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FIGHTING TERRORIST ATTACKS AGAINST WORLD HERITAGE AND GLOBAL CULTURAL HERITAGE GOVERNANCE

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Over the past few years, cultural heritage without military significance has increasingly become a target of systematic and intentional attacks by nonstate armed groups.[1] The attractiveness of the world's cultural heritage as target for terrorists in the twenty-first century is reflected in just a few prominent examples: the intentional destruction of the Buddha statues of Bamiyan by the Taliban in Afghanistan in 2001, the attacks of militant Islamist group Ansar Dine against world heritage in Mali in 2012, and the rage of the Islamic State of Iraq and Syria (ISIS, also known as ISIL or Da'esh) against monuments and archaeological sites in Syria and Iraq over the last ten years.

In many countries, weak governance fuels violence and terrorism, and hence a strategic targeting of civilian objects, including cultural heritage. As terrorist groups often strive intensively for media attention and seek iconic targets, the attribution of "world heritage" status to a monument or a site, that is, their inscription on the World Heritage List[2] of the United Nations Educational, Scientific and Cultural Organization (UNESCO) may even provoke them to destroy it.[3] The UN special rapporteur in the field of cultural rights, Karima Bennoune, warned that "fundamentalists often seek to erase the culture of others … and stamp out cultural diversity."[4]

The UNESCO World Heritage Committee has undertaken various efforts to raise international awareness and mobilize support for the protection of world heritage, including by inscribing sites that have been wantonly attacked and damaged on the List of World Heritage in Danger (e.g., Timbuktu and the Tomb of Askia in Mali, and six World Heritage Sites in Syria) and by working closely with international actors.[5]

Dealing with counterterrorism measures in order to protect World Heritage Sites registered on the basis of the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage is clearly within UNESCO's mandate as a UN specialized agency: the UNESCO constitution sets forth that the organization has the task of ensuring "the conservation and protection of the world's inheritance of books, works of art and monuments of history and science" (Article 1.2.c). However, when reaching out to its member states, UNESCO has to respect that its constitution prohibits the organization "from intervening in matters which are essentially within [member states'] domestic jurisdiction" (Article 1.3).

The Notion of "Terrorism"

To fight terrorist attacks on a global scale, the UN Security Council has included several groups, individuals, undertakings, and entities responsible for the above-mentioned atrocities (henceforth, "terrorist groups") on its antiterrorism sanctions lists,[6] subjecting them to asset freezes, travel bans, and arms embargoes by UN member states.

Furthermore, various UN bodies have tabled proposals with the objective of providing a comprehensive, universally agreed definition of "terrorism." Interestingly, the draft Comprehensive Convention on International Terrorism views damage to a place of public use as an "offence," including cultural places that are accessible or open to the public.[7] Still, negotiations on the draft are deadlocked and the international community of states has thus far been unable to agree on a universally binding definition of terrorism. This is seen as compromising *ex ante* any legal elaboration regarding the possible consequences of attacks on cultural heritage perpetrated within the context of terrorist campaigns.[8]

Irrespective of a binding legal definition, the wanton devastation of monuments and archaeological sites is often related to what may be seen as the nucleus of terrorism: deliberate violent action directed against civilians and civilian objects, among other targets, that is motivated by a political, social, or religious cause, spreading fear among communities, and aiming at maximum impact on people (shock, trauma, and intimidation).[9]

As Cuno and Weiss argue, attacks on cultural heritage and attacks on civilian populations are profoundly connected, and the protection of people and the protection of heritage are also "intimately intertwined."[10] When terrorist attacks on cultural heritage in Iraq and Syria perpetrated by ISIS reached a new height, UNESCO director-general Irina Bokova called what was happening "cultural cleansing."[11] Although not a legal term, "cultural cleansing" is increasingly used by UNESCO to refer to systematic and intentional attacks on cultural heritage and diversity, such as that perpetrated by ISIS.[12] The expression evokes ethnic cleansing as a major threat to

local communities, populations, and other stakeholders, and reminds us of the urgent need for a universal defense of human rights and cultural heritage.

Fighting terrorist attacks directed against cultural heritage needs to be inclusive in legal terms and beyond. Against this backdrop, this chapter examines the extent to which global cultural heritage governance can support intergovernmental efforts to fight terrorism, thereby improving cultural heritage protection and developing its international legal regime.

State-Centered Approaches to Combating Terrorist Attacks against Cultural Heritage

For decades, the UN's fight against terrorism has had a clear intergovernmental focus, primarily obliging UN member states to take measures against terrorist attacks. Generally, the Security Council's resolutions address UN member states in their operative paragraphs. For example, in the face of ISIS's willful attacks, resolution 2199 in 2015 established a ban on trade in antiquities illegally removed from Iraq since 6 August 1990, and from Syria since 15 March 2011, recognizing that the illicit trafficking of antiquities is a source of income for terrorist groups. In a similar vein, resolution 2462 in 2019 adopted under Chapter VII of the UN Charter, which permits military enforcement, encouraged member states to improve efforts to identify cases of trafficking in cultural property that finance terrorism (paragraph 25). Other resolutions demonstrate a similar focus on UN member states in their intergovernmental relations.

