

THE SOUFAN CENTER

### ISSUE BRIEF

#### Identities Destroyed, Histories Revised *The Targeting of Cultural Heritage and Soft Targets by Illicit Actors*

MICHAELA MILLENDER

JANUARY 2024



### KEY FINDINGS

- Illicit actors, including terrorists, target cultural heritage and soft targets for a myriad of motivations: for financial gain and to diversify revenue streams, to validate their narratives or propaganda, and to systematically erase communities' collective identities, both to subjugate these societies and re-write and control their histories. These seemingly divergent motivations are not exclusive, and the same illicit actor can destroy cultural heritage for propaganda and profit from its sale.
- The intentional destruction of cultural heritage, which is a war crime, often occurs concurrently with other human rights abuses and is a condition that can be conducive to genocide. It can furthermore hinder post-conflict recovery and peacebuilding efforts.
- Due to the inherent aspects of cultural heritage and soft targets, protection challenges include: tensions in balancing security and civilian access to sites or public spaces, lack of awareness and education on the risks to cultural heritage, the multiplicity of actors involved in cultural heritage management and, at times, the difficulty in securing their engagement, siloed responses, limited resources, and state involvement in the targeting and destruction of cultural heritage.
- Risk assessments, information sharing, cross-sectoral and agency partnerships, educational and awareness raising efforts, including on the threats facing cultural heritage, and prosecutions and international accountability mechanisms have all been utilized as good protection practices and responses.
- **Recommendations:** Share risk assessments locally, regionally, and globally across relevant sectors and agencies with adequate international assistance; align soft target and critical infrastructure protection efforts; prioritize targeted education and public awareness on the importance of protecting cultural heritage and threats facing it; build capacity of stakeholders involved in protection efforts; and pursue accountability for cultural heritage destruction, including antiquities trafficking, and enforce penalties for violations.

*Michaela Millender is a Program Officer at The Soufan Center. Her research focuses on far-right extremism, the destruction of cultural heritage, and the intersection of global security with migration, humanitarian access, and multilateral institutions, such as the United Nations.*

## INTRODUCTION

On May 27, 1993,<sup>1</sup> a car bomb blasted through the side of the Uffizi Gallery in Florence, Italy, killing five and wounding around thirty others, and destroying hundreds of priceless pieces of art in the gallery's collection.<sup>2</sup> Many contend that the gallery was targeted by the Cosa Nostra, or the Sicilian Mafia, not just in retaliation for crackdowns on the organization, but also due to the gallery's embodiment of Italian culture and its symbolism of the Italian nation.<sup>3</sup> As an open-access museum and a protected UN Educational, Scientific and Cultural Organization (UNESCO) World Heritage site,<sup>4</sup> the city of Florence presents unique challenges to both safeguarding its cultural heritage from risks but also, most critically, remaining open and accessible to the public. Not limited to the Florentine example, this challenge is ubiquitous in the protection of cultural heritage throughout the world. Its symbolic importance, as well as the fact that it attracts large crowds of civilians and may not always be adequately protected, means that cultural heritage – which is often also considered a so-called “soft target”<sup>5</sup> – can be a prime target for violence and an objective for illicit actors, including criminals and terrorists.<sup>6</sup>

Illicit actors often target cultural heritage either to validate their narratives, for financial gain, or to marginalize and stigmatize communities. By destroying cultural heritage, these actors aim to systematically erase the collective identity of the community with whom the targeted heritage is associated, in order to subjugate a society, as well as to re-write and control its history. These seemingly disparate purposes are not mutually exclusive; the same illicit actor can both destroy cultural heritage for propaganda while also siphoning off portions and profiting from its sale. The

---

<sup>1</sup> “Bomb outside Uffizi in Florence Kills 6 and Damages Many Works,” *The New York Times*, 28 May 1993, <https://www.nytimes.com/1993/05/28/world/bomb-outside-uffizi-in-florence-kills-6-and-damages-many-works.html>.

<sup>2</sup> On 14 June 2023, The Soufan Center hosted a webinar on “Protecting Cultural Heritage and Soft Targets,” in partnership with Gonzaga University in Florence and the U.S. Consulate General in Florence, marking the 30<sup>th</sup> anniversary of the Via dei Georgofili bombing in Florence, Italy. This Issue Brief highlights and expands on the discussion. Watch: <https://youtu.be/FQmSqCJGJlg>

<sup>3</sup> “A fatal Mafia bombing shook Florence in 1993—now the Uffizi is fixing damage to its famous Vasari corridor with memorials of the attack,” *The Art Newspaper*, 11 May 2021, <https://www.theartnewspaper.com/2021/05/11/a-fatal-mafia-bombing-shook-florence-in-1993now-the-uffizi-is-fixing-damage-to-its-famous-vasari-corridor-with-memorials-of-the-attack>.

<sup>4</sup> To be included on UNESCO's World Heritage List, sites such as the city of Florence must be of “outstanding universal value” and meet at least one of ten selection criteria found here: <https://whc.unesco.org/en/criteria/>. The Historic Centre of Florence is a World Heritage site and protected by the 1972 World Heritage Convention.

<sup>5</sup> Soft targets and crowded spaces – such as museums, sporting venues, monuments, and schools, among others – are locations that are easily accessible to large numbers of people and that have limited security or protective measures in place, making them vulnerable to attack. See: [https://www.cisa.gov/sites/default/files/publications/DHS-Soft-Target-Crowded-Place-Security-Plan-Overview-052018-508\\_0.pdf](https://www.cisa.gov/sites/default/files/publications/DHS-Soft-Target-Crowded-Place-Security-Plan-Overview-052018-508_0.pdf).

<sup>6</sup> *TSC Webinar Protecting Cultural Heritage and Soft Targets*, Webinar, 2023, Naureen Chowdhury Fink, <https://youtu.be/FQmSqCJGJlg>.

## IDENTITIES DESTROYED, HISTORIES REVISED

destruction of cultural heritage can hinder post-conflict recovery and peacebuilding efforts, as the loss can make it difficult to bind together a fragile society emerging from conflict.<sup>7</sup>

Due to the severity of these acts and their reverberating consequences, the destruction of cultural heritage has long been recognized as a severe crime that must be held to account. The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, which is the first and most comprehensive treaty on the protection of cultural heritage, recognizes in its drafting history the post-World War II Nuremberg trials as introducing the principle of punishing attacks on cultural heritage into international law.<sup>8</sup> The Rome Statute, which is the founding treaty of the International Criminal Court (ICC), establishes the intentional destruction of cultural heritage as a war crime and, at times, a crime against humanity, when the destruction targets a particular racial, ethnic, or religious group with discriminatory intent.<sup>9</sup> Although scholars debate whether this in itself is a genocidal act, it is – at least – both a byproduct and “a member of jointly sufficient conditions for genocide.”<sup>10</sup>

This Issue Brief builds on discussions with experts and practitioners on the protection of cultural heritage and soft targets and an ongoing area of research at The Soufan Center. The targeting of cultural heritage is often linked to other human rights abuses and war crimes. As such, this Issue Brief is part of a broader effort to illuminate and mitigate challenges related to accountability and transitional justice efforts.

This Issue Brief will highlight and explore:

- Why and how illicit actors target and destroy cultural heritage, examining the financial incentives behind the act and its use for narrative validation and to subjugate communities;
- The challenges and tensions in protecting cultural heritage and soft targets;
- Responses and good practices to counter this targeting and destruction;
- Recommendations for policymakers and practitioners to strengthen prevention and protection efforts.

---

<sup>7</sup> “Security Council Resolution 2347,” S/RES/2347 (2017) § (2017), <https://www.un.org/securitycouncil/s/res/2347-%282017%29>.

<sup>8</sup> Joseph Powderly, “Prosecuting Cultural Heritage,” *Cultural Heritage and Mass Atrocities*, July, 13, 2022, <https://www.getty.edu/publications/cultural-heritage-mass-atrocities/part-4/25-powderly>, 430.

<sup>9</sup> Karolina Wierczyńska and Andrzej Jakubowski, “Individual Responsibility for Deliberate Destruction of Cultural Heritage: Contextualizing the ICC Judgment in the Al-Mahdi Case\*,” *Chinese Journal of International Law* 16, no. 4 (December 1, 2017): 708, <https://doi.org/10.1093/chinesejil/jmx029>.

<sup>10</sup> Rasa Davidavičiūtė, “Cultural Heritage, Genocide, and Normative Agency,” *Journal of Applied Philosophy*, Vol. 8 Issue 4 (August 2021), <https://doi.org/10.1111/japp.12473>, 599.

## MONEY, NARRATIVES, AND SUBJUGATION: WHY AND HOW ILLICIT ACTORS TARGET CULTURAL HERITAGE

Illicit actors target and destroy cultural heritage to further their propaganda, diversify their revenue streams, and systematically subjugate communities. By targeting cultural heritage, illicit actors not only seek to capitalize on the symbolic importance of a site or artifact but also exploit its often-inestimable worth to a community. The line between these sometimes seemingly divergent motives – destruction and profit – can be thin, and illicit actors such as Islamic State have been known to destroy sites they deem “idolatrous” while simultaneously siphoning off portions and profiting from their sale in the illicit antiquities trade.<sup>11</sup> Since cultural heritage sites, such as museums, cultural institutions, and religious buildings, for example, are also “soft targets” – public spaces which are easily accessible, predominantly civilian in nature, and often have limited security measures in place – they can be particularly vulnerable to terrorists’ target selection.



