HISTORY AND IDENTITY UNDER ATTACK: PROTECTING CULTURAL HERITAGE IN CONFLICT

Preliminary Draft Special Report
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Despite enjoying protection under international law, cultural heritage finds itself increasingly under attack in conflicts across the world. Malicious authoritarian States and non-state actors actively seek to weaponize it to pursue their pernicious goals.

This unsettling trend has staggering consequences for both the affected populations and global peace and security. The misappropriation, manipulation, and destruction of cultural heritage in armed conflict constitute an attack on the dignity and identity of communities, and fuel conflict and instability. The protection of cultural heritage in conflict is therefore of moral, legal, and strategic importance for NATO and the Allies.

This draft report outlines the international legal framework protecting cultural heritage and provides an overview of how ill-intentioned actors have increasingly weaponized cultural heritage in recent years. It describes the significant measures undertaken by NATO and the Allies to enhance the protection of cultural heritage in conflict, and it concludes with a set of policy recommendations to further bolster those efforts.
# TABLE OF CONTENTS

I- INTRODUCTION: PROTECTING CULTURAL HERITAGE IN CONFLICT – A MORAL, LEGAL, AND STRATEGIC IMPERATIVE FOR THE ALLIANCE .......... 1

II- CULTURAL HERITAGE PROTECTION UNDER INTERNATIONAL LAW ............ 2

III- THE INCREASING WEAPONIZATION OF CULTURAL HERITAGE AS A DRIVER OF CONFLICT ......................................................................................................................... 4

IV- RUSSIA’S ILLEGAL AND UNSUCCESSFUL WAR ON UKRAINE’S CULTURAL HERITAGE ......................................................................................................................... 5

V- ALLIED EFFORTS TO PROTECT CULTURAL PROPERTY AND HERITAGE IN CONFLICT ......................................................................................................................... 8

VI- RECOMMENDATIONS TO BOLSTER NATO AND ALLIED CULTURAL HERITAGE PROTECTION EFFORTS ........................................................................................................... 10

A. IMPLEMENT AND OPERATIONALIZE EXISTING COMMITMENTS ............ 10

B. FOSTER GLOBAL UNDERSTANDING AND RESPECT FOR INTERNATIONAL LAW ......................................................................................................................... 11

C. SUPPORT THE FIGHT AGAINST IMPUNITY FOR HERITAGE-RELATED CRIMES ......................................................................................................................... 11

D. DEEPEN COLLABORATION AMONG ALLIES AND WITH RELEVANT STAKEHOLDERS ......................................................................................................................... 11

BIBLIOGRAPHY ......................................................................................................................... 13
I- INTRODUCTION: PROTECTING CULTURAL HERITAGE IN CONFLICT – A MORAL, LEGAL, AND STRATEGIC IMPERATIVE FOR THE ALLIANCE

1. Deliberate and systematic attacks on cultural heritage have considerably increased in recent years. Despite the protection afforded to cultural heritage under international law, its weaponization has become a defining feature of modern conflicts, from Iraq, to Syria, Yemen, Mali, and Myanmar, among others. Most recently, Russia’s illegal and unprovoked war against Ukraine has demonstrated, once again, how malicious armed actors intentionally target and exploit cultural heritage in conflict.

2. While recent international efforts have helped foster greater awareness of the gravity of crimes against or affecting cultural heritage and secure important commitments to protect cultural heritage, this unsettling trend warrants collective action on the part of the Alliance for three main reasons.

3. First, protecting cultural heritage is a moral imperative. Attacks on cultural heritage are not simply attacks on inanimate objects; they are attacks on the identity, past, and future of entire communities. Attacks on cultural heritage target the very soul of communities, damaging their sense of cohesion and unity. Overall, these attacks violate the fundamental principle of human dignity underpinning both our Alliance and the rules-based international order. Protecting the “common heritage and civilisation” of Allied peoples is part of NATO’s founding principles, as expressed in the preamble of the 1949 North Atlantic Treaty. Consequently, protecting cultural heritage within and beyond the Euro-Atlantic area is an integral part of efforts to protect the values underpinning the Alliance.

4. Second, protecting cultural heritage is a legal imperative. International humanitarian law, also known as the law of armed conflicts, prohibits direct attacks on cultural property in most cases. Human rights law guarantees the right to access, participate in, and pass on one’s culture. Grave breaches of these provisions can amount to war crimes and crimes against humanity and may contribute to the crime of genocide under international criminal law. NATO countries acknowledge that the Alliance must conduct its activities in a manner consistent with their international commitments. As an Alliance committed to the respect and promotion of international law, NATO must respect, protect, and safeguard cultural property in policy and practice.

5. Third, protecting cultural heritage is a strategic imperative. Attacks on cultural heritage by malevolent state and non-state actors fuel conflict and instability in the Alliance’s neighborhood and beyond. In addition, these attacks often serve as an early warning indicator of deteriorating security conditions while also undermining societal resilience, which compromises the ability of nations to recover in the aftermath of armed conflict. Moreover, the looting and illegal trade of cultural artifacts from war zones is a significant source of income for some ill-intentioned actors. And Russia’s war of aggression has shown how narratives around cultural heritage can be exploited to advance geopolitical ambitions. Conversely, cultural heritage protection considerations and strategic communication around related efforts play a critical role in safeguarding human security and enhancing mission success and legitimacy, while also serving as a vehicle for peacebuilding and post-conflict recovery.