Intergovernmental fora have been increasingly used to fight terrorism. As Weiss has observed, "wanton non-state destruction facilitates … conversations in intergovernmental fora, including those about counterterrorism."[13] The UNESCO Declaration Concerning the Intentional Destruction of Cultural Heritage, adopted by the General Conference—the biannual meeting of UNESCO's member states—on 17 October 2003,[14] may serve as an example. Adopted in the aftermath of the destruction of the Bamiyan Buddhas in Afghanistan in 2001, the declaration drew attention to the vulnerability of cultural heritage and the need for a global defense against terrorist attacks. States should take "all appropriate measures to prevent, avoid, stop and suppress acts of intentional destruction of cultural heritage, wherever such heritage is located" (paragraph 3.1). States failing to take appropriate measures should be responsible for such destruction (section 4).

A fresh impetus stems from resolution 2347 adopted in 2017, the first thematic resolution of the Security Council to focus exclusively on matters of cultural heritage. It addresses the practice by terrorist groups of intentionally destroying cultural heritage and plundering cultural property, recognizing the protection of cultural heritage in conflict is inextricably linked to the fight against terrorism. Resolution 2347 explicitly addresses the common interest and obligation of the international

community (including nonstate actors) to protect cultural heritage.[15] Resolution 2347 goes beyond the traditional state-centered approach and thus deserves further scrutiny as terrorism is a complex societal phenomenon, rendering the struggle against it a challenging long-term project that needs to address all stakeholders—not only state organs—on a global scale.

The Perceived "Implementation Gap"

Generally, armed nonstate actors have to comply with obligations under existing international humanitarian law. This is clearly stated as a general rule for non-international armed conflict in common Article 3 of the four Geneva Conventions of 1949, and—specifically with regard to the protection of cultural property—also in Article 16 of the 1999 Second Protocol to the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict.[16]

The problematic question is how to combat intentional attacks by nonstate (terrorist) actors who are not willing to obey the rules and who even ignore their legal obligations. In these cases—such as the attacks by ISIS against world heritage in Syria and Iraq or by Ansar Dine in Mali—an implementation gap exists, i.e., a discrepancy between legal rules and their compliance.

Still, not all armed groups are prone to conduct acts of terrorism when they start fighting against governments—many rebel groups strive for democracy and freedom of speech, as could be seen, for example, at the beginning of the uprising in Syria (as part of the so-called Arab Spring). From an international legal perspective, it is important to note therefore that not all armed nonstate actors are terrorists per se. Automatically labelling them as "terrorists" risks their having little or no incentive to apply international humanitarian law norms, including the 1954 Hague Convention and its Second Protocol. In addition, dealing with nonstate armed groups as *hostes humani generis* ("enemies of humanity" in international law) leaves them in a legal gray zone, creating the false impression that armed groups inhabit a lawless world.[17]

In cases when nonstate actors take up arms, their willingness to obey international law, including rules on cultural heritage protection, should be encouraged. Often rebel groups do not have sufficient knowledge of the rules with which they are supposed to comply. Thus there is "a need to better understand how these groups view cultural heritage" and to engage them "toward compliance with international standards applicable in armed conflicts for its protection."[18] Doubtlessly, combating terrorism requires a greater dissemination of knowledge of international law. This is of particular importance for better compliance with cultural heritage protection rules by state and nonstate actors alike.

> Fighting terrorist attacks against world heritage requires a broader approach, going beyond classic state-centered instruments adopted in intergovernmental fora. This leads us to look at multifaceted global governance instruments, which

include, as the Commission on Global Governance highlighted in its report Our Global Neighbourhood, "informal arrangements that people and institutions either have agreed to or perceive to be in their interest."[19]

Special Arrangements with Nonstate Armed Groups: Geneva Call

Special arrangements of a rather informal character may be helpful complementary instruments in dealing with violence from nonstate armed groups when it comes to attacks on cultural property. Common Article 3 of the Geneva Conventions states that the parties to a conflict "should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention." This is a way to expand the rule of law. In order to reassure governments that no "upgrading" of rebel groups' legal status will take place through international recognition, common Article 3 emphasizes that the application of the provision "shall not affect the legal status of the Parties to the conflict."

Improved information, better transparency, and participation of armed nonstate actors is part of the governance agenda pursued by Geneva Call, a Swiss nongovernmental organization promoting respect for international humanitarian law. The organization is recognized as a forum for humanitarian engagement with armed nonstate actors.[20]

For example, Geneva Call conducted pilot trainings on the protection of cultural heritage with commanders of the Free Syrian Army in Geneva in December 2015 and June 2017.[21] Moreover, so-called deeds of commitment with rebel groups are used to promote compliance in specific fields of international humanitarian law. Initiated by Geneva Call and supported by the Canton of Geneva as custodian, deeds of commitment currently exist in areas such as landmines, the protection of children, and the prohibition of sexual violence.

> In order to fight terrorist acts against cultural property and to promote the rule of law, a newly drafted "deed of commitment on cultural heritage protection" signed by nonstate armed groups might be a useful instrument with obvious advantages. Along the lines of Article 4.1 of the 1954 Hague Convention, a future pledge could comprise the duty to respect cultural property by refraining from any use of the property and its immediate surroundings likely to expose it to destruction or damage in the event of armed conflict, and by refraining from any act of hostility directed against it.

As most signatories to such deeds of commitment take measures—direct orders, training, or sanctions against noncomplying group members—to fulfill their protection obligations, these new types of agreements could help improve participatory global governance on behalf of cultural heritage protection. By signing such a deed, group members generally express "their adherence to specific

humanitarian norms and to be held accountable for their pledge."[22] It can be observed that most signatories to deeds of commitment have abided by their monitoring obligations, for example, by reporting to Geneva Call or allowing for field missions.[23]

A deed of commitment is a special agreement reflecting international standards and opens up space for the application of international law. This ought to be reconsidered when it comes to the defense of cultural heritage against nonstate armed groups. Deeds of commitment initiated by Geneva Call addressing such groups could be an option in cases of armed conflict of a non-international character, i.e., typical situations when rebel groups take up arms.

