
Cultural Heritage and Armed Conflict

The Case of Ukraine and a Short History of International
Cultural Heritage Protections in Time of War

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Russian Invasion of Ukraine



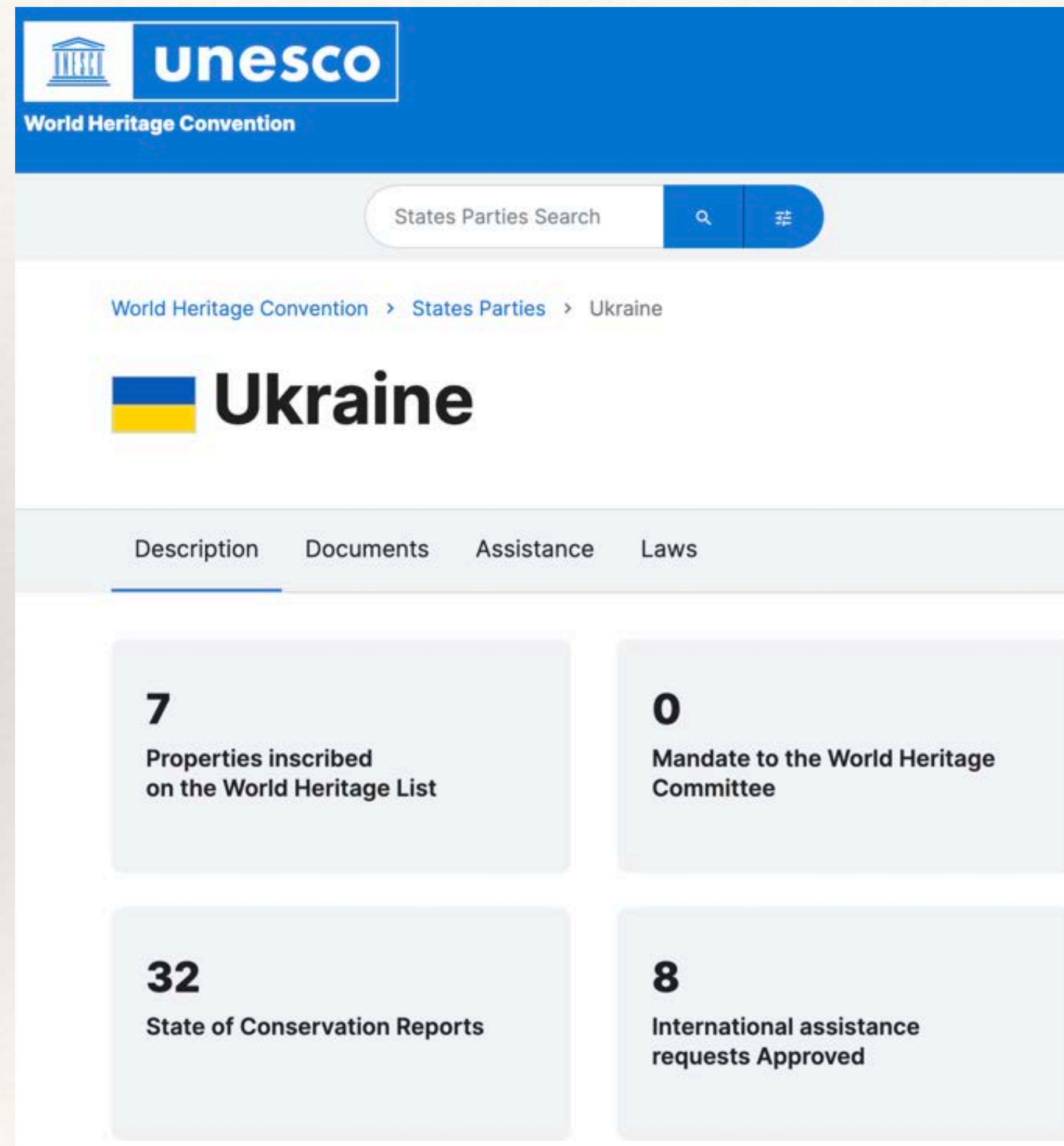
Data as of March 29, 2022 at 3 p.m. ET

Notes: "Assessed" means the Institute for the Study of War has received reliable and independently verifiable information to demonstrate Russian control or advances in those areas. Russian advances are areas where Russian forces have operated in or launched attacks, but they do not control them. "Claimed" areas are where sources have said control or counteroffensives are occurring, but ISW cannot corroborate nor demonstrate them to be false.

Sources: The Institute for the Study of War with AEI's Critical Threats Project; LandScan HD for Ukraine, Oak Ridge National Laboratory

Graphic: Renée Rigdon, CNN

Ukraine's World Heritage Sites at Risk



The screenshot shows the UNESCO World Heritage Convention website for Ukraine. The header includes the UNESCO logo and the text "World Heritage Convention". Below the header is a search bar labeled "States Parties Search". The main content area features the Ukrainian flag and the word "Ukraine". There are four tabs: "Description", "Documents", "Assistance", and "Laws". The "Description" tab is active, showing four statistics:

7 Properties inscribed on the World Heritage List	0 Mandate to the World Heritage Committee
32 State of Conservation Reports	8 International assistance requests Approved



World Heritage List: Ukraine

Ukraine

- ◆ Kyiv: Saint-Sophia Cathedral and Related Monastic Buildings, Kyiv-Pechersk Lavra
- ◆ L'viv – the Ensemble of the Historic Centre
- ◆ Struve Geodetic Arc *
- ◆ Ancient and Primeval Beech Forests of the Carpathians and Other Regions of Europe *
- ◆ Residence of Bukovinian and Dalmatian Metropolitans
- ◆ Ancient City of Tauric Chersonese and its Chora
- ◆ Wooden *Tserkvas* of the Carpathian Region in Poland and Ukraine *

Saint-Sophia Cathedral and Related Monastic Buildings, Kyiv



- Designed to rival Istanbul's Hagia Sophia (right), the Saint-Sophia Cathedral (left) symbolized the 'new Constantinople', the capital of the Christian principality of Kyiv. Founded in the 11th cent. in a region evangelized after the baptism of St. Vladimir (988 CE), the Cathedral's spiritual and intellectual influence contributed to the spread of Orthodox thought and faith.

L'viv: The Ensemble of the Historic Center



Historic Market Square, L'viv, originally dates from the 13th century

Founded in the late Middle Ages, L'viv was a flourishing administrative, religious and commercial center for centuries.

The ensemble of the historic urban core includes architectural influences of Eastern Europe, Italy and Germany.

The historic center also bears witness to multi-ethnic and religious diversity. The buildings and the public squares have been well preserved.

Ukraine's Tentative List of World Heritage Sites



Historic Center of the Port City of Odesa



Astronomical Observatory, Kyiv University



Sudak Fortress Monument, Crimea



Dendrological Park Sofijivka

Results	Exports	
17	1	22/07/2019
Sites	States Parties	Last Revision

State Party: Ukraine x

- Archaeological Site "Stone Tomb" (11/08/2006)
- Astronomical Observatories of Ukraine (30/01/2008)
- Bagçesaray Palace of the Crimean Khans (07/07/2003)
- Complex of the Sudak Fortress Monuments of the 6th - 16th c. (12/03/2007)
- Cultural Landscape of "Cave Towns" of the Crimean Gothia (24/09/2012)
- Cultural Landscape of Canyon in Kamenets-Podilsk (13/09/1989)
- Dendrological Park "Sofijivka" (20/06/2000)
- Derzhprom (the State Industry Building) (27/04/2017)
- Historic Center of the Port City of Odesa (06/01/2009)
- Historic Centre of Tchernigov, 9th -13th centuries (13/09/1989)
- Kyiv: Saint Sophia Cathedral with Related Monastic Buildings, St. Cyril's and St. Andrew's Churches, Kyiv-Pechersk Lavra (extension of Kyiv: Saint-Sophia Cathedral and Related Monastic Buildings, Kyiv-Pechersk Lavra) (26/01/2009)
- Mykolayiv Astronomical Observatory (12/03/2007)
- National Steppe Biosphere Reserve "Askaniya Nowa" (13/09/1989)
- Tarass Shevchenko Tomb and State Historical and Natural Museum - Reserve (13/09/1989)
- The historical surroundings of Crimean Khans' capital in Bakhchysarai (24/09/2012)
- Trading Posts and Fortifications on Genoese Trade Routes. From the Mediterranean to the Black Sea (16/09/2010)
- Tyras - Bilhorod (Akkerman), on the way from the Black Sea to the Baltic Sea (22/07/2019)

UNESCO's April 8, 2022 Statement on Cultural Heritage in Ukraine

Except from UNESCO's Statement following adoption of United Nations General Assembly Resolution on Aggression against Ukraine

“In the field of culture, UNESCO underlines the obligations of international humanitarian law, notably the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two (1954 and 1999) Protocols, to **refrain from inflicting damage to cultural property, and condemns all attacks and damage to cultural heritage in all its forms** in Ukraine. UNESCO calls also for the full implementation of UN Security Council Resolution 2347.

