A Clash of Civilizations?
The extent of inter-civilizational differences in approaches to cultural property.

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Abstract

This paper discusses to what extent can inter-civilizational differences in approaches towards cultural property be observed? It regards the work of Professor John Merryman and his Internationalist vs. Nationalist framework and asks if there is room for a bridging paradigm between the two in the form of a civilizational approach. The theory of Samuel P. Huntington is utilised for the analysis of a civilizational theory of world order in relation to cultural property, his divisions of civilizations are used along with his categorisation of "core states". The paper implements the case study of Palmyra to demonstrate how the preservation, promotion and destruction of cultural heritage sites has heightened the inter-civilizational distinctions between cultural property approaches.

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I N T R O D U C T I O N

To what extent can inter-civilizational differences in approaches towards cultural property be observed?

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"Humans are important, but our history is the second most important thing. If we lose these monuments, we will kill our history"

Hakyat al Shmal,
Member of the Syrian Association for Preserving Heritage and Ancient Landmark,
13th May 2013[1]

There are two main common elements which can be found in any given cultural property, from an archaeological relic to an impressionist painting: *immateriality* and *publicness.*[2] The first element relates to the value that objects provide beyond their material existence, an intrinsic value they possess that cannot be touched.[3] The second feature refers not to ownership but accessibility, for the public to engage with the object as public interest is vital in justifying an objects preservation and protection.[4] In the past few decades cultural property has increased in relevance worldwide with its global dimension continuously growing.[5]

Cultural property as defined by UNESCO's Convention for the Protection of Cultural Property in Armed Conflict (1954) is *"moveable or immoveable property of great significance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular"*(Article 1 (a)).[6] Professor John Merryman summarises simply that cultural objects are human artefacts.[7] Although all too often, cultural property is manipulated by those

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[1] Hakyat al Shmal, Emma Cunliffe and Silvia Perini, "Towards A Protection Of The Syrian Cultural Heritage:A Summary Of The National And International Responses Volume III", 2015, . http://en.unesco.org/syrian-observatory/sites/syrian-observatory/files/Towards-a-protection-of-the-Syrian-cultural-heritage_Vol3.pdf. Acsessed on 13th May 2017

[2] Lorenzo Casini, ""Italian Hours": The Globalization Of Cultural Property Law", *International Journal Of Constitutional Law* 9, no. 2 (2011): 369-393.

[3] *Ibid* p.373

[4] *Ibid*

[5] *Ibid*

[6] Convention For The Protection Of Cultural Property In The Event Of Armed Conflict With Regulations For The Execution Of The Convention", *Portal.Unesco.Org,* , http://portal.unesco.org/en/ev.php-URL_ID=13637&URL_DO=DO_TOPIC&URL_SECTION=201.html. Accessed on 14th May 2017

[7] John Henry Merryman, "The Public Interest In Cultural Property", *California Law Review* 77, no. 2 (1989): 339 - 364.

who believe that the protection of their identity or interests implies the rejection of others.[8] Therefore far from uniting peoples, culture is then used or misused to separate and divide.[9]

Firstly, this paper will analyse previous literature on the subject of cultural property in order to deduce current themes on the topic and decipher where current academic debate is lacking. This will allow for a precise formulated research question to develop in accordance with gaps in the existing research.

Literature Review

Professor John Merryman is regarded as a pioneer in defining approaches to cultural property, his contributions to the field are comprehensive, similar topics echo consistently throughout his publications; preservation and legislation, the promotion of cultural property and the plight cultural property can face in regards to conflict and military intervention.[10]

The subject of preservation and legislation is nowhere more extensively discussed than in O'Keefe and Prott's five volume works entitled *'Law and Cultural Heritage'* which covers all legislative matters from issues upon initial excavation to restitution requirements.[11] Lorenzo Casini notes that the interest in the physical preservation of cultural property is perhaps the oldest matter of public interest in regards to property.[12] The international legislative framework on the subject, is the Cultural Property Protection (CPP) framework, which includes a combination of International Humanitarian Law (IHL) with articles from the Rome Statute (1998) of the International Criminal Court (ICC) as well as UNESCO's 6 cultural conventions which fall under the domain of Treaty Law.[13] Of which the principal instrument is The Hague Convention for the Protection of Cultural Property in Armed Conflict (1954).[14] Casini notes

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[8] François Bugnion, "The Origins And Development Of The Legal Protection Of Cultural Property In The Event Of Armed Conflict - ICRC", *Icrc.Org,* 14th Nov.2004, https://www.icrc.org/eng/resources/documents/article/other/65shtj.htm. accessed on 13th May 2017
[9] *Ibid*
[10] John Henry Merryman, "Two Ways Of Thinking About Cultural Property", *The American Journal Of International Law* 80, no. 4 (1986): 831-853.
[11] Lyndel V Prott and Patrick J O'Keefe, *Law And The Cultural Heritage*, 1st ed. (Abingdon: Professional Books, 1983).
[12] Casini "*Italian Hours*" p.375
[13] Emma Cunliffe, Nibal Muhesen and Marina Lostal, "The Destruction Of Cultural Property In The Syrian Conflict: Legal Implications And Obligations", *International Journal Of Cultural Property* 23, no. 01 (2016): 1-31.
[14] Cunliffe, Muhesen and Lostal *"Syrian Conflict"* p.

that cultural property laws can have a significant cultural bias that can accentuate the clash of civilizations debate.[15]

In regards to the concept of promotion and cultural property the word publicness derives from the necessity of public interest in cultural artefacts in order to justify their preservation.[16] Merryman's article entitled '*The Public interest in cultural property*' (1989) discusses the necessity promotion plays in the preservation of objects.[17] The question of how to increase public awareness of cultural property has become a contemporary issue, largely surrounding which methods are used and should be used, to promote cultural property and for what purposes.[18] Merryman notes that cultural property, has throughout history, been utilised within propaganda and politics.[19]

The topics of promotion and preservation are entwined, both however, come under increasing pressure in conflict situations. Although not a new phenomenon, cases of deliberate destruction of cultural property, through vandalism, acts of war or terrorism are beginning, in recent years, to garner more global attention.[20] Brosché, Mattias Legnér, Kreutz and Ijla carry out a comprehensive investigation into a theoretical framework for calculating as to why cultural property is destroyed in conflict and for what military objectives.[21] They discuss how the majority of existing literature is descriptive and reports on the damage to sites but offers no conceptual framework for explaining as to why destruction is carried out, this they attest is because the motive and purpose for such attacks is difficult to define in exact terms.[22] Heritage consultant Robert Bevan determines that from the examination of evidence that currently exists cultural property destruction is a common feature in campaigns of ethnic cleansing, identity-bound wars and iconoclasm.[23] Recent incidents in the Syrian conflict and high profile cases of destruction, such as Palmyra and the incidents at the Mosul museum are believed to be partially responsible for the rise in profile of cultural property.[24]

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[15] Casini *"Italian Hours"* p.373

[16] *Ibid* p.375

[17] Merryman *"Public Interest"*

[18] *Ibid*

[19] *Ibid*

[20] Johan Brosché et al., "Heritage Under Attack: Motives For Targeting Cultural Property During Armed Conflict", International Journal Of Heritage Studies 23, no. 3 (2016): 248-260.

[21] *Ibid* p.

[22] *Ibid* p.

[23] Robert Bevan, *The Destruction Of Memory*, 1st ed. (London: Reaktion Books, 2016).

[24] *Ibid*

The research carried out within this paper will therefore focus around these three core themes of; preservation, promotion and destruction as they continually arise throughout discussions surrounding cultural property.

Academic Debate

The academic debate surrounding approaches to cultural property in a global framework has thus far has focused around a binary option of either "cultural internationalism" or a "cultural nationalism" approach.[25] This debate is largely derived from Professor John Merryman and his publications; *'Two ways of thinking about cultural property'* (1986) and *'Cultural property internationalism'* (2005) along with *'The Public Interest in Cultural Property'* (1989), which dominate the discussion of cultural property issues in a global context.

Merryman's main theoretical contribution to the subject is his 'internationalism vs. nationalism' concept, which discusses how states favour either a nationalistic or internationalist approach towards cultural property.[26] Cultural property internationalism is the notion that every person has an interest in the preservation and enjoyment of cultural property, wherever it is situated, from whatever cultural or geographic source it derives.[27] Kanchana Wangkeo describes cultural property internationalism as objects or monuments that are a common resource such as air or water, with states that host these resources becoming custodians of cultural property for the benefit of all.[28] Criticism of this approach as expressed by Prott is that cultural internationalism is similar to cultural imperialism.[29]

The nationalistic perspective refers to cultural property solely as part of a nation's cultural heritage, belonging to that state alone, which ultimately gives states a special interest that implies the attribution of a national character to objects.[30] Rachel Anglin's 2008 article entitled *'The World Heritage List: Bridging the Cultural Property Nationalism-Internationalism Divide'* notices a fundamental distance between the implementation of these two theories and aims at 'bridging the gap' between internationalism and nationalistic perspectives by advocating for better co-ordination, through the World Heritage List, with the introduction of

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[25] Merryman, *"Two Ways of Thinking About Cultural Property"* p.

[26] *Ibid* p.

[27] *Ibid* p.

[28] Kanchana Wangkeo, "Monumental Challenges: The Lawfulness Of Destroying Cultural Heritage During Peacetime", *Yale Journal Of International Law* 28, no. 183-274 (2003).

[29] Lyndel V. Prott, "The International Movement Of Cultural Objects", *International Journal Of Cultural Property* 12, no. 02 (2005): 225, doi:10.1017/s0940739105050125. p.228

[30] Merryman, *"Two Ways of Thinking About Cultural Property"* p.

an international-nationalist feedback loop.[31] As of yet not there seems to be no *theoretical bridge* that better narrows the gap between the scope of the internationalist approach and the nationalistic outlook.

Arguably between nation states and the wider international community comes a different grouping – *civilizations* – cultural entities that can arguably provide a bridge between states and universalism.[32] One overarching and consistent theme that runs throughout the current literature on cultural property is conflict as Casini discusses how incidents regarding cultural property can accentuate a clash of civilizations theory.[33]

Theoretical Framework

On consultation of previous literature on the subject of cultural property, this paper will endeavour to explore if the *'Clash of Civilizations'* hypothesis has any precedent in relation to cultural property approaches.[34] The cultural theory of world order by Samuel P. Huntington entitled *'Clash of Civilizations'* was first published in the 1993 edition of the *Foreign Affairs Journal*.[35] Huntington's post-Cold War theory hypothesises that the end of the Cold War will bring about the subsequent collapse of the bipolar world system, allowing for a new multipolar system to come into play.[36] Huntington's hypothesis was later expanded upon in his comprehensive publication of 1996 titled - *'The Clash of the Civilizations and the Remaking of World Order'* – which detailed the finer points of his theory.[37] His defining statement was that going forward the distinctions among peoples would no longer be; ideological, political or economic but *cultural*. [38]

Huntington's theory acknowledges that nation states will remain the most powerful actors in global affairs but that the principal conflicts within global politics will occur between nations from groups of different civilizations.[39] Huntington defines civilizations with concepts of

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[31] Rachel Anglin, "The World Heritage List: Bridging The Cultural Property Nationalism-Internationalism Divide", *Yale Journal Of Law & The* Humanities 20, no. 2 (2013): 241-275.

[32] *Ibid* p.

[33] Casini *"Italian hours"* p.373

[34] Samuel P. Huntington, "The Clash Of Civilizations?", *Foreign Affairs* 72, no. 3 (1993): 22-49.

[35] *Ibid*

[36] *Ibid*

[37] Samuel P Huntington, *The Clash Of Civilizations And The Remaking Of World Order*, 1st ed. (New York: Simon & Schuster, 1996).

[38] *Ibid* p.21

[39] Huntington *1996* p.36

identity such as; language, history and customs with the most definitive distinction being religion.[40] The basis of Huntington's theory is the development of a new *"Civilization Paradigm"* in which he creates a civilizational world map (Appendix 1) in which the world is divided into the world into *eight* civilizations:

1. *Sinic:* the common culture of China and the Chinese communities in Southeast Asia with the inclusion of Vietnam and Korea.[41]

2. *Japanese:* Japanese culture as distinctively different from the rest of Asia.[42]

3. *Hindu:* Identified as the core Indian civilization.[43]

4. *Islamic:* Originating on the Arabian Peninsula, which has spread across the North of Africa, Iberian Peninsula and Central Asia. Arab, Turkic, Persian and Malay are among the many distinct subdivisions within Islam.[44]

5. *Orthodox:* Centred in Russia and categorized as separate from Western Christendom.[45]

6. *Western: * Centred in Europe and North America.

