⁴¹ UNESCO, 'Reconstruction of the Destroyed Mausoleums of Timbuktu (Mali)', *UNESCO World Heritage Convention*, accessed November 15, 2025, <https://whc.unesco.org/en/canopy/timbuktu/>.

²⁴² UNESCO, 'Reconstruction of the Destroyed Mausoleums of Timbuktu (Mali)' (n.d.).

²⁴³ UNESCO, 'Cultural Heritage: 7 Successes of UNESCO's Preservation Work', *UNESCO: Culture*, accessed November 15, 2025, <https://www.unesco.org/en/cultural-heritage-7-successes-unescos-preservation-work>.

the building of traditions and guarantee their continuity through job training and conservation initiatives.

This event was alarming and marked a turning point that emphasised the value of cultural heritage and its legacy in contemporary conflicts fuelled by vicious extremism and fundamentalist ideology.²⁴⁴ It led to the prosecution of the destruction as a war crime by the ICC, «recognising cultural heritage protection as an integral part of peacekeeping efforts».²⁴⁵ It highlighted the fact that the restoration of cultural heritage plays a central role in post-conflict peacebuilding, serving as a tool for reconciliation and demonstrating that cultural destruction is now recognised as a matter of justice, not just preservation.

Another example is the initiative **Cultural Heritage: A Bridge Towards a Shared Future**, launched in 2005. It was coordinated by UNESCO, aimed at restoring the historic centre of Mostar, Bosnia and Herzegovina, particularly the reconstruction of the Old Bridge (Stari Most), which was destroyed during the Bosnian War. The project was launched to support the safeguarding and promotion of cultural heritage in Southeastern Europe, serving as a basis for dialogue and sustainable development. Financed by the Italian government and implemented by the UNESCO Venice Office, the project facilitated the implementation of numerous activities in close cooperation with the ministries of culture of southeastern European countries, guided by UNESCO's principles.²⁴⁶ The old bridge, originally built in the 16th century during the Ottoman Empire, was destroyed in 1993, symbolising the fragmentation and violence of the conflict. By strengthening regional collaboration on cultural projects, there is a possibility to achieve political stability, as well as social and economic growth.

The bridge's restoration was not just physical. It became a «symbol of reconciliation, international cooperation and of the coexistence of diverse cultural, ethnic and religious

²⁴⁴ UNESCO, 'Cultural Heritage: 7 Successes of UNESCO's Preservation Work' (n.d.).

²⁴⁵ UNESCO, 'Reconstruction of the Destroyed Mausoleums of Timbuktu (Mali)' (n.d.).

²⁴⁶ UNESCO Venice Office, 'Cultural Heritage: A Bridge Towards a Shared Future', *YouTube*, video, 13:42, March 3, 2011, <https://www.youtube.com/watch?v=CDpTN4RJ3-I>.

communities»,²⁴⁷ helping rebuild trust and shared identity in a deeply divided society. Residents of Mostar, regardless of ethnic background, came to see the bridge as a symbol of resilience and hope, reinforcing social cohesion. Heritage was beginning to be recognised as a shared value: a «bridge between cultures and communities».²⁴⁸

The project also promoted the launch of numerous initiatives at the national level in countries of southeastern Europe, including cultural programs, festivals, and educational initiatives that have supported societal engagement.²⁴⁹ The project significantly contributed to reinforcing the regional cooperation process for safeguarding and promoting cultural heritage in the region, thereby translating the spirit of Mostar into concrete achievements. The project demonstrated how cultural heritage can be a powerful lever for fostering sustainable development and promoting mutual respect, understanding, and dialogue.²⁵⁰ The bridge and the surrounding historic area were designated a UNESCO World Heritage Site after the successful restoration in 2005.

Moreover, UNESCO launched the **Global Coalition-Unite for Heritage** in 2015 to «strengthen the mobilization of governments and all heritage stakeholders in the face of deliberate damage to cultural heritage, particularly in the Middle East».²⁵¹ It seeks to engage participants outside of the cultural and heritage communities and raise awareness of the power that culture has as a unifying force among the general public and young people. It also builds on the social media campaign to engage youth and civil society, as well as UNESCO's efforts to coordinate technical work across several specialised agencies and organisations.

²⁴⁷ UNESCO, 'Old Bridge Area of the Old City of Mostar', *UNESCO World Heritage Convention*, accessed November 15, 2025, <https://whc.unesco.org/en/list/946/>.

²⁴⁸ UNESCO (2007), 2.

²⁴⁹ UNESCO Venice Office (2011).

²⁵⁰ UNESCO Venice Office (2011).

²⁵¹ UNESCO, 'Launch of Global Unite for Heritage Coalition in Bonn', *UNESCO: News*, June 29, 2015, accessed November 15, 2025, <https://whc.unesco.org/en/news/1303>.

UNESCO has also been building partnerships with international agencies and civil society, as achieving lasting peace requires a concrete contribution from the entire international community.²⁵² In Resolution 61/45 of the General Assembly, UNESCO was commended for promoting a culture of peace as an expression of its fundamental mandate, and was encouraged to reinforce its activities and objectives in this regard.²⁵³ For example, a Memorandum of Understanding (MoU) was signed with the ICRC in 2016, marking the first agreement of this kind between the two organisations, inspiring the ICRC to take on a more involved operational role in the rescue of cultural property under impending threats.²⁵⁴

Cultural heritage protection matters to the people and the international community for its value and its contribution to creating a sense of inclusion, which is essential for sustainable peace. However, for Peter G. Stone, as mentioned in the book chapter ‘Protecting Cultural Property in Armed Conflict: The Necessity for Dialogue and Action Integrating the Heritage, Military, and Humanitarian Sectors’ (2022), it should also matter to the military and humanitarians, who sometimes fail to see the connection between protecting people and protecting their cultural property and heritage.²⁵⁵ The author proposes six reasons to support his argument, described below, which are relevant here and also confirm the work of the Blue Shield.

First, the significance of people, in the sense that cultural heritage protection is, after all, about people and the population among whom any deployment takes place, and who are the focal point of humanitarian intervention. Protecting people ultimately implies safeguarding their cultural heritage, as the two are interlocked.

²⁵² UNESCO (2007).

²⁵³ United Nations General Assembly, *International Decade for a Culture of Peace and Non-Violence for the Children of the World, 2001-2010*, A/RES/61/45 (New York: United Nations, 2006), <https://digitallibrary.un.org/record/585859?v=pdf&ln=ar>.

²⁵⁴ Von Schorlemer (2018).

²⁵⁵ Peter G. Stone, ‘Protecting Cultural Property in Armed Conflict: The Necessity for Dialogue and Action Integrating the Heritage, Military, and Humanitarian Sectors’, in *Cultural Heritage and Mass Atrocities*, 1st edn, ed. James Cuno and Thomas G. Weiss (Getty Publications, 2022), <https://www.jstor.org/stable/jj.6142257.42>.

Second, military or humanitarian interveners must be aware of their legal responsibilities regarding the protection of cultural property under International Humanitarian Law (IHL), as these legal duties are a humanitarian priority.

Third, the military also needs to be mindful of manipulation tactics aimed at cultural property, which, unfortunately, are a central part of conflicts. They should be able to anticipate and understand them, and act accordingly. When significant sites are allowed to be demolished, issues usually emerge.²⁵⁶

Cultural property is frequently used before and during conflicts as an integral part of, usually national or substate, political strategy or tactics. Numerous conflicts (...) have moved targeting of cultural property firmly into those activities that potentially impinge on any military or humanitarian mission, and which constitute a war crime and arguably a crime against humanity.²⁵⁷

An example that highlights this situation is the bombing of the al-Askari Shrine in Samara, Iraq, in 2006, which severely damaged the golden dome of the shrine, one of the holiest Shia sites in the country, deeply sacred to Shia Muslims. The shrine was left unprotected despite its known religious and political sensitivity because, up until that point, the conflict in Iraq was considered mainly an insurgency against foreign occupation and not a civil issue. That lack of anticipation by coalition forces (particularly the US) showed poor planning and understanding of Iraq's internal aspects and made them remain in the country for much longer than expected.

Benjamin Isakhan argues, in the article 'The Islamic State Attacks on Shia Holy Sites and the Shrine Protection Narrative: Threats to Sacred Space as a Mobilization Frame' (2018), that this attack was not accidental or mere collateral damage in combat, but a predictable act of symbolic violence with the intent to exacerbate sectarian²⁵⁸ tensions and thus could and should

²⁵⁶ Benjamin Isakhan, 'The Islamic State Attacks on Shia Holy Sites and the Shrine Protection Narrative: Threats to Sacred Space as a Mobilization Frame', *Terrorism and Political Violence* 32, no. 4 (2018): 1-25.

²⁵⁷ Stone (2022).

²⁵⁸ The word "sectarian" means "caused by or feeling very strong support for the religious or political group that you are a member of, in a way that can cause problems with other groups" (Cambridge dictionary), i.e. a sectarian attack is an act of violence or aggression that targets people, places, or symbols associated with a specific religious, political or ethnic sect, generally within the same religion or culture.

have been prevented. A comparison is made to Jerusalem when, in 1917, British forces during World War I made deliberate efforts to protect sacred religious sites when they entered the city, contrasting with the failure to secure the al-Askari Shrine. These examples demonstrate that the destruction of cultural or religious heritage can escalate violence, and the failure to protect it is not only a cultural loss but a miscalculation in military planning and peacekeeping.

Fourth, it should be stressed that looting undeniably contributes to funding non-state armed actors, as emphasised by UN Security Council Resolution 2347, previously mentioned. It is simply a poor military strategy to enable this kind of trade, which is highly reliant on theft and looting. It also permits those who profit to continue inciting humanitarian crises.

Fifth, the destruction of cultural property can weaken a country's economic recovery, potentially leading to increased instability, longer military and humanitarian deployments, and most likely, intensified hostility between the military and the population, which could result in avoidable fatalities. Cultural property often plays a key role in tourism, contributing to national development through the creation of local jobs, attracting tourists, and generating investment in historic sites. Therefore, a military that won a war usually has the responsibility to ensure post-conflict economic stability.

Finally, and as stated above, cultural heritage protection can be used as a form of soft power. A positive example is **NATO's Operation Unified Protector in Libya** in 2011, where, with the cooperation of local cultural property experts, NATO was able to create a "no-strike list" of relevant heritage that was not to be targeted, such as the Roman fort at Ra's al-Marqab where armed regime forces stationed a radar unit, hoping the site would be spared due to its cultural significance. NATO forces used precision bombing based on the no-strike list, destroying the equipment without damaging the fort. This proactive protection received positive feedback from the media, enhancing its image as a responsible international actor. UNESCO is also strongly advocating for a comprehensive approach through the use of soft power across its

mandate, aiming to combat the root causes of heritage destruction and extremism, primarily through educational resources such as training and capacity building, to prevent the recruitment and radicalisation of violence among young people.²⁵⁹

In conclusion, the military and humanitarian sectors must take cultural property protection seriously as a core component of responsible intervention and post-conflict recovery, an approach they are beginning to adopt. Gowan notes that a strong security presence at symbolically significant locations may deter potential offenders from pursuing acts of violence, as their motives may not yield the desired consequences.²⁶⁰ At the same time, the heritage sector must be prepared to encourage this kind of accountability and actively engage with these institutions by providing technical support and expertise, as well as advocating for cooperation and political dialogue. Without this involvement, efforts by military or humanitarian actors may remain symbolic and ineffective.

3.3. Economic and social benefits of heritage restoration

The heritage restoration of sites and monuments enables the prosperity of a country's tourism and economy, as it provides employment opportunities and attracts visitors, thereby contributing to financial stability. The cultural activities, which usually include intangible cultural heritage such as art, music, and traditions, can also revitalise local economies, allowing people to get involved.

A strong example of this is the restoration of the temple of the Tooth Relic in Kandy, Sri Lanka, «the most powerful national, religious and cultural symbol of the identity of Singhalese Buddhists, who form the majority (69%) of the population of Sri Lanka».²⁶¹ After being heavily

²⁵⁹ Von Schorlemer (2018); Also demonstrated in: UNESCO, *UNESCO's Role in Promoting Education as a Tool to Prevent Violent Extremism* (Paris: UNESCO, 2015), para. 2, <https://unesdoc.unesco.org/ark:/48223/pf0000234879>.

²⁶⁰ Gowan (2022).

²⁶¹ Gamini Wijesuriya, 'The restoration of the Temple of the Tooth Relic in Sri Lanka: a Post-Conflict Cultural Response to a Loss of Identity', in *Cultural Heritage in Postwar Recovery: Papers from the ICCROM FORUM Held on October 4-6, 2005*, ed. Nicholas Stanley-Price (ICCROM, 2007), 88.

damaged in a suicide bombing in 1998 by the Tamil Tigers (LTTE, an organisation that wanted the creation of a separate state in the country), efforts for its restoration were immediate and were complete in just under two years. The target was not just a religious site but a symbol of national identity, unity, and cultural continuity. Sri Lankans were the first ones to come forward and demand their inclusion in the restoration, requiring the employment of only local craftsman to create new stone carvings and use traditional skills. A fast recovery was also eagerly anticipated, since being able to use the temple was the highest priority for the community.

