

## Conclusion: Toward Research, Policy, and Action Agendas

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# Conclusion: Toward Research, Policy, and Action Agendas

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This book's chapters were written and copyedited late in 2021, a year that reminded us of the intimate link between the targeting of cultural heritage and the targeting of people. This conclusion quickly recalls recent history as a prelude to discussing why we should care about such connections; then it discusses what can be done about it in terms of setting research, policy, and action agendas.

## **A Decade of Examples**

On 13 April 2021, the first day of Ramadan coincided with Israel's Memorial Day. Israeli riot police fenced off the Damascus Gate—a traditional gathering place for Palestinians and one of the principal entrances into Jerusalem—and entered the al-Aqsa Mosque armed with clubs, guns, stun grenades, tear gas, and tools to cut the cables to the loudspeakers broadcasting the call to prayer from four minarets.<sup>1</sup> The stated objective was to ensure that a speech to be given that day by Israeli president Reuven Rivlin would not be disturbed for the annual Kafr Qasim memorial service. Israeli police knew the reverence in which the al-Aqsa Mosque is held among Muslims; it is considered the third holiest site in Islam and built on the Temple Mount, also known as the al-Aqsa Compound. Many Muslims believe that the Prophet Muhammad was transported from the Great Mosque of Mecca to the al-Aqsa Compound during the Night Journey, from which he ascended into heaven. Since the Six-Day War of 1967, Israeli security forces have routinely patrolled and conducted searches within the perimeter of the mosque. That said, al-Aqsa was the provocation that reflected a disregard for a subject community's cultural heritage at a sacred moment in its annual calendar. Widespread violence, suffering, and war crimes from both sides followed, together with civil strife and mob attacks in mixed Palestinian-Jewish cities across Israel and the occupied West Bank.

A few months later, in August, the ill-fated US withdrawal from the two-decade war in Afghanistan ushered in a return to state power by the Taliban, an Islamist political movement that had conducted arguably one of the most visible and infamous acts of

destruction of cultural heritage in recent history: the March 2001 demolition of the Bamiyan Buddhas. The leader of the Taliban at the time, Mullah Omar, afterward used the destruction of the ancient Buddhist sculptures to argue that international actors, particularly Western powers, cared more about such artifacts than they did about the poor desperate Afghan population. The Taliban sought to conceal the human catastrophe in its accompanying campaign of atrocities against the Hazara ethnic minority. While not Buddhists, the Hazaras lived in the valley where the Buddhas had dominated for fifteen centuries, and they respected them. As Shiite Muslims, the Hazaras are considered heretics by the Sunni Taliban; their true crime was not only idolatry but also, and perhaps more crucially, being members of the armed opposition to the Taliban.

With the Taliban back in power, and a growing alliance between al-Qaeda and the Islamic State Khorasan Province (ISIS-K), an Afghan affiliate of the Islamic State of Iraq and Syria (ISIS), there is the renewed and perilous potential for further violence against the region's cultural heritage and peoples. Of paramount importance is safeguarding the Afghan population, especially women, girls, and other vulnerable or marginalized members of society, as well as the country's extraordinary cultural legacy. It is not hard to imagine a future fatwa that targets pre-Islamic cultural heritage together with the "heretics" themselves.

On Easter Sunday 2019, suicide bombings claimed the lives of more than three hundred people in three churches and three hotels in the majority-Buddhist state of Sri Lanka. ISIS, which was said to have been totally defeated two months earlier, took credit for the attacks. It released a video of its leader, Abu Bakr al-Baghdadi, seen for the first time in five years, calling on his jihadist followers to rally around his vision for ISIS. "Our battle today," he said, "is a battle of attrition, and we will prolong it for the enemy. And they must know that the jihad will continue until Judgment Day." The Sri Lankan Islamist group Jamiyyathul Millatu Ibrahim recruited for ISIS and joined forces with the Islamist preacher Zahran Hashim, the alleged organizer of the Easter Sunday attacks, days before he reportedly also organized attacks on Buddhist sculptures.<sup>2</sup>

The Rohingya people are one of Myanmar's many ethnic minorities; their plight has been especially evident in the last few years. An Indo-Aryan ethnic group, they predominantly follow Islam, have their own language and culture, and are said to descend from Arab traders. Some 750,000 Rohingya fled Myanmar for Bangladesh in 2017 alone; the number may have doubled since, with some half million still residing in Myanmar. The flight took place after troops supported by Buddhist mobs destroyed their villages and mosques. Within a month, more than 6,700 Rohingya had been killed. UN investigators accused Myanmar's military of mass killings and rapes with "genocidal intent." Kutupalong is home to more than six hundred thousand Rohingya refugees in Bangladesh, and is the world's largest refugee settlement.<sup>3</sup> UN officials have called the persecution of the Rohingya tantamount to ethnic cleansing and crimes against humanity.

