

**Cultural Property Protection in the Event of Armed Conflict: Case  
Study of the Syrian Civil War (2011-present)**

An honors thesis for the Department of Archaeology

Stephanie Hon

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## **Preface: Archaeology in Conflict Zones**

Deliberate and accidental destruction and damage to cultural heritage in the form of archaeological sites, historical monuments, and museum collections is an issue that has plagued recent conflicts worldwide, particularly in the four-plus-year Syrian civil war, despite the many conventions and international laws governing cultural property protection (hereafter referred to as CPP) in the event of armed conflict. Other recent losses of cultural heritage, including the 2001 destruction of the Bamiyan Buddha statues in Afghanistan by the Taliban, the subsequent looting of the Iraq National Museum following the 2003 invasion of Iraq by the United States, and the intentional destruction of historical monuments in Timbuktu, Mali by Islamic extremists, have stressed that CPP strategies and international law governing CPP needs to be improved. Yet the lack of action by relevant governments and international organizations suggests that CPP is not a priority, at least in times of conflict. Through my research, I will show that international laws governing CPP in the event of armed conflict and current CPP strategies are too limited to be effective in modern conflicts. I also provide evidence that in addition to the intrinsic value of cultural heritage, there are practical reasons for CPP in the event of armed conflict that would provide added incentive for foreign involvement in conflicts.

In this study, I will first explore the concept of cultural heritage as it exists within international law and why the current construct of cultural heritage and legitimacy of international institutions might be problematic in regards to CPP. I will then provide an overview of the international laws governing CPP that are most relevant to the case study of Syria. Secondly, I will document the damage to the most well-known cultural heritage sites and museums in Syria from the beginning of the conflict up to April 2015 through a compilation of various reports based on social media and analysis of satellite imagery. Then I will discuss the

national and international responses of governmental and non-governmental organizations involved in CPP. By analyzing the actual versus theoretical implementation of international law and CPP strategies taken during the Syrian conflict, I hope to show that international laws governing CPP are deficient and that organizations currently engaged in CPP can greatly improve both the effectiveness and efficiency of their strategies. While I discuss the internal issues with current international law and CPP strategies, I also acknowledge the external obstacles to successful CPP. Lastly, I will make recommendations to improve CPP strategies and suggest potential remedies to obstacles facing the effective implementation of CPP law and measures. Additionally, I will advocate for greater military and government involvement in CPP, because CPP can act as a ‘force multiplier’, “a positive action that makes it easier to achieve military success”, and thus make CPP more of a priority in armed conflicts (Stone 170).

### **Fundamentals of International Law**

International law traditionally defined rules governing the relations between nations, but has since been broadened to include relations between state and individuals, and between states and international organizations (“International Law”). The primary sources of international law are customary law, which are rules that states generally follow out of obligation, and conventional law, which are international agreements formed between contracting parties (“International Law”). International law is “built on the foundation of state consent” and international organizations, like the United Nations Educational, Scientific, and Cultural Organizations (UNESCO), are created through international agreement or have membership consisting primarily of States (“International Law”).

The United Nations was formed in 1954, and its main purposes are to maintain peace and security, and facilitate international cooperation in solving international problems (“International Law”). In enforcing international law, under Chapter VII of the UN Charter, the UN Security Council can determine threats to peace or acts of aggression and thus impose sanctions as a solution (Kirgis 1996). Sanctions can be economic, diplomatic, or militarized in nature. Economic sanctions on a country can cover all imports and exports or pertain only to weapons (Kirgis 1996). However, economic sanctions tend to impact the ordinary population more than government leaders, although they can be effective after some time, as seen in the recent Iran nuclear discussions. States can cut diplomatic ties with one another, and under the UN Charter, member states should have armed forces ready to respond to the call of the UN (Kirgis 1996). The Security Council can also authorize member states to use armed forces to restore “international peace and security”, for example in the Korean and Gulf Wars (Kirgis 1996).

### **Assumptions of Cultural Heritage and International Law**

Before beginning discussion of specific international laws and conventions, in exploring why current CPP strategies and international law are not working, we have to consider the assumptions that underlie the foundations of international law and CPP. The first assumption is that everyone views the concept of cultural heritage in the ‘right’ way - that is, the perspective as defined by UNESCO. Cultural heritage is defined by UNESCO 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” (“Tangible...”). The second assumption is that the power and legitimacy of international institutions like the UN and UNESCO are universally recognized and that the rules set forth by international laws are

correct and justified. Thus, as Frederic Kirgis, emeritus Professor of Law at Washington & Lee University, notes, it “is not so much a question of the effectiveness of international [law] as it is a question of the legitimacy of the institutions that administer them” (Kirgis 1996). These two questions are related, because the legitimacy of the institutions will determine the effectiveness of international law and CPP.

### *Official and Conflicting Views of Cultural Heritage*

The current concept of cultural heritage, like any idea, is not a universal value, but instead reflects and represents a limited perspective. When the idea of cultural heritage was first developed under international law, the term ‘cultural property’, which placed an emphasis on ownership, was used. This term has since evolved into ‘cultural heritage’, which deemphasizes ownership and instead stresses that heritage belongs not only to the people inhabiting a certain region, but to all the people of the world. I will use the terms interchangeably in my essay under the current definition of cultural heritage, because CPP uses the term ‘property’ instead of ‘heritage’. In approaching this issue, I will explain that the current view of cultural heritage is not shared universally and possible problems with the current definition of cultural heritage.

Although the term ‘cultural heritage’ has since replaced ‘cultural property’ officially, the idea of ownership has not become completely divorced from ‘cultural heritage’. Thus, there exist two contrasting perspectives of cultural heritage: the official version touted by the UN and UNESCO and the nonofficial view. For example, the recent intentional destruction of cultural heritage in Iraq by the Islamic State of Iraq and the Levant, also known as ISIS/ISIL/IS, was condemned by Irina Bokova, the director general of UNESCO, as having “absolutely no political or religious justification for the destruction of humanity’s cultural heritage” (“Islamic State...”

2015). On the other hand, in an interview with News in Conversation, Maamoun Abdulkarim, head of the Directorate General of Antiquities in Syria (DGAM), said that: “Cultural heritage is the shared memory of the Syrian people... cultural heritage...belongs to the Syrian. Hopefully once the war ends, heritage can represent a common focus of peace for all Syrians.” (“Spotlights on...” 2015). Abdulkarim stresses that cultural heritage belongs to the Syrian people multiple times, which, while not contradicting Bokova’s statement, has an extremely different emphasis. It seems that the UN view was imposed on Syria, a former colonial subject, who still sees cultural heritage as belonging to them. The conflicting perspectives on cultural heritage is perhaps one of the reasons international law governing CPP has not been effective.

Apart from the conflicting views on cultural heritage, there is something inherently problematic with the current official definition as well. Classifying cultural heritage as the world’s property disassociates any country from having to take real responsibility and perhaps lessens the value of cultural heritage. The Tourism and Antiquities Ministry of Iraq blamed the international community for failing to help protect Iraq’s cultural heritage from IS, stating that: "the delay in international support for Iraq has encouraged terrorists to commit another crime of stealing and demolishing the remains of the city of Hatra." (“Islamic State...” 2015). The Iraqi government clearly expects the international community to aid in CPP, but does that mean the international community has a responsibility to protect cultural heritage worldwide, regardless of where sites are located? This is an issue, as there is little incentive for foreign governments to intervene and expend resources for CPP, especially when the host government will not itself take full responsibility.

The ambiguity in how cultural heritage is applied allows for a double standard in the approach to CPP. When calling for aid in CPP, the Iraqi government does not hesitate to stress

the international community's responsibility in protecting humanity's cultural heritage. Yet if the Iraqi government was advocating for the repatriation of an antiquity taken from Iraq, it would highlight its ownership over objects taken from its territory. Although this is hypothetical, there is no shortage of countries, including Greece, Turkey, and Egypt, demanding repatriation of objects that were taken from their territories, regardless of whether they have any actual connection to the historical people who produced the objects. These conflicting approaches to cultural heritage need to be resolved in order for international law to be definitive in what courses of action and rules countries need to abide by and for CPP to proceed without infringing on national sovereignty or beliefs.

Cultural heritage could be damaged because we take for granted that everyone views cultural heritage in the same way. Western archaeologists are often viewed as imperialistic without considering how local populations view cultural heritage (Perring 201). In the post 2003 invasion of Iraq, the Iraq Museum was placed on the no-strike list by the US military (Bogdanos 33). However, the US did not consider that the Museum could be damaged by something other than armed conflict and failed to prevent looting by local Iraqis who purposefully destroyed cultural heritage because they associated it with Saddam Hussein's regime. We need to remember that CPP involves not only caring about the "material remains, but also about those connected to it" (Perring 210).

In that case, the question is how to approach tailor CPP to suit the local environment. Do we continue the imperialist tradition of imposing our beliefs and rules on others, and if not, how do we reconcile opposing views? I think that different concepts of cultural heritage, whether it leans more towards cultural heritage belonging to all of humanity or more towards ownership, does not have an impact on CPP in the event of armed conflict, as the goal of all involved is to



prevent damage and protect cultural heritage. There is no reason for a government to reject aid even when it feels that its cultural heritage is their property, because no foreign government or international organization is trying to take their cultural heritage away by being involved in CPP.

However, opposing views do matter in dealing with repatriation claims and the intentional destruction of cultural heritage. While repatriation claims are not currently relevant to the conflict in Syria, intentional destruction is. What should the international community do if the policy of a recognized government is to suppress certain aspects of cultural heritage? If the root of the problem is education, like in Iraq where people associated certain elements of cultural heritage with Saddam Hussein, then CPP efforts should focus on education. Of course, the views of the government might differ from that of the people. There is a difference between a government selectively preserving the past and ignoring other elements versus actively destroying cultural heritage that it does not endorse. In the case of intentional destruction, then only foreign military intervention would be able to prevent it. I believe that foreign countries and organizations are justified in intervening to protect cultural heritage from intentional destruction, regardless of conflicting concepts of cultural heritage. I will explain this in detail later, but the overall idea is that intentional destruction of cultural heritage aims to erase ethnic, religious, or some other kind of identity, which links it closely to war and humanitarian crimes. A nation state will never be composed of a completely homogenous ethnic, religious, or political group of people, therefore, any national policy that supports the intentional destruction of cultural heritage will target a certain group of its own people, which is unjustifiable. Additionally, destruction of cultural heritage itself should never be condoned and does warrant militarized intervention, even if that is taking an imperialistic standpoint.

### *National Identity and Cultural Heritage*

Regardless of what the official definition of cultural heritage is, I believe that cultural heritage will always be closely tied to the idea of ownership, because cultural heritage is often used to establish national identity. National identity, like cultural heritage, is also a relatively new concept and will be elaborated on later. Claims on property, on the remains of past societies, is a process “in which those remains are reevaluated and reused in the present” (Skeates 11) in an “idealized reconstruction” (Kila 339). An identity can be created by selectively choosing which parts of history are heralded and which are ignored. National governments claim ownership over past material from cultures found within their territory and create archaeological narratives that can be arranged arbitrarily to “validate a particular ideology” (Silberman 175). What counts as cultural heritage is redefined by political and social circumstances, and it can be manipulated to suit whichever individual or political party is in power. The reconstruction of narrative endangers cultural heritage because cultural heritage that does not agree with a certain narrative or ideology is pushed aside or deliberately destroyed. There have been many cases in which cultural heritage has been intentionally destroyed because they conflicted or were associated with certain ideologies. IS is an example of a group that is destroying sites and objects that do not conform to their religious and political ideology.

### *Legitimacy of International Law and Institutions*

The development of international law is one of the primary goals of the UN, which was created from the remnants of the League of Nations. However, despite being made up of 193 Member States, the real influence lies in the hands of the countries with the greatest economic power (“Growth in...” 2015). The UN Security Council, which as previously discussed, can

determine violations in and enforce international law, consists of permanent members that can veto any substantive measures (Kirgis 1996). The five permanent members, China, France, Russia, the UK, and the US, were the victors of WWII and represents a bias in the way international law is set up. The power of the Security Council is problematic for many UN member states, because it is not “regarded as an adequately representative body” (Kirgis 1996). States with veto power have an unequal amount of power compared to the other Member States and because of veto, the interests of the UN will always align with these States’ economic and political interests or create a deadlock when SC members’ interests conflict. These countries will also have greater influence over which international laws and treaties are passed, and in defining how cultural heritage should be viewed.

Aside from whether or not international laws and current CPP strategies are effective, we have to consider whether international governments or organizations have the right to actively intervene and send militarized troops into foreign countries for CPP. Respecting national sovereignty is important, and fortunately, the local Syrian people care about the loss of their cultural heritage in the conflict, and the governments of both Syria and Iraq have welcomed foreign aid and intervention. In fact, Iraq and the Syrian opposition coalition have both publicly called for foreign intervention in fighting IS and in the conflict. Meanwhile the Assad regime has received financial, military, and logistical support from Russia, Iran, and Hezbollah in Lebanon, so they are clearly not opposed to foreign aid. In these cases, I think it is fair to intervene, not only because aid was explicitly called for by various groups, but also because CPP would help end the conflict sooner and preservation of Syrian cultural heritage aligns with the interests of its people.

We have to consider what gives a state legitimacy- is it consensus of the international community or consensus of the people it governs? International law governing CPP currently applies only to State Parties, and not to non-state actors, like the Syrian opposition and IS. However, the modern nation state is a relatively recent construct by the victors of WWII and the UN. Many new nation states were created arbitrarily and denied the right to self-determination. In this case, countries like Iraq and Syria, which are made up of disparate ethnic and religious groups, may not view themselves as a cohesive and real nation. Certainly minority groups in Iraq that do not hold political power would rather have independence. The Western construct of a cohesive nation state has been projected onto all other new nation states, with their randomly drawn borders, regardless of religious, ethnic, or political makeup, and is the source of many conflicts today. The increasing involvement of non-state actors in conflicts demands us to rethink how international law is formulated and to whom it applies.

I do not think that influence will ever be distributed evenly in international institutions or that the construct of the modern nation state will be reformulated in the near future, but we should at least acknowledge the imperialist perspective from which we apply international law. Power will always be on the side of the world's biggest economies, and it is unlikely that will change in the future, as those countries have no incentive to distribute power equally. What the UN defines as a successful nation state is different from how others may view it. The UN sees Iraq and Syria as failed states, but that does not necessarily give it the right to intervene for that reason, especially since self-interest is what drives most involvement in foreign conflicts. Each conflict will be unique and the considerations for intervention different. The non-state actor IS does not have the support of the people it is oppressing and is not recognized by the international

community as a legitimate state, nor does it adhere to international norms or diplomacy. Therefore, I do not think intervention in IS controlled territories would be unjustified.

### **Development of International Law for Cultural Property Protection**

The destruction of and damage to cultural property during armed conflicts is nothing new and can occur for many reasons. Historically, damage to cultural heritage was seen as a necessary side effect of warfare, while intentional destruction was a way of eliminating memory and identity (Lenzerini 40). Cultural property was taken by conquerors as spoils of war or intentionally defaced as marks of victory (Brodie 43). It was during the Renaissance that the idea of cultural heritage belonging to everyone emerged in international law (Ehlert 16). In the 16<sup>th</sup> and 17<sup>th</sup> centuries, various writers joined the discussion on the newly forming international law and CPP (Ehlert 16). By the 19<sup>th</sup> century, it had become the norm for participants in armed conflict to show respect for religious buildings, like temples and churches, and educational institutions, such as schools and libraries (Ehlert 18).

International law regarding CPP in the event of armed conflict has developed rapidly since the mid-20<sup>th</sup> century and evolved to view cultural heritage as a “common interest of humanity as a whole” (Lenzerini 42). Cultural heritage laws and international criminal law have converged to elevate attacks on cultural property to the status of international crimes, including war crimes and crimes against humanity (Francioni 13). Individual criminal responsibility can now also be applied in these contexts as well (Lenzerini 42). The International Criminal Court (ICC), and ad hoc international criminal tribunals, like the International Criminal Tribunal for the former Yugoslavia (ICTY), have been established to judge international crimes, including the intentional destruction of cultural heritage, perpetrated in specific territories (Lenzerini 43). The

ICTY is entirely international, but mixed courts also exist, which are “nationally located tribunals with some degree of internationalization in terms of administration, membership” and may consist of both national and international judges and apply national and international law (Lenzerini 43). The Extraordinary Chambers in the Courts of Cambodia, also known as the Khmer Rouge Tribunal, is one example of a mixed court, and has judged and sentenced several Khmer Rouge officials on crimes relating to cultural heritage, in which the Khmer Rouge illicitly trafficked antiquities to fund its regime.

Despite a few successful implementations of international criminal law, cultural heritage law is a complex interaction between public and private, domestic and international, and wartime and peacetime law in which the absence of an international court to settle dispute “shifts the responsibility” to national courts, government organizations, and private actors, like museums (Francioni 21). However, CPP should focus on preventing damage from occurring in the first place and international criminal prosecution should be seen as a last resort to hold perpetrators responsible. There are many conventions and laws concerning cultural heritage and CPP, but the ones mentioned are the most relevant to the protection of cultural heritage during armed conflict and to the Syrian conflict.

### *Lieber Code*

The Lieber Code was written during the American Civil War in 1863 regarding the laws of warfare. The Code was the first time CPP was explicitly stated and generally prohibits taking or destroying private property (Brodie 43). Included in the Code were obligations by both parties of a conflict to protect cultural property from damage and penalties for the destruction of cultural property during conflict (Ehlert 19). It is worth noting that the Code was “one of the first codifications of international humanitarian law” that included a definition of the concept of

military necessity, but did not have a waiver of military necessity, like the 1954 Hague Convention does, meaning that under no circumstances was damage to cultural property permitted (Ehlert 19). Taking inspiration from the Code, England, Spain, Germany, Japan, and Italy also prohibited damage to movable and immovable properties related to science or art, such as libraries, museums, and churches (Ehlert 20). The Code formed the basis of the laws of war that were later adopted into the Hague Conventions of 1899 and 1907 (“Instructions...”).

### *1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict*

The large scale destruction and systematic plundering by the Nazis during World War II led to the establishment of UNESCO, which was given the task of “drafting a comprehensive convention dealing specifically with the protection of cultural property” (Ehlert 42). The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (hereafter the 1954 Hague Convention) was adopted and forms the basis of CPP law today (Chechi 181). UNESCO has the responsibility of monitoring compliance and aiding CPP, and the 1954 Hague Convention was later supplemented by the 1977 Additional Protocols to the Geneva Conventions, the Rome Statue of the International Criminal Court in 1998, and an Additional Second Protocol to the Convention itself in 1999 (“Instructions...”).

Article 1 defines cultural property as “movable or immovable property of great importance to the cultural heritage of every people” and list examples, which include architecture, historical monuments, archaeological sites, works of arts, and also repositories of cultural objects, such as museums and libraries (Gerstenblith 2 80). Article 2 defines CPP as “the safeguarding of and respect for such property”, safeguarding refers to actions a country is supposed to take during peacetime to protect its own cultural property (Gerstenblith 2 80). Nations are expected to safeguard cultural property during peacetime from the “foreseeable

effects of an armed conflict” and refers to actions a country must take during a conflict to protect both its own cultural property and that of another country (Gerstenblith 2 80). The 1954 Hague Convention regulates conduct during hostilities and occupation. Parties to the Convention must show respect for cultural property within their own territories and avoid harm to other state party’s cultural property (Gerstenblith 2 80). Nations must avoid damaging their own cultural property by not using the property in such a way that it might expose it to harm during conflict, which means not using cultural property “as the location of strategic or military equipment” or housing equipment in proximity to cultural property (Gerstenblith 2 80). A belligerent nation should not target another country’s cultural property, but this may be waived in cases of military necessity (Gerstenblith 2 81).

State Parties must “prohibit, prevent, and if necessary, put a stop to any form of theft, pillage, or misappropriation of, and any acts of vandalism directed against cultural property” (Gerstenblith 2 81). The law extends to occupying powers as well, who must protect cultural property under their control from looting and misappropriation (“Instructions...”). Destruction or damage to cultural property “as a means of intimidating people under occupation or as a reprisal” is also forbidden (ICRC). The issue of restitution is not covered by the 1954 Hague Convention, but through its first protocol (Chechi 181). The First Protocol requires State Parties to return illegally removed cultural property to a country, even if that country was not the occupying power (Gerstenblith 2 92). The protocol touches on the obligation of occupying powers to prevent the exportation of cultural objects, and in the event of exportation, to provide restitution. Occupying powers should also never retain cultural property as war reparations (Chechi 181).