Being one of Sri Lanka's most important tourist attractions, its restoration helped religious tourism, supporting the local economy in Kandy. Its restoration also gathered considerable financial contributions, as the event received extensive media coverage worldwide. Gamini Wijesuriya, in the paper 'The restoration of the Temple of the Tooth Relic in Sri Lanka: a Post-Conflict Cultural Response to a Loss of Identity' (2007), notes that this is relevant because, although the temple was a target of direct violence, its reconstruction served as a mechanism for cultural resilience and recovery, particularly for religious individuals, reaffirming Sri Lanka's Buddhist cultural identity.²⁶² It supported the concept of positive peace, addressing not only the end of violence but the reconstruction of identity, unity and national pride, demonstrating how cultural heritage protection is connected to social memory and stability.

Another case is the restoration of the National Museum of Afghanistan in Kabul. According to the **United Nations Assistance Mission in Afghanistan (UNAMA)**, Afghanistan's cultural heritage suffered enormous damage during the civil war, particularly under the Taliban regime (1996-2001), when around 70% of historical artefacts were destroyed, looted or lost, and cultural institutions were shut down.²⁶³ In 2002, international collaborations

²⁶² Wijesuriya (2005).

²⁶³ Mohammad Fahim Rahimi, 'Reorganizing storage in the National Museum of Afghanistan', in *Protecting Cultural Heritage in Times of Conflict: Contributions from the participants of the International Course on First Aid to Cultural Heritage in Times of Conflict*, ed. Simon Lambert and Cynthia Rockwell (ICCROM, 2012).

involving UNESCO and the government of Afghanistan began efforts to reconstruct the museum and conserve the inventory of artefacts and collections. «Since 2007, nearly 9,000 pieces have been recovered around the world and returned to Afghanistan».²⁶⁴ The restoration work involved training Afghan professionals in conservation and museum management, contributing to the potential for employment and the development of long-term expertise in the country.²⁶⁵ Additionally, reopening the museum enabled public education programs, exhibitions, and community engagement, thereby fostering intercultural dialogue and promoting the recovery of memory.²⁶⁶ A cultural approach has benefits for the peace in the long term and nation-building processes in the country, since it «addresses recovery from conflict by enhancing peace and social cohesion through building a shared sense of national identity, (...) to encourage a return to normalcy and by bringing former adversaries together».²⁶⁷ By restoring artefacts and institutions, the Afghan people reclaimed a narrative of the survival of their culture, resisting its erasure by war and extremism. Additionally, it helped renew national pride, which has global visibility and helps gather funds from the international community.

Both cases demonstrate how the restoration of heritage promotes peacebuilding, either by bringing back the foundations of societies after periods of conflict or by reinforcing resilience during periods of transition. Heritage functioned not only as a reminder of history but also as a tool for healing, identity, and sustainable peace and development. Cultural heritage deserves to be protected for the benefit of all humanity, for everyone to observe and appreciate. Culture is essential to all societies, especially in conflict-affected countries, where it becomes a key element of their existence and cohesion.

²⁶⁴ United Nations Assistance Mission in Afghanistan (UNAMA), 'Renovations to UNESCO-Supported National Museum of Afghanistan A Step Closer to Completion', *UNAMA*, May 20, 2013, accessed November 15, 2025, <https://unama.unmissions.org/renovations-unesco-supported-national-museum-afghanistan-step-closer-completion>.

²⁶⁵ Brendan Cassar, 'The Challenges Ahead for Afghanistan's Cultural Heritage', *UNAMA*, March 3, 2010, accessed November 15, 2025, <https://unama.unmissions.org/challenges-ahead-afghanistan%E2%80%99s-cultural-heritage>.

²⁶⁶ UNAMA (2013).

²⁶⁷ Cassar (2010).

Some sites and monuments do not recover fully, in the sense that they do not return to their original form, and there may be some contemporary changes and adaptations, taking into account the level of destruction or the tools available for their restoration. Still, people are willing to accept those modifications and even the addition of new materials, which, according to Wijesuriya (2007), brings new dimensions to the understanding of heritage. Heritage is not a “static entity belonging to the past” but a «dynamic concept which accommodates both evolutionary phases of the past and relevance to modern life».²⁶⁸ Adaptation in capacity building and community involvement are the most significant assets.

An international response is indeed extremely useful. However, it is also necessary that the local community is involved in the decision-making process, as they are the ones most affected by the destruction of their cultural heritage and can thus contribute to its continuity. Also, usually, «national responders are often in the strongest position to deliver rapid, culturally appropriate, and sustainable humanitarian assistance to their own communities».²⁶⁹ Therefore, to achieve the most successful results in terms of post-conflict recovery and eventual peacebuilding through culture, the concern should not only be with the physical materials or the tangible aspects for their intrinsic value, but also with the value that local communities attribute to them.

3.4. The Responsibility to Protect

A core challenge in extending the Responsibility to Protect (R2P) to the protection of cultural heritage lies in the tension between the principle of State sovereignty and the protection of fundamental human rights. Historically, sovereignty has been associated with a State’s exclusive authority over its domestic affairs and the corresponding rule of non-interference

²⁶⁸ Wijesuriya (2007), 96.

²⁶⁹ Charlier and Mustafayev (2022).

from external actors.²⁷⁰ Nicholas Wheeler, in his book 'Saving Strangers' (2000), emphasizes the idea that sovereignty functioned not only as a rule but also as a powerful barrier that restricted, for a long time, humanitarian action.²⁷¹ Non-interference was essential to preventing abuses by powerful States and protecting the equality of all States.

Conflicts surrounding this concept became especially noticeable when the international community began to consider if there should be action in situations where a State is unwilling or unable to safeguard its population from grave human rights violations.²⁷² With the adoption of the Universal Declaration of Human Rights in 1948, there was a major shift. It established the idea that individuals possess inherent rights that go beyond borders, and that severe violations of those rights could no longer be put aside as purely domestic matters.²⁷³ Human rights introduced a new approach in international law, altering the notion that the protection of individuals belongs exclusively to the State and providing the foundation for debates on whether and how the protection of cultural heritage can be situated within R2P.

Wheeler (2000) argues that this development created new expectations, meaning that sovereignty could no longer be interpreted solely as control but also as responsibility. A country is sovereign only if it is responsible, if it can guarantee the wellbeing and security of all people.²⁷⁴ Yet, even after the UDHR, the principle of non-interference remained deeply rooted, and States had doubts on whether they should adopt a predominantly pluralist position, where their autonomy and non-interference were prioritised, or a more solidarist one, where extreme violations of human rights increasingly justified external action. The atrocities in Rwanda, Bosnia, and Kosovo revealed that international society could not rely on a rigid pluralist model

²⁷⁰ International Commission on the Intervention and State Sovereignty (ICISS), *The Responsibility to Protect* (Ottawa: ICISS, 2001), 12, <https://idl-bnc-idrc.dspacedirect.org/server/api/core/bitstreams/7321d402-4733-4e62-98f2-8fbed4db04c1/content>.

²⁷¹ Nicholas Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford University Press, 2000), 1-52.

²⁷² ICISS (2001), 14.

²⁷³ United Nations General Assembly (1948), Article I.

²⁷⁴ Wheeler (2000); ICISS (2001), 13.

when States perpetrated or permitted mass atrocities. As a result of these crises, the international community started to feel, morally and politically, the obligation to “save strangers” when States failed to protect their own populations.

This evolution laid the work for the Responsibility to Protect (R2P). The 2001 report of the International Commission on Intervention and State Sovereignty (ICISS) formally articulated the principle of “sovereignty as responsibility”, redefining the State’s power as dependent on how it performs when it comes to its duty to protect.²⁷⁵ R2P establishes the duty of States and the international community to prevent and respond to genocide, war crimes, ethnic cleansing, and crimes against humanity.²⁷⁶ It is also enshrined in Article I of the Genocide Convention, which confirms the obligation to “prevent and to punish” genocide.²⁷⁷ Although States have the primary responsibility to protect their populations, the international community has a supporting and potentially intervening role.²⁷⁸ The international community starts to have a role that cannot be blocked by the invocation of sovereignty, since sovereignty is no longer just a shield against outside interference, implying also that States are responsible and have a duty towards the safety and wellbeing of their people.²⁷⁹

The R2P framework is based on three pillars of responsibility: (1) Every State has the Responsibility to Protect its population from the four mass atrocity crimes; (2) The international community shall encourage and support individual States in meeting that responsibility and; (3) if a State fails to protect its population, the international community must be prepared to take

²⁷⁵ ICISS (2001), 13.

²⁷⁶ United Nations General Assembly, *2005 World Summit Outcome*, A/RES/60/1 (New York: United Nations, 2005), 30, <https://docs.un.org/en/a/res/60/1>.

²⁷⁷ Article 1 states: «The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.»; see United Nations, *Convention on the Prevention and Punishment of the Crime of Genocide*, adopted December 9, 1948, entered into force January 12, 1951, https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf.

²⁷⁸ ICISS (2001).

²⁷⁹ United Nations, ‘Peace and Security’, *United Nations - Peace, Dignity and Equality on a Healthy Planet*, accessed November 24, 2025, <https://www.un.org/en/global-issues/peace-and-security>.

appropriate collective action, promptly and firmly, using diplomatic and humanitarian means, according with the UN Charter.²⁸⁰

Regarding this evolving understanding of sovereignty, Alex Bellamy, in his book ‘Global Politics and the Responsibility to Protect’ (2011), also emphasizes that the R2P emerged as a response to the persistent gap between State’s human rights commitments and their repeated failures to prevent or stop mass atrocities.²⁸¹ The humanitarian catastrophes of the 1990s revealed that existing mechanisms were inadequate in the sense that there was not a framework that clarified who was responsible for protection and how that responsibility should be performed. For the author, this gap should be filled through the establishment of a shared political commitment that sets clearer expectations for both States and the international community, identifying R2P as a primarily preventive framework.

Where a state was unable to fulfil its responsibilities, it should invite and welcome international assistance. (...) During major crisis, troubled states faced a choice: the could work with international organizations and other interested outsiders to realize their sovereign responsibilities or they could obstruct those efforts and sacrifice their good standing and sovereign legitimacy.²⁸²

Although cultural heritage significantly contributes to social healing and peacebuilding, it is more than a cultural concern. It becomes a security issue when systematic threats to heritage contribute to structural violence and gravely threaten peace. Thus, the question is not only whether cultural heritage deserves protection but whether such protection falls within the international community’s responsibility when its destruction is linked to violence that directly attacks identity.

The challenge, then, is whether cultural heritage can be incorporated into the R2P framework, given that R2P traditionally focuses on the protection of people rather than their

²⁸⁰ Global Centre for the Responsibility to Protect, ‘What is R2P?’, *Global Centre for the Responsibility to Protect*, accessed November 15, 2025, <https://www.globalr2p.org/what-is-r2p/>.

²⁸¹ Alex J. Bellamy, *Global Politics and the Responsibility to Protect* (Routledge: Abingdon, New York, 2011), 8-25.

²⁸² Bellamy (2011), 10-11.

heritage. Yet, there is growing recognition that attacks on cultural heritage are often a means of targeting people. The intentional destruction of cultural heritage, especially when tied to religious or ethnic targeting, may constitute part of atrocity crimes. This connection has been increasingly acknowledged in international practice. As previously mentioned, the ICC's prosecution of Al-Mahdi for the intentional destruction of cultural and religious heritage in Timbuktu was a landmark case, affirming that cultural destruction can form part of a crime against humanity.²⁸³ Also, UNESCO and the UN Security Council, particularly through The Hague Convention and Resolution 2347, respectively, have underscored that heritage destruction is not just collateral damage but a systematic assault on identity and memory.²⁸⁴

Aligning with the principles of R2P, a broad consensus has emerged that cultural heritage protection clearly falls within its first two pillars. Safeguarding heritage contributes to reconciliation efforts, peacebuilding, and post-conflict justice, and therefore relate directly to the prevention of atrocities. States and the international community have a duty to act on it. Bellamy (2011) argues that atrocity crimes are inherently organised, based on identity, and often involve the destruction not only of people but of the social and cultural foundations of a community's existence.²⁸⁵ Then, the protection of cultural heritage becomes a logical element of atrocity prevention, and safeguarding identity is integral to protecting populations themselves.

As Patty Gerstenblith mentions in the book chapter 'Protecting Cultural Heritage: The Ties between People and Places' (2022), such efforts are most legitimate and effective when undertaken with the consent of the communities who live amid the heritage and identify with it. «Preserving cultural heritage does not directly contribute to preserving human life, although

²⁸³ Prosecutor v. *Ahmad Al Faqi Al Mahdi*, ICC-01/12-01/15, Judgment and Sentence (International Criminal Tribunal, September 27, 2016).

²⁸⁴ UNESCO, *1954 Convention*; United Nations Security Council, *On Destruction and trafficking of cultural heritage by terrorist groups in situations of armed conflict*.

²⁸⁵ Bellamy (2011).

its destruction is often viewed as a precursor to genocide».²⁸⁶ While cultural heritage preservation does not always directly save lives, its destruction often precedes or accompanies mass atrocities. Reconstructing heritage facilitates the reconciliation process, the restoration of community identity and social cohesion, making it an essential component of lasting peace.