Since 2017, at least one million Uyghurs have been interned in more than eighty-five camps within the Xinjiang Uyghur Autonomous Region in northwest China. For years, the Chinese government denied the presence of such camps; images showing them, complete with watchtowers and barbed wire, forced the government to acknowledge their existence. Beijing rebranded them “reeducation centers.”<sup>4</sup> In the same year, the Xinjiang regional government passed a law prohibiting men from growing beards and women from wearing veils, traditional Uyghur customs.<sup>5</sup> Recently the Chinese government has forced Uyghur women to be sterilized or fitted with contraceptive devices, “tightening its grip on Muslim ethnic minorities and trying to orchestrate a demographic shift that will diminish their population growth.”<sup>6</sup> Also since 2017, according to a report by the Australian Strategic Policy Institute, around 8,500 Uyghur mosques have been damaged or destroyed, domes and minarets removed, and numerous shrines demolished, including the shrine of Imam Asim, a Muslim holy man.<sup>7</sup>

Sana’a, the oldest and largest city in Yemen, is thought to have been founded two and a half millennia ago. In 2011, it was at the center of the Yemeni Revolution, followed three years later by the Houthis takeover. Officially called Ansar Allah (Supporters of God), the Houthis are an Islamist political and armed movement, predominantly a Zaydi Shiite force supported by Iran and opposed by Saudi-backed Yemeni Sunnis. At the same time, al-Qaeda in the Arabian Peninsula (AQAP) and ISIS have carried out attacks against both factions. Mainly as a result of Saudi-led coalition air strikes, the Armed Conflict Location and Event Data Project (ACLED) claims to have recorded more than 130,000 deaths. The humanitarian group Save the Children estimates that some eighty-five thousand children suffer severe malnutrition, twenty-four million people require humanitarian assistance and protection, and some four million have been displaced.

At the same time, Saudi jets have bombed the Old City of Sana’a, destroying mud-brick tower houses that date back thousands of years. Their destruction follows a pattern of targeting. The Antiquities Coalition claimed in 2019 that “blood antiquities”—artifacts looted from museums, libraries, and ancient sites—were being sold illegally to help finance the civil war that the revolution had deteriorated into. Archaeological sites in Yemen, including the Great Dam of Marib, built in the eighth century BCE, have also been heavily damaged or destroyed by Saudi air strikes. More than eighty historical sites and monuments have been destroyed, including the historical center of Sana’a itself. As architectural historian Michele Lamprakos reports, “cultural heritage is unique in Yemen in the sense that it’s still a living heritage. It’s not antiquities or ancient history. It’s about everyday environments that still have meaning.” And “when you hit the heritage of a place like that, you’re really hitting at their identity.”<sup>8</sup> The once proud and beautiful ancient city is now the backdrop to one of the world’s greatest human tragedies, directly linked to the destruction of much of its treasured historical urban fabric.<sup>9</sup>

We began with this recital of six recent cases of brutal attacks on and disregard for cultural heritage. Tens of thousands of people dead. Millions forcibly displaced. And all within two decades. This leads us to ask a probing question and to hazard an answer.

### **Why Should We Care?**

The thirty-two preceding chapters shed light on how tortuous and complex it is, analytically or practically, to disentangle the twin imperatives of safeguarding human life and protecting cultural heritage. This concluding chapter looks to the future, building on the numerous contributions of our distinguished authors and pointing the way toward setting agendas—for research, policy, and action. First, however, we must remind readers of the rationale behind this book.

The Convention Concerning the Protection of the World Cultural and Natural Heritage of the UN Educational, Scientific and Cultural Organization (UNESCO) was approved in 1972 by the General Conference—the biannual meeting of its member states—and went into effect in 1975. It recognizes a cultural monument or site as having cultural, historical, or scientific significance to humanity. By signing the convention, every country “pledges to conserve not only the World Heritage sites situated on its territory, but also to protect its national heritage.” State parties are obliged to report regularly to UNESCO’s World Heritage Committee on the status of conservation of their inscribed properties, to strengthen their citizens’ regard for world heritage, and to “enhance their protection through educational and information programmes.”<sup>10</sup>

Earlier we mentioned the Old City of Sana’a, a site inscribed on the World Heritage List in 1986. It includes 103 mosques, fourteen hammams, or public steam baths, and over six thousand houses, all built before the eleventh century, with its Great Mosque said to be the first built outside Mecca and Medina. The deadly violence, depredation, and human suffering Sana’a has experienced over the past two decades has only exacerbated the effects of assaults on its cultural heritage. The World Heritage Committee inscribed the Old City of Sana’a on its List of World Heritage in Danger in 2015 to reflect the extensive damage from the most recent armed conflict.