7. *Latin America:* Central and South American countries with a past of a corporatist, authoritarian culture. Majority of countries are of a Catholic majority.[46]

8. *Africa:* While the continent lacks a sense of a pan-African identity, Huntington claims that Africans are also increasingly developing a sense of collective African Identity.[47]

Huntington goes on to determine that the Western Civilization operates a cultural hegemony and has so since the year 1500AD, when evolution in navigation led to the diffusion of ideas, values and religion which resulted in the West becoming the dominant global civilization.[48] This brings Huntington to conclude that the power of the West is due to begin fading, and that Asian societies and Muslim countries are beginning to counteract Western supremacy, he refers

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[40] *Ibid*
[41] *Ibid* p.45-47
[42] I*bid*
[43] *Ibid*
[44] *Ibid*
[45] *Ibid*
[46] *Ibid*
[47] *Ibid*
[48] *Ibid* p.36

to this as the *'shifting balance'* between civilizations.[49] His theory predicts that the dominating cultural conflict of the immediate future will be between the Western and Islamic civilization.[50]

Huntington goes on to determine that each civilization contains "core states" – which are dominant of the collective group in defining the overall cultural identity of the particular collective civilization.[51] He gives the examples of the United States (U.S.), along with the inclusion of France and Germany, believing them to be the stronghold of the European Union (EU), and includes the addition of the United Kingdom (U.K.), as the states of "core" significance to Western civilization.[52] States that reside on fault lines or have a complex and intricate history of collaboration with another alternative civilizations are referred to as "torn nations".[53] The examples of; Russia, Turkey, Mexico and Australia are given by Huntington as "torn nations" or states that have yet to consolidate a consistent identity.[54] However, Huntington struggles to define the "core states" of the Islamic civilization, specifying that he believes Iran to be the only viable option; having the size, central location and population along with the historical traditions.[55] His only reservation is that Iran is a Shi'ite Muslim state and around ninety percent of Muslim are of the Sunni denomination.[56]

Huntington's theory has been heavily criticised. Edward Said is one of the prominent critics of Huntington's theory, which he professes is an oversimplification of the complexity of the concepts of culture and identity, he goes on to call Huntington an ideologist, for attempting this assertion.[57] Russet, Oneal and Cox find fault with Huntington's interpretation of history, which they concede at times formulates credible contributions to a constructivist analysis of international politics, but conclude that his theory is difficult to assess empirically. [58]

Carl Gershman's review of Huntington's theory alleges that he views Islam as a "monolithic entity" with little in depth expansion on the conflict that exists within civilizations.[59] This is a statement which Huntington refutes by stating that his thesis gives sufficient attention to the

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[49] *Ibid*

[50] *Ibid*

[51] *Ibid* p.155

[52] *Ibid*

[53] *Ibid*

[54] *Ibid*. p.163

[55] *Ibid* p.178

[56] *Ibid*

[57] Edward Said, "The Clash Of Ignorance", *The Nation*, 4th Oct. 2001, https://www.thenation.com/article/clash-ignorance/. accessed on May 15th 2017

[58] B. M. Russett, J. R. Oneal and M. Cox, "Clash Of Civilizations, Or Realism And Liberalism Deja Vu? Some Evidence", *Journal Of Peace Research* 37, no. 5 (2000): 583-608, doi:10.1177/0022343300037005003.

[59] Gershman.C., *"The Clash within Civilizations."* Journal of Democracy 8 (October 1997): 165-170.

conflicts that exist within the boundaries of civilizations.[60] Moreover, Petito states that Huntington's theory did not remain solely hypothetical but can be seen in specific acts of foreign policy within organisations and states such as the; IMF, WTO and NATO and the U.S. whose more aggressive foreign policy towards China was considered an implementation of the clash of civilizations approach to foreign relations.[61] Mohammad Khatami, the reformist former president of Iran introduced the theory of 'Dialogue among Civilizations' as a response to Huntington's theory to counter-react this hypothesis.[62] These examples are an acknowledgment of the scale his theory has achieved.

Overall Huntington's theory is generally criticised as a macro-level analysis of issues that have micro-level nuances.[63] Huntington's theory has been dispelled by many in terms of civilizational structures becoming the dominant structure within global governance terms. However Huntington's theory is predominately cultural in its approach and perhaps as such should only be regarded on specific cultural matters as oppose to all domains of global governance. Cultural property is a fundamental feature that defines and contributes towards the concept of 'Culture'.[64] Therefore although Huntington's critics may be sceptical about his theory in relation to geopolitics or even culture in its broadest sense - what about the intricate components of culture, what about cultural property? Despite criticism Huntington's article remains able to provide a structural basis for a preliminary discussion on cultural property approaches in an inter-civilizational context where one can observe if his civilizational paradigm can be used to bridge the gap between the current internationalism and nationalist approaches.

Research Question

The amalgamation of Huntington's cultural theory of a civilizational world order, in conjunction with approaches to cultural property, will be analysed in order to attest; *To what*

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[60] Edward Said*, "The Clash Of Ignorance"*

[61] Fabio Petito, "The Global Political Discourse Of Dialogue Among Civilizations: Mohammad Khatami And Václav Havel", *Global Change, Peace & Security* 19, no. 2 (2007): 103-126.

[62] *Ibid*

[63] Holly Flynn-Piercy, "Huntington's Clash Of Civilizations", *E-International Relations*, 30th Aug. 2011, http://www.e-ir.info/2011/08/30/huntingtons-clash-of-civilizations/. accessed on May 2nd 2017

[64] Phyllis Mauch Messenger, *The Ethics Of Collecting Cultural Property,* 1st ed. (Albuquerque: University of New Mexico Press, 1999).

extent can inter-civilizational differences in approaches towards cultural property be observed?

Huntington states that the dominant conflict will be between the Islamic and Western civilization,[65] for this reason this paper will compare the approaches to cultural property of the "core states" of both the Islamic and Western civilizations, to give a preliminary analysis as to whether they contest or correlate. The question will be analysed in accordance with the three main themes, as deduced from the literature review; preservation and protection of cultural property through international legislation, promotion and with what methods cultural property is communicated and for what purposes, and finally the approaches of both civilisations to the destruction of cultural property. This will allow for a comparison between the "core states" of the Islamic and Western civilization on the three dominant current issues within cultural property debate, giving a coherent comparison of their current stances.

 The objective is to explore if inter-civilizational differneces in approaches to cultural property exist and if so is there *precedent* for a "civilizational paradigm", to build a theoretical bridge between Merryman's internationalism vs nationalistic debate on cultural property. A case study will be utilised to show how the "core states" of each civilization have reacted and responded to a relevant high profile case of cultural property destruction, in a conflict situation. The case of the ancient city of Palmyra will be utilised throughout this paper as its involvement in the Syrian conflict has heightened the emphasis on cultural property, within conflict on an inter-civilizational scale.[66] Palmyra itself is an inter-civilizational construct, as it is situated in the Islamic civilization territory but was originally constructed in a Greco-Roman style and therefore also has links to a Western civilizational cultural identity.[67]

5 Case Study: Palmyra

In order to further explore inter-civilizational differences in cultural property approaches and assess the validity of a civilizational paradigm, a case study will be implemented to supply greater clarity for comparison on the subject. The ancient city of Palmyra (Tadmor, تدمر) has been a victim of destruction in the ongoing Syrian conflict by the Jihadist militant group, Islamic State (IS, ISIS, ISIL, Da'esh) who are a sect of Sunni Muslims that have continued to

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[65] Huntington *1996*

[66] Melissa Gronlund, "What Do We Want To Save In Palmyra?", The New Yorker,12th June 2015.

[67] *Ibid*

gain increasing power within the Middle East. [68] The abuse of heritage sites by IS has become strategically incorporated within the group's operational strategy.[69] Through IS, in particular, the return of iconoclasm to Syria can be observed, in an attempt to legitimize their puritanical ideology through the elimination of cultural property, that can be considered idolatrous or heretical.[70]

The ancient city of Palmyra helped connect the Roman civilization and ancient Mesopotamia.[71] The ruins of the city are located in the Syrian Desert, to the north-east of Damascus and date from the 1st to the 2nd century AD.[72] The city was granted status as a UNESCO World Heritage site in 1980.[73] Melissa Gronlund states that the significance of the ancient city has been appreciated throughout its existence, it has belonged to numerous cultures making Palmyra symbolic of the globalized character of the Middle East.[74] Palmyra, with its Greco-Roman architecture of long colonnades and empathized symmetry, echoes classicism that reaches from the Middle East to the columns of the White house – the city therefore overarches into the domain of the Western civilizations cultural history, making the endangerment of Palmyra evocative to more than one culture.[75] Eckart Frahm, professor of Assyriology at Yale University, stated that IS would have a distaste for the ancient city of Palmyra due to its representation as a crossroads of civilizations.[76]

The vandalization of Palmyra by IS forces commenced in May 2015 and concluded with the last of the offensives, thus far, in March 2017, this case is still current and ongoing.[77] Syria is home to some of the most important Jewish, Christian and Muslim sites in the world as Micheal Danti, academic director of the Syrian Heritage Initiative at the American Schools of Oriental research, notes that the destruction of Palmyra is the greatest cultural heritage emergency since

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[68] Ömür Harmanşah, "ISIS, Heritage, And The Spectacles Of Destruction In The Global Media", *Near Eastern Archaeology* 78, no. 3 (2015): 170-177.

[69] *Ibid* p.

[70] *Ibid* p.

[71] UNESCO Centre, "Site Of Palmyra", *Whc.Unesco.Org*, http://whc.unesco.org/en/list/23. accessed on 4th June 2017

[72] *Ibid*

[73] *Ibid*

[74] Melissa Gronlund, *"What Do We Want To Save In Palmyra?"*

[75] *Ibid*

[76] Eckart Frahm, interviewed by Jonathan Foyle, "Is It Time To Rethink Our Ideas About Preserving World Heritage?", *Financial Times*, 22nd May 2015, https://www.ft.com/content/545458d4-fae9-11e4-9aed-00144feab7de. accessed on May 29th 2017

[77] Zen Adra, "Palmyra Offensive Continues With Syrian Army On The Push", *AMN - Al-Masdar News | المصدر نيوز*, 19th March 2017, https://www.almasdarnews.com/article/palmyra-offensive-continues-syrian-army-push/. accessed on 17th May 2017

World War II.[78] Danti, along with many other academic scholars and peoples alike laments the destruction of some of mankind's most important ancient monuments within Mesopotamia, a region which is widely regarded as the "cradle of civilisation" which today includes modern-day Syria.[79]

Alexander Bauer, states that destruction of sites such as Palmyra only accede the clash of civilizations worldview by perpetuating the 'us vs. them' position.[80] The inter-civilizational dimension of the case of Palmyra will allow for a comparison of both civilizations within one site.

6 Methodology

The first section of each chapter will discuss and reflect on current theories and definitions that are relevant to the theme discussed within the chapter, examples from both the Western and Islamic civilization will be utilised to illustrate these theoretical definitions. The second part of each chapter will discuss the case of Palmyra in regards to the implementation of *how* or *if* these theories are implemented by specific "core states" within Western and Islamic civilization, allowing for a coherent relevant example to any frameworks discussed. The primary sources featured within this paper will be utilised largely dependent on the subject of the chapter but some will be relevant throughout:

- ASOR *'Special Report: The Recapture of Palmyra'* March 30th 2016

- UNESCO's 6 Cultural Conventions

- The Convention for the Protection of Cultural Property in Armed Conflict (1954)

- The Rome Statute of the International Criminal Court (1998)

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[78] Michael Danti Interview by Jonathan Foyle, "Is It Time To Rethink Our Ideas About Preserving World Heritage?", *Financial Times,* 22nd May 2015, https://www.ft.com/content/545458d4-fae9-11e4-9aed-00144feab7de accessed on 15th May 2017

[79] *Ibid*

[80] Alexander A. Bauer, "Editorial: The Destruction Of Heritage In Syria And Iraq And Its Implications", *International Journal Of Cultural Property* 22, no. 01 (2015): 1-6.

- Ofiicial Case Report: ICC trial on the 2016 Mali case - *The Prosecutor v. Ahmad Al Faqi Al Mahdi.*

- The Islamic Educational Scientific and Cultural Organisation (ISESCO) Official Press release on Palmyra

- Dabiq Magazine Issue 8 31

Chapter One will discuss the themes of cultural property preservation and protection through the instrument of international law. This section will focus on the current Cultural Property Protection (CPP) framework, in particularly the role of UNESCO's 6 Cultural conventions to understand; *Can a commitment towards international cultural property legislation be distinguished dependent on civilizations?* The latter part of this chapter will analyse how the CPP framework may be used to bring the perpetrators responsible for the destruction of Palmyra to justice, by assessing specific articles within the framework and discussing how such legislation may be implemented.

Chapter Two will focus on the utilisation of cultural property within communications and the methods used to relay messages relating to cultural property. The first section of this chapter will discuss the definition of communication devices; propaganda and public diplomacy and compare how the "core states" of the Islamic and Western civilizations have put such communication theories into practice through case related examples. This chapter will question; *Can civilizational differences be observed in approaches towards the promotion of cultural property?* The latter section will analyse if these devices have been implemented in the case of Palmyra and if so by which "core states" of which civilization, in order to attest if a difference in the utilisation of communication methods can be observed.