State Parties to the 1954 Hague Convention are required to implement its provisions and enforce it if the provisions are violated (“Instructions...”). In 2008, there were 116 State Parties



to the main convention, 93 to the first protocol, and 44 to the second protocol (Gerstenblith 279). There are currently 126 signatories as of April 2015, but not all signatories have ratified the 1954 Hague Convention (“Convention...”). For example, the US was an original signatory in 1954, but did not ratify it until 2009 (Wegener 166). Non internationally armed conflicts, especially those relating to internal conflicts along national, regional, ethnic, or religious lines, became increasingly common following the adoption of the 1954 Hague Convention, which does not apply to non-state actors (Bouchenaki 208). Another criticism of the 1954 Hague Convention is that it does not contain provisions for punishments of violators (Gerstenblith 281).

*1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*

The decades following WWII saw two important developments that led to further reform of international laws regarding cultural objects (Chechi 181). Increasing demand for antiquities caused increased illicit trafficking and the independence of many colonies led to more repatriation claims (Chechi 181). UNESCO adopted the 1970 Convention in response to these changes (Chechi 181). The 1970 Convention requires State Parties to prevent illicit trafficking, provide restitution based on certain criteria, and increase cooperation among States Parties (“Convention on...”). This law, as well as the 1995 UNIDROIT Convention, will become more relevant once the conflict in Syria ends and the government begins seeking repatriation of looted antiquities.

*1972 Convention for the Protection of the World Cultural and Natural Heritage*

The 1972 Convention Concerning the Protection of World Cultural and Natural Heritage was created to protect cultural and natural heritage of ‘outstanding interest’ (Ehlert 60). World Heritage Sites are described by UNESCO as being “without prejudice to national sovereignty or ownership” and belonging to “all peoples of the world, irrespective of the territory on which they are located” (Skeates 20). They are designated as the best possible examples of cultural heritage, and UNESCO also maintains a list of World Heritage in Danger (Skeates 11). World Heritage in Danger includes cultural heritage threatened by armed conflict, although the 1972 Convention does not provide physical protection in the event of armed conflict (Ehlert 65). The 1972 Convention is meant to support State Parties in their efforts to conserve their cultural and natural heritage, and unlike the 1954 Hague Convention, uses the term cultural heritage instead of cultural property (Ehlert 61). The term heritage “implies the historical value of the respective property and its value for future generations and therefore, the special need to preserve such property” (Ehlert 61). The definitions of World Heritage Site and heritage by the 1972 Convention clearly emphasize the official view of cultural heritage by UNESCO and the UN.

#### *1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects*

The International Institute for the Unification of Private Law (UNIDROIT) is an independent intergovernmental organization headquartered in Rome (“The 1995...”). Its goals are to coordinate private and commercial law among States (“The 1995...”). UNIDROIT was asked by UNESCO to develop the 1995 Convention to complement the 1970 Convention (“The 1995...”). Through the 1995 Convention, States agree to uniform treatment for restitution of stolen or illicitly trafficked antiquities and allow restitution claims to be “processed directly through national courts” (“The 1995...”). Also important to note is that the 1995 Convention

covers all stolen cultural heritage, “not just inventoried and declared ones” (“The 1995...”). This will be particularly relevant to Syria, where many looted objects were previously unexcavated or were not catalogued at museums.

### *1999 Second Protocol to the Hague Convention*

Many conflicts during the second half of the 20<sup>th</sup> century caused destruction and damage to cultural property that were not adequately addressed by the 1954 Hague Convention and its First Protocol. Destruction of cultural heritage “[became] primary war aims in their own right” in successive Arab-Israeli conflicts, Cyprus, Afghanistan, and the former Yugoslavia (Brodie 74). Conflicts like the one in the former Yugoslavia led to cultural heritage being destroyed or damaged by opposing parties for the purpose of erasing religious and ethnic identities of the adversary (Ehlert 81). These large scale acts of destruction revealed the many deficiencies of the 1954 Hague Convention, and a review of the 1954 Hague Convention resulted in the 1999 Second Protocol (Ehlert 82). The 1999 Second Protocol has 68 State Parties as of April 2015.

A country can become a party to the Second Protocol only if it has already ratified the 1954 Hague Convention, although non-State Parties can accept the provisions of the Protocol (Ehlert 82, Skeates 44). However, the convention is still non-binding on non-State Party belligerents (Carducci 91). The Second Protocol extended the scope of the Convention to non-internationally armed conflicts and introduced a new system of ‘enhanced protection’, under which cultural property cannot be used for military functions (Chechi 181). The military necessity waiver is clarified and applies it to situations in which the “cultural property has, by its function, been made into a military objective” and “there is no feasible alternative available to obtain a similar military advantage” (Gerstenblith 2 82). It clarifies criminal responsibility and

requires State Parties to establish criminal offenses under their domestic laws (Gerstenblith 283). The 1999 Protocol enforces its provisions through the threat of criminal prosecution, but does not have an established force for intervention. Instead, State Parties may call for technical international assistance and submit requests for international aid.

### *2003 UNESCO Declaration Concerning the Intentional Destruction of Cultural Heritage*

In 2001, the Taliban regime in Afghanistan destroyed two ancient Buddha statues in Bamiyan (Ehlert 96). While the intentional destruction of cultural property is problematic, it was nothing that had not happened before. However, this situation presented a new challenge to international law regarding CPP, as the destruction had occurred during peacetime, as opposed to during a conflict (Ehlert 97). Only the 1972 World Heritage Convention dealt with CPP during peacetime and did not have provisions concerning government or individual criminal responsibility (Ehlert 97). The destruction of the Bamiyan Buddhas also revealed a loophole- that a State or government could destroy its own cultural heritage (Ehlert 97). The 2003 UNESCO Declaration emphasizes that destruction of cultural property during armed conflicts and peacetime is forbidden by international law (Ehlert 97). Declarations are not legally binding, but are rather “instruments [that] define norms” (Ehlert 97).

### *Conclusion*

Recent conflicts have revealed the limitations of the 1954 Hague Convention, which was drafted with WWII as its reference and is perhaps best suited for “relatively dated types of conflict” as opposed to modern conflicts (Kila 331). While the 1999 Second Protocol attempts to fill the gaps and limit exceptions and misuse of the 1954 Hague Convention, it still allows for a

loophole by endorsing the concept of military necessity, which allows military goals to take precedence over CPP (Al Quntar 348). The military necessity clause allows attacks on cultural property if the property has become a military objective and an attack is necessary, but the military's aim to end a conflict by any means might undermine CPP ("Instructions..."). The military necessity clause is often misunderstood. The clause has been used by the military to justify measures "deemed necessary to win a given conflict and been dismissed by human rights groups" as an excuse for collateral damage (Kila 336). This type of misunderstanding underscores the need for more cooperation between militaries and cultural heritage experts, which will be expanded on later.

More generally, the 1954 Hague Convention and its Protocols do not apply to non-State Parties. In civil conflicts like Syria, the Convention would not apply to the opposition or IS, which severely limits the protection it can provide. Additionally, even though the Syrian regime is State Party to the 1954 Hague Convention, 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, 1972 UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage, and 2003 Convention for the Safeguarding of the Intangible Cultural Heritage, it is clearly not abiding by many of these Conventions. Ultimately, regardless of how well-intentioned these Conventions are, they are "of limited value, if not virtually useless" (Skeates 52). The laws have to be enforced by State Parties and action against members "for breach of the relevant code are very rare" (Skeates 52). In the end, "laws are only as good as their enforceability and the level of compliances which they attract" (Skeates 52). Similarly, even if a country is a signatory to a law, it does not mean much if the law is not actually ratified. This contradiction between being a signatory to a Convention and not actually implementing or

enforcing it supports the discussion earlier that certain countries might not actually believe in the values that have become international norms.

## **Case Study: Syria**

### **Overview of the Syrian Civil War (2011-present)**

The Arab Spring was a series of revolutions beginning in 2010 that spread throughout the Middle East and North Africa. The uprising reached Syria in March 2011, when the arrest and torture of a few Syrian teenagers for painting revolutionary slogans on a wall sparked pro-democracy protests in the city of Deraa (“Syria...” 2015). Security forces opened fire on demonstrators, which triggered nationwide protests demanding that President Bashar al-Assad step down (“Syria...” 2015). Hafez al-Assad, Bashar’s father, ruled as President of Syria beginning in 1971 and established an authoritarian government under the Ba’ath Party (Barmin 2013). Bashar al-Assad succeeded his father in 2000 (Barmin 2013). By July 2011, hundreds of thousands of people were protesting across the country. Rather than meet the protestors’ demands, as the governments in Tunisia and Egypt had, the Assad regime resorted to using force to crush protests (“Syria...” 2015). Armed opposition groups formed, initially to defend themselves, and later to expel government forces from local areas and fight for control of cities. Violence escalated and the country descended into civil war.

Aside from the obvious political struggle, the conflict has a sectarian element as well. The opposition is composed mainly of the country’s Sunni majority, who are fighting against Assad’s Shi’a Alawite sect. The emergence of IS further complicated the conflict. IS is an Islamist extremist group that split from al-Qaeda and now controls large amounts of territory in

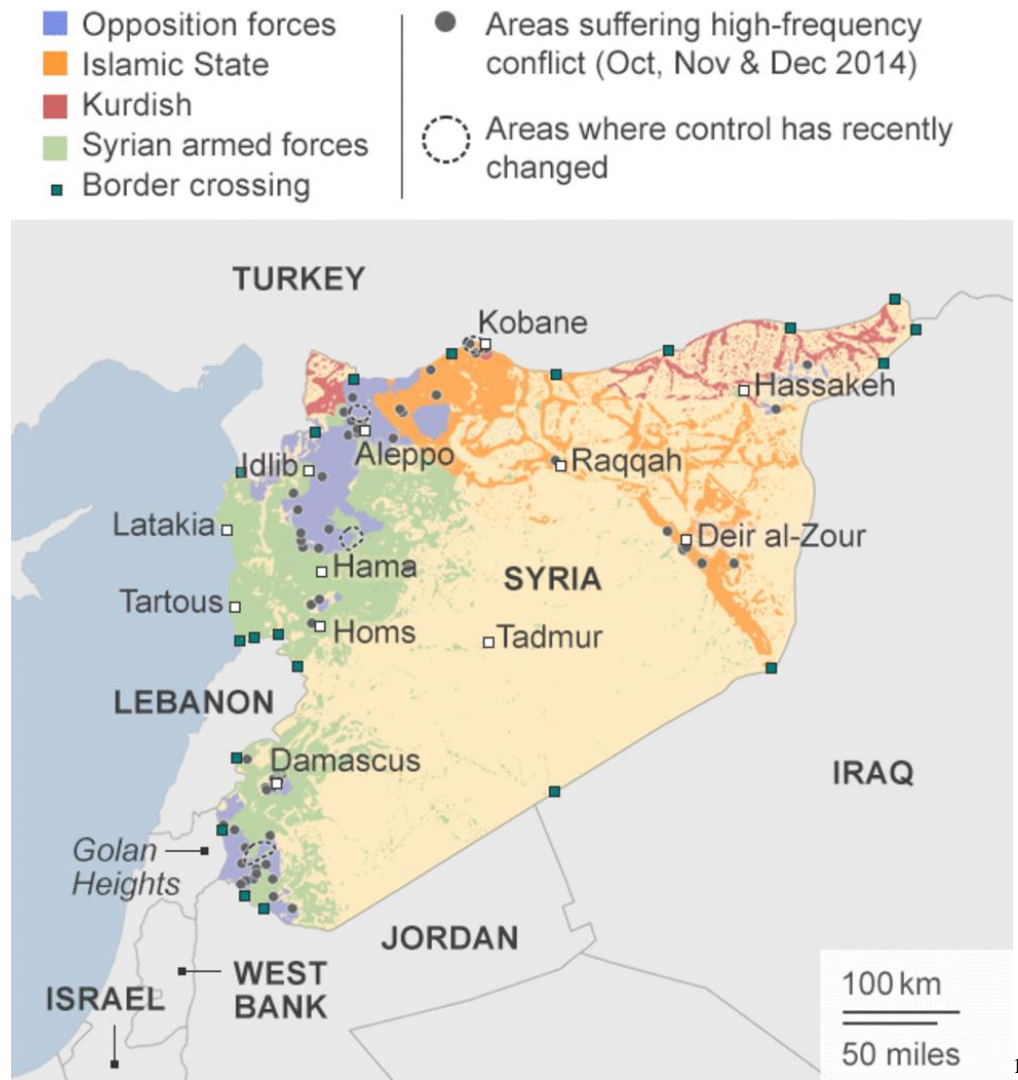
Iraq and Syria. IS' goal is to establish a caliphate under Sharia law ("What is..." 2014). It currently controls territory in Iraq and Syria, but intends to target Lebanon, Jordan, and Palestine in the future ("What is..." 2014). There is no united opposition against the Assad regime, and secular moderates are now outnumbered by extremists in Syria ("Syria..." 2015).

The Syrian civil war, which began as a civil revolt against an autocratic ruler, turned into a conflict that has drawn in the international community ("Syria..." 2015). Iran and Russia, as well as the Shi'a Islamist Hezbollah group in Lebanon, support President Assad's regime. The opposition is supported, to varying degrees, by Turkey, Saudi Arabia, France, the UK, and the US, who are all opposed to the Assad regime. The addition of IS also raised the stakes for the international community fighting extremism. For example, the US was initially against the Assad regime, but the Assad regime is now fighting IS, which poses a more imminent threat to the US than Assad. Assad would further US interests of defeating IS if he was victorious, which makes it difficult to determine which side to support and to what extent.

State disintegration and the resulting conflicts in the Middle East today can be traced to the Sykes-Picot agreement made at the end of World War I. The Ottoman Empire was carved up in the agreement by the victors of World War I, who did not know much about the geography of the region or its people, and the resulting countries were "artificial creations" that have kept their "colonial-era" borders until now (Trofimov 2015). The French and British administrators, facing hostile Sunni and Shi'a majorities in Syria and Iraq respectively, favored the minorities by putting them in positions of power- decisions that lasted even after the colonial authorities were gone (Trofimoz 2015). The imbalances in many of the new countries led to dictatorships that suppressed the majority while perpetuating minority rule (Trofimov 2015). In Syria, many Alawites support President Assad against the mostly Sunni opposition because they fear the

regime's collapse could lead to retribution against their minority communities (Trofimov 2015). This fear is not unfounded, as IS often force non-Sunni Muslims to choose between conversion or death. Francis Ricciardone, former U.S. ambassador to Turkey and Egypt, said that "what we are witnessing is the demise of the post-Ottoman order, the demise of the legitimate states" (Trofimov 2015). Implementing effective CPP measures in the Middle East is not enough, and many of the strategies needs to be targeted towards fixing failing states, which is the root of the damage to cultural heritage. Ricciardone also stated that IS is filling in the vacuum caused by collapse of order (Trofimov 2015). IS has promised to destroy the current borders, and one of the first acts by IS was to blow up customs checkpoints between Iraq and Syria (Trofimov 2015). Husain Haqqani, former Pakistani ambassador to the U.S., said that "much of the conflict in the Middle East is the result of [insecurities] of contrived states... contrived states need state ideologies to make up for lack of history and often flex muscles against their own people or against neighbors to consolidate their identity" (Trofimov 2015).





## History and Archaeology of Syria

Syria has a rich cultural heritage that contains evidence of human evolution and the beginnings of farming, cities, law, writing, and animal domestication (Casana 128, Cunliffe 229). Syria was home to many civilizations, including the Babylonians, Assyrians, Hittites, Greeks, Sassanians, Persians, Romans, Arabs, European Crusaders, and Ottomans, who have all left their marks in the form of archaeological and historical sites (Cunliffe 24). UN special envoy to

<sup>1</sup>Figure 1. Map of the Syrian conflict, March 12, 2015, Source: BBC

Syria, Lakhdar Brahimi, was quoted at a UNESCO meeting referring to Syria as one of the “few countries [that] are as rich culturally, have had such a glorious past, are so important for what we are, all of us, for all the things that make, have made, human civilization” (Thompson 2013)<sup>2</sup>.

Syria is home to six UNESCO World Heritage sites: Aleppo, the Ancient Villages of Northern Syria, Bosra, Damascus, Krak des Chevaliers and Saladin’s Castle, and Palmyra (“Syrian Arab Republic”). There are another twelve additional sites on the tentative inscription list for future consideration as World Heritage Sites: Noreas de Hama, Ugarit, Ebla, Mari, Dura Europos, Apamea, Qasr al-Hayr ach-Chargi, Maloula, Tartus, Raqqa Rafiqa, L’ile d’arwad, and Mari & Dura Europos sites of the Euphrates Valley (“Syrian Arab Republic”). The World Heritage Sites were inscribed on the following dates: Damascus 1979, Bosra 1980, Palmyra 1980, Aleppo 1986, Krak and Qal’at Salah El-Din 2006, Ancient Villages 2011. Apart from World Heritage Sites, there are tens of thousands of tells, large mounds that form over thousands of years as people build on top of the ruins of earlier settlements, scattered around Syria. At the 37<sup>th</sup> General Conference of UNESCO in 2013, all six of Syria’s World Heritage Sites were placed on the World Heritage in Danger List (Cunliffe 242).

### **Damage (March 2011- April 2015)**

Threats to cultural heritage during armed conflicts include direct impacts from military operations, including shelling, gunfire, and army occupation, and indirect economic and social impacts that can lead to looting (Perring 200). Cultural heritage sites in Syria are often close to fighting and sometimes become battle sites (Ali 351). The most widely reported damage in

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<sup>2</sup> Note Brahimi’s statement stresses that Syria’s cultural heritage is important for all human civilization, not just Syrians. This brings us back the idea that the UN/UNESCO subscribes to the officially accepted definition of cultural heritage

international media has focused on famous World Heritage Sites, like the Aleppo souq and Krak des Chevaliers. However, damage and destruction is much more widespread, and looting also affects lesser known sites and tells. The Syrian DGAM and its regional departments are responsible for the maintenance and preservation of archaeological heritage in Syria. As the conflict spread throughout Syria, it has become increasingly difficult for DGAM to maintain responsibility and continue inspection of its sites.

Apart from DGAM reports, information about damage comes from a wide variety of sources that are often “unofficial and/or unverifiable” (Cunliffe 25). The destruction and damage of sites has been mostly documented through video footage and photographs taken by Syrian locals and journalists. Over the last four years, people have posted images and videos to social media sites like Facebook, Twitter, and YouTube, but international experts do not always consider these sources reliable (Ali 357). Some major sources of information include the Global Heritage Fund, Global Heritage Network, Archaeological Institute of America, international and national media, and the Facebook group “Le Patrimoine Archéologique Syrien en Danger”. Because access to many sites is limited and dangerous, there has been little to no direct observation by outside experts (Casana 128).

It is important to keep in mind that most, if not all, people are “partisan actors in the conflict” who are at least partially politically motivated, which will have an effect on what is reported or unreported (Casana 129). Nevertheless, the international community has to rely to some extent on amateur reports, as they are our main sources of information. The analysis of satellite imagery is one way to confirm reports and monitor damage until officials and experts can conduct ground inspections, although satellite imagery has limitations as well (Casana 128). Some of the major official reports using satellite images to confirm damage have come from the

United Nations Institute for Training and Research (UNITAR) and the American Association for the Advancement of Science (AAAS).