The ancient city of Damascus was the first site in Syria to be inscribed on the World Heritage List, in 1979; the ancient city of Aleppo was added in 1986, becoming the fourth Syrian site on the list. Along with Syria’s other four current World Heritage Sites, they were both added to the List of World Heritage in Danger in 2013 as a result of the country’s civil war. Among Aleppo’s most important structures is the Great Umayyad Mosque, built on the site of a Hellenistic agora between the eighth and twelfth centuries; it is purportedly home to the remains of Zechariah, the father of John the Baptist—revered in both Christianity and Islam. In 2013, it became a target of fighting between President Bashar al-Assad’s forces and the al-Nusra Front, an Islamist militant faction of the insurgency. Each side blamed the other for the destruction of the mosque. Anti-Assad forces posted a video saying, “If he attacks all of the mosque, we will stay here, we will stick with our position, we won’t abandon our Islam even if all the world does.”

Irina Bokova, then UNESCO's director-general, "called upon all those involved in the conflict to ensure the respect and protection of this heritage."<sup>11</sup>

We do not need to continue with our lists in order to ask the question, Why should we care about such damage or destruction? As noted in our earlier examples, an obvious reason is that the people affected by government repression, international and civil wars, or jihadist violence care deeply about their cultural heritage themselves. For example, in 2017, Mustafa Kurdi, the supervisor of the reconstruction of the Great Umayyad Mosque of Aleppo, said in the midst of ongoing military and social instability: "We are preparing now to bring the equipment to move the stones of the minaret and put them together and start to build as close as possible as the original minaret was. Maybe some of the stones cannot be used again because they are broken. We shall have to find new stones from perhaps other old stones. If need be, we can make new stones look like old ones. This is a vast task but we consider our main work is the rebuilding of the minaret."<sup>12</sup> Kurdi's response to the destruction was practical: "We have the materials and the experience in dealing with damage of this sort but we must remember that when the mosque is restored, everything else will return—not only those who pray but people shopping who stop in the colonnades to rest—because the mosque is the heart of this area. This is not just a religious symbol. It is a social place, part of our culture."

Other responses have been more emotional. It is not only the material remains of ancient cultural heritage that people care about, but also the memories and meanings associated with them. Haymen Rifai, a sixty-year-old Aleppo resident, explained gravely as she stood with her two daughters in the war-pulverized center of Aleppo, "Each time we come here it feels worse." Mohammed Marsi, standing with his son, shook his head and sighed, "The destruction for the whole country is indescribable, just like what happened to the mosque. If you knew the mosque before the damage, and saw it now, it is like someone who lost a child or part of his body."<sup>13</sup> As Oxford University classical archaeologist Judith McKenzie noted about the mosque's destruction, "The built environment is part of people's identity. Historic buildings are part of people's culture, history, and memories. And handing down cultural heritage from past to future generations reaffirms identity . . . 'intangible heritage'—the value that people and buildings have mutually generated across time."<sup>14</sup>

Another reason we should care is that the protection of cultural heritage, like that of hospitals and schools, can be justified as part of a counterinsurgency strategy, or a comprehensive civilian and military effort to defeat and contain insurgency and address its root causes. Joseph Felter and Jacob Shapiro, in an issue of *Daedalus* on the theme "The Changing Rules of War," argued that "if minimizing civilian casualties helps advance strategic goals in certain conflicts, then the standards for protection might be much higher."<sup>15</sup> The long and complicated history of counterinsurgency doctrines reflects this essential perspective from the trenches. For example, US General Stanley McChrystal argued bluntly about the prospects for success of the International Security

Assistance Force (ISAF) strategy in Afghanistan: “We will not win based on the number of Taliban we kill, but instead on our ability to separate insurgents from the center of gravity—the people. That means we must respect and protect the population from coercion and violence—and operate in a manner which will win their support.”<sup>16</sup>