Chapter Three will focus on the deliberate destruction of cultural property within acts of conflict, terrorism and aggression or antagonism. It will ask the question – *Can contesting approaches to cultural property in conflict be differentiated by civilizations?* The latter segment of this chapter will look at the "core states" involvement within the Palmyra offensive attacks, and discuss as to what their military objectives may have been, and if cultural property is considered a priority by both civilizations within their military-strategic objectives.

The premise of this paper is to introduce a topic for further scholarly investigation by analysing to what degree there is precedent for a civilizational paradigm in the current theoretical

internationalist vs nationalist framework. In order to decipher if there is precedent for an alternative paradigm, this paper will first regard to what degree inter-civilizational differences exist, through the analysis of the case of Palmyra.

I

C H A P T E R   O N E

The *Preservation* of Cultural Property: Protection and Prosecution through legislation

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"It must be said, and it must be said clearly: to intentionally direct an attack against historic monuments and buildings dedicated to religion constitutes a war crime, duly punishable under the Rome Statute. These are serious crimes which must be dealt with at the hands of justice."

Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda,
The opening of Trial in the case against Mr Ahmad Al-Faqi
22nd August 2016[81]

1 Introduction

Merryman states that wanting to preserve property defines its cultural value, in that if we do not care about the objects preservation than for us it is not a cultural object.[82] François Bugnion discusses how laws for the protection of cultural property are routed in history noting that in mediaeval Europe, codes of chivalry protected churches and monasteries - Islam too issued injunctions protecting places of worship, in particularly in times of conflict.[83] However, these ancient rules were generally based on religion and were respected only by peoples who shared the same culture and honoured the same gods.[84] Where conflicts involved peoples of different cultures, such rules were often ignored.[85] In reality, attempts to draw up rules of law protecting cultural property in war are a comparatively recent phenomenon.[86] Onuma Yasuaki prompts the need for a transcivilizational approach to international law, allowing for civilizational differences to be amended to certain areas of international law, this as yet does not exist on the subject of cultural property. [87]This chapter will discuss the current international

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[81] Statement Of The Prosecutor Of The International Criminal Court, Fatou Bensouda, At The Opening Of Trial In The Case Against Mr Ahmad Al-Faqi Al Mahdi", Icc-Cpi.Int, 2016, https://www.icc-cpi.int/legalAidConsultations?name=otp-stat-al-mahdi-160822. accessed on 11th May 2017

[82] Merryman *"Public Interest"* p.

[83] François Bugnion, *"The Origins Of Cultural Property In The Event Of Armed Conflict – ICRC"*

[84] *Ibid*

[85] *Ibid*

[86] *Ibid*

[87] Onuma Yasuaki, *A Transcivilizational Perspective On International Law*, 1st ed. (Leiden: BRILL, 2010).

Cultural Property Protection (CPP) framework, which is the legal framework that surrounds the protection of cultural property.[88] This includes the articles within International Humanitarian Law (IHL) and the Rome Statute of the International Criminal Court (ICC) that relate to cultural property as well as UNESCO's 6 cultural conventions which fall under the domain of Treaty Law.[89] Huntington's hypothesis revolves around articulating a new world order based on culture and therefore the legislation discussed within this chapter will only feature international cultural property laws as oppose to the domestic legislation of each individual "core state". This will allow for a coherent and equitable comparison between "core states" commitment to cultural property legislation on an internationalist level, to determine if differences to the commitment to legislation differ based on civilizational divisions.

The first section of this chapter will discuss the fundamental elements of the CPP framework and the commitment, in particularly to UNESCO's 6 cultural conventions, by the "core states" of both the Western and Islamic civilization. The state of Syria shall also be included as Huntington's theory notes that nation states will remain key players in world affairs and therefore the situation in Palmyra cannot be sufficiently analysed without the inclusion of the territorial state in which the city resides.[90] The sub question will therefore address the Western and Islamic civilizations commitment to international cultural property laws to determine if preservation and protection is revered on the same level; *Can alternative approaches towards cultural property legislation be distinguished by civilizations? Can this be observed through subsequent prosecutions?*

The latter segment of this chapter will focus on implementation of the above legislation within the context of the Palmyra case. This section looks at the obligations of international law and analyses *if* or *how* these laws could be implemented in the case of Palmyra. In essence was Palmyra protected, under these UNESCO cultural conventions? In light of the current situation will there be a prosecution for the Palmyra case? What legislation would this involve? Which civilization has been most vocal in calling for prosecution of perpetrators and putting this legislation into practice? This chapter will allow for an observation into whether inter-civilizational conflict exists between the Islamic and Western civilization on the subject of international cultural property legislation.

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[88] Cunliffe, Muhesen and Lostal *"Syrian Conflict"*
[89] *Ibid*
[90] Huntington *1996* p.36

1.1 Overview of Current 'Cultural Property Protection' (CPP) legal framework

UNESCO is the world's foremost cultural organisation with a global outreach and the organisations 6 cultural conventions are amongst the most widely discussed within the CPP framework as well as being the most comprehensive international laws on the subject of cultural property.[91] However there remains widespread criticism of current cultural property laws as Nazifger, Michelin, Rand and McNally state that all cultural property laws have at least one thing in common: they are only guides and provide no assurance of reality.[92]

UNESCO, advocates for the ratification of these 6 cultural conventions under treaty law.[93] Ratification is the status that will be assessed within this analysis, as ratification constitutes a more deliberate and committed step towards international conventions as it notifies the organisation of a states consent to be bound to a treaty, as oppose to signatories which do not qualify a state to be bound by a convention.[94]

The 6 UNESCO cultural conventions are as follows: The 'Protection and Promotion of the Diversity of Cultural Expressions' (2005), the 'Safeguarding of the Intangible Cultural Heritage' (2003), and the 'Protection of the Underwater Cultural Heritage' (2001). [95] These are the most recent additions of the 6 conventions, the original three are; the 'Protection of the World Cultural and Natural Heritage' (1972), 'Fighting against the illicit trafficking of cultural property' (1970) and the 'Protection of Cultural Property in the Event of Armed Conflict' (1954).[96] Of the 6 conventions mentioned previously, the most relevant to this paper are the; Protection of Cultural Property in the Event of Armed Conflict' (1954) and its Second Protocol (1999) along with the convention for the 'Protection of the World Cultural and Natural Heritage' (1972) this is due to the fact that they relate to tangible heritage (cultural property) and preventative preservation and protection. The 1954 Hague Convention for the Protection

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[91] Cunliffe, Muhesen and Lostal *"Syrian Conflict"* p.

[92] James A.R. Nafziger, "Comments On The Relevance Of Law And Culture To Cultural Property Law", *Syracuse Journal Of International Law And Commerce 10*, no. 2 (1983): 323-332.

[93] Cunliffe, Muhesen and Lostal *"Syrian Conflict"* p.

[94] What Is The Difference Between Signing, Ratification And Accession Of UN Treaties? - *Ask DAG!", Ask.Un.Org*, 29th November 2016, http://ask.un.org/faq/14594. accessed on 18th May 2017

[95] UNESCO Centre, "Chairpersons Of Six UNESCO Culture Conventions Meet", *Whc.Unesco.Org,* 30th June 2015, http://whc.unesco.org/en/news/1305/. accessed on 14th May 2017

[96] *Ibid*

of Cultural Property in the Event of Armed Conflict (hereinafter The 1954 Convention) is considered the principal instrument in the CPP framework.[97]

Conversely, Professor Eric Posner's 2007 publication suggests the convention is widely although not universally considered a failure.[98] He believes that the legislation that applies to international property law should be adopted to cultural property, stating that this would be a more effective solution than attempting to implement specialist laws for *cultural* property.[99] It must be noted that the claims made by Professor Posner were printed in 2007 before the ratification of major states such as the U.S., although his suggestion does shed light on the debate that surrounds the effectiveness of the 1954 convention. Professor Micaela Frulli disagrees with the notion that cultural property law should fall under the same jurisdiction as international property law and believes that a distinction should be made, as The 1954 Convention, in particularly its Second Protocol, is the most effective tool for pursuing war crimes against cultural property. [100]

Although The 1954 Convention is designed to give cultural property recognition and protection in times of war, a waiver in the form of *"military necessity"* (Art.4(2)) allows for exceptions.[101] The intention of this particular waiver means that should a component of immoveable cultural property be situated within a warzone, and cannot be avoided, or its preservation cannot be consolidated, then the waiver of *"military necessary"* is applicable.[102] The ambiguity of the phrase "military necessity" can perhaps be less relative to reason and more to excuse or a guise as Professor John Henry Merryman suggests the concept of *"necessity"* too quickly and easily becomes *"convenience".*[103] The premise of The 1954 Convention is for consolidation of *"the cultural heritage of all mankind"* but as Merryman notes that this decision will be made by certain belligerents and therefore the military waiver is a nationalistic amendment to an internationalist outward looking law.[104]

The table (Appendix 2) shows which "core states" of the West; the U.S., the U.K., France, Germany and the Islamic civilization state of Iran, with the addition of Syria, have ratified

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[97] Cunliffe, Muhesen and Lostal *"Syrian Conflict"* p.

[98] Eric A. Posner, "The International Protection Of Cultural Property: Some Skeptical Observations", *Chicago Journal Of International Law* 8 (2007), doi:10.2139/ssrn.946778.

[99] *Ibid*

[100] M. Frulli, "The Criminalization Of Offences Against Cultural Heritage In Times Of Armed Conflict: The Quest For Consistency", *European Journal Of International* Law 22, no. 1 (2011): 203-217.

[101] Merryman *"Two ways of thinking about cultural property"* p.838

[102] *Ibid*

[103] Merryman "Two ways of thinking about cultural property" p.838

[104] Merryman *"Public Interest"*

which of the 6 cultural conventions. The recent ratification of The 1954 Convention from the Western "core states" of the U.S. and was claimed that during the Cold War period The 1954 Convention could not be ratified whilst there was potential for the deployment of nuclear weapons.[105] Therefore in order to legitimise the commitment to ratification of the principal convention, ratification could only be consolidated in a post-Cold War world.[106] In 2009 Germany ratified The 1954 Convention following in suit of the U.S., although the Germans also went on to ratify the Second Protocol (1999) the same year. The U.S. and German ratification was considered in archaeological academic communities as a "watershed" event and the result of fifty years of continuous pressure and preparation.[107] The ratification of the principal 1954 convention by major "core states" within the Western civilization undoubtedly shows an increased emphasis and commitment towards the preservation and protection of cultural property within the twenty-first century by the Western civilization. The U.K is set to shortly follow, recently passing the 'Cultural Property' (Armed Conflict) Act in February 2017.[108] This is widely considered to be the domestication of The 1954 Convention and the Second Protocol (1999).[109] The British government are currently waiting for official recognition from UNESCO to consolidate ratification.[110] France has ratified all of UNESCO's 6 conventions, this is unsurprising as France has long considered itself as the champion of art and the home of heritage.[111]

The Islamic "core state" of Iran (see Appendix 2) placed second to France, as the state that ratified the most of the 6 conventions, amounting a total of 5 of UNESCO's 6 cultural conventions ratified, all except the Protection and Promotion of the Diversity of Cultural Expressions (2005). The state of Syria has ratified, along with Iran: 5 of the 6 cultural conventions (see Appendix 2) with the exception of the 'Protection of the Underwater Cultural Heritage' (2001) and the Second Protocol of the original Hague convention (1999).

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[105] Patty Gerstenblith, Robert Albro and Bill J Ivey, *Cultural Awareness In The Military: Developments And Implications For Future Humanitarian Cooperation*, 1st ed. (Basingstoke: Palgrave Macmillan, 2014). p.
[106] *Ibid*
[107] *Ibid*
[108] Cultural Property (Armed Conflicts) Act 2017 — UK Parliament", Services.Parliament.Uk, 2017, http://services.parliament.uk/bills/2016-17/culturalpropertyarmedconflicts.html. accessed 12th May 2017
[109]*Ibid*
[110] Cultural Property (Armed Conflicts) Act 2017 — UK Parliament
[111] Merryman *"Public Interest"*

Iran and Syria both ratified The 1954 Convention within a year of each other, Syria ratifying the convention first in 1958 and Iran following in 1959.[112] The concept that this may have been more of a priority for the states within the Islamic civilization could perhaps carry precedent here. The Western civilization may have been too preoccupied with the Cold War but for a document that relates to cultural property in conflict, this may have been a prime opportunity for its ratification. However the eagerness of the Islamic civilization states of Iran and Syria to ratify The 1954 Convention may also indicate a lack of gravitas or complete regard for the contents of the convention. This relates back to the dilemma surrounding the protection of cultural property as an issue within itself, but also recognises how The 1954 Convention can be was interpreted differently, as a matter of priority, across civilizations.