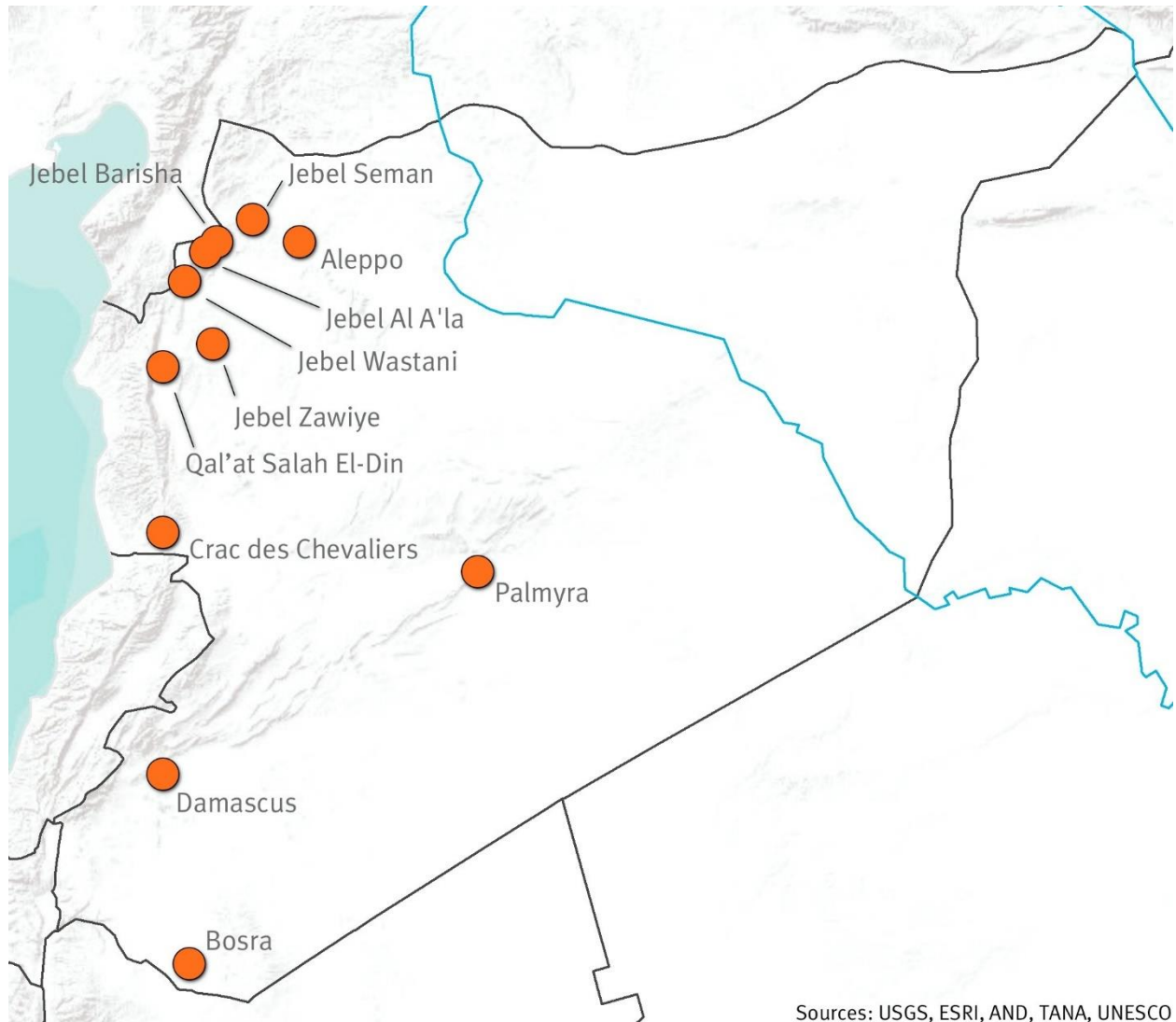
By analyzing commercially available satellite images, UNITAR found that 24 sites were completely destroyed, 189 damaged, and a further 77 sites possibly damaged in Syria, as of December 2014 (Holmes 2014). Similarly, the Geospatial Technologies and Human Rights Project of AAAS, in collaboration with the University of Pennsylvania's Cultural Heritage Center (PCHC) ("Emergency Support..." 2014), Smithsonian, Syrian Heritage Task Force, is a project using high resolution satellite imagery to assess the status of Syria's cultural heritage sites ("Geospatial..." 2015). Brian Daniels, the Director of Research and Programs at PCHC, said that the reports will help experts understand the extent of the damage and prepare for post-reconstruction efforts (Wren 2014). In a report on Syria's six World Heritage Sites, AAAS found that five of six showed significant damage ("Geospatial..." 2015). The report compared images of the sites prior to the conflict with pictures of their current status. AAAS will also produce reports analyzing the 12 tentative World Heritage Sites. As of April 2015, a report has been released on only six of the twelve sites: Dura Europos, Ebla, Hama's Waterwheels, Mari, Raqqa, and Ugarit (Wren 2014).

### *Collateral Damage*

Emma Cunliffe, a post-doctoral candidate in archaeology at Oxford University, published a study in 2012 that attempted to document the complete extent of war related damage in Syria based on social media sources. She found credible evidence of damage to many World Heritage and other sites from shelling, gunfire, bombing, collateral damage, and army occupation (Cunliffe 2). At the beginning of the conflict, cultural heritage sites with strategic importance,

such as fortified buildings on “elevated terrain” in the form of citadels, towers, and castles, were most at risk of being occupied in a “strange approach to recycling” (Kila 328) and thus becoming targets (Ali 351). Army occupation can cause serious damage, as seen at sites like Ur in Iraq. The development of infrastructure necessary to support large numbers of armed forces, movement of tanks and bulldozers over fragile sites, use of ancient buildings for construction, and troops seeking souvenirs, represent some forms of damage (Cunliffe 2 8). Shelling has caused the most obvious damage in the conflict, and has affected sites like Tell Sheikh Hamad, an Assyrian temple that collapsed after shell fire, and Mosque al-Umary, which is one of the oldest Islamic monuments in Syria (Cunliffe 2 6). Change in control of areas and new outbreaks of fighting contribute to further damage (Cunliffe 243).

### World Heritage Sites



<sup>3</sup>

### *Aleppo*

Aleppo is famous for its medieval architecture and contains many historic buildings, including a souk, medieval gates, 6<sup>th</sup> century Christian structures, Ayyubid and Mamluk mosques, and Ottoman period buildings (“Geospatial...” 2015). It is one of the oldest cities in the world, has been inhabited since its founding, and was an important trade center starting in the 2<sup>nd</sup> millennium BCE (“Geospatial...” 2015). Satellite monitoring of Aleppo has shown a steady

<sup>3</sup> Map of Syria’s World Heritage Sites, source AAAS

decline in the state of the city's infrastructure ("Geospatial..." 2015). Aleppo has experienced some of the heaviest fighting in the conflict and destruction is visible throughout all of the city, which suggests intense bombing ("Geospatial..." 2015).

The World Monuments Fund had collaborated for more than a decade with the Aga Khan Trust for Culture, the Syrian government's Cultural Ministry, and German archaeologists in excavating and restoring Aleppo, but had to stop the project because of the conflict (Cohen 2012). Among the cultural heritage sites in danger is the Temple of the Storm God, which according to Burnham, is one of the oldest structures in the world dating from the third to second millennium BCE (Cohen 2012). The Temple is protected only by sandbags and a flimsy tin roof, and preservationists argue that little was done in advance to protect the sites (Cohen 2012).

Additionally, Aleppo's 17<sup>th</sup> century souk was damaged by a fire in 2012 that destroyed over 150 shops ("Cultural..." 2014). The souk was also used by FSA rebels as a headquarters, thus making it a target for bombardment (Darke 2014). The citadel, which dates to the 10<sup>th</sup> century BCE, is one of the largest and oldest castles in the world and is located on the remains of Hittite, Greco-Roman, Byzantine, Seljuk, and Ayyubid era buildings ("Geospatial..." 2015). In 2012, the Ayyubid period entrance to Aleppo's historic citadel was damaged by a missile attack ("Cultural..." 2014). The Great Mosque of Aleppo, built in the Umayyad period with a Mamluk minaret dating to 1090 AD, was damaged by fire and the minaret of the mosque was used by snipers and collapsed due to shelling in March 2013 (Darke 2014). Students from Aleppo University collected some of the fallen blocks and have stored them in a safe place to await reconstruction (Darke 2014). These are just some examples of cultural heritage damaged or destroyed by the conflict in Aleppo.

### *Ancient Villages of Northern Syria*

The site consists of eight archaeological parks in the Limestone Massif area of Syria dating mostly to the Late Antique and Byzantine periods: Jebel al A'la, Jebel Barisha, Jebel Seman 1, Jebel Seman 2, Jebel Seman 3, Jebel Wastani, Jebel Zawiye 1, and Jebel Zawiye 2 (“Geospatial...” 2015). Satellite images confirm that the Ancient Villages are being used for military compounds, road and quarrying operations, mining activity, tent structures, and heavy armored vehicles at various sites (“Geospatial...” 2015). Other damage is documented through YouTube videos, which show the shell damage on buildings and ruins pulled down, perhaps for use as road blocks (Cunliffe 25). Many parts of the World Heritage Site have suffered shell damage, including Al-Bara, Deir Sunbel, and Ain Larose (Cunliffe 25).

### *Bosra*

Bosra includes Roman, Byzantine, and early Islamic period remains (Cunliffe 32). It was an important stop on a pilgrimage route to Mecca, the northern capital of the Nabataean kingdom of the Roman province of Arabia, and its most famous site is a well preserved 2<sup>nd</sup> century Roman theater (“Geospatial...”). The Alomari Mosque, dating to 720 AD, is one of the oldest mosques in the world (“Geospatial...”). Satellite imagery shows roadblocks, destroyed buildings, earthen fortifications, and newly constructed vehicle tracks, all of which suggest army occupation. Videos show fire and bombing damage to houses, and DGAM said the city has been subjected to illegal constructions and was targeted in attacks (Cunliffe 32). The 2<sup>nd</sup> century CE Roman amphitheater was occupied by the regime’s army, and shells have damaged the Temple of Bel, which was one of the most important religious centers of its time and represents a synthesis of Greco Roman, Persian, and Babylonian architecture (Darke 2014).



### *Damascus*

The capital of Syria contains Roman temples, mosques, Christian churches, ancient walls and citadels, and many other historic buildings. Mortar shells have damaged mosaics on the façade of the Great Mosque of Damascus, although Syrian authorities have since repaired the damage (Cunliffe 34, Darke 2014). Apart from the known damage to the mosaics, Damascus is the only site without visible damage from satellite images, but it is important to note that not all forms of damage are visible from space (“Geospatial...” 2015).

### *Krak des Chevaliers and Qa’at Salah El-Din*

The two castles of Krak des Chevaliers and Qa’at Salah El-Din were jointly inscribed as World Heritage Sites in 2006 (Cunliffe 2 33). They are among the best preserved military castles in the world; Krak des Chevaliers is best known as the headquarters of the Knights Hospitaller, although it was originally an Arabic castle (Cunliffe 2 33). Little is known about the condition of Qal’at Salah El-Din, but DGAM said both were targeted in attacks (Cunliffe 2 33). Krak des Chevaliers was used as an opposition stronghold and was a target in multiple airstrikes (Cunliffe 241). The site of Krak des Chevaliers shows structural damage with crater impacts, but there is no visible damage at Saladin from satellite imagery (“Geospatial...” 2015). The Syrian army retook Krak des Chevaliers in March 2014, but only after intensive bombardment (Holmes 2014).

## *Palmyra*

Palmyra was one of the most important cities of ancient Syria (Cunliffe 2 38). It was an important stop on trade routes and was used by Romans, Byzantines, and Muslims (Cunliffe 2 38). Palmyra's Greco Roman and Persian ruins made it one of the major tourist attractions in Syria prior to the conflict ("Geospatial..." 2015). Archaeological remains include a temple to the god Bel, the Camp of Diocletion, an agora, theater, urban quarters, and temples, which are generally considered to be some of the best preserved Roman structures in the Eastern Mediterranean ("Geospatial..." 2015). Palmyra has been in the middle of "intense firefights" and has suffered from military occupation and looting since 2012 ("Geospatial..." 2015). Satellite images show earthen fortifications, new roads, military vehicles, and defensive structures built in the city ("Geospatial..." 2015). The Roman ruins have been damaged by the Syrian army, who have dug roads and earth dykes, positioned tanks at the entrance, and installed rocket launchers (Curry 2014, Darke 2014, Cunliffe 38). Patrimoine Syrien has identified the Camp of Diocletion, Valley of the Tombs, Temple of Bel, and triumphal arch, among many others, as areas that have been damaged by looting (Cunliffe 2 39).

## Other Sites (including Tentative World Heritage Sites)

### *Apamea*

Added to the Tentative World Heritage List in 1999, Apamea has been damaged by looters using drills to steal mosaics, column heads, and other unexcavated objects (Cunliffe 2 26). A YouTube video from 2012 shows a tank shelling the colonnade (Cunliffe 2 27). Another video shows two or more tanks occupying the ruins and other videos show tanks at the gates of the citadel of Qal'at al-Mudiq (Cunliffe 2 28).

### *Dura Europos*

The most extensive looting at a single site in Syria has occurred at Dura Europos, where around 3,750 individual looting pits have been observed (“Geospatial...” 2015). Dura Europos was founded around 300 BCE by a general of Seleucus I, one of Alexander the Great’s successors (Silver 2010). The site was ruled by Macedonians, Parthians, and Romans until its destruction in 256 AD, and is most famous for its multiple Greco-Roman temples and one of the earliest synagogues in the world (Silver 2010).

### *Ebla*

Ebla was an important kingdom in the Early Bronze Age, and the site is best known for its archive of thousands of writing tablets that “revolutionized knowledge” about the ancient history and political economy of the area (Wren 2014). Many of the structures in Ebla are constructed of mud brick, which means that they are vulnerable to erosion without proper maintenance (Wren 2014). Ebla is located on an outcrop that is ideal for spotting government military planes, thus making it a likely site for army occupation (Chivers 2013). Heavy vehicle tracks, construction, earthen fortifications, and eroded walls have all been observed at Ebla from satellite imagery (Wren 2014). An opposition fighter says local people come to Ebla to haul away dirt, which could contain broken artifacts and is “ideal... for making the ceramic liner for bread baking ovens”- something that would not normally happen if security guards were on site (Chivers 2013).

### *Hama*

As a center of protests, Hama has been heavily shelled by government forces (Cunliffe 2 35). Hama is famous for its norias, water wheels used for watering gardens, that are claimed to date back to 1100 BCE (Cunliffe 2 35). Tanks have been present since 2011 and the ancient citadel has been damaged by army occupation (Cunliffe 2 35).

### *Homs*

Homs has experienced more aerial bombardment than any other Syrian city, and many ancient buildings, mosques, and churches have been shelled (Darke 2014, Cunliffe 2 36). There is an extensive list of over 25 buildings known to have been damaged, including the ancient souk, Mosque Al-Qussayr, and Church Dar al-salam (Cunliffe 2 36).

### *Mari*

Mari was founded in the early 3<sup>rd</sup> millennium BCE (Wren 2014). Like Dura Europos, it is located in the Deir ez-Zor region that has been the site of much fighting. The region that Mari is located in came under IS control in June 2014, which puts it at high risk of intentional destruction (Wren 2014).

### *Raqqa*

Raqqa has been a center of conflict and came under IS control in October 2013. In September 2014, the US and other countries began an airstrike campaign against IS in Raqqa, which will undoubtedly cause collateral damage to buildings and various sites (Wren 2014).

### Looting and Illicit Trafficking

Looting is the “illicit, unrecorded and unpublished excavation of ancient sites to provide antiquities for commercial profit” (Renfrew 15). In the mid-19<sup>th</sup> century, countries with rich archaeological resources enacted national ownership laws that vested ownership of the objects to the nation (Gerstenblith 154). In Italy, all buried objects of archaeological significance belong to the state, whereas in the US, objects dug up from private land are the property of the landholder (Rush 67). Like Italy, Syria declared national ownership over all antiquities found within its borders and prohibited export of antiquities without a government issued permit in 1947 and again in 1949 (Thompson 2). Looting also carries a 15 year jail sentence in Syria (Cunliffe 2 11). By making the looted objects unsaleable, these laws deterred looting and prevented unrestricted exporting (Gernstenblith 154).

While looting has always been a problem, even during peacetime, the conflict in Syria has made sites more at risk to looting due to decreased security and increased economic incentive. Looting is extremely difficult to prevent, because it is often “conducted by heavily armed gangs who... are thought to have intimidated local people into submission” and usually in remote locations (Cunliffe 244). Abdulkarim told reporters that before the conflict, looters “were digging at night. Now they are digging in broad daylight” (Luck 2013). Damage to sites from shelling, gunfire, and army occupation is for the most part repairable, albeit extremely expensive, whereas looting tends to cause permanent damage, because even if looted objects are recovered, unprovenanced antiquities hold little or no scientific and historical value (Proulx 111).

Looting threatens two types of sites, those known to archaeologists and those that have not yet been discovered, both of which results in loss of knowledge (Proulx 111). Indirect damage from looting includes the deterioration of the landscape in the form of pits and broken objects. Looters might also tunnel through sites, leaving them vulnerable to collapse and making

future excavations dangerous (Rush 69). Looting has occurred at cultural heritage sites and museums in Syria. Museums at Aleppo, Apamea, and Raqqa have experienced thefts, while numerous archaeological sites, including Mari, Dura Europos, Tell Sheikh Hamad, and Buseira, have also been subject to looting (Cunliffe 2 4).

### *Cultural Heritage Sites*

Most looting of cultural heritage sites in Syria is concentrated in later period sites from the Roman and Early Islamic periods, while the earlier Bronze and Iron Age sites are more vulnerable to collateral damage (Casana 129). Salam al-Kuntar, a Syrian archaeologist at the University of Pennsylvania Museum, says that looters are targeting Greco-Roman sites, as “classical objects are easier to sell, because Roman figurines could come from anywhere” (Curry 2014). Professional organized looting, as opposed to opportunistic looting at the beginning of the conflict, has increased (Ikram 367). Locals, the Syrian opposition, Syrian army, and IS have all participated in the illicit trafficking of antiquities.

Most Syrians recognize the importance of their cultural heritage, but locals who have turned to looting have probably done so as a means of survival (Halperin 2014). While for some, looting is “simply easy money”, many looters are driven to smuggling antiquities out of desperation (Cunliffe 2 11). Economic sanctions combined with disruption to farming and other forms of employment because of the conflict has led to many people losing their sources of income. The international community needs to be aware that the economic sanctions they place on countries do not affect the government officials as much as they affect the civilians. For example, the sanctions placed against Iraq left many people desperate for money and turning to looting with no other alternatives (Cunliffe 345). Antiquity smugglers may also pay locals to

excavate, as they know the area well, and in a situation where no other employment is available, looting may seem like an attractive option, even if they would not otherwise have participated in it (Ghose 2013).

Regardless of how many civilians, opposition fighters, and Syrian army members are involved in looting, the organized looting by IS has dwarfed the looting by all other groups (Amos 2015). Western intelligence officials say that looting is now IS's second biggest source of income after oil and that antiquities smuggling by IS has "exploded in recent months" (Parkinson 2015). Records of IS involvement in the trafficking of antiquities have been found when Iraqi intelligence officials seized 160 flash drives from IS that outlined their financing (Lehr 2014). The flash drives revealed that IS was "systematically looting sites" in Iraq and Syria to fund their operations (Lehr 2014). According to the Guardian, over \$35 million US dollars was raised by IS from the looting of the site al-Nabuk alone (Lehr 2014).

Looting and demand for antiquities are inherently linked. Trafficking of antiquities is a profitable business, and is cited by the FBI as one of the top five global crimes worth several billion dollars annually (Lehr 2014). While it is commonly assumed that Western markets are the ultimate destinations for trafficked antiquities, Julian Radcliffe, director of the Art Loss Register, a global organization dedicated to tracking stolen art, stated that in addition to Western countries like the United Kingdom and US, Israel and Middle Eastern countries are also becoming large markets for illicit antiquities (Cunliffe 345). Since 2011, authorities have found hundreds of Syrian antiquities for sale on black markets in Lebanon and Turkey, and DGAM recently recovered 1300 smuggled artifacts at Tartous (Cunliffe 2 18). Assad Seif, who works at Lebanon's Antiquities Directorate, says that they are catching shipments of smuggled goods about twice a month (Fordham 2014). Smuggling has increased since the conflict began, and

Lebanon has seized shipments of looted objects from Apamea and 24 statues from Palmyra (Fordham 2014).

UNESCO had “repeatedly petitioned” the UN Security Council to ban the sale of Syrian antiquities, as was done during the US invasion of Iraq in 2003 (Fordham 2014). A UN Statement in March 2014 declared that illicit trafficking of antiquities had reached “unprecedented levels”, but the Security Council could not reach a resolution (Fordham 2014). Finally in February 2015, almost four years after the conflict began, the UN Security Council unanimously adopted Resolution 2199, which “condemns the destruction of cultural heritage and adopts legally binding measures to counter illicit trafficking of antiquities and cultural objects from Iraq and Syria” (“Unanimously...” 2015).

### *Museums*

Compared to looting from sites, stealing from museums has been relatively uncommon in Syria. According to Abdulkarim, DGAM emptied most of the contents of Syria’s various museums, except for the larger objects that could not be moved (Al-Khalidi 2013). Tens of thousands of museum artifacts were moved to specialized temperature and humidity controlled warehouses in secret locations in government controlled areas before thefts or damage could occur (Lamb 2014). Abdulkarim confirmed that the Homs Museum, Hama Museum, and the regional museum of Raqqa, Qala’at Jabar Museum, have all been looted (Cunliffe 2 12). An 8<sup>th</sup> century BCE Aramaic god statue stolen from the Hama museum was featured on Interpol’s Most Wanted Works of Art poster in December 2011 (Cunliffe 2 12). The Qala’at Jabar Museum was robbed in May 2012 and 17 objects were taken, including ceramics dating back to the third millennium BCE (Cunliffe 2 14). It is unknown who the perpetrators were, but they could be



anyone. Despite these thefts, fewer than 100 objects have been reported stolen from museums (Abdulkarim 2013, Fisk 2012, Zarzar and Dayoub 2013).

One of the biggest threats to museum collections is lack of complete documentation, which could include labeling, photographs, or a digital archive of objects (Cunliffe 2014). This is a “globally recognized” problem in museums, in which excavation archives are accumulated without being adequately documented or stored (Cunliffe 2014). In Syria, only museums link many of the objects to a site, and without documentation, any movement of the objects would leave the artifacts unprovenanced (Cunliffe 2014).

