

**Study Guide
for
the Council of the European Union**

Topic Area: Securing the preservation of cultural heritage in times of armed conflicts

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1. Welcoming Message

Distinguished ministers,

We are honored to officially welcome you to Rhodes Model Regional Cooperation 2022 and more specifically to our own committee, which is the Council of the European Union (CoEU). In the CoEU you will be called upon to discuss the significant topic of the *preservation and protection of cultural heritage* during times of war and how democratic practices can pave the road for the final success of this effort. War and conflicts have put a threat to the integrity of cultural heritage and significant amounts of material and spiritual cultural property are being lost. Our heritage, as members of the international community, is constantly in danger. Therefore, as government ministers of the Council of the EU, you must be in the position to negotiate and cooperate with each other so that an efficient result can be achieved.

We, as Board Members of this committee, are more than excited to provide you with the basic information and necessary points under which the discussion of the aforementioned topic will take place. We hope that this Study Guide will assist you throughout your research and preparation process. We are looking forward to meeting you in person and witnessing your opinions and fruitful discussion on the matter!

We remain at your disposal anytime, for any questions that may occur and we wish you productive research.

Kindest regards,

Christos Kaltsas, President of the CoEU

Sofia - Evangelia Zarzavatsaki, Commissioner

2. Introduction to the Committee

The Council of the European Union is an EU institution that is composed of Government Ministers from the 27 member states. Each EU country holds the presidency on a 6-month rotating basis during which the president chairs several meetings at any level in the Council and contributes to the exceptional work of the Council Members.¹ In order to facilitate its work and organize the proceedings, the Council meets in different configurations depending upon the topic under discussion. For example, if the topic that is to be discussed concerns a matter of education, then the Education, Youth, Culture and Sport Council (EYCS) will be assembled, and each country will be represented by their respective Ministers.² In this year's CoEU the debate will be held under the Foreign Affairs Council (FAC) and the participants will be Ministers of Foreign Affairs. The Council of the EU, alongside the European Parliament, constitutes the main decision-making body of the European Union. Particularly, they co-decide for the laws that will be applied in the EU and bring the member states closer with a view to enhance cooperation and harmonize common policies. As far as the EU's Foreign and Security Policy³ is concerned, the Council of the European Union is responsible for the development and implementation of the EU's *common foreign and security policy* based on the several guidelines set by the European Council,⁴ the conclusion of international treaties, and the adoption of the EU's budget along with the European Parliament.⁵

Together with the European Commission⁶ and the High Representative of the Union for Foreign Affairs and Security Policy⁷, the Council's main role is to ensure the unity, consistency, and effectiveness of the EU's external action⁸. More specifically, the Council can launch EU crisis management missions⁹, both civil and military, in pursuit of the EU's objectives of peace and

¹ "The Council of The European Union", Consilium.Europa.Eu. Eu, 2022, <https://www.consilium.europa.eu/en/council-eu/>.

² "Education, Youth, Culture and Sport Council Configuration (EYCS)", Consilium.Europa.Eu. Eu, 2022, <https://www.consilium.europa.eu/en/council-eu/configurations/eycs/>.

³ "Foreign Affairs And Security Policy". European Commission - European Commission, 2022. https://ec.europa.eu/info/topics/foreign-affairs-and-security-policy_en.

⁴ "The EU Common Foreign And Security Policy". Stiftung Wissenschaft Und Politik (SWP), 2022. <https://www.swp-berlin.org/en/topics/dossiers/the-eu-common-foreign-and-security-policy>.

⁵ "Adoption Of The European Union's 2022 Budget | Think Tank | European Parliament", Europarl.Europa.Eu, 2022, [https://www.europarl.europa.eu/thinktank/en/document/EPRS_ATA\(2021\)698798](https://www.europarl.europa.eu/thinktank/en/document/EPRS_ATA(2021)698798).

⁶ "Foreign Affairs And Security Policy", European Commission - European Commission, 2022, https://ec.europa.eu/info/topics/foreign-affairs-and-security-policy_en.

⁷ Matthew Min, "The High Representative Of The Union For Foreign Affairs And Security Policy | European Union Regulations | European Encyclopedia Of Law", European Law.Law Legal.Eu, 2022, <https://europeanlaw.lawlegal.eu/the-high-representative-of-the-union-for-foreign-affairs-and-security-policy/>.

⁸ Maria Lenzu, "Foreign Affairs Council, 18 July 2022", Consilium.Europa.Eu, 2022, <https://www.consilium.europa.eu/en/meetings/fac/2022/07/18/>.

⁹ EU Military And Civilian Crisis Management | EU2019FI". EU2019FI, 2022. <https://eu2019.fi/en/backgrounders/eu-military-and-civilian-crisis-management>.

security. It can also adopt measures needed to implement the EU's foreign and security policy, including possible sanctions.¹⁰

3. Introduction to the Topic

The recent invasion of Russia in Ukraine has disrupted the balance across the entire Europe. As a result, a variety of matters concerning democracy, peace and human rights have been brought to discussion and humanitarian aid is being sent to the victims for the cure and protection of their physical being.¹¹ We witness numerous people that are being killed in the battlefield, others that are fleeing their countries because of the threat and others that are having their houses and towns destroyed because of the disastrous bombings that are constantly occurring.¹²

More specifically, these bombings, despite the fact that they displace a huge number of people, they also destroy the nation's significant architecture, which is definitely a characteristic and representative piece of its cultural identity¹³. Cultural areas such as museums, theaters and libraries are being used either as refuges by civilians or as military targets leading to the subsequent material damage of the art pieces and internal cultural areas. Intangible – spiritual- heritage such as language, history and customs are also threatened during conflicts. A case in point is that children attend school for less hours or not at all, thus, leading them to being detached from their nation's history, customs or even their people's way of thinking, which is also a part of their heritage.¹⁴

This situation makes us understand the importance of our heritage, as it is the element that shapes our nation's distinguished identity. By accepting all different cultures and their significant features we subsequently pave the road for democracy and peace. Sadly, we perceive that in war, one of the

¹⁰ Außenministerium Österreich, "EU Foreign Policy (CFSP)", Bmeia.Gv.At. At, 2022, <https://www.bmeia.gv.at/en/european-foreign-policy/european-policy/eu-foreign-policy/eu-foreign-policy-cfsp/>.

¹¹ "Invasion Of Ukraine Is An Act Of Aggression And Human Rights Catastrophe", Amnesty International, 2022, <https://www.amnesty.org/en/latest/news/2022/03/russia-ukraine-invasion-of-ukraine-is-an-act-of-aggression-and-human-rights-catastrophe/>.

¹² "Devastation And Defiance In Ukraine: 100 Days Of A War That Is Reshaping Europe", The Guardian, 2022, <https://www.theguardian.com/world/2022/jun/03/devastation-and-defiance-in-ukraine-100-days-of-a-war-that-is-reshaping-europe>.

¹³ "As The War In Ukraine Devastates The Nation'S Ecosystems, The World Reaches Record-High Military Spending | Nationofchange", Nationofchange.Org, 2022, <https://www.nationofchange.org/2022/08/08/as-the-war-in-ukraine-devastates-the-nations-ecosystems-the-world-reaches-record-high-military-spending/>.

¹⁴ "Europa Nostra Strongly Condemns The Ongoing Deliberate Destruction Of Cultural Heritage In Ukraine - Europa Nostra", Europa Nostra, 2022, <https://www.europanostra.org/europa-nostra-strongly-condemns-deliberate-destruction-of-cultural-heritage-in-ukraine/>.

main targets is the destruction of this heritage as a symbol of dominance, violence and extremism. Having presented the core aspects of the discussion, the agenda of the CoEU will focus on enhancing security towards the preservation of cultural heritage in times of armed conflicts.¹⁵

4. Key – Terms and Definitions

- **Cultural Heritage**¹⁶: The heritage of tangible and intangible heritage assets of a group or society that is inherited from past generations.
- **Armed Conflict**¹⁷: A contested incompatibility that concerns two rival parties where the use of armed force is being exercised and results in civilian casualties.
- **Cultural Identity**¹⁸: The shared characteristics of a group of people which encompasses places of birth, religions, languages, social behaviors, arts and music.
- **Digitization**¹⁹: The conversion of text, visual and audio into a digital form that can be processed by digital tools.
- **Intangible Cultural Heritage**²⁰: The practices, expressions, knowledge, and skills that communities and groups of people recognize as part of their cultural heritage.
- **Tangible Cultural Heritage**²¹: The physical objects produced, maintained and transmitted intergenerationally by communities and groups.

¹⁵ "Destructive Trends In Contemporary Armed Conflicts And The Overlooked Aspect Of Intangible Cultural Heritage: A Critical Comparison Of The Protection Of Cultural Heritage Under IHL And The Islamic Law Of Armed Conflict", International Review Of The Red Cross, 2022 <https://international-review.icrc.org/articles/protection-of-cultural-heritage-under-ihl-and-islamic-law-of-armed-conflict-914>.