1.2 International Criminal Court (ICC) and its Rome Statute (1998)

In the last twenty years, the international community has gained an important tool with which to respond to attacks against cultural heritage: international criminal law.[113] It is important to first stress the individuality of cultural property cases in terms of situation and circumstance which can make consistency with successful prosecution problematic.[114]

The cultural conventions recently garnered more gravitas during the 2016 Mali trail at the ICC; *The Prosecutor v. Ahmad Al Faqi Al Mahdi.*[115] The accused was tried under articles 25(3)(a) (perpetration and co-perpetration); article 25(3)(b) (soliciting, inducing); article 25(3) (c)(aiding, abetting or otherwise assisting) or article 25(3) (d) (contributing in any other way) of the ICC Rome Statute of the commission of a war crime. [116] All "core states" of the Western civilization, expect for the U.S. are party to the Rome Statue and recognize the authority of the ICC.[117] The Islamic "core state" of Iran does not recognise the jurisdiction of the ICC, nor does the state of Syria.[118]

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[112] Ratified states - Convention For The Protection Of Cultural Property In The Event Of Armed Conflict With Regulations For The Execution Of The Convention", *Portal.Unesco.Org*, 2017, http://portal.unesco.org/en/ev.php- accessed on 12th May 2017

[113] Casini *"Italian hours"* p.

[114] *Ibid*

[115] The Prosecutor v. Ahmad Al Faqi Al Mahdi (ICC 2016).

[116] The Prosecutor v. Ahmad Al Faqi Al Mahdi (ICC 2016).

[117] State Parties - Rome Statue Of The International Criminal Court", accessed 5 June 2017, https://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf. accessed on 14th May 2017

[118] *Ibid*

Authorities of the state of Niger surrendered the accused to the Court in The Hague, Niger has ratified the Rome Statute and falls within Huntington's Islamic civilization domain bordering Mali.[119] This is an incident of not only internal civilizational cooperation, but also cross civilizational cooperation on the matter of cultural property. Where two states from the Islamic civilization cooperated to bring the perpetrator to The Hague, the residence of the ICC, although considered an internationalist institution the court resides within the territorial domain of the Western civilization. In this case, a theoretical bridge between the nationalist cultural property approach and internationalist outlook seems to have not been necessary. In judicial outcome in the Mali case was a successful, the case shows that there are opportunities to collaborate and cooperate for justice on issues of cultural property across civilizations.

The Prosecution of Al Mahdi for the destruction of the Timbuktu mausoleums was a way to respond through law rather than force to similar devastation elsewhere, from the destruction of the Bamiyan Buddhas in Afghanistan, to Palmyra in Syria.[120] However the prosecution of one case does not mean other incidents will follow suit. The destruction of the Bamiyan Buddhas in 2001 remain unprosecuted, so it can perhaps be envisaged that the Mali case was merely an expectation.[121]

Protection and prosecution are both selective procedures in terms of cultural property, they rely mainly on nations to implement the internationalist legal framework. This allows for conflicts between the nationalistic and internationalist approaches and indicts that the scope of international cultural property law should be brought to a middle ground between the two, a civilizational paradigm, far from causing a clash, could bridge the widening gap.

1.3 Case Study: Palmyra and the Cultural Property Protection (CPP) Framework

On June 20th 2013 Palmyra, together with five other Syrian sites, were added onto the List of World Heritage in Danger.[122] This procedure is carried out by the World Heritage Committee

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[119] Huntington *"The Clash of Civilizations And The Remaking Of World Order"* p.

[120] Sophie Rosenberg, "The Limits Of The ICC Ruling On Cultural Destruction As A War Crime", Worldpoliticsreview.Com, 14th Oct. 2016, http://www.worldpoliticsreview.com/articles/20190/the-limits-of-the-icc-ruling-on-cultural-destruction-as-a-war-crime accessed on 15th May 2017

[121] *Ibid*

[122] Cunliffe, Muhesen and Lostal *"Syrian Conflict"*

under the 'Protection of the World Cultural and Natural Heritage' (1972) (Art.11(4)).[123] It is important to discuss Syria when analysing international cultural property laws, as the majority of power remains with the sovereign state and their obligation to respond to ratified commitments as noted by Huntington the powers of self-determination will always begin and end with the state structure.[124]

In 2013 the Chautauqua Blueprint for a Statute for a Syrian extraordinary tribunal to prosecute atrocity crimes, was signed.[125] The intention of this court was to sit in Damascus with predominately Syrian Judges, this brought criticism surrounding the neutrality and objectivity of the tribunal.[126] This tribunal would have jurisdiction over cultural crimes as reflected and defined by the ICC.[127] Although Cunliffe, Muhesen and Lostal state that an ad hoc tribunal with the invitation to the ICC to assist and commit resources to the tribunal may allow for such issues to be rectified.[128]

However, Syria has signed but not ratified the Rome Statute and therefore the ICC will only have jurisdiction if Syria goes on to ratify the agreement or can only investigate if the case is referred to the International Court by the UN Security council – unlikely in its current lack of cooperation over the Syrian conflict.[129] Cunliffe et al. note that the International Criminal Tribunal for the former Yugoslavia (ICTY), the Iraqi High Criminal Court and the ICC's prosecution of the Mali case in 2016 set a precedent for the prosecution of the destruction of Palmyra and Syria's other heritage sites.[130]

Iran similarly to Syria has also signed but not ratified this convention and has yet to condemn the incidences of Palmyra from a legislative stand point. Hirad Abtahi states that Iran ranges from enthusiastic support to open scepticism for the ICC, believing that major issues derive from the absence of capital punishment within the court, in addition to apprehensions surrounding a lack of Muslim Judges who may not be familiar with the theological sensitives

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[123] *Ibid*
[124] Huntington *"Foreign Affairs Journal"* p.
[125] THE CHAUTAUQUA BLUEPRINT FOR A STATUTE FOR A SYRIAN EXTRAORDINARY TRIBUNAL TO PROSECUTE ATROCITY CRIMES", 2013, http://insct.syr.edu/wp-content/uploads/2013/09/Chautauqua-Blueprint1.pdf. Acsessed 25th May 2017
[126] Cunliffe, Muhesen and Lostal "Syrian Conflict"
[127] I*bid*
[128] *Ibid*
[129] *Ibid*
[130] *Ibid*

of Sharia law and the notion that Muslims cannot be judged by non-Muslims.[131] Although the current chief prosecutor of the ICC is a Muslim and this seemed to therefore be a non-issue in the Mali case, where both prosecutor and defendant were from Islamic civilization states.[132]

Cunliffe, Muhesen and Lostal determine that should the ICC go ahead with a trial, Article (8) of the Rome statute would allow for prosecution of Syrian cultural property crimes.[133] In spite of this recommendation they acknowledge that cultural property prosecutions under this article remain criticised as being inconsistent and incomplete.[134] The weakness of Article (8) means that specific prosecution of cultural property violations are largely the result and will of the prosecutor.[135] Cunliffe, et al. state that should persons be charged with the cultural destruction of Palmyra the likelihood is that this will fall under Article (8) of the Rome Statute.[136]

The European Parliament resolution of the 11th June 2015 *'Syria: situation in Palmyra and the case of Mazen Darwish'* (2015/2732(RSP)) acknowledged that the Rome Statute in particular Article 8(2)(b)(ix), states that intentionally directing attacks against historic monuments, such as the case of Palmyra in Syria constitutes a war crime and such be charged as such.[137] This is recognition from the Western civilization states who are members of the EU with the inclusion of "core states" France, Germany and the U.K., all of whom are in agreement of the condemnation of the destruction of Palmyra to be fitting of a war crime under International law. They determine that Article (8) of the Rome statute would allow for prosecution of Syrian cultural property crimes, although they acknowledge that cultural property prosecutions under this article remain criticised as being inconsistent and incomplete.[138] The weakness of Article (8) means that specific prosecutions of cultural property violations are largely the result and will of the prosecutor.[139] Cunliffe, Muhesen and Lostal state that should persons be charged with the cultural destruction of Palmyra the likelihood is that this will fall under Article (8) of the Rome Statute.[140] Although they also note that persons

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[131] Hirad Abtahi, "The Islamic Republic Of Iran And The ICC", *Journal Of International Criminal Justice* 3, no. 3 (2005): 635-648.

[132] Fatou Bensouda | WISE Muslim Women", *Wisemuslimwomen.Org*, 2017, http://www.wisemuslimwomen.org/muslimwomen/bio/fatou_bensouda/. accessed on 13th May 2017

[133] Cunliffe, Muhesen and Lostal *"Syrian Conflict"*

[134] *Ibid*

[135] *Ibid*

[136] *Ibid*

[137] "Joint Motion For A Resolution On Syria: Situation In Palmyra And The Case Of Mazen Darwish - RC-B8-0575/2015", *Europarl.Europa.Eu,* 2015, http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+MOTION+P8-RC-2015-0575+0+DOC+XML+V0//EN. accessed on 2nd May 2017

[138] Cunliffe, Muhesen and Lostal "Syrian Conflict"

[139] *Ibid*

[140] *Ibid*

responsible could be tried under Article (28) of the Rome statute, but that this would be an unprecedented move.[141] Article (28) of the Rome Statute relates to the *'Responsibility of commanders and other superiors'* and could therefore allow for charges to be brought against a chain of command group such as IS.[142] As IS, is not a sovereign state, questions of accountability and liability can become obscured.[143] The Western "core state" of France drew up a draft resolution for the UN Security Council in 2014.[144] France wanted the ICC to investigate possible war crimes in the case of Syria, including the Palmyra case.[145] 'Predictably', the resolution was vetoed by Russia and China.[146]

This pressure for judicial proceedings to be carried for cultural property destruction for the case of Palmyra, largely comes from the Western civilization, in particularly the European "core states". However, the Islamic civilization and the case of Mali is the only case of cultural property destruction to be tried by the ICC thus far, there seems to be a gap between reinforcing the importance of cultural property law and implementation across the civilizations thus far.

1.4 Chapter Conclusion

Merryman states that more extensive preservation laws and more effective enforcement mechanisms will improve the availability and accuracy of information about cultural property, which is necessary for judicial trails.[147]

There is difficulty in finding civilizational discrepancies in international cultural property legislation as legislation usually falls within one of two domains; national or international, even in regards to laws on the subject of cultural property there is little leverage for civilizational approaches. Both the Islamic and Western "core states" have agreed to the principal CPP Law – The 1954 Convention, although there is a difference in the period of time it took each civilization to commit to this cornerstone convention. This can perhaps be observed as a stark distinction between civilizations commitment to the internationalist approach cultural property in the twentieth century. The majority of Western "core states" not committing to The 1954

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[141] *Ibid*

[142] *Ibid*

[143] *Ibid*

[144] BBC News, "Russia And China Veto UN Move To Refer Syria To ICC", 22nd May 2014, http://www.bbc.com/news/world-middle-east-27514256. Accessed on 25th May 2017

[145] *Ibid*

[146] *Ibid*

[147] Merryman *"Two ways of thinking about cultural property"* p.

Convention until recent year's shows a predominantly nationalistic approach towards cultural property until the twenty-first century.

The situation in Palmyra has focused mostly around the involvement of the ICC and the Rome Statue's Article (8) which is are perpetuated mainly by states of the Western civilization. All talk of prosecution on international and state levels relate first and foremost to the human dimension of the Syrian conflict – prosecution of perpetrators for Palmyra as an act of cultural property destruction, has only featured on the list of "core states" of the Western Civilization thus far. Iran however along with a the vast majority of other Middle Eastern states has not ratified the Rome Statue and therefore struggles with genuinely advocating for internationalist justice for cultural property crimes. Syria is wants to take the nationalist approach by prosecuting cases of atrocities, cultural and otherwise within its own judicial system and territory.

Future research should focus around the comparisons and discrepancies within domestic legislation, a task too large to be undertaken in a preliminary discussion paper, nonetheless this would provide a coherent view between the "core states" nationalist cultural laws. This chapter shows that on the subject of international cultural property legislation the dominant battle is between internationalist and nationalist approaches. A civilizational paradigm may allow for a more cooperative relationship between the two on the subject of legislation.

II

C H A P T E R   T W O

The *Promotion* of Cultural Property: Propaganda or Public Diplomacy

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2 Introduction

Merryman discusses the utilisation of cultural property and notes its promotional value has the ability to attract viewers, as people travel the world to visit sites, buildings and museums to enjoy the wealth of cultural property such nations contain.[148] However the utilisation of cultural property within promotion has the potential to be exploited for a myriad of reasons. This chapter will discuss how cultural property is used in communications through the devices of propaganda and public diplomacy. Professor Jacquie L'Etang, notes that public diplomacy may both be seen as an euphemistic term for propaganda, despite the efforts of practitioners in both areas who have endeavoured to distinguish themselves.[149] This debate is acknowledged by Kelley who states that there are two arguments; those that believe propaganda should not be related to public diplomacy at all and those that would submit that propaganda and diplomacy are mutually exclusive.[150] This chapter will explore the question; *Can civilizational differences be observed in approaches towards the promotion of cultural property?* This question will look at one of the most contemporary subjects surrounding contemporary cultural property debate; *promotion* and discuss whether there are divisions between civilizations in approaches and purposes for cultural property promotion.