### **Intentional Destruction**

Cultural heritage is used to legitimize national narratives, and thus forced into the territorial and ethnic disputes that characterize many contemporary conflicts (Perring 198). Cultural heritage experts are aware of the ways “competing versions of the past are promoted to support or challenge arguments over the ancestral rights to supremacy of particular ethnic groups, political systems or world views” (Perring 199). The partisan and political nature of selectively preserving and presenting the past is “taken to the extreme in the deliberate destruction of cultural sites”, for example, in the destruction of the Babri Masjid in India and the Bamiyan Buddhas in Afghanistan (Perring 199).

Iconoclasm is defined as cultural destruction causing “historical obliteration leading to damage or eradication of identities” (Kila 2015). Earlier in the conflict, there were only some reports of deliberate attacks against religious sites, but no evidence of wide spread intentional destruction similar to what happened during the Bosnia Herzegovina war (Cunliffe 2014). Deliberate destruction of religious structures occurred following the Libyan revolution and in

Afghanistan, Mali, and Egypt, and is now increasing in IS controlled territory (Kila 325). IS has targeted minority ethnic groups, such as Yazidis and Iraqi Christians, and has “proudly trumpeted” their destruction of many cultural heritage sites, including the tomb of the Prophet Jonah in July 2014 (Bowley 2014). In Syria, IS has destroyed Sufi and Shi’a shrines in Raqqa province, an Armenian church in Deir al-Zour, and churches in the Christian town of Maaloula, one of the last places on earth where Aramaic is spoken (Bowley 2014, Darke 2014).

IS has ordered the destruction of an Assyrian gateway lion sculpture dating to 8<sup>th</sup> century BCE and Iraqi locals reported that IS militants had destroyed a large portion of the ancient city wall at Ninevah (Darke 2014, Parkinson 2015). In recent months, IS has ramped up and publicly broadcasted its intentional destruction of sites and artifacts in Iraq. Three of the most recent and damaging incidents have been the destruction of artifacts in the Mosul Museum and of the sites Nimrud and Hatra. In February 2015, IS bombed the Mosul Public Library in Iraq, which housed more than 8000 rare books and manuscripts (Mohammed 2015). The former assistant director of the library, Qusai All Faraj, said that the library was previously looted during the US invasion of Iraq in 2003, but local people managed to save most of the collection and rich families bought back many of the stolen books and returned them to the library (Mohammed 2015). However, this time the damage is more likely to be permanent.

At the same time as the bombing of the Mosul Library, IS also released a video showing members of IS smashing statues with sledgehammers and using drills to destroy the rubble in what appears to be a museum in Mosul (“Islamic...” 2015). One of the militants in the video describes the artifacts as “false idols” (“Islamic...” 2015). Among the antiquities destroyed was a nine ton lamassu statue, a human headed winged bull that guarded the entrance to Nineveh, the capital of the Neo-Assyrian empire, in the 8<sup>th</sup> century BCE (Williams 2015). Other stone statues

in the museum date from between 100 BCE to 100 CE and originate mostly from the UNESCO World Heritage Site of Hatra (Williams 2015).

In March 2015, IS leveled the sites of Nimrud and Hatra with bulldozers. Nimrud is about 20 miles south of Mosul (Evans 2015). A tribal source in Mosul told Reuters that IS looted Nimrud, then proceeded to level the site (Evans 2015). Bokova condemned the intentional destruction of Nimrud as a war crime and stated that “there is absolutely no political or religious justification for the destruction of humanity’s cultural heritage” (“Islamic State...” 2015)<sup>4</sup>. An official from the Tourism and Antiquities Ministry of Iraq said that the total extent of the damage was unclear, but they have received reports that Hatra was demolished (“Islamic State...” 2015). Hatra is located 68 miles southwest of Mosul, which indicates that IS is extending its reach. A new video released by IS in April 2015 showed IS destroying the archaeological site of Hatra in Iraq with sledgehammers and assault rifles (Salama 2015). One of the militants states that they destroyed the site because it is “worshipped instead of God” (Salama 2015). Although the majority of intentional destruction of cultural heritage by IS has occurred in Iraq, as IS control in Syria spreads, it is likely that deliberate destruction of cultural heritage that competes with IS’ political and religious agenda will occur more frequently.

## **Analysis**

In this section, I will analyze national and international responses by governments, organizations, museums, and individuals to the cultural heritage crisis in Syria. I will determine which methods have been effective or ineffective and why, what internal and external obstacles

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<sup>4</sup> Note that Irina Bokova states “humanity’s” cultural heritage instead of “Syria’s”

face the implementation of CPP, and how, if possible, these obstacles can be overcome. I will conclude with recommendations for reforming CPP law and strategies, while also exploring the problems regarding the fundamental assumptions of cultural heritage and international law and how these can be approached or modified.

## **National Responses**

Unfortunately, neither the Assad regime nor the opposition have made their best efforts to protect cultural heritage. The recent reports by UNITAR and AAAS found evidence of army occupation at many World Heritage Sites and tentative World Heritage Sites. The Syrian regime has occupied archaeological sites for strategic military purposes since 2011, and the police tend to investigate only the sites with an opposition presence (Ali 353). Areas under the control of the opposition become “active combat zones”, which accounts for the collateral damage from shelling and gunfire (Al Quntar 349). Despite the fact that the Syrian regime is party to the 1954 Hague Convention, no steps have been taken to abide by the law. The Syrian opposition, while not liable under the 1954 Hague Convention, should nevertheless aim to protect cultural heritage under its control, which will give it more legitimacy internationally. IS is an entirely different issue, as it is blatantly looting antiquities to fund its operations and intentionally destroying cultural heritage with no regard for international laws or norms.

Politics are inextricably linked to cultural heritage, which is often used as a tool of foreign policy and propaganda. In Iraq, Saddam Hussein compared himself to Nebuchadnezzar and often paired his image with that of Babylon on the currency (Scham 69). Punishments for looting were extremely severe under Hussein’s reign and greatly deterred looters, but the link between cultural heritage and his regime backfired when looters associated stealing from

museums and sites to stealing from Hussein after he was deposed, as discussed previously. Similarly, both the Assad regime and opposition have used the destruction and damage of cultural heritage sites for propaganda purposes, like exchanging blame (Fordham 2014). The regime blames the opposition for looting and occupying sites, while the opposition stresses the regime's "indiscriminate use of heavy artillery" on historic sites and monuments (Fordham 2014).

Heritage management in Syria was improving greatly prior to the conflict. For example, the Damascus museum was under redevelopment, a new museum was opened in Deir Ez-Zor, and "reconstructions designed to protect sites and aid in their interpretation" were built at places like Tell Beydar and Khirbet al-Batrawy (Cunliffe 2018). The First Lady, Asma al-Assad, personally contributed to several CPP projects around the country and was granted an honorary doctorate from Rome University La Sapienza for her role in the preservation of Syrian heritage in 2004 (Harkin 2014). However, it is clear from the regime's actions over the course of the revolution that previous preservation of Syria's cultural heritage were merely acts "used to buttress the standing of the Assad regime" (Harkin 2014). Indeed, in 2014 Syria's Tourism Minister Bishr Yazigi declared his optimism in opening areas to tourists by 2015 and Syria's high hopes for attracting foreign investment in tourism ("Three years..." 2014). Most people are skeptical that the regime truly believes opening sites to tourists is plausible, but rather think that they are Assad's efforts to create the impression that he is holding onto power. Among these acts have included planning an election in 2014, which Assad naturally won (Heffez 2014).

*Directorate General of Antiquities and Museums (DGAM)/Syrian Regime*

One of the main sources of information on the situation in Syria is through DGAM. DGAM provides regular updates and publications in multiple languages summarizing their knowledge of looting and other damage to sites, as well as their solutions to reducing damage by working with organizations like UNESCO (Cunliffe 241, Casana 129). DGAM works to protect monuments, museums, and sites, but the “challenges of operating during wartime requires special expertise” and staff are often prevented from operating in many areas of the country (“Objectives”). At least five staff members have died while protecting sites or assessing damage since the beginning of the conflict (Cunliffe 241). Therefore, even DGAM’s reports “rely to a large extent” on the same reports from non-experts that other organizations use (Casana 129).

In October 2012, DGAM launched a campaign called ‘Syria My Homeland’ that is designed to raise awareness of Syria’s cultural heritage in an effort to protect it (Cunliffe 245). According to Abdulkarim, DGAM has been granted 2.5 million euros by the European Union to raise awareness of the situation and to prevent looting (Harkin 2014). Cunliffe approves of Abdulkarim’s actions, which includes “reaching out to international organizations, organizing workshops, attending conferences, and keeping up the pressure on anyone tempted to buy stolen Syrian artifacts” (Harkin 2014). In October 2014, Abdulkarim was awarded the first Cultural Heritage Rescue Prize in Venice (Yale 2015). While Abdulkarim says he does his best to stay out of politics, DGAM is still a government organization. As a government institution, DGAM is restricted in the information it releases by the regime (Ali 357). DGAM reports have been criticized as “politically motivated propaganda” (Casana 129) as they tend to report almost exclusively on damage to sites held by the opposition and blame damage on the rebels, while at the same time failing to report “well documented cases of site damage and looting in regime held areas” (Al Quntar 349).

There are many other independent non-governmental organizations working to protect cultural heritage, but several refuse to work with DGAM because they associate it with the Syrian regime. Cheikhmous Ali, President of the Association for the Protection of Syrian Archaeology (APSA) said that he is against the regime, but that for CPP work, it is important to remain neutral (Harkin 2014). He admits that the destruction is perpetrated by all sides- the opposition, regime, and Islamists- and describes Abdulkarim as a good man trying to do his best, but who is limited by his position as a government employee, meaning that “he can’t say the whole truth” (Harkin 2014). Abdulkarim said DGAM has repeatedly asked the Syrian military to “refrain from occupying ancient fortresses and historic places”, but their requests have not always been heeded (Chivers 2013). Ed Husain, a member of the Council on Foreign Relations, noted that Assad’s father bombed mosques in Hama in 1982, and that “a government that readily kill its own people cannot be expected to respect and preserve historical monuments... all is expendable for control of the country” (Cohen 2012). So while DGAM may be trying their best to protect cultural heritage, the priorities of the government lie in winning the war through whatever means possible, which is reflected in the loss of cultural heritage in Syria.

Abdulkarim’s pleas to the government and the dedication of many Syrians who risk their lives in CPP clearly demonstrates that while the Assad regime make take a certain stance towards cultural heritage, that perspective is not necessarily shared by the Syrian people. This presents a dilemma for the groups that refuse to work with DGAM and the Assad regime because of differing political beliefs. Individuals and organizations have similar moral dilemmas when deciding whether or not to cooperate with the military in CPP. I believe that different groups should work together, regardless of political or other beliefs, because the end goal is the same- to

protect cultural heritage. It would be unfair to punish the majority for the actions of a few who do not value cultural heritage.

### *Syrian Interim Government/Opposition*

The Syrian Interim Government was formed in March 2013 with a mandate from the opposition umbrella group, the National Coalition of Syrian Revolution and Opposition Forces (Williams 2014). The Interim Government is meant to act as an alternative government to govern territory held by the opposition, but has had a rocky start with three prime ministers in only 18 months and has accomplished little (Williams 2014). The cabinet was dissolved in July 2014 and a new cabinet was formed in October 2014. International aid spent supporting the opposition government has not stopped the increase of radical groups in Syria, and the battle against IS has “supplanted the fight against Assad” as a priority for the international community (Williams 2014). In January 2015, the Interim government received \$6 million USD from the US to be used in reconstruction efforts and to strengthen the local government in opposition held territory.

The Ministry of Culture and Family Affairs formed the Heritage Task Force in June 2013 to protect Syrian cultural heritage during the conflict. The Heritage Task Force is chaired by Amr Al-Azm, a professor at Shawnee State University, and consists of other “internationally recognized Syrian technical experts” who will coordinate with UNESCO and other international heritage organizations (Syrian Coalition). So far the Heritage Task Force’s main project has been working with the PCHC and other international organizations in training sessions focusing on conservation techniques, which will be explained in further detail later. However, given the unstable leadership and insufficient funding of the Interim Government, it is unlikely they can have a great impact on CPP, particularly since the opposition’s priorities also lay in winning the



war and not in CPP. Additionally, territory has often changed hands over the course of the Syrian conflict, so it is difficult to implement lasting CPP measures when control of cultural heritage sites is volatile.

### *Syrian Nationals*

Contrary to media coverage, many Syrians like Abdulkarim care deeply about their heritage and work to preserve and protect their heritage as best they can (Cunliffe 240). If the situation in Iraq after the 2003 invasion is any precedent, most of the Syrian civilians involved in looting are aware that they are damaging their cultural heritage, but have turned to looting as a last resort. On the other hand, many local Syrian communities are actively protecting their cultural heritage. Syrian nationals have founded several organizations related to CPP and are also the people who can contribute the most to protecting cultural heritage during conflict.

Measures taken have included moving objects from the Old City of Aleppo to safe houses and erecting walls of concrete in front of monuments and facades to protect them. Locals have also helped museum staff move artifacts to secure places and provided additional security to prevent looting at sites most at risk. For example, a community in Bahlia accidentally found a late Roman mosaic dating to around the 4<sup>th</sup> century, and with the help of local authorities, transported the mosaic to the Damascus national museum (“Syrian...”). Other CPP efforts have included protecting Roman and Byzantine statues in museums in Hama from looters by closing the doors of the museums until the objects could be taken to safety (Al-Khalidi 2013). In Maarat al-Noman, locals protected the museum’s famous mosaics during clashes (Al-Khalidi 2013).

The main national organization working on CPP is APSA, which has been referred to as the Syrian ‘monuments men’ by Western media. ‘Monuments Men’ is a reference to WWII’s

Monuments Men, a small group of academics who helped save cultural heritage in Europe from the Nazis. Formed in 2012, APSA enlisted the help of Syrian colleagues from universities and museums, and later from Western experts who joined as advisers (Parkinson 2015). The group now consists of over 200 academics, archaeologists, and volunteers. For safety reasons, the identities of many members are kept a secret.

Members of the group are taught how to document damage at sites and hide objects that might be at risk of looting (Parkinson 2015). An underground network of journalists document the damage to sites in Syria by using hidden devices to take photographs, as the Syrian authorities are suspicious of people taking photographs (Lindsey 2014). The photos and other data are then sent back to APSA and scholars abroad who verify the reports. Members of APSA also sometimes pose as antiquities dealers in order to take photographs of looted objects (Parkinson 2015). The pictures of stolen objects are sent to colleagues in Europe who then pass the information onto law enforcement and customs officials (Parkinson 2015). Their goal is to create current records of losses to cultural heritage and raise awareness in the international community (Lindsey 2014). If members come across objects, they hide them and record the GPS coordinates so they can be retrieved at the end of the conflict. The group is also actively working to protect the Ma'arra museum. They have covered mosaics with protective layers of glue and sandbags to shield the mosaics from blasts (Amos 2015). Brian Daniels, director of programs and research at PCHC, described the work as “cultural triage”- protecting when possible and documenting what has been lost (Amos 2015).

However, APSA has few resources and is aided by smugglers as they travel unarmed through dangerous territory held by the Syrian regime, the opposition, and IS. In December 2014, two archaeologists were almost killed by regime airstrikes as they documented damage at two

Byzantine-era towns (Parkinson 2015). A priority of the group has been to convince Syrians about the importance of their cultural heritage. They have persuaded many locals to support their work, and locals have turned in over 1700 artifacts for safekeeping (Amos 2015). APSA has also held meetings with emirs from Islamist groups, trying to get a fatwa (religious ruling) from judges to stop the looting (Parkinson 2015). According to a member, they are making progress, but “we don’t talk to IS... they have a different approach” (Parkinson 2015).

### **International Response**

There are both well-established and newly created international organizations responding to the situation in Syria. International organizations can do little while the conflict continues apart from remotely monitoring and documenting damage, but several organizations have collaborated with Syrian nationals to host training sessions for those actively working in Syria (Yale 2015). Unfortunately, there has been no armed CPP group sent into Syria to enforce the 1954 Hague Convention and similar laws.

#### *UN/UNESCO*

UNESCO has called for both the Syrian regime and opposition to respect international laws to which Syria is a State Party, including the 1954 Hague Convention and the 1970 Convention regarding the prohibition of trade in illicit antiquities. Apart from statements, UNESCO launched a national campaign called ‘Save Syria’s History’ to raise awareness of looting and illegal excavations and remind Syrians of the “importance [of protecting] their rich cultural heritage for the benefit of future generations” (“Syrian...”). Posters and other audio visual materials were widely disseminated to support the campaign’s message, and according to

Syrian sources, the campaign has successfully engaged Syrians in protecting their cultural heritage (“Syrian...”). In May 2014, UNESCO established the International Observatory of Syrian Cultural Heritage, which is an online platform based in Lebanon that monitors and assesses damage to compile information that could help post-war reconstruction (O’Brien 2014).

The Emergency Safeguarding of the Syrian Heritage Project was launched in March 2014 for a period of three years with funding from the European Union and in collaboration with other partners (“Syrian...”). However, neutral institutions like UNESCO can only work with the recognized Syrian government, as its statutes do not allow it to work with non-state actors. Therefore, as part of its Emergency Safeguarding of the Syrian Heritage project, UNESCO hosted a five day training session in November 2014 in Beirut for only Syrian government officials and neighboring countries (Yale 2015). The workshop taught background on international and national legislations on illicit trafficking, restitution processes, and strategies to reduce trafficking (Yale 2015). Program attendees included INTERPOL, the Syrian police, and DGAM (Yale 2015).

The prohibition of trade in cultural objects has been in place for Iraq since 2003 and has only just been extended to Syria in February 2015 through UN Resolution 2199 (“Unanimously...”). The resolution states that preventing illicit trafficking is a “security and political imperative to be taken into account in peace efforts” (“Unanimously...”). The UN Security Council also condemned any trade with IS, the Al-Nusra Front, and any other groups associated with Al Qaeda (“Unanimously...”). Since the situation in Syria is still ongoing, post-conflict measures cannot be taken yet. However, some of the programs implemented by UNESCO in Egypt following the revolution could be effective in Syria too. After the revolution in Egypt, UNESCO began discussions with the Egyptian Ministry of Antiquities to establish

short and long term strategies for protecting sites and involving local inhabitants in site protection (Ikram 369). The inventories of Egyptian museums were also digitized to aid in the identification of missing artifacts (Ikram 369). Although it is too soon after the revolution to be able to assess the effectiveness of these strategies, these programs would be helpful in Syria, as programs involving locals in CPP have proved effective in the past and museums would always benefit from having a complete inventory of its collections.

### *US Department of State*

The US Department of State website says the US recognizes that protecting cultural heritage is a “critical step towards reconstruction, reconciliation, and building civil society” (“Threats to...” 2014). The International Council of Museums (ICOM), in collaboration with the US Department of State, has published the Emergency Red List of Syrian Cultural Objects at Risk, which lists objects in danger of being damaged, looted, and illicitly trafficked (“Threats to...”). The List will help alert international customs officials in neighboring countries, such as Jordan, Turkey, and Lebanon, to trafficked antiquities (Elger 2014). Cultural heritage organizations like the US Committee for the Blue Shield have urged that any US military action in Syria take into account vulnerable sites. The Combatant Command Cultural Heritage Action Group, a branch of the Pentagon, is training pilots and soldiers in CPP during military operations (Bowley 2014).

Secretary of State John Kerry announced in September 2014 that the US Department of State had partnered with the American Schools of Orient Research (ASOR) to “comprehensively document the condition of threats to cultural heritage sites in Iraq and Syria to assess their future restoration, preservation, and protection needs” (“Threat to...”). ASOR’s Syrian Heritage

Initiative is a collaboration consisting of a team of scholars from Syria, the US, Canada, England, France, Germany, Jordan, and Lebanon (“ASOR Syrian...” 2015). The Syrian Heritage Initiative has formed partnerships with those groups founded by Syrian nationals to document, protect, and preserve Syrian cultural heritage (“ASOR Syrian...” 2015). It implements CPP by documenting damage, promoting global awareness, and planning emergency and post-war responses (“ASOR Syrian...” 2015). The project has used satellite imagery, social media, and reports to document damage to sites and the research will be used to help international authorities, like Interpol, track and recover illicitly trafficked antiquities.

The Emergency Red List is an important step in cataloguing looted items and helping customs officials identify them. However, most of the looted objects in Syria were unexcavated and not stolen from museums, which makes identification much harder. The documentation of damage and destruction to sites during the conflict is also important because it will help experts determine which sites need to be prioritized post-conflict. On the other hand, it would be much more efficient if all the organizations documenting damage, for example UNITAR and ASOR, collaborated on their projects. Having multiple organizations working on numerous projects is a waste of resources and makes it more difficult to compile all information together. Other problems with the current projects will be discussed in detail under the obstacles section.