Another US general, David Petraeus, argued that counterinsurgency is a tactic that can only be effective if it involves the use of public diplomacy in an effort to render the insurgents ineffective and noninfluential. In short, strong and secure relations with the local population of the occupied state are critical for the prospect of peace and stability. Admonishing coalition forces, he wrote that “we must continue—indeed, redouble—our efforts to reduce the loss of innocent civilian life to an absolute minimum. Every Afghan civilian death diminishes our cause.”<sup>17</sup>

In times of civil wars such as Syria’s, with so many fronts and overlapping alliances and agendas, counterinsurgency would seem an effective means to restore civil society after an armed conflict. Protecting cultural heritage is crucial for such a strategy. It is part of what civilian populations return to in order to restore their lives once fighting has ended; it is what they identify with in forging and strengthening identities.

Another reason that we should care is that cultural heritage’s power and authority lie in its integrity as evidence of the continuing, inspiring genius of humanity; it is a source of local and communal identities as well as economic recovery. The devastation to cultural heritage in Aleppo was aimed at destroying the collective identity of a subject people. Reiterating that murder and destruction of culture were inherently linked, Bokova said in response to attacks on Palmyra, another Syrian World Heritage Site, “This is a way to destroy identity. You deprive [people] of their culture, you deprive them of their history, their heritage, and that is why it goes hand in hand with genocide. Along with the physical persecution they want to eliminate—to delete—the memory of these different cultures.”<sup>18</sup>

Her further perceptive remarks were inspired by the grisly 2015 public beheading and display of the headless corpse of Khaled al-Asaad, the eighty-two-year-old archaeologist and keeper of Palmyra’s antiquities. The justification? His refusal to reveal where Palmyrene antiquities were hidden for safekeeping. “The destruction of funerary busts of Palmyra in a public square, in front of crowds and children asked to witness the looting of their heritage is especially perverse. These busts embody the values of human empathy, intelligence, and honor the dead.”<sup>19</sup>

In September 2015, Bokova issued a statement addressing the protection of victims of ethnic and religious violence in the Middle East, pointing to mass atrocities and redoubling her criticism of cultural intolerance: “All of this shows the humanitarian crisis cannot be separated from cultural cleansing. These are part of the same strategic imperative and must stand at the heart of all efforts for peacebuilding. The cultural heritage and diversity of this region must be safeguarded for future peace, as part of the identity of all humanity.”<sup>20</sup>

### **What Can Be Done?**

Two significant anniversaries demarcated the writing and publication of this book: the fiftieth anniversaries of both the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, and the organization's already-mentioned 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage. In light of the extensive and continuing attention that the earlier convention receives—both as a source of illicit funding and as a contested topic over the proper restitution of heritage acquired illicitly—we elected to stress the most significant parts of the 1972 convention relating to tangible and immovable cultural heritage.

To that end, we have written and commissioned a diverse range of scholars and practitioners to write about “Cultural Heritage and Mass Atrocities” from five distinct angles: “Cultural Heritage and Values,” “Cultural Heritage under Siege: Recent Cases,” “Cultural Heritage and Populations at Risk,” “Cultural Heritage and International Law,” and “Cultural Heritage and Military Perspectives.” The specific contexts for conscience-shocking attacks on peoples and their heritage cover a wide spectrum of actors and crimes: by major powers (e.g., China against the Uyghur communities in Xinjiang); by vengeful or rogue states (e.g., the governments of Sri Lanka and Afghanistan against ethnic minority communities in the northeast of Sri Lanka and the Bamiyan Valley); by outside allies abetting repressive governments (e.g., Russia and the Assad government in Palmyra and Aleppo); by nonstate terrorists (e.g., Islamist militants in Timbuktu, Mali); and by successive governments in a small state (e.g., the destruction of Maya heritage in Guatemala). We do not presume comprehensiveness in our approach, only fresh perspectives from experts representing diverse views and a wide range of academic backgrounds. They include the scholarly and analytical communities embracing (in no particular order) cultural history, philosophy, anthropology, sociology, architecture, humanitarianism, international law, military science, international relations, economics, contemporary politics, and human rights.

We hope and anticipate that the labors of our contributors and our own editorial approach will stimulate additional and better research by others. We also expect new policy initiatives and action agendas by governments, international organizations, cultural institutions, and foundations. To that end, we spell out our initial thoughts about the priorities and components for such agendas.