In this respect, UNESCO is gravely concerned with the damages incurred by the city of Kharkiv, UNESCO Creative City for Music, and the historic center of Chernihiv, on Ukraine's World Heritage Tentative List.

UNESCO condemns also the attack that affected the Baby War Holocaust memorial, the site of one of the largest mass shootings of Jews during World War II, and calls for the respect of historic sites, whose value for education and remembrance is irreplaceable. In order to prevent attacks, UNESCO, in close coordination with the Ukrainian authorities, is working to mark as quickly as possible key historic monuments and sites across Ukraine with the distinctive emblem of the 1954 Hague Convention, an internationally recognized signal for the protection of cultural heritage in the event of armed conflict....”

Bombing of the Mariupol Theatre

Satellite image of Mariupol theatre, 14 March



Russian forces hit a theatre where civilians were sheltering, a potential war crime to be prosecuted by the International Criminal Court (ICC)

Ruins of Cultural Heritage in Chernihiv



The regional youth library was almost destroyed by Russian bombing on 11 March.

Destruction in Trostianets



City where Tchaikovsky composed music damaged by Russian forces. Image of the Art Nouveau villa known as Koenig Manor after restoration in 2018 (left) and after the recent retreat of Russian forces (right)

Sources: <https://www.theartnewspaper.com/2022/04/08/ukrainian-cultural-site-where-tchaikovsky-once-composed-music-damaged-by-russian-forces/>; and <https://konstantin.akinsha.com/2022/04/01/april-1-the-ruins-of-trostianets-huliaipole-dont-wake-up-the-ghost-of-nestor-makhno/>

Protecting Cultural Monuments in Odesa and Kharkiv



Volunteers place sandbags to protect a statue in Kharkiv



Sandbags cover the monument to Duc de Richelieu in Odesa

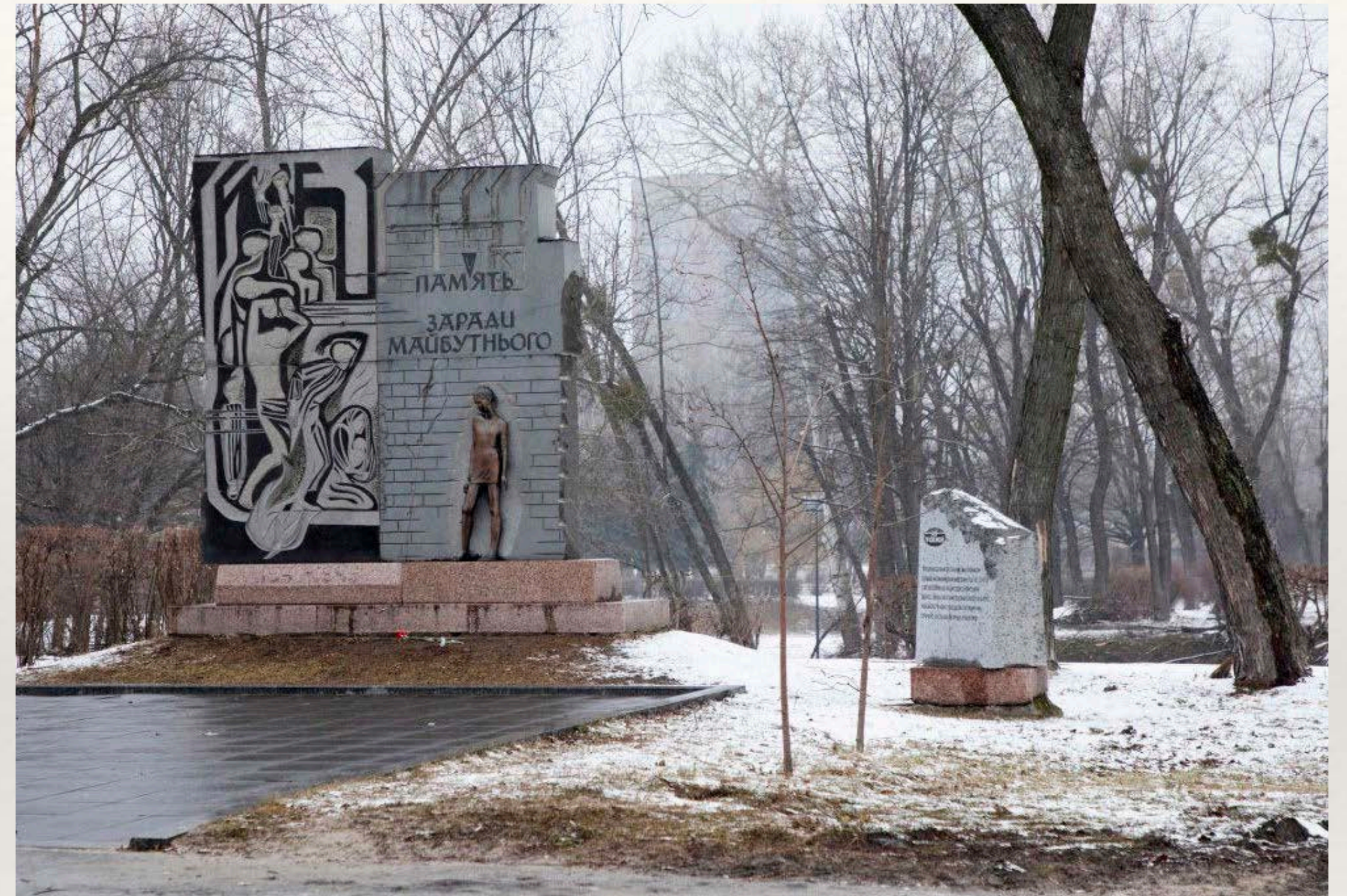


Barricades in front of the National Academic Theatre of Opera & Ballet in Odesa

Cultural Heritage at Risk in Kyiv



Museum staff move a piece of the Bohorodchany iconostasis (1698-1705) to safety at the Andrey Sheptytsky National Museum



The Babyn Yar Holocaust Memorial in Kyiv. A Russian missile struck the building on March 1st, killing five people

A Short History of Cultural Heritage Protections

The Ancient World



Cicero successfully prosecuted Gaius Verres, the former governor of Sicily during the Roman Republic (70 BCE), for corruption including excessive pillage of public and private works of art.

Under Emperor Julius (4th cent. CE), Roman law called for the protection and maintenance of older monumental structures.

Sources: <https://famous-trials.com/gaius-verres/57-home> and Gerstenblith, Patty. A "Cultural Heritage in Time of War and in the Aftermath of War." *Art Cultural Heritage and the Law: Cases and Materials*. Durham: Carolina Academic Press, 2004.

The Ancient World



- The Arch of Titus in Rome was constructed soon after the death of Emperor Titus Flavius Vespasianus (81 CE). The triumphal Arch commemorates the military victory of Emperor Vespasian and his son Titus in the Jewish War (66-74 CE) and celebrates despoiling of Jerusalem. The Arch features sculptural representations of *spolia* (spoils of war) including sacred religious objects taken from the Temple such as the Seven-branched Menorah and the Table of the Showbread.

Civil War: Lieber Code (1863)



Franz Lieber (1800-1872)

President Abraham Lincoln asked Franz Lieber (Columbia law) to draft a military code of conduct for the Union Army.

Lieber's "Instructions for the Government of Armies of the United States in the Field" was the first manual for the conduct of military forces in armed conflict that explicitly acknowledged the need for special status for charitable institutions, collections and works of art.

Hague Conventions (1899 and 1907)



News of the Lieber Code spread internationally.

In 1899, Czar Alexander II of Russia sponsored a conference of 24 countries, “The 1899 Hague Convention with Respect to the Laws and Customs of War on Land.”

Article 27: armies must spare buildings devoted to art, science, religion, hospitals and charitable purposes (as indicated by some visible sign).

Article 56: armies are prohibited to seize, destroy, or cause intentional damage to charitable buildings, historical monuments and works of art or science.

In 1907, 41 countries signed a new Hague Convention (no significant change to Articles regarding cultural heritage).