*The line between these sometimes seemingly divergent motives – destruction and profit – can be thin, and illicit actors such as Islamic State have been known to destroy sites they deem “idolatrous” while simultaneously siphoning off portions and profiting from their sale in the illicit antiquities trade.*

### *The Illicit Trafficking of Antiquities*

According to the U.S. Congressional Research Service (CRS), the estimated worth of the transnational trade in cultural heritage trafficking ranges from several hundred million to billions of dollars annually.<sup>12</sup> Certain characteristics inherent to the arts and antiquities industries, such as confidentiality, challenges in documenting ownership history (also known as provenance), the use of intermediaries, and inconsistent due diligence practices, can contribute to the illegal trade and allow illicit actors to gain access to financial systems.<sup>13</sup> Archeological sites and artifacts in countries plagued by armed conflict, such as Iraq, Mali, Libya, and Syria, are particularly vulnerable to trafficking and exploitation, as the chaos of war can enable illicit actors and terrorists groups to illegally excavate sites and obtain artifacts, circumvent due diligence practices, and, ultimately, profit from the sale of antiquities abroad.

Trafficking in antiquities is seen as a relatively low-risk enterprise for these illicit actors, especially when compared with other smuggling activities that come with greater scrutiny and penalties,

<sup>11</sup> Justine Drennan, “The Black-Market Battleground,” *Foreign Policy*, 17 October 2014, <https://foreignpolicy.com/2014/10/17/the-black-market-battleground/>.

<sup>12</sup> U.S. Congressional Research Service, “Transnational Crime Issues: Arts and Antiquities Trafficking,” 1 March 2023, <https://crsreports.congress.gov/product/pdf/IF/IF11776>.

<sup>13</sup> U.S. Congressional Research Service, “Transnational Crime Issues: Arts and Antiquities Trafficking.”

such as trafficking in weapons, drugs, and human beings.<sup>14</sup> Evidence of the crime-terror nexus,<sup>15</sup> or links between organized crime and terrorist actors, has become increasingly clear. Illicit actors not only collaborate to get antiquities to market – as when transnational organized crime and terrorist groups cooperate to acquire and smuggle artifacts out of conflict areas<sup>16</sup> – but may also advise one another in best practices of the trade.<sup>17</sup> For example, after Islamic State conquered Mosul in June 2014, evidence emerged that the group almost immediately began looting important cultural and archeological sites,<sup>18</sup> and was “involved and profiting at every level, from [antiquities’] extraction to final sale and exit from [Islamic State] territory.”<sup>19</sup> The group also profited from taxable elements in the supply chain, reportedly at a rate of 20 percent.<sup>20</sup> Post-liberation archaeological digs in Mosul, as well as evaluations conducted by Iraqi antiquities experts, indicate Islamic State likely consulted with and was guided by specialists – either collectors, archaeologists, antiquities traders or experienced criminals specialized in antiquities trading.<sup>21</sup> The group’s looting and searching for undiscovered antiquities, including the information and expertise it seemed to possess, suggested a capacity far beyond the scope of most Iraqi citizens.<sup>22</sup> Further, according to the director of the Iraqi Institute for Conservation of Antiquities and Heritage, international antiquities “mafias” informed Islamic State what artifacts could be sold “in a method akin to the ‘antiquities wanted’ section found on Craigslist”<sup>23</sup> further highlighting the crime-terror nexus and the prevalent use of online platforms, a phenomenon explored below.<sup>24</sup> Despite the international attention dedicated to the looting and trafficking of

---

<sup>14</sup> Organization for Security and Co-operation in Europe, “Cracking down on illicit art trade to improve security – The OSCE’s critical role,” Organization for Security and Co-operation in Europe, 13 April 2023, <https://www.osce.org/stories/cracking-down-on-illicit-art-trade-to-improve-security>.

<sup>15</sup> The crime-terror nexus refers to the convergence of organized crime and terrorism and can also refer to cooperation between organized criminal and terrorist groups. For more see: Katharine Petrich. “The Crime-Terror Nexus.” *Oxford Research Encyclopedia of International Studies*. 25 March 2021; Accessed 26 September 2023. <https://oxfordre.com/internationalstudies/view/10.1093/acrefore/9780190846626.001.0001/acrefore-9780190846626-e-608>.

<sup>16</sup> Financial Action Task Force, “FATF Report: Money Laundering and Terrorist Financing in the Art and Antiquities Market,” Financial Action Task Force, February 2023, <https://www.fatf-gafi.org/content/dam/fatf-gafi/reports/Money-Laundering-Terrorist-Financing-Art-Antiquities-Market.pdf.coredownload.pdf>.

<sup>17</sup> Russel Howard, Jonathon Prohov, and Marc Elliott, “Digging In and Trafficking Out: How the Destruction of Cultural Heritage Funds Terrorism,” CTC Sentinel, February 2015, Vol. 8, Issue 2, <https://ctc.westpoint.edu/digging-in-and-trafficking-out-how-the-destruction-of-cultural-heritage-funds-terrorism/>.

<sup>18</sup> Russel Howard, Jonathon Prohov, and Marc Elliott, “Digging In and Trafficking Out: How the Destruction of Cultural Heritage Funds Terrorism.”

<sup>19</sup> Dalya Alberge and Jane Arraf, “Loot, Sell, Bulldoze: Isis Grinds History to Dust,” The Sunday Times, 13 July 2014, <https://www.thetimes.co.uk/article/loot-sell-bulldoze-isis-grinds-history-to-dust-tfshcjgqb27>.

<sup>20</sup> Fiona Rose-Greenland, “How much money has ISIS made selling antiquities? More than enough to fund its attacks.” The Washington Post, 3 June 2016, <https://www.washingtonpost.com/posteverything/wp/2016/06/03/how-much-money-has-isis-made-selling-antiquities-more-than-enough-to-fund-its-attacks/>.

<sup>21</sup> Tom Westcott, “Destruction or Theft? Islamic State, Iraqi antiquities, and organized crime,” Global Initiative Against Organized Crime, March 2020, <https://globalinitiative.net/wp-content/uploads/2020/03/Destruction-or-theft-Islamic-State-Iraqi-antiquities-and-organized-crime.pdf>, 12-13.

<sup>22</sup> Ibid.

<sup>23</sup> Craigslist is a website that offers classified advertisements.

<sup>24</sup> “Da’ish tunaqqib ‘an al-aathar wa tabee’ha lilmaafiaat,” Noon Post, October 01, 2014; Sa’d al-Mas’oudi, “Toraath al-‘iraq yumowwel da’ish wa muqatiluhu yanhaboon al-aathar,” al-Arabia, September 30, 2014.

## IDENTITIES DESTROYED, HISTORIES REVISED

### CYCLE OF A TRAFFICKED ANTIQUITY

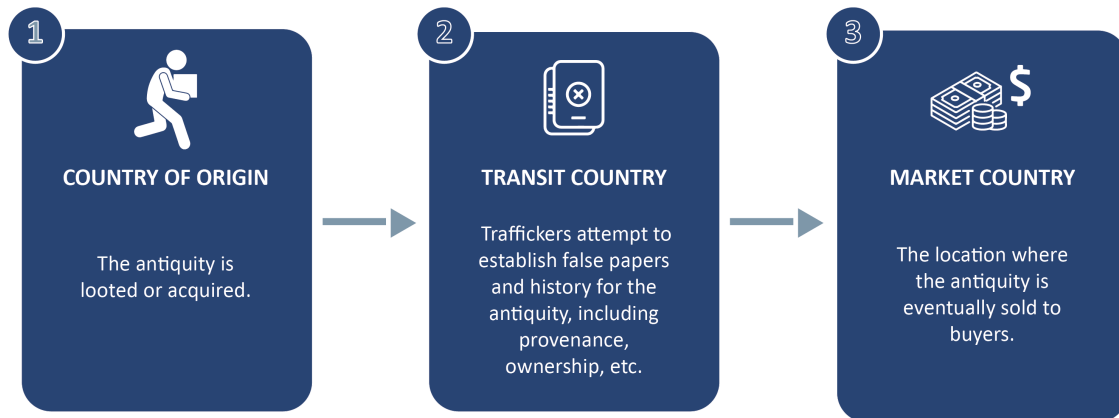


Figure 1: How antiquities travel from site to market.<sup>25</sup>

cultural heritage and antiquities, the details of the trade – particularly the smuggling routes, who is moving the artifacts to market, and which networks support the broader criminal-terrorist enterprise – are still murky.<sup>26</sup>

The notorious private military company (PMC) Wagner Group provides an apt example. Although the PMC's paramilitary activities in Africa and Ukraine are well documented, including accusations of human rights abuses, war crimes, and crimes against humanity, Wagner's activities in the illicit antiquities trade are less known.<sup>27</sup> Yet, cultural heritage experts have noted the group has engaged in the illicit trafficking of antiquities in Syria since 2016, as well as in other regions of north and northeast Africa and in Ukraine. Their involvement represents "the archetype of [the] crime-terror nexus at play with the broad sector of illicit antiquities trafficking in war zones and politically fragile environments."<sup>28</sup> Wagner demonstrates not only the ability of illicit actors to take advantage of instability to profit from the trafficking of antiquities, but also the relative impunity with which they operate in the trade.

Beyond the trade's murky nature, the use of online platforms, including social media and re-sell sites such as eBay, has increased the ease with which an illicit actor can bring items to market. Platforms such as Telegram and WhatsApp are important for establishing personal connections

<sup>25</sup> For more: *Addressing the Linkages between the Destruction and Illicit Trafficking of Cultural Property and Terrorism: Scope of the Threat and Responses to the Phenomenon*, (2023 Counter-Terrorism Week Side-Event), 2023, Col. Matthew Bogdanos, <https://media.un.org/en/asset/k1v/k1vtivl4k8>.

<sup>26</sup> Sam Pineda, "Tackling Illicit Trafficking of Antiquities and its Ties to Terrorist Financing," Bureau of Counterterrorism, U.S. Department of State, 20 June 2018, <https://2017-2021.state.gov/tackling-illicit-trafficking-of-antiquities-and-its-ties-to-terrorist-financing/>.

<sup>27</sup> Jason Blazakis, Colin P. Clarke, Naureen Chowdhury Fink, and Sean Steinberg, "Wagner Group: The Evolution of a Private Army," The Soufan Center, June 2023, <https://thesoufancenter.org/wp-content/uploads/2023/06/TSC-Special-Report-The-Wagner-Group-The-Evolution-Of-Putins-Private-Army-V3.pdf>, 9.

