



Protecting cultural heritage sites in conflict zones

United Nations Educational, Scientific and Cultural Organization (UNESCO)



Empowering Future Generations: Cultivating Global
Literacy and Enlightenment



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Introduction

With global tensions increasing, efforts to protect cultural heritage sites have been encountering increasing issues, such as purposeful destruction by extremist groups and collateral damage from explosive ordinances. Other than the harm done to (civilian) populations, such conflict causes irreversible damage to cultural heritage sites, from local museums to internationally acclaimed monuments.

In recent years, this issue has been developing at an alarming rate, as various groups endeavor to sell artifacts and other cultural goods on the black market to fund their illicit operations, leading to the moniker of “blood artifacts”. These artifacts thus directly fund illegal activity and contribute to global instability.

The intentional destruction or dispersion of cultural heritage may also be part of a broader strategy of propaganda, suppression, or even ethnic cleansing; cultural identities are often contingent on the continuation of cultural heritage, which makes them a target for extremist groups intending to erase a culture.

This issue has been recognized internationally, and regulation has been put forward to limit the effects and occurrences of such infractions, but effects have been hard to measure. Furthermore, the enforcement of stringent guidelines is tough, as involved factions in conflict zones are often hesitant to take cultural heritage into consideration, since it may come in the way of combat effectiveness.

Another hard-to-address facet of endangered culture is the manner in which protections for intangible cultural heritage can be established; given that this concerns more abstract topics, such as traditions and customs, the establishment of procedures and the measurements of their respective effectiveness are hard to put in place.

Definition of Key Terms

Cultural Heritage

monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science.



groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science.

sites: works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view. (UNESCO, 1972)

Intangible Cultural Heritage (ICH)

The “intangible cultural heritage” means the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity. (UNESCO, 2003)

Blood Antiquities

Antiquities illegally taken and sold to fund war, terrorism or violence. Often end up in western museums or private collections with the buyer being unaware of the context of its acquirement.¹

Provenance

The history of ownership of a particular item or antique, for the purpose of providing context of its use and discovery.

General Overview

Cultural heritage sites have been recognized as valuable forever, even by those outside of a given culture. This has led to a tradition of looting that goes back as far as the creation of sites themselves; as far back as ancient Rome, obelisks were looted from Egypt and placed in the Roman Empire’s capital; British explorers brought with them soldiers and missionaries, but anthropologists were never far behind, to keep the stores of the British Museum stocked; and up until recently ISIS terrorists made use of the history-rich lands they occupied by plundering various antiquities.

Unfortunately, this practice is not limited to relocation: over the course of history, the taken obelisks have been modified and relocated until they lost virtually all original meaning; during a punitive expedition in present-day Nigeria, the British damaged a cohesive collection of bronzes (now known as the *Benin Bronzes*) and distributed parts of it to places all over the

1 www.reuters.com/article/world/blood-antiquities-a-wound-the-world-struggles-to-staunch-idUSKBN00Q163/



world; ISIS terrorists frequently damage cultural heritage sites and sell looted antiquities in a way that makes them archeologically useless.

Other than looting, destruction of cultural heritage in conflict zones can result from purposeful destruction at the hands of extremists, such as the Taliban destruction of 6th century Buddha statues in central Afghanistan.² Similar incidents have occurred all over the world. The reason for these acts of wanton violence is complex; many attribute it to extremist ideological ideas, but often there is a deeper political reason. With the Buddha statues in Afghanistan, for instance, its destruction may have been a response to international sanctions or unwillingness to aid Afghanistan, so when such sites get harmed, it is a way of punishing the international community; it sends a message of complete indifference towards diplomacy.

But the most harmed group is often the local population: the destruction of cultural heritage sites leads to the erasure of the culture they are part of. Particularly in ideologically fuelled conflicts or processes this can be a goal in itself: this is a tool that can be used for forced assimilation or even ethnic cleansing, such as in China with the Uyghur population or in Ukraine during the Russian invasion.^{3 4}

But no matter the cause, be that to sell, appropriate or destroy, this pattern of destruction must be interrupted. Both conscious and accidental removal of cultural heritage is akin to cultural or even ethnic cleansing and cannot be taken lightly.

Illicit trade in looted antiquities

As previously established, looting and selling of cultural heritage and antiquities has always happened. The current situation, however, is different than earlier. Although international fora and agreements on trade are present, the smuggling of objects of cultural significance is still a large issue. Perpetrated by non-state actors, antiquities are amateurishly dug up and sold to the highest bidder, often in Europe or the US. The profits go on to fund war and wanton violence, much like blood diamonds, leading to the moniker of 'blood antiquities'.⁵

The sale of such items is particularly hard to address due to the large volume of trade taking place and the difficulty of identifying items as looted, especially since looted items are often placed on market long after the actual looting itself:

Author Felch said such a "cooling off period" can be used by illicit traders to ease the entry of an object into the legitimate art world, often via a private collector who will

2 www.bbc.com/news/magazine-18991066

3 <https://news.un.org/en/story/2023/02/1133762>

4 <https://uhrp.org/report/the-complicity-of-heritage-cultural-heritage-and-genocide-in-the-uyghur-region/>

5 www.reuters.com/article/us-mideast-crisis-antiquities-analysis-idUSKBN00Q16320150610/



donate it to a museum in return for a tax break worth much more than the purchase price. (Reuters)⁶

The sale of these ‘blood antiquities’ is not dependent on the faction in charge; during the Syrian civil war it was perpetrated by both the Free Syrian Army and ISIL, at the same site. In regard to such sales, it is not a political or ideological issue- purely a financial one.

