

The threat of religious terrorism on cultural heritage: summarizing international intervention and future perspectives

Colomba LA RAGIONE¹, Giuliano LUONGO², Marika BALZANO³

⁽¹⁾Centre for Language Studies (CLA), Pegaso University, Naples, Italy

⁽²⁾Dep. of Environment and Land, United Nations – UNIPACE, Rome, Italy

⁽³⁾Analyst, Vision & Global Trends



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Colomba LA RAGIONE¹, Giuliano LUONGO², Marika BALZANO³

⁽¹⁾Centre for Language Studies (CLA), Pegaso University, Naples, Italy
colomba.laragione@unipegaso.it

⁽²⁾Dep. of Environment and Land, United Nations – UNIPACE, Rome, Italy
giuliano.luongo@unipaceroma.org

⁽³⁾Analyst, Vision & Global Trends

Abstract

The rise of terrorism rooted in religious extremism struck many aspects of civil society at global level. A crucial aspect of such threats regards the attacks against historical monuments and cultural heritage. The international attention to the destruction of historical sites arose in 2017, after the attacks that took place in Mali; this set an important starting point for paving the way to joint international efforts, with particular engagement from UNESCO and UNODC.

On the basis of this background, in this paper we will discuss the topic of the protection of cultural heritage from physical harm deriving from assaults of religious extremist matrix: the scope of the papers consists in providing a summary of the international-level measures undertaken until now, discussing their effects – manifest and potential – while concluding with the future perspectives on this relevant issue.

The paper will introduce the topic by summarizing the main attacks of recent years; then, it will identify under a geographical profile the areas under most relevant threat in relation with the most active perpetrators, identifying the main terrorist groups involved in such actions. Consequently, it will report and comment on the main measures taken by the global community via international organizations and at national/governmental level. In conclusion, it will point out the necessary relation between practical security-related activities and socio-cultural promotion activities.

Key words: cultural heritage, UNESCO, International protection, terrorism.

1. Case history

The destruction of cultural heritage in Mali has become the key fact to catalyze attention to the issue of attacks by militants of religious extremist terrorist factions on the targeting of cultural heritage. The escalation of violence perpetrated by terrorist organizations in the orbit of the Islamic State and Al-Qaeda often targeted historical landmarks for reasons spacing from ideological fuel for religious and political propaganda, to short-term economic gains.

The most (in)famous of such tragic occurrences involves the attacks that took place in the Malian historical town of Timbuktu. In 2012, the militants of Ansar Dine and Al-Qaeda in the Islamic Maghreb destroyed the Sidi Yahya mosque and the Sidi Ben Amar mausoleum. The destruction of these monuments is in line with the extremist thinking of these Islamic terrorists for whom, even Islamic places of worship, did not respect their interpretation of Sharia – for which, for example, funeral monuments must have a limited height to be considered as “tolerable”.

The second major occurrence of such kind of strike can be identified as the Palmira attacks, which took place in May 2015, when ISIL carried out the destruction of the cultural heritage of the city of Palmyra.

The main sites destroyed were the temples of Bel and Baalshamin, along with numerous monumental tombs. When forced to withdraw by Syrian government forces, the terrorists destroyed part of the Palmyra castle. The ideological motivation behind these devastations was based on the fact that the monuments were considered "polytheistic", and therefore "intolerable" for the religious vision of the extremists, based on a monotheistic faith. The case of Palmyra is the most emblematic, part of a long series of acts of deliberate destruction of cultural heritage in Syria by the Islamic state: in fact, there are countless actions against churches and monasteries, museums and vintage collections, as well as mosques and places of worship of the Islamic religion.

These violent actions follow what Al-Qaeda in Afghanistan already traced during the 1990s. Even on those occasions all those sites and monuments that were intended to catalyze the antagonism of ideological terrorism were deliberately targeted; both the traces, the testimonies, the other cultures and those of moderate Islam. These numerous attacks have led the international community to make a deeper reflection on how to legally sanction and prevent this type of illegal action.