<sup>28</sup> Ibid.

## IDENTITIES DESTROYED, HISTORIES REVISED

in the illicit antiquities trade.<sup>29</sup> Facebook Marketplace in particular has been and continues to be “a low-risk, high-traffic infrastructure with lax moderation,”<sup>30</sup> which makes it ideal for antiquities trafficking. Facebook’s “Groups” feature, which allows users to create and control a network of individuals based on shared interests, has facilitated the expansion of antiquities trafficking networks and allows users involved in buying and selling antiquities to communicate with one another with both efficiency and, at least effectively, discretion.<sup>31</sup> The “Groups” often share admins and moderators, displaying their high level of connectivity. Some have over one hundred thousand users, underscoring the importance of Facebook and other social media platforms in the illicit trade.<sup>32</sup>

Although seemingly contradictory, the profits generated from the illicit antiquities market do not have to come at a cost to illicit actors’ propaganda. As stated by Colonel Matthew Bogdanos, Chief of the Antiquities Trafficking Unit of the Manhattan Assistant District Attorney’s office: “For every antiquity [Islamic State] destroyed on camera, they sold hundreds more for profit.”<sup>33</sup> The performative proclamations and destruction by Islamic State were seemingly not strong enough to resist the lucrative opportunities in the illicit antiquities trade.

---

<sup>29</sup> Maxwell Votey, Note, *Illicit Antiquities and the Internet: The Trafficking of Cultural Heritage on Digital Platforms*, 54 *New York University Journal of International Law and Politics*. 659 (2022), [https://www.nyujiip.org/wp-content/uploads/2022/05/nyi\\_54-2-355-393\\_Votey.pdf](https://www.nyujiip.org/wp-content/uploads/2022/05/nyi_54-2-355-393_Votey.pdf).

<sup>30</sup> *Ibid.*

<sup>31</sup> Amr al-Azm and Katie A. Paul, “Facebook’s Black Market in Antiquities: Trafficking, Terrorism, and War Crimes,” Athar Project, June 2019, <http://atharproject.org/wp-content/uploads/2019/06/ATHAR-FB-Report-June-2019-final.pdf>, 6.

<sup>32</sup> *Ibid.*, 7.

<sup>33</sup> Colonel Matthew Bogdanos, *Addressing the Linkages between the Destruction and Illicit Trafficking of Cultural Property and Terrorism: Scope of the Threat and Responses to the Phenomenon*.

*Performative Iconoclasts: Narratives, Propaganda, and Subjugation*

Illicit actors, including terrorists, often target cultural heritage to further their agendas and narratives, utilizing the destruction of artifacts or cultural sites to spread their propaganda and rewrite history. By destroying a community's cultural heritage, illicit actors often seek to stigmatize or marginalize a community, such as Islamic State with the Yazidi, Christian, Sufi, and Shiite communities.<sup>34</sup> In addition to egregious acts of violence and genocide, Islamic State committed accompanying attacks on the cultural heritage of these communities, alongside the destruction of ancient, pre-Islamic heritage sites.<sup>35</sup> Such acts not only aid in promoting the propaganda of these groups, but also serve to both eradicate the collective identity of the community it wishes to subjugate and dismantle the norms of societies under their control.<sup>36</sup> As the Cosa Nostra's destruction of the Uffizi Gallery exemplifies, this tactic is not limited to terrorists, but can include criminals and other violent non-state actors. More broadly, illicit actors utilize the destruction of culture, often soft targets with limited security, to strike at the identity of a people to intimidate them into submission. Ultimately, it is a form of control.

After sweeping into Mosul, Iraq, Islamic State released videos of militants using sledgehammers, power tools, and bulldozers to destroy monumental sculptures and buildings at the ancient sites of the Assyrian capitals of Nimrud and Nineveh.<sup>37</sup> In a public statement about the destruction, Islamic State made clear the purpose of its actions, stating its desire to destroy and obliterate landmarks it deemed polytheistic, sites which were held in "high esteem by the people."<sup>38</sup> Clear from the group's own statements, the destruction of the ancient sites was not solely about destroying what Islamic State deemed idolatrous, thus imposing its specific religious interpretation on the people. These acts also served to decimate the community's sense of collective identity, history, and dignity.<sup>39</sup> It is by no coincidence that the sites selected for destruction by Islamic State were seen as highly esteemed by the Iraqi people.

In Libya, for example, Salafi-jihadist groups have pillaged, plundered, and destroyed Sufi cultural sites across the country – including shrines, mosques, and libraries. Some estimates suggest that more than 530 Sufi religious sites were destroyed between 2011 and 2020.<sup>40</sup> Targeting Sufi cultural sites accomplishes several goals of these terrorist groups, including the marginalization

---

<sup>34</sup> Gil J. Stein, "Performative Destruction: Da'esh (ISIS) Ideology and the War on Heritage in Iraq, 177.

<sup>35</sup> Ibid.

<sup>36</sup> Adnan Almohamad, Ayman Al-Nabo, and Hussein Hourri, "ISIS's impact on Syrian intangible cultural heritage: Marriage customs and rituals in the region of Manbij," *Contemporary Levant* (August 2023), <https://doi.org/10.1080/20581831.2023.2242136>, 15.

<sup>37</sup> Gil J. Stein, "Performative Destruction: Da'esh (ISIS) Ideology and the War on the Heritage in Iraq," in *Cultural Heritage and Mass Atrocities*, ed. James Cuno and Thomas G. Weiss (Los Angeles: Getty Publications, 2022), 171.

<sup>38</sup> Ibid.

<sup>39</sup> Karima Bennoune, UN Human Rights Council Special Rapporteur in the Field of Cultural Rights, and UN Human Rights Council Secretariat, "Report of the Special Rapporteur in the Field of Cultural Rights :: Note /: By the Secretariat," February 3, 2016, Paragraph 82.

<sup>40</sup> Lalyli Foroudi, "Sufi cultural sites caught in crossfire of Libya civil war," Reuters, 16 March 2020, <https://www.reuters.com/article/libya-conflict-monuments/feature-sufi-cultural-sites-caught-in-crossfire-of-libya-civil-war-idUSL8N2AH3XR>.



## IDENTITIES DESTROYED, HISTORIES REVISED

of the Sufi community itself and the imposition of their specific religious interpretation on local communities more broadly. Moreover, as traditional Libyan cultural practices and folk customs embrace certain Sufi traditions, many believe that the destruction and attacks are also a means to re-write history and, ultimately, a war on the collective memory of Libyans writ large – Sufi or not.

The 2014 destruction of the Sukur Cultural Landscape in Nigeria, a UNESCO World Heritage Site, by Boko Haram provides another apt example. The attack was strategic and deliberate, striking at a cultural landscape that held deep spiritual, cultural, and economic value that had endured for centuries.<sup>41</sup> The insurgents used the destruction of the Sukur landscape to promulgate new ideologies, to destroy the community's identity in order to enforce a new culture, and, according to some, to potentially prove their allegiance to Islamic State by following the example set by the highly publicized destruction of cultural heritage in Iraq and Syria.<sup>42</sup> Although UNESCO has carried out efforts to restore the site and the property itself now enjoys relative safety, a "significant degree of apprehension remains" in the region more broadly due to sporadic attacks by Boko Haram along the access route to Sukur.<sup>43</sup> This, along with structural pressures on the site due to an influx of refugees fleeing conflict in neighboring areas, displays the ongoing threat of instability to cultural heritage even in the aftermath of a specific attack.<sup>44</sup>

---

<sup>41</sup> Obafemi A. P. Olukoya, "World Heritage Sites and Armed Conflict: A Case of Sukur Cultural Landscape and Boko Haram Insurgency in Nigeria," December 2016, [https://www.academia.edu/35746822/World\\_Heritage\\_Sites\\_and\\_Armed\\_Conflicts\\_A\\_Case\\_of\\_Sukur\\_Cultural\\_Landscape\\_and\\_Boko\\_Haram\\_Insurgency\\_in\\_Nigeria](https://www.academia.edu/35746822/World_Heritage_Sites_and_Armed_Conflicts_A_Case_of_Sukur_Cultural_Landscape_and_Boko_Haram_Insurgency_in_Nigeria), 166.

<sup>42</sup> Obafemi A. P. Olukoya, "World Heritage Sites and Armed Conflict: A Case of Sukur Cultural Landscape and Boko Haram Insurgency in Nigeria," 167.

<sup>43</sup> "Sukur Cultural Landscape," UNESCO World Heritage Convention, Accessed 29 May 2023, <https://whc.unesco.org/en/list/938/>.

<sup>44</sup> Jon C. Day et al., "An Application of The Climate Vulnerability Index for The Sukur Cultural Landscape, Nigeria" (CVI-Africa Project, 2022), <https://openarchive.icomos.org/id/eprint/2657/1/CVI%20Sukur%20Report%20English.pdf>, 9.

## IDENTITIES DESTROYED, HISTORIES REVISED



Figure 2: Examples of cultural heritage destruction by illicit actors.

The destruction of cultural heritage can also hinder post-conflict recovery and resiliency, including by reducing tourism revenue – a reality highlighted later in this Issue Brief. The loss can make it difficult to bind together a fragile society emerging from conflict, as in Ethiopia, for example. The damage to a community’s culture, including both tangible, such as physical buildings and artifacts, and intangible, such as traditions and living expressions inherited from ancestors,<sup>45</sup> can often be difficult to quantify, as the value is inestimable. This can make the erasure of a community’s collective identity at times an overlooked, and perhaps devalued, aspect of the threat. Yet, the destruction of cultural heritage generally occurs concurrently with other human rights abuses, including war crimes and crimes against humanity. Although scholars debate whether this destruction is a genocidal act and, notably, states have previously rejected the notion of “cultural genocide,”<sup>46</sup> it is – at a minimum – both a byproduct of and “a condition

<sup>45</sup> “What is intangible cultural heritage?” UNESCO Intangible Cultural Heritage, <https://ich.unesco.org/en/what-is-intangible-heritage-00003>.