World War I: Leuven, Belgium (1914)

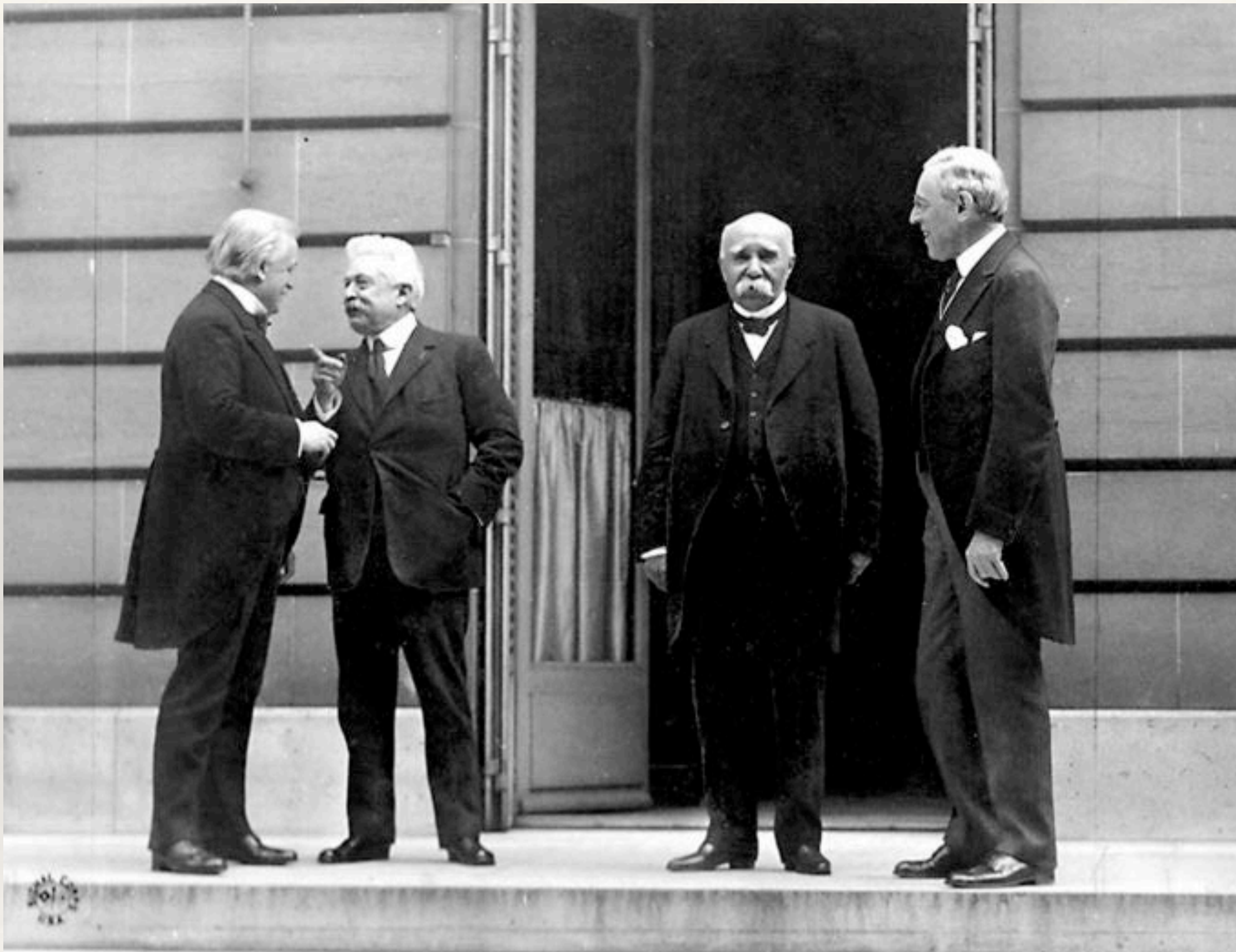


During the first few days of hostilities, while German forces were en-route from Belgium to France, troops destroyed the historic city of Leuven.

The 14th cent. University Hall and the 18th cent. library wing of ancient manuscripts were devastated on August 25th, 1914, destroying 300,000 books and 1,000 manuscripts.

The German assault was seen as a direct attack on learning and culture and caused outrage worldwide from international academic institutions.

Paris Peace Treaties (1919-1920)



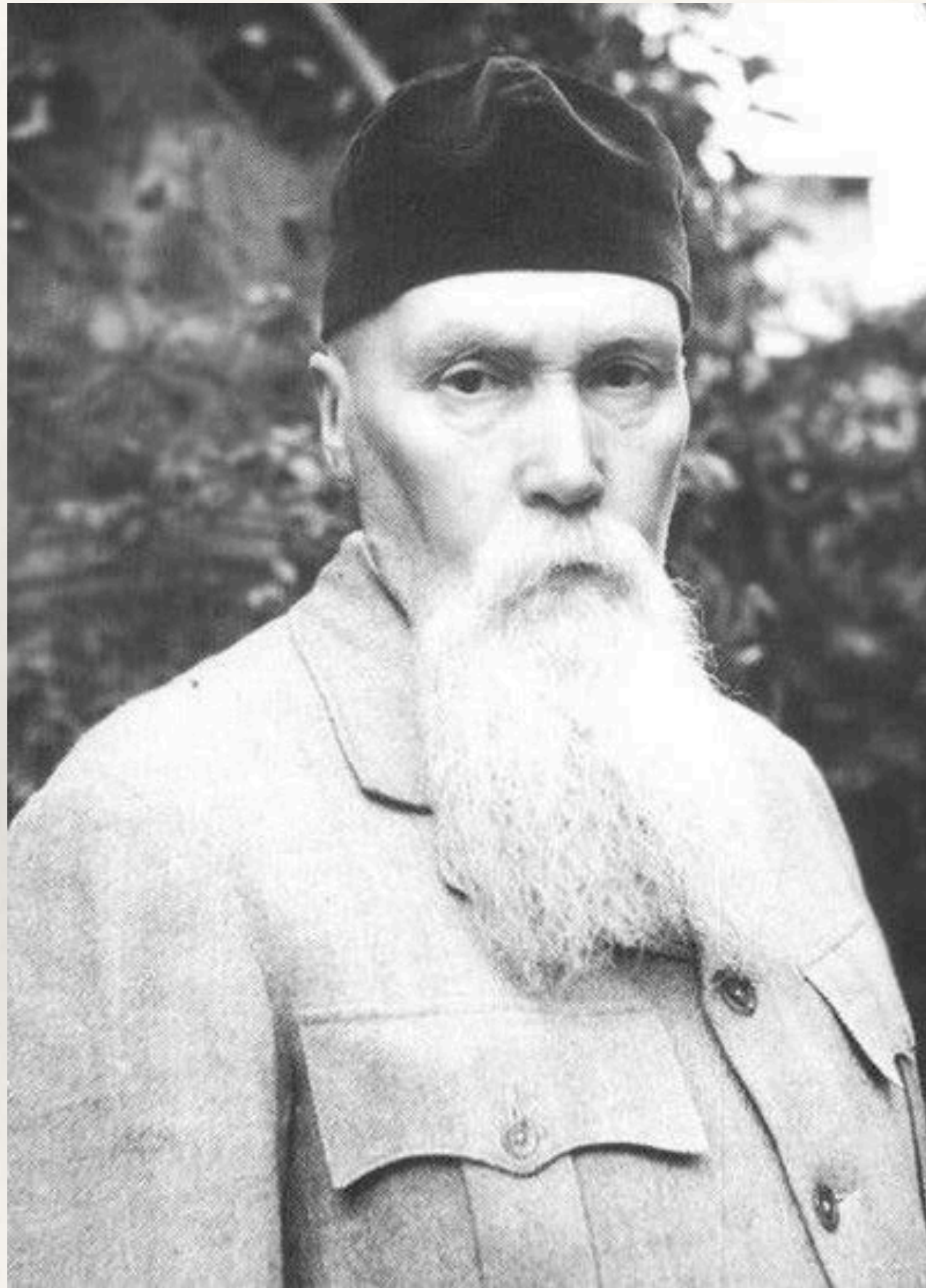
“The Big Four” made all the major decisions (left to right, David Lloyd George of Britain, Vittorio Emanuele Orlando of Italy, Georges Clemenceau of France, Woodrow Wilson of the U.S.)

The Treaties viewed the destruction of historic sites as pernicious.

The Treaty of Versailles set a precedent for the return of cultural objects as a remedy for significant and deliberate loss of cultural heritage in contravention of international humanitarian law, even if the cultural heritage objects being returned had been legally acquired by the holding State.

The Treaty included provisions for entitlement to damages for violations of international law, including obligations to respect cultural property protected by the 1899 and 1907 Hague Conventions.

Washington Pact (1935)



Nicholas Roerich (1874-1947)

Then Russian painter, philosopher and New York immigrant, drafted a pact prioritizing the defense of cultural objects as more important than the use or destruction of that culture for military purposes. He argued that the protection of culture always has precedence over any military necessity.

Roerich's document, "The Washington Pact for the Protection of Artistic and Scientific Institutions and of Historic Monuments" was signed by 21 countries and ratified by 11 nations.

The Pact had limited impact during World War II as only countries in North and South America were parties to it.

World War II: Warsaw, Poland (1939-1945)



“Warsaw has to be pacified, that is, razed to the ground” (Adolf Hitler)

To subdue the Poles, the Germans destroyed the Jewish Ghetto, and then suppressed the Warsaw Uprising. The Germans also attempted to eradicate Polish culture by destroying the most profoundly meaningful aspects of Warsaw’s cityscape. Of the 957 monuments previously classified as contributing to the special ambience of historic districts, 782 were totally destroyed and 141 partly demolished. More than 85% of the city center was reduced to ruins.

Warsaw, Poland



Prior to World War II, Warsaw was known as the Paris of the East.