Other than the sale, the removal of antiquities is a major issue for archeological research. Much of the meaning of these objects are derived from the context wherein they are found, and this is unaccounted for in the case of ‘blood antiquities’. The trade in legal antiquities generally requires detailed provenance, thorough post-excavation analysis and other certification that establishes both the morality and legitimacy of its acquisition and sale.⁷

By stopping the continued sale of ‘blood antiquities’, one of the main funding routes for extremists across the world is cut off; by allowing its continuance, art gets tainted with the blood of the victims of the extremists it helped to fund.

Major Parties Involved

International Council of Museums (ICOM)

The international Council of Museums publishes so-called *Red Lists* containing cultural objects around the globe that are at risk of being illicitly traded. These lists are distributed with the intent to spread awareness to the antiquity market, that may not be aware of risks associated with particular artefacts, and other professionals, such as customs officials, to quickly provide an overview of suspicious materials.

International Criminal Court

The international Criminal Court has established a precedent in considering the destruction of cultural heritage sites a war crime by convicting Ahmad Al Faqi Al Mahdi for “intentionally directing attacks against religious and historic buildings”, thereby allowing future offenders to be threatened with legal repercussions.⁸

The United Nations Educational, Scientific and Cultural Organization (UNESCO)

UNESCO has been active in establishing international agreements and standards on cultural heritage sites. They keep track of issues and risks surrounding cultural heritage sites and are instrumental in spreading awareness and pushing for change.

The United States of America

6 www.reuters.com/article/us-mideast-crisis-antiquities-analysis-idUSKBN00Q16320150610/

7 J. Crawford (personal communication, December 31, 2024)

8 www.icc-cpi.int/defendant/al-mahdi



The US has made significant efforts to combat illicit trade in antiquities, including the passing of legislation to control imports at risk of funding extremism. Many auction houses are located in the US and consequently much trade happens through the country.

Timeline of Events

14 May 1954	Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict
14 November 1970	Signing of the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property
25 May 1993	Adoption of resolution 827 establishing the Statute of the International Criminal Tribunal for the Former Yugoslavia, thereby criminalizing “seizure of, destruction or wilful damage done to institutions dedicated to religion, charity and education, the arts and sciences, historic monuments and works of art and science;” (article 3[d])
26 February 2001	Destruction of 6 th century Buddha statues in Afghanistan at the hands of the Taliban.
2014	Start of prolific destruction of cultural heritage across all occupied territory by ISIS, intending widespread cultural erasure of culture deemed impermissible.
27 September 2016	Successful prosecution of Al-Mahdi on the grounds of the destruction of cultural heritage by the ICC

Previous attempts to solve the issue

Criminalization by international judicial organizations

The ICC⁹, ICTY¹⁰ and the IMT¹¹ all have in some way established the criminality of harm done to cultural heritage. By doing so, a precedent has been set on the legality of the matter, thereby firmly establishing the consequences may follow. The effectivity of this precedent can be disputed, as it is not known to what extent offenders get discouraged from committing such crimes. Furthermore, they may also not get extradited and can escape punishment by evading custody.

9 International Criminal Court

10 International Criminal Tribunal for the Former Yugoslavia

11 International Military Tribunal, held at Nuremberg after the second world war



UNESCO 1970 resolution

The 1970 UNESCO resolution lays groundwork for the combat of illicit trade in cultural heritage. This has since been ratified by many member states, leading to reasonable success in stopping illicit trade, allowing a few significant artifacts to be stopped from being traded. This has further been reinforced by the 2017 security council resolution 2347, condemning the destruction of cultural heritage.

The Hague Conference

In the The Hague conference of 1954, the symbol known as the Blue Shield was established, denoting a cultural object, under the protection of international law. Its use is restricted in the same way, and its misuse is to be reported to the red cross.



Possible solutions

Tracking of artifacts

The issue of “blood antiquities” is in many ways similar to the issue of “blood diamonds”. This in turn has been addressed with various strategies, with varying degrees of success. The most applicable may be a framework that tracks the risk of various items throughout the entire supply chain, thereby allowing the burden to fall not only on the sellers, but on the supply chain as a whole, meaning buyers can be held responsible, which is a group that is far easier to control and / or regulate.

Increased commitment to the persecution of offenders

Although previously mentioned courts have experienced reasonable success in the persecution of those that have purposefully attacked or destroyed cultural heritage by virtue of hatred, an increase in international commitment to extradite or prosecute would benefit the effectivity and grow such efforts to meaningful deter potential offenders.

Useful documents

1972 UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage, whc.unesco.org/en/conventiontext/.

1954 The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, <https://ihl-databases.icrc.org/assets/treaties/400-IHL-60-EN.pdf>.

2016 International Criminal Court Al Mahdi ruling, <https://www.icc-cpi.int/sites/default/files/CaseInformationSheets/Al-MahdiEng.pdf>.

2017 Security Council resolution addressing the destruction of cultural heritage, <https://documents.un.org/doc/undoc/gen/n17/079/04/pdf/n1707904.pdf>.



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