<sup>46</sup> The concept “cultural genocide” was subjected to heated debate during the draft negotiations of the Genocide Convention and was ultimately left out of the treaty, which was adopted by the UN General Assembly in 1948. Although the concept has regained momentum in recent decades in the policy and academic spaces, it still remains highly contentious and lacks a clear or accepted definition by states. See: Joseph Powderly, “Prosecuting Cultural Heritage,” *Cultural Heritage and Mass Atrocities*, 434, and Edward C. Luck, “Cultural Genocide and the Protection of Cultural Heritage,” *J. Paul Getty Trust Occasional Paper in Cultural Heritage Policy* no. 2 (2018) [https://www.getty.edu/publications/occasional-papers-2/downloads/Luck\\_CulturalGenocide.pdf.a](https://www.getty.edu/publications/occasional-papers-2/downloads/Luck_CulturalGenocide.pdf.a).



*the destruction of cultural heritage generally occurs concurrently with other human rights abuses, including war crimes and crimes against humanity.*

for genocide.”<sup>47</sup> Moreover, evidence of cultural destruction has been utilized by states as evidence of genocidal intent.<sup>48</sup> Annihilation does not only involve bodily harm to a group, as “[a] group could be annihilated if its identity, its collective memory, has been erased, even if many of its individual members remain alive.”<sup>49</sup>

Further, as the Libyan example demonstrates, illicit actors can utilize the destruction of one group’s culture that has become meaningful to a larger society to erase the collective history of the whole. According to Omar Mohammed, the founder of the Mosul Eye blog, which he used to anonymously document the events and

conditions in Mosul under Islamic State occupation: “Once you control the past of a city, you can control its future, its narrative.”<sup>50</sup> This control allows illicit actors to revise history in a way that is not easily undone and can potentially impact several generations, reconfiguring the fabric of society after a conflict is long over or an illicit group has been defeated or waned in influence. In the case of Mosul, Islamic State systematically destroyed the city’s cultural heritage to rewrite the city’s history. By intentionally eliminating symbols of its ancient ethnic diversity, the group sought to deny and eradicate the existence of the city’s ancient communities of Jews, Christians, Yezidis, Assyrians, Kurds, and Circassians who resided alongside the Sunni majority. The fear and division Islamic State sowed and the damage it caused to Mosul’s social infrastructure have proven long-lasting, as animosity the group intentionally created between communities has not been easily undone and some continued to maintain allegiance to the terrorist group even after its defeat.<sup>51</sup>

## CHALLENGES AND TENSIONS IN PROTECTING CULTURAL HERITAGE AND SOFT TARGETS

Due to many inherent aspects of cultural heritage and soft targets, including their societal significance, relative accessibility, the attraction and concentration of civilians, and the need to

<sup>46</sup> Joseph Powderly, “Prosecuting Cultural Heritage,” 444.

<sup>47</sup> Rasa Davidavičiūtė, “Cultural Heritage, Genocide, and Normative Agency,” 599.

<sup>48</sup> Joseph Powderly, “Prosecuting Cultural Heritage,” 444.

<sup>49</sup> United Nations, General Assembly, *Report of the Special Rapporteur in the field of cultural rights*, A/71/317 (9 August 2016), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/254/44/PDF/N1625444.pdf?OpenElement>.

<sup>50</sup> *TSC Webinar Protecting Cultural Heritage and Soft Targets*, Webinar, 2023, Omar Mohammed.

<sup>51</sup> Shaul Adar, “The man who risked everything to report from IS-controlled Mosul,” *The Times of Israel*, 11 September 2022, <https://www.timesofisrael.com/the-man-who-risked-everything-to-report-from-is-controlled-mosul/> and Scott Atran et al, “The Islamic State’s Lingering Legacy among Young Men from the Mosul Area,” *CTC Sentinel* vol. 11 issue 4 (April 2018) <https://ctc.westpoint.edu/islamic-states-lingering-legacy-among-young-men-mosul-area/>.

remain open to visitors – not to mention being a virtually limitless target set<sup>52</sup> – there are several challenges and tensions in protection efforts. Such challenges occur alongside other conservation pressures, such as natural decay and increasingly inadequate environmental conditions, climate change, and the massification of tourism, among others.<sup>53</sup> Ensuring safety and security while also remaining accessible and open to civilians can prove a formidable task for the multiplicity of actors involved in maintaining and managing cultural heritage.<sup>54</sup>

### *Tensions in Balancing Security and Civilian Access*

One of the more intrinsic challenges to protecting cultural heritage and soft targets is the need to maintain security while also remaining open to the public and not disrupting the local population’s way of life.<sup>55</sup> This dynamic is acutely demonstrated by the city of Florence and the bombing of the Uffizi Gallery.<sup>56</sup> With a range of Florentine heritage sites that are culturally significant, easily accessible, and vital facets of the local economy, maximizing both the security of the sites and the civilians present – to both preserve culture and drive necessary income to local businesses – can be a delicate balance. Strengthened physical security measures, such as barriers, fences, or screening checkpoints, have to be appropriately balanced with the needs of the community and its ability to access the sites or public spaces.<sup>57</sup> Security measures that inconvenience the public can become a significant business and accessibility concern, and the challenge remains in how to tailor visible and invisible security measures in a way that decreases the likelihood and consequences of an attack while also reinforcing public confidence.<sup>58</sup> In places experiencing active conflict or simmering



*Security measures that inconvenience the public can become a significant business and accessibility concern, and the challenge remains in how to tailor visible and invisible security measures in a way that decreases the likelihood and consequences of an attack while also reinforcing public confidence.*

<sup>52</sup>“The GCTF Soft Target Protection Initiative Antalya Memorandum on the Protection of Soft Targets in a Counterterrorism Context” (Global Counter Terrorism Forum, 2017), <https://www.thegctf.org/Portals/1/Documents/Links/Meetings/2017/Twelfth%20GCTF%20Coordinating%20Committee%20Meeting/GCTF%20-%20Antalya%20Memorandum%20on%20the%20Protection%20of%20Soft%20Targets%20in%20a%20Counterterrorism%20Context.pdf?ver=2017-09-17-010844-720>.

<sup>53</sup> UNESCO World Heritage Centre, “World Heritage and Tourism in a Changing Climate,” *UNESCO World Heritage Centre*, <https://whc.unesco.org/en/tourism-climate-change/>.

<sup>54</sup> United Nations Counter-Terrorism Committee Executive Directorate, “CTED Analytical Brief: Responding to Terrorist Threats against Soft Targets,” 01/21, 4–5, <https://www.un.org/securitycouncil/ctc/sites/www.un.org.securitycouncil.ctc/files/files/documents/2021/Jan/cted-analytical-brief-soft-targets.pdf>.

<sup>55</sup> Ibid. 4

<sup>56</sup> *TSC Webinar Protecting Cultural Heritage and Soft Targets*, Webinar, 2023, Jason Houston, <https://www.youtube.com/watch?v=FQmSqCJGlgj>.

<sup>57</sup> United Nations Counter-Terrorism Committee Executive Directorate, “CTED Analytical Brief: Responding to Terrorist Threats against Soft Targets,” January 2021, 4–5.

<sup>58</sup>“The GCTF Soft Target Protection Initiative Antalya Memorandum on the Protection of Soft Targets in a Counterterrorism Context,” 2.

instability, such as the Sukur landscape, this challenge becomes even more severe, as the ability to maintain either civilian access or security can be limited.<sup>59</sup>

The 2015 attacks in Tunisia claimed by Islamic State, where militants targeted the Bardo museum in Tunis and, months later, targeted a beach resort near Sousse, further demonstrate how this tension not only has implications for protecting collective memory but also potentially long-lasting economic ramifications.<sup>60</sup> With sixty killed and at least forty wounded, with many of the victims being tourists, the attacks struck a particular blow to a country attempting to recover a faltering tourism industry.<sup>61</sup> The resulting damage to tourism from this type of targeting can not only impact the local economy, but also state and private entity resources necessary to secure the heritage site, further complicating resourcing challenges. Moreover, this type of targeting, and the resulting discouragement of visitors to the cultural sites, is a significant defeat for the educational and universal value, as well as the enjoyment, of cultural heritage and public spaces.

### *Lack of Awareness and Education*

Another key challenge to protecting cultural heritage is the lack of awareness and education around the threat.<sup>62</sup> The general public may not always be cognizant of how illicit actors target and destroy cultural heritage, whether it be by illicitly trafficking antiquities or destroying lesser-known, but no less important, cultural heritage in areas of instability or with limited resources to protect these sites and antiquities. A lack of awareness of how legitimate platforms, such as Facebook Marketplace or other social media sites, are utilized to traffic antiquities could potentially lead a person to participate unwittingly in the trade, prevent consumers from using their purchasing power to curb the practice, or demand accountability or stricter regulation.<sup>63</sup> Further, if communities do not understand the threats to their cultural heritage, efforts to maintain or protect sites and artifacts may not be prioritized, particularly in active or post-conflict settings where a multiplicity of threats or factors may exist. A lack of public awareness on the security risks posed to sites and how civilians, owners, and operators can help in prevention and protection efforts, including simple awareness of suspicious behavior and where to appropriately report it, can hinder the ability to preemptively thwart attacks by illicit actors.

### *Multiplicity of Actors and Securing Buy-In*

---

<sup>59</sup> UNESCO World Heritage Centre, "UNESCO World Heritage Centre - State of Conservation (SOC 2021) Sukur Cultural Landscape (Nigeria)," UNESCO World Heritage Centre, accessed August 18, 2023, <https://whc.unesco.org/en/soc/4066/>.

<sup>60</sup> Daveed Gartenstein-Ross and Bridget Moreng, "Tunisian Jihadism after the Sousse Massacre," *CTC Sentinel* 8, no. 10 (October 2015): 13-17.

<sup>61</sup> "Tunisia Attacks: Militants Jailed over 2015 Terror," *BBC News*, February 9, 2019, sec. Africa, <https://www.bbc.com/news/world-africa-47183027>.

