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COURSE OF MASTER'S DEGREE IN
ARCHITECTURE HERITAGE PRESERVATION
AND ENHANCEMENT

Abstract

**Protection of cultural heritage
in case of armed conflict:
intentional destructions and international law**

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This research deals with the whole system of protection of movable and immovable cultural heritage during armed conflicts. Destruction of monuments and artworks is not a news in history, but during the XX century two shifts emerged that introduced significant differences with respect to the past: the definitive dissemination of the idea of cultural heritage, and a substantial modification occurred in the means, purposes and modes of conducting a war. The research tries to answer two major questions emerging from damage intentionally inflicted in recent years mainly to archaeological sites and concerning: (i) the instruments we can use to protect cultural properties in the context of an armed conflict without apparent rules (ii) and, above all, the very possibility to stop this devastation.

The analysis is divided in two sections. The first section is a state of the art of the international law, from the early articles on “works of art” inserted in the first humanitarian law to the birth of specific instruments comprised in the 1954 UNESCO's “Convention for the protection of cultural properties in the event of armed conflict” and its Additional Protocols. The analysis of the international law is a personal elaboration of the author based on the available literature. The second section proposes a preliminary but detailed reconstruction of both the most impressive harmful events occurred in recent times, from the destruction of the Buddhas of Bamiyan in 2001 to the last damage recorded in Iraq and Syria, and the less known situations of cultural heritage in danger throughout the world.

All the data on the events related to cultural heritage damage are analyzed comparing different sources, especially newspaper articles and official reports, aiming at giving a reliable description of the present state. Moreover, the analysis is organized in order to allow comparisons between the case studies, presenting for each of them the historical and political context, the importance of cultural heritage, and damage it suffered, the safeguard measures adopted before, during and after the conflict.



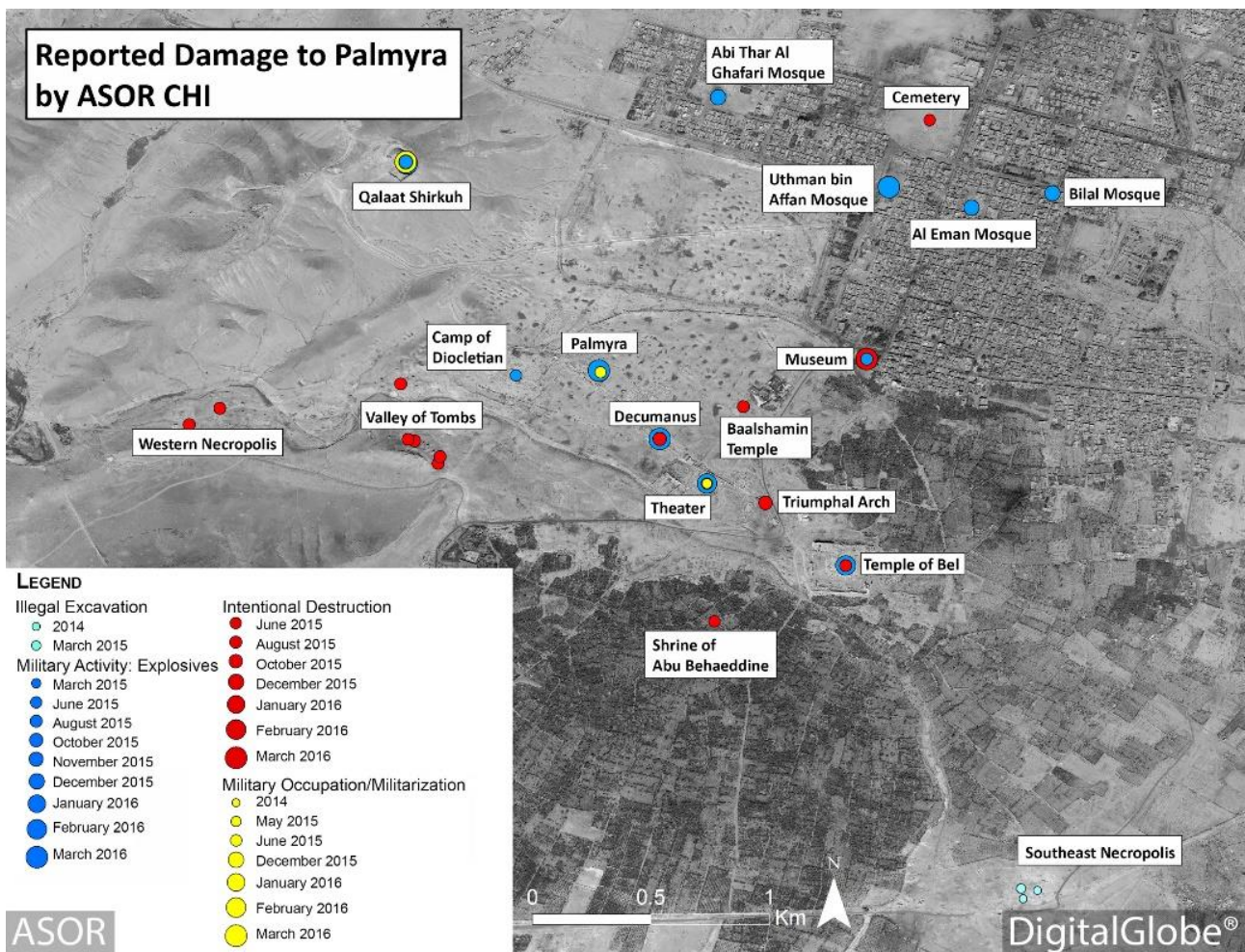
1 Afghanistan, Bamiyan. The Taller Buddha before the destruction (left) - ordered by the Taliban - and after the explosions (right). Gigantic boulders lie down against what was the historic statue. Source: BBC, AP/AFP, na, <http://www.bbc.com/news/world-asia-31813681> (consultation 27 January 2017)