¹⁶ "Cultural Heritage | UNESCO UIS". Uis.Unesco.Org, 2022. <http://uis.unesco.org/en/glossary-term/cultural-heritage>.

¹⁷ "Armed Conflict Definition | Law Insider". Law Insider, 2022. <https://www.lawinsider.com/dictionary/armed-conflict>.

¹⁸ "What Is Cultural Identity And Why Is It Important?". Exceptionalfutures.Com, 2022. <https://www.exceptionalfutures.com/cultural-identity/>. ITATION

¹⁹ "What Is Digitization? - Definition From Whatis.Com". Whatis.Com, 2022. <https://www.techtarget.com/whatis/definition/digitization>.

²⁰ Migiro, Geoffrey, What Heritage?, All Continents, North America, Central America, South America, and Middle East et al. "What Is An Intangible Cultural Heritage?". Worldatlas, 2022.

²¹ "What Is Tangible (Cultural Heritage) | IGI Global". Igi-Global.Com, 2022. <https://www.igi-global.com/dictionary/moresoftassertions/83997>.

- **Intellectual Property Rights**²²: The rights given to persons over the creations of their minds. They usually give to the individuals exclusive right over the use of their creations for a certain period of time.
- **Looting**²³: The illegal theft of items from a place, typically during a war, a riot or a natural disaster
- **Morale**²⁴: The confidence, enthusiasm, and discipline of a person or group at a particular time.
- **Principle**²⁵: A fundamental truth or proposition that serves as the foundation for a system of belief or for a chain of reasoning.
- **Art Markets**²⁶: *"The marketplaces of buyers and sellers trading in commodities, services and works of art"*.
- **CSDP mission**²⁷: *"The capacity to undertake peacekeeping and conflict prevention missions with the aim of strengthening international security in accordance with the principles of the UN Charter"*.

5. Legal Framework

1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict, "The 1954 Hague Convention"

The multilateral *Convention for the Protection of Cultural Property in the Event of Armed Conflict*, also known as the *"1954 Hague Convention"*²⁸, was signed on 14 May, 1954 under the auspices of UNESCO and put into force on 7 August 1956. It is the first international treaty that focuses

²² Law, St. "Intellectual Property Rights: Definition And Examples - St Francis School Of Law". St Francis School Of Law, 2022. <https://stfrancislaw.com/blog/intellectual-property-rights/>.

²³ "What Does Looting Mean?". Definitions.Net, 2022. <https://www.definitions.net/definition/looting>.

²⁴ "Definition Of Morale | Dictionary.Com". Wwww.Dictionary.Com, 2022. <https://www.dictionary.com/browse/morale>.

²⁵ "Definition Of Principle | Dictionary.Com". Wwww.Dictionary.Com, 2022. <https://www.dictionary.com/browse/principle>.

²⁶ "Art Market | Definition, Examples, History, & Facts", Encyclopedia Britannica, 2022, <https://www.britannica.com/topic/art-market>.

²⁷ [https://www.europarl.europa.eu/RegData/etudes/IDAN/2020/603481/EXPO_IDA\(2020\)603481_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/IDAN/2020/603481/EXPO_IDA(2020)603481_EN.pdf), 2022,

²⁸ 1954 Convention For The Protection Of Cultural Property In The Event Of Armed Conflict", UNESCO, 2022, <https://en.unesco.org/protecting-heritage/convention-and-protocols/1954-convention>

exclusively on the protection of cultural heritage in times of armed conflict. Its purpose is to protect objects of artistic historic and archaeological value, such as, but not limited to, monuments, books, manuscripts, works of art and scientific collections regardless of their ownership or origin²⁹. All State - Parties that have signed this Convention, are subjected to significant obligations which have to do with safe removal of cultural property in times of crisis and its eventual refuge to shelter, marking of certain important buildings and monuments with the distinctive emblem and the establishment of special units for the protection of heritage within the military forces³⁰.

I. First Protocol to the Hague Convention, 1954

The First Protocol regulates the preservation of culture during ongoing conflicts and military occupation by prohibiting all exportations from the occupied territory and requiring its return to the State from which the property was moved. It further assures that when the occupation ends, all cultural objects must be returned to the formerly occupied authorities. Lastly, any form of retention or sale of cultural property is strictly forbidden.³¹

II. Second Protocol to the Hague Convention, 1999

The Second Protocol was signed in 1999 and its purpose is to supplement the Hague Convention of 1954 and make its implementation more practical. It creates a new category for “*enhanced protection status*”³² of cultural property during armed conflicts and grants immunity under such status, while also describing the cases under which it is lost or suspended. Additionally, it summarizes the legal consequences, the sanctions and the jurisdictional procedure that must be followed in all cases of violations and it further defines the conditions in which individual criminal responsibility may exist³³.

Last but not least, this Protocol completes the 1954 Convention by initiating a second level of protection that is beyond the first standard that was established in 1954. It calls upon the creation of an Intergovernmental Committee that assures that the Second Protocol and the Convention are being properly implemented.³⁴

²⁹ (Treaties, States parties, and Commentaries - Hague Convention for the Protection of Cultural Property, 1954, n.d.)

³⁰ Ibid

³¹ "First Protocol To The 1954 Hague Convention", UNESCO, 2022, <https://en.unesco.org/protecting-heritage/convention-and-protocols/first-protocol>.

³² (Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, 1999)

³³ Ibid

³⁴ "Making The Convention More Operational: 1999 Second Protocol", UNESCO, 2022, https://en.unesco.org/protecting-heritage/convention-and-protocols/1999-second-protocol?fbclid=IwAR05OHCsnch2cymAFUD8N_2BL0BCYtTHfCDLTeb-wgjBLwH4jJpb5vOuXkA.

III. *Additional Protocols I and II to the Geneva Conventions, 1977*

These Protocols are international treaties that enhance legal protection of civilians and wounded soldiers during war, while also being the most important part of International Humanitarian Law.³⁵

IV. *UNESCO Declaration Concerning the Intentional Destruction of Cultural Heritage of 17 October 2003*

The UNESCO Declaration for the Intentional Damage of Cultural Heritage was adopted on the 17th of October 2003 and it addresses all cases of intentional destruction of cultural heritage, material, spiritual and environmental, meaning the pieces of heritage that are linked to a natural site. It requires that all member states should take adequate measures to prevent these acts of intentional destruction³⁶.

V. *Treaty on the Functioning of the European Union (TFEU) – Article 167*

The Treaty on the Functioning of the European Union constitutes a founding treaty of the European Union. It was signed by the Member States on 25 March 1957 and came into force on 1 January, 1958. Occasioned by this year's CoEU agenda, special attention shall be given to Article 167 which states that *"the Union shall contribute to the flowering of the cultures of the Member States while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore"*.³⁷

VI. *Treaty on European Union (TEU) - Article 3*

The Treaty on European Union (TEU), known as the Maastricht Treaty, also constitutes one of the founding treaties of the European Union and was signed on February 7, 1992, formally creating the European Union. Particularly, Article 3 (paragraph 3) declares that *"the Union*

³⁵ "Treaties, States Parties, And Commentaries - Additional Protocol (I) To The Geneva Conventions, 1977", IHL-Databases.Icrc.Org, 2022, <https://ihl-databases.icrc.org/ihl/INTRO/470>.

³⁶ "UNESCO Declaration Concerning The Intentional Destruction Of Cultural Heritage – Collections Trust", Collectionstrust.Org.Uk, 2022, <https://collectionstrust.org.uk/resource/unesco-declaration-concerning-the-intentional-destruction-of-cultural-heritage/>.

³⁷ "Treaty On The Functioning Of The European Union (TFEU) - The Faculty Of Law", Jus.Uio.No, 2022, https://www.jus.uio.no/english/services/library/treaties/09/9-01/tfeu_cons.xml.

shall respect its rich cultural and linguistic diversity and shall ensure that Europe's cultural heritage is safeguarded and enhanced".³⁸

VII. *European Cultural Convention, the revised European convention for the Protection of Archeological Heritage*

The European Convention for the Protection of archaeological heritage has revised and upgraded the London Convention of 1969. The *Valletta Convention*³⁹ was adopted in January 1992 and came into force in May of 1995, 3 years later. The revised text promotes the enhancement of the archeological heritage, one of the goals of urban and regional planning policies⁴⁰. It also deals with public access to archaeological sites and encourages every nation to further raise public awareness for the value of archaeological heritage. Lastly, it sets specific guidelines for the funding of excavation and scientific research work as well as the publication of such findings. The Convention is open for signature by member states of the Council of Europe and by other states that are parties to the European Cultural Convention.⁴¹

VIII. *Council Conclusions on EU approach to Cultural Heritage in conflicts and crises*

These Conclusions highlight the significance of cultural heritage towards the promotion of democracy and peace by fostering intercultural and interfaith dialogue⁴². Particularly, the texts call for the preservation of cultural heritage during periods of crisis and armed conflicts. The Council emphasizes the need to strengthen the cooperation and partnership of intergovernmental and non-governmental organizations and of international and regional ones accordingly, and it calls for the protection of such heritage to be incorporated into Based on these Conclusions, the EU will develop a mini-concept that will examine the possibility of the further development of civilians' Common Security and Defense Policy (CSDP) missions through training and capacity building programmes⁴³. The CSDP missions

³⁸ "Treaty On European Union (TEU) - The Faculty Of Law", Jus.Uio.No, 2022, https://www.jus.uio.no/english/services/library/treaties/14/14-03/teu_cons.xml.