The Relevance of Global Cultural Heritage Governance

In parallel to efforts to bring about greater respect for international humanitarian law, the conviction is growing that improved global governance can play an essential role in sustaining peace and security. *Our Global Neighbourhood* viewed governance as "a continuing process through which conflicting or diverse interests may be accommodated and cooperative action may be taken."[24] The concept of global governance is comprehensive as it establishes important principles to guide international political, social, and economic activities. Generally, it may also include a cultural dimension. For example, the Council of the European Union—a legislative body that consists of European Union (EU) member-state cabinet ministers—on 25 November 2014 adopted a declaration, a "conclusion" in EU parlance, called "Participatory Governance of Cultural Heritage," which emphasized that there is an "increased recognition at international level of a people-centred and culture-based approach to foster … the importance of transparent, participatory and informed systems of governance for culture."[25] Seen in this light, transparency and the bottom-up participation of stakeholders (local communities, nonstate actors, and civilians) are becoming major factors in protecting cultural heritage from direct attacks.

An inclusive, people-centered emphasis is also reflected in the research work on global governance by the Committee on Participation in Global Heritage Governance of the International Law Association. Here, "global cultural heritage governance" is viewed as "a set of multilevel mechanisms linking various actors to help ensure a just, participatory management of cultural issues for the benefit of communities, locally, regionally and globally."[26] Within such a concept of "multilevel cultural heritage governance," as the committee's chair pointed out, the aim is to link legally binding international obligations for the protection of cultural heritage with voluntary policy commitments, "thus calling for the convergence of objectives of various international actors to promote interstate cooperation and the participation of non-State actors."[27]

Against this backdrop it seems worth analyzing the extent to which global governance principles providing some guiding force in a complex environment can be

furthered. The discussion now moves on to look at the law and policies of UNESCO, and its institutions and instruments responsible for the protection of cultural heritage in the face of terrorist attacks.

"Strategy for the Reinforcement of UNESCO's Action for the Protection of Culture and the Promotion of Cultural Pluralism in the Event of Armed Conflict"

Global cultural heritage governance is not yet a key notion with regard to UNESCO. The organization's cultural heritage framework has remained largely untouched by the global governance approaches that have emerged in international relations in recent years and which are already predominantly used outside the cultural sector. This is about to alter in the light of new challenges.

UNESCO has begun to demonstrate leadership in shaping innovative heritage and cultural governance.[28] In November 2015, the thirty-eighth General Conference of UNESCO adopted the "Strategy for the Reinforcement of UNESCO's Action for the Protection of Culture and the Promotion of Cultural Pluralism in the Event of Armed Conflict," revised in 2017.[29] The strategy was a reaction to unprecedented challenges resulting from mass atrocities and intentional cultural heritage attacks, stressing that "terrorism" is a threat to cultural heritage.

The overall aim of the new strategy is to set forth ways to reinforce UNESCO's protection of cultural heritage, and the promotion of cultural diversity and pluralism. In a broad vision, the document emphasizes the "fundamental role of local communities in acting as bearers and custodians of cultural heritage and living expressions belonging to different periods of history," and that a critical element of UNESCO's preventive action will be "raising their awareness on threats facing culture in conflict and on the importance of its protection and promotion as an element of resilience for peaceful co-existence in multilateral societies."

The strategy also emphasizes that to prevent attacks on cultural heritage and diversity during conflict, UNESCO will need to strengthen not only authorities, but also relevant civil society actors in anticipating threats, preventing illicit trafficking of cultural property, developing contingency plans, and implementing protective measures for enhanced security at cultural heritage sites and museums.

Thus, for the first time, with a view to better respond to crisis situations, UNESCO highlighted the participation of people as an important element in global cultural heritage governance, acknowledging that "participation and access to culture and its living expressions, including intangible heritage can help strengthen people's resilience and sustain their efforts to live through and overcome crisis." In addition, better information and raising of awareness, especially among young people, were emphasized as equally important components of global cultural heritage governance.[30] In this respect, UNESCO pledged to develop communication and outreach material with a focus on the core values of cultural pluralism and diversity,

as well as on cultural heritage safeguarding to counter hate speech and the narrative of violent extremists.[31]

> By including people and communities, stressing the importance of their intangible heritage and cultural expressions, and—in particular—by placing special emphasis on awareness-raising and the resilience of people, the new UNESCO strategy clearly went beyond its former rather state-oriented, conservational approach as reflected in the above-mentioned 2003 "Declaration on the Intentional Destruction of Cultural Heritage." Obviously the new dimension of mass atrocities, in particular those committed by ISIS against people and cultural treasures, led UNESCO to reevaluate its strategic planning in a dynamic way and to thereby strengthen elements of global cultural heritage governance.

Challenges for World Cultural Heritage in the Twenty-First Century: The Phenomenon of Social Mediated Terrorism

New global governance concepts that may complement state efforts to fight terrorism are needed as the quality of acts directly targeting cultural heritage has changed in recent years. Clearly, social and networked media are used to augment the impact of such acts with the aim of causing physical as well as emotional or psychological suffering that extends beyond the immediate public.[32]

Acts of radical assertive media presentation of cultural heritage destruction are a phenomenon of the twenty-first century: while during the Balkan Wars in the 1990s willful destructions of cultural property took place, the "triumphs" were not celebrated in the media in a comparably ostentatious way. When, for example, members of the Islamist rebel group Ansar Dine, under the leadership of Ahmad al-Mahdi, partly destroyed the UNESCO World Heritage Site of Timbuktu in July 2012, they demonstrated their "victory" online and their YouTube videos went viral.