### **Elements of a Future Research Agenda**

We intend this collection of essays to move the interest in this subject beyond mere anecdotes, conjectures, and metaphors. Whatever one's views about the details in the individual recommendations below, the overriding and indisputable requirement for future applied research is more and better transdisciplinary approaches. The broader and deeper research agenda should encompass all of the disciplines and orientations mentioned above, and others that we undoubtedly have failed to enumerate. We have



consciously chosen a “nondisciplinary” approach in these pages because a wide range of experiences and professional expertise is required to understand the human and heritage costs as well as the substantial benefits of protecting people and their cultures. Not only is the subject matter itself capacious, but also it stimulates an extensive and overlapping range of professional responses. In designing and developing this book, we convened its contributors and other advisers multiple times over three years to provoke and encourage the discovery of shared interests arising from diverse disciplinary orientations. Political scientists engaged with philosophers, humanitarians with military specialists, economists with cultural historians, and classical scholars and museum directors with international lawyers.

The rich potential and greatest opportunity for future research is to break out of our disciplinary silos in order to determine empirically the precise relationship between mass atrocities and cultural heritage destruction, and vice versa. Better understanding the links between attacks on people and those on cultural heritage is complicated. It demands far more detailed and sustained efforts than those that have already gone into these pages. As productive as our effort might be or might have been, it was obvious to all participants that more basic data gathering and in-depth research are required; it will involve long-term commitments to exploring what goes beyond the narrow disciplines espoused by those who study cultural heritage and those who study law, politics, economics, the military, and humanitarianism. Both strategies and tactics could and should change as a result of more granular and evidence-based analyses.

From the beginning, we opted for the term *mass atrocities*, as opposed to a more limited reference to military actions in recognized wars. The emphasis on the destruction of immovable cultural heritage amid mass atrocities, wherever they occur, means that our preoccupation has been with the intersection of human life and cultural heritage; it matters not that they are threatened during an “armed conflict” (that is, a war declared or not, international or non-international) or civil strife or routine repression by political authorities. Given the nature of the topic, which includes so many nonstate actors and minority community members, military action makes it difficult to gauge local views regarding the state ownership of cultural heritage. It is no less difficult to distinguish the opinions of authorities, governments, and belligerents, especially with the advent and spread of social media. At present, perpetrators who kill people and destroy cultural heritage have the functional equivalent of a television or radio station in their pockets, making every belligerent’s contact a potential lethal performative source.

From our perspective, the purely national “ownership” of cultural heritage is questionable. Who owns Palmyra and to what effect? The legal scholar John Henry Merryman proposed a triad of principles to evaluate how best to proceed: preservation (how can cultural heritage be best protected and preserved?); quest for knowledge (how can we best advance our search for valid information about the human past?); and access (how can we best assure that cultural heritage is optimally accessible?). These

principles are noble—we have used them before.<sup>21</sup> Their applicability and relevance are obvious in a state-based system, where possession equals ownership—especially where state-based identities can be determined.

But what of the ancient traces of Palmyra? Within just a few years, they were the property of and policed by the government in Damascus; subject to theft during the Syrian Civil War; contested by the Syrian army and multiple groups of the armed opposition; attacked, damaged, and ultimately much destroyed by ISIS fighters in a performative display of dominance and destruction matched in military might only by that of the Syrian state. A key component was Russian air strikes, which were accompanied by a performance of the Russian Mariinsky Orchestra in Palmyra's Roman Theatre, Moscow's signing of a memorandum of understanding (MOU) in support of the Assad government against the US-backed Syrian Democratic Forces, and Russia's Hermitage Museum's signing of another MOU with the Syrian Museum and Antiquities Authority to restore some of Palmyra's historical sites.

However, this rapidly changing combination of responsibilities over a decade is merely the most recent manifestation of a more profound concern that reflects the basic quandary about the nature of heritage—in the past, present, and future. The current "owner," Syria, is a twentieth-century creation. The name historically had referred to the wider region—more or less a synonym for the Levant—and previous recent "owners" included the French and the Ottomans. But what about the Romans, who built Palmyra in the first place? Was their ownership only temporary? If so, has it devolved to Italy? Is the current government in Damascus a temporary trustee or an all-powerful owner that can make decisions for humanity? While our answer should be clear, we appreciate the reasons for a host of other perspectives, and this leads us to propose deeper inquiries to determine the costs and benefits of better protective measures.

Researchers require more precise metrics to determine, for instance, the relative value and impact of "hard" public international laws versus, for instance, "softer" rules, norms, principles, and standards. More granular empirical data are necessary to even begin to answer the previous questions about the status of Palmyra and myriad other cultural heritage sites under siege or already destroyed or compromised. A comprehensive database should be compiled. There are a host of relevant elements—including those related to war, forced migration, human rights, and aspects of heritage preservation and endangerment—that could be drawn on, improved, and consolidated. However, there remain numerous missing elements as well as the singular challenge of putting the various puzzle pieces together.