In 1918, the Ministry of Culture and Arts was established. In 1928, a statute was passed to protect landmarks, parks / gardens, monuments of nature, and historic districts in urban areas. This is the earliest modern preservation statute to recognize the significance of protecting entire neighborhoods - and predated the zoning statutes of Charleston (1931) and New Orleans (1932) in the U.S, as well as Paris, London, Amsterdam, Rome and Vienna.

Warsaw, Poland



After the war, the lost historic monuments of Warsaw, especially the Old and New Towns, were re-created in their exact original locations. The reproduction of Polish landmarks was one of history's most poignant affirmations of the value of urban architectural culture. In 1980, the reconstructed historic center of Warsaw was added by UNESCO to the list of sites protected by the World Heritage Convention.

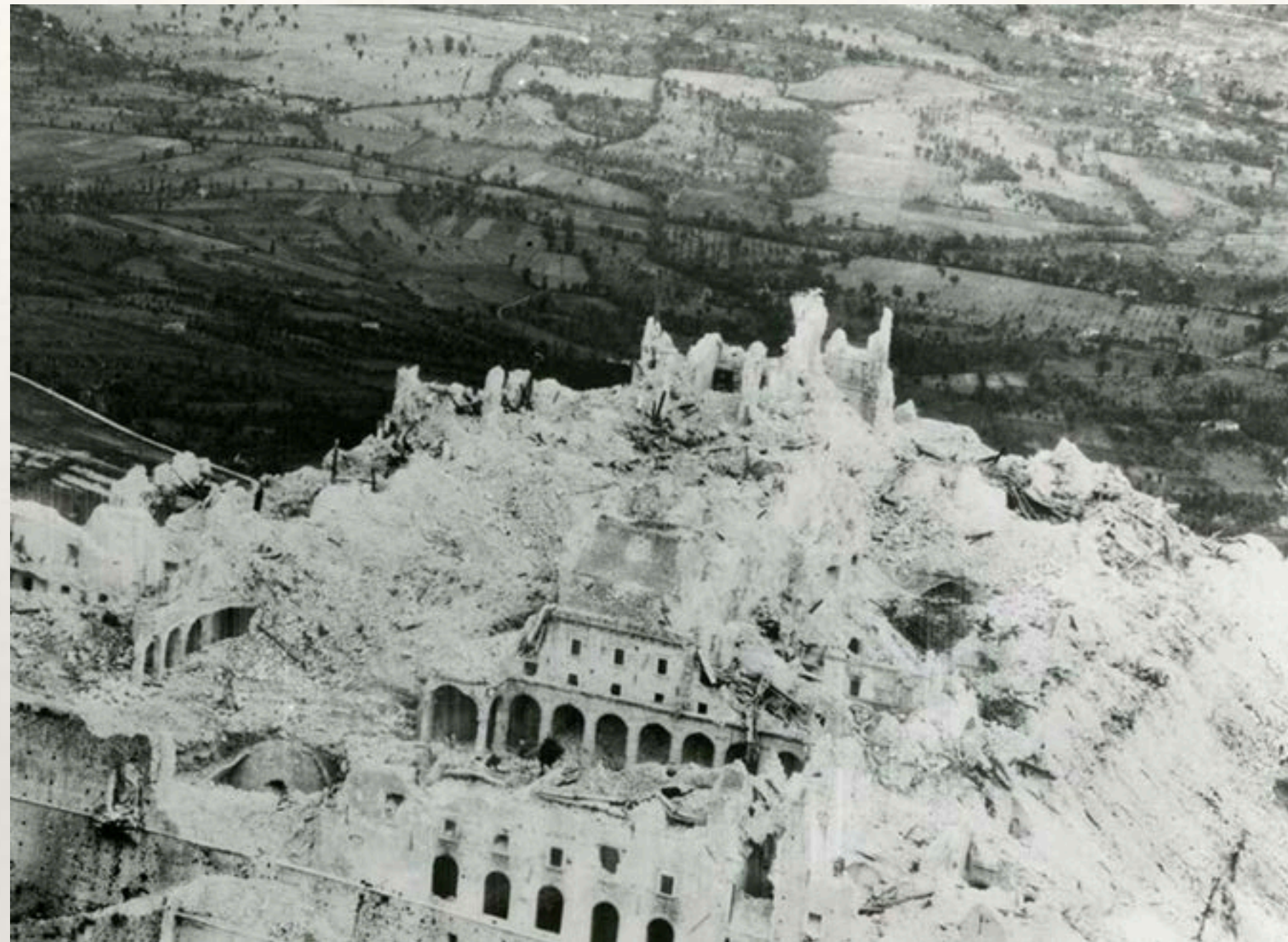
Benedictine Abbey of Monte Cassino, Italy



Founded in 529 CE by Benedict of Nursia as the first monastery of his new religious order, the Abbey was a center of historic scholarship where monks strove to preserve contemporary and ancient manuscripts and documents.

While the Abbey had been rebuilt multiple times due to natural disasters and sieges, the structure that stood prior to February 15, 1944, primarily dated from the 16th-17th centuries.

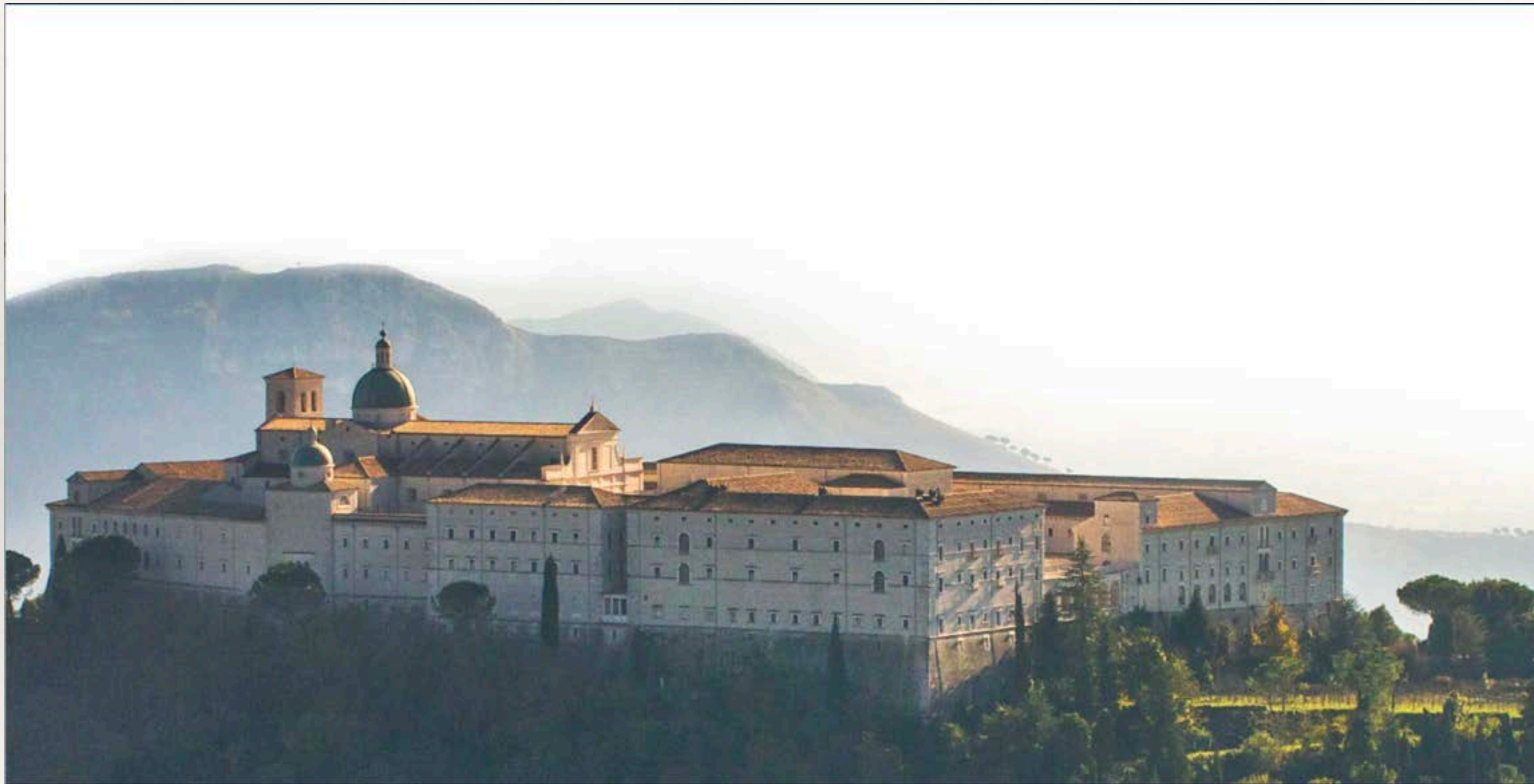
World War II: Benedictine Abbey of Monte Cassino, Italy (1944)



In January, Allied forces advancing north up the Italian peninsula stalled on either side of the Gustav Line. The Allies assumed the Germans were using the Abbey as a fortified position and observation post. However, only 2 monks and Cassino's townspeople had taken refuge at the Abbey.