> Also, the "Islamic State's counter-heritage campaign" in Syria and Iraq took place as a "media performance on a global scale."[33] The high-tech and systematic use of networked social media (e.g.,YouTube, Facebook, Twitter, and Instagram), using a variety of platforms and accounts, and generating a high number of posted messages (as many as ninety thousand per day),[34] was a key component of ISIS's performative strategies. Videos and photographic imagery were staging "performances," e.g., by deliberately choosing, in a calculated way, ancient statues instead of smaller antiquities.[35]

When ISIS disseminated images of violent acts through a range of online and social media, this augmented "the time-tested tactic of shock and awe—a military strategy of rapid dominance in which the deployment of power aims to destroy an adversary's will to resist."[36] Thus, for ISIS, social media has proven effective as a terrorist medium

for not only intimidating local populations, but also for provoking fear further away from the direct war zone.[37] Moreover, young people may be recruited easily by terrorist groups especially when they become fascinated by terrorist propaganda in social media and prone to hate speech.

As a result, media-oriented terrorist activities have become widespread in the twenty-first century. The "ubiquity of [social] media" is thus a huge challenge,[38] making it necessary for the UN to reach out to people and communities and try to win people's hearts and minds against extremism. Therefore, the fight against terrorism nowadays is being challenged to take these new developments into consideration.

As the G20 leaders stated at a summit meeting in 2017, counterterrorism action must be part of a comprehensive approach which includes countering terrorist propaganda as well as combatting radicalization and recruitment.[39] These objectives are reflected in new global governance instruments developed by UNESCO, discussed next.

Countering Terrorist Attacks: UNESCO's People-Centered Approach to Preventing Extremism

In its October 2015 session, the UNESCO executive board expressed concern about the "worldwide challenge of increased recruitment and radicalization to violent extremism of youth on social media, in communities, and in schools."[40] Recalling the UN Global Counter-Terrorism Strategy adopted in 2006 by the UN General Assembly, which encouraged UNESCO to "play a key role" in addressing conditions conducive to the spread of terrorism,[41] the executive board decided to develop new educational resources in order to facilitate the prevention of violent extremism through education. Hence, education—the "E" in UNESCO—deserves enhanced attention when it comes to countering direct targeting in the future. This should also comprise "incentives in long-term projects to make people understand that they have something to lose, to educate them and have them internalize changed norms," as Hartwig Fischer has put it.[42]

Against this backdrop, the right to education is crucial in preventing extremism: it is a fundamental right enshrined in the 1948 Universal Declaration of Human Rights and several other international human rights instruments. The right to education is perceived by UNESCO as an "empowering right" aiming at equality of opportunity and universal access to quality education.[43] In particular, children should be prepared for a "responsible life in a free society in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national, and religious groups."[44]

UNESCO has demonstrated its willingness to support member states in this endeavor by establishing strategic partnerships for the creation of a global network of policymakers, experts, practitioners, research institutes, media, and other stakeholders for them to use educational strategies to prevent violent extremism.[45] In addition, efforts for training and capacity-building should be made, including of educators, policymakers, parents, and youth.[46] To this end, in 2016 UNESCO released *A Teacher's Guide on the Prevention of Violent Extremism*, which provides practical advice on when and how to discuss violent extremism and radicalization in classrooms.[47]

> With Preventing Violent Extremism through Education: A Guide for Policy-makers in 2017, UNESCO has begun to address education policymakers, school staff, and educators at large.[48] At the organizational level, joint activities and cooperation between the different sectors, or program areas, of UNESCO, including the Culture Sector, and headquarters and field offices have also been developed. Among other activities, UNESCO also assists countries within the framework of Global Citizenship Education in delivering education programs that strengthen young people's resilience to violent extremist messaging and foster a positive sense of identity and belonging. Furthermore, UNESCO mobilizes stakeholders to create social media and online coalitions for the prevention of violent extremism in order to prevent and respond to violent extremism and radicalization on the Internet.[49] Needless to say, strong financial support is required for these endeavors in order to restrain the spread of extremism that may lead to terrorist attacks on people and civilian objects.

Through another bottom-up initiative, the #Unite4Heritage campaign,[50] UNESCO strove to engage young people in the protection of all forms of heritage in order to foster more fair, inclusive, and peaceful societies. The global campaign was launched on 28 March 2015 and aimed to create a global movement of mostly young people to protect heritage under threat by sharing stories, knowledge, and experience about heritage and culture.[51] The inspiration behind such a participatory method for the safeguarding of cultural heritage was simple, yet convincing: based on the ideas of cultural diversity, tolerance, and understanding, the campaign aimed at establishing alternative value-based narratives in contrast to extremists' narratives, which depreciate cultural heritage of foreign influence. This relates to a reframing of heritage protection "to mean winning the peace and hearts and minds, about creating a counternarrative to ISIS."[52]

> By "showing a commitment to helping local efforts to address both the root causes of problems and their more immediate triggers, broader international efforts gain added credibility," as the International Commission on Intervention and State

Sovereignty (ICISS) set forth regarding the "responsibility to protect."[53] Despite the fact that the #Unite4Heritage campaign initially faced some problems in becoming a major social network platform, taken together, the measures discussed are good examples of soft power instruments at grassroot level, helping to prevent the abuse of social media related to terrorist attacks and to strengthen the resilience of local communities. People's participation in changing narratives used by terrorist groups is a crucial element in strengthening the universal defense of cultural heritage.