This first section of this chapter will discuss the theoretical definitions of; propaganda and public diplomacy. Examples from both the Islamic and Western civilizations will be discussed in order to determine *which* techniques have been previously implemented and for what has cultural property's role been within such campaigns. This second section of this chapter will focus on the case of Palmyra and discuss how the "core states" of the Islamic and Western

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[148] Merryman *"Public Interest"* p.

[149] Jacquie L'Etang, "Public Relations And Diplomacy In A Globalized World: An Issue Of Public Communication", *American Behavioural Scientist* 53, no. 4 (2009): 607-626.

[150] John Robert Kelley, Between "*Take-Offs" And "Crash Landings*", 1st ed. (New York, NY [etc.]: Routledge, 2009).

civilization have implemented the devices of; propaganda, and public diplomacy to promote the plight of Palmyra.

To summarise, this chapter will discuss how the case of Palmyra is promoted by both the Western and Islamic civilizations and if their strategies differ in terms of techniques and intention to determine if inter-civilizational conflict can be observed on the subject of promotion of cultural property.

2.1 Overview of Propaganda and Public Diplomacy:

Propaganda

Propaganda is defined as the deliberate and systematic attempt at shaping perceptions through the spread of information which is possibly; false, manipulated or exaggerated in order to aid the advancement of an ideology through instruments of media.[151] Cultural property and the manipulation of its meanings came into sharp focus within the Western civilization throughout the Second World War, where propaganda became synonymous with dishonesty and distortion.[152] Cultural property, can itself be the manifestation of ancient propaganda, instances of architectural prowess to glorify ancient kings are examples of propaganda within themselves.[153] Damage and the mutilation of cultural property can also feature as propaganda for the vandals who destroyed it as a means of humiliating the opposition.[154]

The utilisation of propaganda is usually defined in the context of war and is particularly categorised as a tool within psychological warfare.[155] This is due to the fact that conflict situations require a more aggressive form of communication due to the chaotic nature of war.[156] Examples also occur in totalitarian states such as those controlled by Mussolini, Hitler and Stalin.[157] The examples that follow are therefore borne out of these types of contexts. The

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[151] Garth S Jowett and Victoria O'Donnell, *Propaganda And Persuasion,* 1st ed. (Thousand Oaks [u.a.]: Sage, 2001).

[152] *Ibid*

[153]Joris D. Kila Cultural Property Protection in the event of Armed Conflict: Deploying Military Experts or Can White Men sing the Blues? In L.Rush (Ed.), *Archaeology, cultural property and the Military* 2010 pp.50 (Heritage Matters; No.3) Woodridge: Boydell Press

[154] *Ibid*

[155] *Ibid*

[156] Jowett and O'Donnell, *"Propaganda And Persuasion,"*

[157] *Ibid*

manipulation of cultural property within propaganda wars in which artefacts identities are constructed in order to legitimise causes and galvanize supporters.[158]

The Islamic civilization and the "core state" of Iran in 1971 held a celebratory party for the 2,500 year celebration of Persian Empire.[159] Within the ruins of the ancient city of Persepolis, a major event was hosted by the Shah of Iran to celebrate the Persian monarchy.[160] The intent of the celebration was to commemorate Iran's civilizational past by celebrating in the ruins of the ancient city, at the foot of Darius' great temple and the temple of Cyrus I.[161] The intention was to glorify present day Iran by echoing the triumph of the past Persian civilization.[162] This event sparked widespread criticism from the Western press, and largely backfired within Iran itself as the Shah was the last king to rule Iran.[163] This is not an isolated case within the Islamic civilization, the late Iraqi dictator Saddam Hussein, styled himself as the heir to Mesopotamian kings.[164] He maintained a long-running fascination with the Babylonian monarch Nebuchadnezzar II.[165] At the archaeological site of Babylon, his regime erected another palace in the ancient monarch's honour the inscription on the edifice read; *"This was built by Saddam, son of Nebuchadnezzar, to* glorify *Iraq,"*.[166]

These are clear and defined examples of cultural property in propaganda. These incidents utilise cultural property of past civilizations, through attaching the grandiose of the past to the present, to fuel nationalist state agendas in the present.

The Islamic civilization states are not alone in their utilisation of cultural property propaganda. States within the Western civilization also have shown incidences of cultural property within propaganda, although such examples have not been as prominent since the Second World War.[167] The most recognisable cases within the Western civilization are Mussolini's Italy and

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[158] *Ibid*

[159] Ishaan Tharoor, "How Ancient Ruins Are Perfect Propaganda In The Middle East", *The Washington Post,* 5th May 2016.

[160] *Ibid*

[161] *Ibid*

[162] *Ibid*

[163] *Ibid*

[164] *Ibid*

[165] *Ibid*

[166] Tharoor, "How Ancient Ruins Are Perfect Propaganda In The Middle East",

[167] Bettina Arnold, "The Past As Propaganda: Totalitarian Archaeology In Nazi Germany", *Antiquity 64,* no. 244 (1990): 464-478.

Hitler's Germany, both utilised and manipulated cultural property to legitimise their claims through archaeology remnants.[168]

Throughout 1930's and 1940's Germany, Adolf Hitler gave a stark insight into exactly how the utilisation of cultural property in propaganda can rewrite history.[169] Hitler attempted to consolidate his National Socialist (NAZI) regime by tracking the prehistoric routes of the Germanic people.[170] Archaeological teams were encouraged to recreate both real and imagined German relics to promote a heroic German past, which helped Hitler legitimise his actions in the present.[171] Hitler's utilisation of cultural property was systematic, originating with excavation of cultural property to the propaganda posters used to promote findings, either imaginative or otherwise.[172]

The Italian fascist Mussolini was not the first Italian to use Italy's glorious past as political propaganda.[173] Throughout the 1930's Mussolini created a mythic Rome in which he claimed the city had created civilization itself, a myth Mussolini glorified to an extent that had not been previously witnessed.[174] He created the idea of a mythic Rome in order to strengthen his vision of a unified Italy.[175] He implemented this myth by isolating ancient monuments from later structures, included in this isolation were great monuments such as; the Mausoleum of Augustus and the theatre of Marcellus along with the Pantheon.[176] These large and easily recognisable monuments evoked the magnificence of ancient Rome and most importantly could be used to advance Mussolini's program of creating a new Rome that glorified the past.[177]

In cases such as these, propaganda is aimed at the domestic population showing extreme nationalist approaches to cultural property. [178] Both civilizations have utilised cultural property through the medium of propaganda, however the Western civilization seems to have abruptly desisted with such explicit examples since the Second World War, perhaps through fear of accusations of reproaching propaganda of that period.

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[168] *Ibid*

[169] *Ibid*

[170] *Ibid*

[171] *Ibid*

[172] *Ibid*

[173] Susan L. Fugate Brangers, "Political Propaganda And Archaeology: The Mausoleum Of Augustus In The Fascist Era", *International Journal Of Humanities And Social Science 3*, no. 16 (2013): 125-135.

[174] *Ibid*

[175] Fugate Brangers, *"Political Propaganda And Archaeology"*

[176] *Ibid*

[177] *Ibid*

[178] Kevin Moloney, *Rethinking Public Relations*, 1st ed. (London: Routledge, 2008). P.58

Select states within the Islamic civilization demonstrate more recent examples of cultural property within propaganda, than the Western civilization, this is exemplified especially by Saddam Hussein's Ba'ath regime which only came to an end in the twenty-first century.[179] The states of the Islamic civilization are still being accused of utilising cultural property in propaganda campaigns, this will be revisited in the latter segments of this chapter in regards to the case of Palmyra.

Public diplomacy

Public diplomacy and the promotion of culture are in fact closely connected and serve similar purposes.[180] According to Nicholas J. Cull's theory of public diplomacy, the mediums of cultural diplomacy and international broadcasting are features of this umbrella term.[181] The broader concept of public diplomacy has become more common and attracted increasing attention as it is not limited to interstate negotiation.[182] At the strategic level public diplomacy can be implemented by; nations, stateless and otherwise, organizations; which operate globally such as tourist bodies as well as global organizations.[183] Essentially any organisation that is advocating for change on a transnational scale.[184] Their diplomacy may be peaceful or violent, political or civil, open or covert but all are classified as acts of public diplomacy.[185] Governments build both their national and cultural identity through travel and tourism, to use as a form of internal public relations (PR) for a domestic audience as well as external public diplomacy, for foreign audiences.[186] In terms of cultural property it is predominately utilised within the domain of cultural diplomacy, which is defined as prime example of 'soft power' or the ability to persuade through; culture, values and ideas.[187]

Within the Islamic Civilization the first openly publicized official contacts between Turkey and Armenia, after the Turkish-Armenian War of 1920, was undertaken in the field of heritage protection.[188] The Turkish Government, through its ministry of culture, had supervised

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179 Joseph Sassoon, *Saddam Hussein's Ba'th Party,* 1st ed. (New York: Cambridge University Press, 2012).
180 L'Etang, *"Public Relations And Diplomacy"*
181 Nicholas J. Cull, *Public Diplomacy: Lessons From The Past*, 1st ed. (Los Angeles: Figueroa Press, 2009).
182 L'Etang, *"Public Relations And Diplomacy"*
183 *Ibid*
184 L'Etang, *"Public Relations And Diplomacy"*
185 *Ibid* p.
186 Nicholas J. Cull, *"Public Diplomacy: Lessons From The Past"*
187 Cynthia P. Schneider, *Culture Communicates: US diplomacy that Works*. Discussion papers in diplomacy no.
94 *Netherlands institute of international relations 'Clingendael'*. 2004
188 B. Senem Çevik and Philip M Seib, *Turkey's Public Diplomacy,* 1st ed. (New York: Palgrave Macmillan, 2015).

the expert renovation of the Church of the Holy Cross on Akhtamar Island in Van. The Turkish ministry of culture formally reopened the church in 2007.[189] Upon official invitation from Turkey, the Armenian government sent a delegation headed by the deputy minister for culture, Mr Gagik Gyurjyan, himself a preservation expert, along with several other historians.[190] This gesture can be categorised as an act of both public and cultural diplomacy and shows how cultural property can be promoted for peacebuilding objectives.[191] However Huntington's theory does emphasize that neighbouring states are, due to proximity, more susceptible to ongoing relations both negatively and positively. [192]

On the more economic side of public diplomacy the "core state" of Iran uses its cultural property to promote for tourism to attract economic investment.[193] Iran boasts 15 UNESCO world heritage sites and has a large religious tourist following.[194] The majority of Iran's tourists are domestic and in response to this the Iranian government has set aims to continue to promote Iranian cultural sites to foreign nations in a bid to attract a greater number of foreign tourists.[195] The overall goal for the Iranian tourist industry is to attract 2% of the world's tourists, the equivalent of 20 million people to Iran by 2025, irrespective of civilizational domain.[196] Rachel Anglin notes that participation within the world heritage community, primarily through the World Heritage List and the ratification of the Convention Concerning the Protection of the World cultural and Natural Heritage (1972), opens the door to financial and technical assistance.[197] However, cultural diplomacy does not come cheap; it comes with a policy agenda and, globally is only realistically available to rich nations that can afford such programs as submitting national cultural property requests to the World Heritage Committee[198] An opportunity Anglin believes encourages the internationalist perspective of cultural property.[199] This perspective casts aspersions that an internationalist outlook towards cultural property is also an elitist approach. France is the highest placed "core state" on the World Heritage list for the amount of cultural property sites, with a total of 41 additions to the World Heritage list, 37

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189 *Ibid*

190 *Ibid*

191 *Ibid*

192 *Ibid*

193 Tourism | Organization For Investment Economic And Technical Assistance Of Iran", *Investiniran.Ir,* accessed 5 June 2017, http://www.investiniran.ir/en/sectors/turisem. accessed on 14th May 2017

194 *Ibid*

195 Tourism | *"Organization For Investment Economic And Technical Assistance Of Iran"*

196 *Ibid*

197 Anglin, *"The World Heritage List: Bridging The Divide"*

198 *Ibid*

199 *Ibid*

being cultural property sites.[200] Overall France places at fourth on the list however, out of the top five, four of the highest ranking states on the World Heritage List are within the Western civilization.[201] Anglin states that the World Heritage Committee have been repeatedly accused of cultural bias and favouring Western cultural property.[202]

The World heritage List promotes the internationalist mantra *"World Heritage"* and *"heritage for humanity"* as endorsed by UNESCO, this can evoke a volatile reaction from peoples who disagree with this internationalist approach.[203] This can be exemplified by Islamic rebels in Mali who vowed to destroy anything in Timbuktu that was referred to as 'World Heritage', arguing *'there is no world heritage, it doesn't exist'.* [204] Distaste for the internationalist cultural property approach by belligerents, ideologists or even states may lead to counter-frameworks which could either revert to stronger nationalistic approach towards cultural property. Perhaps with the addition of a civilizational approach the distaste for the internationalist outlook may defuse to some degree.