6. This draft report seeks to shed light on the devastating effects of cultural heritage damage and destruction, not only on affected communities but also on international peace and security. It puts forward a set of policy recommendations to bolster NATO and Allied efforts to protect and safeguard cultural heritage against the devastating effects of conflict.

7. This draft report uses UNESCO’s definition of cultural heritage as “the legacy of physical artifacts and intangible attributes of a group or society that are inherited from past generations, maintained in the present and bestowed for the benefit of future generations” (Pasikowska-Schnass,
2016). Cultural heritage includes both tangible elements – such as buildings and artifacts, and intangible ones – such as traditions, beliefs, and values. This draft report also refers to the narrower category of “cultural property” to describe tangible forms of movable and immovable cultural heritage protected under international humanitarian law because of their great importance to a specific group.

8. Additionally, the Rapporteur points out that gender and cultural heritage intersect in many ways. The production, identification, and preservation of cultural heritage has traditionally been influenced by power imbalances between women and men, while gender norms may determine whether men and women, boys and girls, are allowed access to the same sites or spaces, and attributed the same duties (World Heritage Centre, 2016). Accordingly, cultural heritage destruction in conflict has a differential impact on men and women. The trafficking of cultural artifacts from conflict zones is also often linked to organized crime and the latter has well-known gendered impacts. This draft report therefore recognizes the need to mainstream gender considerations into all cultural heritage protection policies and practice.

II- CULTURAL HERITAGE PROTECTION UNDER INTERNATIONAL LAW

9. The protection of cultural heritage during armed conflict is a long-standing concern of the international community, as reflected by an extensive international protective regime which emerged after the massive destruction of cultural property committed during the Second World War. The protection of cultural property in time of war is primarily codified in international humanitarian law, which regulates the conduct of belligerents and imposes certain obligations on them. In that regard, the 1954 Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict is the main treaty on this issue. It was further reinforced by two Additional Protocols in 1954 and 1999. The Convention builds and expands on relevant provisions contained in the Conventions of the Hague of 1899 and 1907, as well as on the Geneva Conventions of 1949. Additional Protocols I and II to the Geneva Conventions also include relevant articles applicable to, respectively, international and non-international conflicts.

10. The aforementioned instruments as well as customary international humanitarian law set clear obligations for parties to an armed conflict. State Parties are obliged to respect cultural property within their own territory and within the territory of other State Parties. Directly targeting cultural property and using it or its surroundings for military purposes – thereby exposing it to destruction or damage, is prohibited. The obligation to respect such property can only be waived in cases of imperative military necessity. But even then, the general humanitarian principles of distinction, proportionality, and precaution apply. Additionally, the 1954 Hague Convention specifically provides for an internationally recognized emblem – a blue shield – to mark protected cultural property as well as the personnel involved in its protection. Its Second Protocol also lays out another level of protection via an International List of Cultural Property under Enhanced Protection. The waiver of imperative military necessity cannot be invoked in relation to property on this list. Few sites have, however, been added to this list since its creation. Moreover, belligerents must refrain from seizing, destroying, or willfully damaging cultural property. They must also prohibit, prevent, and put an end to acts of theft, pillage, or vandalism, as well as acts of reprisal against cultural property.

11. Furthermore, under the 1954 Hague Convention, State Parties have positive obligations to safeguard the cultural property situated within their own territories in wartime and adopt preparatory measures in peacetime to protect cultural property against the foreseeable effects of an armed conflict. Pursuant to the First Protocol of the 1954 Hague Convention, similar obligations apply to occupying powers. The latter must also prevent the illicit export of cultural artifacts from occupied territories, return illicitly exported property to those territories, and cooperate with relevant local authorities to safeguard cultural property in territories de facto under their control.
12. **Non-state armed groups** also have a responsibility to abide by the core rules protecting cultural property in armed conflict. Customary international humanitarian law considers non-state armed groups to be bound by the obligations that apply to non-international armed conflicts (Hausler, 2015). The 1954 Hague Convention specifies that, in a non-international armed conflict occurring within the territory of one of the State Parties, *all parties* must respect its provisions regardless of their legal status. Its Second Protocol also applies to conflicts of non-international character, which entails the obligation for non-state armed groups to respect its provisions.

13. **Human rights law**, which applies both in times of war and peace, has also significantly contributed to the international protective regime on cultural heritage. The 1948 Universal Declaration of Human Rights and the 1966 International Covenant on Economic, Social and Cultural Rights both explicitly contain **the right to take part in cultural life**. This entails the obligation for State Parties to respect and protect tangible and intangible cultural heritage at all times. Within the broader body of international human rights law, the destruction of cultural heritage may also amount to a violation of minority rights and fundamental human rights related to freedom of expression, thought, conscience, and religion, as well as the right to education, family life, and privacy.

14. **Direct and intentional attacks on cultural property may constitute a crime under international criminal law.** The Second Protocol to the 1954 Hague Convention specifies a range of serious violations of the Protocol and the Convention amounting to war crimes. It also imposes a comprehensive set of duties on States Parties, including the duty to prosecute individuals suspected of committing such acts.