Incorporating the protection of cultural heritage within the scope of R2P reinforces the understanding that identity, memory, and cultural expression are essential to human dignity. It also helps to prevent atrocities and confirms the fact that culture has a vital role in promoting peace, justice, and resilience. Integrating the safeguarding of heritage in R2P moves the principle closer to its purpose: not only protecting lives but also protecting the conditions that allow communities to exist, thrive, and rebuild after conflict.

Culture is a vital necessity for fragile states in times of crisis. Crises are evolving, and the applicable approaches should also evolve along with them, devoting more attention to the tools that empower local communities and populations, making them active partners in the acceleration of the recovery process.²⁸⁷ The participation of the community allows for a focus on new values and meanings that emerge through the destruction and reconstruction of heritage, providing purpose and promoting the reconciliation process,²⁸⁸ essential to avoid regressing to a state of a new wave of violence.

For that matter, UNESCO is a crucial actor in promoting peace, justice, and tolerance on a global scale.²⁸⁹ «UNESCO is the only one whose mission, clearly enunciated in its constitution, is to be the organ of international intellectual cooperation for the purpose of maintaining and strengthening world peace».²⁹⁰ Although UNESCO's work and ambitions are extremely valuable, they can only be turned into reality through strong support and

²⁸⁶ Gerstenblith (2022), 367.

²⁸⁷ Bokova (2017).

²⁸⁸ Lorika Hisari et al. (2022).

²⁸⁹ Von Schorlemer (2028).

²⁹⁰ Mayor (1992), 24.

collaboration, as only through mutual understanding can true internal and international peace be achieved. Einstein's observation at the beginning of this chapter captures this challenge. Hostilities may cease temporarily with the use of force, but only mutual understanding, coming from shared memory, cultural identity, and respect, can sustain peace in the long term. UNESCO's support for the protection and restoration of cultural heritage helps to make a reality of those conditions for understanding, by preserving the narratives that allow societies to heal and move on. Ultimately, integrating cultural heritage into peacebuilding frameworks is not only a moral obligation but also a strategic necessity, as it connects recovery and security with identity and dignity.

CHAPTER 4

CASE STUDY: PRESERVATION AND REVIVAL OF CULTURAL HERITAGE IN ALEPPO, SYRIA

«But everywhere heritage has its chance,
peace has its chance.»

Irina Bokova (2016)²⁹¹

The previous chapters provided a broad description of the concept of cultural heritage, the history of UNESCO, its work, and its position in protecting such heritage, as well as its relevance to peacebuilding in a post-conflict scenario. Although some examples were mentioned, it is now necessary to apply this knowledge more broadly in a real-life case to fully understand the impact of UNESCO's work. This final chapter will be dedicated to examining the case of the Old City of Aleppo, Syria, its destruction and reconstruction, with a focus on the role of UNESCO in peacebuilding in the region. The aim is to show how UNESCO and local communities contribute to the protection and preservation of cultural heritage and the extent to which those efforts and initiatives contribute to sustainable peace and reconciliation. In this sense, we can see that heritage has its chance, opening the doors to peace.

4.1. The preservation of the Old City of Aleppo: recovery of memory

The reasons for choosing this site as a case study result from the fact that Aleppo is a very ancient city, with a rich history and a remarkable architecture that reflects centuries of coexistence among different religious, ethnic, and cultural groups. Additionally, it is a UNESCO World Heritage Site, making it a symbol of cultural identity and resilience during prolonged armed conflict. It is a good example of how armed conflicts target cultural heritage not only as collateral damage but with a purposeful intent to attack the emotional and symbolic elements associated with heritage. It also allows the analysis of past and present efforts made

²⁹¹ Irina Bokova, *Adress by Irina Bokova, Director-General of UNESCO on the occasion of the 14th Europe Lecture on 'Cultural Diversity under attack: protecting heritage as a force for peace'* (The Hague: UNESCO, 2016), 9, <https://unesdoc.unesco.org/ark:/48223/pf0000245151>.

by UNESCO and other actors in the preservation, documentation, and post-conflict recovery. In summary, Aleppo offers a great perspective for examining the role of cultural heritage in peacebuilding, the restoration of identity, and the recovery of memory.

a) Syria's history and the impact of war

Before mentioning the efforts made during and after the war, it is relevant to understand Syria's and Aleppo's history, and the extent of the damage inflicted on cultural heritage during the conflict.

Syria is an incredibly rich country in terms of its heritage, history, and soul, existing for millennia. «Home to a succession of empires, Syria claims some of the earliest cities in human history», with Aleppo being one of the world's "oldest continuously occupied" cities. Numerous civilisations and cultures have left their mark on the country (e.g., Babylonians, Assyrians, Hittites, Greeks, Sassanians, Persians, Romans, Arabs, and European Crusaders), coexisting and fighting, generating a truly unique historical landmark.²⁹²

The outbreak of the Syrian conflict occurred in 2011 when revolts against the Assad regime expanded into a civil war, after the public protests demanding change and reform were met with the «shooting and killing of civilians by intelligence forces» by the regime, which intensified tensions.²⁹³ The Islamic State took advantage of the chaos and seized territory in the northeast area of the country, thus creating the Islamic State of Iraq and Syria, ISIS. Audrey Cronin, in the article 'ISIS is Not a Terrorist Group' (2015), describes ISIS as a pseudo-state led by a conventional army, with thousands of fighters, broad military capabilities, infrastructure, and sophisticated financial activities, making it more than just a terrorist group,

²⁹² Emma Cunliffe, *Damage to the Soul: Syria's Cultural Heritage in Conflict* (Global Heritage Fund, 2012), 1–55, https://eprints.ncl.ac.uk/file_store/production/244787/F9477164-ECFC-482D-BFFD-EA92E68C54E6.pdf.

²⁹³ Nour A. Munawar, 'Rebuilding Aleppo: Public Engagement in Post-Conflict Reconstruction', in *A Contemporary Provocation: Reconstructions as Tools of Future-Making. Selected Pares from the ICOMOS University Forum Workshop on Authenticity and Reconstructions, Paris, 13-15 March 2017*, ed. Cornelius Holtorf et al., (Paris: ICOMOS, 2018).

having had a considerable part in the devastation that affected Syria.²⁹⁴ The war produced millions of refugees, massive destruction, and one of the biggest humanitarian catastrophes in modern history.

Since then, Syria has been victim of conflicts that never seemed to end. As Francesco Bandarin states in the book chapter ‘The Destruction of Aleppo: The Impact of the Syrian War on a World Heritage City’, «ten years of war have destroyed Syria’s economic, social, and cultural structures», causing vast suffering that encompasses all areas of human life, numerous losses and countrywide-ranging damage and destruction to its people, as well as a negative influence on all cultural aspects.²⁹⁵

Damage inflicted on the physical infrastructure of Syria, including its monuments and historical and heritage places, has been immense, due to the direct impact of war and the loss of control by the authorities over the country’s vast archaeological and cultural heritage.²⁹⁶

The armed conflict devastated not only modern infrastructure but also irreplaceable archaeological and cultural assets. The large-scale destruction and looting of monuments reflect both the intensity of the war and the absence of effective governance over heritage sites, threatening the preservation of Syria’s historical identity. As will be mentioned later on, there is a Syrian organisation responsible for the protection and promotion of cultural heritage, the **Directorate General of Antiquities and Museums (DGAM)**, which has made notable efforts to mitigate damage, such as moving museum collections to safer locations, documenting and assessing damage, carrying out emergency conservation plans, and engaging with local and international partners.²⁹⁷ However, since the government owns it, it is subject to political

²⁹⁴ Audrey Kurth Cronin, ‘ISIS is Not a Terrorist Group’, *Foreign Affairs*, February 18, 2015, accessed November 15, 2025, <https://www.foreignaffairs.com/articles/middle-east/2015-02-18/isis-not-terrorist-group>.

²⁹⁵ Francesco Bandarin, ‘The Destruction of Aleppo: The Impact of the Syrian War on a World Heritage City’, in *Cultural Heritage and Mass Atrocities*, ed. James Cuno and Thomas G. Weiss (Getty Publications, 2022).

²⁹⁶ Bandarin (2022).

²⁹⁷ UNESCO, ‘Ancient City of Damascus’, *UNESCO World Heritage Convention*, accessed November 15, 2025, <https://whc.unesco.org/en/soc/3868>.

constraints, funding shortages, limited access to conflict-affected areas, and pressures from competing priorities, meaning that its objectives are not always fully achieved.

In the same line, Polina Mahnad suggests, in the article ‘Protecting Cultural Property in Syria: New Opportunities for States to Enhance Compliance with International Law?’, that cultural property has become a battleground in Syria, marked by deliberate destruction, military use of heritage sites, indiscriminate shelling, pillage, clandestine excavations, and illicit trafficking of cultural objects.²⁹⁸ The devastation includes archaeological sites, museums, libraries, archives, religious buildings, monuments and works of art. The destruction even reached levels of politicisation, with armed groups and the government exchanging accusations about the destruction of Syria’s heritage sites and exploiting the accusations for propaganda. While the armed groups highlight the government’s careless use of heavy weaponry against ancient sites, the government accuses the armed groups of stealing. This not only instils terror and fear but also further contributes to the loss of identity through the removal of objects that are at the core of Syria’s story. It profoundly affects the social structure, making religious practices, which are essential for Syrian people, much more difficult, causing the loss of collective memory.

Therefore, Syria’s cultural heritage was threatened on numerous levels, having been “ripped to shreds”, as stated by former UN Secretary-General Ban Ki-moon.²⁹⁹ The country was completely torn apart not only physically, due to the amount of damage inflicted on the cultural heritage, but also mentally, creating more division and chaos. World Heritage Sites, including Aleppo and its Citadel, have been converted into battlefields, becoming targets of

²⁹⁸ Polina Levina Mahnad, ‘Protecting Cultural Property in Syria: New Opportunities for States to Enhance Compliance with International Law?’, *International Review of the Red Cross* 99, no. 3 (2017): 1037–74, <https://doi.org/10.1017/S1816383118000322>.

²⁹⁹ Ban Ki-moon, ‘Statement by UN Secretary-General Ban Ki-moon, UNESCO Director General Irina Bokova and UN and League of Arab States Joint Special Representative for Syria Lakhdar Brahimi: The Destruction of Syria’s Cultural Heritage Must Stop’, *United Nations Secretary-General*, March 12, 2014, accessed November 15, 2025, <https://www.un.org/sg/en/content/former-secretary-general/statements/2014-03-12/statement-un-secretary-general-ban-ki-moon-unesco-director-general-irina-bokova-and-un-and-league-of-arab-states-joint-special-representative>.

substantial and sometimes irreversible damage. Syrian heritage was purposefully targeted for ideological reasons, with the intent to eradicate «unique testimonies of Syria’s rich cultural diversity», attacking all layers of their culture.³⁰⁰ Ultimately and purposefully, they were destroyed to control the population, instil fear and prevent access to one of the most fundamental rights, the right to free expression, as a weapon of war.

Even before the destruction of cultural heritage in Syria gained dramatic proportions, around 2013, propagated by ISIS’s “reign of terror”, numerous illicit excavations led to the illegal trading of ancient artefacts, which were mainly organised from abroad. Looting was employed systematically for financial gains.³⁰¹

The group was not only instrumental in demolishing ancient works of art and monuments, it also systematically pillaged and plundered sites and channeled their treasures to the global illegal markets for antiquities and used the proceeds to finance their activities.³⁰²

Schorlemer (2018)³⁰³ and Fannon (2016)³⁰⁴ add that, in Syria specifically, such activities were pursued in a highly organised manner, since ISIS established a systematic looting scheme, giving “official permits” to looters. This enabled them to steal from archaeological sites for the generation of revenue through the granting of permits for the excavation of archaeological artefacts and subsequently collect tax on such goods. Organised trade in the illicit acquisition of artefacts from conflict zones is supported not only by those who excavate them and those who allow for it, but also by the art collectors and traders who, even if they are unaware of or do not acknowledge their origins, are willing to purchase these objects, given their high value. These acts are not only an exhibition of power, but also an expression of ideology and indoctrination, contributing to the deterioration of a society that, with already so little to hold on to, is a victim of yet more wrongdoing.

³⁰⁰ Ki-moon (2014).

³⁰¹ Parzinger (2022).

³⁰² Parzinger (2022).

³⁰³ Von Schorlemer (2018).

³⁰⁴ Fannon (2016).

This situation would be prevented by the 1970 Convention, which Syria ratified but has not yet implemented in its national legislation. The Convention mentions that every State shall participate in combating illicit trafficking through monitoring and helping the safe return of stolen objects. However, according to Polina Mahnad, in the article ‘Protecting cultural property in Syria: New opportunities for States to enhance compliance with international law?’ (2017), there are obstacles to using it to its full potential. It is difficult to trace illegally exported objects, since they are retrieved from unknown sites or come from museums whose collections have not been properly inventoried.³⁰⁵ Additionally, this leads to the breakdown of diplomatic relations between Syria and other countries, hindering their cooperation.³⁰⁶ Regarding this situation, former UNESCO Director General Irina Bokova was in contact with the World Customs Organization and INTERPOL to alert them about objects originating from Syria that could eventually emerge on the international antiquities market due to the high looting, calling, as well, all UNESCO’s partners to guarantee the safeguard of this heritage and assist in evaluating reports, as soon as possible.³⁰⁷

There has been an increase in this type of devastation by non-state armed groups, and their tactics have gained extreme proportions, encompassing hate crimes against culture and violations of human rights. Cultural genocide, in ethnic and religious terms, is a way to generate fear in their victims and erase their associations with locations and sites that make up their legacy as a people.³⁰⁸ Joris Kila, in the article ‘Inactive, Reactive, or Pro-Active? Cultural Property Crimes in the Context of Contemporary Armed Conflicts’ (2013), also gives insight

³⁰⁵ Mahnad (2017).