### *Other Organizations*

Heritage for Peace is a non-governmental organization (NGO) that supports heritage workers protecting collections, monuments, and sites during armed conflict (“Objectives”). HFP is impartial and programs focus on training heritage professionals to face the “unique challenges of protecting cultural collections, monuments, and sites during armed conflict” and on educating

militaries in their obligation to protect cultural heritage under international law (“Objectives”). Syrian heritage experts lack crisis training and international organizations lack funding and the authority to intervene. HFP aims to address these issues by working with all Syrians to raise awareness, protect collections and sites, prevent looting, and prepare for postwar reconstruction (“Objectives”). A training session in November 2014, funded by the Dutch government and hosted by Heritage for Peace in collaboration with the Syrian Interim Ministry of Cultural and Family Affairs, trained ministry employees in damage assessment (Yale 2015). It was suggested that participants should pass their training on to colleagues in Syria were and participants responded positively to the program (Yale 2015).

Other international professional heritage organizations are limited to working with only departments of formally recognized governments and almost all international legislations on CPP in times of conflict operate only between formally recognized governments who are State Parties. In civil conflicts like Syria, there are many non-state actors that are not recognized under international law controlling regions outside of official government control (“Objectives”). The ability to work with non-state actors is critical, because it means HFP can cooperate with the Syrian opposition, whereas UNESCO, as mentioned earlier, can only working with the Syrian regime’s DGAM.

PCHC, Smithsonian, International Council on Monuments and Sites (ICOMOS), and Heritage for Peace, in collaboration with the Syrian Interim Government Heritage Task Force, have also been assisting museum curators, heritage experts, and civilians working on CPP in Syria (“Emergency Support...” 2014). In June 2014, a three day ‘Emergency Care for Syrian Museum Collections’ training program was held in Turkey. The training program focused on safeguarding high risk collections, informing participants on how to secure museum collections

during emergencies, and opening dialogue with participants about emergency responses (“Emergency Support...” 2014). Curators and restoration experts were taught emergency conservation techniques, like wrapping mosaics and ceramics in Tyvek, a lightweight, tough plastic material used in construction, before burying and sandbagging the objects (Curry 2014). The workshop participants were given supplies of Tyvek and other conservation materials, including museums grade glue (Curry 2014).

Richard Leventhal, Executive Director of PCHC, stated that the workshop fit the model of heritage preservation promoted by PCHC, that “local communities are best equipped to identify heritage in need of preservation and protection” (“Emergency Support...” 2014). Daniels points out that it is difficult for international heritage organizations to travel to Syria because of the danger involved, so much of the CPP work depends on locals who risk their lives to protect cultural heritage (“Emergency Support...” 2014). Daniels also noted the commitment of the Syrians who attended the workshop in Turkey, as they had gotten out of Syria and then voluntarily returned to Syria (Curry 2014). Researchers at the University of Pennsylvania and Smithsonian, through a new National Science Foundation grant, are preparing to launch a new project that uses satellite imagery to document damage to cultural heritage in Syria (“Emergency Support...”).

Although many foreign scholars are unable to be in Syria to actively aid in CPP, they have created blogs, Facebook pages, and websites to help monitor the destruction and raise awareness of the situation (Lindsey 2014). Foreign archaeologists have shared excavation records to help Syrian colleagues compile lists of missing or looted objects (Lindsey 2014). Carol Redmount, an associate professor of Egyptian archaeology at University of California Berkeley, said that it was “frustrating not to be able to do more” but that foreign scholars could



keep raising publicly and provide expertise to their colleagues (Lindsey 2014). According to Redmount, the key is to support grassroots developments, in which local volunteers do what they can to document damage and protect cultural heritage (Lindsey 2014)

These training sessions by PCHC and Heritage for Peace are effective in training Syrian museum curators and other experts in emergency CPP measures and in providing them with necessary supplies. Unfortunately, this can only do so much, as a lot of the damage occurs in areas too dangerous to work in. The programs of these workshops can be taken and adapted into models for peacetime training sessions, so experts will be prepared prior to conflicts and be able to prevent damage from occurring in the first place.

#### *Neighboring Countries (Lebanon, Turkey, Jordan)*

Archaeology and politics are “inextricably linked”, not only for the Syrian regime and opposition, but also for the international community (Elger 2014). Abdulkarim told reporters that the next step is to figure out how to stop illicit trafficking and push neighboring countries like Turkey, Jordan, and Lebanon to close their borders to trafficking (Harkin 2014). He says DGAM has received 93 authentic artifacts from Lebanon, but Turkey, which is against the Assad regime, “[refuses] contact with us” (Harkin 2014). Turkey is supporting the Syrian opposition and plans to return trafficked objects that it seizes only after the civil war is over (Elger 2014). Earlier in 2014, the Turkish government confiscated a hoard of over 300 objects looted from Syria and is currently keeping it in a museum storage, “much to the outrage of the Assad regime, which is demanding their return” (Elger 2014). Other countries, like Lebanon, simply follow the demands of the Assad regime, and return recovered objects promptly.

Seizing illegally trafficked antiquities is not the only way neighboring countries have been involved. In February 2015, hundreds of Turkish forces entered Syria to evacuate troops guarding the Suleyman Shah tomb (“Turkey...” 2015). Turkish forces demolished the existing tomb and removed the remains and relics to a different site closer to the Turkish border (“Turkey...” 2015). Suleyman Shah was the grandfather of the founder of the Ottoman empire, and the tomb is considered a Turkish enclave abroad in “accordance with a treaty signed in 1921” (“Turkey...” 2015). According to the treaty, Turkey may raise the Turkish flag and keep guards at the site (Graham 2015). The agreement continued until 1973, when the tomb was moved because the Tabqa Dam threatened to flood the location (Graham 2015). Since then, the legal status of the tomb has been disputed; Turkey claims it as an enclave, but Syria disagrees (Graham 2015).

The operation came without warning and the international community can only speculate at the motives behind it. The move could possibly have been a preemptive action, as IS had previously threatened to attack the tomb in 2014 unless the Turkish troops guarding the tomb were withdrawn (“Turkey...” 2015). Then Turkish Prime Minister Recep Tayyip Erdogan said that “we cannot ignore any unfavorable act against that monument, as it would be an attack on our territory, as well as an attack on NATO land” (Graham 2015). The troops were not withdrawn and no attack took place. On the other hand, moving the troops in 2015 was a much delayed response if the withdrawal was indeed a preemptive act. Turkey had not waited for the Syrian government’s consent before carrying out the operation, which the Syrian regime deemed a “flagrant aggression” (“Turkey...” 2015). The operation did occur after Turkey’s announcement that it had reached a deal to host a US training program for Syrian rebels fighting IS (Giglio 2015). Turkey has so far been reluctant to support the US led coalition fighting against

IS for fear of reprisal, but some experts see this as a sign that Turkey is now willing to become more involved in the conflict. (Giglio 2015).

Regardless of Turkey's intentions behind the withdrawal, Turkey's actions indicate their dismissal of the Assad regime, as they entered Syria without first gaining the government's consent. The removal of the remains and relics proves that it is not the actual site that is of significance, as the Turkish troops themselves demolished the existing tomb, but the control Turkey has over its cultural heritage (the relics and remains). Likewise, while the actual structure was of no significance to Turkey, the act of purposefully demolishing it emphasizes the fact that CPP can be implemented for political reasons and not because of cultural heritage's intrinsic value. Turkey would rather destroy the tomb than let either the Syrian regime or IS claim ownership over it. This is important to note, as the fate of cultural heritage in conflict zones might fall to how it can be of use to whatever entity is in control of the region- whether it is the Syrian government, opposition, or IS. We have already seen examples of this in IS controlled territory in Iraq- IS quietly sells movable antiquities to fund their operations while publicly destroying immovable sites to broadcast their political and religious ideology.

The Suleyman Shah incident demonstrates how differing concepts of cultural heritage and international law are held by various groups. Despite the fact that the tomb was located in Syria, Turkey still viewed the tomb as an enclave belonging to Turkey. This view corresponds with the notion of cultural heritage that is closely tied to ownership. Because Turkey saw the tomb as their property, it was within their rights to intervene militarily without waiting for the Syria's government's consent. On the other hand, Syria disagreed that the site of the tomb was an enclave and deemed the intervention as a violation of its national sovereignty. From this example, we can see that different views of cultural heritage and legitimacy of international law

will affect the reactions of involved parties. For CPP in Syria to be successful, it is important that the community and governing body acknowledge the authority of the intervening militaries or organizations and cooperate. Differing views on cultural heritage will not really have an effect on the success of CPP in Syria, as everyone involved will be working to protect and preserve cultural heritage located in Syria.

### **Internal and External Obstacles to CPP**

The effects of the Syrian conflict on cultural heritage, coupled with the damage to and destruction of cultural heritage from past conflicts, have shown that international laws and CPP measures are deficient and unable to deal with modern conflicts. That said, simply modifying international law or adding an additional protocol is not enough, because there are also many external and internal obstacles facing the effective implementation of CPP. CPP is constrained by the “specific circumstances of the conflict” and the “political context of... involvement” (Perring 210). Obstacles include inadequacies in international law concerning CPP in the event of armed conflict, questionable legitimacy of international law and differing concepts of cultural heritage, lack of coordination and cooperation among involved groups, internal problems with CPP strategies, difficulties in reporting damage/destruction, funding deficits, and more recently, intentional destruction of cultural heritage.

#### *International Law and Lack of Enforcement*

Firstly, there are many problems with international laws governing CPP in the event of armed conflict. The 1954 Hague Convention, the foundation of CPP law, is outdated and often cannot be applied to many types of modern conflicts today. It was not designed for civil conflicts

and requires militaries to prevent their own troops from looting, not to prevent civilians or opposition groups from looting, which is one of the major problems in Syria today. The military necessity clause allows the Assad regime to justify its assault on sites occupied by the opposition as being necessary to win the conflict. The 1954 Hague Convention has not prevented the deliberate targeting and occupation of the sites by the Syrian Army, even though State Party governments are strictly prohibited from doing so. The Syrian Opposition has also occupied sites, but they are not liable under the 1954 Hague Convention, as they are a non-state actor. Not applying to non-state actors is another deficiency in the 1954 Hague Convention.

The main issue with the 1954 Hague Convention is that it fails to consider all the possibilities of armed conflict and the absence of enforcement mechanisms. UNESCO can only work with the recognized government, but the 1954 Hague Convention does not consider what happens if the government loses control of its territory. Currently, the Assad regime only controls one third of Syria, and it is not acceptable to protect only one third of Syria's cultural heritage. Laws work by providing incentives to abide by them with the threat of consistent and enforced punishment. Regarding the 1954 Hague Convention, and most international laws for this matter, adherence to and application of laws must be accomplished by the State Party governments policing themselves. When the Syrian regime decides not to abide by the laws to which it is a signatory, the laws are basically rendered useless. One possible way to enforce compliance with international law is through sanctions. However, sanctions affect civilians more than the political leaders, and in cases like Iraq, impoverished communities are more likely to turn to looting and trafficking of antiquities.

International cultural heritage organizations are also unable to actively send militarized units into Syria to enforce laws (Rothfield 8). Most cultural heritage organizations operate during

peacetime situations and are not adequately prepared in the event of armed conflict. The Blue Shield is one organization dedicated to CPP in militarized situations. It is an international consortium of national committees, and is often described as the equivalent of the Red Cross as an international symbol of protection, but for cultural heritage (Wegener 169). The International Committee of the Blue Shield (ICBS) was founded by the International Council of Museums (ICOM), International Council of Monuments and Sites (ICOMOS), International Council on Archives (ICA), and International Federation of Library Associations and Institutions (IFLA) in 1991 (Wegener 169). The Coordinating Council of Audiovisual Archives Associations was later added in 2005 (Wegener 169). Its mission is “to work for the protection of the world’s cultural heritage by coordinating preparations to meet and respond to emergency situations” (Wegener 169). The symbol of the Blue Shield may be used by State Parties to the 1954 Hague Convention to mark designated sites for CPP during armed conflicts (Wegener 169).

The Blue Shield would seem like the obvious solution to lack of enforcement of the 1954 Hague Convention, but ICBS is often unable to field emergency responses because it relies solely on member nations for its capabilities (Wegener 170). Members of ICBS are for the most part, State Parties to the 1954 Hague Convention who have developed their own national committees of the Blue Shield (Wegener 170). There are currently 24 national committees as of February 2015 that bring together local and national governments, emergency services, and armed forces, and provide a forum to improve emergency preparedness (Wegener 170). So far, it does not appear as if the Blue Shield has done anything in Syria, other than release a series of statements calling for Syria to abide by the 1954 Hague Convention and its First Protocol and the 1972 World Heritage Convention. The statements “[place] the expertise and network of its member organizations at the disposal of their colleagues working in Syria to support their work

in protecting the country's heritage" (ICBS). Perhaps if the Blue Shield was merged with international organizations with more funding capabilities, like UNESCO, or if member nations could be persuaded to put more funding into national committees, the Blue Shield would be able to actively become involved in Syria. Unfortunately, funding deficits is another obstacle facing CPP and will be discussed later.

### *Cooperation of Involved Groups*

Cooperation among stakeholders is vital in an issue as complex as CPP. CPP is a multidisciplinary subject that involves legal experts, cultural heritage specialists, militaries, and others (Kila 320). In reality, the "respective players are not communicating enough", which makes implementing effective strategies very difficult (Kila 320). For example, the UN mission sent to investigate the use of chemical weapons in Syria in 2013 was a missed opportunity to send heritage experts with the mission to inspect damage to sites (Kila 320). There has not been enough cooperation between cultural heritage experts/organizations and the military, and also among cultural heritage organizations themselves.

Whether or not cultural heritage experts have ethical concerns regarding working with militaries, CPP solutions in the event of armed conflicts must include the military, and refusing to coordinate with militaries undermines this work and impedes emergency CPP assistance (Wegener 165). Cultural heritage experts have to be educated in military issues and vice versa so military experts can integrate CPP into their planning. Timely implementation is also essential. The looting of the Iraq Museum and other archaeological sites and the burning of the Iraq National Library and Archives were problems that could have been avoided but were instead exacerbated by the lack of coordination and communication between cultural heritage experts

and the military (Wegener 163). The US armed forces “were well informed and had been warned” prior to the invasion of Iraq (van Woodenberg 12). Professor McGuire Gibson of the University of Chicago participated in compiling lists of thousands of archaeological sites, and multiple organizations “placed necessary information at the army’s disposal” and emphasized the rich cultural heritage of Iraq, which is often described as the cradle of civilization (van Woodenberg 12). The looting of the National Museum in Baghdad was not caused by the absence of military forces, in fact there were military troops stationed nearby. Instead, no actions were taking by the US army because there were no orders to do so until it was too late.

I would recommend better integration of cultural heritage specialist involvement in conflict and post conflict planning and reconstruction programs, as heritage reconstruction has an important role to play in rebuilding communities and contributing to the economy (Perring 208). Cultural heritage organizations are less experienced with working in armed conflicts than humanitarian aid organizations. Militaries often invites NGOs to training exercises to facilitate coordination in future missions, and cultural heritage organizations would greatly benefit from participation in these (Wegener 165). Cultural heritage organizations should therefore establish military contacts during peacetime so that they might be invited to join military planning processes (Wegener 165).

This leads to the next issue, which is that cultural heritage organizations lack an umbrella organization bringing together all cultural heritage organizations dedicated to CPP during armed conflict. Just a few of the organizations working on CPP in the Syrian conflict include UNESCO, Heritage for Peace, APSA, the Blue Shield, DGAM, PCHC, AAAS, ICOMOC, Smithsonian, the Syrian Interim Government, US Department of State, UNITAR, and ASOR Syrian Heritage Initiative. While some of these organizations are cooperating with each other to release reports



and host training sessions, CPP efforts in Syria would be much more coordinated and effective through an international umbrella organization composed of experts and with the support of governments from various countries to oversee their work. An umbrella organization would also be able to more efficiently coordinate with the military on behalf of most or all CPP organizations (Wegener 164).

Again, creating an umbrella organization is not a simple task and is where the issue of political constraints comes into play. What groups the different organizations can work with is a contentious issue. Being associated with the UN or the North Atlantic Treaty Organization (NATO) would “give an institution instant legitimacy and excellent contacts”, but being an independent and neutral organization would allow it to “act unimpeded by [the] political and bureaucratic constraints of larger organizations” (Cunliffe 347). Organizations like UNESCO can only work with the formally recognized government, in this case the Syrian regime, but that is problematic when groups like the opposition and IS holds onto territory that contains cultural heritage sites. These limits in international law should be modified to reflect current conflicts in which participation by non-state actors are becoming more common.

Similar to moral concerns about working with the military, many cultural heritage organizations like APSA refuse to work with DGAM because they are part of the Assad regime. Political leanings should not limit CPP work, because the goals of all involved groups are all to protect cultural heritage. As mentioned before, those working under Assad, like Abdulkarim, do not even share the same views on cultural heritage as the regime does. Cooperating to protect cultural heritage in Syria would not benefit the Assad regime any more than it would benefit the opposition, and therefore, organizations should strive to cooperate with one another regardless of political preferences.

### *Ineffective Strategies*

While local Syrians are actively engaged in CPP work that endangers their lives, international organizations involved in CPP in Syria have not been proactive enough. A major project by many international organizations has been to thoroughly document damage through analysis of satellite imagery in Syria. Apart from the obvious inefficiency and waste of time and resources to have multiple organizations and individuals working on the exact same project, this approach is not very effective in accomplishing anything that makes a real difference in the current situation. Firstly, documenting damage will not prevent any damage or destruction from occurring. Secondly, it does not really make a difference if we know that there are 3750 looting pits observed at Duro Europos by AAAS versus knowing that large scale looting is taking place in general. We already know that almost every cultural heritage site in Syria has been damaged in some way, and continuing to catalogue every bullet hole or new road will not help the situation. That is not to say that documenting damage is useless or that international organizations and scholars have completely ignored the situation, but I think they could be more proactive in tackling the more difficult issues, like lobbying for an additional protocol to the 1954 Hague Convention or addressing lack of funding, rather than taking the easy way out. Once we know that damage is happening, there is better use of the resources and expert knowledge available.

Even if international organizations were taking actions other than making statements or documenting damage, the top-down version of heritage management promoted by UNESCO and other international groups “can fail to address the local needs of conflict and post-conflict societies” (Perring 198). Aid policies tend to be directed towards supporting aid organizations

rather than grassroots developments, and contributions are structured through government organizations in order to be effective and safe (Perring 200-202). However, in civil conflicts like Syria, aiding through government organizations would eliminate protecting cultural heritage in opposition or IS held areas. Effective dialogue needs to involve building trust and understanding between the different players and their interests, as well as being “transparent about [the] goals and open about the political nature of our professional relationship to government, institutions, sponsors, agencies, and other stakeholders” (Geurds 2007). A bottom up approach that builds on local capabilities will focus on long term strategies for “social and economic rehabilitation” (Perring 210). By connecting reconstruction of cultural heritage with the economic needs of the people, development of both will go hand in hand with enthusiastic cooperation of the local communities.

In Iraq, foreign archaeological missions paid many local laborers and contributed to the local economy by paying for “food, lodging, and supplies” (Rush 69). Locals lost out on these sources of income after the missions left, and Dr. Geoff Emberling from the University of Chicago noted that foreign archaeology missions actually trained many of the locals who became looters when the “legitimate excavations ended” (Rush 69). The extreme circumstances in Iraq led to not only losses of Iraqi heritage, but also cost the integrity of communities and individuals who had to resort to looting (Rush 75). In 2003, a team of Carabinieri officers were sent to Iraq as part of a UNESCO peace keeping mission (Rush 75). When Carabinieri officers discuss their experiences in Iraq, great understanding and compassion for Iraqis is clear (Rush 75). Simply prohibiting looting by law will not prevent looting if it is a symptom of wider economic problems, which is definitely a problem in Syria. There are millions of internally displaced people in Syria and millions of refugees in neighboring countries. The Syrian people have lost

their livelihoods and will have to resort to taking whatever jobs they can find, and in many cases, looting is an easy way to make money.

The Italian Carabinieri, an organization that will be elaborated upon later, offers the best training for guards of archaeological sites (Rush 70). Training includes teaching about mapping and documenting sites, construction of fences and watchtowers, use of aerial surveillance, establishing communication systems for guards, and consideration of arming guards when necessary (Rush 70). However, armed site guards are not a good solution when the community does not also share the desire to protect cultural heritage. Placing armed guards at remote sites is not the best solution, as “arming a portion of the community to defend property from another portion of a community without [recognizing] that the looting is a symptom of greater challenges in society creates a situation that can easily lead to violence and death” (Rush 70). This is where education and raising awareness of the situation can help in convincing local communities to support CPP efforts.

Apart from raising awareness, foreign missions that paid local families to protect and maintain sites is a good solution. For example, in Warka, the ancient Mesopotamian City of Uruk, a local family was paid to protect the site in 2003 (Rush 71). When the site was inspected in 2009, it was in excellent condition (Rush 71). At Leptis Magna in Libya, museum staff put objects in secure and hidden storage and even welded some access doors shut (Rush 73). Site managers allowed shepherds to graze their animals on the site, and their presence served to prevent hostile attacks like booby trapping or mining in the area (Rush 73). These are good solutions involving the support of local communities that could be implemented in Syria. For example, Syrian communities could be paid to maintain sites that are vulnerable to erosion or other environmental damage and to deter looting. Instead of focusing on documenting damage,

international organizations should focus on developing solutions that address the economic needs of the people and align them with the international and national interests in protecting cultural heritage.