On February 15th, bombs reduced the Abbey to rubble only months after General Eisenhower's Protection of Cultural Property Order was signed in December 1943.

The Benedictine Abbey of Monte Cassino, Italy

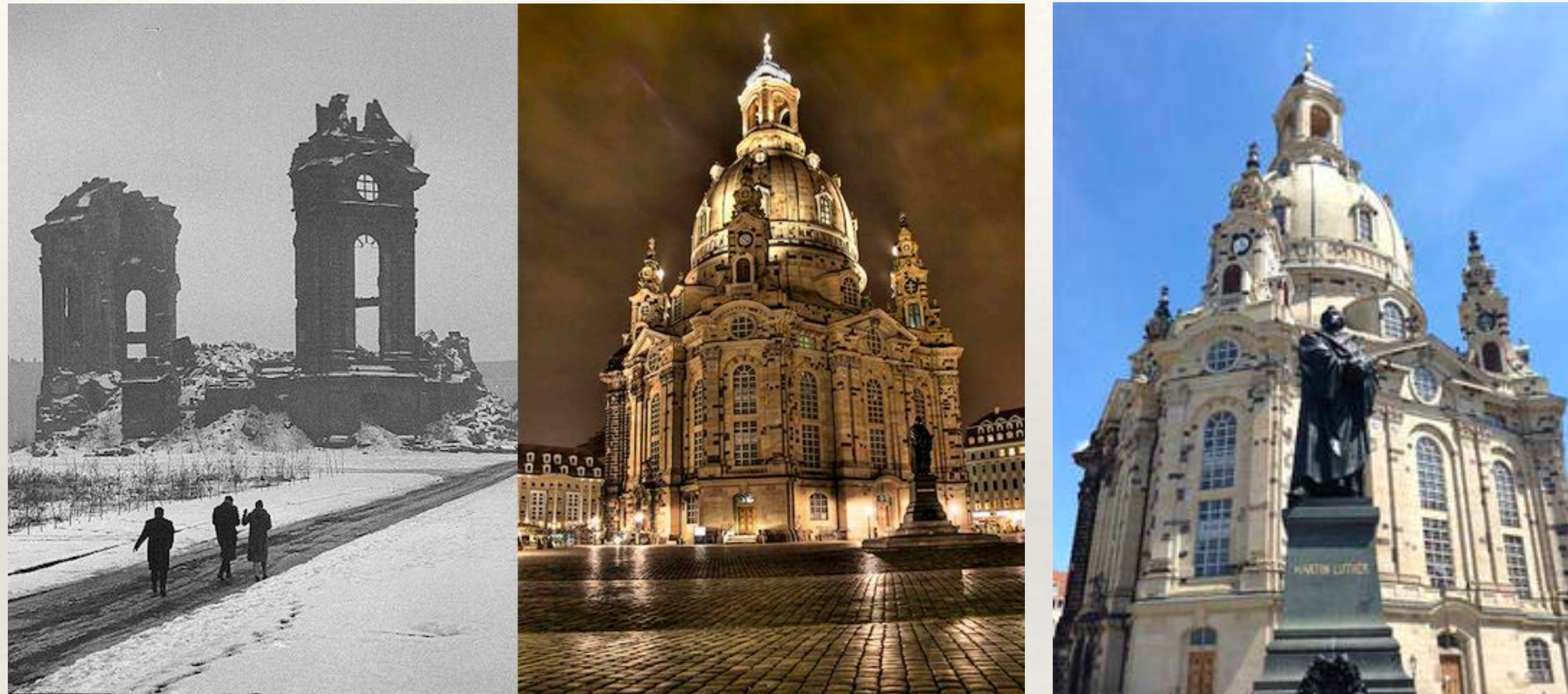


In January 1949, Abbot Rea decided to reconstruct the Abbey “where it was, as it was.”

Since monastic buildings were the property of the State (per the 1866 law of expropriation), funds were dedicated from the Ministry of Public Works.

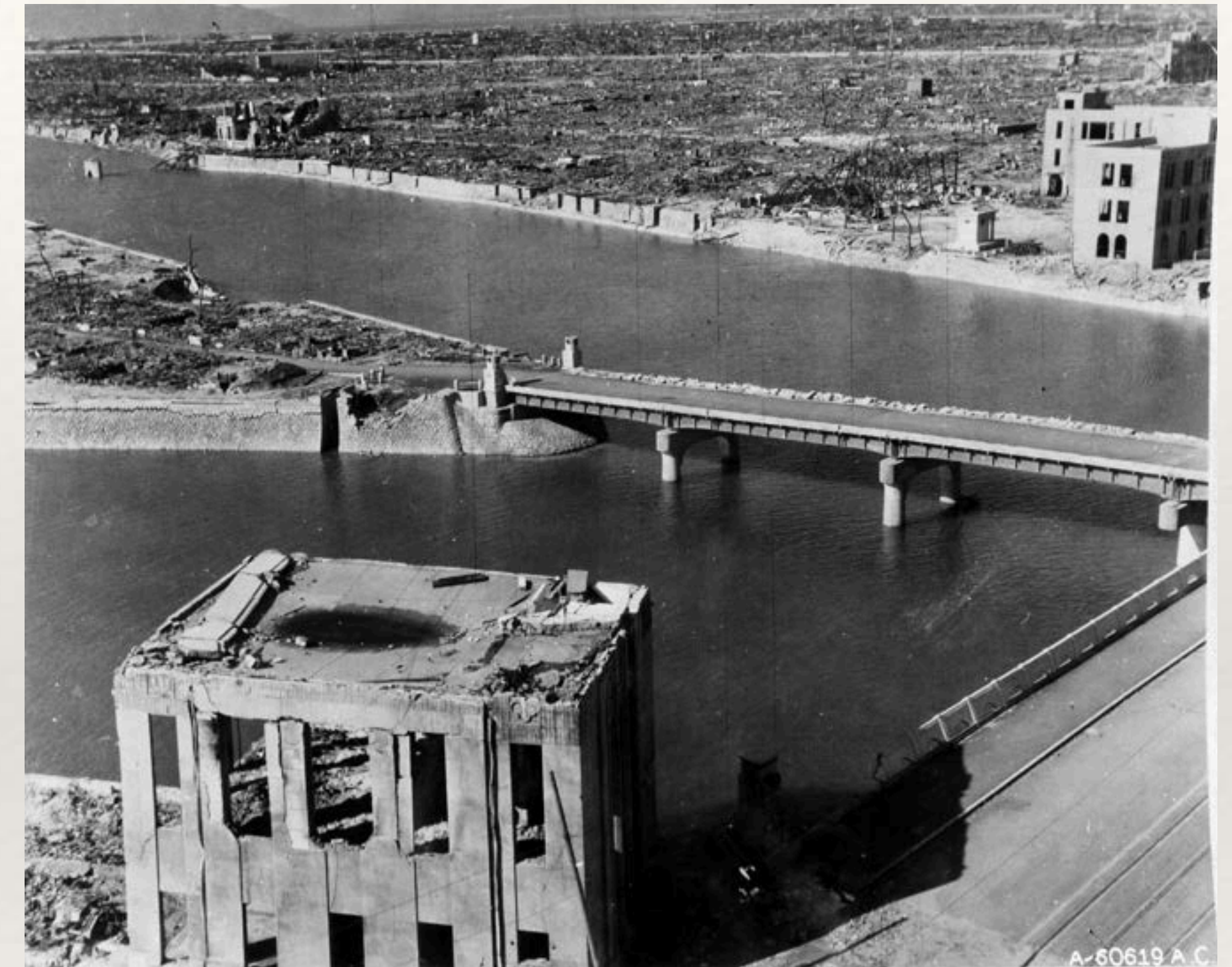
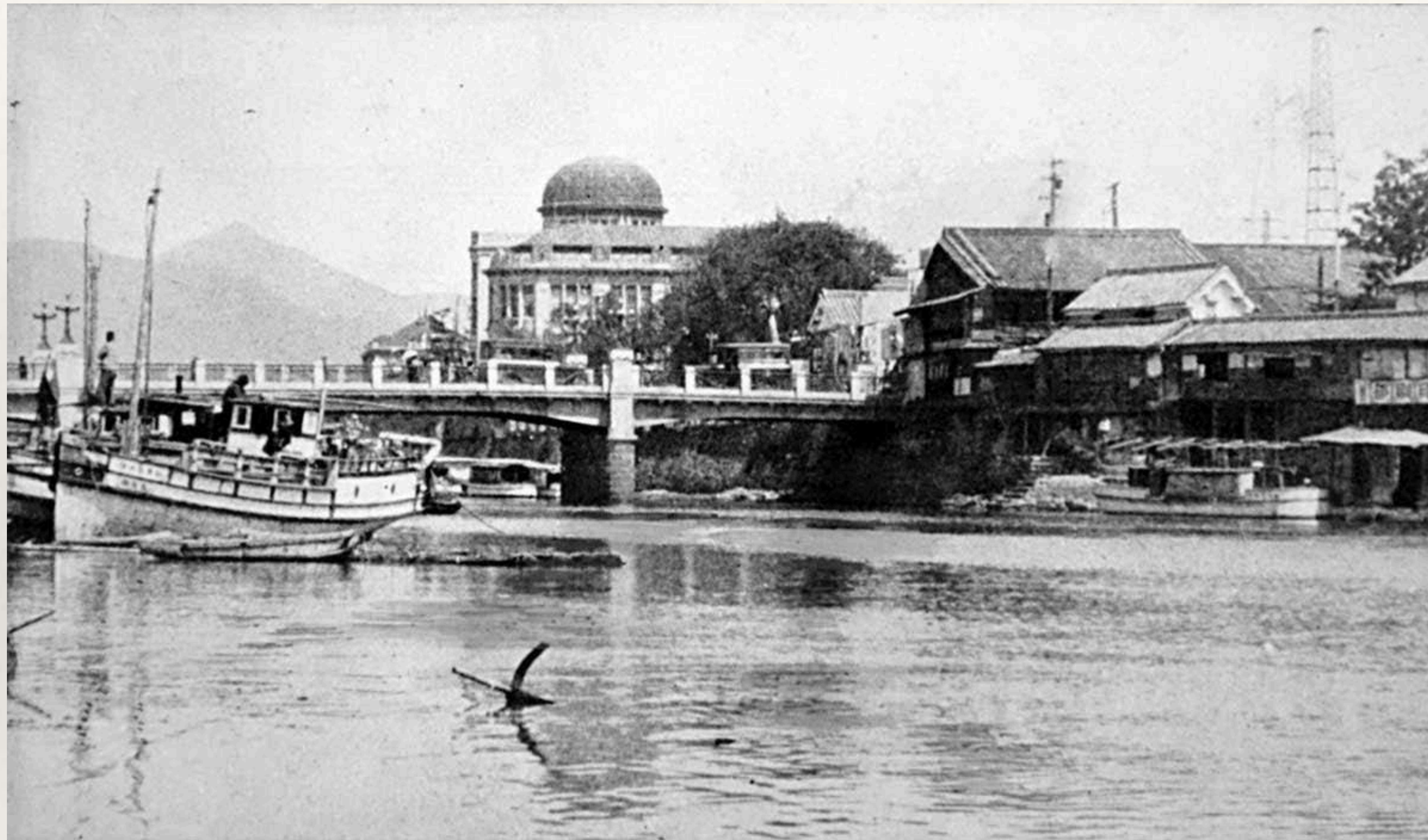
Monk and Engineer Don Angelo Pantoni assisted in the reconstruction effort since he had prepared layouts of the Abbey at the end of the 1930s. These plans proved crucial to the reconstruction effort.