³⁰⁶ Emma Cunliffe et al., ‘The Destruction of Cultural Property in the Syrian Conflict: Legal Implications and Obligations’, *International Journal of Cultural Property* 23, 1 (2016): 1-31.

³⁰⁷ UNESCO, ‘Director-General of UNESCO Appeals for Protection of Syria’s Cultural Heritage’, *UNESCO News*, March 30, 2012, accessed November 15, 2025, <https://whc.unesco.org/en/news/862/>.

³⁰⁸ Ismail Serageldin, ‘Valuing the Legacy of Our Cultural Heritage’, in *Cultural Heritage and Mass Atrocities*, 1st edn, ed. James Cuno and Thomas G. Weiss (Getty Publications, 2022), <https://doi.org/10.2307/jj.6142257>.

into the matter, especially in Syria.³⁰⁹ A shift has occurred from traditional theft and collateral damage toward the misuse and abuse of cultural objects and sites connected to identity. «The threat to common objects, especially buildings, is considered a threat to identity in addition to the collective memory maintaining a group's consciousness».³¹⁰ Cultural property and identity are constructed, manipulated, and used in iconoclastic destruction or strategic purposes during conflict. Despite its rich cultural heritage, Syria has encountered significant challenges from extremist groups whose violent actions intend to reshape political and social conditions in pursuit of their objectives, often causing widespread destruction.

Moreover, ISIS also started using the media as a spectacle of violence. The destruction of ancient statues and monuments, carefully chosen, was purposefully shown, so as to shock the local and international communities, since there is an awareness of the symbolic value of cultural heritage and of the influence that its damage has on the population..³¹¹ The goal was clear: the humiliation of local communities and the assertion of dominance, as well as showing a provocative attitude.

All this destruction and devastation was felt in the whole country but more specifically and harshly in Aleppo. The next paragraphs will provide more details on this tragedy, as well as on the measures that were implemented during and after the war by UNESCO and other organisations, together with the population and volunteers who agree to contribute to the cause of protecting such valuable cultural heritage and contribute to the possibility of future generations to make use of it, of what is theirs to enjoy.³¹²

³⁰⁹ Joris D. Kila, 'Inactive, Reactive, or Pro-Active? Cultural Property Crimes in the Context of Contemporary Armed Conflicts', *Journal of Eastern Mediterranean Archaeology & Heritage Studies* 1, no. 4 (2013): 319–42, <https://doi.org/10.5325/jeasmedarcherstu.1.4.0319>.

³¹⁰ Kila (2013), 338.

³¹¹ Ömür Harmanşah, 'ISIS, Heritage, and the Spectacles of Destruction in the Global Media', *Near Eastern Archaeology* 78, no. 3 (2015): 170–77, <https://doi.org/10.5615/neareastarch.78.3.0170>.

³¹² Kila (2013).

b) Repercussions in Aleppo

The Old City of Aleppo is a UNESCO World Heritage Site, inscribed in 1986, featuring a vibrant architectural heritage. The Old City is dominated by its monumental 13th-century Citadel and embodies over three millennia of continuous occupation and cultural exchange. The citadel itself, with origins dating back to the 10th century B.C. and its major fortifications from the 12th to 14th centuries, represents Arab military power and incorporates remains from earlier civilisations. This heritage includes other noteworthy landmarks, such as the 12th-century Umayyad Mosque of Aleppo, traditional souqs (marketplaces), various 16th- and 17th-century madrasas (religious schools), public baths, palaces, and ancient caravanserais (guesthouses for travelling merchants), all significantly contributing to the city's distinctive urban character. Beyond the walls, historic quarters such as Bab al-Faraj and Jdeide contain significant religious and residential buildings. Despite modern changes in recent decades, the city's historic fabric, souq, and residences maintain coherence and authenticity.³¹³

The “outstanding value” of Aleppo highlights the exceptional visual integrity of the city and its authenticity, as the city's layout in relation to the Citadel has remained essentially unchanged. It is common for old cities like this one to have value simply because of their long history, which is one of the reasons they become major battlegrounds between non-state armed groups and governments. The situation becomes particularly problematic when people live in those areas, not only because of the violence it generates, creating humanitarian issues, but also because of threats to and destruction of cultural heritage.³¹⁴ For that reason, conservation efforts need to be addressed on an ongoing basis to respect the urban fabric and the vulnerability of the archaeological remains. The ancient and traditional handicrafts and commercial activities remain essential to the city, preserving its long-established urban heritage.³¹⁵

³¹³ UNESCO, ‘Ancient City of Aleppo’, *UNESCO World Heritage Convention*, accessed November 15, 2025, <https://whc.unesco.org/en/list/21>.

³¹⁴ Serageldin (2022).

³¹⁵ UNESCO, ‘Ancient City of Aleppo’ (n.d.).

Syria's physical history has been protected over the years by the DGAM, alongside its regional departments, which make a significant contribution to the cause, as well as by the Antiquities Law.³¹⁶ Before the conflict, Aleppo was a model of cultural preservation. In collaboration with foreign organisations, the Municipality of Aleppo established the Project for the Rehabilitation of Old Aleppo in 1992.³¹⁷

In 1999, the Directorate of the Old City was established to oversee the rehabilitation of the old city, comprising three departments, responsible for «studies and planning; permits and monitoring, and implementation and maintenance».³¹⁸ A thorough plan for the evolution of the city was also drafted. The city's development was being considered through the Programme for Sustainable Urban Development in Syria, a collaborative effort between the Syrian Ministry for Local Administration and Environment, international agencies, such as the United Nations Development Programme (UNDP), and numerous other Syrian partner institutions.³¹⁹

In addition to supporting the rehabilitation of the Old City, the initiative enhanced national and local capacity for sustainable urban management and development. Another example is the restoration of the Aleppo Citadel by the Aga Khan Trust for Culture (AKTC) in 2006. The project involved planning traffic, conserving important buildings, creating a pedestrian zone at the Citadel's entrance and making significant investments in landscaping around the citadel. The goal was to enhance its position within the city and realise its potential as a major driver of economic development.³²⁰

Between 2012 and 2016, the Old City of Aleppo suffered extensive and deliberate destruction, resulting in the loss of iconic monuments and numerous medieval buildings. Not only was there direct shelling damage, as part of an opportunistic and planned approach, but

³¹⁶ Cunliffe (2012).

³¹⁷ UNESCO, 'Ancient City of Aleppo' (n.d.).

³¹⁸ UNESCO, 'Ancient City of Aleppo' (n.d.).

³¹⁹ UNESCO, 'Ancient City of Aleppo' (n.d.).

³²⁰ Aga Khan Development Network (AKDN), 'Syria | Cultural Development', *AKDN*, accessed November 15, 2025, <https://the.akdn/en/where-we-work/middle-east/syria/cultural-development-syria>.

also inevitable collateral damage.³²¹ The post-war state of Aleppo was devastating, as illustrated in the image below (**Figure 8**). Approximately 80% of Aleppo's Old City was severely damaged or destroyed, and entire neighbourhoods, including souqs and mosques, were unrecognisable. The devastation affected almost all the buildings: 60% of them were severely damaged and 30% were destroyed.³²² Bandarin (2022) notes that the destruction of residential and commercial buildings and industrial structures had a severe impact, ultimately affecting the population, who were forced to find refuge in other places.³²³



Figure 8. A highly destroyed region of post war Aleppo, in an area near the Citadel. Source: Francisco Bandarin, 'The Destruction of Aleppo: The Impact of the Syrian War on a World Heritage City', in *Cultural Heritage and Mass Atrocities*, ed. James Cuno and Thomas G. Weiss (Getty Publications, 2022), 189.

As Ross Burns mentions in the article 'Weaponizing monuments' (2017), some sites were destroyed by indiscriminate warfare, while others were targeted for symbolic or military reasons. The historic monuments in Syria were weaponised and transformed into military assets, strongpoints, and symbols of power, such as castles, citadels, towers, and minarets.

³²¹ Cunliffe (2012).

³²² UNESCO, 'UNESCO Reports on Extensive Damage in First Emergency Assessment Mission to Aleppo', *UNESCO World Heritage Convention News*, January 19, 2017, accessed November 15, 2025, <https://whc.unesco.org/en/news/1619/>.

³²³ Bandarin (2022).

Because of their symbolic dimension, monuments were often exploited for propaganda, sectarian purposes, and demonstrations of control.³²⁴

The Aleppo Citadel was damaged on the outside, with its walls and towers shelled by bombings and explosions. One of the most significant losses includes the Great Mosque of Aleppo, the «largest and one of the oldest mosques in the walled old city of Aleppo»,³²⁵ which was destroyed in 2013, alongside its minaret (tower adjacent to the Mosque), built in the eleventh century. The Mosque was left burned, scarred by bullets, trashed and stained with soot. «Antique furnishings and intricately sculpted colonnades have been charred, valuable Islamic relics ransacked and ancient artifacts (...) looted».³²⁶

In addition, the ancient wooden minbar (a short flight of steps used as a platform by a preacher) was disassembled and stolen, and many wooden doors and embellishments were incinerated. Fire also destroyed Aleppo's historic Al-Madina Souq, one of the largest covered markets in the world. Sites were hit “by gunfire” or “damaged by the movements of tanks or bulldozers”, resulting in intensified looting.³²⁷ The weaponisation of monuments reflects a wider tragedy of the Syrian war, where heritage, identity, and survival are intertwined with violence, sectarian aims, and military advantage.³²⁸

In the series of images below (**Figures 9 to 16**), it is possible to witness the level of damage that the conflict had on Syrian heritage, with a comparison of the places before and after the destruction hit Aleppo.³²⁹ The contrast between the pre-war and post-war images of Aleppo not only shows the scale of destruction but also reinforces the central argument of this

³²⁴ Ross Burns, ‘Weaponizing Monuments’, *International Review of the Red Cross* 99, no. 906 (2017): 937–57, <https://doi.org/10.1017/S1816383118000462>.

³²⁵ Athanasios Nakasis and Nikolaos Lianos, ‘Syria: The Impact of the Civil War on the Cultural Heritage’, *Heritage at Risk: World Report 2011-2013* (ICOMOS, 2014), 144.

³²⁶ Nakasis and Lianos (2014), 144-45.

³²⁷ Cunliffe (2012).

³²⁸ Burns (2017).

³²⁹ The compilation of these images (Figures 9 to 16) is from the following source, with adapted captions: Cydney Adams, ‘Aleppo: Before and After’, *CBS NEWS*, December 14, 2016, accessed November 15, 2025, <https://www.cbsnews.com/pictures/aleppo-before-and-after-syria-civil-war/>.

thesis: that the loss of cultural heritage disrupts collective identity and memory. These images serve as an important reminder not only of what is at stake when culturally significant places are damaged or completely destroyed, but also the complex challenge that is at stake when it comes to prepare and execute its reconstruction.



Figure 9. Aleppo's Umayyad Mosque, before the war, October 6, 2020.



Figure 10. Aleppo's Umayyad Mosque, after the war, December 13, 2016.

These images were chosen because the contrast between them clearly illustrates the destruction of the Umayyad Mosque and its Minaret. In the 'before' image, the site is intact and active, with several visitors, highlighting its role as a cultural and religious landmark.

Afterwards, there is visible damage, and the only people on the site are Syrian forces. This comparison reflects not only the physical devastation but also the cultural loss, demonstrating how conflict can target identity and sacred heritage sites.



Figure 11. Aleppo's historic citadel, before the war, August 28, 2008.



Figure 12. Aleppo's historic citadel, after the war, December 13, 2016.

The significance of these images lies in the fact that even heavily fortified historic monuments did not survive the attacks, emphasizing the vulnerability of cultural heritage during

conflict. The comparison shows that practically the entire entrance was damaged, and the space that was once often frequented is now lacking tourists and visitors. This transformation accentuates the extent of destruction inflicted on structures considered resilient.



Figure 13. A street in Aleppo, before the war, December 12, 2009.



Figure 14. A street in Aleppo, after the war, May 5, 2016.

In these images we can see the further and broader damage to the City of Aleppo and the profound disruption of daily life for its residents. A functioning environment with normal routines and active streets was quickly transformed into an area marked by destruction. This

contrast highlights the human and social impact of the conflict, showing how ordinary life was replaced by instability and loss.



Figure 15. Ancient Market (Souq), before the war, April 23, 2012.



Figure 16. Ancient Market (Souq), after the war, October 3, 2012.

Finally, these images are important because of the enormous contrast between the vibrant medieval Souks before the war and their complete destruction afterward. Once spaces filled with traders, gold and jewellery, they were entirely burned and devastated, displacing the

people who depended on them. It illustrates the irreparable loss of heritage and the toll on the local economy, stressing how UNESCO heritage was deeply threatened during the war.