15. Furthermore, the Rome Statute of 1998 confers upon the **International Criminal Court (ICC) jurisdiction** over crimes against or affecting cultural heritage. Under Article 8(2)(b)(ix) and 8(2)(e)(iv), which respectively apply to international and non-international conflicts, intentionally directing attacks against, among other objects, buildings and monuments that fall within the broad definition of cultural property and that are not being used for military purposes constitutes a **war crime**. Attacks against cultural heritage may also represent a **crime against humanity** under Article 7(1)(h) if found to amount to persecution, which is when systematic and widespread attacks are committed against a specific group on racial, national, ethnic, cultural or religious grounds, among others, as part of a State – or otherwise organized – policy (ICC, 2021). In addition, they may assist in demonstrating the specific intent and manifest pattern required under Article 6 to bring charges for the crime of **genocide** (ICC, 2021).

16. In recent years, the **enforcement of international law relating to cultural heritage protection has progressed**. In 2016, the ICC convicted Ahmad Al Faqi Al Mahdi – a member of Ansar Dine, one of the Islamic groups which took control of Timbuktu in 2012 – of the war crime of intentionally destroying sites of historical, religious, and cultural significance (*The Prosecutor v. Ahmad Al Faqi Al Mahdi*, 2016). While past ad hoc international tribunals such as the International Criminal Tribunal for the Former Yugoslavia and the Extraordinary Chambers in the Courts of Cambodia have had jurisdiction over some crimes related to cultural heritage, this was the first time that the destruction of cultural sites was treated as a standalone crime.

17. Finally, additional international conventions and resolutions have further strengthened the international framework for the protection of cultural heritage in conflict, particularly **against the threat of trafficking and other illegal trade by armed groups**. These include the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property; the 1972 UNESCO Convention concerning the Protection of World Cultural and Natural Heritage; and the 2017 UN Security Council Resolution 2347.
III- THE INCREASING WEAPONIZATION OF CULTURAL HERITAGE AS A DRIVER OF CONFLICT

18. Attacks against cultural heritage are not a new phenomenon. The Second World War, for instance, was marked by large-scale destruction of cultural sites and displacement of cultural objects (US Committee of the Blue Shield, 2024). However, until recently, efforts to protect cultural heritage in times of war had primarily focused on upholding the abovementioned principles of international law. Today, however, the protection of cultural heritage is no longer viewed exclusively as a legal requirement but is also treated as a security concern in its own right. Cultural heritage has increasingly become the target of intentional attacks by belligerents and its deliberate destruction the hallmark of recent conflicts across the world. This trend has fueled violence, while also creating lasting obstacles to peace by stirring collective resentment, undermining political cohesion, and amplifying divisions (Rosén 2017; Rosén, 2022).

19. Mutually reinforcing developments shaping today’s security environment can explain this increase in attacks against cultural heritage during armed conflict (Rosén, 2017; Berends, 2020). These include:
- the rise of sectarian divides and identity as a driver of conflict, where cultural heritage emerges as the materialization of contentious narratives of historical, religious and ethnic belonging;
- globalization, which includes the growth of a transnational market for illicit antiquities and developments in information and communication technology that allow ill-intentioned actors to draw international attention to their destructive behavior for propaganda purposes;
- the increased visibility of norms and laws related to cultural heritage which have raised the profile of cultural artifacts and increased their value as targets for revisionist and authoritarian countries as well as malicious non-state actors;
- and the rise of asymmetric and hybrid warfare in which war is waged beyond the physical battlespace and cognitive targets become military objectives for belligerents contemptuous of international law.
- In addition, the growing urbanization of warfare has resulted in greater collateral damage on, and unintentional destruction of, cultural property.

20. Cultural heritage is increasingly weaponized by armed actors. This is, in part, due to its emotional value and political importance (Rosén, 2017). Cultural artifacts are the bedrock of societal cohesion, collective memory, and core values (Clack, 2022). Thus, cultural heritage holds a strategic and tactical value for autocratic States and malevolent non-state armed actors seeking to achieve a cognitive effect on their opponents, in complete disregard for and violation of the basic principles of international law.

21. In the last decades, the weaponization of cultural heritage has specifically served four main though not mutually exclusive purposes. First, the destruction of cultural property is exploited by armed actors to coerce, dominate, and destabilize an opponent. Aware of its symbolic and emotional value, some belligerents have sought to purposefully target cultural property to weaken their adversaries in the context of military campaigns. In Myanmar, for instance, the military junta has been deliberately destroying and looting cultural sites in areas with strong resistance forces (Foster, 2023). These attacks are part of a broader military effort to terrorize and break the resistance of populations.