World War II: Dresden, Germany (1945)

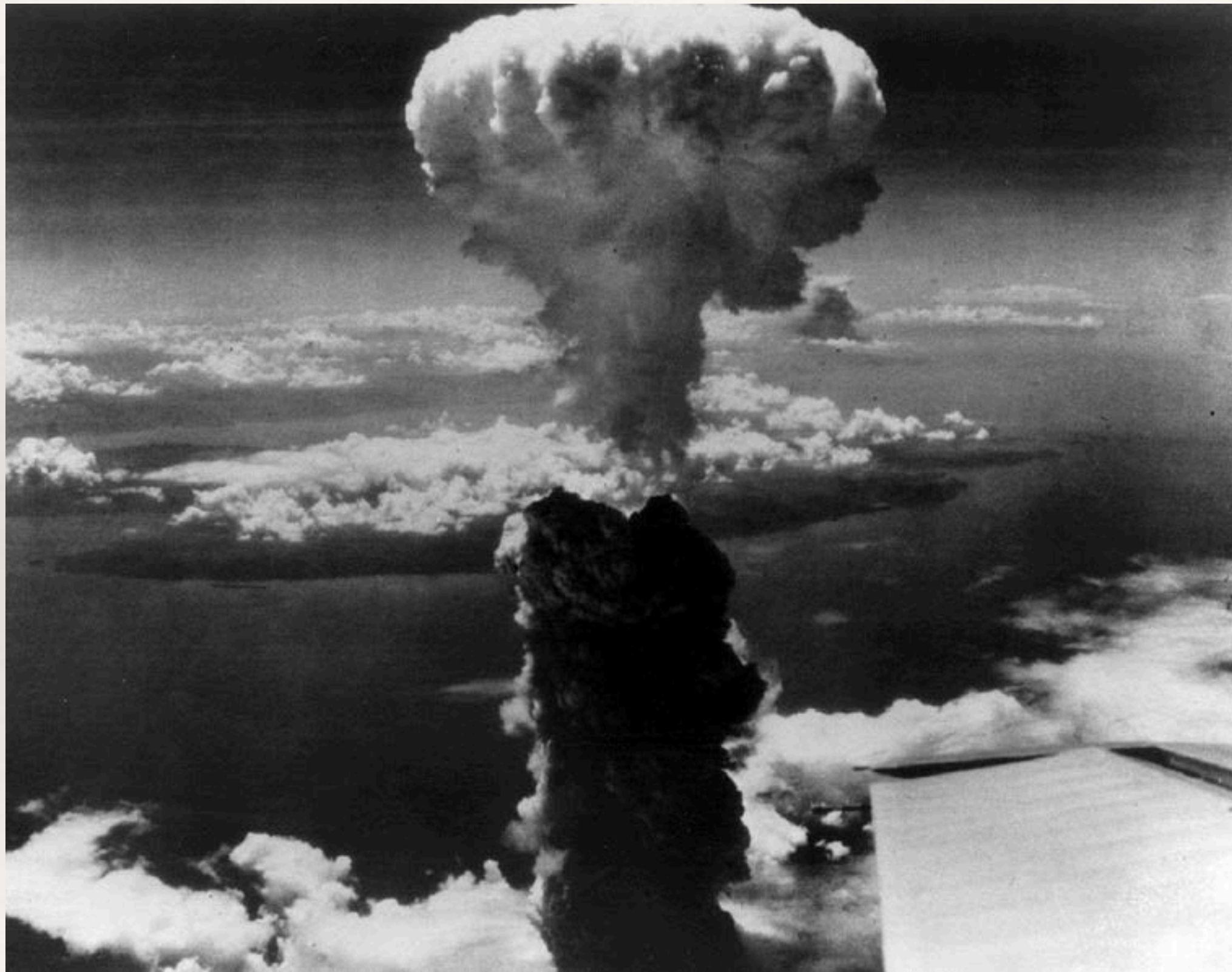


The historic center of Dresden was fire bombed by American and British forces in 1945. In 1992, shortly after the fall of the Berlin Wall, efforts to rebuild the Frauenkirche commenced. In 2005, the rebuilt church was completed at a cost of \$182 Million Euros based on original plans.

World War II: Hiroshima, Japan (1945)



World War II: Nagasaki (1945)



Fire Bombing of Tokyo (1945)



World War II: Monuments Men

On June 23, 1943, President Roosevelt approved the formation of the "American Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas" widely known as the "[Roberts Commission](#)."

The Monuments, Fine Arts, and Archives ("MFAA") section was created under the auspices of the Civil Affairs and Military Government Sections of the Allied Armies. Approximately 354 men and women from 14 nations worked to protect monuments and other cultural treasures from the destruction of World War II.

In the last year of the war, they tracked, located, and in the years that followed, returned more than five million artistic and cultural items to the countries from which they had been taken. Their role in preserving cultural treasures was without precedent.



Stephen Kovalyak, George Stout and Thomas Carr Howe transporting Michelangelo's Madonna and Child out of the Altaussee salt mine in Austria, July 9, 1945.