³⁹ (Heritage, heritage) and Europe, 2022)

⁴⁰ Ibid

⁴¹ Culture Heritage, Valletta heritage) and Council Europe, "Convention For The Protection Of The Archaeological Heritage Of Europe (Revised) (Valletta, 1992)", Culture And Cultural Heritage, 2022, https://www.coe.int/en/web/culture-and-heritage/valletta-convention?fbclid=IwAR1YjLIBPWGHtdL6xvrmaO0oUah5ntao_t6T7jRigQ97er2UQcfKQha8Ku8.

⁴² (de Sentenac, D. and Helly, D., 2018. *The power of culture in societal change: including cultural professionals*. [online] Culturesolutions.eu. Available at: <https://www.culturesolutions.eu/wp-content/uploads/2020/04/CS-BRIEF4.pdf>

⁴³ Tobias Pietz, M., 2019. *EU CSDP Missions and the Protection of Cultural Heritage*. [online] IAI Istituto Affari Internazionali. Available at: <https://www.iai.it/en/pubblicazioni/eu-csdp-missions-and-protection-cultural-heritage>

and operations aim to address security related challenges that are considered threats and create challenges for the preservation and protection of cultural heritage.⁴⁴

IX. *EU – UNESCO Project: Protecting Cultural Heritage and Diversity in Complex Emergencies for Stability and Peace*

Funded by the European Union, this project aims to implement a number of urgently needed actions in countries such as Syria and Yemen, which will boost the stabilization and preservation of cultural heritage of these countries and their population accordingly⁴⁵. Via this support, the European External Action Service enhances UNESCO's capacity to respond more rapidly to the protection of culture and diversity in complex emergencies. Culture can play a pivotal role in promoting resilient and culturally diverse societies as well as developing more sustainable approaches to inclusive peace and stability in transitional contexts.⁴⁶

X. *Joint Communication "Towards an EU strategy for international cultural relations"*

The Joint Communication proposes an EU Strategy for International Cultural Relations that focuses on advancing cultural cooperation with partner countries across three main strands⁴⁷:

- a. supporting culture as an engine for sustainable social and economic development
- b. promoting culture and intercultural dialogue for peaceful inter-community relations
- c. reinforcing cooperation on cultural heritage

⁴⁴ "Europa Nostra Applauds Council Conclusions On The Key Role Of Cultural Heritage For Peace, Democracy And Sustainable Development - Europa Nostra", Europa Nostra, 2022, <https://www.europanostra.org/europa-nostra-applauds-council-conclusions-on-the-key-role-of-cultural-heritage-for-peace-democracy-and-sustainable-development/>.

⁴⁵ En.unesco.org. 2019. *PROTECTING CULTURE IN EMERGENCIES*. [online] Available at: https://en.unesco.org/sites/default/files/2019_clt_emergencies_brochure_en.pdf

⁴⁶ "EU-UNESCO Project: Protecting Cultural Heritage And Diversity In Complex Emergencies For Stability And Peace", UNESCO, 2022, <https://en.unesco.org/themes/culture-in-emergencies/Protecting-Cultural-Heritage-and-Diversity-in-Complex-Emergencies-for-Stability-and-Peace>.

⁴⁷ EUR-Lex. n.d. *JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL Towards an EU strategy for international cultural relations*. [online] Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=JOIN%3A2016%3A29%3AFIN>

In pursuing these objectives, the EU' International Cultural Relations will contribute to making the EU a stronger global actor which constitutes a major priority for the European Commission as well as the High Representative's forthcoming Global Strategy.⁴⁸

XI. *Commission's Communication "A New European Agenda for Culture"*

The New Agenda has three strategic objectives, with social, economic and external dimensions⁴⁹:

As far as the social dimension is concerned, a) *"foster the cultural capability of all Europeans by making available a wide range of cultural activities and providing opportunities to participate actively*, b) *"encourage the mobility of professionals in the cultural and creative sectors and remove obstacles to their mobility"*, and c) *"protect and promote Europe's cultural heritage as a shared culture, to raise awareness of our common history and values and reinforce a sense of common European identity"*. As regards to the economic dimension, a) *"promote the arts, culture and creative thinking in formal and non-formal education and training at all levels and in lifelong learning"*, b) *"foster favorable ecosystems for cultural and creative industries, promoting access to finance, innovation and capacity, fair remuneration of authors and creators and cross-sectoral cooperation"* and c) *further promote the skills needed by cultural and creative sectors, including digital, entrepreneurial, traditional and specialized skill"*. Lastly, related to the external dimension, the Communication emphasizes the support towards culture as an instrument for sustainable social and economic development, the promotion of culture and intercultural dialogue for peaceful inter-community relations as well as the bolstering the cooperation on cultural heritage⁵⁰.

XII. *Council Conclusions of 27 November 2018 on the Work Plan for Culture 2019-2022*

On 27 November 2018, the Council of the European Union agreed to enforce the New European Agenda for Culture proposed by the European Commission. The Council selected the five priorities in view of their contribution to cultural diversity. These priorities include⁵¹:

⁴⁸ The on and Culture Europe, "The EU'S Strategy For International Cultural Relations Five Years On | Culture Action Europe", Culture Action Europe, 2022, <https://cultureactioneurope.org/news/the-eus-strategy-for-international-cultural-relations-five-years-on/>.

⁴⁹ Nicola Alfarano, "A New European Agenda For Culture – OPEN Heritage", Open-Heritage.Eu, 2022, <https://www.open-heritage.eu/a-new-european-agenda-for-culture/>.

⁵⁰ Ibid

⁵¹ "Council Conclusions On The Work Plan For Culture 2019-2022", EUR-Lex, 2018, [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52018XG1221\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52018XG1221(01))

- a. *Sustainability in cultural heritage*
- b. *Cohesion and well-being*
- c. *An ecosystem supporting artists, cultural and creative professionals and European content*
- d. *Gender equality*
- e. *International cultural relations*

Special consideration was given to the digitization of cultural heritage which can create new and innovative possibilities for art and culture in terms of access, expression, preservation, dissemination and consumption.⁵²

6. Main Discussion of the Topic

6.1 Protection of cultural heritage in urban environment

During the event of armed conflict, it is definite that, despite the most unfortunate event of the loss of human lives, there is also material damage done to people's homes within cities and to other urban buildings of significant style and architecture such as theaters, cathedrals, museums and cultural sights. This is the so-called "tangible" destruction of cultural heritage, meaning that it is the damage that is visible to the human eye⁵³. However, as it will be further analyzed in the following sections, it is certain that this situation also affects the intangible dimension of heritage, as people are not able to enjoy their culture and practices.⁵⁴

More specifically, the culture that is found in urban environments is the aspect that shapes the identity of each significant city and sadly it is being subjected to damage that is caused in the events of war. It is vital that we protect our heritage as a sign of democracy, of empowerment of our local communities and as a symbol of reconciliation and conflict prevention. The Conventions on Cultural

⁵² "Work Plan For Culture 2019-2022: EU Ministers Of Culture Make The Legacy Of The European Year A Priority - Europa Nostra", Europa Nostra, 2022, <https://www.europanostra.org/work-plan-for-culture-2019-2022-eu-ministers-of-culture-make-the-legacy-of-the-european-year-a-priority/>.

⁵³ UNESCO Center, "Convention Concerning The Protection Of The World Cultural And Natural Heritage", Whc.Unesco.Org, 2022, <https://whc.unesco.org/en/conventiontext/>.

⁵⁴ Ibid

Heritage adopted by UNESCO in 1972 Paris, highlights the importance of mutual understanding and respect between the nations' so as to prevent the damage of heritage during war in the spirit of international cooperation and dialogue.⁵⁵ UNESCO encourages every nation that suffers from damages of environmental, spiritual and material heritage to further develop their national policies on its preservation and protection by emphasizing on proper management and training. It specifically encourages each country to set up services and staff that will develop operating methods for the identification, the protection and conservation of the heritage that is under threat. It also encourages the nations to foster the establishment or the development of scientific centers which will be responsible for training more staff for the conservation of natural and cultural heritage, while also conducting further research on this particular field⁵⁶.