22. Second, the intentional and systematic destruction of cultural heritage as a form of “cultural cleansing” has occurred in the context of sectarian or identity-driven conflicts. By engaging in such acts, belligerents seek to dehumanize, delegitimize, or erase the presence of an entire group, often from a disputed territory. In Syria and Iraq, Daesh/ISIS systematically destroyed cultural sites and artifacts relating to pre-Islamic civilizations and religious minorities as part of its plans to erase the countries’ long history of cultural diversity and pluralism and impose its extremist vision of society and the world via the creation of its so-called caliphate (UNESCO, 2015). The deliberate
destruction of cultural heritage has also been linked with genocide or ethnic cleansing. In the region of Darfur, the massacres perpetrated by the Sudanese government and affiliated Arab militia groups against non-Arab ethnic tribes from 2003 onwards were preceded and accompanied by systematic attacks on their intangible cultural heritage. Under President al-Bashir, Arab political elites actively sought to erase non-Arab history and languages from the Sudanese public space (ACCORD, 2016).

23. Third, armed and terrorist groups instrumentalize cultural property for strategic communication purposes (Rosén, 2017). In this case, destruction is used as a tool to provoke outrage or generate support and thus amplify propaganda. This is facilitated by the widespread use of new information technologies, particularly social media. The intentional destruction of the UNESCO-protected Bamiyan Buddhas in Afghanistan in 2001, the ancient city of Palmyra in Syria in 2015 and 2016, and the Timbuktu shrines in Mali in 2012 are among the most infamous examples. These destructions were largely staged as publicity stunts designed to draw worldwide attention. These calculated attacks on cultural heritage sites sought to demonstrate the groups’ strength; prove their dedication to their own belief system in the eyes of their followers while helping to attract potential recruits from all around the world; and provoke opponents through the broadcasting of images of destruction.

24. Finally, belligerents exploiting cultural property are increasingly motivated by financial gain. This is facilitated by the high commercial value of cultural artifacts in international markets and the breakdown of the rule of law during armed conflicts. Looting and illegally trafficking cultural property can help armed actors finance and sustain their operations on the battlefield. Cultural goods, alongside drugs and petrol, were a crucial source of funding for Daesh/ISIS’s terrorist activities between 2014 and 2017. At its height, the group engaged in large-scale artifact looting and illegal archaeological excavations in Syria and Iraq. Artifacts were then trafficked out of the two countries with the help of organized crime networks. The group is estimated to have made millions of dollars from these activities (Rose-Greenland, 2016).

25. Just as its destruction and exploitation can fuel conflict and create lasting obstacles to peace, the protection and restitution of cultural heritage can serve as a vehicle for peace and post-war recovery. In recent years, post-conflict projects have sought to return, safeguard, or restore cultural heritage in post-conflict areas. Within the context of broader peacebuilding efforts, such projects often aim to help affected communities deal with past events, foster reconciliation, and pave the way for building diverse and sustainable societies (Campfens et al., 2023). In post-genocide Rwanda for instance, public authorities have supported initiatives focusing on both tangible and intangible cultural heritage to bolster national unity and societal healing (Bolin, 2019). Projects focusing on the reconstruction and protection of cultural heritage have also helped reduce intercommunal tensions and promote peaceful coexistence in Bosnia-Herzegovina and Kosovo (Campfens et al., 2023). In addition, such efforts can help support the economic recovery of post-conflict States -for instance, by promoting tourism- and, in turn, foster the conditions for long-term development, peace, and stability.

IV- RUSSIA’S ILLEGAL AND UNSUCCESSFUL WAR ON UKRAINE’S CULTURAL HERITAGE

26. Russia has actively sought to weaponize cultural heritage in its unprovoked and illegal aggression against Ukraine, in clear violation of international law. It simultaneously uses culture as a fallacious justification for its war and targets it as a direct object of war in its attack against its peaceful, democratic, and sovereign neighbor. By weaponizing narratives around cultural heritage and history to further its geopolitical ambitions, Russia has actively engaged in cultural heritage exploitation (Shultz and Jasparro, 2022). Fabricated narratives depicting Ukrainians and Russians as “one people” and Ukraine as a “fictional state” are at the core of some of the key arguments.
cynically put forward by the Kremlin to justify its full-scale invasion (Farago, 2022). Ukrainian cultural heritage, as the manifestation and repository of Ukrainian national identity, has consequently found itself directly under assault. Given the systematic, and wide-ranging nature of the brutal attacks against them, there is no doubt that Russia is targeting cultural assets as part of a deliberate campaign to erase Ukrainian cultural identity.

27. Russian attacks on Ukrainian cultural heritage can be traced back to the illegal annexation of Crimea in 2014, when Russia started to erase traces of Crimean Tatar cultural presence to provide an ideological and historical justification for the occupation of the peninsula (UNESCO, 2021). However, the gravity, frequency, and geographical scope of these assaults have increased dramatically since February 2022. According to the Ukrainian Ministry of Culture, 1,132 cultural sites had been damaged with 403 completely destroyed as of mid-December 2022 (Kurmanova, 2023). As of February 2024, UNESCO had confirmed damage to 343 cultural sites (UNESCO, 2024). The regions of Kyiv, Kharkiv, Luhansk, Mykolaiv, Zaporizhzhia, Sumy, Kherson, and Donetsk have been the most affected by such attacks as a result of their proximity to the frontline or their occupation by Russian forces.