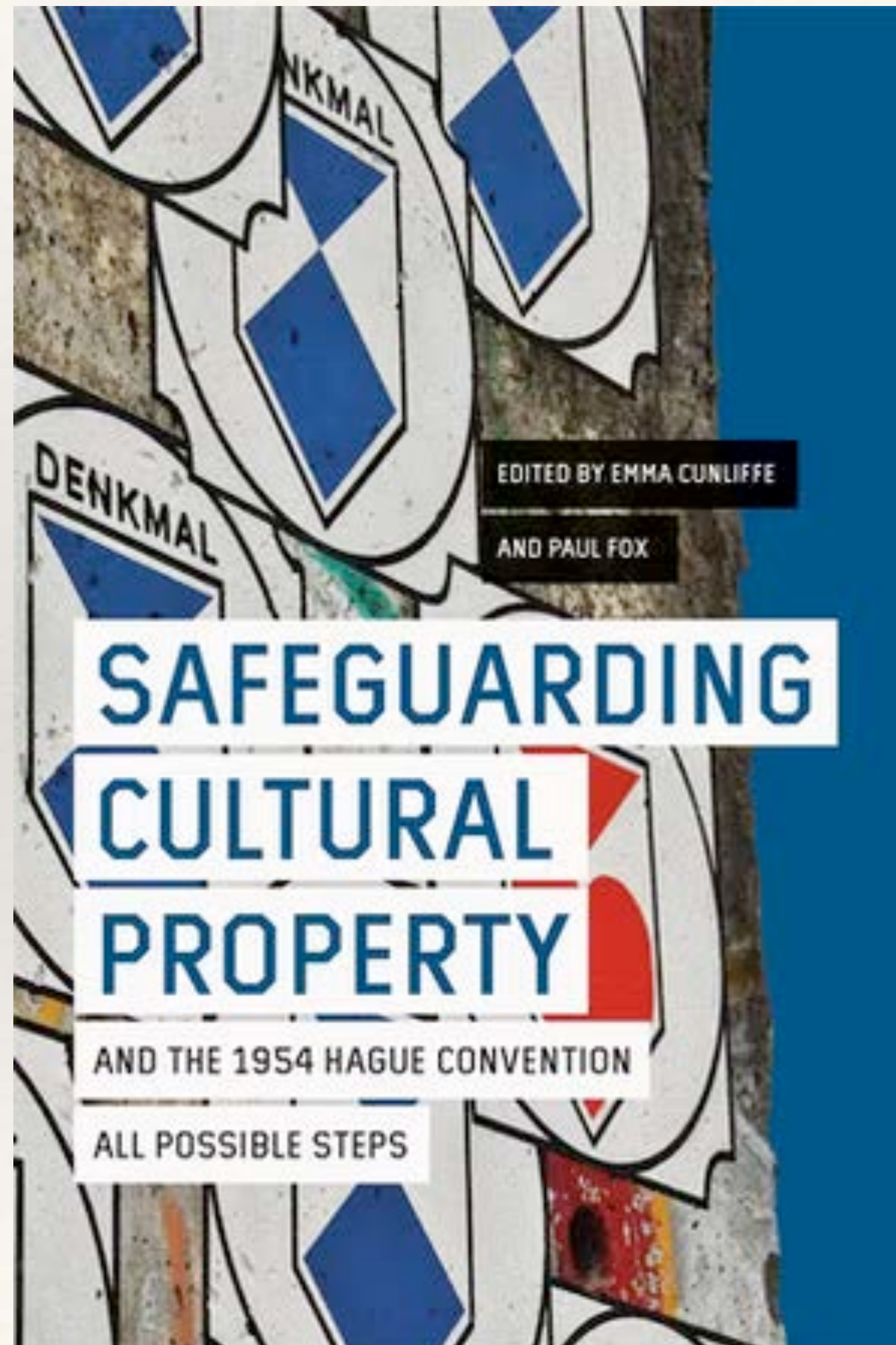
Geneva Convention (1949)



The Convention prohibited intentional or gratuitous damage to undefended cultural heritage by invading or occupying forces.

In 1977, two Protocols were added prohibiting attacks against cultural property; prohibiting the use of cultural property in support of military efforts; and prohibiting the destruction of cultural property as reprisals without exception for military necessary.

Hague Convention (1954)



In the wake of World War II, the international community drafted new legislation to protect cultural heritage in times of armed conflict.

The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) was the first post-war international conference exclusively devoted to safeguarding cultural heritage.

The U.S. initially signed the document. In 1989, the U.S. military withdrew its objection to ratification after the fall of the Soviet Union. In 1999, President Clinton transmitted the Convention to the Senate for ratification.

In 1999, the 1954 Convention was strengthened in the wake of the the Balkan wars (early 1990s).

Source: <https://en.unesco.org/protecting-heritage/convention-and-protocols/1954-convention>

Hague Convention: Member States

193

Member States

133*

1954 Convention

110*

1954 First Protocol

85*

1999 Second Protocol

* The Holy See, Liechtenstein, Israel and United States of America are not voting members of UNESCO, and therefore they have not been included in the list, although these States have acceded to the 1954 Hague Convention.

The Holy See, Liechtenstein and Israel have also acceded to the First Protocol (1954). Liechtenstein has acceded to the Second Protocol (1999).

In total, 133 States ratified the 1954 Hague Convention, 110 of them are also Parties to the 1954 First Protocol and 84 of them to the 1999 Second Protocol.

Hague Convention: Preamble

“Being convinced that damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of all mankind, since each people makes its contributions to the culture of the world;

Considering that the preservation of cultural heritage is of great importance for all peoples of the world and that it is important that this heritage should receive international protection...”

Hague Convention: Definition of Cultural Property

Article 1:

- (a) moveable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular; archaeological sites; groups of buildings which as a whole are of historical or artistic interest; works of art; manuscripts, books and other objects of artistic, historical or archaeological interest; as well as scientific collections and important collections of books or archives or reproductions of property defined above; and

- (b) buildings whose main and effective purpose is to preserve or exhibit the moveable cultural property defined in sub-paragraph (a), such as museums, large libraries and depositories of archives, and refuges intended to shelter, in the event of armed conflict, the moveable cultural property defined in sub-paragraph (a)

Hague Convention: Obligations During War & Occupation

Parties of the Convention are obligated to:

“respect cultural property situated within their own territory as well as within the territory of other High Contracting Parties by refraining from any of the property and immediate surroundings...and by refraining from any act of hostility, directed against such property.” (Article 4, p. 1)

“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 situated in the territory of another High Contracting Party (Article 4, p. 3)

“(Parties) shall refrain from any act directed by way of reprisals against cultural property” (Article 4, p. 4)

The Convention also provides special protection for centers with monuments, immovable cultural property and repositories of cultural property (Articles 8-11)

Hague Convention: Military Training

Most of the provisions of the Convention other than the identification and possible marking of important national cultural property are typically dealt with by means of appropriate Military Regulations and training programmes.

The requirements of the Convention are often taught as part of military training programmes about the law of armed conflict (international humanitarian law) and included in relevant training and information manuals even in countries that are not Parties to the Convention, such as the United Kingdom and United States.

The latest (March 2005) edition of the U.S. Army's "Civil Affairs: Arts, Monuments and Archives Guide" (GTA-41-01-002) includes a summary of the Hague Convention and its application.

Hague Convention: Criminal Responsibility & Jurisdiction

The Second Protocol specifies Member States obligations regarding criminal responsibility & jurisdiction with respect to breaches of the Convention (Chapter 4).

Article 15 defines five serious violations of the Protocol, subject to universal jurisdiction (Article 16), and prosecution (Article 17), as well as being extraditable (Articles 18 - 20), paralleling international crimes under customary international law, “grave breaches” of the Geneva Conventions or the crime of genocide, within treaty law.

The 1954 Convention includes provisions for prosecution at the national level. The implementation of Chapter 4 (Criminal responsibility and jurisdiction) will require primary legislation in most/all Member States.

Some Member States must undertake special constitutional procedures (e.g. Constitutional restrictions on the extradition of nationals) before they can comply with the obligations accepted with the ratification of the Second Protocol.

Cultural Heritage & Contemporary Armed Conflicts

Lebanon Civil War (1975-1990)



Facade of the National Museum in Beirut prior to restoration (1994)



War ravaged buildings in Beirut (above) and salvaged fragments of antiquities (below)

After years of civil war, the protection and conservation of Lebanon's cultural heritage remains a priority, whether as a result of destruction during the war or neglect.

The government established an independent agency (Solidere) to oversee the reconstruction and redevelopment of Beirut's central district which had been heavily bombarded.

According to the Getty Conservation Institute, few historic buildings were designated for restoration and the rest of downtown was virtually razed to prepare for new construction.

Balkan Wars: Old City of Dubrovnik, Croatia



Founded by the Romans in the 7th cent. CE, Dubrovnik became an important trading port on the Adriatic coast.

In 1979, UNESCO designated the Old City as a World Heritage site.

Between 1991 and 1992, the city suffered severe damage during the Siege of Dubrovnik, amidst the Yugoslav wars. Over two-thirds of the Old City's buildings were hit by projectiles; many buildings were destroyed by fire.

In 2005, the International Criminal Court convicted the former Yugoslav general Pavle Strugar for war crimes, including destruction of Dubrovnik's historic monuments.