6.1.1 Loss of material heritage during war-time

The common definition of tangible (material) heritage includes *"monuments, religious or secular; buildings or groups of buildings, which are of cultural value, either because of their architecture, homogeneity or place in the landscape, or because of their content, in the case of museums, archives or libraries; sites and movable objects (such as works of art, sculpture, manuscripts, books); underwater cultural heritage, including shipwrecks and underwater archaeological site."*⁵⁷

On that note, the Blue Shield International, which is an NGO that is responsible for the protection of cultural heritage during conflicts and environmental disasters, identifies the types of damage that can be done to heritage during war.⁵⁸ It is necessary to understand the significant type of the



⁵⁵ "Conventions", Unesco.Org, 2022, <https://www.unesco.org/en/legal-affairs/standard-setting/conventions>.

⁵⁶ Ibid

⁵⁷ "UNESCO - Tangible And Intangible Heritage", Ich.Unesco.Org, 2022, <https://ich.unesco.org/en/tangible-and-intangible-heritage-00097>.

⁵⁸ "What Is The Blue Shield? - Blue Shield International", Blue Shield International, 2022, <https://theblueshield.org/about-us/what-is-the-blue-shield/>.

destruction so that we can realize how to stop and mitigate each one. The following images show the differences between these damages to cultural property.

Figure 1 - Specific (Or Deliberate) Targeting and Damage

Source: <https://theblueshield.org/why-we-do-it/threats-to-heritage>



Figure 2 - Collateral And Accidental Damage

Source: <https://theblueshield.org/why-we-do-it/threats-to-heritage>



Figure 3 - Pillage and Looting

Source: <https://theblueshield.org/why-we-do-it/threats-to-heritage>



Figure 4 - Enforced neglect

Source: <https://theblueshield.org/why-we-do-it/threats-to-heritage>

Subsequently, with the significant identification mentioned above, we understand that tangible heritage is under threat in all times of an armed conflict and that makes the existence of cultural non-governmental organizations a very important one. These organizations, including the Blue Shield International, which plays a very big role in the protection of cultural property, train staff and civilians for prevention, mitigation and restoring of damage during conflicts and disasters. Lastly, after a conflict there are conditions that allow increased looting and illicit trafficking of art objects, so the BSI works in cooperation and partnership with other organizations such as the International Council of Museums (ICOM) to stop the trafficking of cultural property.⁵⁹

6.1.2 The situation of tangible heritage in foreign military hands

At this point it is crucial to address the issue of material heritage falling into “enemy hands”, meaning what happens to the pieces of culture once the enemy forces are in control. Particularly, when an enemy finds a piece of art, which is the most common case, the first thing they do is destroy it as a symbol of dominance and demolition of the opposing side⁶⁰. The international law of war differs on the “*destruction of culture during combat*” on whether the conflict is international, internal (non-international), or if it is a military occupation.⁶¹ More specifically, an international armed conflict “*occurs when one or more States have recourse to armed force against another State*,

⁵⁹ "What Is Blue Shields Mission? - Blue Shield International", Blue Shield International, 2022, https://theblueshield.org/what-is-blue-shields-mission/?fbclid=IwAR11s_QCZYGiZBVrRklymn4gD28c8Clkr1NdQZg3z9AJGrG8gP5N3Se6ds.

⁶⁰ Ibid

⁶¹ "International Armed Conflict | How Does Law Protect In War? - Online Casebook", Casebook.Icrc.Org, 2022, <https://casebook.icrc.org/glossary/international-armed-conflict>.

*regardless of the reasons or the intensity of this confrontation*⁶². An internal armed conflict refers to *“a situation of violence involving protracted armed confrontations between government forces and one or more organized armed groups, or between such groups themselves, arising on the territory of a State”*⁶³. Military occupation is when a ruling power has military control over a territory that is outside of its own territory.⁶⁴

With that being signified, the situation according to international legislation is different for internal conflicts. This happens since there is a higher legal protection for the instruments that belong to regimes that can be applied from the state, which in most cases is proved to be essential. When military occupation occurs, international law forbids the destruction of cultural property and obliges the occupying forces to abstain from any requirements they might have towards the owning of cultural pieces, thereby maintaining the primary jurisdiction of the national authorities assigned to protect cultural heritage⁶⁵. No type of harm must ever be done to cultural heritage in this type of conflict, as it is described in the fifth article of the 1954 Convention.⁶⁶

The second form of harm to material heritage is the alteration and change of use of cultural property components. A characteristic example is the Saint Anastasia Church in Cyprus, which fell in enemy hands and later became a hotel. In this case however, since there is no material destruction of the building, merely a change of function, there is no direct international legislation that forbids this type of appropriation. The matter is the destruction of the spiritual heritage, meaning the history that was linked to the property and the ceremonies which took place in it. Also, the installation of military bases in foreign lands blocks the archeological studies that were being conducted there, with various pieces of information and history being utterly lost. In the event of military occupation, such practices in the function and use of the property are forbidden. Legally, the destruction of cultural evidence is prohibited by *Article 9 of the Second Protocol*, which also further bans any archaeological excavation on foreign land by the opposing military forces, ensuring in this way the preservation of these pieces of culture, which also have spiritual importance for their people.⁶⁷

Last but definitely not least, a supplementary form of harm to cultural property resulting in going into enemy hands, is the *removal*, meaning the *“theft”* and illegal appropriation of it, especially when the

⁶² Ibid

⁶³ Ibid

⁶⁴ "Internal Conflicts Or Other Situations Of Violence – What Is The Difference For Victims? ICRC", Icrc.Org, 2022, <https://www.icrc.org/en/doc/resources/documents/interview/2012/12-10-niac-non-international-armed-conflict.htm>.

⁶⁵ Ibid

⁶⁶ "Military Occupation | Rulac", Rulac.Org, 2022, <https://www.rulac.org/classification/military-occupations>.

⁶⁷ "9Th Meeting Of The Parties To The Second Protocol Of 1999 To The Hague Convention", UNESCO, 2022, <https://en.unesco.org/9th-Meeting-of-the-Parties-to-the-Second-Protocol-of-1999-to-The-Hague-Convention---working-document>.

pieces are easily moveable.⁶⁸ These pieces are then sold to third states, thus creating a market of art which is by all means illegal. Such situation of theft exists in conflicts when national authorities that are supposed to be taking care of the security of the art are non-existent or inadequate⁶⁹. The *UNESCO convention of 1970 and the 1995 UNIDROIT Convention on Stolen or Illegally exported Cultural objects*, provide additional mechanisms for the return of art pieces and any other form of property especially when it is in private hands, meaning that it has been illegally sold to a civilian of a third country⁷⁰.

6.1.3 Post-war reconstruction and recovery planning

After the event of war, the solutions towards the recovery of lost heritage start from the efforts of national organizations that deal with matters of culture. These organizations have qualified personnel who, in terms of art pieces and paintings, identify archives and collections and transfer them to safe locations, where the damage that has occurred can successfully be restored.⁷¹ This personnel often cooperates with national authorities so that they can have access to the places of interest, where art can possibly be found⁷². UNESCO has the leading role in these initiatives and strengthens and supports all States-parties in planning for the reconstruction of their heritage, on a scale that includes the reinstatement of architectural buildings and sights to the maintenance and restoration of small art pieces⁷³. Another way to maintain the art that has been recovered is to place it in cultural institutions and war museums. The restoration of the buildings themselves with their significant architecture, is often relied upon the coordination of various recovery programs and their long-term projects that are executed by teams of experts.⁷⁴

In Ukraine, during the past few months since Russia's invasion in the country launched, the local history and art museums were immediately hit by bombs, resulting in hundreds of pieces of art to be utterly destroyed⁷⁵. At this point, we will refer to this day-to-day example of this particular nation, which has made milestones of progress in terms of the restoration and reinstatement of its lost art. Clearly, the technological development of our times has paved the road towards the digitalization of

⁶⁸ "The 1970 UNESCO Convention And The 1995 UNIDROIT Convention: Different But The Same?", 1Library.Net, 2022, <https://1library.net/article/unesco-convention-unidroit-convention-different.qmkllo5z>.

⁶⁹ Ibid

⁷⁰ Ibid

⁷¹ Iccrom.Org, 2022, https://www.iccrom.org/sites/default/files/publications/2019-11/iccrom_ics06_culturalheritagepostwar_en_0_0.pdf.

⁷² "How UNESCO World Heritage Sites Are Restored And Preserved", Tripsavvy, 2022, <https://www.tripsavvy.com/unesco-world-heritage-restoration-5209591>.

⁷³ Ibid

⁷⁴ "When Cultural Heritage Becomes Collateral Damage In War", SWI Swissinfo.Ch, 2022, <https://www.swissinfo.ch/eng/culture/when-cultural-heritage-becomes-collateral-damage-in-war/47511316>.