28. Whether the result of deliberate targeting or indiscriminate shelling, numerous sites of cultural significance for Ukraine have been partially or entirely destroyed by the Russian military. These sites include religious sites such as churches and cemeteries – particularly those belonging to the Ukrainian Orthodox Church, museums, monuments and memorials, universities, as well as libraries and archives. In March 2022, in Mariupol, the Russian forces bombed the Donetsk Academic Regional Drama Theatre, even though the theatre was clearly marked as sheltering civilians. The theatre had the status of an “architectural monument of national importance”. Hundreds of civilians died in the attack. Here, the destruction of cultural property (in conjunction with the targeting of civilians) was undoubtedly used as a tactic of war to – vainly – break Ukrainian resistance efforts and take full control of the strategic harbor city. Another example is the severe damage Russian strikes inflicted to the Transfiguration Cathedral in the UNESCO world heritage-listed historic center of Odesa in July 2023.

29. In Russian-occupied areas of Ukraine, the destruction of Ukrainian cultural heritage has been even more intentional, wide-ranging, and systematic. Russian occupation authorities have spread narratives of demonization and denigration of Ukrainian culture. Ukrainian history books and literature falsely portrayed as “extremist” have been seized from public libraries and schools and destroyed (OHCHR, 2023). Russian schoolbooks and curriculums were also introduced in schools as part of Russia’s broader efforts to re-write Ukrainian history (Bölinger, 2023). These attacks on repositories of Ukrainian history, literature, and language are part of a broader effort to erase tangible and intangible Ukrainian cultural heritage and replace Ukrainian identity through a forced process of “Russification” (OHCHR, 2023).

30. Russian military forces have also engaged in the wide-scale looting of Ukrainian cultural institutions in occupied areas. In October 2022, Ukraine’s Culture Minister said that Russian forces had looted thousands of artifacts from almost 40 museums (Dawson, 2022). Rather than the product of mere opportunism, these looting operations appear to be premeditated and coordinated at a high-level (Human Rights Watch, 2022). In Mariupol, Melitopol, and Kherson, among other cities, after taking control of local cultural sites, Russian forces stole vast swathes of their collections. For instance, in Kherson, Russian forces pillaged thousands of valuable artifacts and artworks from two museums, a cathedral, and a national archive before withdrawing from the city in November 2022 (Human Rights Watch, 2022). Many of these artifacts appear to have been taken to museums in Russia or occupied Crimea as part of the Kremlin’s neo-imperialistic project to rewrite history and weaponize cultural heritage (Farrell, 2022). Prior to February 2022, thousands of artifacts had already been illegally taken from occupied Crimea and exhibited in Russian museums in a practice known as “reattribution” (UNESCO, 2021; U.S. Mission Italy, 2022).
31. Both the Russian Federation and Ukraine are parties to the 1954 Hague Convention and its First Protocol, which regulate the preservation of cultural property under occupation. In addition, Ukraine accessed the Second Protocol to the 1954 Hague Convention in April 2020. Ukraine has also accepted the \textit{ad hoc} jurisdiction of the ICC for crimes committed on its territory since 2014. Whether intentional or the result of gross negligence, the thefts, damages, and destruction that the Russian armed forces inflicted on Ukrainian cultural property represent \textbf{grave breaches of international humanitarian law} and some incidents have been found to constitute war crimes (UN Human Rights Council, 2024). Furthermore, Russia is deliberately violating Ukrainians’ human right to access their cultural heritage and express their cultural identity in Russian-occupied territories. There is no doubt that the Russian leadership, at the highest level, is aware of these illegal attacks. It appears to encourage and even actively orchestrate them at times (Human Rights Watch, 2022). Perpetrators at all levels of the political and military chain of command, including Vladimir Putin himself, must be held criminally accountable for these acts.

32. \textbf{Ukrainian institutions and citizens have deployed extensive efforts to protect cultural property on their territory.} Since 2014 and the start of Russia’s relentless attacks on Ukrainian cultural heritage in occupied Crimea and the eastern Donbas region, Ukraine had already stepped up its efforts in that field. For instance, the Ukrainian Parliament strengthened the country’s legal protective framework by ratifying the Second Protocol to the 1954 Hague Convention in 2020. Prior to the 2022 full-scale invasion, the Ukrainian Ministry of Culture also devised a plan to save valuable cultural artifacts in case of a national emergency, in consultation with relevant cultural stakeholders (Ministry of Culture and Information Policy of Ukraine, 2022).

33. Since February 2022, in Kyiv, Lviv and Odesa, among other cities, museum collections have been safely stored, while physical cover has been arranged for non-movable cultural objects such as statues and monuments (Frayer and Harbage, 2022; Harding and Sherwood, 2022). Furthermore, private citizens and custodians of culturally significant buildings have heroically \textbf{risked their lives to hide and protect cultural artifacts} in the face of advancing Russian troops or imminent shelling (Human Rights Watch, 2022). Spontaneous Ukrainian public initiatives such as the creation of the Heritage Emergency Response Initiative, the Museum Crisis Centre, and the Ukrainian Emergency Art Fund have also played an important role in heritage protection. Additionally, the Ukrainian Ministry of Culture has set up a website to collect data about the damages and destructions of cultural property committed by Russian military forces in Ukraine. The material will be stored and eventually shared as evidence in domestic and international criminal proceedings. In October 2023, Ukraine’s Territorial Defense Forces created a new unit dedicated to the preservation of cultural property (Ukrainska Pravda, 2023). In addition, the Crimea Platform – the international consultation and coordination forum established by Ukraine in August 2021 to mobilize international attention on Russia’s ongoing occupation of Crimea – sheds light on Moscow's attempts to destroy Ukraine's cultural heritage in Crimea (Crimea Platform, 2024).