Reconstruction of World Heritage and New Concepts of Global Governance

Due to an increasing number of wanton attacks in the twenty-first century, reconstruction of cultural heritage sites in post-conflict periods has gained considerable importance. UNESCO practice reflects an increasing willingness on the part of the international community to react to terrorist attacks by rebuilding cultural heritage and restoring cultural life. For example, the Revive the Spirit of Mosul initiative, launched by UNESCO in 2018, focuses on the rehabilitation and reconstruction of damaged or destroyed cultural heritage, the rehabilitation of the education system, and the revitalization of cultural life. The initiative envisions the reconstruction of the Al-Nuri Mosque in Mosul, Iraq, and its minaret, as well as two churches, and is funded, inter alia, by the United Arab Emirates.[54] In an earlier project, the UN Development Programme (UNDP) donated some US$90,000 to protect heritage sites in the Old City of Mosul from further damage.[55]

Historically, reconstruction of cultural heritage has been a sign of perseverance, unity, and resilience as it helps communities express and uphold their identity.[56] Still, reconstruction of damaged monuments and sites is complex and often controversial. Since the nineteenth century, heritage conservation professionals have traditionally been opposed to reconstructing ancient monuments. Moreover, the 1964 International Charter for the Conservation and Restoration of Monuments and Sites (the Venice Charter) largely excluded the option of reconstruction and even insisted that restoration end when guesswork begins.[57]

A material-based reconstruction doctrine is part of the "Operational Guidelines" to the 1972 World Heritage Convention, supported by the International Council on Monuments and Sites (ICOMOS).[58] When a World Heritage Site of outstanding universal value or part of one is completely destroyed and its original building material lost, authenticity must be analyzed in every single case.[59]

In the early years, the World Heritage Committee—which selects sites for inclusion on UNESCO's heritage lists—generally opposed reconstructions of world heritage. However, a growing number of terrorist attacks in recent years, resulting in heavier losses to the world's cultural heritage, and the ostentatious way that these attacks were celebrated as a defeat of universal values, have led the committee and UNESCO

to shift their attitudes "towards the reconstruction of damaged or destroyed sites, in the face of traditional opposition."[60]

As world heritage has increasingly become a victim of heavy armed attacks by terrorist groups, reconstruction apparently turned into a more realistic option for UNESCO. While reconstruction projects at World Heritage Sites need always to address the "outstanding universal value" of each site, socioeconomic questions as well as the needs of the local communities may also be addressed "within the context of a larger vision for recovery."[61]

Despite the strict exigencies regarding "authenticity," UNESCO nowadays opts for a rather pragmatic approach when it comes to rebuilding World Heritage Sites that have been destroyed by terrorist groups (e.g., in Syria, Iraq, Afghanistan, Yemen, and Mali). Thus, in the aftermath of terrorist attacks causing shock and trauma, a more people-centered cultural governance approach is gaining ground.

Rebuilding cultural heritage in a post-conflict phase enables the international community to make contact with different parts of the local population. In the words of Luis Monreal, "you need to work with the community to explain what the final result will be,"[62] thereby ideally promoting trust and cohesion in politically divided societies. The "Thematic Paper for the UN Secretary General's 2020 Report on Sustaining Peace and Peacebuilding" emphasized that building peace is about "putting in place the institutions and trust that will strengthen the social contract and carry people forward into a peaceful future."[63] Consequently, reconstruction is viewed as a means for building the confidence of individuals and groups in times of crisis, thus supporting the transition process to recovery.

The destruction of fourteen Sufi mausoleums at the Timbuktu World Heritage Site in Mali in 2012 marked the beginning of this "shift," prompting UNESCO to lead a comprehensive reconstruction process which was largely completed in 2015. Notably, it was the broadened use of intangible attributes that made a stronger case for reconstruction. Christina Cameron rightly observed that community and intangible values were evoked only after the destruction of the tombs, even though they are not mentioned in the statement of outstanding universal value made at the time of inscription on the World Heritage List.[64] In fact, arguments in favor of reconstruction resided largely in the local community: traditional building techniques are transmitted from elders to a new generation of builders and the projects bring together the whole community.[65] For that reason, the reconstruction of the mausoleums took place in close cooperation with local families and masons, with UNESCO also offering training courses for stone masons since then.

The involvement of the local community in the reconstruction of the tombs proved essential for the reconciliation process and as a source of strength for the Malian people.[66] When Irina Bokova inaugurated the reconstruction work done by UNESCO

in July 2015, she declared this to be the "response to extremism" and at the same time "an example of the successful integration of culture in peace building."[67]

The position of the World Heritage Committee adopted in the light of the horrific terrorist attacks against the tombs in Mali was at first characterized as an "ad hoc decision-making by the WHC" that "appears to be leading to new approaches."[68] Meanwhile, there is no doubt that this innovative approach became an integral part of UNESCO's activities. UNESCO's "Strategy for the Reinforcement of UNESCO's Action for the Protection of Culture and the Promotion of Cultural Pluralism in the Event of Armed Conflict" mentions the importance of collecting systematic, reliable, and verified data on built, movable, but also on *intangible* heritage, in order to prepare the recovery phase and to support national authorities in assessing and planning recovery (paragraph 24).

Still, experts from the Global South tell us that when the international community turns its attention to a damaged heritage site and international organizations bring professional standards, expertise, and funds, the site starts to change as it becomes placed within a different paradigm.[69] It is of tremendous importance, therefore, to not only listen to local people, but to also give them a voice in the decision-making process of rebuilding.