What is the nationalist mantra? Is there a civilizational one? In March 2017 a United Nations ambassador visited Sudan in which she referred to the country as the "cradle of civilization". This angered Sudan's Islamic civilization neighbours – Egypt, in which they claimed Egypt has always been known as the "cradle of civilization" and "mother of the world".[205] If we attest that the "World Heritage" phrase is the internationalist mantra, the "cradle of civilization" appears to be the nationalistic mantra. This incident sparked a public diplomacy disaster, which involved both the Sudanese and Egyptian ministers of foreign affairs, both claiming to have a more illustrious history then the other and ridiculing each others historic monuments.[206] This shows that even though the phrase coined is "cradle of civilizations" it is very much nationalistic mantra, as Egypt and Sudan are from the same Islamic civilization but want to maintain this catchphrase as a national one. This perhaps shows that a civilizational paradigm,

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[200] Gregory Sousa, "Countries With The Most UNESCO World Heritage Sites", *Worldatlas*, 13th March 2017, http://www.worldatlas.com/articles/countries-with-the-most-unesco-world-heritage-sites.html. Acsessed on May 19th 2017

[201] *Ibid*

[202] Anglin, "The World Heritage List: Bridging The Divide"

[203] *Ibid*

[204] Jamal J. Elias, "The Taliban, Bamiyan, And Revisionist Iconoclasm", *in Striking Images, Iconoclasms Past And Present*, 1st ed. (Surrey: Ashgate Publishing Limited, 2013). P.157

[205] The Qatari Princess, Angelina Jolie And The Battle Of The Pyramids - BBC News", BBC News, 2017, http://www.bbc.com/news/world-africa-39972853. accessed on 22nd May 2017

[206] *Ibid*

may only also escalate tensions on a inter-civilizational scale as oppose to nationalistic levels in future.

Shehade and Fouseki remark that cultural property in public diplomacy can be a means of diffusing situations.[207] Across a civilizational divide and after years of turbulent relations an international agreement for Iran's nuclear program in 2013 was achieved.[208] Since 2003, a silver chalice in the shape of a winged mythical creature was seized at U.S. border control when an art dealer tried to smuggle it into the U.S. from Iran, where it remained in bureaucratic purgatory due to frosty relations between Washington and Tehran, after the nuclear agreement was signed the chalice was returned as a gesture of goodwill.[209] This move was seen as a show of respect to the people of Iran, with Iranian diplomats also noting and appreciating the gesture highlighting the importance of public and cultural diplomacy in easing relations.[210]

The distinctions between propaganda and public diplomacy are inextricably linked, the division comes in a matter of audience and motive this, at times, can be ambiguous to define. Propaganda is usually aimed towards the domestic state audience whereas public diplomacy is aimed at the public of an alternative state.[211] These audiences can be within the same civilization or an opposing civilization. However it is not public diplomacy which causes the biggest threat to the misinformation of cultural property biographies but propaganda, within the West this technique seems to have evolved into public diplomacy and PR.[212] Within the Islamic civilization examples of propaganda are more contemporary whereas the Western civilization still maintains a diluted form of propaganda through public diplomacy.

2.2 Case Study: The Promotion of Palmyra

This section will discuss the ways in which the "core states" of both the Western and Islamic civilization, with the addition of the state of Syria, have promoted the city of Palmyra throughout the conflict. The case of Palmyra will be analysed to decipher if devices of propaganda and public diplomacy have been used to draw attention to situation in Palmyra.

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[207] Maria Shehade and Kalliopi Fouseki, "The Politics Of Culture And The Culture Of Politics: Examining The Role Of Politics And Diplomacy In Cultural Property Disputes", *International Journal Of Cultural Property* 23, no. 04 (2016): 357-383.

[208] *Ibid*

[209] I*bid*

[210] *Ibid*

[211] L'Etang, "Public Relations And Diplomacy"

[212] *Ibid*

The accusations surrounding the utilisation of propaganda have been predominately aimed at the jihadist militant group IS, for the systematic destruction of Palmyra in which the group film themselves destroying artefacts and blowing up architectural monuments.[213] The filming of such acts and there publication on social media has led towards the accusation and condemnation of their propaganda campaign towards Palmyra and other cultural heritage sites.[214] In contrast, the terrorist group claim the exact opposite, within their propaganda magazine, *'Dabiq'* they refute this accusation and point the finger back at the Syrian Government claiming that the kuffar (non religious) unearthed these statutes and ruins in an attempt to portray them as part of a cultural heritage and identity that Muslims of Syria should take pride in and embrace.[215] They conclude this message by announcing that this opposes the guidance of Allah and His Messenger and only serves a nationalist agenda.[216]

This fuels the notion that this is a civil war of religious ideology against a state agenda. This is an observation of religious conflict on the basis of ideology but is taking place between state and non-state actor within the same civilization, within the same umbrella of the same Islamic religion. It therefore arguably shows that there are factions within civilizations that have varying and opposing approaches towards cultural property, perhaps showing that cultural property approaches differ along all levels.

IS, are not the first to accuse the Syrian state of using Palmyra for purposes of propaganda. A select few sources within the Western media, in particularly the European edition of *The Economist* states that Syria along with its Russian allies used the Roman amphitheatre within the ancient city as a vehicle for propaganda.[217] On May 5th 2016 Russia brought its world-renowned Mariinsky Theatre orchestra to give a concert in Palmyra's ruins, on the very stage where IS executed dozens of people the previous year.[218] A decision that then British foreign secretary, Philip Hammond, condemned as *"tasteless".[219]* The article concludes by stating that

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[213] Franklin Lamb, "The Fall Of Palmyra", *Www.Counterpunch.Org*, 21st May 2015, http://www.counterpunch.org/2015/05/21/the-fall-of-palmyra/. accessed on 27th May 2017
[214]*Ibid*
[215] Jumada Al-Akhirah, "Shari'ah Alone Will Rule America*", Dabiq Issue 8,* 30th March 2015.
[216] Ibid
[217] The Economist, "The Withdrawal That Wasn't", 2016, http://www-economist-com/news/europe/21698688-syria-still-provides-useful-stage-russian-strategyand-propaganda-withdrawal-wasnt. accessed 16th May 2017
[218] *Ibid*
[219] *Ibid*

within Syria many Syrians were disgusted and in Western capitals, this concert was perceived as charm offensive and was not effective.[220]

The involvement of Russia within this event adds the dimension of the Huntington's Orthodox civilization into the promotion of Palmyra and shows that states from opposing civilizations can cooperate on issues regarding cultural property. Huntington refers to Russia as a "torn nation" noting that its cultural allegiance can be susceptible to change.[221] Therefore a deduction can be made that Russia's involvement within this propaganda stunt was intended indirect purposes as Jacquie L'Etang notes this is a common trait of contemporary propaganda.[222]

The Western "core state" of France also treads the blurred line between propaganda and public diplomacy with its *"Eternal Sites: From Bamiyan to Palmyra,"* exhibition at the Louvre.[223] The exhibition was opened in December 2016 by then President François Hollande of France, who described it as *"is the best answer to the Islamist propaganda of hate, destruction and death."*[224] The exhibition depicts images of Palmyra that have been captured via drones by a team of 'war archaeologists' and states that the exhibitions overarching objective is to raise awareness of the plights and dangers global heritage can face.[225] It seems in the context of warfare all sides are very quick to accuse each other of propaganda, this incident displays a the utilisation of cultural property in propaganda wars.

In a public relations stunt, a reconstruction of the Arch of Triumph, which had once been a centrepiece of the city of Palmyra (Appendix. 3), was unveiled in April 2016 with the in the "core state" of the U.K .[226] IS had blown up the original Arch during its occupation of the city in October 2015, the Arch was reconstructed in its former glory and showcased in London's Trafalgar square.[227] The reconstruction was designed by the Institute of Digital Archaeology (IDA) and cost a total of £100,000 and was released during the well-publicised event - 'World Heritage Week'. [228] The reconstruction garnered much media attention in the West, with the

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[220] *Ibid*

[221] Huntington *1996* p.163

[222] L'Etang, *"Public Relations And Diplomacy"*

[223] Marlise Simons, "Damaged By War, Syria'S Cultural Sites Rise Anew In France", New York Times, 31st December 2016, https://www.nytimes.com/2016/12/31/world/europe/destroyed-by-isis-syrias-cultural-sites-rise-again-in-france.html?_r=0. accessed on 3rd May 2017

[224] *Ibid*

[225] *Ibid*

[226] Lauren Turner, "Palmyra's Arch Of Triumph Recreated In London - BBC News", *BBC News,* 19th April 2016, http://www.bbc.com/news/uk-36070721. accessed on 14th May 2017

[227] *Ibid*

[228] *Ibid*

Arch being moved to New York after its initial showcase in London. [229] The Arch was unveiled by the British Minister of Foreign Affairs.[230] This is perhaps a prime example of the internationalist approach or what Meskell, Brown and Liuzza refer to as the Westernization and universalisation of cultural property approach.[231]

Dr Robert Bewley, a specialist in endangered archaeology at Oxford University, reacted to the reconstruction of the Arch by stating that reconstructions can have their uses but that the true significance of such creations lays with the original monument.[232] The necessity for the requirement of *authenticity* is shared by both the fields of public diplomacy and archaeology. Authenticity, is how public diplomacy categorises itself as having evolved from propaganda.[233] Merryman claims there is truth in objects of cultural property and that human beings yearn the need for authenticity, he claims this is truest in the West.[234]

Although the London based reconstruction of the Arch of Triumph does not lay claim to being the authentic object and therefore cannot be wholly classified as an objective of propaganda. The reconstruction Arch seems like a well implemented strategic plan which contains both elements of public and cultural diplomacy; echoed in particularly by the specialist involvement of the British minister for foreign affairs. This echoes the French's utilisation of political figure, when French President Hollande opened the Louvre exhibition. From the examples promoted by France and the U.K., the Western civilization seems to be largely implementing a similar promotional strategy that features predominantly along the lines of public diplomacy and the utilisation of cultural property and political figures.

Barak Barfi states that the diplomatic support provided by Tehran to Syria is because of the common Muslim religious roots that exist between the neighbours.[235] Barfi's statement shows, as Huntington's theory claims that religion is a key factor in the communal identity that exists between, in particularly, bordering states.[236] In 2015 the head of Iran's Cultural Heritage, Handicrafts and Tourism Organisation (ICHTO) in an act of publicised diplomacy, wrote to

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[229] *Ibid*

[230] *Ibid*

[231] Lynn Meskell, Claudia Liuzza and Nicholas Brown, "World Heritage Regionalism: UNESCO From Europe To Asia", *International Journal Of Cultural* Property 22, no. 04 (2015): 437-470,

[232] Dr Robert Bewley interviewd by Lauren Turner, "Palmyra's Arch Of Triumph Recreated In London - BBC News", *BBC News,* 19th April 2016, http://www.bbc.com/news/uk-36070721 . accessed on 14th May 2017

[233] L'Etang, *"Public Relations And Diplomacy"*

[234] Merryman, *"Public Interest"* p.346

[235] Barak Barfi, "The Real Reason Why Iran Backs Syria", *The National Interest,* 4th January 2016, http://nationalinterest.org/feature/the-real-reason-why-iran-backs-syria-14999. accessed on 21st April 2017

[236] Huntington *1996*

both the secretary of UNESCO and the secretary general of the Organization of Islamic Cooperation (OIC). [237] The Iranian state cultural agency, appeals for help and cooperation on an international and civilizational scale. The state operates a two track appeal in its message of greater cooperation and hopes that it will receive help from either an organisation that shares the same religious identity as the state or from a larger international organisation.