⁷⁵ "Backup Ukraine - Polycam + UNESCO", Poly.Cam, 2022, <https://poly.cam/ukraine>.

the art that has been lost because of the bombings in urban environments. The Ukrainians have taken the lead for the restoration of their art with the movement called “*Backup Ukraine*”⁷⁶ and thus created an application called Polycam whose software initiates a detailed 3D model of a picture of an art piece or place. With this application, the country’s artifacts are being documented so that there is a backup in the unfortunate event of their destruction, thus creating a virtual reality in which these objects are perfectly placed in their position. The possibility of applying this application to destroyed buildings and places of religious practice and worship is being explored by the team.⁷⁷

6.2 Protection of Intangible Heritage

In times of armed conflict, cultural heritage is at stake, even in its intangible form. Surely, it is a fact that tangible cultural heritage can be targeted by militaries but that does not necessarily mean that people can practice their traditions and preserve their cultures in times of strife and despair. Thus, armed conflict is a major setback both for tangible and intangible cultural heritage as it degrades them in a catastrophic way.

6.2.1 The impact of armed conflicts in customs, language, education and art forms

Intangible cultural heritage is defined as the “*practices, representations, expressions as well as the knowledge and skills that communities, groups and, in some cases, individuals recognize as part of their cultural heritage*”. Sometimes this particular term is called *living cultural heritage*⁷⁸ and manifested in many different domains. These domains include oral traditions and expressions, social practices and rituals, traditional craftsmanship and performing arts⁷⁹. All the above components are included in the cultural heritage of each country and play a crucial role in the different characteristics of each nation and its people. The uniqueness of each country lies within its culture and every single state takes the necessary measures with a view to protect its cultural heritage from dangerous crises such as armed conflicts.⁸⁰

⁷⁶ Ibid

⁷⁷ CNN Emma Tucker, "Ukrainians Are Using 3D Technology To Preserve Hundreds Of Cultural Artifacts In A Digital Archive, Far Away From Russia's Attacks", CNN, 2022, <https://edition.cnn.com/style/article/ukraine-uses-3d-technology-to-preserve-cultural-heritage/index.html>.

⁷⁸ "What Is Cultural Heritage - Culture In Development", Culture In Development, 2022, http://www.cultureindevelopment.nl/Cultural_Heritage/What_is_Cultural_Heritage.

⁷⁹ "UNESCO - Oral Traditions And Expressions Including Language As A Vehicle Of The Intangible Cultural Heritage", Ich.Unesco.Org, 2022, <https://ich.unesco.org/en/oral-traditions-and-expressions-00053>.

⁸⁰ "UNESCO - What Is Intangible Cultural Heritage?", Ich.Unesco.Org, 2022, <https://ich.unesco.org/en/what-is-intangible-heritage-00003>.

War and its consequences threaten the stability in every region which is affected by it. At times of conflicts, cultural heritage, including intangible culture, is targeted by one side or another with the aim of breaking the morale of the opposing country.⁸¹ In the case of *intangible cultural heritage*, the impact of armed conflicts is so great because it destroys human lives, violates every human right (i.e. right to life), and takes away the liberty of the defending citizens. These efforts have produced results which, in turn, recommend that countries and scholars develop certain inventories of intangible cultural heritage in their respective territories as well as work with expert groups to ensure their continued existence⁸². The aforementioned inventories have increased the credibility of using digital tools so as to maintain certain cultural heritage assets from destruction. For example, the European Union in cooperation with UNESCO, under the auspices of their common project about the protection of cultural heritage and diversity in complex emergencies⁸³, has repeatedly attempted to encourage the creation of digital inventories concerning intangible cultural heritage. The aforementioned initiative strives to help countries in emergency situations and protect its invaluable cultural heritage. The international community also has to step in and draw out a safeguarding plan in order to protect national cultures from endangerment. The international community also calls for funds to be voluntarily collected and then disbursed to support the maintenance of the recognized intangible cultural heritage.⁸⁴ More recently, there have been frequent discussions over protecting intangible cultural heritage through intellectual property rights⁸⁵. This issue, however, meets strong resistance from the legal sector as it is another thing to recognize a cultural heritage and another to legally secure it. It is imperative that the EU strengthens its institutional capacity with a view to secure intellectual property rights and protect its cultural heritage from threats such as armed conflicts⁸⁶.

6.2.2 International Humanitarian Law for the protection of intangible heritage

International Humanitarian Law (IHL), according to the definition given by the International Committee for the Red Cross is a “*set of rules which seek, for humanitarian reasons, to limit the*

⁸¹ Kiernan Christ, "Protecting Cultural Heritage During Conflict - Georgetown Journal Of International Affairs", Georgetown Journal Of International Affairs, 2022, <https://gjia.georgetown.edu/2022/05/09/protecting-cultural-heritage-during-conflict/>.

⁸² Ibid

⁸³ "Council Conclusions On The Work Plan For Culture 2019-2022", EUR-Lex, 2018, [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52018XG1221\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52018XG1221(01)).

⁸⁴ "War And Heritage: Using Inventories To Protect Cultural Property", Getty.Edu, 2013, https://www.getty.edu/conservation/publications_resources/newsletters/28_2/war_heritage.html.

⁸⁵ Thinkfide.Com, 2022, <https://thinkfide.com/wp-content/uploads/2021/06/Desantes-Real-M.-2020-Protecting-Intangible-Cultural-Heritage-through-Intellectual-Property-A-Challenge-for-IP-Classic-Tools-Melanges-Michel-Vivant-Dalloz-pp.-557-571..pdf>.

⁸⁶ Ibid

effects of armed conflict”⁸⁷. It is known as the “Law of armed conflict” or the “Law of War” and its purpose is to protect the population that does not participate, or no longer take part, in the hostilities, meaning the soldiers that have withdrawn from them due to injuries.⁸⁸ For instance, where International Humanitarian Law is being applied is the on-going war between Russia and Ukraine. More specifically, IHL assures that adequate medical care is being sent to the wounded and sick individuals, as well as food, blankets and hygiene items are provided to the families that live in conflict zones or those that have been displaced. The International Committee for the Red Cross (ICRC) records that such assistance has been provided to 800.000 people, and 200.000 have received cash assistance in order to recover emergency expenses.⁸⁹ In terms of the protection of the population’s spiritual heritage, IHL protects the freedom to participate in cultural life and the right to enjoy their cultural identity without being under the constant danger of being lost. Ukraine and Russia are parties to the International Covenant on Economic and Social Rights and it is their duty to ensure that their people have the right to access and enjoy their cultural heritage.⁹⁰ Additionally, IHL applies to armed conflicts that are already taking place, equally to all sides, and it is not the law that signifies whether a nation is permitted to use force.⁹¹ The texts that shape the so-called international humanitarian Law are the four (4) *Geneva Conventions of 1949*. A major part of the IHL is found in these texts, which are supplemented by the *Additional Protocols of 1977* relating to the protection of victims of armed conflicts.⁹²

In terms of intangible heritage, it is harder to imply when culture, tradition and rituals are being destroyed because of war, in contrast to the destruction of material heritage. The *Convention for the Safeguarding of Intangible Cultural Heritage 2003*⁹³, was a positive step for the protection of these forms of culture, however it still lacks attention. This situation is mainly caused since the material heritage is visibly subjected and exposed to direct danger in warzones, as opposed to spiritual heritage. When tangible heritage, such as museums and churches, are physically destroyed, it

⁸⁷ "International Humanitarian Law | British Red Cross", British Red Cross, 2022, <https://www.redcross.org.uk/about-us/what-we-do/protecting-people-in-armed-conflict/international-humanitarian-law>.

⁸⁸ Ibid

⁸⁹ "Humanitarian Crisis In Ukraine And Neighbouring Countries", International Committee Of The Red Cross, 2022, <https://www.icrc.org/en/humanitarian-crisis-ukraine?fbclid=IwAR0hRh4nPstwSvf8VEb3UJMW1UGiFC0jYOIKqoUVTZEWCv6o22Uw6Oh4Wm4>.

⁹⁰ Biicl.Org, 2022, https://www.biicl.org/documents/11200_how_does_international_law_protect_ukrainian_cultural_heritage_in_war.pdf?fbclid=IwAR2Afd0yfpq2y5hftjMawUKd5P8ObfCWGG1t-pwK9mtTjOlt6r49_gJ8pS8.

⁹¹ Tajwer Shamsi and Tajwer Shamsi, "Armed Conflict And Intangible Cultural Heritage - DLP Forum", DLP Forum, 2022, <https://www.dlpforum.org/2022/02/18/armed-conflict-and-intangible-cultural-heritage/>.

⁹² "Treaties, States Parties, And Commentaries - Additional Protocol (I) To The Geneva Conventions, 1977 - 75 - Fundamental Guarantees", Ihl--Databases-Icrg-Translate.Goog, 2022, https://ihl-databases-icrg-Translate.Goog/IHL/WebART/470-750096?OpenDocument&x_tr_sl=en&x_tr_tl=el&x_tr_hl=el&x_tr_pto=op.sc.