<sup>62</sup> *TSC Webinar Protecting Cultural Heritage and Soft Targets*, Webinar, 2023, Elena Franchi.

<sup>63</sup> Neil Brodie, "How to Control the Internet Market in Antiquities? The Need for Regulation and Monitoring," *Antiquities Coalition*, Policy Brief, 3 (July 2017), <https://thinktank.theantiquitiescoalition.org/wp-content/uploads/2017/07/Policy-Brief-3-2017-07-20.pdf>.

## IDENTITIES DESTROYED, HISTORIES REVISED

The multiplicity of stakeholders involved in maintaining and managing cultural heritage pose challenges for its protection, as well as for coordinating recovery and restoration efforts after its destruction. The range of actors involved include national, state, and local government entities, from tourism offices to security services; intergovernmental organizations, such as the European Commission; regional and international organizations, such as UNESCO; religious entities; cultural institutions; the private sector; and local businesses, among others.<sup>64</sup> These different entities can often operate in silos, duplicating efforts or failing to integrate the areas of overlap in protection efforts, such as aligning the protection of cultural heritage and soft targets (and, when appropriate, critical infrastructure with the latter).<sup>65</sup>

Some entities involved in protection efforts, including the UNESCO World Heritage List and other registers, highlight international fissures and expose the tensions between conservation and upholding human rights. For example, Japan's plans in 2022 (which were refiled again in early 2023) to nominate several gold and silver mines on Sado Island, located in the eastern part of the Sea of Japan, as a UNESCO World Heritage site sparked anger in South Korea.<sup>66</sup> The latter viewed and opposed the nomination as an attempt to ignore the brutal history of Japanese occupation and colonization, as well as the estimated 1,500 Koreans conscripted to work in the mines during World War II.<sup>67</sup> In addition to the inextricable complexity of historical interpretation, the motivations underlying the conservation of cultural sites, including bolstering tourism and profits, can create severe human rights concerns. In a 2012 report to the UN General Assembly, the former UN Special Rapporteur on the rights of indigenous peoples, James Anaya, highlighted concerns "over [indigenous peoples'] lack of participation in the nomination, declaration, and management of World Heritage sites[,]” as well as concerns about the potential negative impact these sites have had on indigenous rights, especially to lands and resources.<sup>68</sup> In Tanzania, for example, thousands of the Maasai people have been forcibly removed by the government from their ancestral lands in the Ngorongoro Conservation Area, a UNSECO World Heritage site, in the name of conservation and to make space for tourism, development, and wildlife hunting.<sup>69</sup>

---

<sup>64</sup> Jeffrey A. Becker, "Organizations and Agencies That Work to Protect Cultural Heritage," Smart History, March 25, 2018, <https://smarthistory.org/preserve-cultural-heritage/>.

<sup>65</sup> Soft targets can at times be considered critical infrastructure, including some commercial buildings, transportation systems, government facilities, and others. On aligning soft targets and critical infrastructure see: "The GCTF Soft Target Protection Initiative Antalya Memorandum on the Protection of Soft Targets in a Counterterrorism Context."

<sup>66</sup> Mari Yamaguchi, "Japan refiles request to list divisive gold mine on UNESCO," AP News, 20 January 2023, <https://apnews.com/article/politics-japan-government-south-korea-1ec977768ed71ca86af61f8f1a777e7e>.

<sup>67</sup> Jordyn Haime, "As countries clash over WWII heritage sites, changes to UNESCO guidelines worry experts," CNN, 27 May 2022, <https://www.cnn.com/travel/article/unesco-clashes-wwii-sites-china-japan-south-korea/index.html>.

<sup>68</sup> United Nations, General Assembly, *Report of the Special Rapporteur on the rights of indigenous peoples*, A/67/301 (13 August 2012), 10.

<sup>69</sup> Maasai indigenous residents of Ngorongoro Conservation Area, *Ngorongoro Conservation Area: Not Our World Heritage Site, a history of exclusion and marginalization of Maasai residents*, submission to the UN Special Rapporteur on the Rights of Indigenous Peoples for his report to the 77<sup>th</sup> Session of the UN General Assembly (25 March 2022), 1-2.

Coordinating between the groups involved in protecting cultural heritage can also be a challenge, as their various objectives – such as maximizing profit or securing an area – may not be at odds or working at cross-purposes, but rather have different levels of prioritization. Some stakeholders’ priorities, such as the discretionary and opaque nature of the antiquities market, can further complicate protection efforts. Securing the necessary buy-in from relevant actors can prove at times elusive, as pursuing these efforts may not be in a certain actor’s financial or reputational interest.<sup>70</sup> This includes the frequent calls for increased transparency in the legal antiquities market, for example. Further, specific industries have not yet fully engaged in the public-private partnerships necessary for soft target protection, which can hinder the flow of information and early warning mechanisms.<sup>71</sup> The hospitality sector, which is frequently adjacent or involved with cultural heritage, has been cited as an example of this dynamic.<sup>72</sup>



*Securing the necessary buy-in from relevant actors can prove at times elusive, as pursuing these efforts may not be in a certain actor’s financial or reputational interest.*

### **Limited Resources**

The resources available to the various entities involved in managing cultural heritage sites and soft targets can vary depending on the context in which they are operating. A stall owner in the souk of Marrakesh in Morocco<sup>73</sup> is going to have different capacities, priorities, and resources to protect cultural heritage than the Basilica of San Francesco housing the “Legend of the True Cross,” the early Renaissance frescoes by Piero della Francesca, in the medieval city of Arezzo, Italy.<sup>74</sup> Those two entities, in turn, have vastly different resources, including reputational capital, than the Metropolitan Museum of Art in New York City.<sup>75</sup> The potential threat to these sites and artifacts, as well as the reputational costs the entities could suffer as a result of an attack or by being associated with trafficked antiquities, will differ depending on the context. Limited capacities and resources can constrain the ability to assess risk and bolster protection. This challenge is often more acute in areas of regional instability or conflict settings<sup>76</sup> such as Libya,

<sup>70</sup> Mary Genevieve Sanner, “Settling Old Scores: Proposing Targeted Regulation to Mitigate The Problem Of Looted Antiquities,” *Duke Law Journal* 72:235 2022 (2022): 249–50.

<sup>71</sup> Eric Rosand and Alistair Millar, “How the Private Sector Can Be Harnessed to Stop Violent Extremism,” Brookings, January 31, 2017, <https://www.brookings.edu/articles/how-the-private-sector-can-be-harnessed-to-stop-violent-extremism/>.

<sup>72</sup> Ibid.

<sup>73</sup> UNESCO World Heritage Centre, “Medina of Marrakesh,” UNESCO World Heritage Centre, accessed August 14, 2023, <https://whc.unesco.org/en/list/331/>.

<sup>74</sup> “Basilica of Saint Francis | Discover Arezzo,” accessed August 14, 2023, <https://www.discoverarezzo.com/en/discover-arezzo/the-churches-of-arezzo/basilica-of-saint-francis/>.

<sup>75</sup> “The Metropolitan Museum of Art,” <https://www.metmuseum.org/>.

<sup>76</sup> UNESCO World Heritage Centre, “World Heritage and Tourism in a Changing Climate,” 12.

where lack of financial resources for reinforcing assets and augmenting security at museum facilities and collections is a serious challenge.<sup>77</sup>

### *When Protectors Become Perpetrators*

Illicit actors are not the only perpetrators, as states also target and destroy cultural heritage for many of the same motivations, including Russia, Syria, and Cambodia under the Khmer Rouge, for example. Yet, UN Security Council Resolution 2347 (2017) stresses that member states have the primary responsibility of protecting their cultural heritage. Further, categorizing the destruction of cultural heritage as a war crime,<sup>78</sup> and under certain circumstances, a crime against humanity,<sup>79</sup> has led to a consensus that the destruction of cultural heritage fits within the norm of the “responsibility to protect” (or “R2P”), a framework that establishes the responsibility of states and the international community in protecting populations from atrocity crimes.<sup>80</sup> Under “R2P,” the international community has a “residual” responsibility to protect a population and take collective action – including “humanitarian intervention”<sup>81</sup> – when a state fails to protect its citizens from atrocity crimes, including when the state itself is the perpetrator of the crimes.<sup>82</sup> Thus, the involvement of state actors in the destruction of cultural heritage creates a unique challenge to protection and accountability efforts, since states often facilitate prevention, advocacy, documentation, and transitional justice efforts. It also raises the question of what the international community’s response should be in the face of a state’s failure to protect cultural heritage, or its outright aggression toward it.<sup>83</sup> There is no consensus that there is justification for applying an interventionist response under the “R2P” framework to address the destruction of cultural heritage, and states have increasingly shown a lack of appetite to take such action since the conflicts in Syria and Libya.<sup>84</sup> However, other prevention measures within the framework, including diplomatic, humanitarian, and other peaceful means, could potentially be applied.<sup>85</sup>

---

<sup>77</sup> “International Expert Meeting on the Safeguard of Libyan Cultural Heritage” (UNESCO and ICCROM, May 2016), 9, <https://whc.unesco.org/document/155631>.

<sup>78</sup> “Rome Statute of the International Criminal Court,” OHCHR, July 17, 1998, 3–4, <https://www.ohchr.org/en/instruments-mechanisms/instruments/rome-statute-international-criminal-court>.

<sup>79</sup> Wierczyńska and Jakubowski, “Individual Responsibility for Deliberate Destruction of Cultural Heritage,” 716.

<sup>80</sup> Patty Gerstenblith, “Protecting Cultural Heritage: The Ties between People and Places,” *Cultural Heritage and Mass Atrocities*, September 20, 2022, <https://www.getty.edu/part-4/21-gerstenblith/>.

<sup>81</sup> Humanitarian intervention can be undertaken by a state or a coalition of states, including through a regional or international body, to stop or alleviate atrocity crimes within a sovereign state. For more see Alex J. Bellamy, *Responsibility to Protect* (Cambridge: Polity Press, 2009) and Samantha Power, *A Problem from Hell: America and the Age of Genocide* (New York: Basic Books, 2002).