### *Documenting Damage*

It has been difficult to verify reports of damage and destruction coming out of Syria, as experts have not been able to get in for safety reasons. DGAM previously visited sites, but stopped due to the escalating situation. Most of the reports are videos and pictures posted on social media sites by Syrian journalists and other locals. While professionals do not view social media as an authentic source of information, the world has changed in such a way that eventually it will be impossible to ignore the role of technology and social media. Social media has played a vital role “in terms of intensifying awareness” in the Syrian conflict and sites like Facebook, Twitter, and YouTube have helped connect people concerned about cultural heritage worldwide (Kila 328).

However, while social media has increased access to news on the Syrian conflict, there are also downsides to it. Just as exposure to movies and video games can desensitize people to violence, so too could it be possible that the proliferation of images and videos of the damage to cultural heritage in Syria will desensitize the international community to the seriousness of the situation. The Syrian civil war has already been going on for over four years, and the international community has still not made any substantial effort to intervene. Further reports and images of the violence and human rights violations plaguing the conflict will most likely not have any greater effect. Unfortunately, because we are living in a digital age, there is no solution to this problem.

It is important to be aware that political views will bias the reports of damage in some way. Even ‘official’ organizations like the US Department of State have partisan interests in the conflict. Taking statements by the US Department of State as an example shows that the US tends vilify the Syrian regime and IS, who they are opposed to, and does not mention damage that may have been caused by the opposition. One way of verifying various reports is through satellite imagery, which a couple organizations are analyzing, but these can only provide a certain amount of information and do not reveal who the perpetrators are. The development of better technology will help alleviate this issue, as would developing relations prior to conflicts with locals who can report on damage. For now, a combination of satellite imagery and social media reports are what experts will have to rely on.

### *Funding*

CPP is “too practical to receive academic research funding, too international to receive conservation funding (which is usually targeted at the local or national levels), and too much of a low priority to receive disaster relief funding” from humanitarian organizations (Cunliffe 3 347). In conflicts with humanitarian tolls like Syria, humanitarian aid will always outweigh CPP needs. Even during peacetime, art crime will never have the same resources and personnel as what are viewed as more serious crimes (Brodie 70). For example, the United Kingdom Metropolitan Police’s Art and Antiques Unit has only four personnel, Scotland Yard’s Art and Antiquities Squad has four officers responsible for the entire world, and the FBI Rapid Deployment National Art Crime Team consists of eight people (Bogdanos 2 158). All countries, but particularly those that are origin, transit, and destination countries, should establish specialized art and antiquities forces (Bogdanos 2 158). Archaeologists, cultural heritage experts,

and other scholars recognize cultural heritage for its intrinsic value, but perhaps what would most motivate others to contribute to preserving cultural heritage are more practical reasons.

In a conflict that has claimed over 220,000 lives, preserving heritage may not seem like a top priority, but preserving heritage is actually very important in the aftermath of the conflict when Syria begins to rebuild its economy. CPP can contribute to “post conflict reconstruction by stimulating tourism”, as the top tourist destinations in many countries like Syria are cultural heritage and historical sites (Kila 339). According to John Russell, a US Department of State consultant, cultural tourism was a main component of the Syrian economy before 2011. In 2010, tourism generated \$8.3 billion USD and accounted for 12 percent of the GDP (Heffez 2014). Now, tourists have “virtually deserted” Syria (Makieh 2015). In 2013, the number of tourists declined by over 95 percent and 370 tourist establishments closed down (Heffez 2014). The loss of jobs for many people is almost certainly contributing to looting, as people have to find alternative sources of income.

In October 2010, James Harkin was among a group of international journalists invited to Syria on the pretense of an annual festival of culture, but the real reason was to “present a shiny new image for the country as a destination for global tourism” (Harkin 2014). One year later, the conflict halted any plans for developing Syria as a destination for tourism. When Krak des Chevaliers was returned to government control in March 2014, the “authorities acknowledged structural damage to towers and interior staircases, and partial destruction of the walls” (Harkin 2014). Unrealistically, the Cultural Ministry announced its intention to “make it nicer than before so that it can receive visitors next year” (Harkin 2014). Damaged sites can be reconstructed, but the costs for Aleppo alone are “conservatively estimated in the billions” and the priority remains in addressing humanitarian issues first (Cunliffe 243). The more damage to cultural heritage, the

more difficult it will be for Syria to rebuild its economy and recover at the end of the conflict. It is too late to prevent any damage or destruction that has already occurred, but implementing effective CPP measures now will alleviate further damage.

Another practical reason to fund CPP, which is perhaps more important to the international community, is that not only does looting damage the integrity of sites and lead to loss of knowledge, but looting is also contributing to prolonging and intensifying the conflict by funding the various groups involved (Baker 2014). Looting of sites to fuel armed conflict is nothing new. A report from the University of Glasgow found evidence of links between the Khmer Rouge regime and looting of archaeological sites in Cambodia during the civil war (Lehr 2014). Similarly, extremist branches of the Muslim Brotherhood in Egypt have also been linked to looting. In Syria, all sides of the conflict have formed “excavation teams” to look for gold, mosaics, statues, and other easily transportable artifacts (Luck 2013).

A video taken by the Syrian opposition on YouTube shows Syrian regime soldiers at Palmyra with grave reliefs loaded onto a truck. Obviously this is political propaganda on the part of the opposition, but it does not make what happened any less true. Although the Free Syria Army (FSA) has “repeatedly stressed its commitment to the protection of heritage sites”, the rebels have joined in the illicit trafficking of Syrian antiquities in a struggle to finance their war efforts (Luck 2013). FSA fighters have conceded to Western media that looted antiquities are an important source of income (Parkinson 2015). A Syrian rebel said that “some days we are fighters; others we are archaeologists” and claims to have discovered tablets from Ebla inscribed in Sumerian (Luck 2013). The opposition has deemed looting as a vital source of funding, and stated that average hauls can sell for \$50,000 USD on the black market (Luck 2013).



A FSA coordinator said that they are without weapons and help from the international community, so “it is within our right to use whatever resources we can find” (Luck 2013). The rebels and Jordanian security officials indicate that most looted artifacts are being smuggled into Jordan, where merchants at the markets in Amman have reported a flood of Syrian artifacts (Luck 2013). “People may judge us and call us thieves” said a Syrian army defector who runs smuggling routes in southern Syria, “but sometimes you have to sacrifice the past in order to secure the future” (Luck 2013). The sentiment is echoed by the Assad regime, which is involved in looting and occupying sites for similar reasons.

The statements by the FSA coordinator and Syrian army defector are very telling of how cultural heritage is viewed by armed combatants in the conflict. It is easy for scholars in the developed world to deplore the situation when their lives and freedom are not in danger. To fighters in both the opposition and Assad regime, trafficking antiquities could make an absolute difference in the outcome of the conflict, particularly when they have very little sources of funding to rely on. Securing the future is more important to them, and understandably so, than preserving some old cultural heritage sites that do not appear to serve a purpose. Clearly the fact that they have to “sacrifice the past” implies that the past does mean something to them, but that they have to give it up for a greater good. Understanding the context of damage to cultural heritage and how cultural heritage is used will be extremely important when applying CPP measures.

More importantly, opportunistic looting has turned into organized looting for IS as well. IS is funded through oil revenue, ransoms from kidnapping, and trafficking of illicit antiquities. According to experts, IS makes between \$1 and \$2 million a day from oil refineries and wells controlled by IS in Northern Iraq and Northern Syria (Fantz 2015). The US led coalition fighting

IS has “repeatedly targeted IS oil assets” to cut off financing (Fantz 2015). In 2012, the US Treasury Department estimated that al-Qaeda and its affiliates had received over \$120 million from kidnapping ransoms over the previous eight years (Fantz 2015). Some governments agree to negotiate with extremist groups, but the US has a policy of not doing so, although recent executions of US and other hostages have led to debates over what should happen (Fantz 2015). While some sources of IS income have been targeted by various countries, trafficking of antiquities is something foreign governments have not made a significant effort to combat.

Satellite images analyzed by AAAS show that IS is systematically destroying and looting in their headquarters of Raqqa in Syria (Parkinson 2015). At the IS controlled area around Mari, a Mesopotamian city in Iraq, over 1300 excavation pits have been found by satellite imagery. Researchers at Shawnee State University say that looting is done by civilians encouraged by IS, which levies a 20% tax on any finds (Parkinson 2015). The link between looting and terrorist financing is increasing political concern in the international community, according to Mark Vlastic, a Georgetown University law professor (Parkinson 2015). In February 2015, the UN Security Council approved a resolution that banned all trade in Syrian antiquities, expressing concern that IS and other extremist groups are funding operations by trafficking antiquities (Parkinson 2015). While the exact size of the illicit antiquities market cannot be accurately determined, experts say the bigger concern is the destruction of archaeological context. Patty Gerstenblith, a law professor at DePaul University stated that we do not need to the exact monetary value of the market “to know that we are all losing our cultural heritage and knowledge of our history through the looting”<sup>5</sup> (Parkinson 2015).

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<sup>5</sup> Again, note the use of “our cultural heritage” and “our history”

### *Intentional Destruction*

The most devastating impact on cultural heritage is the intentional destruction of cultural heritage, which is also the most difficult type of damage to combat. While the Syrian regime and opposition are causing collateral damage to cultural heritage through military occupation of sites and fighting, IS is deliberately destroying anything they consider idolatrous, meaning anything with a pre-Islamic past, including shrines, mosques, tombs, and statues, in both Iraq and Syria (Bowley 2015). Candida Moss, a professor at the University of Notre Dame, described the situation as “successive generations of history all in one place, all being destroyed at once” in Syria and Iraq (Bowley 2015).

IS’ intentional destruction of cultural heritage is propaganda to show its power, advertise its beliefs, and attract international attention (Bowley 2015). The deliberate act of releasing videos showing the destruction in Mosul and Hatra validates these assumptions. By publicly broadcasting its actions, IS is proving that it has the power to do whatever it wants, in a direct contradiction to what is considered acceptable by the international community. Michael Danti, a professor at Boston University and co-director of the ASOR Syrian Heritage Initiative, said that “[IS] uses heritage explicitly, tying it into history, providing a back story for itself” to appeal to young fighters (Bowley 2015). In its videos and online propaganda, the militants advertise their ideological beliefs by stating that they are destroying un-Islamic idols, which could appeal to other extremists worldwide. There have already been many reports of people from the US and Europe traveling to Syria to join IS.

There are many problems with the international community’s responses, or lack thereof, to the intentional destruction. There has been worldwide condemnation of IS’ actions and the Association of Art Museum Directors (AAMD), Archaeological Institute of America (AIA),

Society for American Archaeology (SAA), and ASOR released a joint statement in response to the reports of IS' destruction of objects in the Mosul Museum in Iraq ("Joint Statement..." 2015). On one hand, condemnation of its actions will bring more global attention to the issue and support for CPP in Syria and Iraq. On the other hand, it will have no effect on IS' actions and may even fuel the intentional destruction of cultural heritage. For example, leaders of Ansar Dine in Mali deliberately destroyed cultural heritage sites in Timbuktu following the request by the government of Mali to place Timbuktu on the List of World Heritage in Danger in 2012 (Lenzerini 60). International condemnation is also what caused the destruction of the Bamiyan Buddhas, which were destroyed by the Taliban to prove they had the power to do so. Similarly, local archaeologists in Syria and Iraq have asked the international community not to pinpoint any sites in need of protection, as that would draw the attention of IS and perhaps lead to more intentional destruction (Bowley 2015).

Unfortunately, releasing statements is not doing much to alleviate the situation, and the only actions that will make a difference are militarized intervention or providing support for those already fighting IS. IS' intentional destruction of cultural heritage further highlights the deficiencies of the 1954 Hague Convention and related laws that do not prevent the intentional destruction of cultural heritage or have any enforcement mechanisms to stop people from doing so. The 1999 Protocol added CPP in the context of civil wars, but Iraq and Syria are not signatories, and UN officials have conceded that the 1999 Protocol did not anticipate intentional destruction of cultural heritage by non-state actors (Eakin 2015). Iraqi officials have sought to designate the ruins of Babylon as a UNESCO World Heritage Site in the hopes of providing it additional protection, but the status of 'World Heritage Site' has done nothing to protect such sites in Iraq and Syria from damage or destruction (Barnard 2015).

## **Recommendations**

After explaining some of the internal and external problems in international law and CPP strategies, I have come up with potential remedies to the issues and made recommendations for CPP in the event of armed conflict for the Syrian conflict and future conflicts in general. Through my research and analysis, I have tried to show that not only is cultural heritage intrinsically valuable, but that CPP can also act as a force multiplier by ending the conflict sooner than later, rebuilding Syria's economy, and combating the projected power of IS, which is a great threat to the international community and especially neighboring countries. While I advocate for foreign militarized intervention in the Syrian conflict for reasons that will be explained, I acknowledge that each conflict will be different and we will have to assess each situation individually to prevent infringing on national sovereignty or imposing 'Western' values of cultural heritage on unwilling communities.

Unless foreign governments decide to send militarized units into Syria for CPP, then we can only wait for what seems to be a never-ending conflict to end before salvaging what is left. In the absence of intervention, the international community can continue to raise awareness of the situation in Syria, combat illicit trafficking, and document damage to aid in post-conflict reconstruction. Although raising awareness and documenting damage will only have a limited effect, combating the illicit trafficking of antiquities can decrease some of the funding that supports the continuation of the war. In developing future CPP measures, experts should investigate trends of internal warfare and its impact on cultural heritage, while drawing experience from past conflicts in Afghanistan and Iraq, and current conflicts like Syria (Bouchenaki 217).

Preparation during peacetime and prior to involvement in a conflict is essential to preventing destruction and damage of cultural heritage. Museums can make plans to catalogue their collections and move objects to safe locations, while cultural heritage organizations and experts can develop relations within the military. It is more difficult to contribute directly to CPP during armed conflicts, short of militarized intervention, although organizations and individuals can help by monitoring the damage and preparing for reconstruction at the end of the conflict. Immediate post-conflict action should focus first and foremost on humanitarian aid, while long term development strategies should be geared towards prosecution of perpetrators in the damage and destruction of cultural heritage and rehabilitation of sites and museums. The intentional destruction of cultural heritage can be prosecuted in international criminal courts, as can looting of cultural heritage to fund conflicts. The post war reconstruction of sites and museums will require a lot of international funding, as national government funding will most likely be focused repairing vital infrastructure, like roads and hospitals. Repatriation of stolen objects may also be a long term process, particularly if proof of looting is not readily available, for example artifacts from unexcavated sites.

CPP requires expertise from many different disciplines and involves cooperation among various governments, organizations, and individuals. Strategies should be implemented at several, as opposed to individual, stages of a conflict, which makes placing recommendations under distinct categories difficult. For clarity, I will layout recommendations under museums, international organizations (including the UN, UNESCO, and ICC), government/military, and international community (combination of international organizations, governments, and individuals), while keeping in mind that any successful solution will involve the contribution and cooperation of multiple groups. In addition to providing recommendations, I will explain why

each recommendation is important and should be implemented. While I do not think we can completely solve the problems associated with the fundamental assumptions of cultural heritage and international law, I will attempt to reconcile and accommodate different views in my recommendations.

### Museums and Other Repositories of Cultural Heritage

Preparation prior to conflict and in the early stages of a conflict are especially pertinent to museums. Museums in Syria were, for the most part, prepared and hid their collections in secure storage, which accounts for the fact that there have been relatively few instances of looting from museums. Museums should work towards cataloguing and digitizing records of their entire collections, form plans to protect collections in the event of armed conflict, and develop relations with international organizations and museums abroad.

#### *1. Catalogue Collections and Digitize Records*

One of the major problems with the Iraq Museum, and similarly with museums in Syria, is the lack of a complete catalog of collections with photographs of each object (Youkhanna and Gibson 28). In reality, no major museum is completely up to date with records of its entire collections, especially museums that also serve as repositories for artifacts from excavations (Gibson and Youkhanna 251). If the objects are moved or stolen, then museums risk losing track of and information regarding the objects, and law enforcement agencies can do little to recover the looted items without records of them (Gibson and Youkhanna 252). Therefore, museums should photograph and document its collections and digitize all records to prevent such losses,

particularly since it is unlikely that any museum is capable of moving its entire collections while maintaining the identities and integrity of the objects (Youkhanna and Gibson 28).

## *2. Develop Short-Term Plans to Protect Collections*

In addition to digitizing records, museums should also develop plans to protect collections threatened by impending conflict. In Iraq, a small group of people was responsible for dismantling and hiding portable museum collections in secret storage locations (Youkhanna and Gibson 30). Likewise, most museums in Syria put objects in safe storage. There are also strategies for protecting immovable objects that either deter or prevent looting. In Iraq, sandbags and foam were placed in front of large immovable objects, and doors and windows were welded shut or blocked with concrete blocks (Youkhanna and Gibson 30). In Syria, the Monuments Men protected mosaics with sandbags and glue. If museums do not have the training or capabilities to take such actions, programs like the ones hosted by PCHC and other organizations, which provided emergency preparedness training and supplies to museum officials, would be extremely useful.

## *3. Develop Long-Term Plans to Protect Collections*

While hiding objects in secure storage or leaving immovable objects in museums are good short term plans, they may not always be the best solutions in protracted conflicts like Syria. Abdulkarim stated in an interview that he was worried that if the Syrian regime loses control of its territory or if looters somehow reached the warehouses of museum collections, then combined with the destruction of cultural heritage sites and illicit trafficking of antiquities, “Syria would no longer exist” (Al-Khalidi 2015). That nightmare became somewhat of a reality



when in April 2015, Abdulkarim told Reuters that around 15,000 antiquities that are locked in safes in the Syrian city of Idlib, which the al Qaeda affiliated Nusra Front took from the Assad regime in early April, were at risk of being sold (Makieh 2015). Abdulkarim described it as “the worst catastrophe that has happened until now against the culture of Syria” (Makieh 2015). He said that armed groups made employees leave the museum in Idlib and the government also estimates that over 1,500 objects have been stolen from museums in Raqqa, which is now controlled by IS (Makieh 2015).

Museum collections still in government controlled secret locations are safe, but if the government also lost control of these areas to groups like IS or Al Nusra, then a majority of Syria’s museum collections could be destroyed or trafficked. Under these extreme circumstances, museums should have plans to move collections outside of the country for safe storage in other museums, which would be returned after the conflict (Gibson and Youkhanna 251). Peacetime cooperation between nations and with UNESCO might enable such arrangements (Gibson and Youkhanna 251). For example, in 1975, at the start of the civil war in Lebanon, authorities responsible for CPP “took many precautionary measures”, which included the transfer of museum objects to the French Institute of Archaeology in Damascus (van Woodenberg 4). Of course, such arrangements would most likely have to take place prior to conflict or at the beginning stages of a conflict. The possibility of entire museum collections being destroyed also supports the concept of shared cultural heritage and the universal museum, in which cultural heritage should be spread among all countries to not only increase access to knowledge, but also to prevent the cultural heritage of one civilization from all being destroyed at once.

*Recommendations:*

- (1) Photograph, document, and catalogue museum collections and digitize records.
- (2) Develop short-term plans to protect collections in the event of armed conflict by:
  - (a) Dismantling and moving objects to climate controlled secret storage locations;
  - (b) Protecting immovable objects left in museums by placing sandbags, foam, and other protective layers at vulnerable locations;
  - (c) Welding access points and entrances shut.
- (3) Develop long-term plans to protect collections by cooperating and developing relations with foreign museums, governments, and international organizations to move collections outside of the country for the duration of a conflict.

International Organizations

*1. Involve Local People in CPP*

Ineffective CPP strategies, like the focus on documenting damage, has meant that there has been little CPP progress in Syria. One of the most effective strategies, aside from the creation of an umbrella organizations and militarized task force, would be to involve local people in CPP. It is essential to understand how locals view their cultural heritage before implementing any CPP measures. The participation and support of local in CPP can be extremely beneficial and determine the success of campaigns. Fortunately Syrian nationals have been supportive of CPP efforts and actively engaged in protecting their cultural heritage.

CPP experts should “enlist the help of local groups of volunteer civilians” in protecting sites during conflicts (Al Quntar 351). The absence of guards leaves sites vulnerable to damage and looting. While guards cannot realistically be expected to remain at their sites in the event of

conflict, as their presence and uniforms make them targets of violence, having a network of trained locals to monitor sites that are far away from conflict zones is a viable option.