Another rather difficult (ethical) point pertains to the question of balancing different priorities, e.g., when local communities wish to rebuild "their" religious sites (cemeteries, churches, mosques, synagogues) instead of reconstructing ancient monuments and archaeological sites of outstanding universal value which the international community sees as important. As Weiss has rightly put it: "It is not just the famous sites."[70] To address these problems, further research on participatory global cultural heritage governance in post-conflict peacebuilding is needed.[71]

Conclusion

> Global cultural heritage governance is inextricably linked to universal values. In a statement on "Global Governance for the 21st Century," Irina Bokova argued convincingly that universal values and human rights are key to enhanced global governance as supported by UNESCO: "All cultures are different, but humanity stands united around human rights and fundamental freedoms. These are universal, even if they are not always universally accepted. Supporting societies in this respect is one of the key tasks of global governance today."[72]

Strengthening global cultural heritage governance has brought about a stronger collective commitment regarding the preservation of cultural heritage of all humankind. Against the background of the deliberate eradication of iconic world cultural heritage by terrorist groups, the forging of a new consensus within the international community regarding the need to fight terrorist action has been

effected. In the wave of terrorist attacks on world heritage that we have witnessed in the last two decades, reactions among UN members have become more comprehensive, focusing on the participation of local communities in the effort to protect cultural heritage. Seen in this light, expanding global cultural heritage governance is a fruitful avenue for combating terrorist attacks against cultural heritage; not only because such improved global governance may play a role in sustainable peacebuilding, but also because it supports more resilient patterns in societies all over the world.

Still, gains in global cultural heritage governance are neither to be achieved easily nor in a linear fashion, but they are a worthy investment for sustaining peace and preventing future crises.[73] That is why we need reliable efforts and solid funding for governance support, human rights, and the rule of law.

BIOGRAPHY

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SUGGESTED READINGS

Irina Bokova, *UNESCO's Response to the Rise of Violent Extremism: A Decade of Building International Momentum in the Struggle to Protect Cultural Heritage* (Los Angeles: J. Paul Getty Trust, 2021), Occasional Papers in Cultural Heritage Policy no. 3.

Irina Bokova, *UNESCO's Response to the Rise of Violent Extremism: A Decade of Building International Momentum in the Struggle to Protect Cultural Heritage* (Los Angeles: J. Paul Getty Trust, 2021), Occasional Papers in Cultural Heritage Policy no. 3.

James Cuno and Thomas G. Weiss, eds., *Cultural Heritage under Siege: Laying the Foundation for a Legal and Political Framework to Protect Cultural Heritage at Risk in Zones of Armed Conflict* (Los Angeles: Getty Publications, 2020).

Francesco Francioni with the assistance of Federico Lenzerini, eds., *The 1972 World Heritage Convention: A Commentary* (Oxford: Oxford University Press, 2011).

Wolfgang Schneider and Daniel Gad, eds., *Good Governance for Cultural Policy: An African-European Research about Arts and Development* (Frankfurt am Main: Peter Lang, 2014).

Claire Smith, Heather Burke, Cherrie de Leiuen, and Gary Jackson, “The Islamic State’s Symbolic War: Da’esh’s Socially Mediated Terrorism as a Threat to Cultural Heritage,” *Journal of Social Archaeology* 16, no. 2 (2016): 164–88.

Sabine von Schorlemer, “Cultural Heritage Protection as a Security Issue in the 21st Century: Recent Developments,” *Indonesian Journal of International Law* 16, no. 1 (2018): 28–60.

Sabine von Schorlemer, “Military Intervention, the UN Security Council, and the Role of UNESCO: The Case of Mali,” in *Intersections in International Cultural Heritage Law*, ed. Anne-Marie Carstens and Elizabeth Varner (Oxford: Oxford University Press, 2020), 82–103.

NOTES

1. Kristin Hausler, “Culture under Attack: The Destruction of Cultural Heritage by Non-State Armed Groups,” *Santander Art and Culture Law Review* 2, no. 1 (2015): 117–46; and Andrew Clapham, “Focusing on Armed Non-State Actors,” in *The Oxford Handbook of International Law in Armed Conflict*, ed. Andrew Clapham and Paola Gaeta (Oxford: Oxford University Press, 2014), 766–810.

2. See Convention Concerning the Protection of the World Cultural and Natural Heritage, 16 November 1972, Art. 11.

3. Bruno S. Frey and Lasse Steiner, “World Heritage List: Does it Make Sense?” *International Journal of Cultural Policy* 17, no. 5 (2011): 564.

4. UN Human Rights Council, *Report of the Special Rapporteur in the Field of Cultural Rights*, UN doc. A/HRC/34/56, 16 January 2017, para. 5.

5. Irina Bokova, *UNESCO’s Response to the Rise of Violent Extremism: A Decade of Building International Momentum in the Struggle to Protect Cultural Heritage* (Los Angeles: J. Paul Getty Trust, 2021), Occasional Papers in Cultural Heritage Policy no. 3, 16–20.

6. See Security Council, “United Nations Security Council Consolidated List,” https://www.un.org/securitycouncil/content/un-sc-consolidated-list.

7. UN General Assembly, “Letter Dated 3 August 2005 from the Chairman of the Sixth Committee Addressed to the President of the General Assembly,” UN doc. A/59/894, 12 August 2005, Appendix II, Arts. 1.4, 2.1.b.

8. Federico Lenzerini, “Terrorism, Conflicts and the Responsibility to Protect Cultural Heritage,” *The International Spectator* 51, no. 2 (2016): 77.