With the development of the conflict, DGAM's work became progressively more difficult, with access to sites becoming increasingly challenging given the presence of armed men and barricades.³³⁰ That is why intervening in these unique places requires a combination of adequate policy, effective community participation and innovative institutional arrangements and partnerships.³³¹

Even though efforts have been made regarding the protection of Syrian heritage in conflict, Burns (2017), believes that the centralisation of DGAM in Damascus tied its role to the regime's discourse, compromising its neutrality and impartiality.³³² Lababidi and Qassar, in the article 'Did They Really Forget How to Do It? Iraq, Syria, and the International Response to Protect a Shared Heritage' (2016), add that politicising cultural heritage and using it as propaganda undermines protection. There is a need to adopt a rapid, efficient, ethical, and sincere response, robustly engaging with local resourcing, implementation, and the complexity of local and international politics.³³³ The fact that heritage is a shared ownership brings responsibility, meaning that protecting cultural heritage is an effort that must be met in times of peace and crisis. There is a need for documentation, community engagement, emergency measures, and post-conflict recovery, while acknowledging the immense challenges posed by the continuing conflicts.³³⁴

According to Emma Cunliffe in the report 'Damage to the Soul: Syria's Cultural Heritage in Conflict' (2012), the harm to Syria's cultural heritage is substantial and extends

³³⁰ Cunliffe (2012).

³³¹ Serageldin (2022).

³³² Burns (2017).

³³³ Rim Lababidi and Hiba Qassar, 'Did They Really Forget How to Do It? Iraq, Syria, and the International Response to Protect a Shared Heritage', *Journal of Eastern Mediterranean Archaeology & Heritage Studies* 4, no. 4 (2016): 341–62, <https://doi.org/10.5325/jeasmedarcherstu.4.4.0341>.

³³⁴ Burns (2017).

beyond understanding and complete discovery. Equal disregard has been shown in the destruction of small local or national heritage sites and World Heritage Sites. Unfortunately, some of the objects stolen will never be replaced, some of the damage will never be repaired, and some history will be lost or destroyed forever. The organisation and the people responsible must choose between what to repair and what cannot be saved, due to the high costs of repair, restoration, and conservation.³³⁵

In such places, the imperiled cultural heritage includes more than just specific monuments and buildings” (...), instead, “the rich heritage of these cities extends to include the ‘character’ and ‘sense of place’ of their irreplaceable historical districts.”³³⁶

Given the level of damage the heritage is subject to, the work of various groups and organisations should constantly be focused on ensuring that the safeguarding of cultural heritage in historic cities must go beyond the conservation of monuments and buildings. It should also involve protecting the character that is rooted in these places, where the architecture and local community practices combined create a unique and irreplaceable identity, thereby helping to revitalise the legacy. The following section will explore the decisions and practical work undertaken for the restoration of Aleppo.

c) Aleppo’s restoration and reconstruction

It is incredibly challenging, if not practically impossible, to appropriately safeguard property that is under threat during an active and uncontrolled civil war, since rebel forces establish bases in nearly every notable site and location, including historic ones, and do not follow legal obligations.³³⁷ That is why it is so important to make efforts in peacetime to preserve the cultural heritage and gather as much information as possible about the monuments, to preserve their genuine value in case of reconstruction. The magnitude of the devastation that reached Syria required and still requires international aid, support, and mobilisation for the

³³⁵ Cunliffe (2012).

³³⁶ Serageldin (2022).

³³⁷ Nakasis and Lianos (2014).

safeguarding and restoration of Syria's tangible and intangible heritage.³³⁸ Interventions in Aleppo began right in the midst of the conflict and continued after its end, aiming to prevent further destruction and to restore what was already damaged.

The destruction of cultural heritage is an attack on historical identity and collective memory. Reconstruction³³⁹ is not just about building again. It is about preserving the memory for its continuation as part of a people's history. The ability to recover³⁴⁰ a monument, or a site, to bring back a tradition, a costume, and a healthy connection between conflicting communities is remarkable. However, that should always be done while keeping in mind past history and the importance of both tangible and intangible culture, to achieve a result that almost perfectly matches to the original, thereby also recreating the original memory. Fundamentally, it is about restoring a city's soul, as well as its people's. Conserving, restoring, repairing, and maintaining the building fabric must follow rules that foster traditional approaches, including plans that consider the heights and density of new developments in specific neighbourhoods, and policies that protect archaeological remains uncovered during infrastructure works.³⁴¹

Much historical information may be irrecoverably lost when cultural sites perish, but the strengthening, vivifying role that they play in building community can on occasion be just as effectively performed by a reconstruction or a replacement, perhaps even more powerfully because they were once destroyed. They can live again.³⁴²

Reconstruction of monuments and sites is not the end of the long path that leads to the rebuilding of a community's culture. That reconstruction process is followed by the recovery of memories tied to the places and of beliefs that are at the core of societies. Cultural sites may lose a great deal of historical information when they are destroyed. However, the acts of

³³⁸ Nakasis and Lianos (2014).

³³⁹ According to the report *Culture in City Reconstruction and Recovery* by UNESCO and World Bank Group (Paris, Washington DC: UNESCO, World Bank Group, 2018) reconstruction is «defined as the medium and long-term rebuilding and sustainable restoration of resilient infrastructure, services, housing, facilities, and livelihoods required for the full functioning of a community or a society affected by a disaster», 12.

³⁴⁰ Recovery entails the «restoring or improving of livelihoods and health, as well as economic, physical, social, cultural and environmental assents, systems and activities of a disaster-affected community or society», as cited in UNESCO and World Bank Group (2018), 12.

³⁴¹ UNESCO, 'Ancient City of Aleppo' (n.d.).

³⁴² MacGregor (2022).

reconstruction or replacement help to restore their strengthening function in fostering a sense of community, perhaps even more strongly than before, since they were once in pieces.

Concerns about cultural heritage feature prominently in the present humanitarian crisis in Syria. Destruction of historical sites has prompted international concern, which triggered an immense surge of support, alongside a call for action to address this threat, and an overall recognition that once a cultural object is lost in this area, it often goes missing forever.³⁴³ With this in mind, UNESCO issued appeals, condemnations, and organised regional training workshops, e-learning courses and action plans with a focus on capacity building, such as the training of local experts, architects, and historians.

It was only a few years after the conflict began that practical steps were taken and UNESCO partnered with the DGAM to prevent the military use of heritage sites. This effort resulted in a plan of action and an emergency strategy, stemming from regional training on Syrian cultural heritage to address advocacy actions supporting the Syrian DGAM in capacity building,³⁴⁴ applying the 1954 Hague Convention, and advocating for archaeological missions in Syria to protect artefacts.³⁴⁵

Numerous other significant initiatives were undertaken amidst interventions between 2013 and 2016. Six World Heritage sites of Syria were inscribed in the list of World Heritage in Danger, including the Ancient City of Aleppo. The **Emergency Safeguarding of the Syrian Cultural Heritage** project was established, funded by the European Union, seeking to implement an operational response to cease the ongoing loss of cultural heritage and establish priority actions for post-conflict recovery in Syria.³⁴⁶ It aimed to monitor and document

³⁴³ Fannon (2016).

³⁴⁴ Mahnad (2017).

³⁴⁵ Lababidi and Qassar (2016).

³⁴⁶ UNESCO, 'Emergency Safeguarding of the Syrian Cultural Heritage', *UNESCO Intangible Cultural Heritage*, accessed November 15, 2025, <https://ich.unesco.org/en/projects/emergency-safeguarding-of-the-syrian-cultural-heritage-00386>.

damage, create maps and inventories, and build capacity for the protection of heritage.³⁴⁷ Satellite imaging and 3D mapping had an important role in tracking destruction. Through the protection and safeguard of cultural heritage, the primary goals included «restoring social cohesion, stability and sustainable development».³⁴⁸

The **International Council on Monuments and Sites (ICOMOS)** is another organisation that continuously and impartially monitors the situation of heritage sites in Syria and maintains contact with regional specialists. For security reasons, during the conflict, the organisation was unable to undertake assessment missions in Syria, which is why reliance on local experts was (and remains) so fundamental, as the people already present in the area can more easily and safely use their resources to protect and preserve the heritage.³⁴⁹ In 2013, ICOMOS, in cooperation with the **International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM)** and DGAM, under the coordination of UNESCO, organised an e-learning course for Syrian cultural heritage professionals at the Damascus National Museum. It was created to manage better the multifaceted effects of armed conflict on their sites and museum collections, by offering information about disaster risk management, emergency response, and the evacuation of collections, as well as capacity building for the recovery stage. This was the first phase of a long-term efforts: training in emergency response enhances efficiency and optimises resources for the future phase, until peace and stability are restored in the country.³⁵⁰

In the same year, the **International Council of Museums (ICOM)** and UNESCO formulated the Emergency Red List of Syrian Cultural Objects at Risk, with the intention of assisting law enforcement, customs officers, and heritage experts in identifying Syrian items

³⁴⁷ Lababidi and Qassar (2016).

³⁴⁸ UNESCO, 'Emergency Safeguarding of the Syrian Cultural Heritage' (n.d.).

³⁴⁹ Nakasis and Lianos (2014).

³⁵⁰ Nakasis and Lianos (2014).

that could be illegally purchased or trafficked.³⁵¹ An Observatory for the Protection of Cultural Heritage, based in Beirut, Lebanon, was also established to monitor and assess the damage to Syrian heritage through an online platform where stakeholders exchange information on damaged buildings, stolen items and any other type of threatened intangible heritage.³⁵²

Mahnad (2017) provides additional instances of actions that emerged in the context of war for the protection of cultural heritage. Third-party States have taken measures to show they can assume accountability for Syria's cultural property protection under articles 4 and 7 of the Hague Convention. For example, Finland had a significant role in hosting digitised archives from Syria and the digitisation of endangered archives, documentation, and databases. Also, a new EU policy that integrates cultural property protection experts into EU military and civilian missions was also created.³⁵³ Finally, in 2017, France, alongside the United Arab Emirates, launched the **International Alliance for the Protection of Cultural Heritage in Conflict Areas (ALIPH)**, of which UNESCO is a collaborator, with the intention of acting quickly in emergencies to help evacuate and restore endangered or damaged cultural heritage. Recently, ALIPH supported projects such as the safeguard, in the form of 3D documentation, of twelve monuments in Aleppo, including the Citadel and its walls, and a mission to protect cultural heritage in Northeast Syria.³⁵⁴ These initiatives strengthen international cooperation and demonstrate the prevalent interest in taking active measures to protect heritage by integrating this task into humanitarian action, law enforcement, and military planning.

On another note, Laila Moustafa, in the article 'Cultural Heritage and Preservation: Lessons from World War II and the Contemporary Conflict in the Middle East', mentions that

³⁵¹ International Council of Museums (ICOM), *Emergency Red List of Syrian Cultural Objects at Risk* (Paris: ICOM, 2013), https://icom.museum/wp-content/uploads/2018/05/ERL_SYRIE_EN.pdf.

³⁵² UNESCO, 'UNESCO to Create an Observatory for the Safeguarding of Syria's Cultural Heritage', *UNESCO News*, May 28, 2014, updated April 20, 2023, <https://www.unesco.org/en/articles/unesco-create-observatory-safeguarding-syrias-cultural-heritage>.

³⁵³ Mahnad (2017).

³⁵⁴ International Alliance for the Protection of Heritage (ALIPH), 'Project(s) supported in Syria', *ALIPH*, accessed November 29, 2025, <https://www.aliph-foundation.org/en/actions-country/SY>.

libraries and museums, especially, are often an indirect or direct target of violence, and that there are no disaster management plans in place to help protect cultural heritage, suggesting that librarians, museum curators, and archaeologists, who are interested in contributing to the overall effort should not only preserve materials but also take an active role in the protection and recovery of cultural heritage. However, in places where difficulties arise due to the «complex nature of armed conflicts and the limitations of national boundaries»,³⁵⁵ there is always a need for some help from the international community, governments, and nongovernmental organisations. For example, in 2015, a group of students in Daraa, Syria, rescued 11,000 books and built a new library for the city. Not only did they save thousands of books, they also actively contributed to their community, volunteering as librarians and allowing people to borrow books.³⁵⁶

Another case that demonstrates the effectiveness of cooperation between international organisations and the local community, and the importance of acting proactively, is the work done by the project “**Safeguarding the Heritage of Syria and Iraq (SHOSI)**”, created by the Smithsonian Institution and partners such as the Penn Cultural Heritage Center, the American Association for the Advancement of Science, the US Institute of Peace and The Day After Association.³⁵⁷ That project targeted the Ma’arra Museum, that was housed in a Ottoman caravanserai restored in 1987, which contained Roman and Byzantine mosaics. These mosaics were damaged in the 2011 clashes and subsequently identified as significant and at risk. The team trained specialists in securing sites and the evacuation of mosaics.

The project's goals included emergency training, emergency preservation projects, support for heritage professionals, risk assessment, and minimising risks regarding Syrian and

³⁵⁵ Laila Hussein Moustafa, ‘Cultural Heritage and Preservation: Lessons from World War II and the Contemporary Conflict in the Middle East’, *The American Archivist* 79, no. 2 (2016): 322, <https://doi.org/10.17723/0360-9081-79.2.320>.

³⁵⁶ Moustafa (2016).