Archaeologists and other professionals working in conflict prone regions like the Middle East could train local volunteers and hired workers in site protection and safe transport of artifacts. In the event that the archaeologists working in the area have to leave, the local volunteers will have the knowledge and training to continue protecting the site. The volunteers could police sites and museums to discourage looting, as well as document any damage that occurs in their areas (Al Qunter 351).

However, the most effective remedies involving local people would consider both “the logistical and financial means that could be established to help” locals in situations of armed conflict (Ali 361). Even if the locals shared our official concept of cultural heritage and recognized its value, there are needs that could take precedence over CPP. Conflict in the region and economic sanctions could make looting an attractive source of income or make CPP activities less of a priority than earning an income. To target this problem, I recommend developing economic incentives for local participation in CPP. As mentioned previously, shepherds were allowed to graze their flocks on World Heritage Sites in exchange for keeping guard in Libya (Rothfield 2012). The solution in Libya allowed shepherds to do their normal jobs, probably in a more convenient location, while also protecting cultural heritage. Programs would have to be tailored for specific locations, but it might be possible to set up funds to pay locals who engage in CPP in an effort to deter looting, contribute to furthering CPP, and help rebuild the economy. One example would be continuing to pay locals who worked at archaeological excavations, even if the excavators left the site for safety reasons, for maintaining and preserving the site until the official excavation can resume.

## *2. Prosecute War Criminals and War Crimes*

In March 2015, the UN human rights office issued a report that concluded IS had “committed war crimes, crimes against humanity and possibly acts of genocide” (Bellinger 2015). The report advised the UN Security Council to “refer these acts to the International Criminal Court for investigation” (Bellinger 2015). There are not yet any defendants, but John Bellinger, former legal adviser to the National Security Council and the US State Department, believes it makes more sense to prosecute IS members in international courts than in national courts (Bellinger 2015). In order to prosecute people under the ICC, specific individuals have to be identified, and these could include IS leader Abu Bakr al-Baghdadi and other top IS officials. However, one problem with identifying individuals is that it would, in a sense, legitimize IS. A UN Security Council referral is necessary because Iraq and Syria are not State Parties to the Rome Statue, the statue that created the ICC, and are not “otherwise subject to the court’s jurisdiction” (Bellinger 2015). In the past, the US has referred human rights abuses by the President of Sudan Omar al-Bashir and Libyan dictator Muammar el-Qaddafi to the ICC, despite Sudan and Libya not being State Parties to the Rome Statue (Bellinger 2015).

In May 2014, the US supported a UN Security Council resolution that would have referred human rights abuses by the Assad regime to the ICC, but the resolution was vetoed by China and Russia (Bellinger 2015). This use of veto power by China and Russia emphasizes the difficulty in securing universal consent for any resolution. China and Russia have also vetoed UN Security Council Resolutions calling for Assad to step down and for placing sanctions on Syria, among others. Their vetoes, particularly on the 2014 resolution on human rights abuses, clearly demonstrates their self-interest behind the decisions. This situation also calls into

question the legitimacy and effectiveness of the UN as an institution, if countries with power can manipulate decisions to suit their interests. It might be worth exploring the possibility of allowing intervention or other action if the majority vote for it, instead of a unanimous decision. I believe that if militarized intervention was approved for Syria, it would have to be under these circumstances, as it is unlikely China or Russia would agree.

Regardless of the difficulties in doing so, it is possible to prosecute the intentional destruction of cultural heritage in the event of armed conflict, within the framework of the ICTY. The ICTY is an ad hoc court established in 1993 to prosecute serious war crimes committed during the Yugoslav Wars from 1991 to 1995. The Balkan Wars, which took place in Former Yugoslavia, were characterized by all natures of crimes against humanity, including systematic rape, mass killings, and executions (Lenzerini 43). Intentional destruction of cultural heritage as a means of intimidating the opposition and ethnic cleansing occurred in the Croatian War of Independence, in which the ancient city of Dubrovnik was heavily shelled (Lenzerini 44). In the Bosnian Wars, research showed that out of 277 mosques located in the area of the conflict, 92 percent of them were destroyed or heavily damaged by Serbian forces (Lenzerini 44).

These cases of intentional destruction of cultural heritage qualified as both crimes against humanity and crimes of genocide (Lenzerini 57). The ICTY was a forerunner of other international and mixed criminal courts that had the ability to judge crimes against cultural heritage (Lenzerini 58). Given the nature of the crimes committed by IS, including intentional destruction of cultural heritage and the targeting of various ethnic and religious groups, it is very likely that an ad hoc international criminal court could be formed to prosecute the group. IS' destruction of Nimrud has already been described as a war crime by Bokova. Of course, prosecuting war crimes is still taking action after the fact, and the priority should be to prevent

such losses of cultural heritage in the first place. However, prosecuting the intentional destruction of cultural heritage emphasizes the importance of cultural heritage and holds individuals and groups accountable.

### *3. Set Up Funds to Facilitate Post-war Reconstruction*

UNESCO has set up several operational and ad hoc responses to emergency situations for cultural heritage, including the International Safeguarding Campaign of the Monuments of Nubia and Save Angkor in Cambodia (Bouchenaki 210). UNESCO's fund raising campaign for Angkor Wat raised \$40 million in 12 years, the second largest amount ever raised for an international campaign aimed at protecting cultural heritage (Bouchenaki 211). The funding went towards rehabilitating temples and cultural sites, training Cambodians at the University of Phnom Pehn to catalogue objects, and training police in site protection (Bouchenaki 211). A similar program was implemented in Iraq in 2003, but was discontinued because of the security situation (Bouchenaki 211). While operating in Iraq, UNESCO contribution amounted to over \$5 million between 2004 and 2005 to rehabilitate the Iraq Museum, purchase equipment, and train Iraqi personnel (Bouchenaki 215). After the destruction of the Bamiyan Buddhas in Afghanistan, UNESCO created a \$6 million fund based on member state contributions and the UN Development Group to train guards against looting (Bouchenaki 212). Funding was also used to rehabilitate the museum in Kabul and train Afghanis to restore objects damaged by the Taliban (Bouchenaki 212).

UNESCO or an umbrella organization could set up a similar fund to restore damaged sites after the end of the conflict in Syria. Assessment missions need to be carried out immediately after conflict ends (Bouchenaki 216). By preparing a plan of action with a list of

prioritized sites and cost estimates based on damage reports and research conducted during the conflict, governments and organizations can more efficiently begin repairing sites (Bouchenaki 217). Training museum and security personnel would also be beneficial in preventing looting and providing better protection for sites.

### *Recommendations*

- (4) Actively involve local people in CPP through methods including, but not limited to:
  - (a) Educating locals on the importance and value of cultural heritage;
  - (b) Training locals to monitor and preserve sites;
  - (c) Training locals in the safe transport of artifacts;
  - (d) Setting up funds, possibility under an umbrella organization, to provide economic incentives for participation in CPP.
- (5) Prosecute war criminals and war crimes by:
  - (a) Referring war criminals to the International Criminal Court
  - (b) Set up ad hoc courts to prosecute war crimes in a specific conflict
- (6) Set up funds to facilitate post-war reconstruction and rehabilitation of sites

### Governments and Militaries

#### *1. Apply and Modify International Laws Regarding CPP*

Despite the limitations of the 1954 Hague Convention and its Protocols, all countries should move towards signing and ratifying the laws, which are “useful tools within countries to improve... legislation” (Bouchenaki 217). The act of signing and ratifying the 1954 Hague Convention is a symbolic gesture that a country recognizes the importance of preserving and

protecting cultural heritage, even if the statues of the Convention will not be realistically called upon in the near future. Signing and ratifying the 1954 Hague Convention will provide a foundation from which international laws governing CPP can be improved and modified.

I have discussed many problems with the 1954 Hague Conventions and related laws, so the next obvious step is to rectify those problems. The 1954 Hague Conventions needs to be modified with an additional protocol that takes into account modern asymmetrical conflicts and apply to non-State actors. It is estimated that the Assad regime controls only a third of Syria; the rest is controlled by the opposition and IS (Eakin 2015). Protecting only a third of the cultural heritage in Syria is clearly not acceptable. UN doctrine should be modified so that international organizations like UNESCO can work with the opposition and not only the formally recognized government. Because the Assad regime is not able to protect cultural heritage outside of its area of control, the UN “responsibility to protect” doctrine, which allows for international intervention to stop crimes of war or genocide, should be extended to include CPP as well (Eakin 2015). The international community should stand behind its rhetoric of cultural heritage belonging to all of humanity and make foreign governments responsible for CPP in the event that the national government is unable to fulfill its responsibility.

Legitimizing foreign intervention for CPP would bring up the issue of national sovereignty and whether intervention is justified. In the case of Iraq, the answer is easy because international intervention and aid has been explicitly called for by the Iraqi government. On the other hand, only the opposition has specifically called for international intervention in Syria. The Assad regime has not, but is receiving international aid from various governments. Each context of possible intervention needs to be seriously considered and discussed. The Assad regime has lost control of over half the country, the civil war has dragged on for over four years, and the



possible continued use of chemical weapons are just some of the many reasons that intervention is necessary. The most important reason, however, is humanitarian.

Hillary Clinton told reporters that "the United States believes in the sovereignty and territorial integrity of all member states, but we do not believe that sovereignty offers a grant of immunity when governments massacre their own people" (Clinton 2012). The Assad regime has been accused of multiple human rights violations, including the use of chemical weapons on its own people. Intentional destruction in Syria is being perpetrated by IS, and because cultural heritage is tied with identity, intentional destruction of cultural heritage and genocide or targeting of specific ethnic, religious, or political groups are mutually exclusive. This is true in all recent cases of intentional destruction, including Yugoslavia, Afghanistan, Mali, and most recently, IS, which is enslaving and murdering any people who are not Sunni Muslims and will not convert. I agree that any group or government that targets people in such a manner forfeits the right to national sovereignty, and that the international community has not only a right, but also the duty, to intervene, if not explicitly for CPP, then for humanitarian purposes. Aside from international foreign intervention, another enforcement mechanism in the form of an international militarized CPP task force, should be implemented.

## *2. Improve Cultural Heritage Awareness and Cooperation in the Military*

Relationships between cultural heritage experts and the military need to be established and developed during peacetime. The Civil Affairs branch of various governments is one department that could facilitate these relations. Peter Stone, Head of Newcastle University and former archaeological advisor to the UK Ministry of Defence prior to the 2003 invasion of Iraq, pointed out reasons why cultural heritage advising failed in 2003 (Stone 168). Stone notes that

advice from experts was requested only a few weeks before the invasion when most troops were either already deployed in or in the process of being deployed (Stone 168). The troops did not receive any cultural heritage awareness training, nor did they have direct orders to protect cultural heritage. Additionally, advisors did not have access to “levels of seniority sufficient” to have any influence on CPP by the military during the invasion (Stone 169). To have any influence on military practice regarding CPP, cultural heritage experts need to be either be in the military or be “fully accepted” by senior military officials (Stone 169). This is why contacts need to be established well in advance of involvement in conflicts, so that cultural heritage experts are “accepted” and familiar with how the military operates.

Cultural heritage experts and organizations should host military training sessions to educate the military on the importance of cultural heritage and to educate cultural heritage personnel on how the military operates. In 2004, Dr. C. Brian Rose of the University of Pennsylvania conducted cultural awareness training in six locations throughout the US for military personnel scheduled to deploy in Iraq or Afghanistan (Bogdanos 2 160). Similar programs on cultural heritage awareness can eventually be incorporated into the foundation of military training (Stone 170). Prior to involvement in a conflict, Stone suggests pre-deployment training, which would be specific to the region where the military troops are being deployed (Stone 173). Cultural heritage experts should prepare lists of important cultural heritage sites for the military, as they did prior to the 2003 invasion of Iraq. However, placing sites on the no strike list is not enough, and plans should be made to include securing sites and the deployment of security forces if looting occurs (Bogdanos 2 160).

### 3. *Define Rules for Militarized Intervention in CPP*

There has been a huge contradiction between the rhetoric of the international community and the actions actually taken in Syria and Iraq. Secretary of State John Kerry described the situation in Iraq as “one of the most outrageous assaults on our shared heritage that perhaps any of us have seen in a lifetime” and Bokova stated that “this is not just a cultural tragedy. It’s also a security issue, with terrorists using the destruction of heritage as a weapon of war” (Eakin 2015). Despite these statements, Iraq has criticized the international community for failing to help protect their cultural heritage from IS (Eakin 2015). By making statements and not taking any action, Amr Al-Azm said that IS is “striking at things the international community holds dear, but is impotent to do anything about”, thus striking a blow to the authority of the UN and other institutions (Eakin 2015).

Not only does the lack of action give IS more power by emphasizing that they can do whatever they want and no one will stop them, but it also renders pointless all the international laws governing CPP and existence of CPP organizations if no one will do anything once individuals or groups like IS decide to intentionally destroy cultural heritage. This is why I advocate modifying international law to allow for justified intervention in situations like in Syria and Iraq, and the creation of an international militarized CPP task force, to be discussed in detail later. While IS is involved in large scale looting in Syria, they have not committed the same level of intentional destruction in Syria as it has in Iraq. If the international community becomes involved soon, perhaps they can prevent what has, and is, happening in Iraq from occurring in Syria too.

Participation and involvement of governments is crucial to securing funding. Lawrence Rothfield, the faculty director of University of Chicago’s Cultural Policy Center, suggests that

people should call on every government that is supporting one side in a conflict to use its leverage in CPP (Rothfield 2012). If one side of a conflict makes the first move in damaging protected sites, countries should reduce their aid. If the sites are well protected, than “good behavior will be rewarded” (Rothfield 2012). While this would be very effective if implemented, from a realistic perspective, it is highly unlikely that any country supporting one side of a conflict would put CPP ahead of its own interests in the region.

In the event that a foreign government does become actively involved in a conflict, deployment of military units specialized in CPP to ongoing conflicts and immediate post war situations is necessary (Rothfield 151). Once deployed to conflict zones, militaries should prioritize securing cultural heritage sites with strategic importance, such as “ancient fortifications on elevated terrain” in the form of citadels, towers, and castles (Kila 328). As seen in Syria, strategic sites like Krak des Chaveliers and mosque minarets were among the first structures to be damaged because of occupation and were thus targeted by assaults and bombardments. It should go without saying, but intervening military troops should not occupy these strategic cultural heritage sites themselves. If militaries respect cultural heritage, as opposed to using structures for military purposes, they can increase the goodwill of the local people, which will make post war reconstruction run more smoothly (Stone 170 2013).

The military should also take care to secure museums and other repositories of artifacts, such as excavation warehouses, immediately to prevent looting. The surge in looting in Iraq during the 1990s and 2003 was evidence of what happens when central authorities are absent and also demonstrated the importance of peacekeeping forces (Rothfield 6). If the invading army does not take responsibility for protecting cultural sites and institutions, looters will take advantage of the vacuum of authority (Youkhanna and Gibson 27). Countries argue that conflict

situations are unsafe for their forces, but the “circular nature of this rationalization” is undermined by the fact that in many conflicts, including Syria, failure to protect sites from looting at least partially funds armed participants in the continuation of the conflict (Bogdanos 2 156). Additionally, international humanitarian law dictates that occupying forces should not withdraw until there are “competent and effective authorities” to take over (Stone 166). Changes in NATO military doctrine since 2003 stress the responsibility to not only win conflicts, but also to “deliver a stable country capable of functioning independently” after the conflict (Stone 170). Therefore involved countries should provide units to protect the cultural heritage sites until professional national security forces can be equipped and trained (Bogdanos 2 155).

However, foreign governments should not become involved in CPP only to further their own interests. The current concept of cultural heritage and the rhetoric of UN and US officials indicates that regardless of where cultural heritage is located, damage to it affects everyone. Although I believe that ownership will always be associated with cultural heritage to some extent, the international community should move towards fully embracing ‘cultural heritage’ over ‘cultural property’. Accepting cultural heritage as belonging to all of humanity will better facilitate CPP and international cooperation for a number of reasons. Governments would have more incentive to become involved in CPP in foreign countries instead of focusing on what can be gained for them. The universal museum will become a more accepted notion and cultural heritage could be shared around museums worldwide. If people grow up exposed to various forms of cultural heritage from different countries and associate all of it as theirs, the idea of ownership might eventually be phased out, while also encouraging acceptance of diversity. Of course, it is idealistic to believe that the current concept of cultural heritage will ever be fully

accepted, but working towards ‘cultural heritage’ is better for CPP than holding on to ‘cultural property’.

I previously brought up the idea that the official concept of cultural heritage may mean that no one has to take full responsibility for CPP if it belongs to everyone. To address this problem, I propose that the government in control of the territory in which the cultural heritage site or object is located should maintain primary responsibility for protecting and preserving it. In the event that the government is unable to do so because of lack of expertise or funding, foreign governments and organizations should be able to offer training or funding. If the national government is unable to protect cultural heritage because of conflict, then an international militarized CPP force could be deployed.

### *Recommendations*

(7) Apply and modify international laws regarding CPP by:

- (a) Having governments sign and ratify the 1954 Hague Convention and its 1999 Second Protocol;
- (b) Improving the 1954 Hague Convention with an Additional Protocol that addresses the limitations of the 1954 Hague Convention;
- (c) Extending the United Nations ‘responsibility to protect’ doctrine to include cultural heritage.
- (d) Defining when legitimate foreign intervention for CPP is justified.

(8) Improve cultural heritage awareness and cooperation in the military by:

- (a) Establishing military and cultural heritage organization/expert relations during peacetime;

- (b) Incorporating cultural heritage awareness training into foundational military training.
- (9) Define rules for militarized intervention in CPP, including, but not limited to:
- (a) Creating no-strike lists of sites and buildings;
  - (b) Securing museums and cultural heritage sites;
  - (c) Not using sites for military purposes;
  - (d) Training national security forces to take over protection of sites once foreign troops leave.

### International Community

While documenting damage and creating up-to-date reports on the situation in Syria are somewhat useful projects, I think the international community would be able to make more of a difference by focusing on other CPP goals, namely combatting looting and illicit trafficking, creating an international militarized CPP task force, and forming an umbrella CPP organization.

#### *1. Combat Looting and Illicit Trafficking of Antiquities*

Looting and illicit trafficking of antiquities are problems that persist during peacetime, but are exacerbated during conflicts and immediately after conflicts in the absence of governing authorities. Measures to combat looting and the illicit trafficking of antiquities should therefore be in place at all times. Illegal actions involving cultural heritage includes stealing objects from public and private collections, looting from sites, and smuggling across borders (Gerstenblith 150). It is extremely important to deter looting, because looted antiquities are decontextualized and what we can learn from recovered items is limited to the “information intrinsic within the

object itself, rather than what might have been learned from the object's full associated context" (Gerstenblith 152). In addition to losing information, looting damages the objects' "physical integrity" and looters often intentionally damage and destroy objects that would not sell on the market (Gerstenblith 152). Targeting looting and trafficking is difficult because it involves addressing both supply and demand.

Currently, satellite based monitoring has been quite effective in confirming looting at various cultural heritage sites in Syria. There is general consensus among those involved in security and trafficking that most of the looting is perpetrated by IS, who is actively involved in monitoring the trade of antiquities (Cox 2015). A trafficking middleman in Syria said that most antiquities come from Raqqa, the area controlled by IS (Cox 2015). Outside of Syria, IS controls nearly 1800 of 12000 total registered archaeological sites in Iraq ("Islamic State..." 2015). Harun Unvar, who owns an antique store in Turkey, says that while refugees sometimes try to sell small items, IS is the main source of illicit antiquities (Parkinson 2015). Lt. Colonel Nicholas Saad, head of the Lebanon's Bureau of International Theft, noted that there has been a significant increase in the trafficking of looted antiquities since the conflict began (Cox 2015). Assad Seif, head of excavations of DGAM in Lebanon, said that looters often target warehouses at cultural heritage sites like Palmyra, because excavation warehouses have objects that have not been recorded or catalogued yet, and are therefore easier to sell (Cox 2015). As mentioned before, Roman objects could come from anywhere, which makes identification of stolen items even more difficult to prove.

Generally, laws against looting are inadequate and protect the buyer. The burden is usually on the country that was stolen from to prove what was taken illegally, but in cases where the sites have not yet been discovered or excavated, "all authorities are left with is a hole and no



idea of what had been removed” (Cunliffe 2 10). The US has long been a major destination country of antiquities, but has only implemented two sections of the 1970 UNESCO Convention. One section prohibits import into the US of any cultural object that was inventoried in a public religious or secular institute collection and that was stolen after either the date the country of origin or the US ratified the Convention, whichever date was later (Gerstenblith 158). The second section allows the president of the US to impose import restrictions, based on requests from another state party (Gerstenblith 158). For a long time since the start of the conflict, there was no such agreement with Syria, whereas the EU had prohibited import of Syrian antiquities since 2011 (Thompson 2 2015). However, in February 2015 the UN Security Council unanimously banned all trade in Syrian antiquities, which was an important step by member nations to combat trafficking (Cox 2015).