<sup>82</sup> Alex J. Bellamy, *Responsibility to Protect* (Cambridge: Polity Press, 2009), 2.

<sup>83</sup> Patty Gerstenblith “Protecting Cultural Heritage: The Ties between People and Places.”

<sup>84</sup> Jennifer M. Welsh, “The Responsibility to Protect After Libya and Syria,” *Daedalus* 145, no. 4 (Fall 2016): 75-87.

<sup>85</sup> Alex J. Bellamy, *Responsibility to Protect*, 197-198.



Russia's illegal invasion of Ukraine and its documented attempts to eradicate Ukrainian culture demonstrates this challenge.<sup>86</sup> As of December 20, 2023, UNESCO had verified damage to over 334 cultural sites in Ukraine, with over 150 partially or totally destroyed, since the beginning of the invasion.<sup>87</sup> A 2022 New York Times investigation found that some of this damage was a result of intentional targeting by Russian soldiers or pro-Russian separatists.<sup>88</sup> By targeting cultural heritage in the conflict, coupled with allegations of summary executions of civilians,<sup>89</sup> systematic gender and sexual-based violence (SGBV) as a tactic of war,<sup>90</sup> and the forcible transfer of children,<sup>91</sup> Moscow appears to be intentionally working to eliminate Ukrainian cultural identity. The destruction of cultural heritage is just one facet of this broader and egregious assault on Ukraine. According to the UN Special Rapporteur in the field of cultural rights, Alexandra Xanthaki, the invasion's aim has been not merely the capture of territory, but "a gradual destruction of a whole cultural life."<sup>92</sup> Particularly in the lead-up to the war and nearly two years since, Russian President Vladimir Putin has repeatedly called Ukrainian nationhood and culture a fiction.<sup>93</sup> Further, according to reports made by the Ukrainian government and independent U.S. researchers, Russian forces have looted Ukrainian art and artifacts from museums across the country.<sup>94</sup>

Putin is allegedly not alone. The ancient city of Palmyra in Syria captured much of the world's attention when it was destroyed by Islamic State in 2015.<sup>95</sup> Yet, it is now known that when mercenaries from the Wagner Group took control of Palmyra in March 2016 in support of the Syrian regime, they may have been complicit in the illicit trafficking of Palmyrene artifacts. It is

---

<sup>86</sup> Jason Farago et al., "A Culture in the Cross Hairs," *The New York Times*, December 20, 2022, sec. Arts, <https://www.nytimes.com/interactive/2022/12/19/arts/design/ukraine-cultural-heritage-war-impacts.html>.

<sup>87</sup> "Damaged Cultural Sites in Ukraine Verified by UNESCO | UNESCO," accessed January 4, 2024, <https://www.unesco.org/en/articles/damaged-cultural-sites-ukraine-verified-unesco>.

<sup>88</sup> Jason Farago et al., "A Culture in the Cross Hairs," *The New York Times*, December 20, 2022, <https://www.nytimes.com/interactive/2022/12/19/arts/design/ukraine-cultural-heritage-war-impacts.html>.

<sup>89</sup> United Nations Office of the High Commissioner for Human Rights, "UN report details summary executions of civilians by Russian troops in northern Ukraine," United Nations Office of the High Commissioner for Human Rights press release, 07 December 2022, <https://www.ohchr.org/en/press-releases/2022/12/un-report-details-summary-executions-civilians-russian-troops-northern>.

<sup>90</sup> United Nations, Security Council, *Sexual Violence 'Most Hidden Crime' Being Committed against Ukrainians, Civil Society Representative Tells Security Council*. SC/14926, 6 June 2022, <https://press.un.org/en/2022/sc14926.doc.htm>.

<sup>91</sup> International Criminal Court. "Situation in Ukraine: ICC judges issue arrest warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova," International Criminal Court press release, 17 March 2023, <https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and>.

<sup>92</sup> Ibid.

<sup>93</sup> Michael Schwartz, Maria Varenikova, and Rick Gladstone, "Putin Calls Ukrainian Statehood a Fiction. History Suggests Otherwise.," *The New York Times*, February 22, 2022, sec. World, <https://www.nytimes.com/2022/02/21/world/europe/putin-ukraine.html>.

<sup>94</sup> "Defending Ukraine's art and culture from destruction," U.S. Embassy and Consulates in Italy, <https://it.usembassy.gov/defending-ukraines-art-and-culture-from-destruction/>.

<sup>95</sup> Kevin Beesley, "PHOTOS: Ancient City Of Palmyra After ISIS Was Driven Out," *NPR*, March 28, 2016, sec. International, <https://www.npr.org/sections/thetwo-way/2016/03/28/472143732/isis-pulls-out-of-palmyra-leaves-destruction-in-its-wake>.

still unclear whether Wagner or Syrian President Bashar al-Assad is profiting from the illicit trade of these artifacts;<sup>96</sup> however, the potential involvement of the Syrian regime in the illegal trafficking of cultural heritage highlights the challenges and inherent tensions when the supposed protectors of cultural heritage are involved in its destruction. It also demonstrates how the targeting of cultural heritage often accompanies other war crimes and crimes against humanity, which the Syrian state has been accused of committing against its own people.<sup>97</sup>

The recent conflict in Gaza, which escalated after the October 7, 2023 attack on Israel by Hamas,<sup>98</sup> has led to massive loss of life and displacement, precipitating a devastating humanitarian crisis in the Strip.<sup>99</sup> Ancient cultural and archeological sites (including the 13<sup>th</sup> century Great Omar Mosque and the 12<sup>th</sup> century Church of Saint Porphyrius where hundreds of Palestinians had been taking shelter), historical archives, monuments, libraries, and other cultural institutions have been destroyed or partially damaged in the conflict.<sup>100</sup> Gazan authorities,<sup>101</sup> as well as the Greek Orthodox Patriarchate of Jerusalem in the case of the Church of Saint Porphyrius,<sup>102</sup> have accused Israel of intentionally destroying cultural heritage sites, which could be a crime against humanity. Israel has denied that it has intentionally targeted some cultural sites, such as the church,<sup>103</sup> and claims it upholds international law.<sup>104</sup> The active conflict situation on the ground, and the inability for specialists to enter the Gaza Strip, prevents full assessments or verification of the damage.<sup>105</sup> Still, the destruction of cultural heritage in Gaza provides a stark example of the complexity of its protection in active armed conflict, as well as its intertwined nature with the protection of civilians and respect for international law. Moreover, the destruction of ancient

<sup>96</sup> Jason Blazakis et al., “Wagner Group: The Evolution Of A Private Army,” *The Soufan Center*, 9 June 2023, <https://thesoufancenter.org/research/wagner-group-the-evolution-of-a-private-army/>.

<sup>97</sup> *12 Years of Terror: Assad’s War Crimes and U.S. Policy for Seeking Accountability in Syria*, Subcommittee Hearing, 2023, <https://foreignaffairs.house.gov/hearing/12-years-of-terror-assads-war-crimes-and-u-s-policy-for-seeking-accountability-in-syria/>.

<sup>98</sup> The Soufan Center, “IntelBrief: Complex Attack by Hamas into Israel has Altered the Dynamics of the Conflict,” 9 October 2023, <https://thesoufancenter.org/intelbrief-2023-october-9/>.

<sup>99</sup> The Soufan Center, “IntelBrief: Amidst Tensions Among Member States, the Humanitarian Situation in Gaza Continues to Deteriorate,” 31 October 2023, <https://thesoufancenter.org/intelbrief-2023-october-31/>.

<sup>100</sup> Moshe Gilad, “Bombing Historical Sites in Gaza: ‘Israel is Destroying Everything Beautiful,’” *Haaretz*, 26 December 2023, <https://www.haaretz.com/israel-news/2023-12-26/ty-article-magazine/.premium/bombing-historical-sites-in-gaza-israel-is-destroying-everything-beautiful/0000018c-a565-df1f-a7bf-b7e53e8e0000>.

<sup>101</sup> Karen Attiah, “Destroying Gaza’s cultural heritage is a crime against humanity,” *The Washington Post*, 1 December 2023, <https://www.washingtonpost.com/opinions/2023/12/01/israel-gaza-cultural-artifacts-library-archive/>.

<sup>102</sup> Tessa Solomon, “Historic Greek Orthodox Church in Gaza Damaged in Deadly Air Strike,” *ARTnews*, 20 October 2023, <https://www.artnews.com/art-news/news/historic-greek-orthodox-church-gaza-damaged-air-strike-1234683834/>.

<sup>103</sup> Nidal Al-Mughrabi, “Orthodox church says it was hit by Israeli air strike in Gaza,” *Reuters*, 20 October 2023, <https://www.reuters.com/world/orthodox-church-says-it-was-hit-by-israeli-air-strike-gaza-2023-10-20/>.

<sup>104</sup> Mohammed El Chamaa, “Gazans mourn loss of their libraries: Cultural beacons and communal spaces,” *The Washington Post*, 1 December 2023, <https://www.washingtonpost.com/world/2023/11/30/gaza-library-palestinian-culture/>.

<sup>105</sup> Sarvy Geranpayeh, “Gaza City archives among heritage sites destroyed in Israel-Hamas war,” *The Art Newspaper*, 22 December 2023, <https://www.theartnewspaper.com/2023/12/22/gaza-city-archives-among-heritage-sites-destroyed-in-israel-hamas-war>.

Palestinian heritage will hold vast implications for post-conflict reconstruction and the preservation Palestinian identity and culture.

### STAYING SAFE WHILE STAYING OPEN: RESPONSES AND GOOD PROTECTION PRACTICES

Despite the challenges of protecting cultural heritage and soft targets, good protection practices have been developed to enhance security and involve relevant stakeholders.