⁹³ "UNESCO - Text Of The Convention For The Safeguarding Of The Intangible Cultural Heritage", Ich.Unesco.Org, 2022, <https://ich.unesco.org/en/convention>.

means that intangible heritage is subsequently lost. According to the report of the *Special Rapporteur for cultural rights in 2016*⁹⁴, there are many cases where intangible heritage loss depends on the tangible.⁹⁵ For example, in Iraq and Syria many religious practices and languages were lost due to the damage caused in objects, texts and historic sights. However, that is not always the case. There are examples where practices were lost because people were fearing their security when visiting a cultural place or a place of worship, without them having been subjected to threat or damage⁹⁶. A characteristic example is the religious minorities in Afghanistan (Hazaras) which live under the constant fear of the Talibans and subsequently they do not have the freedom to practice their religion safely⁹⁷.

The 2003 Convention acknowledges that intangible heritage is dependent on the tangible, however it can be restored and reborn through generations and through its community-based nature. According to the second Article of the Convention, this type of heritage is “*transmitted from generation to generation*” and needs to be “*constantly recreated by communities and groups*”⁹⁸. The texts that actually cover the protection of intangible heritage are some specific clauses of International Humanitarian Law⁹⁹, which do not directly refer to it, but they can be applied in its favor. More specifically, Article 27 (*Fourth Geneva Convention*), Article 75 (*Additional Protocol I, second paragraph*), Article 4 (*first paragraph- Additional Protocol II*) as well as Article 46¹⁰⁰.

Taking into consideration the above IHL texts, we can perceive that they oblige all parties that participate in a conflict to respect cultural practices and freedom of religion of all protected population and of prisoners of war, however, none of the regulations directly refer to the need for the protection of intangible heritage¹⁰¹. Despite the efforts for an improvement occasioned by the Convention for the Safeguarding of the Intangible Cultural Heritage in 2003, the results were merely inadequate. There were no mechanisms or regulations suggested for the protection of intangible

⁹⁴ "Special Rapporteur In The Field Of Cultural Rights", International Justice Resource Center, 2022, <https://ijrcenter.org/special-rapporteur-in-the-field-of-cultural-rights/>.

⁹⁵ "Treaties, States Parties, And Commentaries - Additional Protocol (II) To The Geneva Conventions, 1977 - 4 - Fundamental Guarantees", Ihl-Databases.Icrc.Org, 2022, <https://ihl-databases.icrc.org/ihl/WebART/475-760008?OpenDocument>.

⁹⁶ Ibid

⁹⁷ "Afghanistan's Religious Minorities Live In Fear After Taliban Takeover", NBC News, 2022, <https://www.nbcnews.com/news/world/afghanistan-s-religious-minorities-live-fear-taliban-brace-persecution-n1277249>.

⁹⁸ "Second Protocol To The Hague Convention Of 1954 For The Protection Of Cultural Property In The Event Of Armed Conflict", Legal-Tools.Org, 1999, <https://www.legal-tools.org/doc/7d8622/pdf/>.

⁹⁹ Lawrence Hill-Cawthorne, "Rights Under International Humanitarian Law", *European Journal Of International Law* 28, no. 4 (2017): 1187-1215, doi:10.1093/ejil/chx073.

¹⁰⁰ "Treaties, States Parties, And Commentaries - Hague Convention For The Protection Of Cultural Property, 1954", Ihl-Databases.Icrc.Org, accessed 11 September 2022, <https://ihl-databases.icrc.org/ihl/INTRO/400>.

¹⁰¹ "UNESCO - Text Of The Convention For The Safeguarding Of The Intangible Cultural Heritage", Ich.Unesco.Org, 2022, <https://ich.unesco.org/en/convention>.

heritage during war and no practical solutions were suggested¹⁰². The Geneva Conventions and the Additional Protocols provide protection to spiritual leaders and people of religion in order to continue their practices during war-time, however, people of the arts, such as actors, musicians and painters are not legally protected to carry out their art, despite being protected as civilians. No international legal text assures that these people can under these circumstances continue to develop and maintain their nation's culture and customs.¹⁰³

There is a high need of acknowledging and assuring that people are guaranteed their freedom of expression even though their nation is involved in an ongoing war. Unfortunately, there is unbearable damage done to intangible heritage and there are not regulations that recognize or resolve this situation adequately¹⁰⁴. The fact that the damage is not visible surely does not make it any less important in comparison to the material one. The loss of language, music and cultural practices due to war is irreplaceable and its restoration is far more difficult to achieve than the reconstruction of buildings and cultural sights.¹⁰⁵

6.2.3 Intangible heritage in the "state of emergency"

UNESCO holds a major role in the protection of intangible cultural heritage during war. More specifically, an experts' meeting was held at the organization's Headquarters in May 2019¹⁰⁶, where there was guidance provided to states-parties for the safeguarding of intangible heritage and the assurance of its engagement during ongoing armed conflict. The principles and modalities of this meeting were endorsed by the Intergovernmental Committee in Colombia, in December 2019¹⁰⁷ and were adopted by the General Assembly in September 2020.¹⁰⁸

The principles that were adopted emphasize that spiritual heritage may be affected during a nation's "state of emergency", meaning an armed conflict, with people fleeing their homes and communities or even a natural disaster and in all phases of this emergency the communities must be able to

¹⁰² Ibid

¹⁰³ "Treaties, States Parties, And Commentaries - Additional Protocol (II) To The Geneva Conventions, 1977 - 5 - Persons Whose Liberty Has Been Restricted", Ihl-Databases.Icrc.Org, 2022, <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/ART/475-760009?OpenDocument>.

¹⁰⁴ Ibid

¹⁰⁵ "Treaties, States Parties, And Commentaries - Hague Convention (IV) On War On Land And Its Annexed Regulations, 1907 - Regulations: Art. 46 -", Ihl-Databases.Icrc.Org, 2022, <https://ihl-databases.icrc.org/ihl/WebART/195-200056>.

¹⁰⁶ "UNESCO - Fourteenth Session Of The Committee", Ich.Unesco.Org, 2022, <https://ich.unesco.org/en/14com>.

¹⁰⁷ Ibid

¹⁰⁸ "UNESCO - Operational Principles And Modalities For Safeguarding Intangible Cultural Heritage In Emergencies", Ich.Unesco.Org, 2022, <https://ich.unesco.org/en/operational-principles-and-modalities-in-emergencies-01143>.

identify their intangible heritage¹⁰⁹. Communities need to be able to identify the ways in which their heritage has been affected and what measures shall be taken towards the preservation, recovery, resilience and peace. The principles also point out how spiritual heritage can be adapted in nature and how all parties must respect communities' interaction with nature and the environment in times of emergency, but mostly when the emergency is over, so that the dynamic can be restored¹¹⁰. State-parties must take all necessary measures to ensure that cultural heritage is safeguarded in the territory, and that communities and internally displaced persons participate in protection actions, with the help of national and international stakeholders and non-governmental organizations.¹¹¹

Practically, when the emergency occurs a state must be able to identify the communities whose heritage can likely be affected by it and locate them and reach out in order to provide the sufficient information for its preservation¹¹². Then, information must be shared so that humanitarian actors and NGOs of cultural interest are alerted to the extent of the disruption of spiritual heritage and then activate relief operations that will contribute to its preservation. Lastly, when a framework or a multiparty response mechanism is set, every party must ensure that measures for intangible heritage are included. For the achievement of its recovery, the matter of intangible heritage needs to be engaged in fostering dialogue and mutual understanding between and within communities and displaced populations.¹¹³

6.3 The consequences of the destruction of cultural heritage

The loss of cultural heritage may have dire consequences for the countries and its citizens. Cultural heritage defines the aspects of a nation's history as well as its identity. Subsequently, any attack directed to cultural heritage, attempts to weaken a country's history and culture.¹¹⁴ Heritage depicts historical facts through the representation of events that have occurred in the past. Thus, it is quite evident that the destruction of cultural objects results in the loss of history to the afflicted nation. A country without history is at risk of losing its identity and cannot be recognized separately by other states¹¹⁵. Another serious consequence from the destruction of cultural heritage is the erosion of

¹⁰⁹ Ibid

¹¹⁰ Ibid

¹¹¹ "About The Convention On The Protection Of Cultural Property In The Event Of Armed Conflict And Its Two Protocols", UNESCO, 2022, <https://en.unesco.org/protecting-heritage/about>.

¹¹² Ibid

¹¹³ International-Review.Icrc.Org, 2022, https://international-review.icrc.org/sites/default/files/irc_97_900-14.pdf.