So, too, research and data are required for us to have a firmer basis on which to gauge whether moral hazard is relevant in evaluating possible measures thought to be helpful in counteracting mass atrocities and cultural heritage destruction. What are the pluses and minuses, for example, of declaring a visible heritage site off-limits for the military? Such a designation may provide an incentive to an enemy's armed forces (regular troops or the armed opposition) to deploy there because they are less likely to

be attacked. Similarly, will media and diplomatic coverage of visible monuments make them more attractive targets? The implications of social media and “performative” destruction are anything except obvious without better in-depth investigations into their use in perilous situations. The parsing through of case studies of nonstate actors would be an essential component in this task—attempting to identify which ones are more likely to refrain from heritage destruction and respect the provisions of international law.

Among other broad-gauged questions requiring far better answers than we have at present are some related to the use of armed force: Is it possible to disentangle cultural heritage protection from broader peace and security measures? Does the protection of cultural heritage and human populations distract from or facilitate peace negotiations and an eventual accord? Is there evidence of a virtuous circle between protecting heritage and people so that such protection can act as a force or diplomatic multiplier? In short, military and civilian officials require more knowledge to inform their standard operating procedures.

Finally, future efforts to improve the prospects for preventing both atrocities and heritage destruction relate to the comparative advantage of various institutions. What are the pluses and minuses of different intergovernmental organizations in mitigating mass atrocities and heritage destruction (e.g., the United Nations, the European Union, or the Organisation of Islamic Cooperation)? What about nongovernmental organizations (e.g., Human Rights Watch, Geneva Call, or the International Committee of the Red Cross)? What is the best use of resources from philanthropic organizations (e.g., the Ford Foundation, J. Paul Getty Trust, or Aga Khan Development Network)? Are specialized organizations in the cultural heritage arena (e.g., UNESCO or the Blue Shield) better placed than less specialized ones for operational assistance as well as monitoring? What are the most relevant contributions from encyclopedic museums (e.g., the Louvre in Paris and Abu Dhabi, the Smithsonian, or the British Museum)? How do the answers to these queries differ when applied to states versus nonstate actors, or to industrialized countries of the Global North versus those emerging economies and developing countries of the Global South?

The dimensions of the requisite research agenda are vast. That said, the governing boards of individual institutions should consider commissioning specific investigations and evaluations to shed light on how best to modify their own orientations, projects, and priorities, as well as how best to scale up activities and identify the most attractive potential partners.

### **Formulating Policy and Action Agendas**

One of the primary objectives of commissioning the range of views in this volume was to stimulate creative thinking about changing governmental and institutional policies toward cultural heritage and mass atrocities. Ultimately, of course, we also sought to advance action agendas. Here we organize our brief synthesis of the overall suggestions

emerging from our deliberations about how best to achieve these aims under two headings: cross-cutting considerations, and more specific activities for prevention and reaction.

### *Cross-Cutting Considerations*

Universal jurisdiction has been a tool increasingly applied to addressing the aftermath of human rights abuse wherever violators may be located. A similar approach could be relevant for iconoclasts who have fled the scene of their cultural devastation in order to avoid prosecution. Given international mobility, universal jurisdiction for cultural heritage crimes could constrain the movement of such criminals as well as restrict their access to funds and future mobility. The possibility of an eventual conviction could act as a deterrent for prospective destroyers of cultural heritage.

Although only states sign and ratify international agreements, some nonstate actors have determined that it is in their interest to abide by the provisions of international law—for example, to attract donor support or strengthen their legitimacy in negotiations as a possible future government. Determining why some nonstate armed groups restrain their members from attacking cultural heritage, including looting of artifacts to fund activities, is essential. So too is making it attractive over the longer run for nonstate actors to respect codes of conduct and adopt guidelines for the protection of cultural heritage as well as basic human rights treaties.

The widespread abuse of selective memory, of cultural heritage to tell only part of any story, is a problem that invariably colors any publicity about and history of sites that have changed hands. An important step in the direction of respectful truth-in-packaging would be to make an objective and complete portrayal of any site part of the requirement for its designation by UNESCO as a World Heritage Site. Surveying and cataloguing accurately the previous uses and users should be essential for such locations. Controversy and alternative interpretations of the glorious pasts of Hagia Sophia and the Mosque-Cathedral of Córdoba, for instance, could help contemporary viewers of all persuasions and faiths understand the meaning of a “world” as opposed to a “state” heritage site.