Some experts think that too much attention is given to demand countries, which “are not the root of the problem”, but that perspective is oversimplifying the matter (McAndrew 2014<sup>6</sup>). Any effective anti-looting and trafficking strategy must also address demand (Rothfield 2012). If demand decreases, then incentive to supply the market will also decrease, and thus reduces motivation for looting (Gerstenblith 151). According to US officials and experts, buyers of Syrian antiquities range from people in neighboring Turkey and Lebanon, to collectors in China, the Persian Gulf, and Western countries (Parkinson 2015). Many people criticize the US for being one of the main destination countries, but Lebanese police, DGAM officials, and Syrian smugglers all point to Europe as being the main market, at least for looted Syrian antiquities.

In addressing demand, increasing public awareness, not just among scholars and academics, will “create a climate of universal condemnation” (Bogdanos 2 157). It is possible

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<sup>6</sup> I disagree with McAndrew and think that to effectively combat looting/trafficking, we need to address both the demand and supply sides

that many of the buyers are well-intentioned and think that buying the antiquities will save them from being destroyed or lost. However, buying antiquities only creates the illusion of demand, regardless of the intentions behind buying, and only acts to fuel looting and supply. Educating the public can at least prevent well intentioned buyers or people who do not understand the context of looted antiquities from unknowingly participating in the market. For example, there was a major decrease in elephant poaching after Americans decided “the beauty of ivory was no excuse for the destruction” it caused (Thompson 2013). If there was consensus among the general public that buying antiquities takes away from the cultural heritage of everyone, there may be a similar decrease in the demand for antiquities.

Unfortunately, it is extremely difficult to address the supply side of the problem in Syria right now. Since most of the looting is taking place in IS controlled territory, the only solution would be militarized intervention to drive IS out. To decrease looting by the Syrian army and opposition, increased international funding and aid would help, but that is not likely that foreign governments would increase funding just to prevent looting. As for the few refugees or locals that are looting, dealing with the economic situation is crucial, perhaps through the recommendations made earlier about creating economic incentives to involve locals in CPP.

Illicit trafficking must be combated through international cooperation and “real time dissemination of information” (Bogdanos 2 159). Governments of destination countries should cooperate with the Syrian government in preventing the import and export of looted antiquities, particularly neighboring countries like Lebanon, Turkey and Jordan. All countries should ratify the 1970 UNESCO Convention and border guards of neighboring countries should be required to attend workshops held by various organizations that teach techniques in recognizing and safely seizing suspected antiquities. The compilation of lists, like the Emergency Red List by the US

Department of State, should be used to help customs officials recognize and identify trafficked objects. However, the burden does not fall only on government officials, but also on museums and people participating in excavations to digitize their collections. Without records of museum or excavation collections, it would be nearly impossible to track down what has been stolen, or to even confirm that an object has been stolen.

## *2. Create an International Militarized Task Force*

While I recommended foreign intervention, the creation of an international militarized task force would disassociate any country from having to be directly involved in a conflict. Instead, a country could become involved under the banner of the UN or umbrella CPP organization, which would circumvent some political concerns countries might have about becoming officially involved in a conflict. One of the main problems with the 1954 Hague Convention, as discussed previously, is its lack of an enforcement mechanism. The 1954 Hague Convention relies on State Parties to enforce the law themselves and can do nothing to prevent governments from destroying their own cultural heritage. Even if the Syrian government wanted to implement the statues of the 1954 Hague Convention, it is currently incapable of doing so. DGAM representatives risk putting their lives in danger, and some have even lost their lives, trying to inspect sites. Creating or utilizing an existing international CPP force “capable of joining in peacekeeping operations” would be an obvious step (Rothfield 2012). Currently, cultural heritage organizations that focus on CPP in the event of armed conflict have no resources or funding to send units into conflict zones, like the Blue Shield. That is also one of the reasons documenting damage and creating accurate reports has been so difficult in a conflict like Syria.

Countries with rich archaeological histories, like Italy and Spain, have developed specialized art crime units within their national police forces (Carabinieri 135). The Carabinieri and Guardia Civil, in Italy and Spain respectively, work to combat illicit trafficking of cultural heritage. The Carabinieri Command for the Protection of Cultural Property (Carabinieri Tutela Patrimonio Culturale) was founded in 1969 and has emerged as the world's leading military organization for CPP (Rush 74). It has over 200 officers in a series of headquarters and regional offices who have specialized training in various kinds of art crime and deployment capabilities (Rush 74). The Carabinieri's primary duties include preventing crimes against cultural heritage, prosecuting in cooperation with Italy's criminal investigation department, recovering looted objects, and managing a database of stolen objects (Carabinieri 136). Countries in the Middle East with similarly rich archaeological heritages, such as Syria and Iraq, would benefit greatly from creating similar national forces to combat looting when their governments have stabilized.

The Carabinieri functions not only in Italy and for the Italian government, but they are also the only military force in the world that can “mobilize and deploy trained forces for the purposes of CPP during full spectrum military missions” (Rush 75). The organization frequently participates in projects promoted by UNESCO. For example, in 2003, a team of Carabinieri officers were sent to Iraq as part of a UNESCO peace keeping mission to contribute their “decades of experience and expertise” to combat looting (Carabinieri 135). The Carabinieri officers provided equipment to Iraqis responsible for supervising sites and trained them in using surveillance systems, preventing looting, and cataloguing seized objects (Carabinieri 139). They also taught Iraqi officials techniques for intervening to protect sites, methods of transporting confiscated objects, and educated them on Iraq's cultural heritage (Carabinieri 139).

In 2004, a joint Italian-UNESCO rapid intervention group called the Emergency Action Group was formed (Carabinieri 140). The group consisted of experts in architecture, engineering, archaeology, and art history from Italy's Ministry of Arts and Culture, Italy's Ministry of Foreign Affairs, and other organizations, which would intervene in countries in states of crisis or emergency (Carabinieri 140). However, apart from press releases announcing the creation of the group in 2004, there is no further information available, which implies that the group is no longer active. One can only guess as to why the group seems to have ceased to exist, but including a group of government ministries and experts from a range of fields is a good idea for any militarized intervention. If foreign peacekeeping missions are ever sent into Syria, the Carabinieri could be included to provide their expertise and experience.

I recommend using the Carabinieri as a model for developing a similar group or unit that can be deployed in future conflict situations. I would not advocate simply using the Carabinieri, because it is important that a CPP task force is not associated with a particular country, which could have unwanted consequences for both the effectiveness of CPP solutions and for the government of that country. A task force should be an international effort that includes any governments or individuals willing to contribute to CPP worldwide. It might be possible to develop the Blue Shield into such an organization given adequate funding.

### *3. Create an Umbrella CPP Organization*

An umbrella organization that could coordinate all CPP activities in the event of armed conflicts should be created. Such an organization would make the most efficient and effective use of resources, instead of having multiple groups involved in practically the same activities, for example documenting damage or releasing statements regarding the situation in Syria. Because

funding is a big issue in CPP, channeling most or all funding through one organization would put it to the best use. While acknowledging the difficulties in founding such an organization, given the political constraints, international and national organizations dedicated to CPP should make efforts to create an umbrella organization, or at least coordinate more fully among themselves. The umbrella organization could also set standards for CPP organizations and be endorsed by governments around the world. Member states and private donors could contribute to a fund managed by the umbrella organization that can be distributed among the other groups. If the organizations do not meet the standards, they will be unable to get funding from the umbrella organization.

#### *4. Find Additional Ways to Help*

Although creating a militarized intervention group and an umbrella organization are the best ways I think the international community can contribute to CPP currently, there are other ways in which the international community can help. International organizations can prepare for post-war reconstruction by recording exact site locations, documenting damage, creating a database of information on looted objects, and raising global awareness of the conflict in Syria. While most cultural heritage experts are prevented from working in Syria, international scholars can still help their Syrian colleagues from abroad. Foreign experts can use geographic information systems (GIS) to pinpoint the exact locations of the thousands of archaeological sites in Syria, which will help experts better monitor looting and assess damage (Gibson and Youkhanna 253). This strategy is also applicable to any other areas of conflict in which cultural heritage is being damaged. Documenting damage would consist of collecting reports from news and social media sources, communicating with local network of volunteers and Syrian heritage

experts, and analyzing satellite imagery to document and verify damage (ASOR). Combining all the information from these methods would allow cultural heritage experts to monitor the “evolving cultural heritage situation” and compile a “comprehensive inventory of heritage sites” (“ASOR Syrian...” 2015). Even if no action can be taken in Syria during the conflict for safety reasons, the compilation of damage and destruction would allow for more efficient CPP measures to be put in place once the conflict ends.

International organizations and experts can prepare lists and photographs of stolen objects to aid customs officials in recognizing trafficked antiquities (Gibson and Youkhanna 254). The Emergency Red List compiled by the US Department of State in cooperation with other organizations can work as an example of this. Scholars and academics abroad can also continue to raise global awareness of the cultural heritage situation in Syria. Raising awareness can garner international support for CPP work, increase condemnation against perpetrators, and put pressure on those involved to take more action. Producing weekly reports on the status of cultural heritage sites in Syria targeted towards a wider audience than just cultural heritage scholars, sharing reports at international conferences, and releasing information to English and Arabic language social media and news sources are some of the ways that experts can educate the general public (“ASOR Syrian...” 2015).

Foreign scholars have adapted to the unique situation in Syria by finding other ways to help too. In the recent video released by IS showing the destruction of objects in a museum in Mosul, some of the statues smashed appeared to be originals, while others seemed to be plaster copies based on how easily they broke, as opposed to the originals made from stone (Williams 2015). Experts outside Iraq are now engaged in remote triage by watching the footage frame by frame to create a list of the real artifacts that were destroyed (Williams 2015). As the situation

develops, international scholars can find additional ways to contribute to CPP in Syria than just those mentioned above.

### *Recommendations*

- (10) Combat looting and illicit trafficking of antiquities by:
  - (a) Addressing supply through;
    - (i) Strengthening and training border control and customs officials;
    - (ii) Increasing security at sites and museums when possible;
    - (iii) Creating a list of looted antiquities to alert officials;
    - (iv) Pass a UN Resolution banning all trade in antiquities from the affected country;
  - (b) Addressing demand through;
    - (i) Increasing public awareness of the situation to create an atmosphere of universal condemnation;
    - (ii) Educating the public on not buying looted antiquities.
- (11) Create an international militarized task force made up of militaries and international organizations to enforce compliance with international laws. Additionally, countries with rich archaeological histories should develop specialized national art crime units.
- (12) Create an umbrella CPP organization that would:
  - (a) Coordinate all CPP activities in order to increase efficiency and effectiveness;
  - (b) Set standards for that all internationally recognized CPP organizations would have to follow;



- (c) Manage funds for CPP contributed by governments and private donors.
- (13) Adapt to different situation by finding additional ways to help, including, but not limited to:
  - (a) Documenting damage through analyzing satellite imagery and gathering social media/news reports;
  - (b) Increasing public awareness of the cultural heritage situation.

## **Conclusion**

After compiling an overview of the damage to cultural heritage in Syria over the course of the conflict, analysis of international laws and current national and international CPP responses revealed that international law and responses were lacking in many aspects or faced external obstacles to effective implementation. The 1954 Hague Convention, the foundation of CPP law, is outdated for recent conflicts, has no enforcement mechanism to ensure compliance with the law, and cannot do anything to prevent intentional destruction. There is not enough cooperation among involved groups, including the military, different CPP organizations, and governments. This lack of communication allows for damage that could have been prevented and inefficient use of resources. Verifying reports in Syria has been difficult because preparation strategies were not developed prior to the conflict, but too much focus has been placed on documenting damage rather working on solutions that are more difficult to put into action, such as creating economic incentives for locals to participate in CPP or creating an umbrella CPP organizations, but would be many times more effective. Funding is an external issue, but one that greatly limits what international organizations can accomplish. Finding a solution to the intentional destruction of cultural heritage should be a priority, because without one, all CPP

laws and efforts are rendered basically pointless if groups or individuals can destroy cultural heritage with no fear of being stopped or retribution.

Although my recommendations are by no means applicable to every conflict that will ever occur, they are a step in the right direction based on problems with CPP that have arisen from recent past conflicts and the current conflict in Syria. Through my recommendations, I have tried to address the internal and external obstacles to CPP that I have found through my research.

The following is a summary of my recommendations:

#### Recommendations for Museums and Other Repositories of Cultural Heritage

1. Photograph, document, and catalogue museum collections and digitize records.
2. Develop short-term plans to protect collections in the event of armed conflict by:
  - a. Dismantling and moving objects to climate controlled secret storage locations;
  - b. Protecting immovable objects left in museums by placing sandbags, foam, and other protective layers at vulnerable locations;
  - c. Welding access points and entrances shut.
3. Develop long-term plans to protect collections by cooperating and developing relations with foreign museums, governments, and international organizations to move collections outside of the country for the duration of a conflict.

#### Recommendations for International Organizations Involved in CPP

4. Actively involve local people in CPP through methods including, but not limited to:
  - a. Educating locals on the importance and value of cultural heritage;
  - b. Training locals to monitor and preserve sites;
  - c. Training locals in the safe transport of artifacts;
  - d. Setting up funds, possibility under an umbrella organization, to provide economic incentives for participation in CPP.
5. Prosecute war criminals and war crimes by:
  - a. Referring war criminals to the International Criminal Court;
  - b. Setting up ad hoc courts to prosecute war crimes in a specific conflict.
6. Set up funds to facilitate post-war reconstruction and rehabilitation of sites.

#### Recommendations for Governments and Militaries

7. Apply and modify international laws regarding CPP by:
  - a. Having governments sign and ratify the 1954 Hague Convention and its 1999 Second Protocol;
  - b. Improving the 1954 Hague Convention with an Additional Protocol that addresses the limitations of the 1954 Hague Convention;
  - c. Extending the United Nations 'responsibility to protect' doctrine to include cultural heritage.
  - d. Defining when legitimate foreign intervention for CPP is justified.

8. Improve cultural heritage awareness and cooperation in the military by:
  - a. Establishing military and cultural heritage organization/expert relations during peacetime;
  - b. Incorporating cultural heritage awareness training into foundational military training.
9. Define rules for militarized intervention in CPP, including, but not limited to:
  - a. Creating no-strike lists of sites and buildings;
  - b. Securing museums and cultural heritage sites;
  - c. Not using sites for military purposes;
  - d. Training national security forces to take over protection of sites once foreign troops leave.

#### Recommendations for the International Community

10. Combat looting and illicit trafficking of antiquities by:
  - a. Addressing supply through;
  - b. Strengthening and training border control and customs officials;
  - c. Increasing security at sites and museums when possible;
  - d. Creating a list of looted antiquities to alert officials;
  - e. Pass a UN Resolution banning all trade in antiquities from the affected country;
  - f. Addressing demand through;
  - g. Increasing public awareness of the situation to create an atmosphere of universal condemnation;
  - h. Educating the public on not buying looted antiquities.
11. Create an international militarized task force made up of militaries and international organizations to enforce compliance with international laws. Additionally, countries with rich archaeological histories should develop specialized national art crime units.
12. Create an umbrella CPP organization that would:
  - a. Coordinate all CPP activities in order to increase efficiency and effectiveness;
  - b. Set standards for that all internationally recognized CPP organizations would have to follow;
  - c. Manage funds for CPP contributed by governments and private donors.
13. Adapt to different situation by finding additional ways to help, including, but not limited to:
  - a. Documenting damage through analyzing satellite imagery and gathering social media/news reports;
  - b. Increasing public awareness of the cultural heritage situation.

The greatest obstacle to CPP that I did not explicitly mention is not intentional destruction or IS, but making the international community recognize the importance of cultural heritage. Koichiro Matsuura, former director general of UNESCO, said in 2002 that “the biggest challenge facing UNESCO is [making] the public authorities, the private sector and civil society

as a whole realize that the cultural heritage is not only an instrument for peace and reconciliation, but also a factor of development” (Bouchenaki 207). Unfortunately, as the current conflict in Syria and recent past conflicts have proved to us, it seems that the international community needs material incentive to make any substantial changes to international law governing CPP and in developing better CPP solutions. Despite the rhetoric of cultural heritage belonging to all of humanity, it appears that the intrinsic value of cultural heritage is not enough to motivate foreign governments to contribute to militarized intervention for CPP.

In an ideal world, the value of cultural heritage would be enough to cause the international community to take action and everyone would be in agreement on the definition of cultural heritage and the legitimacy of institutions codifying international law. Unfortunately, that is not the scenario. While there are many dedicated individuals and groups actively involved in CPP, with some even risking their lives, the majority of people have watched from the sidelines as the cultural heritage of Syria and Iraq are destroyed. Many may disagree, but embracing the concept of cultural heritage as belonging to everyone will give the international community more of a stake in CPP. The UN and government officials appear hypocritical in their talk about cultural heritage belonging to humanity while not actually taking steps to actively protect cultural heritage in Syria and Iraq.

I have tried to show through my research that apart from the intrinsic value of cultural heritage and the humanitarian situation, there are many reasons for the international community to contribute to CPP. Looting and illicit trafficking of antiquities is prolonging the conflict by funding the Assad regime, opposition, and IS in particular. Preventing further damage to cultural heritage would help Syria rebuild its economy, which relied heavily on tourism prior to the conflict. A strong Syrian economy would only benefit the international community post-conflict.

For any country fighting terrorism and extremism, contributing to CPP is essential. IS is using the intentional destruction of cultural heritage to send a political message. Although IS proclaims its actions to be purely ideological, their actions do not match that rhetoric. If IS was destroying cultural heritage for ideological reasons, it would do so quietly and without much publicity. Instead, IS is trafficking any movable antiquities, regardless of whether they are considered ‘idolatrous’, and destroying only the immovable objects and structures. IS is clearly using the destruction of cultural heritage foremost for political purposes- to show the world that it can do whatever it wants and that no one will stop them. Indeed the more the international community makes statements condemning IS’ actions without actually doing anything about it, the more IS is winning. By not doing anything, the legitimacy and authority of international law and the UN are being damaged in the same way as that of the League of Nations.

In December 2013, the UN launched “its largest ever appeal for a single crisis”, seeking 6.5 billion USD to provide medical care, health services, shelter, food, and water for refugees and displaced people (“Syria...” 2015). According to the Syrian Observatory for Human Rights, over 10 million people have been displaced by the conflict, there are 3.2 million refugees in neighboring countries, and more than 50 percent of the population is living in extreme poverty (“Syria...” 2015). There are shortages of food, water, fuel, electricity, and medical supplies, the reemergence of polio and other diseases, and lack of infrastructure, including water treatment plants, hospitals, and transportation facilities (Moaz 2014). Over 220,000 people have been killed over the course of the conflict, which began over four years ago with no foreseeable end in sight.

Apart from the devastating humanitarian toll, the Syrian conflict has also caused massive damage and destruction to the cultural heritage of Syria. All of Syria’s World Heritage Sites and

other forms of cultural heritage have been damaged in some way, and some sites may be completely destroyed by the end of the war. Looting has affected almost all sites in Syria, and the loss of information from both excavated and unexcavated sites is devastating. The illicit trade in antiquities that is prolonging and funding all sides of the conflict has given way to a more malignant type of damage - the intentional destruction of cultural heritage. The solution to the humanitarian crisis is the same as the solution to the threat to cultural heritage- that is, to find a “comprehensive and just political resolution” (Moaz 2014), which is unlikely given that the conflict has stretched on for over four years, or to reach a resolution through foreign intervention.

I have made many recommendations and potential remedies for CPP in future, but the only solution to preventing further damage and putting a stop to intentional destruction in the Syrian conflict is militarized intervention, either by foreign militaries or a coalition of international organizations and governments. Military intervention in Syria is justified on both CPP and humanitarian grounds. The Assad regime has forfeited right to national sovereignty by indiscriminately using chemical weapons and other forms of violence against its own people. At the same time, it is allowing damage to cultural heritage to happen, while also contributing to the damage in its attempts to win the conflict, which is in direct violation of the 1954 Hague Convention to which Syria is a State Party. Intervention against IS in Syria and Iraq does not require justification, as IS is a non-state actor that is targeting ethnic and religious groups in ways similar to genocide. The governments in whose territory IS is setting up its caliphate have welcomed aid and intervention, and would greatly benefit the people currently being prosecuted by IS.

My analysis of current CPP law and strategies has shown that they are too limited to be effective or efficient in modern conflicts. CPP needs to be explored in the wider context of economic, social, political, and military issues for CPP to be successful and lasting. Effective strategies will also need to take into consideration different contexts of involvement before intervening or imposing our beliefs on a community. Hopefully the many practical reasons, in addition to the intrinsic value of cultural heritage, will convince the international community of the need for CPP, not only in the Syrian conflict, but for future conflicts as well. Past conflicts have proved to us the many limitations of international law and CPP strategies. The next step is to take what we have learned and apply these lessons to prevent similar damage or destruction to cultural heritage from occurring, but we can only do that with the support and cooperation of the international community and if we are willing to look beyond and modify traditional assumptions of cultural heritage and international law.

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