With regard to the modalities and in particular to the geographical location of these attacks, it should be noted that they are still - fortunately - bound to the areas where terrorist groups are not only strongly rooted, but where they also have the military capacity to perpetrate these attacks in the open field or in the context of military campaigns. However, it must be added that the geographical dimension this type of crime takes on a transnational character when the crime of illicit trafficking of objects related to a country's cultural heritage takes shape. This

second illegal activity is in fact closely linked to the first because it becomes a source of financing for criminals who profit from it thanks to their numerous liaisons in the western criminal world.

An element necessary for reflection on the dynamics to be considered to evaluate the possible countermeasures to this type of attacks on the heritage of humanity must be found in the ideological roots of the terrorist and paramilitary movements that implement these destructive actions.

These attacks are mainly carried out by extremist religious terrorist movements, such as the self-proclaimed Islamic State (IS, or, in other forms, ISIS or ISIL); again, movements close to the tragically evergreen Al-Qaeda. These terrorist organizations are united by a very strong iconoclastic feeling, that is, by the deliberate destruction of everything that is perceived by them as the potential of representing the divine, or in any case that it is a testimony of a culture different from theirs, if not already a testimony of a different interpretation of their creed. Think again of the case of the destruction of cultural heritage in Mali: on that occasion, extremists of Islamic faith aimed to erase the traces of the most ancient (pre-Islamic) civilizations present on the Malian territory.

The action of physical damage aimed at the devastation of an ancient structure, must be perceived in the broadest sense of damage, of cancellation of what remains of an idea, of a projection, in the broad sense of an antecedent and different culture from that which we want to impose on people who do not agree, which is based on non-compliant principles and ideologies. In other words, everything that testifies to the "different" must be brought to definitive destruction precisely because of its being, forgiveness for repetition, a testimony to the presence and memory of something that does not conform to the dogmas that regulate the life of extremists ; the very condition of extremism leads to total intolerance towards everything that cannot be assimilated in any way and / or allowed to live with the ideology of the extremists themselves. The vision of the extremist means that he is almost convinced of carrying out a "service" to the citizens of the country he is "converting", leading to his cause, as such an act "would free him" from a false ideology.

Secondly, the lucrative element of destructive actions must not be excluded since, in the vast majority of cases, acts of devastation are followed by those of undue appropriation of finds by perpetrators; these findings seem to find a very large market globally.

2. International legal framework

Internationally, several agreements and treaties have been made, many of which are promoted by UNESCO. These include the UNESCO 1954 convention, and related protocols (protection of cultural heritage in the event of armed conflict); UNESCO 1970 convention (convention on the means to prohibit and prevent the import, export and transfer of illicit property of cultural goods; the

1972 convention on the protection of world, cultural and natural heritage (which will be detailed below); the UNESCO convention for the protection of submarine cultural heritage; the 2003 UNESCO convention on the protection of intangible cultural heritage; the 2005 UNESCO convention on the protection and promotion of cultural diversity and expressions. In addition, we point out the 1995 UNIDROIT convention on stolen cultural objects or illegally exported; the UNODC 2000 convention against organized transnational crime; lastly, the COE convention on crimes against cultural goods 2017.

The UNESCO 1972 convention provides the basic framework for the further legal developments reached until present day. The relevance of the 1972 convention lies mainly in its role as a “precursor” for such further developments. The convention, in fact, contributed in establishing the basic conception of central terms in the domain of the protection of cultural heritage.

Under its article 1, in fact, it defined cultural heritage as the broad term to include:

- monuments, intended as “architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science”;

- sites, including, “works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view”;

- groups of buildings, namely “groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science”.

Furthermore, the convention states the importance of natural heritage and defines it under similar criteria.

The importance of the UNESCO 1972 convention lies also in the fact that it calls for the engagement of States in protecting cultural and natural heritage, invoking a joint effort to be taken by States together with the UN system and the international community (articles 4 to 7). Further key developments in the base definitions were taken with the 2003 convention, where the concept of intangible cultural heritage is formally defined. Art. 2 of the convention (under 2.1) establishes that “the ‘intangible cultural heritage’ means the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage [...]”