An important balance needs to be struck by the media, which generally are keen to cover high-visibility catastrophes but should be made aware of the significance and power of even the simplest immovable heritage to communities in which such structures are located. World Heritage Sites make for dramatic images and media coverage, but also newsworthy should be less visible and modest sites for the vulnerable populations subjected to atrocities; such broader coverage is an essential component of the media’s role as guardians of the public interest.

Local, national, regional, and global lenses provide alternative ways to evaluate the exact impact of mass atrocities and cultural heritage destruction, in addition to helping to determine the priorities for action and funding. The free-for-all in competing for limited resources often results in a race to the bottom by competing recipients, both

outsiders coming to the rescue and local counterparts. Bilateral and multilateral donors as well as private sources (foundations and businesses) should better appreciate and attenuate competitive turf battles; they should formulate measures to avoid wasteful zero-sum contests, including incentives for enhanced cooperation.

Training soldiers, humanitarians, and human rights monitors in the nuts and bolts as well as the importance of cultural heritage protection would be a helpful step toward enlarging the audience for and safeguarding of such heritage. In addition to the contents of their normal job descriptions, an exposure to the basics of international humanitarian law as it applies to cultural heritage would be a helpful point of departure. Moreover, the potential for contemporary technologies to monitor sites and behavior should also form part of any training.

#### *Prevention and Reaction Activities*

Our own discussion agenda for the two parts of our book's title reflects the original three-pronged approach to "mass atrocities" that launched the norm of the responsibility to protect (R2P)—to prevent, to react, to rebuild—which also coincides with the phases and conceptual frameworks applied by many cultural heritage specialists. In addition to the specific thoughts in individual chapters, we highlight here our own recommendations to advance prevention and reaction agendas. The reader should note that we are finessing the third responsibility, *reconstruction*. The questions of whether to rebuild or not, and if so, how, are completely and perhaps impossibly politicized and fraught at present. Several chapters underline the obvious difficulties: too little money, too much interference, and too few consequences. No matter what one's views on the topic, however, the fundamental principle to guide future reconstruction that no one disputes is the crucial importance of inclusive agency in decision-making, and also relying more on local architects, materials, and artisans for whatever rebuilding occurs.

A central conclusion—surprising for a group of authors that contains so many legal experts on a topic that has been dominated for over a century by the pursuit of better public international law—is that there is little to be gained from refining existing laws. The absence of political will, not of law, invariably explains inaction. What seems more worthwhile and pragmatic is a twofold emphasis: strengthening the emerging R2P norm, which includes the protection of cultural heritage, and mobilizing the political will to act in a timely fashion to implement existing laws and enhance compliance with their tenets. That said, an immediate priority would be to encourage over sixty reticent or hostile member states—there are only 133 state parties—to ratify the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its First Protocol of the same year. The absence of three permanent members of the UN Security Council (China, Russia, and the United States) is an especial shortcoming for the 1999 Second Protocol, which presently has merely eighty-four state parties.

There is a pressing need to build on the precedent of the International Criminal Court's (ICC's) first sentence for the war crime of attacking cultural heritage, in the *Prosecutor v. Al Mahdi* case concerning the wanton destruction in Timbuktu. This recommendation is relevant for both enhanced prevention and reaction. An essential diplomatic effort is required to get the holdouts, especially the same three permanent members of the Security Council, to ratify the ICC's Rome Statute and join the court. It should be recalled that Mali's ratification of the statute was essential for the extradition, trial, and conviction of Ahmad al-Mahdi.

In addition, transitional justice is a promising and related but not strictly judicial response that has been pioneered in reaction to atrocities and massive violations of human rights; it also could be applied to the prevention of and reaction to cultural heritage destruction. Transitional justice was developed as a technique for post-conflict peacebuilding in general. Its adaptation would not emphasize the letter of international heritage law but rather more immediate and practical solutions for communities that have suffered both heritage loss and mass atrocities. This tool seeks to clear the air through public admission of past crimes without necessarily including punishment. Some fifty truth commissions have been used over the last four decades to address numerous atrocities in countries as different as Argentina, South Africa, Guatemala, Liberia, and Cambodia. They need not address only recent events—for example, in 2021 France decided to organize a Commission *mémoires et vérité sur le passé algérien de la France* (Memories and truth commission regarding the country's role in the Algerian Civil War) for the war that had ended almost six decades earlier. The goal of cultural heritage commissions would be to not ignore cultural cleansing but simultaneously to not exacerbate the fragile equilibrium of a country in transition; they would aim at a reckoning, one that could help countries emerging from traumatic periods to confront their past, to interrupt cycles of atrocities, and to move on.