³⁵⁷ Salam Al Quntar et al., ‘Responding to a Cultural Heritage Crisis: The Example of the Safeguarding the Heritage of Syria and Iraq Project’, *Near Eastern Archaeology* 78, no. 3 (2015): 154–60, <https://doi.org/10.5615/neareastarch.78.3.0154>.

Iraqi heritage susceptible to damage and destruction, given its location.³⁵⁸ The specialists also took courses sponsored by UNESCO to address illicit trafficking, the stabilisation of built heritage, the protection of movable heritage, and the documentation of intangible heritage. The museum still suffered damage from bombing, but the preventative work minimised the loss.³⁵⁹ SHOSI confirms that archaeologists and heritage protection professionals can act beyond documenting damage, with specific permits, equipment, negotiations and humanitarian collaborations. This case demonstrates that it is possible to assist heritage protection professionals inside the country where the conflicts occur, if there is an active collaboration by the local leadership. In this specific case, the success depended on having Syrians as full partners. The future of Syrian cultural heritage depends on such joint projects and the participation of local communities and heritage professionals and activists inside Syria.³⁶⁰

Culture requires social actors who have the responsibility to preserve it. The States should create conditions for its protection, promotion, and dissemination. However, the State's funding may be subject to political will, which might not be compatible with the kind of attention that culture deserves and needs.³⁶¹ It is essential to attribute an important role to civil society and to local communities, who have a vested interest in what is theirs to enjoy, if the goal is to highlight the importance of culture in the human experience. Amidst the blame and animosity, it is important to acknowledge the individuals in Syria who have dedicated years of their lives to safeguarding the nation's rich history, and to honour those who continue to disseminate their message and maintain Syria's cultural heritage and its memory alive.³⁶² That is why a better approach would be a bottom-up one, inclusive of displaced people and locals.

³⁵⁸ Al Quntar et al. (2015).

³⁵⁹ Moustafa (2016).

³⁶⁰ Al Quntar et al. (2015).

³⁶¹ Daniels (2010).

³⁶² Cunliffe (2012).

Reconstruction must emphasise long-term commitment, capacity building, and social recovery, not only physical rebuilding.³⁶³

Following the end of the conflict in 2016, significant restoration initiatives and approaches have been implemented with the support of local and national resources, as well as assistance from various international organisations, such as the **Aga Khan Trust for Culture (AKTC)**. Since they serve as symbols of local economic revival, 277 Aleppo souqs and historical markets have been restored by the AKTC, using drone technology damage assessment of the Old City to help rebuilding the city and restoring its commerce.³⁶⁴ According to UNESCO's State of Conservation (SOC) reports between 2017 and 2024, the Great Umayyad Mosque and the Aleppo Citadel underwent several conservation projects, thereby recovering its status of one of Syria's most iconic historical sites, seen in the image below (**Fig. 17**). For that restoration process, digital approaches were employed, including 3D scanning and virtual reconstructions to guide rebuilding efforts, as well as digital tools to engage the local population in said process.



Figure 17. Restoration work at the Great Mosque of Aleppo, August 14, 2018.
Source: Frederick Deknatel, 'Reconstruction, Who Decides?', in *Cultural Heritage and Mass Atrocities*, ed. James Cuno and Thomas G. Weiss (Getty Publications, 2022), 227.

³⁶³ Munawar (2018).

³⁶⁴ AKDN, 'Syria | Cultural Development' (n.d.).

The **CURE Framework** was also created in 2018 by UNESCO and the World Bank Group as a «culture-based approach to the process of city reconstruction and recovery in post conflict, post disaster and urban distress situations that accounts for the needs, values and priorities of people»,³⁶⁵ serving as a guide and supporting organised and informed decision-making based on evidence. The framework begins by examining the context to understand the conditions surrounding the issue, then moves to gathering information and identifying key factors that shape the problem and then proceeds to evaluate and determine whether the effectiveness of the response was met, and which improvements may be needed.

It was developed having in mind three main messages that are also discussed in this thesis. The first one lies in the fact that culture plays a key role in post-crisis reconstruction and recovery processes. Secondly, culture should be acknowledged as the basis that integrates people-centred and place-based policies. Finally, a program of this sort is only possible when culture is considered in every step, from assessing, to scoping, planning, financing, and implementation. Current reconstruction tools can be improved by adding a cultural focus, since doing so respects people's beliefs, traditions, and ways of living. When culture is included, the plans become better suited to the community and helps to encourage their participation.

Even though many efforts have been devoted to save Syrian heritage, including meetings, resolutions, capacity building, raising awareness, illicit trafficking controls, and technical and financial assistance, the damage continued. For that reason, some authors argue that the attempts to protect Syrian heritage were insufficient.

For Lababidi and Qassar (2016), UNESCO's conventions suffer from gaps, there is poor channelling of resources, and their actions are delayed by risk-avoidant attitudes, an idea also supported by Kila (2013).³⁶⁶ Syria is part of the Hague Convention and its First Protocol, so that it is obliged to respect its norms, especially Article 4, prohibiting the use of cultural heritage

³⁶⁵ UNESCO and World Bank Group (2018).

³⁶⁶ Lababidi and Qassar (2016)'; Kila (2013).

for military purposes and theft and pillage of cultural property, and Article 19, which states that nonstate actors are also bound to apply its provisions. However, according to Bandarin (2022), UNESCO did not take active steps to implement its rules during the conflict. The Convention was not respected or applied when it was most needed, and «no effective response mechanism to limit the destruction of cultural heritage was put in place during the conflict».³⁶⁷ Also, there were appeals from the United Nations in the Resolutions previously mentioned that condemned the unauthorised destruction of cultural heritage, but they did not serve their purpose very well, and not much concrete help was provided.³⁶⁸

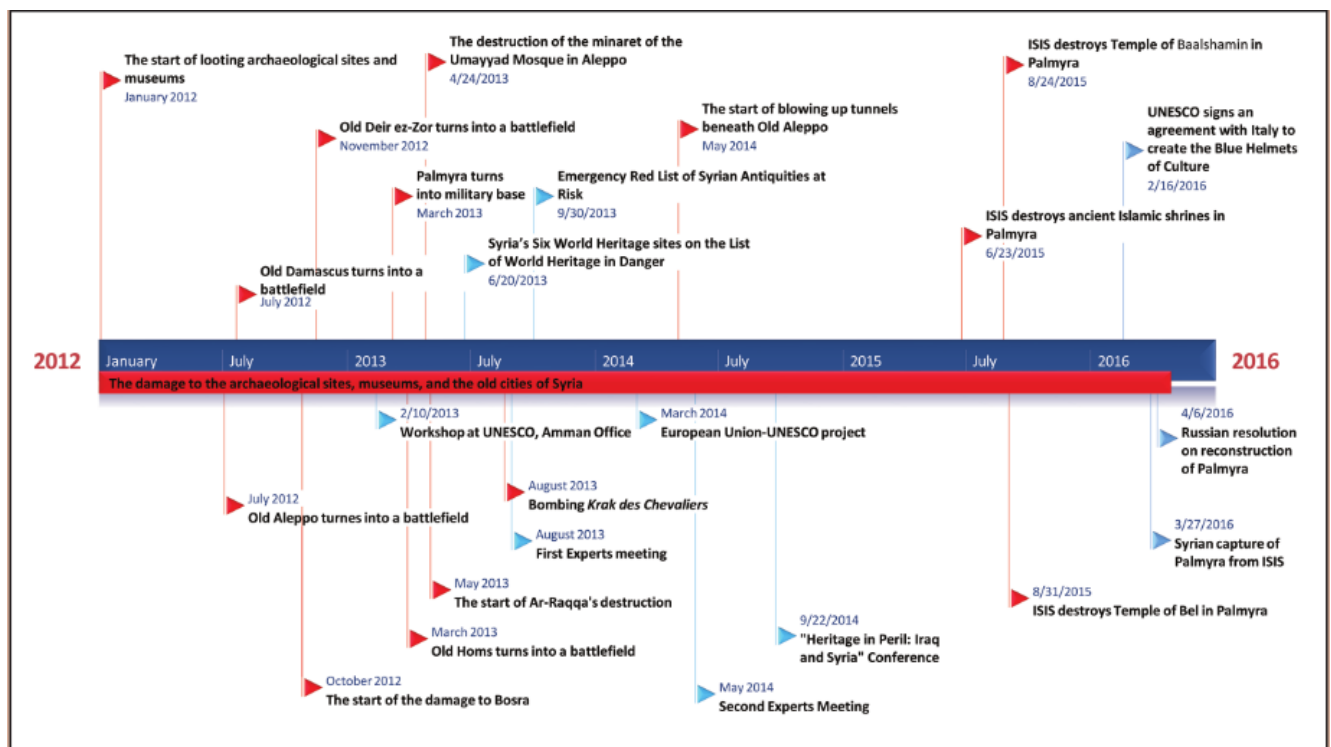


Figure 18. «Comparison between the atrocities impacting Syrian heritage and the international response».

Source: Rim Lababidi and Hiba Qassar, 'Did They Really Forget How to Do it? Iraq, Syria, and the International Response to Protect a Shared Heritage', *Journal of Eastern Mediterranean Archaeology & Heritage Studies* 4, no. 4 (2016): 357, <https://doi.org/10.5325/jeasmedarcherstu.4.4.0341>.

³⁶⁷ Bandarin (2022), 197.

³⁶⁸ Bandarin (2022).

These statements are illustrated by the image above (**Figure 18**), created by Lababidi and Cassar (2016), which lists the atrocities that impacted Syria's heritage and the international actions. This timeline shows how, between 2012 and 2016, the destruction of Syria's cultural heritage progressed at a much faster pace than the protection efforts by the international community. The early looting escalated into the destruction of entire cities and iconic monuments. While UNESCO, the EU, and other bodies organised workshops, issued reports, and passed resolutions, the actual protections work only took place after significant losses. Without faster and better coordinated strategies, including on-site safeguarding and stronger enforcement against looting and deliberate destruction, irreplaceable historical and cultural assets will remain at grave risk in times of war.

With that in mind, Mahnad (2017) identifies the need for broader ratification and implementation of treaties such as the 1954 Hague Convention and its Protocols, as well as better coordination between States, international organisations, and non-State actors, and the importance of integrating cultural property protection into peace operations, humanitarian assistance, and accountability mechanisms.³⁶⁹ In theory, conventions are an extremely relevant tool for regulating these types of conflicts. Still, their respect does not always come to fruition in practice, or their implementation is challenging because of certain restraints, such as lack of education or interest by local authorities. That is why most help must come from peacekeeping operations and the military, as mentioned before, as they are the ones equipped with the tools to address the issue, also never forgetting the role that the local communities play. For Bandarin (2022), this includes a more involved role from humanitarian organisations, such as the Red Cross, and better financial contributions and support to expand their role in preserving our legacy during conflicts. If not, only the intentions remain.³⁷⁰

³⁶⁹ Mahnad (2017).

³⁷⁰ Bandarin (2022).

On the matter of reconstruction itself, despite the benefits it brings to the population, some challenges and controversies have also been raised, such as the politicisation of heritage protection, international sanctions, resource challenges, limited funds and insufficient capacity building. After civil wars, heritage is frequently politicised, as it can serve as a political tool to create a sense of national unity.³⁷¹ Efforts often focus on monuments and visual appearance rather than on the residents' needs. In Syria, reconstruction reflected what the government of President Bashar al-Assad fundamentally wanted to achieve, which was retaining power and projecting authority, despite the scale of destruction and lack of resources. International actors, like the UN, were limited in their involvement due to sanctions and their refusal to support formal reconstruction without a political transition.³⁷² Reconstruction is deeply intertwined with political control, symbolism, and the desire to reinforce the regime's narrative, often at the expense of comprehensive rebuilding efforts.

Post-conflict reconstruction should be rooted in a shared vision that involves the population to ensure social justice and social cohesion, thereby fostering a sustainable and effective recovery.

Post-conflict reconstruction is an extended process that cannot be rushed or imposed. A grassroots approach towards the reconstruction is fundamental for a sustainable and effective recovery. (...) The reconstruction cannot be undertaken as a solo activity without a holistic political solution which guarantees accountability, justice, and inclusion.³⁷³

Therefore, consideration should be given to the urban fabric and inclusive participation, rather than focusing solely on the significance of culture.³⁷⁴ As has been previously discussed, cultural heritage can serve as a tool for mitigating identity disagreements and facilitating recovery. Nevertheless, it must be carefully managed to prevent further divisions.

³⁷¹ Diana Miznazi, 'Reconstruction of Cultural Heritage in Aleppo, Syria Reviewed: A Critical Exploration of Current Endeavors and Practices', Blog Post, *The Aleppo Project*, 26 January 2023, <https://www.thealeppoproject.com/reconstruction-of-cultural-heritage-in-aleppo-syria-reviewed-a-critical-exploration-of-current-endeavors-and-practices/>.

³⁷² Frederick Deknatel, 'Reconstruction, Who Decides?', in *Cultural Heritage and Mass Atrocities*, 1st edn, ed. James Cuno and Thomas G. Weiss (Getty Publications, 2022), <https://doi.org/10.2307/jj.6142257>.

³⁷³ Miznazi (2023).

³⁷⁴ Miznazi (2023).