¹¹⁴ "Destruction Of Cultural Heritage Is An Attack On People And Their Fundamental Rights – UN Expert", UN News, 2022, <https://news.un.org/en/story/2016/10/543912-destruction-cultural-heritage-attack-people-and-their-fundamental-rights-un>.

¹¹⁵ "What Is Cultural Identity And Why Is It Important?", Exceptionalfutures.Com, 2022, <https://www.exceptionalfutures.com/cultural-identity/>.

cultural identity.¹¹⁶ Many states have their cultural identities at the core of their entities. Additionally, as it happens with history, cultural identity cannot be established without the presence of multiple cultural heritage objects, sites and venues. From the above, it can be easily concluded that any attack on the cultural heritage of a nation constitutes a higher form of insult upon the country and its people. By attempting to eradicate the fabric of history and identity within a state, it is considered as an attempt to strike at the heart of the citizens and their history.¹¹⁷

Military forces often target cultural heritage buildings and venues with the aim of breaking the morale of the opposing side. Morale is considered of paramount importance in times of war and every side is looking for ways to bolster the motive of their soldiers¹¹⁸. By attacking cultural heritage in a strategic manner, armies are looking to strike an actual as well as emotional blow to both the opposing army and the defending citizens.¹¹⁹

6.4 Case Studies: Ukraine and Syria

6.4.1 The Invasion of Ukraine

On 24 February 2022, Russia launched an invasion in Ukraine, triggering a major escalation in the Russo-Ukrainian War that began in 2014¹²⁰. During the conflict many pieces of Ukrainian cultural heritage have been either destroyed or put in danger due to the widespread devastation across the whole country. As of today, there have been reports concerning full or partial damage of at least 160 objects that are classified as cultural heritage sites for the Ukrainian state.¹²¹ These reports contain evidence of damage to dozens of religious buildings, museums, and other historical buildings as well as to cultural monuments and public libraries¹²². Many of the aforementioned objects are regarded as memorials of national significance for Ukraine and are ,therefore, very crucial to the country and its citizens. On top of that, other confirmed reports indicate many incidents of looting in

¹¹⁶ "How Can We Protect Cultural Landmarks From War?", World Economic Forum, 2019, <https://www.weforum.org/agenda/2019/09/protect-property-in-war-to-save-culture/>.

¹¹⁷ "The Devastation Of War", Europeana. Eu, 2022, <https://www.europeana.eu/en/exhibitions/heritage-at-risk/the-devastation-of-war>.

¹¹⁸ David W. Burwell, "Morale As A Principle Of War", DTIC, 2022, <https://apps.dtic.mil/sti/citations/ADA394705>.

¹¹⁹ "Cultural Heritage Under Attack - Humanitarian Law & Policy Blog", Humanitarian Law & Policy Blog, 2021, <https://blogs.icrc.org/law-and-policy/2021/02/18/cultural-heritage-under-attack/>.

¹²⁰ "Thursday Briefing: Russia Launches Attack On Ukraine", The Guardian, 2022, <https://www.theguardian.com/world/2022/feb/24/thursday-briefing-russia-invades-ukraine>.

¹²¹ "War In Ukraine", Unesco.Org, 2022, <https://www.unesco.org/en/ukraine-war>.

¹²² "UNESCO Says 53 Cultural Sites In Ukraine Have Been Damaged Since The Russian Invasion", NPR.Org, 2022, <https://www.npr.org/2022/04/02/1090475172/unesco-ukraine-cultural-sites-damage>.

historical and cultural venues.¹²³ Ukraine officially blames the Russian military as well as scavengers for these outrageous acts against the cultural heritage of the country.¹²⁴ Several journalists and academics have raised concerns that due to the continued destruction of Ukrainian culture by the Russian military, the destruction is targeted in an effort to debilitate Ukraine from within. Such claims intensely imply that Russia deliberately targets cultural and historical objects of national significance across the entire Ukrainian territory.¹²⁵

In order to protect the Ukrainian cultural heritage from the excesses of war, many volunteers at an international level have initiated projects to archive Ukrainian cultural heritage digital content that is at risk of destruction due to the extent of the Russian invasion. One of these initiatives is the Ukrainian Cultural Heritage Online (SUCHO), which supports various preservation efforts and aims at digitally saving as much content as possible from destruction.¹²⁶ In the first weeks of this particular project, more than 1500 websites, digital exhibits and other open access publications from several Ukrainian cultural organizations have been safely secured and archived in digital databases¹²⁷. In addition to the aforementioned initiatives, the Ukrainian government has requested assistance from the international community in terms of saving its cultural heritage during the invasion. Many countries, like the United States and France have offered assistance towards this request¹²⁸. External assistance varies from the provision of aircraft that can safely escort cultural objects out of war zones as well as the mobilization of special response units which can extract historical objects from war ravaged cities and communities. The overall objective of this assistance is to better coordinate the effort with the Ukrainian military in terms of salvaging cultural heritage objects from the continued Russian hostility.¹²⁹

¹²³ "Ukraine Says Russian Troops Are Looting Homes On Their Way Out", Huffpost UK, 2022, https://www.huffpost.com/entry/russia-looting-ukraine-kyiv-homes-civilians_n_6248ad23e4b007d38456b22b.

¹²⁴ U.S. Italy, "War In Ukraine Damages Major Cultural Sites", U.S. Embassy & Consulates In Italy, 2022, <https://it.usembassy.gov/war-in-ukraine-damages-major-cultural-sites/>.

¹²⁵ Members' Service and Members' Service, "Russia's War On Ukraine's Cultural Heritage", Epthinktank, 2022, <https://epthinktank.eu/2022/04/22/russias-war-on-ukraines-cultural-heritage/>.

¹²⁶ "Ukrainian Cultural Artifacts Are At Risk During The Russian Invasion, But Digitizing Them May Offer Some Protection", The Conversation, 2022, <https://theconversation.com/ukrainian-cultural-artifacts-are-at-risk-during-the-russian-invasion-but-digitizing-them-may-offer-some-protection-185673>.

¹²⁷ Laura Ballman, "Ukraine'S Cultural Heritage Is Desperate For Help", Foreign Policy, 2022, <https://foreignpolicy.com/2022/03/25/ukraine-cultural-heritage-russia-war-unesco-united-states/>.

¹²⁸ "U.S. Security Cooperation With Ukraine - United States Department Of State", United States Department Of State, 2022, <https://www.state.gov/u-s-security-cooperation-with-ukraine/>.

¹²⁹ "When Cultural Heritage Becomes Collateral Damage In War", SWI Swissinfo.Ch, 2022, <https://www.swissinfo.ch/eng/culture/when-cultural-heritage-becomes-collateral-damage-in-war/47511316>.

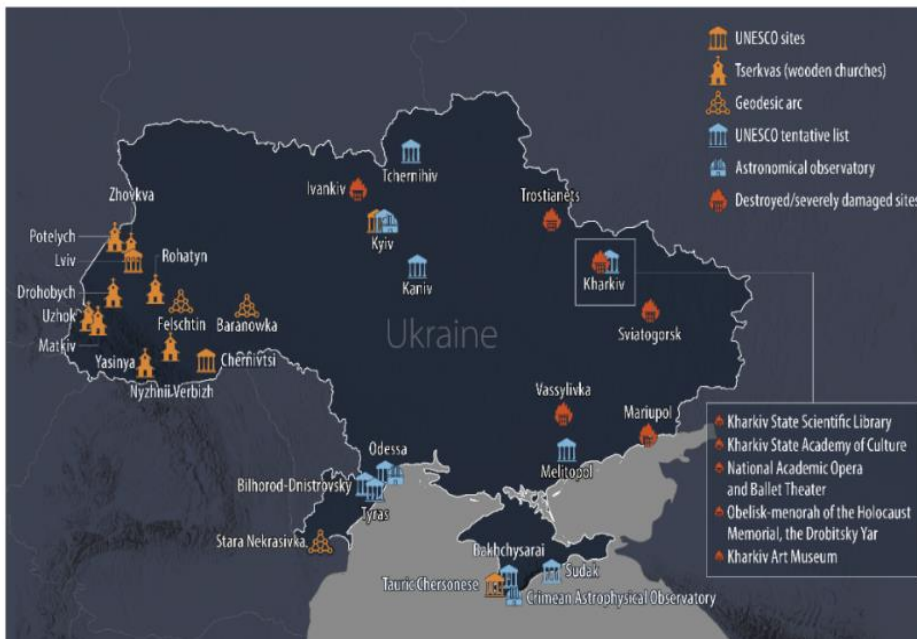


Figure 5 -Ukrainian Cultural Heritage Sites Damaged or Destroyed

Source: <https://epthinktank.eu/2022/04/22/russias-war-on-ukraines-cultural-heritage>

6.4.2 The Syrian Civil War

During the Syrian Civil War, there have been multiple reports of damages to the cultural heritage of Syria by the involved parties. Damage has been caused to numerous historic buildings, tells, mounds and other archaeological locations including recognized world heritage sites across the Syrian state¹³⁰. These damages or destructions in some cases are usually caused by military shelling, looting or rebel occupation. Many of these cultural heritage sites are situated either in Damascus or Aleppo, both of which have faced significant effects due to the armed conflict¹³¹. Simultaneously, there have been many reports concerning the looting of museums and cultural libraries across the country.¹³² The perpetrators of these looting incidents have been condemned by the Syrian government which has also identified them as criminal organizations and rebel forces. More recently, there have been indications that the black market in certain areas has been growing, in many cases since hundreds of cultural objects have been stolen or looted from the state. Again,

¹³⁰ "Six Years Of War: Syria'S Lost Cultural Heritage", Uchicagogate.Com, 2022, <http://uchicagogate.com/articles/2017/9/10/six-years-of-war-syrias-lost-cultural-heritage/>

¹³¹ Hana Julian, "Syria Reports Air Strikes On Aleppo Airport, Damascus", Jewishpress.Com, 2022, <https://www.jewishpress.com/news/middle-east/syria/syria-reports-missile-attack-on-aleppo-airport/2022/08/31/>.