There are, of course, missing elements from the heritage-protection regime. But the emphasis should be on reinforcing and publicizing the fledgling institutions that are in place—despite their evident political and administrative shortcomings—rather than building new ones. For instance, UNESCO's current total annual budget of some \$535 million is completely insufficient for an expanded agenda to document, protect, and rebuild cultural heritage. Similarly, the International Alliance for the Protection of Heritage in Conflict Areas (ALIPH), a multilateral but essentially French-led initiative that began in Abu Dhabi in December 2016, does not require competitors but reinforcement and reform.

Peacekeepers from both the North Atlantic Treaty Organization (NATO) and the UN, in Kosovo and Mali respectively, have illustrated the utility of heritage protection, for both major and minor sites, in the mandates of peace operations. This relatively new dimension of the daily work of outside soldiers tasked with keeping the peace has illustrated the value of military protection. These two examples highlight the potential for a routine expansion of such efforts, which can improve the military's relationships

with local populations as well as protect heritage. Short-term reconstruction through quick impact projects (QIPs) could usefully be an additional component in the international mandates of peace operations and political missions. Military academies and defense departments worldwide should critically examine past experiences with protection and investment with an eye to a future expansion of such efforts as routine tasks that immediately have a dramatic impact on their relations with the local community. They also improve post-conflict investment opportunities for reconstruction, a factor often overlooked or underestimated in determining the value of intervention.

We maintain, despite notable skepticism from pundits and vagaries across changes in administrations and governments, that the political climate remains propitious for more robust efforts to improve the prospects for halting atrocities and cultural heritage destruction. It is unwise to minimize new nationalisms and populisms, but the unrelenting US siege against multilateralism and a major brake on international initiatives has abated with the 2020 election of US president Joseph R. Biden.

While evidence is short as of this writing, the necessity to address the pandemic and climate change—and the requisite international collaborative efforts to provide such global public goods—could help nudge the momentum as well as address the effective protection of cultural heritage. The widespread worldwide outrage that greeted the destruction of such visible monuments as the Bamiyan Buddhas and the Mostar Bridge in Bosnia and Herzegovina as well as US president Donald Trump's cavalier threat against Iranian cultural sites indicates the potential of mass atrocities and cultural heritage destruction to mobilize domestic and international support for enhanced protection for people and the cultural heritage that sustains them.

One category of vulnerable civilians is especially crucial for cultural heritage and could perhaps be protected and temporarily sheltered. The chaos in Afghanistan during the withdrawal of US troops in August 2021 exposed the precarious position of international cultural workers. Curators, conservators, artists, museum directors, educators, and administrators—whose lives are imperiled by remaining in their home country—should attract particular attention. Supportive external actors remain unprepared to act in a coordinated and cohesive manner in response to cultural crises with humanitarian dimensions. Despite the existence of numerous international agencies designed to protect cultural heritage, it is imperative to explore the feasibility of establishing an international consortium of museums, universities, nongovernmental organizations, and government agencies to develop a better coordinated network of services and placements to protect imperiled cultural workers. While the temporary relocation of cultural objects remains fraught, the protection of trained and knowledgeable local cultural custodians is not—the idea has its roots in the Monuments Men and Women of World War II. By establishing a network of organizations that can assist with documentation, travel, and placement, it should be possible to provide such colleagues with a means to continue their work, even while displaced.

Finally, a substantial commitment is necessary to advance education at several levels. An immediate task is to make the various audiences to which readers belong—for instance, in the heritage, scholarly, humanitarian, legal, and military communities—aware of the mutually reinforcing links between their concerns with halting cultural heritage destruction and mass atrocities.

### A Final Thought

The proverbial bottom line: all people share a common human heritage—as intricate, complex, and representative of diverse cultures as they may be. This concluding chapter draws attention to the plight of endangered populations and revives the case for the protection of their cultural heritage. That said, the potential “network” of interested actors for this endeavor is large, but the actual network at present is loosely knit and ill-prepared at best. We hope that this volume represents a modest but meaningful step in mobilizing the rich and real potential of soft power to make a lasting difference in the lives of people and the communities with which they identify.

### NOTES

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