Consequently, the preservation of cultural heritage should support the social, economic, and cultural needs of the local communities, ensuring that reconstruction promotes not only physical recovery but also social cohesion and psychological resilience.³⁷⁵ Overall, the rebuilding of Aleppo should be based on social justice, participation, and political solutions that guarantee accountability and proper recovery for all.

Finally, Kila (2013) states that actions supporting cultural property protection should be more proactive, and that preventive measures are not extensive or sufficiently prompt. It should be depoliticised, integrated with international agreements, and studied in relation to global security, calling, as well, for a better integration of the military for greater competence and coordination.³⁷⁶ There needs to be collaboration to develop a shared understanding of cultural heritage as belonging to humankind, in which everyone has a shared interest in its preservation, rather than as the cultural property of one country to be used and abused for its own purposes.³⁷⁷ It is not just a question of how the harm done to Syria's cultural heritage can be repaired. What is more important is how it can prevent such harm to other world's heritage, regardless of its location, origin, or current authority.

The complexity of heritage protection in war zones should not discourage engagement and commitment. Practical solutions and proactive measures are the way forward. Protecting heritage is not only about restoring damage but also preventing destruction. Even with all these obstacles, and the fact that emergency heritage projects are complicated, they are also essential.³⁷⁸

Safeguarding heritage is part of protecting human life. There is a need for long-term commitment, capacity building, international cooperation, and safeguarding heritage as a global

³⁷⁵ Miznazi (2023).

³⁷⁶ Kila (2013).

³⁷⁷ James Cuno, 'The Responsibility to Protect the World's Cultural Heritage', *The Brown Journal of World Affairs* 23, no. 1 (2016): 97–109.

³⁷⁸ Al Quntar et al. (2015).

public good. Protecting cultural property in Syria is a humanitarian imperative and a means to enhance compliance with international law.³⁷⁹ «The importance of cultural heritage for local people lies in it being a crucial element linking their past with the ambiguous future, but now threatened by an ongoing conflict».³⁸⁰ It will be a long-term, complex process that cannot be rushed or imposed, to avoid generating a negative impact and further worsening divisions.³⁸¹ Together, these perspectives emphasise that heritage protection in conflict situations is inseparable from concerns regarding humanitarian, legal, and social issues. Safeguarding sites in Syria comprises the conservation of monuments and the support of the community's identity, encouraging respect for international norms and ensuring that recovery efforts are inclusive.

After examining the devastation inflicted on Aleppo's heritage, and given the purpose of this work, it is now crucial to consider how UNESCO's initiatives and programmes extend beyond the physical reconstruction of monuments and can contribute to post-conflict reconciliation and sustainable peacebuilding.

4.2. The potential for post-conflict peacebuilding through the work of UNESCO

Cultural heritage was and continues to be a peacebuilding tool in Aleppo. Restoring a shared heritage is a unifying force, so that Aleppo's diverse history can serve as a bridge for reconciliation and foster dialogue between communities previously divided by war. The real issue is not about the history that communities have endured. Cultural heritage is valued because it is a guide to understand that past. It is more about what communities want to become and what they want to bring to a better future, tied to their memory, which helps to prolong their existing conditions as a society.³⁸²

³⁷⁹ Mahnad (2017).

³⁸⁰ Munawar (2018), 8.

³⁸¹ Miznazi (2023).

³⁸² MacGregor (2022).

Post-conflict countries are increasingly seeking to restore cultural institutions and recover cultural heritage that has been lost or damaged during the conflict. This is because cultural heritage is the basis to help a nation come together, making it resilient, representing what people are and how they interact in a community, giving a sense of identity and helping to negotiate differences, frequently through peaceful means.³⁸³ As violent radicals use strategies to spread hatred through fear and terror, the response must be to mix all the dimensions of peacebuilding through the cooperation of States, international organisations and partners willing to contribute to that change.³⁸⁴

In the words of the former Minister of Culture in Haiti, Olsen Jean Julien, just after the earthquake hit Haiti in 2010, «after saving people's lives, the next thing should be to save their reason for living». And culture is part of that reason. Culture is essential to humanity's existence. It fills an inner void, and its manifestations are always within reach of those who need it most, allowing them to fully integrate in their community. Also, in an interlinked world, it is a resource that is both compelling and effective in transforming societies and renewing ideas. The availability of culture is a central necessity for vulnerable States during periods of crisis.³⁸⁵ Protecting cultural heritage to build a better world empowers communities to reinforce their identity and unity.

Besides being important for the country's advancement, restoration projects are also crucial to have the support and help of the local communities as, ultimately, those are the people who live there and interact with one another. People want to feel at home in their own country, especially after such traumatic times as a war. Lasting peace can only be achieved if there is a chance of reconciliation. Moreover, lasting peace is only possible if the affected people are included in the decision-making process.

³⁸³ Fannon (2016).

³⁸⁴ Bokova (2017).

³⁸⁵ Bokova (2017).

A great practical example of community involvement and ideas trading in that spirit was the Arab World Heritage Young Professionals Forum, held in Tunisia in 2019, where more than thirty young professionals from 17 Arab States gathered to focus on the links between peacebuilding and the protection, preservation and promotion of World Heritage.³⁸⁶ They explored the manifestation of violent extremism, as well as the recovery and reconciliation efforts. They also had the opportunity to visit heritage sites that had been under attack, to gain a better context, and examined local community responses, while also learning about UNESCO support and mitigation actions. Through the “Emotion Design Approach”, they developed communication plans and projects such as video games and culture festivals. They presented them to civil society organisations, to connect communities and generations, through the sharing of stories.

This Forum allowed for the realisation that youth play a key role in preventive action, protection, preservation and promotion of cultural heritage and of its role in post-conflict peacebuilding. Lastly, they agreed on and proposed recommendations in an Action Plan for the Arab States regions to build peace through heritage. As one of the participants, Elie Saad, said, «society’s growth and development can only be achieved by consolidating the base upon which it was built, and heritage is that base».³⁸⁷ Heritage constructs a society from the ground up, reaching meaningful levels of communication, appreciation, and understanding.

The loss of such a priceless legacy has had a profound impact on the history and identity of the Syrian people as well as all of humanity, destroying the social groundwork for years to come. «Protecting cultural heritage, both tangible and intangible, is inseparable from protecting human lives, and should be an integral part of humanitarian and peacebuilding efforts».³⁸⁸

³⁸⁶ UNESCO, ‘Arab World Heritage Young Professionals Forum in Tunisia (2-6 December 2019)’, *UNESCO World Heritage Convention*, accessed November 15, 2025, <https://whc.unesco.org/en/activities/965/>.

³⁸⁷ UNESCO, ‘Arab World Heritage Young Professionals Forum in Tunisia (2-6 December 2019)’ (n.d.).

³⁸⁸ Ki-moon (2014).

Destroying heritage deprives future generations of a significant legacy, increases animosity and hopelessness, and hinders any efforts to promote peace and reconciliation.³⁸⁹

When it comes to UNESCO's work, Bandarin (2022) notes that the organisation has undertaken significant efforts to address the deficiencies in the current system of world heritage conservation through various initiatives, but raising awareness alone is insufficient.³⁹⁰ In line with what has already been mentioned, it is also agreed that, for heritage protection to increase, existing mechanisms need to be reinforced through the organised integration of cultural protection into humanitarian interventions. Additionally, there should be a greater involvement of military forces, recalling their importance and success in operations like MINUSMA and UN Resolution 2347, which, through their integration on peacekeeping operations, would help connecting the dots between the protection of cultural heritage and the maintenance of peace. Post-conflict reconstructions, as the Mostar Bridge, illustrate heritage recovery as a thread of continuity in reconciliation.³⁹¹

UNESCO's conventions and its collaborations with institutions and organisations emphasise, through the reinforcement of the rule of law, that deliberate destruction of heritage is, in fact, a crime, inhibiting impunity. The work being done to revive the memory, whether through restoring historic sites like Aleppo or by protecting intangible practices, reflects the conviction that the past is not to be erased or tampered with. This restoration work ultimately helps communities confront and hopefully address the traumas related to war, creating a shared vision for a more peaceful future. «Cultural heritage is about the future».³⁹² And that future is up to us, as an appreciative community, to construct and safeguard.

Taking these points into account, UNESCO and local communities are complementary and interdependent actors in the protection and preservation of cultural heritage in post-conflict

³⁸⁹ Ki-moon (2014).

³⁹⁰ Bandarin (2022).

³⁹¹ Munawar (2018).

³⁹² MacGregor (2022).

peacebuilding. Through its international framework, monitoring mechanisms, and emergency initiatives, UNESCO is able to make cultural heritage a global concern. It advocates for international cooperation, sets standards in several matters and offers technical expertise. It also acts as a symbol of authority, affirming that attacks on cultural heritage are not only a loss where they happen, but crimes against humanity's collective identity.

On the other hand, local communities are the ones that, in their own ways, defend and look after their heritage. Monuments, traditions, and practices gain meaning through the involvement of communities, guaranteeing that the restoration efforts are not merely technical but also consider their needs. Communities are essential for the revival of cultural practices and to pass on their knowledge, allowing for the rebuilding of trust and identity after conflict. Without their engagement, the reconstructed heritage might become a meaningless object, disconnected from its people. UNESCO and local communities, together, show that heritage protection is not just about buildings or monuments, but also about healing wounds, fostering dialogue, and rebuilding community ties. They show that cultural heritage can be both a tool of memory and a foundation for peace, transforming destruction into resilience and reconciliation.

The preservation of cultural heritage and the recovery of memory, facilitated by UNESCO, contribute in several ways to post-conflict peacebuilding and to the integration of all the elements mentioned above. To start with, it restores identity and dignity. When heritage is destroyed in war, besides the material loss, there is also an attack on identity. The rebuilding of sites and the safeguarding of certain traditions and practices help communities regain their dignity and a sense of continuity, showing that heritage can come alive again. Secondly, the recovery of cultural heritage can also play a leading role in the reconciliation process. Multiple ethnic or religious groups share common heritage (even if they might give different value to certain monuments or traditions). By preserving that heritage, there is a greater probability of dialogue, uniting people rather than pulling them apart. By preserving that heritage, there is a greater probability of dialogue, uniting people rather than pulling them apart.

As Nour Munawar mentions in the paper ‘Rebuilding Aleppo: Public Engagement in Post-Conflict Reconstruction’ (2018), reconstruction could play a significant role in rebuilding a healthy post-conflict society, with the help of displaced people and returnees to establish consensus, strengthen social inclusiveness, and prevent the rewriting of cultural history for political agendas.³⁹³ To sustain peace, communities must remain united. Cultural identity plays a central role in fostering this unity and in strengthening individuals’ connection to their country, as discussed throughout this work. Efforts toward physical reconstruction must, therefore, be complemented by psychological recovery. Such recovery is most effective when it actively involves those who primarily benefited from the affected cultural heritage and who should continue engaging with it. By participating in the preservation of their cultural heritage, communities contribute not only to safeguarding that heritage but also to building lasting peace, as social cohesion is an effective obstacle to the start of war.

It is time to understand and acknowledge the essential role of heritage in fostering unity and resilience in society, and adapt the strategies needed to address the challenges that come our way.³⁹⁴ In conclusion, protecting cultural heritage is not just about safeguarding or preserving the past. It is also about building the foundations for a peaceful future.

³⁹³ Munawar (2018).

³⁹⁴ Bokova (2017).

CONCLUSION

This thesis sought to examine how the protection and preservation of cultural heritage, particularly through the work of UNESCO and the involvement of local communities, can contribute to post-conflict peacebuilding and the recovery of memory in societies affected by armed conflict. It has been demonstrated that cultural heritage is both a historical and a dynamic resource that shapes identities, fosters social cohesion, and helps communities rebuild after violence. Armed conflicts have repeatedly shown that damage to heritage is, more often than not, deliberate, aimed at erasing a people, their history and uniqueness. Safeguarding heritage, therefore, is inseparable from safeguarding human dignity.

The main insights reveal, firstly, the concept and value of cultural heritage, encompassing both tangible and intangible elements, which are recurrently created, preserved, and enjoyed. Furthermore, armed conflicts have caused destruction and devastation to cultural heritage, both collateral and deliberate, targeting identity, memory, and the feeling of continuity. Destruction of cultural heritage was found to constitute war crimes, crimes against humanity, and cultural genocide, with motivations ranging from political, ideological, and religious. The destruction of heritage erodes the foundations of peace and creates resentment. Ultimately, protecting and conserving cultural heritage is crucial for rebuilding societies, mitigating loss, promoting mutual understanding and tolerance, and preserving the great diversity that exists for future generations to appreciate.

The analysis of international instruments showed that UNESCO stands out as a central figure in all these efforts, supporting the preservation of cultural heritage through various legal instruments. UNESCO's conventions and related institutional frameworks provide a shared basis for heritage protection, demonstrating that protection evolved through international law instruments, ultimately becoming a matter of human rights. International instruments articulate the principle that cultural heritage belongs to all humanity and establish mechanisms for

cooperation, accountability, and capacity building. However, their impact depends on active implementation and on the involvement of local actors. Heritage protection cannot be achieved solely through legal tools, but requires the engagement of communities, whose knowledge gives meaning to what is preserved.

Furthermore, we addressed the relevance of cultural heritage protection and its role in post-conflict peacebuilding, highlighting that peace involves communities and that culture is essential for social cohesion and reconciliation, especially in countries affected by conflict. Through UNESCO, the promotion of cultural initiatives and programmes to strengthen regional cooperation is attained, with education being recognised as a key factor in preventing conflict.