34. In addition, many \textbf{international bodies and non-governmental organizations have supported Ukrainian efforts} to safeguard cultural heritage. This is especially the case of UNESCO, which assisted the Ukrainian authorities in marking cultural sites with the distinctive blue shield emblem. Many spontaneous initiatives were also set up by organizations from the wider international museum and heritage community. Overall, these initiatives focus mainly on monitoring damages and risks; implementing emergency relief measures such as delivering protective materials to cultural institutions; training heritage professionals and officials; digitizing inventories and archives; and supporting the Ukrainian cultural sector and its professionals.
V- ALLIED EFFORTS TO PROTECT CULTURAL PROPERTY AND HERITAGE IN CONFLICT

35. NATO has established itself as an important player in the protection of cultural property in conflict. NATO’s longstanding commitment to this endeavor stems from both its core values and the Allies’ international obligations. The preamble of the 1949 North Atlantic Treaty states that Allies shall safeguard “the common heritage and civilization of their peoples” as the foundation for collective security. In addition, respect for international law is a central tenet of the Alliance. In recent years, NATO has also come to recognize the broader importance of cultural property protection for international peace and security. The 2022 Strategic Concept acknowledges that attacks against cultural property, among other factors, undermine human and state security while posing serious transnational challenges, and have a disproportionate impact on women, children, and minority groups. The 2023 Vilnius Summit Communiqué also recognizes the link between pervasive instability and attacks against cultural property.

36. Over the last two decades, NATO has integrated cultural property protection measures more systematically into its field operations and missions. From 2002 onwards, NATO’s Kosovo Force (KFOR) was tasked with protecting heritage sites. The UNESCO-listed 14th-century orthodox Dečani monastery in the western part of Kosovo remains under KFOR protection to this day. The 2011 NATO-led Operation Unified Protector in Libya used data provided by several sources to integrate cultural property protection into the planning of airstrikes. The creation of a military “no-strike list” was successful in avoiding collateral damage to relevant heritage sites (JALLC, 2012). Finally, in Afghanistan, NATO forces participated in cultural protection initiatives and projects from 2014 onwards.

37. In recent years, cultural property protection has been increasingly put forward in NATO’s military doctrine as a tactical and operational objective across all three of its core tasks of deterrence and defense, crisis prevention and management, and cooperative security. NATO’s 2016 Policy for the Protection of Civilians applies not only to persons, but also to objects and services. Its 2018 Military Concept on the Protection of Civilians stresses the importance of understanding and interacting with the human environment, including local culture and history, to ensure operational effectiveness. Based on NATO’s Protection of Civilians policy, a Bi-Strategic Command Directive on “Implementing Cultural Property Protection in NATO Operations and Missions” was subsequently developed in 2019. It holds that cultural property protection considerations are crucial to NATO’s continuous strategic awareness and sets forward guidelines for NATO’s command structure to integrate them into all phases of military operations and missions.

38. Accordingly, NATO has sought to actively develop and improve its cultural property protection capabilities. Since 2016, several NATO exercises have included cultural property protection. NATO-accredited centers of excellence, particularly in the field of civil-military cooperation, have also developed trainings on the matter, while the NATO Science for Peace and Security Programme has carried out projects on this topic.

39. Since 2022, cultural property protection falls under NATO’s multi-sectoral human security approach. NATO adopted its first ever Human Security Approach and Guiding Principles at the Madrid Summit. The document identifies cultural property protection as one of the five human security areas where the Alliance can be most effective, alongside combating trafficking in human beings; protecting children in armed conflict; preventing and responding to conflict-related sexual violence; and protecting civilians. Cultural property protection, however, is the only human security area of work still lacking a specific NATO policy to this day.

40. In February 2023, NATO stated that it would continue to work towards developing a dedicated policy on Cultural Property Protection. This initiative shows the Alliance’s steadfast commitment to the issue and desire to further strengthen its existing policy framework to respond to
increasing attacks on cultural heritage across the world. A dedicated policy is a pre-requisite for developing an action plan to facilitate the implementation of cultural property protection principles through all NATO activities.

41. NATO Allies have also been instrumental in enhancing cultural heritage protection in conflict at the national level. First and foremost, all NATO members are parties to the 1954 Hague Convention, and the majority are parties to its additional protocols. Allies have taken measures to integrate protection of cultural heritage international rules, norms, and principles into their national legislation. For instance, Canada’s Cultural Property Export and Import Act of 1985 seeks to ensure the preservation of the country’s cultural heritage and prevent the illicit traffic of cultural objects (Government of Canada, 2022). Since 2005, it is also an offence under the country’s Criminal Code for Canadians to damage, destroy or illicitly export protected cultural property situated outside of Canada, whether in peace time or during conflict (Government of Canada, 2006). Similarly, France adopted the Law on Freedom of Creation, Architecture and Heritage in 2016 to enhance the protection of cultural heritage situated on its territory. The law also gives France the possibility to offer temporary shelter to cultural heritage at risk due to armed conflict abroad, upon the request of the concerned State or the UN Security Council (ICRC, 2016).