The results of the research highlight some relevant features of the topic and suggest interesting causes for reflection that allow facing wisely the problems that afflict the international community as a whole. First of all, it is evident how relevant difficulties arise in the implementation of the international law: before the war to prevent, during the war to safeguard, after the war to judge for both the parts in conflict, but especially, and rather obviously, where groups with no international recognition emerge. Nonetheless, in 2016 a significant goal has been reached with an International Criminal Court sentence that recognized an individual guilt for the cultural heritage damage, identifying it as a war crime.



2 Iraq, Niniveh. Photos showing the destruction of the Mashki Gate – belonging to the legendary city walls and built by the Emperor Sennacherib between the VIII and the VII century BC - published by the Islamic State. Source: (up) Gates of Niniveh, Islamic State, nd, <https://gatesofnineveh.wordpress.com/2016/06/06/thecleansing-of-mosul/> (down) Archeologia Viva, Islamic State, na, <http://www.archeologiaviva.it/608/yemen-siria-iraqaggiornamenti-sul-patrimonio-culturale/> (consultation 24 January 2017)

Moreover, it would appear that interesting progressions could derive from the development of the idea of “cultural rights” associated with human rights. Another problem is the modus operandi of criminal groups, like the Islamic State, that attack archaeological sites - which suffer from a less armed protection - with the purpose of stealing objects and artworks to be sold on illicit markets worldwide. As far as this particular problem is concerned, a crucial role could be played by organizations based on volunteer professionals disseminating documentations on the actual state of war and on the destruction of cultural heritage that is often difficult to verify. Some techniques, based on comparisons of satellite pictures, are developing to confirm the damage and destructions publicized by unofficial sources. Finally, it would seem that in this context Italy could have a role, especially with the new special Italian task force, named “Caschi blu della cultura”, in line with the purposes of the UNESCO's campaign “Unite4Heritage”. The potentiality of this campaign and the Italian contribution suggest interesting considerations that are summarized as a conclusion for the whole research.



3 Syria, Palmyra. Damage identification in the archaeological site – included in the UNESCO's List of World Heritage in Danger from 2013 - between 2014 and 30 March 2016 thanks to satellite image. The map presents: illegal excavations (light blue), intentional destructions (red), military occupations (yellow). Source: ASOR/CHI (American Schools of Oriental Research/Cultural Heritage Initiatives), Susan Penacho's work, Digital Globe's image, 30 March 2016, <http://www.asorsyrianheritage.org/4290-2/> (consultation 21 January 2017)

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