9. UN Office on Drugs and Crime, *Module 1: Introduction to International Terrorism*, Education for Justice University Module Series on Counter-Terrorism, August 2018, https://www.unodc.org/documents/e4j/18-04932_CT_Mod_01_ebook_FINALpdf.pdf. See also Sabine von Schorlemer, “Cultural Heritage Protection as a Security Issue in the 21st Century: Recent Developments,” *Indonesian Journal of International Law* 16, no. 1 (2018): 30–33.

10. James Cuno and Thomas G. Weiss, introduction to *Cultural Heritage under Siege: Laying the Foundation for a Legal and Political Framework to Protect Cultural Heritage at Risk in Zones of Armed Conflict*, eds. James Cuno and Thomas G. Weiss (Los Angeles: Getty Publications, 2020), 5, 6.

11. UNESCO, “Director-General Denounces Cultural Cleansing during Visit to Iraq,” 4 November 2014, https://en.unesco.org/news/director-general-denounces-cultural-cleansing-during-visit-iraq.

12. UNESCO, “Reinforcement of UNESCO’s Action for the Protection of Culture and the Promotion of Cultural Pluralism in the Event of Armed Conflict,” doc. no. 38/C/49, 2 November 2015, para. 6, n.2.

13. Weiss, introduction to *Cultural Heritage under Siege*, 7.

14. UNESCO, “UNESCO Declaration Concerning the Intentional Destruction of Cultural Heritage,” doc. no. 32 C/Resolution 33, 17 October 2003.

15. For details see Andrzej Jakubowski, “Resolution 2347: Mainstreaming the Protection of Cultural Heritage at the Global Level,” *Questions of International Law: Zoom-in* 48 (2018): 21–44.

16. Dieter Fleck, *The Handbook of International Humanitarian Law* (Oxford: Oxford University Press, 2021), 650–51.

17. Clapham, “Focusing on Armed Non-State Actors,” 769. See also Sabine von Schorlemer, “Human Rights: Substantive and Institutional Implications of the War against Terrorism,” *European Journal of International Law* 14, no. 2 (2003): 265–82.

18. Marina Lostal, Kristin Hausler, and Pascal Bongard, “Armed Non-State Actors and Cultural Heritage in Armed Conflict,” *International Journal of Cultural Property* 24, no. 4 (2017): 409.

19. Commission on Global Governance, *Our Global Neighbourhood* (Oxford: Oxford University Press, 1995), 4.

20. Fleck, The Handbook of International Humanitarian Law, 651.

21. Lostal, Hausler, and Bongard, “Armed Non-State Actors,” 418.

22. Pascal Bongard, “Engaging Armed Non-State Actors on Humanitarian Norms: Reflections on Geneva Call’s Experience,” *Humanitarian Exchange* 58 (July 2013): 9.

23. Bongard, 11.

24. Commission on Global Governance, *Our Global Neighbourhood*, 4.

25. Council of the European Union, “Council Conclusions on Participatory Governance of Cultural Heritage,” doc. no. 2014/C 463/01(OJ C 463, 23.12.2014), 23 December 2014, para. 4.

26. International Law Association, “Proposal to the Executive Council of the International Law Association (ILA) for the Establishment of a Committee on ‘Participation in Global Cultural Heritage Governance,’” 31 August 2017, 2, https://www.ila-hq.org/index.php/committees.

27. Jakubowski, “Resolution 2347,” 43.

28. Christine M. Merkel, “Towards a Better Governance of Culture for Development: Mobilising Tacit Knowledge in and through UNESCO,” in *Good Governance for Cultural Policy*, ed. Schneider and Gad, 63.

29. UNESCO, “Reinforcement of UNESCO’s Action for the Protection of Culture and the Promotion of Cultural Pluralism in the Event of Armed Conflict,” doc. no. 38/C/49, 2 November 2015; and revision, Annex I, “Addendum Concerning Emergencies Associated with Disasters Caused by Natural and Human-Induced Hazards,” doc. no. 39/C/57, 24 October 2017.

30. Bokova, *UNESCO’s Response to the Rise of Violent Extremism*, 21–23.

31. For the specific quotes from the strategy, see UNESCO, “Reinforcement of UNESCO’s Action,” paras. 1, 10, 20, 22, 32.

32. Claire Smith et al., “The Islamic State’s Symbolic War: Da’esh’s Socially Mediated Terrorism as a Threat to Cultural Heritage*,*” *Journal of Social Archaeology* 16, no. 2 (2016): 173.

33. Ömür Harmanşah, “ISIS, Heritage, and the Spectacles of Destruction in the Global Media,” *Near Eastern Archaeology* 78, no. 3 (2015): 171.

34. Smith et al., “The Islamic State’s Symbolic War,” 172.

35. Harmanşah, “ISIS, Heritage, and the Spectacles of Destruction,” 175.

36. Quoted in Smith et al., “The Islamic State’s Symbolic War,” 174, referring to Harlan Ullman and James Wade, *Shock and Awe: Achieving Rapid Dominance* (Washington, DC: The National Defense University, 1996).

37. Jytte Klausen, “Tweeting the Jihad: Social Media Networks of Western Foreign Fighters in Syria and Iraq,” *Studies in Conflict & Terrorism* 38, no. 1 (2015): 20.

38. Weiss, introduction to *Cultural Heritage under Siege*, 7.

39. G20 Germany 2017, “The Hamburg G20 Leaders’ Statement on Countering Terrorism,” July 2017, para. 17, https://www.g20germany.de/Content/DE/_Anlagen/G7_G20/2017-g20-statement-antiterror-en___blob=publicationFile&v=2.pdf.