42. Second, Allies have made efforts to integrate cultural protection principles into their national military doctrine and practice. They have taken steps to build relevant capacity within their national armed forces by setting up specialized units and providing relevant training to support operational readiness. For example, the US Army has set up a Heritage and Preservation Officer Program while the British armed forces have established a Property Protection Unit (Clack, 2022). The US Army also hosts a cultural protection program at Fort Drum, in New York, where pre-deployment trainings are regularly organized, while the Netherlands have a long-standing Cultural Affairs & Information (CAI) Section within its armed forces which provides instructions on cultural heritage during all military pre-deployment training programs (UNESCO, 2010; Rosén, 2017). Another example is Italy, which partnered with UNESCO in 2016 to create the “Blue Helmets of Culture” Task Force, a rapidly deployable unit composed of personnel from the Carabinieri Command for the Protection of Cultural Property and experts from the Ministry of Culture who can be sent to protect cultural property at risk anywhere in the world (Spadari, 2021). Moreover, several Allied militaries have devised special operational arrangements when deploying forces in conflict-affected areas, including “no-strike lists” (UNESCO, 2020; Clack, 2022).

43. Third, NATO member States have spearheaded awareness-raising and international advocacy efforts in key multilateral fora regarding the importance of protecting cultural heritage in conflict zones. At the UN, for instance, France and Italy drafted the landmark UN Security Council resolution 2347 which was unanimously adopted in 2017. This was the first time a UN resolution recognized the threat that destruction and misappropriation of cultural heritage pose to international security. As a permanent member of the Security Council, France has also initiated other resolutions and decisions relating to cultural heritage protection in Mali and Iraq, while Italy has seized opportunities for high-level advocacy in other fora, including during its presidency of the G7 in 2017. In addition, in 2016 France partnered with the United Arab Emirates under the auspices of UNESCO to organize the International Conference on Safeguarding Endangered Cultural Heritage and establish the International Alliance for the Protection of Cultural Heritage in Conflict Areas the following year. Together, these various initiatives have helped foster greater global awareness and secure important international commitment and support (OECD, 2021).

44. Fourth, Allied countries actively provide bilateral assistance to conflict-affected countries and support international bodies working on cultural heritage protection in conflict settings. In particular, Allies provide financial and technical support to UNESCO, the leading specialized intergovernmental agency in this field, and contribute to many of the international initiatives that it implements, such as the Heritage Emergency Fund. In Bosnia-Herzegovina, for instance, Croatia, France, Italy, the Netherlands, and Türkiye financed the UNESCO-led reconstruction of the 16th century Ottoman Old Bridge in Mostar, which had been shelled in 1993
(World Heritage Centre, 2022). Furthermore, various Allies fund cultural protection initiatives within the framework of the European Union and the Council of Europe, as well as Interpol and Europol on curbing the illicit trade of cultural goods. Similarly, Allies provide financial and technical support to civil society initiatives and non-governmental organizations active in this field. For instance, Poland assists Ukraine's cultural sector via its Support Centre for Culture in Ukraine, its National Institute of Heritage, and its Committee for Aid to Museums of Ukraine (Campfens et al., 2023).

45. Finally, Allies have been steadfast in their commitment to fight impunity and in their support for international accountability efforts for heritage-related crimes. They provide financial and technical support to the national judiciaries of war-affected countries, the International Criminal Court, as well as other international tribunals with relevant jurisdiction. Allies have also adopted financial sanctions against individuals involved in the destruction and/or misappropriation of Ukrainian cultural assets. In June 2023, Canada added persons connected to Russia’s theft of Ukrainian cultural objects and to efforts to “Russify” occupied territories to its list of sanctioned individuals and entities related to Russia’s ongoing war against Ukraine (Government of Canada, 2023).

VI- RECOMMENDATIONS TO BOLSTER NATO AND ALLIED CULTURAL HERITAGE PROTECTION EFFORTS

A. IMPLEMENT AND OPERATIONALIZE EXISTING COMMITMENTS

46. Translate international commitments and legal provisions into an actionable policy framework: NATO must develop a comprehensive Cultural Property Protection Policy and a related Action Plan that enable it to operationalize its long-standing commitment to this issue and streamline cultural property principles into all aspects of NATO’s structure, military doctrine, and practice across its three core tasks. The development of such a policy would equalize the level of political commitment across all five human security areas of work identified by NATO, thereby advancing the Alliance’s human security agenda as a whole. At the national level, Allies must similarly adopt specific action plans to operationalize international provisions in all relevant military and civilian fields.

47. Strengthen the capacity of Allied armed forces to protect cultural property: NATO and its member States must integrate cultural property protection principles more systematically into the education, training, and exercises of their security forces. Allied forces should also devise specific standing operating procedures on cultural property protection and must establish specialized units or personnel within their military forces, as required by the 1954 Hague Convention.

48. Incorporate cultural property protection considerations in all phases of planning and execution of operations: NATO and the Allies must identify protected cultural property in areas of operations in the early stages of the planning cycle using intelligence gathered from relevant stakeholders. This data should be aggregated, shared, and used to provide specific, accurate, and standardized information to armed forces, and may help set up a “no-strike list” of protected cultural property.