The final chapter analyses the preservation and revitalisation of cultural heritage in Aleppo, Syria. The Old City is a symbol of resilience, reflecting its rich history and architecture, which, during the civil war, served as a battleground. The conservation and revival of Aleppo's heritage involve a range of initiatives aimed at restoring identity and dignity to the communities, playing a significant role in peacebuilding and reconciliation. The complex challenges of protecting cultural sites amid ongoing armed conflict are highlighted, with the intentional destruction of heritage viewed as a strategic weapon.

This case study demonstrated how nearly complete damage to an entire city can have a profound impact on its population. Still, with the help of local communities, destruction is not the end, calling for an approach that includes local communities and national and international actors. When individuals volunteer to help preserve what should be there for them to enjoy, and when other actors become actively involved, a positive and peaceful outcome is much easier to achieve, allowing culture to thrive again. Additionally, the importance of addressing the issues surrounding heritage protection is emphasised as vital for fostering social cohesion and mitigating identity conflicts in post-conflict reconstruction efforts, demonstrating that cultural heritage serves as both a tool for resilience and a foundation for peace.

This dissertation demonstrated that UNESCO's work, combined with the participation of local communities, plays a pivotal role in transforming heritage from a target of war into a tool for reconciliation. By supporting restoration projects, drafting documents and reports, creating international awareness, and promoting inclusive dialogue, UNESCO helps societies reclaim their history and rebuild trust, while also reinforcing accountability by framing the destruction of their heritage as a crime. The local communities ensure that these efforts remain authentic and relevant through their active participation and engagement. Most importantly, the recovery of memory ensures that there is no complete erasure of the past, allowing communities to heal and build a shared vision for the future.

While the study of the impact of cultural heritage preservation has gained popularity in light of the persistence of armed conflicts, there has been a lack of research on the actual role that cultural heritage preservation plays in post-conflict peacebuilding, societal reconciliation, and the rebuilding of communities' identities affected by conflict. Further study could examine how heritage protection can be more effectively integrated into peacekeeping mandates. It should be closely linked with the protection of individuals, since the protection of culture is related to the protection of human lives.

Regarding the broader implications of this dissertation, the findings matter not only to societies recovering from conflict, since heritage is demonstrated as a source of identity, dialogue, and overall recovery, but also to future policies and research, as there is a need for closer cooperation between UNESCO, local actors, and peacekeeping missions, putting heritage as part of peacebuilding strategies. Looking ahead, the protection of cultural heritage should be further integrated into peacebuilding strategies, humanitarian responses, and proposals, always considering peacebuilding as a social and inclusive process that fully involves the affected populations. This cooperation should continue to grow, ensuring that heritage is not "put aside" when it comes to emergency plans, recognising reconstruction as a cornerstone for sustainable peace.

Marcus Garvey's reminder that «a people without knowledge of their past is like a tree without roots» captures the essential ideas emerging from this thesis: the protection of cultural heritage is ultimately the protection of identity and continuity. Preserving heritage connects communities to their history, providing a foundation for them to rebuild after the devastations of conflict and to pass their history forward. In this sense, safeguarding cultural heritage is not merely about preserving monuments or traditions, but about rebuilding identities and trust within the community, as well as hope for a better future. These are the foundations that guarantee an enduring peace.

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APPENDIX

Entrevista com Dr.^a Clara Cabral, técnica superior para a Cultura na Comissão Nacional da UNESCO (Lisboa, 13 de março de 2025).

Entrevistadora: Ana Fontoura (F)

Entrevistada: Dr.^a Clara Cabral (C)

Transcrição:

F: Em primeiro lugar, pediria que fizesse uma breve apresentação do seu trabalho em concreto na Comissão Nacional da UNESCO, e o que considera mais significativo, mas também mais difícil.

C: Bom, o meu nome é Clara Bertrand Cabral, trabalho na Comissão Nacional da UNESCO já há quase 20 anos, sempre na área da cultura. A UNESCO é a Organização para a Educação, Ciência e Cultura. Mais recentemente, também há uma área da comunicação bastante importante. A Comissão Nacional da UNESCO é um serviço do Ministério dos Negócios Estrangeiros, portanto, a UNESCO tem comissões nacionais nos vários países que não dependem da UNESCO, mas sim de vários ministérios. Há muitas comissões nacionais do Ministério da Cultura, do Ministério da Educação, mas em Portugal decidiu-se que ficaria associada ao Ministério dos Negócios Estrangeiros.

Portanto, eu trabalho, acompanho todos os assuntos da cultura da UNESCO e, em especial, as Convenções do Património Mundial, Convenção do Património Imaterial, a Convenção da Diversidade das Expressões Culturais um bocadinho menos, e as Convenções de 1954 e de 1970 do tráfico ilícito, muito menos. Portanto, relativamente a essas 2 convenções, a Comissão Nacional da UNESCO funciona, ou, pelo menos, tem uma atividade mais de divulgação da informação e também do envio da informação aos vários pontos focais para as Convenções da UNESCO a nível nacional. Portanto, uma única pessoa não consegue tratar de todos os assuntos, como é óbvio, não é? Não há uma equipa que nos acompanhe, embora nós

contamos muitas vezes com grupos de trabalho específicos para determinados assuntos. Por exemplo, há um grupo de património mundial, um grupo de trabalho para o património imaterial que nos auxilia também na avaliação das candidaturas, etc. Mas para as convenções de 1954 e de 1970 nós temos apenas pontos focais, não temos nenhum grupo de trabalho. São esses pontos focais que se encarregam de obter a informação necessária junto dos vários organismos em Portugal, para, por exemplo, responder a questionários da UNESCO, inquéritos ou aquilo que for necessário. Portanto, eu receio que as minhas competências em matéria da Convenção de 1954, de conflito armado, e de tráfico ilícito não sejam muitas, mas pronto vou tentar o melhor possível responder às suas questões dentro daquilo que conheço.

F: Qual a diferença que a Unesco faz, na sua opinião?

C: Eu acho que a UNESCO tem um papel muitíssimo importante, eu vou falar da área da cultura, mas, por exemplo, a área da educação é muitíssimo relevante também. Eu não sei, mas em Portugal existem já mais de 150 escolas associadas à UNESCO e que têm um trabalho muitíssimo importante na área da educação. Mesmo na área da ciência, há o programa dos geoparques, das reservas da Biosfera, também acompanhado pela área da ciência da Comissão. Mas na área da cultura, eu acho que as convenções da UNESCO que têm maior visibilidade, são as da cultura. Se nós perguntarmos a alguém se conhece, o que é o património mundial, se calhar não sabe explicar o que é, mas certamente já ouviu falar, e o património imaterial também. Portanto, eu acho que a UNESCO, sobre esse ponto de vista, tem um papel muitíssimo importante na divulgação do património e na sensibilização para a salvaguarda do património, para a sua proteção, mesmo que as pessoas não saibam exatamente como é que eu hei de fazer, pelo menos já estão um bocadinho sensibilizadas para estas matérias quando é necessário desenvolver alguma ação mais específica de proteção de património, de conservação ou de salvaguarda.

F: Quais são as principais estratégias da UNESCO para salvaguardar o património cultural?

C: Pode-se pensar que há 2 tipos de salvaguarda do património. Portanto, há um tipo de salvaguarda a nível internacional, que é, por exemplo, as inscrições na Lista de Património Mundial, as inscrições nas listas da Convenção do Património Imaterial, que é uma salvaguarda a nível internacional. Os bens ou os seus sítios ou as manifestações do património ficam inscritas nesta lista e por essa via têm uma visibilidade muito acrescida. Por esse aspeto é muito importante. A nível nacional, a UNESCO também tem algumas recomendações para os seus Estados membros relativamente à salvaguarda do património a nível nacional. Temos, por exemplo, uma recomendação de 1972 sobre a proteção do património a nível nacional, que é muito pouco conhecida, mas foi adotada no mesmo ano da Convenção do Património Mundial.

Por outro lado, por exemplo, no património imaterial, as diretrizes operativas têm todo um capítulo também dedicado à salvaguarda do património a nível nacional. Agora, o que acontece é que, sendo uma Organização Internacional, uma agência das Nações Unidas, a UNESCO não se pode imiscuir nos assuntos de cada país. Portanto, cada país tem de ser responsável pela salvaguarda ou proteção do seu património. A UNESCO pode emitir algumas recomendações, mas não são obrigatórias, ao contrário das convenções. Portanto, as convenções, são tratados que têm de ser refletidos nas legislações nacionais e todos aqueles bens que são inscritos na lista de património mundial ou que são reconhecidos como património imaterial acabam por ter uma proteção e uma salvaguarda muito maior, embora não seja obrigatório.

A UNESCO não faz nenhum policiamento da salvaguarda do património, e o que pode acontecer a um bem que não cumpre aquilo que está estabelecido na Convenção e nas orientações técnicas, que é o documento que regula a Convenção do Património Mundial, é ser retirado da lista. Portanto, não é aplicada nenhuma multa, nem outro tipo qualquer de pronto de

efeito nefasto, a não ser a retirada da lista, o que para o Estado também é mau, fica mal visto a nível internacional, que não soube proteger o seu património.

F: Como é que a UNESCO colabora com os governos nacionais e as comunidades locais para proteger o património cultural?

C: A UNESCO, como disse, não intervém diretamente a nível nacional. A sua atenção está sempre centrada sobre aqueles elementos que são reconhecidos pela própria UNESCO, o património mundial, os sítios do património mundial e o material, essas manifestações.

Os contactos com as comunidades locais não existem praticamente, portanto, são sempre feitos através dos Estados-Parte. Quanto ao percurso, a UNESCO contacta a missão permanente de Portugal junto da UNESCO, as representações, as delegações junto da UNESCO, que a maior parte dos países, não sei se todos, mas pelo menos uma grande parte tem representação junto da UNESCO, são como as embaixadas. Portanto, o circuito é este. A UNESCO contacta o Embaixador ou quem estiver à frente dessa delegação permanente junto da UNESCO. A delegação contacta a Comissão Nacional da UNESCO e a Comissão Nacional da UNESCO então contacta quem é necessário a nível nacional, seja as organizações públicas, sejam as ONG, sejam a sociedade civil. Este é sempre o percurso e o percurso também é feito de forma inversa. Se houver alguma queixa sobre um sítio património mundial, imaginemos, se houver algum questionário que tenha de ser respondido, as respostas são dadas à Comissão Nacional da UNESCO, que por sua vez envia para a missão permanente que o fará chegar à secção do património correspondente da UNESCO.

F: Quais são os maiores desafios que a UNESCO enfrenta neste momento, e que podem dificultar esta reconstrução e reconciliação pós-conflito? E eventuais possíveis soluções?

C: Há várias dificuldades. Desde logo, as guerras. Portanto, as guerras que estão atualmente no mundo e que fazem pôr em perigo o património, mas também as pressões turísticas, as pressões imobiliárias. Por exemplo, em África há muitas questões relacionadas com o património

natural, por exemplo, a caça ilícita, e todas essas pressões sobre o património que são, desde há muito tempo, questões que têm impactos negativos sobre os patrimónios, sobre património mundial natural ou cultural, mas também sobre o património imaterial, porque as comunidades também são afetadas por todos estes conflitos e por todas as alterações climáticas, por exemplo, todos os desastres naturais, e isso é uma fonte de problemas para o património e que os pode pôr em perigo, seja património material imóvel ou imaterial.

A UNESCO tem várias ações no terreno, tanto a nível de património mundial como a nível também de património material, na Ucrânia, na Síria, no Iraque e, portanto, em todas essas zonas de conflito, a UNESCO tenta de alguma forma ajudar as populações. É claro que tudo isto tem a ver também com política Internacional, e, portanto, a UNESCO também não se pode imiscuir nos assuntos do país nem quer fazê-lo de uma maneira que seja demasiado agressiva. Utiliza a cultura como aquele soft power para tentar chegar ao diálogo entre as Nações.

Depois há todas as questões relacionadas também com os Estados Unidos, porque os Estados Unidos são um dos maiores contribuidores da UNESCO. Portanto, cerca de 20% por cento do orçamento da UNESCO vinha dos Estados Unidos e de Israel, que, entretanto, saiu da UNESCO. Os Estados Unidos também saíram durante a primeira administração de Trump e agora voltaram a entrar, mas a coisa não está assim muito famosa e, portanto, o Presidente Trump está novamente a considerar retirar-se da UNESCO. Ora, as questões do financiamento são sempre fundamentais, principalmente numa organização desta natureza que tenta intervir em tantas áreas e tenta ter uma ação concreta no terreno, portanto financiamento é absolutamente necessário. Muitas vezes quando contactam relativamente a candidaturas perguntam “Então, mas quanto é que a UNESCO dá para proteger o património, dá algum dinheiro ou financiamento?” Mas é precisamente o contrário. Os países é que pagam para a UNESCO, seja enquanto Estado membro, seja para cada uma das convenções também. Portanto, não existe nenhum financiamento da UNESCO para o Património, para salvaguardar o património, à exceção daquele património dos países menos desenvolvidos em que aí há

linhas de financiamento específicas para esses países, mas Portugal é claro que não tem direito a usufruir delas.