¹³² "Libguides: The Syrian Conflict: Cultural Heritage And The Conflict", Guides.Library.Illinois.Edu, 2022, <https://guides.library.illinois.edu/Syria/CulturalHeritage>.

the government condemns the practice of black market which involves the illegal purchase of its cultural heritage objects.¹³³

In response to these incidents, the Syrian government has applied several measures to combat the insurgents and protect its cultural heritage from further harm. More specifically, Syria has deployed special teams in fragile areas which contain cultural heritage sites and monuments.¹³⁴ The goal of these teams is the exclusive protections of these sites from possible military shelling or attempted looting. Furthermore, the Syrian government has requested from UNESCO to assist in the digital archive of its cultural heritage through the use of technology. The above initiatives have been met however with moderate success. Syria struggles to secure stability in its regions and the large number of different rebel factions make it very difficult to protect all the cultural heritage sites in the country.¹³⁵

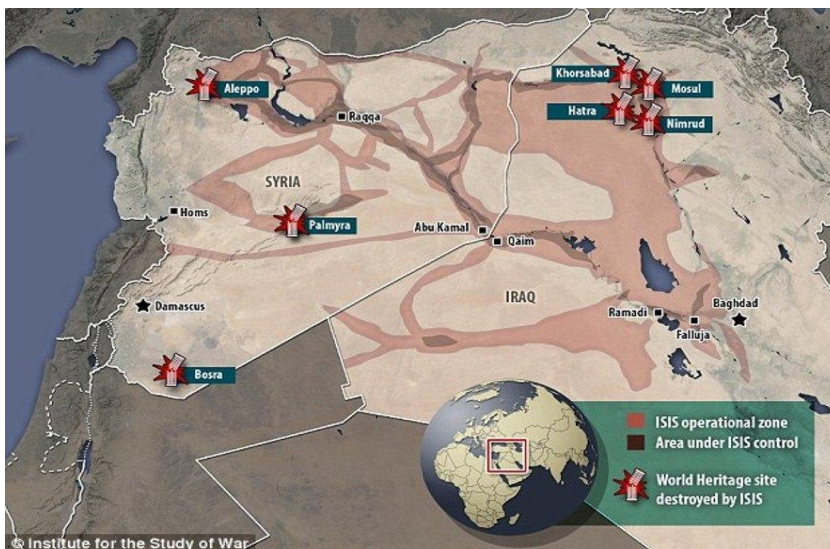


Figure 6 - Syrian Cultural Heritage Sites Damaged or Destroyed

Source: <https://inhabitat.com/worlds-largest-3d-printer-will-recreate-isil-destroyed-syrian-ruins-in-london-and-new-york/inst-for-study-of-war-world-heritage-site-map-syria>

¹³³ "Syrian Heritage Suffered 'Cultural Apocalypse' - France 24", France 24, 2021, <https://www.france24.com/en/live-news/20210309-syrian-heritage-suffered-cultural-apocalypse>.

¹³⁴ "Archnet > Publication > Responses To The Destruction Of Syrian Cultural Heritage: A Critical Review Of Current Efforts", Archnet.Org, 2022, <https://www.archnet.org/publications/13372>.

¹³⁵ "List Of Heritage Sites Damaged During The Syrian Civil War", Military Wiki, 2022, https://military-history.fandom.com/wiki/List_of_heritage_sites_damaged_during_the_Syrian_civil_war.

7. EU Restoration Policy of Cultural Heritage

We can perceive that the majority of the most significant legal treaties of the EU highlight the significance of the protection of cultural property. As it was mentioned in the previous sections, Article 3 of the Treaty on European Union states that the Union shall ensure that Europe's cultural heritage is safeguarded and enhanced. The importance of cultural heritage is also clearly recognized in the Treaty on the Functioning of the European Union, which - via Article 167 - depicts EU's role as an accelerator of encouraging cooperation among Member States and supporting the improvement of the knowledge and dissemination in culture and history¹³⁶.

European instruments have further developed their efforts through a large variety of actions with a view to amplify the security of the European cultural heritage. These initiatives provide assistance with the help of private companies and research institutions in order to digitize cultural heritage and archive international databases. These efforts are being directed mainly by the European Commission which takes the responsibility of detecting suitable partners for the EU with the criteria of finding the best possible tools and services.¹³⁷

With that being said, technology can be utilized in the cultural heritage sector with a view to protect national cultures from the devastation of war. In order to save hundreds of cultural texts and books, most countries, in cooperation with the EU, have begun constructing their own digital libraries so as to have in digital archives their precious cultural heritage. More specifically, the EU supports digital platforms for cultural heritage focusing on digitizing cultural material from a large assortment of European libraries, archives, galleries and museums across Europe.¹³⁸

Recently, the European Union has pursued through its institutions a more comprehensive strategy with regards to protecting cultural heritage among its member states. Joint initiatives are launched under the auspices of the EU in order to bring countries closer with regards to the matter of security in the cultural sector. The EU realizes that each nation's culture is of paramount importance to the DNA of its people and therefore aims to strengthen state-wide cooperation on matters of democracy and security. The recent war in Ukraine has only exacerbated the need for the protection of cultural heritage across the entire union.¹³⁹

¹³⁶ "Treaty On The Functioning Of The European Union", Eurofound, 2022, <https://www.eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/treaty-on-the-functioning-of-the-european-union>.

¹³⁷ "Opportunities Offered By Digital Technologies For The Cultural Heritage Sector | Europeana Pro", Europeana Pro, 2022, <https://pro.europeana.eu/page/europeana-initiative-position-consultation-on-opportunities-offered-by-digital-technologies>.

¹³⁸ "The European Library Is Now In Europeana", Europeana. Eu, 2022, <https://www.europeana.eu/en/TEL>.

¹³⁹ "Cooperation Projects | Creative Europe", Creative Europe |, 2022, <http://creative-europe.culture.gr/en/creative-europe/%CF%85%CF%80%CE%BF->

8. Conclusion

Without a doubt, the protection of cultural heritage from armed conflicts is a matter of utmost importance since every nation's heritage shapes its national values, and its history which, in turn, are passed on from one generation to another. This fact constitutes the reason why every country in times of war strives to protect its cultural heritage through any means possible. Nowadays, the utilization of the evolving technology is a very useful tool in the hands of governments, and it can certainly make the difference and prevent incidents of destruction as well as looting. No matter the difficulties that each country faces in times of war and rivalry, international assistance and cooperation are required to save national and regional cultural heritages. The future dictates that history is not to be forgotten but carried on as an example for younger generations across the globe.

9. Points to be Addressed

1. What shall be the proper policy regime in order for the EU to establish an equal strategic partnership towards the prevention of further cultural damage?
2. In which ways can the EU assist Ukraine in the protection of its cultural heritage?
3. How can the utilization of technology provide solutions in saving cultural heritage from destruction?
4. How could cultural objects and sites be legally protected in an EU membership level?
5. In which ways can the EU member states combat propaganda concerning the destruction of cultural heritage in war zones?
6. How can EU members further prevent the exposure of cultural property to destruction or damage in terms of CSDP missions?
7. In which ways can the EU's external policy further assist countries in the restoration of their cultural heritage sites?
8. In what ways could looting incidents be prevented during times of conflict?

[%CF%80%CF%81%CF%8C%CE%B3%CF%81%CE%B1%CE%BC%CE%BC%CE%B1-%CF%80%CE%BF%CE%BB%CE%B9%CF%84%CE%B9%CF%83%CE%BC%CF%8C%CF%82/diasynoriaki-synergasia/](#).

9. How can states comprehensively protect cultural and historical buildings from military actions?
10. Is there room for further improvement for the cooperation among EU and UNESCO towards the preservation of all types of cultural heritage?

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