The Security Council of the United Nations has taken too measures in the field of international protection of the cultural heritage. In particular, the Security

Council covered this topic with resolutions 1483 (taken in 2003, in regard with the conflict in Iraq), and 2199 and 2253 (both taken 2015, linked to international counter-terrorist measures). These resolutions mainly treated the topic as one of the aspects of international security, so not taking cultural heritage protection as the “central” topic of their discussion. Their link to Ch. VII of the UN charter, however, made the content of these resolution binding in regard at least of the conflicts to which they were related.

Furthermore, from the international legal point of view, a stone has been reached thanks to the Resolution of the UN Security Council 2347/2017, entitled "Maintenance of Peace and Security".

The 2017 Resolution presents both considerable strengths - if not already strictly from a legal point of view, at least from a political one - as well as concrete shortcomings.

It should be considered a significant step forward that this resolution qualified the destruction of cultural heritage in the event of armed conflict as a war crime, in the presence or not of perpetrators linked to the spheres of terrorism. In this way, the level of seriousness of the crime committed is raised, on the basis of extremely severe historical and cultural damage. It is believed that the second important element was to equalize the acts of destruction to those of illegal trafficking, giving them a "single" legal dimension, with an equal aspect, in order to facilitate the management of the case history by creating a single coherent dimension of legal field. The link to the 2003

Additionally, the resolution calls upon Member States for the adoption and implementation of specific measures apt to counter illegal activities aimed towards the damage to cultural heritage. Thus, the Security Council urged for the development of specific legislation in Member States in regard with the import of goods related to cultural heritage, as well as the empowerment of police forces operating in this domain.

A sign of potential weakness of the resolution concerns the notation of war crime which characterizes the crime of destruction of cultural goods. This implies, in fact, that such unlawful (albeit deplorable) actions are de facto punishable only in the presence of a proven conflict. This situation implies that such acts of destruction of this specific category of common goods cannot be punished if it is perpetrated by a group not equated to a belligerent faction, which would thus become punishable only by laws and measures related to damage to property. Such measures would necessarily end up being less internationally incisive towards perpetrators, who could act and perpetrate such action outside of a “properly defined” conflict without being charged with the highest level of felony recognized by international authorities.

3. Observations

On the basis of the international legal instruments available to those who stand up for the defense of cultural heritage, it is necessary to reflect on how these instruments can be implemented in order to make them sufficiently effective.

The key element that must not escape, both analysts and policy-makers, is that of the link between the international and national dimension. As already highlighted fifty years ago, the only commitment and recognition by the international community is superfluous if it is not matched by a state commitment and related activism. Similarly, the international community and its main institutional actors (namely, public international organizations) must share the same activism, making themselves participatory and responsive to the appeals made by individual states; this apparent obviousness becomes even more fundamental when we are faced with potential risks in geographic locations afflicted by critical conditions linked to failure to pacify specific areas, or even to institutional "voids" that do not allow us to face crises of various kinds.

This type of engagement on a global level must not neglect the involvement of the civil society, avoiding the exclusion of social actors from the most disparate backgrounds. As is known, particularly in the most unstable and critical contexts, the expansion of extremist movements and criminal organizations is wide and has a particular impact on those groups of the population that are ghettoized and / or excluded due to economic and social conditions. This is an important social inclusion commitment that institutions must always maintain to avoid extremist drifts and easy penetrations of groups with such ambitions, a commitment that must be distributed among local, private and institutional actors (which can be more or less weak) and international ones that can be more or less legitimated and therefore effective in a specific geographical area.

The threefold social, political, and economic dimension must always be interpreted by national and international actors as a "single body" to be addressed in terms of protecting cultural heritage, as every single aspect influences others in relation to the potential threat level rendered concrete by fanatics outside the social system with precise aims of a political-economic matrix for subversive purposes.

In conclusion, we repeat, the commitment exclusively at international level (or exclusively at national level) does not allow an effective contrast to these acts, which must be addressed in a perspective that also includes also the bottom-up approach that derives from an involvement active of law enforcement and civil society, even in moments not directly related to war actions.

The collective construction of a drive and concrete action to protect cultural heritage must derive from all the actors of civil society in the absence of dogmatism.

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