49. Adopt preventive measures to preserve domestic cultural property at the national level: Allied governments must devote more resources to safeguarding cultural property situated on their own territory in times of peace against the foreseeable effects of armed conflict, as required by the 1954 Hague Convention. This may include efforts to catalogue or digitize inventories of cultural property to be protected; develop emergency preparedness policies; and train law enforcement agents to trace and intercept trafficked cultural objects. Allies should integrate gender equality considerations into such efforts.
B. FOSTER GLOBAL UNDERSTANDING AND RESPECT FOR INTERNATIONAL LAW

50. **Denounce the weaponization of cultural heritage in conflict by malicious actors:** NATO and its Allies must reiterate their calls to put an end to the misappropriation and destruction of cultural heritage by belligerents. They should also enhance their strategic communication capabilities to counter cultural heritage exploitation by adversaries. In particular, they should continue to strongly condemn Russia’s destructive and manipulative actions in Ukraine and help counter its false narratives.

51. **Raise awareness on the heritage-security nexus in key multilateral fora:** Allies must continue to push for greater understanding of the role that cultural heritage plays in conflict in key international fora. They must do their utmost to keep the issue on the international agenda and continue building common solutions. Allies must also push for the integration of cultural property protection within multilateral humanitarian actions and peacekeeping missions.

52. **Advocate for the strengthening and universal ratification of existing international instruments:** Allies should encourage the universal ratification of the 1954 Hague Convention and its additional protocols, as well as other relevant international conventions. They should also seek to further strengthen the existing global cultural heritage protection framework where necessary.

C. SUPPORT THE FIGHT AGAINST IMPUNITY FOR HERITAGE-RELATED CRIMES

53. **Impose sanctions for heritage-related crimes:** Allied governments should systematically sanction individuals and entities involved in the destruction, misappropriation, and illicit traffic of cultural heritage from conflict zones. Collectively, Allies should also push for their inclusion in international sanctions regimes.

54. **Support relevant judicial bodies in their accountability efforts:** Allies must muster the resources to continue supporting the judiciaries of war-affected countries, the ICC, as well as other international tribunals with relevant jurisdiction in their efforts. They must ensure that they receive the necessary financial, technical, and political support to investigate and prosecute heritage-related crimes.

55. **Build robust national legislation to enforce international provisions:** Allied governments may consider adopting legislation to allow their domestic judiciary to prosecute grave heritage-related crimes through universal jurisdiction. Allied governments should also strengthen national legislation to better prevent and prosecute the illicit trafficking of cultural artifacts stolen from war zones inside their territory.

D. DEEPEN COLLABORATION AMONG ALLIES AND WITH RELEVANT STAKEHOLDERS

56. **Strengthen experience sharing processes among Allies and with partner countries:** to effectively protect cultural heritage, there is a critical need to promote exchanges of knowledge, best practices, and lessons learned among NATO members. Similarly, the Alliance must engage on this topic with relevant partner countries to broaden their perspectives and access additional resources. To prevent cultural heritage exploitation, it is imperative that NATO establishes a Centre for Democratic Resilience within its headquarters. The Centre would serve as a cross-fertilization hub through which Allies could voluntarily share expertise, information, and best practices to combat the manipulation of historical and cultural narratives.
57. **Collaborate with relevant stakeholders to operationalize international commitments:** NATO and the Allies should establish or strengthen their dialogue with stakeholders possessing relevant expertise such as NATO-accredited centers of excellence, academics, UNESCO, the EU, Europol, Interpol, as well as humanitarian and specialized non-governmental organizations. Allies should also increase their technical and financial support to international organizations working on cultural heritage issues.

58. **Increase bilateral aid to conflict-affected countries to help them protect, safeguard, and restore their cultural heritage:** Allied States must do their utmost to provide resources and expertise to cultural authorities, institutions, and personnel in such countries. This can include helping monitor damages and risks, providing emergency relief measures or training, and supporting a clear post-war recovery strategy for cultural heritage. Allies should also integrate further cultural protection into their broader humanitarian and development aid efforts. Gender considerations should also be promoted and incorporated into those efforts.
BIBLIOGRAPHY


Crimea Platform, “Cultural Dimension”, last consulted on March 2024.

Dawson, Bethany, “Putin’s forces have looted nearly 40 museums in Ukraine, plundering thousands of ‘priceless’ treasures, says culture minister”, Business Insider, 9 October 2022.


Frayer, Lauren and Harbage, Claire, “Ukraine scrambles to protect artifacts and monuments from Russian attack”, NPR, 15 March 2022.


JALLC (Joint Analysis And Lessons Learned Centre), Cultural Property Protection In The Operations Planning Process, JALLC, 20 December 2012.


UNESCO, “Follow-up to decisions and resolutions adopted by the Executive Board and the General Conference at their previous sessions, part I: Programme issues. E. Follow-up of the situation in the Autonomous Republic of Crimea (Ukraine)”, UNESCO: Paris, 10 September 2021.


U.S. Committee of the Blue Shield, “Background to Protection of Cultural Property”, 2024.