Balkan Wars: National Library, Sarajevo

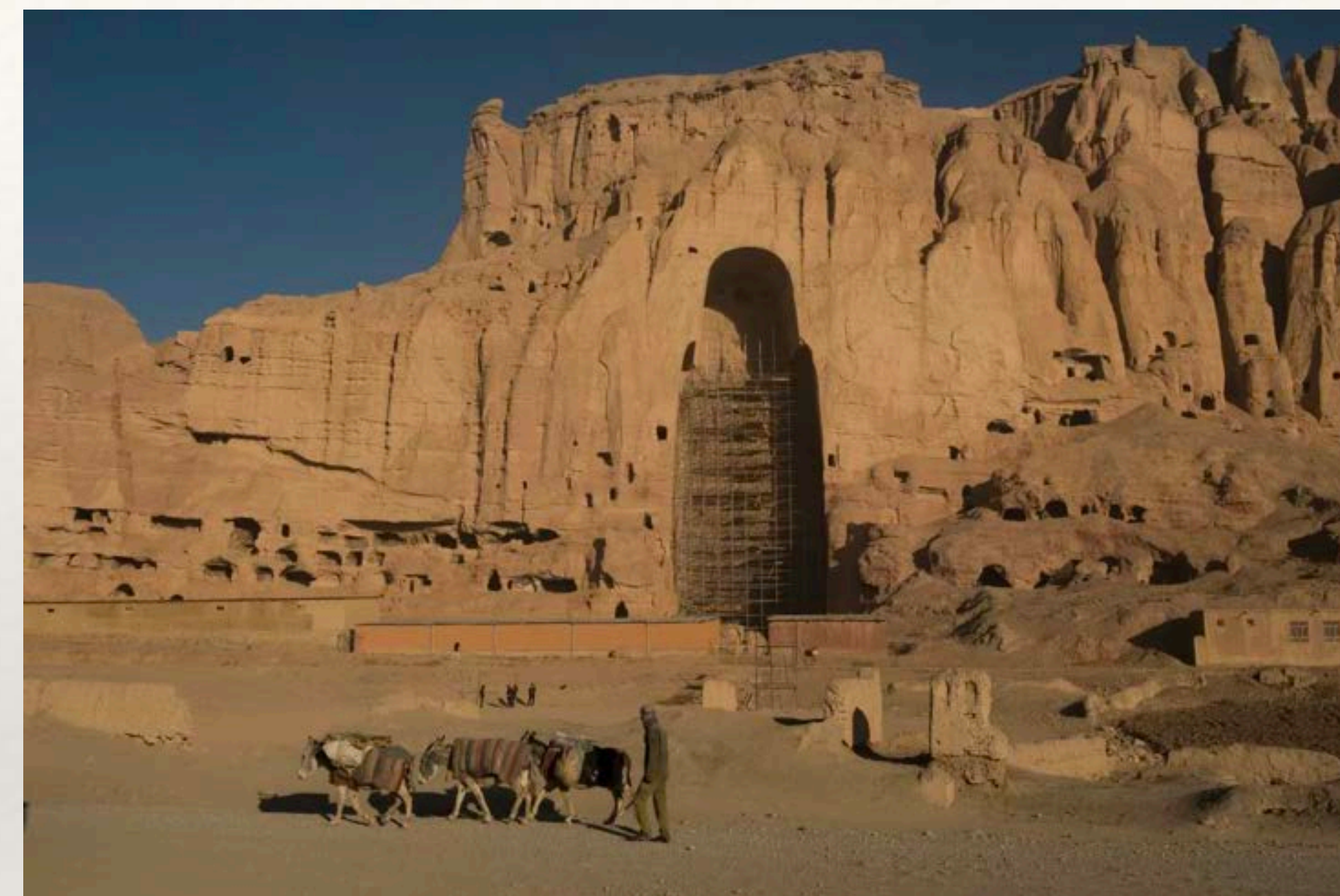
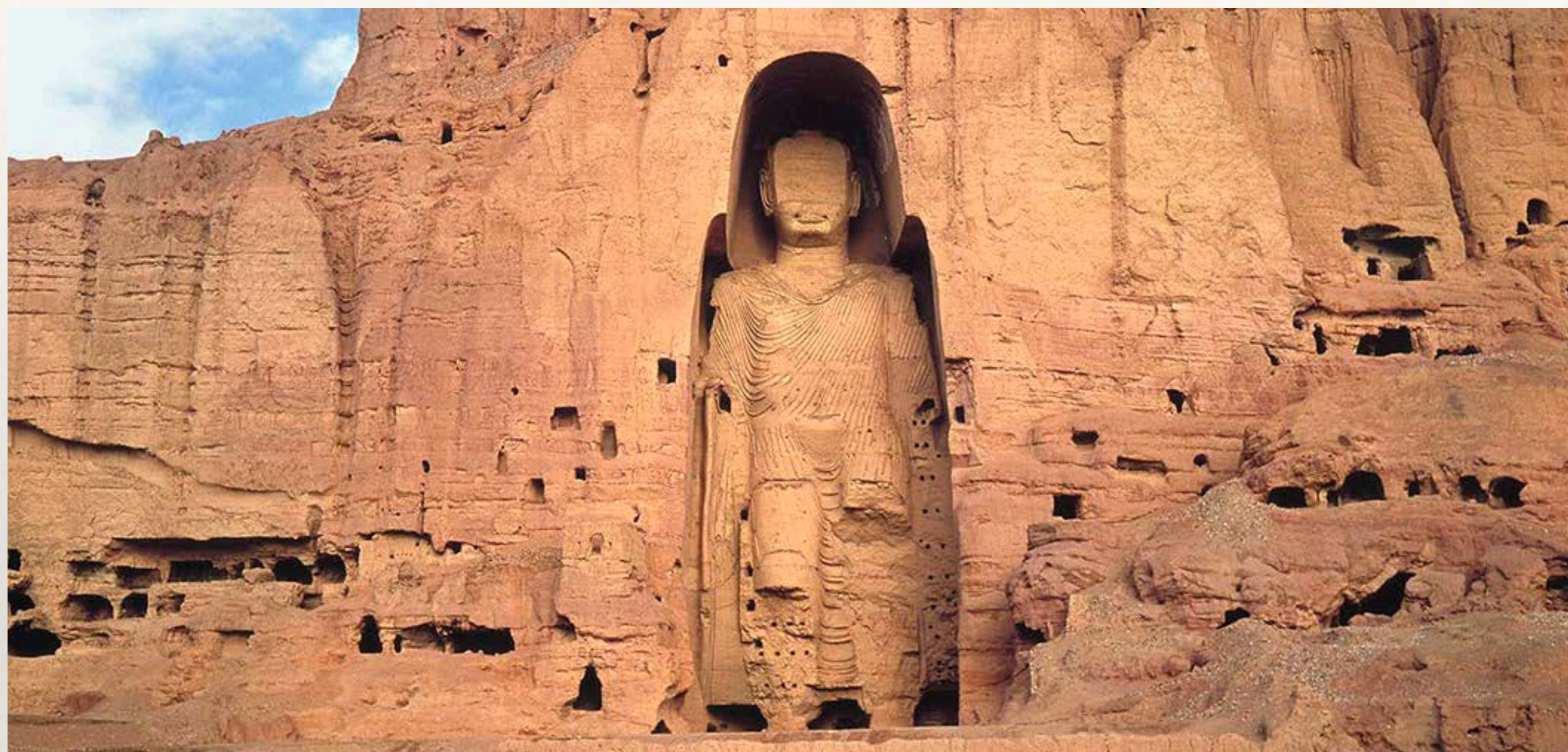


Inspired by the Islamic Mamluk architecture that flourished in Cairo (13th - 16th cent.), the historic City Hall of Sarajevo (1890s) was repurposed as the National Library in 1949.

In 1992, the building was set on fire during the Siege of Sarajevo, destroying almost 2 million books.

In 2014, after 22 years of restoration and reconstruction, the building reopened to the public.

Taliban and the Buddhas of Bamiyan Province, Afghanistan



- The Buddhas, once the tallest Buddhist monuments in the world, had been carved into the side of a cliff (6th cent.). The largest one was 170 feet tall. In 629 CE, the Chinese traveller Xuanzang described tens of thousands of monks gathered near the statues. Responding to an Afghan cleric's call to destroy "idolatrous statues", the Taliban bombed the sculptures in 2001. The scaffolding seen on the right illustrates recent efforts to restore the Buddhas.

Syrian Civil War: Great Mosque of Aleppo



- Constructed between the 8th - 13th cent., tradition held that the Mosque contained the remains of the prophet Zechariah, the father of John the Baptist. The 11th cent. Minaret provided a high vantage point for a crier to call Muslims to daily prayer. The complex was one of the Old City's oldest and largest mosques. In 2013, the mosque was attacked during the Syrian Civil War.

ISIS and the Temple of Baal, Palmyra, Syria



- The ancient city of Palmyra flourished as a Roman trading post circa 200 CE. In 2015, Islamic State (“ISIS”) militants seized the city. ISIS destroyed one of the best preserved archaeological sites using bulldozers and explosives; destroyed artifacts in the Mosul Museum using pickaxes and sledgehammers; and dynamited centuries old Christian and Muslim shrines.

ISIS and the Gates of Nineveh, Iraq



- Founded in the 7th cent. BCE, the ancient Assyrian city of Nineveh was historically guarded by walls and multiple gates. One of the ancient gates was called the Mashki Gate (“the Gate of God”). In 2016, ISIS destroyed the gates as part of an effort to eliminate historic monuments and cultural artifacts.

Recommendations for Further Reading

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to my family for their encouragement and support,
and to the memory of my great-grandparents who
emigrated from Rostewiche, Galicia to Manitoba, Canada in 1899.