#### *Risk Assessments and Information Sharing*

Risk assessments and information sharing at all levels, including locally, regionally, and internationally, have been utilized as effective tools to protect soft targets, including cultural heritage sites and artifacts.<sup>106</sup> This includes government entities not only conducting risk assessments on vulnerable cultural heritage targets, but also producing robust analysis with open-source and classified material and then sharing that information with relevant parties, including the public, business owners, and operators of industry.<sup>107</sup> Prioritizing the protection of cultural sites based on risk assessment can enhance the effectiveness of emergency response plans in the case of a terrorist attack, as in Italy, for example.<sup>108</sup>

Risk assessments that do not involve or reach all the relevant stakeholders at various levels, or lack pertinent information due to classification, can sometimes be limited in value. Thus, declassifying information or downgrading the clearance required to access information when appropriate, or allowing private sector security clearance programs, has enabled different agencies, departments, and industry representatives to access information that could be crucial for protection efforts and risk assessments.<sup>109</sup> Risk assessments that are able to provide rigorous measures of effectiveness and program evaluation metrics are particularly useful and can inform resource allocation and data-driven policy recommendations.

#### *Partnerships and Building Trust*

Partnerships between various stakeholders involved in the protection of cultural heritage, including law enforcement agencies, cultural institutions, and international organizations, among others, are an important aspect of protection efforts. Cooperation between and among international partners has proven crucial in combatting antiquities trafficking due to the

---

<sup>106</sup> United Nations Counter-Terrorism Committee Executive Directorate, “CTED Analytical Brief: Responding to Terrorist Threats against Soft Targets,” 4.

<sup>107</sup> “The GCTF Soft Target Protection Initiative Antalya Memorandum on the Protection of Soft Targets in a Counterterrorism Context,” 4.

<sup>108</sup> *TSC Webinar Protecting Cultural Heritage and Soft Targets*, Webinar, 2023, Elena Franchi.

<sup>109</sup> *Ibid*, 7.

transnational nature of the practice. In short, it takes a network to counter a network. According to Colonel Bogdanos of the Antiquities Trafficking Unit in Manhattan, recovering trafficked antiquities would be nearly impossible without cooperation and information sharing across law enforcement agencies in different countries.<sup>110</sup> This type of cooperation ensures that law enforcement remains agile and responsive to the threat, and that the red tape and bureaucracy that often accompany formal processes do not unnecessarily stifle communication and deter cooperation across borders. Such phenomena always advantage illicit actors who are unencumbered by such restrictions.

Maintaining open and direct lines of communication requires relational trust and investment between relevant stakeholders.<sup>111</sup> This applies not only to international partners, such as different law enforcement or investigative agencies, but also is an important dynamic to establish between the public and private sectors.<sup>112</sup> Since cultural heritage sites are often privately owned and operated, as are the online marketplaces where illicit trafficking is increasingly taking place, building public-private partnerships (PPPs) is especially key to ensure the necessary buy-in from relevant stakeholders. Initiatives that have convened law enforcement and private sector actors, and where members of the private sector have had opportunities to consult as experts or to provide leadership, have enabled a sense of ownership, effective engagement, mutual understanding, a better flow of information in both directions and, at times, joint efforts on countering terrorist attacks.<sup>113</sup>

### *Raising Awareness and Education*

Raising awareness and promoting education have also proven to be important tools in protecting cultural heritage and soft targets. Ensuring that the public understands the security risks posed to a cultural site or soft target, including educating the public about what to look out for in terms of suspicious behavior and where to report that behavior, has shown to be important for early warning systems and prompt responses.<sup>114</sup> Raising awareness, reinforced by robust risk analysis, is critical to ensuring that assessments and information reach relevant stakeholders and the public. Programs that provide contextualized education and training, including those run by UNESCO which offer capacity building, education, and legal training, can enhance effectiveness by tailoring information for specific settings.<sup>115</sup> The British Institute of International and Comparative Law has also provided training and courses on cultural heritage law, and has analyzed how international law protects cultural heritage in armed conflicts, such as in Yemen

---

<sup>110</sup> Colonel Matthew Bogdanos, *Addressing the Linkages between the Destruction and Illicit Trafficking of Cultural Property and Terrorism: Scope of the Threat and Responses to the Phenomenon*.

<sup>111</sup> *Ibid.*

<sup>112</sup> "The GCTF Soft Target Protection Initiative Antalya Memorandum on the Protection of Soft Targets in a Counterterrorism Context," 3.

<sup>113</sup> *Ibid.*, 7.

<sup>114</sup> *Ibid.*, 11.

<sup>115</sup> UNESCO, "Training," UNESCO, May 6, 2022, <https://en.unesco.org/fighttrafficking/training>.

and Ukraine.<sup>116</sup> The World Monuments Fund also conducted a training program for Syrian refugees and local Lebanese in stonemasonry, not only to equip participants with skills to improve their livelihoods, but also to provide skills that would help restore their cultural heritage.<sup>117</sup>

Beyond enhancing physical security, educating stakeholders about the importance of cultural heritage and threats facing it, including destruction through physical attacks and the illicit trafficking of antiquities, have been identified as important protection measures.<sup>118</sup> Integrating cultural heritage into educational institutions and systems, such as initiatives run by the European Commission, can build cultural knowledge more broadly in society and, importantly, with youth.<sup>119</sup> Initiatives that educate the populace about cultural heritage ensure that its protection and maintenance is prioritized. For example, in the aftermath of the 2003 invasion of Iraq, many of the country's museums were looted of priceless artifacts by those involved with organized crime as well as unaffiliated civilians. Some civilians who participated in the looting reportedly did not understand the cultural value of what they had taken. A joint initiative by the Iraqi government and the Italian Carabinieri Command for the Protection of Cultural Heritage sought to advise and educate the population on the pilfered artifacts' value, leading some civilians who had looted antiquities to return them.<sup>120</sup>

### *Prosecutions and International Accountability Mechanisms*

Acts that threaten or destroy cultural heritage have long been recognized in international law as crimes that must be held to account.<sup>121</sup> The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, which is the first and most comprehensive treaty on the protection of cultural heritage, recognizes in its drafting history the International Tribunal at Nuremberg in the immediate aftermath of World War II as introducing the principle of punishing attacks on cultural heritage into international law.<sup>122</sup> This established a precedent that became instrumental in the prosecution of the crime before the International Criminal Tribunal for the former Yugoslavia and eventually the International Criminal Court (ICC).<sup>123</sup> In 2016, the ICC successfully prosecuted and sentenced Ahmad Al Faqi Al Mahdi, a member of the Salafi-jihadist group Ansar Dine, for the war crime of intentionally directing attacks against religious and historic

---

<sup>116</sup> British Institute of International and Comparative Law, "Cultural Heritage," BIICL, <https://www.biicl.org/categories/culturalheritage?cookieset=1&ts=1697816936>.

<sup>117</sup> World Monuments Fund, "Stonemasonry Training Concludes in Lebanon," World Monuments Fund, <https://wmf.org.uk/news/stonemasonry-training-concludes-in-lebanon/>.

<sup>118</sup> 13 United Nations General Assembly Human Rights Council, "Intersessional Seminar on Cultural Rights and the Protection of Cultural Heritage: Report of the United Nations High Commissioner for Human Rights," December 27, 2017, 13, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/368/58/PDF/G1736858.pdf>.

<sup>119</sup> "Cultural Heritage and education," Culture and Creativity, European Commission, <https://culture.ec.europa.eu/cultural-heritage/cultural-heritage-in-eu-policies/cultural-heritage-and-education>.

<sup>120</sup> *TSC Webinar Protecting Cultural Heritage and Soft Targets*, Webinar, 2023, Omar Mohammed.

<sup>121</sup> Joseph Powderly, "Prosecuting Cultural Heritage," *Cultural Heritage and Mass Atrocities*, 430.

<sup>122</sup> 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict, 14 May 1954, <https://en.unesco.org/protecting-heritage/convention-and-protocols/1954-convention>.

<sup>123</sup> Joseph Powderly, "Prosecuting Cultural Heritage," *Cultural Heritage and Mass Atrocities*, 435.

buildings in Timbuktu, Mali in 2012.<sup>124</sup> The Al Mahdi case was historic not only as the first – and only – time an individual was prosecuted by the Court for destruction of cultural heritage as a war crime, but also for recognizing the importance of pursuing international criminal accountability for the act.<sup>125</sup> Another case is now before the ICC against former Ansar Dine<sup>126</sup> member Al Hassan Ag Abdoul Aziz, who is charged with intentionally directing attacks against cultural heritage buildings (among other war crimes) in Timbuktu between 2012 and 2013, and the Court’s decision is forthcoming.<sup>127</sup> These two cases, while important examples of international accountability and significant for their contributions to legal precedent, demonstrate how prosecutions for cultural heritage destruction still remain rare, and are just one element of the global response to the issue.

At the national level, specialized police units, such as the Italian Carabinieri Command for the Protection of Cultural Heritage, also known as the Carabinieri “Art Squad,” have been key in seizing trafficked artifacts and arresting illicit actors involved in the trade. In May 2023, police in Italy broke up a major international antiquities trafficking ring, seizing more than 3,500 artifacts that according to the police hold “inestimable historical, artistic, and commercial value.”<sup>128</sup> Sixteen people across multiple locations were arrested, and the suspects face charges that include criminal conspiracy, theft, and the illegal transport of goods. An investigation conducted by the Carabinieri Art Squad in 2019, which included raids in four countries and the arrests of twenty-three people on charges of trafficking archeological artifacts, demonstrates the importance of international partnerships, as the investigation was supported by the Metropolitan Police Art Crime Unit in London, the criminal police of Baden-Württemberg, the French Central Office for the Fight Against Illegal Trafficking in Cultural Property, and Serbian forces.<sup>129</sup> In a rare example of buyer accountability, the United States filed a civil complaint in 2017 which led Hobby Lobby, the U.S. based arts-and-crafts retailer, to forfeit thousands of cuneiform tablets and clay bullae (or seals) and pay an additional sum of \$3 million to resolve the civil action.<sup>130</sup> The complaint alleged that the ancient clay artifacts, which originated in what is now modern-day Iraq, were smuggled into the U.S. through the United Arab Emirates and Israel, and shipped to Hobby Lobby and two of its corporate affiliates labeled as “samples.” These examples underscore the importance of accountability at the national level, which not only can aid restitution efforts, but also enact justice and deterrence. Although many of the international

---

<sup>124</sup> “Al Mahdi Case,” International Criminal Court, <https://www.icc-cpi.int/mali/al-mahdi>.