The Islamic Educational Scientific and Cultural Organisation (ISESCO) announced in March 2017 that Palmyra must be consolidated for future generations.[238] ISESCO reinforced, as the Iranian cultural organisation had two years previously, the necessity of Palmyra's cultural consolidation for the next global generation irrespective of the civilization to which they may belong.[239] Actors such as ISESCO are categorised as regional or multi-lateral organisations, all of which definitions are true.[240] However as this is an Islamic cultural organisation, a grouping of states that possess the same religious identity are grouping together to form a cultural organisation perhaps there is a precedence to refer to such organisations as 'civilizational actors'. Unlike the OIC, the ISESCO is a religious organisation that is based solely on cultural aspects, a cultural grouping, so perhaps we can consider ISESCO as a possible 'civilizational actor' as they promote that particular civilizations culture. However, not all states of the Islamic civilization as categorized by Huntington are members of the ISESCO, this may suggest that civilizational cultural dimensions do indeed exist but Huntington's civilizational map is not accurate about each exact state or not fluid enough to amend for subtle changes. These organisations show that there is precedent for a civilizational paradigm within Merryman's internationalism vs. nationalism theory of cultural property. Such civilizational organisations exist in real world terms but are perhaps in need of a theoretical basis which will allow them to bridge between the gap nationalistic organisations and international organisations. The message that ISESCO reinforces, in reference to the consolidation of Palmyra, is a version of the *"for all humanity"* phrase, this is largely the mantra of the internationalist theorists.[241] Therefore an observation can be made that such organisations are attempting to bridge the gap

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[237] Financial Tribune, *"Iran Calls For Action To Save Palmyra",* 25th May 2015.

[238] ISESCO Director General Calls For Preserving Civilizational Landmarks And Monuments In Palmyra", *Archive.Isesco.Org.Ma*, 21st May 2015, http://archive.isesco.org.ma/index.php?option=com_k2&view=item&id=12092:isesco-director-general-calls-for-preserving-civilizational-landmarks-and-monuments-in-palmyra&Itemid=29&lang=en. accessed on 14th May 2017

[239] *Ibid*

[240] Guide To ISESCO https://www.isesco.org.ma/wp-content/uploads/2017/02/Guide-EN-2017.pdf. accessed on 25th May 2017

[241] Anglin, *"The World Heritage List: Bridging The Divide"*

between a nationalistic cultural structures and internationalist cultural organisations. Huntington states that organisations such as the OIC have been consider under the domain of "regionalism" he says that does not accurately describe them as regions are geographical not cultural entities.[242] However, his theory refers to organisations such as NATO and attempts to incorporate a global dynamic, this perhaps does not give a cultural theory as much relevance when not solely focused on cultural entities. Huntington's theory was lays claim that Christian, Orthodox and Hindu civilizations do not have groups based on Religion and the Islamic civilization are the only ones who do. This is still true on religious grounds, however in terms of cultural heritage the Western Organisation 'Europa Nostra' with its name meaning 'Our *Europe'* in Latin, promotes European heritage and cultural property on a pan-European scale.[243]

3. 4 Chapter Conclusion

This chapter shows that civilizational differences exist in tangible terms and on organisational levels but as yet no theoretical approach exists to support their evolution or incorporate them within the nationalist vs. internationalist approaches towards cultural property. A civilizational paradigm could allow for organisations such as this to grow whilst removing the clash of civilizations slogan and allowing for a positive bridging approach between the two. It is evident that to some degree civilizational structures exist in regards to cultural property, what is needed now is the theoretical basis to ensure it grows productively not negatively.

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[242] Huntington *1996*

[243] Organisation Europa Nostra", Europa Nostra, http://www.europanostra.org/organisation/. accessed on 7th May 2017

III

C H A P T E R   T H R E E

Deliberate *Destruction*

"Delenda est C artago" – "Carthage must be destroyed", Cato kept repeating. And that proud city was indeed destroyed. Not a monument, not a temple, not a tomb was spared. Tradition has it that salt was spread on the ruins, so that the very grass would never return. Even today, when one strolls through the ruins of this ancient city – which once ruled half the Mediterranean and rivalled Rome – one cannot help but be struck by how little is left, evidence of the savagery with which it was destroyed."

François Bugnion

The Origins And Development Of The Legal Protection Of Cultural Property In The Event Of Armed Conflict – ICRC 2004[244]

3 Introduction

This chapter will categorise the definition of destruction with intent, as *deliberate* attempts to ruin or mutilate cultural property as part of aggressive militarised cultural agendas. The destruction of cultural property in conflict has existed since the creation of antiquity itself as heritage consultant Robert Bevan states that success in conflict has always been entwined with the destruction of cultural icons. [245] Cultural property has been attacked in wars of conquest and colonisation, during interstate and civil conflicts, by governments, rebels or rioters.[246] The destruction of cultural heritage within conflict to achieve objectives towards ethnic cleansing can be classified under the domain of cultural genocide as a subdivision of ethnocide.[247]

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[244] Bugnion *"Origins and Development of Legal Protection"*
[245] Robert Bevan, *The Destruction Of Memory,* 1st ed. (London: Reaktion Books, 2016).
[246] Johan Brosché et al., "Heritage Under Attack: Motives For Targeting Cultural Property During Armed Conflict", International Journal Of Heritage Studies 23, no. 3 (2016): 248-260.
[247] Johan Brosché et al., *"Heritage Under Attack"*

The first section of this chapter will focus on theories for the motivations surrounding cultural property's involvement within conflict. This chapter will look at examples within both the Islamic and Western civilization where cultural property has been involved in conflict situations. The sub question addressed within this chapter will ask; *Can contesting approaches to cultural property in conflict be differentiated by civilizations?* The latter section of this chapter will analyse how Palmyra's status as a cultural property site, with 'World Heritage List' status, has been utilised within the ongoing conflict in Syria. To determine if the objectives of the "core states" of the Islamic and Western civilizations differ in regards to Palmyra and account for how the role of cultural property has been prioritized within this conflict.

3.1 Overview: The role of Cultural Property within Military Strategies

The destruction of cultural property can be an objective on the road towards ethnic cleansing as Ömür Harmanşah states that the iconoclastic breaking and bulldozing of archaeological sites along with the dynamiting of shrines, tombs and other holy sites can be categorised under the scorched earth policy.[248] The scorched earth policy is a practice in strategic warfare whereby the retreating armed forces destroy and devastate infrastructure in order to provide the advancing enemy or belligerent civilian population without valuable resources such as food, shelter or in this case of cultural property monuments that are representative of identity and collective memory.[249]

Brosche, legner, kreutz and ljla identify *four*, not mutually exclusive, motives for attacking cultural property; conflict goals, military-strategic goals, signalling and economic incentives. Whilst conflict goals are related to the preferred political and societal system after the conflict, the latter three are actions intended to facilitate victory.[250] On the subject of conflict goals, if a fundamental issue within the conflict is due to ethnic or religious reasons, then cultural monuments that are symbolic of these identities may feature more highly on the list of

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[248] Ömür Harmanşah, "ISIS, Heritage, And The Spectacles Of Destruction In The Global Media", Near Eastern Archaeology 78, no. 3 (2015): 170-177.

[249] Alexander Schwarz and Maria Grigat, "Scorched Earth Policy", *Max Planck Encyclopaedia Of Public International Law* [MPEPIL], 2015.

[250] Johan Brosché et al., *"Heritage Under Attack"*

targets.[251] Brosche et al. go on to define military-strategic goals as the attacking of cultural property monuments within a landscape predominantly motivated by their location.[252] Perhaps such heritage sites are on mountain sides or along main thoroughfares where their design may offer cover for snipers and spies or can serve an advantageous purpose for actors involved in conflict.[253]

The objective of signalling relates to a show of strength towards the opponent but also other audiences including the international community and potential supporters.[254] In order to force concessions from the opponent, an actor is required to make a show of strength this can be done by showing their level of commitment to remain in the fight.[255] The former can be observed in terms of fighting capabilities whereas the latter is usually measured by the willingness of an actor to suffer in order to win the conflict and is harder to quantify.[256] One way of signalling commitment to the cause comes from attacking symbolically charged targets, which may include cultural property.[257]

If cultural property is not in itself part of the dispute, nor is it of any military-strategic advantage, insurgents may carry out attacks on cultural property to provide evidence of their capabilities and attempt to gain concessions.[258] The Taliban's decision to destroy Buddha statues in Bamiyan valley, despite the outcry of the international community, was partly taken to send a signal of strength and independence, even though they claimed that the primary motivation was their opposition to idol worship.[259] The outcry of the international community and the continuous endorsement of phrases such as "world heritage" and "heritage of humanity" are as Bernbeck states the latest constructs of western imperialism used to justify intervention in the region.[260]

Economic incentives relate to a means of financing warfare.[261] The economic objective in warfare derives from the historical 'spoils of war' theory, a notion whereby much cultural

[251] *Ibid*

[252] *Ibid*

[253] *Ibid*

[254] *Ibid*

[255] *Ibid*

[256] *Ibid*

[257] *Ibid*

[258] *Ibid*

[259] *Ibid*

[260] Bernbeck in Ran Boytner, Lynn Swartz Dodd and Bradley J Parker (Ed.), *Controlling The Past, Owning The Future,* 1st ed. (Tucson (Tex.): The University of Arizona Press, 2010).

[261] Johan Brosché et al., "*Heritage Under Attack"*

property has been destroyed as victorious armies looted cultural property, to keep as glorified tokens of victorious conquest or to pay large armies.[262] Weinert recognises that the most documented instance is the looting of Syrian artefacts by IS, which are believed to have carried out attacks on cultural heritage sites in order to steal artefacts that later have been sold on the black market to fund further operations.[263]

Brosche et al. note that one sole motive rarely exists and in fact a combination of motives is usually the case, this can make it difficult in determining the primary motive.[264] It is important to acknowledge that such attacks can happen within interstate and civil wars as well as national or religious therefore recognising that the destruction of cultural property always potentially part of the conflict goals, either directly or indirectly.[265]

An inter-civilizational example of the symbolism attacks on cultural property can evoke were depicted within the Bosnian War (1992-1995) in which cultural property was extensively destroyed as part of attempts to shatter religious and cultural identity.[266] Buildings of symbolic value, especially minarets, were not just shot at or burnt but even razed to the ground in order to diminish the incentives for Bosnians to return to their village or town after the termination of the conflict, this is in keeping with the scorched earth policy.[267] The Croatian military's attack on the Ottoman Bridge *Stari Most* in Mostar in November 1993 constitutes one of the most high-profile attacks on cultural property during the war.[268] The paramount reason for the attack on the Mostar Bridge was due to its symbolism of a multi-ethnic and multi-religious society living in peace.[269] This symbolism constituted an obstacle for the creation of a nationalist Croatian state in Bosnia and Herzegovina, with Mostar as the intended capital.[270] The destruction of the bridge was thus an attack on the idea of a future multi-ethnic nation.[271] Although one should also keep in mind that the attack on the bridge also sought to stop the

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[262] *Ibid*

[263] Johan Brosché et al., "Heritage Under Attack"

[264] *Ibid*

[265] *Ibid*

[266] Helen Walasek and Richard Carlton, *Bosnia And The Destruction Of Cultural Heritage*, 1st ed. (London: Routledge, 2016).

[267] *Ibid*

[268] *Ibid*

[269] Martin Coward, *Urbicide*, 1st ed. (London: Routledge, 2010).

[270] Walasek and Carlton, *"Bosnia And The Destruction Of Cultural Heritage"*

[271] *Ibid*

Bosnian army from transporting supplies to the frontline and that this also facilitated military-strategic goals and not just conflict.[272]

This conflict was a case of inter-civilizational conflict as defined by Huntington mirroring the inter-civilizational differences along religious lines of the Bosniaks (Bosnian Muslims) and the predominantly Catholic Croats.[273] The infamous case of the Mostar Bridge demonstrates how cultural property can be used to escalate a conflict especially a pre-existing division based on cultural grounds.[274] This example demonstrates how the destruction of cultural property can be used to further ignite inter-civilizational divisions in tangible conflict, not just in cultural property approaches. Incidents such as the Mostar Bridge show that cultural property plays a fundamental role in inter-civilizational divisions especially when they feature along cultural lines.

Emma Cunliffe, a specialist in Syrian cultural heritage at Oxford University's endangered archaeology department, suggests that equating authenticity with provenance is a Western concept.[275] She notes that other civilizations, in particularly the Japanese routinely rebuild ancient monuments, as they inherit their ethos and form from the previous monument in the idea that effort and imagination are irreplaceable.[276] It appears that the Western civilization mourn cultural property destroyed in conflict and believe their likeness and intrinsic value cannot and should not be created again, hence the Mostar Bridge.[277] This viewpoint indicates that for the Western civilization there is heightened emphasis on cultural conflict – believing it to be irreplaceable.

In 2001, within the Islamic Civilization, the Buddha's of Bamiyan in Afghanistan were destroyed through an act of terrorism, carried out by the Taliban.[278] The Buddha's, which were constructed in the 6th Century AD, had been selected to become an addition to the UNESCO world cultural heritage list, although their accession was never completed due to the ongoing Afghan conflict.[279] Pierre Centlivres states that the Afghan people did not share the same

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[272] *Ibid*

[273] *Ibid*

[274] *Ibid*

[275] Emma Cunliffe interviewed by Jonathan Foyle, "Is It Time To Rethink Our Ideas About Preserving World Heritage?", Financial Times, 2015, https://www.ft.com/content/545458d4-fae9-11e4-9aed-00144feab7de. Accessed 19th May 2017

[276] *Ibid*

[277] *Ibid*

[278] Pierre Centlivres, "The Controversy Over The Buddhas Of Bamiyan", *South Asia Multidisciplinary Academic Journal*, no. 2 (2008): 1-13.