40. UNESCO, “UNESCO’s Role in Promoting Education as a Tool to Prevent Violent Extremism,” doc. no. 197 EX/46, 7 October 2015, para. 2.

41. UN General Assembly, “The United Nations Global Counter-Terrorism Strategy,” UN doc. A/RES/60/288, 8 September 2006, Annex: Plan of Action, para. I.3.

42. Hartwig Fischer, “Next Steps and Concluding Remarks,” in *Cultural Heritage under Siege*, ed. Cuno and Weiss, 74.

43. UNESCO, “Right to Education,” https://en.unesco.org/themes/right-to-education.

44. Convention on the Rights of the Child, 20 November 1989, Art. 29.

45. UNESCO, “UNESCO’s Role in Promoting Education as a Tool to Prevent Violent Extremism,” doc. no. 197 EX/46, 7 October 2015, para. 17.f.

46. UNESCO, para. 17.g.

47. UNESCO, *A Teacher’s Guide on the Prevention of Violent Extremism* (Paris: UNESCO, 2016), http://unesdoc.unesco.org/images/0024/002446/244676e.pdf.

48. UNESCO, *Preventing Violent Extremism through Education: A Guide for Policy-makers* (Paris: UNESCO, 2017), https://unesdoc.unesco.org/ark:/48223/pf0000247764?locale=fr.

49. UNESCO, 12.

50. UNESCO, “#Unite4Heritage,” https://www.unite4heritage.org.

51. UNESCO, “#Unite4Heritage Campaign Launched by UNESCO Director-General,” 28 March 2015, https://whc.unesco.org/en/news/1254; and Bokova, *UNESCO’s Response to the Rise of Violent Extremism*, 21.

52. Benjamin Isakhan, “Social and Cultural Costs,” in *Cultural Heritage under Siege*, ed. Cuno and Weiss, 66.

53. ICISS, *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001), 19.

54. UNESCO, “Commitment to the Reconstruction of Mosul Reaffirmed,” 11 September 2019, https://en.unesco.org/news/commitment-reconstruction-mosul-reaffirmed; and Hadani Ditmars, “UNESCO’s Plan to ‘Revive Spirit’ of Devastated Mosul Gets under Way,” *Art Newspaper*, 15 June 2020, https://www.theartnewspaper.com/news/unesco-plan-to-revive-spirit-of-devastated-mosul-gets-under-way.

55. UNESCO, “Initial Framework for Reconstruction of Mosul,” 2019, https://en.unesco.org/fieldoffice/baghdad/initialframeworkmosul.

56. See Deutsches Archäologisches Institut, “Resilienz: Vom Umgang mit Krisen,” *Archäologie Weltweit* 1 (August 2020).

57. ICOMOS, International Charter for the Conservation and Restoration of Monuments and Sites (The Venice Charter 1964), adopted 1965, https://www.icomos.org/charters/venice_e.pdf.

58. UNESCO (Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage), “Operational Guidelines for the Implementation of the World Heritage Convention,” doc. no. WHC.19/01, 10 July 2019, para. 86. See also the so-called “Nara Document on Authenticity” of 1994, which is annexed to the operational guidelines.

59. Birgitta Ringbeck, *Management Plans for World Heritage Sites: A Practical Guide* (Bonn: German Commission for UNESCO, 2008), 17–18.

60. Christina Cameron, “Reconstruction: Changing Attitudes,” *The UNESCO Courier* 2 (July–September 2017): 56.

61. Mechtild Rössler, “Editorial,” *World Heritage* 86 (January 2018): 5.

62. Luis Monreal, “Cultural Heritage at Risk,” in *Cultural Heritage under Siege*, ed. Cuno and Weiss, 26.

63. UNDP, “Governance for Peace: Strengthening Inclusive, Just and Peaceful Societies Resilient to Future Crises,” Thematic Paper for the UN Secretary General’s 2020 Report on Sustaining Peace and Peacebuilding, undated, para. 1, un.org/peacebuilding/sites/www.un.org.peacebuilding/files/undp.pdf.

64. Cameron, “Reconstruction: Changing Attitudes,” 58. See also Sabine von Schorlemer, “Military Intervention, the UN Security Council, and the Role of UNESCO: The Case of Mali,” in *Intersections in International Cultural Heritage Law*, ed. Anne-Marie Carstens and Elizabeth Varner (Oxford: Oxford University Press, 2020), 98–101.

65. Cameron, “Reconstruction: Changing Attitudes,” 58.

66. Cameron, 58.

67. UNESCO, “Director-General Praises the People of Timbuktu for the Reconstruction of the City’s Mausoleums,” 19 July 2015, http://whc.unesco.org/en/news/1324.

68. Cameron, “Reconstruction: Changing Attitudes,” 59.

69. Kavita Singh, “Social and Cultural Costs,” in *Cultural Heritage under Siege*, ed. Cuno and Weiss, 52.

70. Thomas G. Weiss, “Military Perspectives and Costs: War, Occupation, and Intervention,” in *Cultural Heritage under Siege*, ed. Cuno and Weiss, 33.

71. See UNDP, “Conflict Prevention, Peacebuilding and Responsive Institutions,” https://www.undp.org/content/undp/en/home/2030-agenda-for-sustainable-development/peace/conflict-prevention.html.

72. Irina Bokova, “Global Governance for the 21st Century: The UNESCO Angle,” doc. no. ERI.2011/WS/4, 11 April 2011, 13.

73. UNDP, “Governance for Peace,” paras. 14, 34.