<sup>125</sup> Joseph Powderly, “Prosecuting Cultural Heritage,” *Cultural Heritage and Mass Atrocities*, 430.

<sup>126</sup> The Soufan Center, “IntelBrief: Ansar al-Din’s Atrocities and the Issue of Restorative Justice in Mali,” The Soufan Center, 19 November 2021, <https://thesoufancenter.org/intelbrief-2021-november-19/>.

<sup>127</sup> “Al Hassan Case,” International Criminal Court, <https://www.icc-cpi.int/mali/al-hassan>.

<sup>128</sup> “Police in Italy Busted a Major Antiquities Trafficking Ring, Seizing Some 3,500 Relics in the Process,” *Artnet News*, 25 May 2023, <https://news.artnet.com/art-world/italy-antiquities-trafficking-ring-busted-3500-relics-2309290/>.

<sup>129</sup> Lorenzo Tondo, “Italian art police arrest 23 over archeological artefacts trafficking,” 18 November 2019, <https://www.theguardian.com/world/2019/nov/18/italian-art-police-arrest-23-archeological-artefacts-trafficking>.

<sup>130</sup> U.S. Attorney’s Office, Eastern District of New York, “Press Release: United States Files Civil Action to Forfeit Thousands of Ancient Iraqi Artifacts Imported by Hobby Lobby,” 5 July 2017, <https://www.justice.gov/usao-edny/pr/united-states-files-civil-action-forfeit-thousands-ancient-iraqi-artifacts-imported#:~:text=The%20government%20also%20filed%20a,million%2C%20resolving%20the%20civil%20action>.

criminal networks involved in this trade have been on the radar of law enforcement agencies for decades, many dealers have managed to avoid significant consequences for their crimes, and more could be done to enhance the enforcement of penalties for these crimes.<sup>131</sup>

### CONCLUSION

The inherent nature of cultural heritage, including its accessibility, societal significance, and symbolism of communal identities, will continue to make it a prime target for illicit actors. Targeting cultural heritage has few downsides for these groups, as trafficking antiquities comes with relatively fewer risks than other illicit activities, and real accountability – including prosecutions for these crimes – remains relatively rare, with light penalties.<sup>132</sup> Moreover, targeting and destroying cultural heritage and soft targets allows illicit actors to re-write history and eliminate identities. The destruction of cultural heritage, coupled with accompanying acts of violence and human rights abuses, can be an effective form of control over societies, with long-lasting consequences. Such acts devastate the affected communities and society writ large, as cultural heritage preserves, connects, and binds us to our collective sense of self and belonging, our ancestors, and future generations. Moreover, its destruction can deprive “humanity of testimonies of its history.”<sup>133</sup> The continued threat illicit actors pose to cultural heritage highlights the pressing need for comprehensive responses and prevention policies, some of which have been highlighted above.

Yet, the challenges outlined in this Issue Brief, although not exhaustive, indicate that more can be done to enhance protection efforts at all levels. Since more emphasis has traditionally been placed on responses in the aftermath of looting or an attack, more investment is needed in preventative measures. This is particularly salient for future conflicts and in a more diverse and diffuse terrorist threat landscape, where cultural heritage and soft targets may increasingly come under attack.<sup>134</sup> Further, expanding the implementation of good practices and responses highlighted above, such as increased information sharing and awareness raising about the threat, is essential to enhance the effectiveness of protection efforts. Piecemeal and siloed approaches, particularly those that lack buy-in or participation from relevant stakeholders in the private sector or impacted communities, such as indigenous peoples, will reach a limit in their effectiveness and fail to adequately prevent, mitigate, and respond to the threat while upholding human rights.

---

<sup>131</sup> “Conflict Antiquities: The Need for Prosecuting Participants in the Illegal Antiquities Trade,” Clooney Foundation for Justice, <https://cfj.org/the-docket-projects/looted-antiquities/need-for-prosecutions/#need-for-criminal-prosecutions>.

<sup>132</sup> *TSC Webinar Protecting Cultural Heritage and Soft Targets*, Webinar, 2023, Alesia Koush.

<sup>133</sup> European Commission (2022) *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the EU Action Plan against Trafficking in Cultural Goods* Brussels: European Commission.

<sup>134</sup> *TSC Webinar Protecting Cultural Heritage and Soft Targets*, Webinar, 2023, Omar Mohammed.

## IDENTITIES DESTROYED, HISTORIES REVISED

Further steps must also be taken in accountability and justice efforts, including prosecutions. Although restitution efforts have repatriated looted pieces to their countries of origin,<sup>135</sup> for example, prosecutions of many chief violators remain rare.<sup>136</sup> Although the prosecution and conviction of Ahmad Al Mahdi by the ICC is an exceptional example of accountability at the international level,<sup>137</sup> the lack of widespread accountability for the crimes of Islamic State, not limited to the destruction of cultural heritage, demonstrates that accountability has not been universal or comprehensive. Prioritizing efforts that hold perpetrators accountable, whether by enforcing penalties for those involved in the illegal antiquities trade or those who intentionally target and destroy cultural heritage, is imperative to ensure transitional justice in the aftermath of conflict and egregious human rights violations. Although this Issue Brief focuses on the targeting of cultural heritage by illicit actors, accountability should also be prioritized for state perpetrators as well. Pursuing accountability when feasible could serve to deter acts in the future, provide justice, and undergird and reinforce protection efforts overall – whether future perpetrators are state or illicit actors.

The destruction of objects, whether it be buildings, public spaces, or artifacts, could seem perhaps trivial in the face of other war crimes and crimes against humanity. However, the connection between cultural heritage and identity, and the utilization of its destruction to eliminate cultures and control communities, reinforces the need to prioritize its protection alongside other efforts in conflict resolution and transitional justice. This prioritization can preserve not only the impacted community's culture and identity, but, ultimately, the collective sense of history of us all.

### Recommendations:

- **National governments should consider more widely sharing risk assessments, including with the public and across relevant sectors and agencies.** Assessments should include robust analysis with open-source and, where appropriate, classified material. Governments should consider de-classifying information that is relevant to public risk assessment or allowing leaders of relevant sectors, such as owners or operators of cultural heritage or soft target spaces, to access classified information relevant to security. Ensuring that assessments are shared with the general public and the private sector, is critical to closing information gaps and enhancing public-private and cross-sectoral partnerships.
- **National governments should consider aligning soft target and critical infrastructure protection efforts due to their overlapping priorities and to maximize limited resources.** Soft targets and cultural heritage sites, including some in the commercial, government, and transportation facilities sectors, can at times also be classified as critical

---

<sup>135</sup> Tom Mashberg and Graham Bowley, "Investigators, Citing Looting, Have Seized 27 Antiquities from the Met," The New York Times, 2 September, 2022, <https://www.nytimes.com/2022/09/02/arts/design/met-museum-looting.html>.

<sup>136</sup> *TSC Webinar Protecting Cultural Heritage and Soft Targets*, Webinar, 2023, Alesia Koush.

<sup>137</sup> "Al Mahdi Case," International Criminal Court.



infrastructure. Aligning protection efforts in these overlapping areas when appropriate can ensure more robust security mechanisms, mitigate siloed approaches, and maximize the often-limited resources available. It can also involve relevant stakeholders who may normally be overlooked in these types of efforts to increase overall security and ensure that efforts are adapted in context-specific ways.

- **Governments, civil society, private sector actors, and international partners should prioritize educating the public and relevant stakeholders on the importance of and threats to cultural heritage, as well as building their capacities to respond.** Educating and raising awareness about the importance of preserving cultural heritage for the sake of a community's identity, as well as how its destruction can aid illicit actors both narratively and financially, can ensure that protection efforts are prioritized and made more effective. Education can help close knowledge gaps, such as that regarding the use of legitimate platforms like Facebook Marketplace in the trafficking of antiquities, and mitigate misconceptions in certain sectors about illicit actors', including terrorists', involvement in the destruction of cultural heritage. Effective capacity-building efforts, which can integrate established good practices as well as legal instruments, are also vital to ensure that stakeholders have the appropriate tools to protect cultural heritage.
- **Prosecution efforts, including those at the national and international level, should be prioritized.** Governments, particularly at the national level, should consider enforcing penalties when trafficking laws are violated, including buyers and sellers, rather than focusing primarily on restitution efforts. International efforts to hold illicit actors accountable for war crimes and crimes against humanity should include prosecution of the destruction of cultural heritage.

### Acknowledgements

The author would like to thank all the experts and practitioners whose insights deeply enriched the drafts of this paper. A special thanks to Dr. Colin P. Clarke, Dr. Didier Bouakaze-Khan, Jason Blazakis, Sean Steinberg, Naureen Chowdhury Fink, and Mohammed El Shawesh for their feedback and support in bringing this Issue Brief together. The views expressed in this paper are those of the author, and do not necessarily represent those of The Soufan Center or its Board.

### Project Resources, Publications, and Events

For all materials relating to this project, including event summaries, publications, and related resources, please visit the TSC website at [www.soufancenter.org](http://www.soufancenter.org).



# THE SOUFAN CENTER

## **ABOUT TSC:**

The Soufan Center (TSC) is an independent non-profit center offering research, analysis, and strategic dialogue on global security challenges and foreign policy issues, with a particular focus on counterterrorism, violent extremism, armed conflict, and the rule of law. Our work is underpinned by a recognition that human rights and human security perspectives are critical to developing credible, effective, and sustainable solutions. TSC fills a niche role by producing objective and innovative reports and analyses, and fostering dynamic dialogue and exchanges, to effectively equip governments, international organizations, the private sector, and civil society with key resources to inform policies and practice.