[279] *Ibid*

affiliation for the statues as the West, seemingly praising the climate of the valley and its fertility for growing agricultural products as oppose to recognising the Buddha's.[280] This is perhaps because the Buddha's are a representation synonymous with the Buddhist faith and therefore not an Islamic monument as suggest the Islamic civilization state of Afghanistan did not react as strongly as the Western media who widely condemned the destruction as an abhorrent attack on human heritage.[281] This attack was defined by Brosche et al. chiefly as a strategy of signalling, in particularly, towards the international community about the Taliban's capabilities.[282] This is a clear example of the rejection of the internationalist approach by a particular group, who seemingly deemed the internationalist approach the Western approach.[283]

Sørensen and Viejo-Rose note that even if a dispute does not originate over contested cultural property, a consequence of polarisation during a conflict may lead to an increased willingness to destroy the opponents' culture as a means of asserting, defending, or denying future claims to power, land and legitimacy.[284] In essence cultural property is always in danger of being dragged into conflict even if the conflict does not originate on cultural or ethnic grounds. Both, the Western and Islamic civilizations' have destroyed cultural property in conflict for a variety of conflict goal objectives, however more contemporary incidents of deliberate damage have been largely confined to the Islamic civilization. The cases described within this section are largely inter-civilizational on numerous levels and articulate a greater need for a civilizational paradigm to understand the nuances of cultural property beyond the national agenda or international community.

3.2 The Destruction of Palmyra:

The city of Palmyra has passed hands back and forth, between being controlled by IS and the Syrian army and its allied forces. There have been three battles for the ancient city, in which the Syrian army and its allies have launched offensive attacks in a bid to recapture Palmyra from the Islamic state militants.[285] The ancient city was first captured by IS in May

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[280] *Ibid*

[281] *Ibid*

[282] Johan Brosché et al., *"Heritage Under Attack"*

[283] *Ibid*

[284] Marie Louise Stig Sørensen and Dacia Viejo-Rose, *War And Cultural Heritage*, 1st ed. (New York: Cambridge University Press, 2015).

[285] Leith Fadel, "Palmyra Offensive Put On Hold As Thousands Of Syrian Soldiers Await Orders", *AMN - Al-Masdar News | ذ يوز المصدر*, 2017, https://www.almasdarnews.com/article/palmyra-offensive-put-hold-thousands-syrian-soldiers-await-orders/.

2015 and recaptured by Syrian forces in March 2016, the second offensive by Syrian allied troops took place in December of the same year and the third and final, thus far, concluded through an offensive that lasted from January - March 2017.[286] The roles the "core states" of each civilization played in the battle for Palmyra differ in terms of involvement. The "core states" of the Islamic civilization, namely Iran, were involved in the boots-on-the-ground combatant situation within the ancient city.[287] In December 2016 IS attacked the city of Palmyra, the offensive claimed the lives of two Iranian military officials; Captain Ahmad Jalali-Nasab and Brigadier General Hassan Akbari.[288] Iran was also involved in the first Palmyra offensive in 2015, as of yet, for neither of these offensive attacks was there a release or declaration of the planned avoidance of cultural property. The primary strategic objective for the Iranian involvement within the Palmyra offensive seems to be borne out of military-strategic goals in the objective of victory, this can be seen as this was an offensive attack aimed at recapture, not a preventative measure aimed at consolidating cultural property.

IS implements, what is referred to militarily, as a scorched-earth policy, within North-central Syria, in the region of Kobanê and Tell Abyad, located west of the Euphrates and adjacent to the Turkish border.[289] The ideology of IS condemns cultural property that can be seen as heretical to their beliefs, this ideology is implemented by a military strategy which principally features iconoclasm.[290] Professor Frahm notes the IS destruction of a UNESCO World Heritage site, is an easy opportunity to provoke and humiliate the West.[291] IS seems to possess a combination of all four motivations as discussed by Brosche et al. Signalling seems to be the most dominant one.

An article published within *The Washington Post* claims the Palmyra offensive in March 2017 was indirectly aided by American Forces.[292] The article notes that within February 2017 U.S. warplanes carried out 45 airstrikes in Palmyra with the military aim in striking to prevent military equipment captured by IS from being used by militants elsewhere against U.S. backed

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[286] *Ibid*

[287] *Ibid*

[288] *Ibid*

[289] Harmanşah

[290] *Ibid*

[291] Professor Frahm interviewed by Sarah Donilon, "A Doctrine Of Destruction: ISIS Attempts To Erase History", *Thepolitic.Org*, 2016, http://thepolitic.org/a-doctrine-of-destruction-isis-attempts-to-erase-history/. accessed 22nd May 2017

[292] Liz Sly, "Hezbollah, Russia And The U.S. Help Syria Retake Palmyra", *The Washington Post*, 2017, https://www.washingtonpost.com/world/syrian-army-retakes-the-ancient-city-of-palmyra-from-the-islamic-state/2017/03/02/fe770c78-ff63-11e6-9b78-824ccab94435_story.html?utm_term=.ef5699a11aed. accessed On 7th May 2017

forces. The military goals of the "core state" of the U.S. seem to focus primarily around military-strategic measures that aim at destroying IS. Along with the Iranian forces the Western "core state" of the U.S. released no plans mentioning the avoidance of the cultural property of Palmyra within regards to planned airstrikes.[293]

The lack of a British presence within the Palmyra offensives is down to, as some suggest, the constraints of their diplomatic relationship with the U.S., who do not want IS or the current Syrian President Bashar al-Assad to win the Syrian war decisively.[294] The lack of direct Western involvement within operations in Palmyra discourages Merryman's internationalist framework but also discourages a nationalist one. IS, as non-state actors are not running a nationalist agenda but an ideological one based on religion, as Huntington categorises the divisions of civilizations, along predominantly religious lines then perhaps we can observe that IS are attempting to orchestrate an internal civilizational war but also attempting to provoke an inter-civilizational war with the West simultaneously. The destruction of Palmyra is intended as an antagonistic move towards Western provocation. In this sense IS are attempting to initiate inter-civilizational conflict, with which it would appear cultural property and the symbolism of such monuments can operate as a catalyst for an antagonistic relationship between the Western and Islamic civilization. If a civilizational theoretical structure advocated for civilizations to protect and consolidate the cultural property within their own cultural domains as oppose to each being a matter for the international community, perhaps persons belonging to these civilizations would feel part of something greater than a nationalist framework but not feel that their heritage be too diluted as an internationalist approach has the ability to be. [295]

The role of Syria in consolidating Palmyra must be analysed, as Huntington notes that nation states remain the fundamental players in global order.[296] In the name of national interest, in the midst of the Syrian conflict, Antiquities chief Maamoun Abdulkarim began accumulating a workforce within Damascus with the intention to save their cultural heritage throughout the ongoing conflict.[297] His efforts on behalf of the Syrian Government, to which he states that his allegiances lay with none of the parties in the conflict but only with the ancient city of Palmyra and its preservation.[298] Abdulkarim and his team, which are based within the National

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[293] *Ibid*

[294] *Ibid*

[295] Anglin, *"The World Heritage List: Bridging The Divide"*

[296] Thanassis Cambanis "The War To Save Syria'S History", Foreign Policy, 26th October 2016, http://foreignpolicy.com/2015/10/26/the-war-to-save-syrias-history-assad-palmyra/. accessed 27th May 2017

[297] *Ibid*

[298] *Ibid*

Museum of Damascus, are responsible for the consolidation of all Syria's cultural artefacts under the government.[299] His first act was to close every museum in the country and ship all portable objects to secret vaults for safekeeping, as a result, he estimates that ninety-nine percent of the artefacts from the museum in Palmyra were spared the looting and destruction of the Islamic State.[300]   He notes that it wasn't possible to take the 15-ton Lion of Athena statue, so they hid it on the Palmyra site in a metal box packed with sand.[301] The Islamic State carefully unpacked the statue so they could wrap it in explosives and destroy it.[302] Abdulkarim states that the Lion of Athena statue had been packed in accordance with the protection of accidental damage in mind, not intentional.[303] The vast majority of consolidation work surrounding Palmyra's cultural property seems to be undertaken by Syrian nationals, this endorses the nationalist approach and shows how the internationalist approach to cultural property falls short when swiftness is required.

3.3 Chapter Conclusion

The Military objectives for the majority of the "core states" of both civilizations focus around military-strategic objectives in regards to Palmyra. Without the release of specific information in regards to plans made for the avoidance of cultural property, as in keeping with The 1954 Convention, it is difficult to shed light on where cultural property listed in terms of objectives or priorities for either civilization. However this does show a strong stance for the nationalistic approach towards cultural property, perhaps proving that the international approach is truly too great a scope for cultural property in immediate and real danger, such as conflict. However perhaps safe guarding locations should be orchestrated on a civilizational level, as in the case of civil conflict as with Syria the nationalistic approach may not be the safest. Helga Turku's discusses the long term effects of cultural property destruction even after conflict noting that the destruction of Syria's cultural heritage sites can be used as antagonistic means even after war, as they prevent the reconstructive period that follows the conflict and damage peacebuilding.[304]

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[299] *Ibid*

[300] *Ibid*

[301] *Ibid*

[302] *Ibid*

[303] *Ibid*

[304] Helga Turku, *The Destruction Of Cultural Property As A Weapon Of War*, 1st ed. (Palgrave Macmillan, 2017).

CONCLUSION

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   In regards to whether approaches to cultural property differentiate along civilizational lines this varies and is dependent on the subject in question, but all subject areas investigated within this paper have merit for continued investigation. The paper intended to set about researching a precedent for a 'civilizational paradigm' to the differences in approach to cultural property – to which I believe there to be.

Lorenzo Casini, states that the definition of cultural property has itself been a western bias for so long but that recognition of cultural diversity is reducing this.[305] A recognition of cultural diversity is essential if Merryman's internationalist approach has any hope of attaining widespread success, the way to do this is by bridging the nationalist and internationalist perspectives with a linking theoretical approach that can help bring the two closer together. The nationalist and internationalist approaches to cultural property have the ability to clash within themselves, they are opposites and are in desperate need of greater cooperation. The differences in approaches to cultural property along civilizational lines should be recognised as a basis for a bridging theory. This I believe will enable cultural theorists to get ahead of the clash of civilizations curb, in cultural property terms. If cultural property perspectives begin to acknowledge cultural bias as oppose to fearing it and embrace the differences in diversity in order to implement more of a 'cognizance of civilizations', such differences in approaches can foster new academic and cultural teachings about possible approaches to cultural property in the future. This paper shows that cultural property is very much a global topic and is the source of much debate across many civilizations, further work should be carried out on cultural property's role in global terms, this may also help at deciphering and solving issues the current internationalist framework employs.

 Between the Western and Islamic civilizations, they predominantly differentiate in terms of their utilisation of cultural property for their communication mediums. The more recent cases of cultural property in explicit forms of propaganda have been seen within the Islamic civilization. The Western civilization seems to be implementing a diluted form of propaganda in regards to cultural and public diplomacy, of which they seem to be giving more time,

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[305] Casini *"Italian hours"*

resources and attention too. Future research could be conducted around the role of cultural property within cultural diplomacy and its role within inter-civilizational relations going forward.

Limitations

The limitations of this paper are Huntington's theory and the extensive criticism it has received, in particularly, within this paper a difficulty with the lack of fluidity between civilizational borders. However, his theory is also *essential* to this paper as it is continually mentioned in cultural property debate and existing literature as a negative rhetoric, I believe this can be transformed if, as this paper has done in a preliminary context, explored further cultural bias towards cultural property on an inter-civilizational level and investigate how it could be balanced .

Within the confines of this paper it is not possible to explore each theme in ground breaking depth, but each theme should go on to be explored further, in time with the addition of domestic "core state" features such as domestic law being used to add greater depth in deciphering the depths of inter-civilizational differences in terms of cultural property approaches. This paper is limited in terms of depth of which to explore the entirety of a civilization and its approaches to cultural property along all themes and formats. However, it does show precedence for a civilizational paradigm to be seriously considered within cultural property approaches as inter-civilizational differences between the Western and Islamic civilization do exist but may be more nuanced then this paper can provide in a preliminary setting.

Future Considerations

Future Research should focus around further understanding the cultural bias that exists within inter-civilizational approaches to cultural property and sourcing the sub-categories that could potentially exist. Further exploration could involve such notions of ethnocentrism and other inter-civilizational and regional theories of global order should be analysed in accordance with the topic and perhaps maintain these current three themes so that existing information can all be interlinked on this subject.

In future further research can attest if civilizational ties are stronger than internationalism, but not as strong as nationalistic.

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