Framework/Guideline on Reporting Heritage Damage and Destruction

The working group members provided us with comments and input (written and verbal) regarding the guideline during the last month. No comments were received regarding the headings that were in disagreement with these items, so we can presume that the Working Group agrees with these headings as the guiding principles.

- **Context** (existing policies and charters, acknowledging current gaps, the necessity of developing this framework and its target audiences)

The BBC's War, Terror, and Emergencies guidelines provide comprehensive ethical and editorial principles for reporting on conflict and disasters[1]. While the guidelines cover crucial aspects such as Accuracy and Impartiality, Language use, Audience Comment and Moderation, Victims, Threats and Hoaxes, and Security, there appears to be a gap in addressing cultural sensitivities, specifically with regard to cultural heritage issues.

The United Nations, along with its affiliated organisations and offices, provides comprehensive guidelines and documents on reporting human rights issues during crises and conflicts, including training manuals on the human-rights approach to journalism[2] and protection of human rights during emergencies, humanitarian crises, and conflicts[3]. These resources emphasise the importance of respecting the legal frameworks for the protection of human rights, including cultural rights, again without any specific focus on cultural heritage.

The UN Human Rights Council's resolution on *Cultural rights and the protection of cultural heritage*, adopted on 22 March 2018, affirmed that "addressing the destruction of tangible and intangible cultural heritage needs to be holistic, encompassing all regions, contemplating both prevention and accountability, focusing on acts by State and non-State actors in both conflict and non-conflict situations, and terrorist acts". The reports of the UN Special Rapporteur in the field of cultural rights are a critical source of information on the intentional destruction of cultural heritage as a violation of human rights. These reports not only emphasise the importance of protecting cultural heritage but also highlight the role of digital technologies and new media in amplifying the impact of destructive acts and enhancing the means to mitigate the damage caused.[4] While various UN documents make it clear that the protection of cultural heritage is a human rights issue and emphasise the importance of monitoring and reporting on human rights violations, they do not thoroughly examine the various aspects of reporting on the destruction of cultural heritage, its ethical frameworks, and related challenges.

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[1] https://www.bbc.com/editorialguidelines/guidelines/war-terror-emergencies/
[2] https://unesdoc.unesco.org/ark:/48223/pf0000179185/PDF/179185eng.pdf.multi
[3] https://www.ohchr.org/en/topic/humanitarian-emergencies-and-conflict-situations?gclid=CjwKCAjw3ueiBhBmEiwA4BhspK9nYWP1EthG8LdJnUCIH74S9AIeR3rqC4tgFHGP2fkE7YbsBK-t1xoCPVUQAvD_BwE
[4] Reports A/HRC/31/59/Corr.1 and A/71/317

International heritage organisations, such as the International Council on Monuments and Sites (ICOMOS), have played an important role in providing guidelines for documenting all types of cultural heritage before and after disasters and conflicts. While their charters and guidelines highlight the benefits of documentation for risk preparedness, emergency response, and reconstruction, as well as for raising awareness, community engagement, education, and interpretation of heritage[5], they have not adequately addressed the emerging issues surrounding the complexities of reporting heritage destruction in a human rights context.

As cultural heritage destruction is increasingly recognised as a human rights violation, it is crucial for heritage organisations to take a more proactive role in addressing these emerging issues. This includes providing guidance and resources to media professionals and journalists on how to report ethically and accurately on heritage destruction in a way that respects the cultural sensitivities of affected communities and promotes the protection of cultural heritage as a fundamental human right.

- **Cultural heritage as a human rights issue**

The idea of cultural heritage has evolved over the past several decades, moving beyond the focus on artefacts, significant landmarks, and archaeological sites to include local heritage, customs, traditions, indigenous knowledge, and other tangible and intangible aspects of people's lives. Cultural heritage, in all of its many dimensions, is central to human flourishing. Moreover, cultural heritage is at once universal and relative and concern for the local permits the exposure of the fictions of timeless cultural authenticity. The rights to access cultural heritage and to engage in the cultural practices which form part of it are human rights, and their deprivation must be considered a violation of those rights.

If cultural heritage is considered a human rights issue, then its protection will likewise constitute a category of human rights. Consideration of cultural heritage as a human right extends its protection beyond the military obligations for cultural property protection (CPP) and the rules of armed conflict. However, this right can conflict with other human rights issues. An important question is whether it is an individual right, a group right, or a right applicable to both categories. Given the weaponisation of cultural heritage, will there be a conflict between the rights of various groups and categories?

The idea of protecting basic human rights has been used historically to justify imperialism, as it offered a humanitarian rationale for colonisation without granting representative government. This approach prioritised ending identified inhumane practices and safeguarding certain groups, such as women, children, and minorities, over granting self-determination to colonised peoples. However, by broadening our understanding of what constitutes a human right, we may be able to move beyond the dualism of life and politics. This is particularly important in cases where politicians and other elites invoke humanitarian values to legitimise emergency measures that curtail the political freedom of those in need. To do this, we need to expand our focus beyond individual bodies to include social, environmental, and historical

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[5] https://www.cipaheritagedocumentation.org/wp-content/uploads/2020/02/isprs-archives-XLII-2-W14-1-2019.pdf and https://www.icomos.org/images/DOCUMENTS/Charters/interpretation_e.pdf

relationships. By doing so, we can embrace a more diverse set of values that define humanity without reducing cultural heritage to mere objects or resources, to grant them rights.

Not only should cultural heritage be regarded as a human right, but its massive and systematic destruction can also serve as an indicator of other crimes against humanity, such as genocide and ethnic and cultural cleansing.

The issue of which cultural heritage sites to report on and whose rights are worthy of attention needs to be addressed. For example, the destruction of 'minorities' heritage in certain countries by the states with forced changes to traditional ways of life, is an example of cultural heritage destruction and violation of human rights that has received less attention in the media and academia than other forms. It is essential to broaden our focus beyond non-state destructions, such as those by ISIS and the Taliban, to also consider the destruction of heritage by states.

Religion and discrimination on religious grounds have long been motivations for destroying cultural heritage. It is important to recognise that the intentional destruction of cultural heritage has the potential to lead to gender-based violations of human rights or to be driven by gender discrimination. The ways in which cultural heritage is deployed - and sometimes abused - during conflicts can take many forms beyond physical destruction. For example, it may be used as a tool for political propaganda, or masked, distorted and misrepresented through misinformation campaigns by rival governments and non-state actors. It may also be used as the means to control and undermine communities. Limiting access to places of worship and ritual significance, for example, can denude political engagement and degrade the moral and emotional capacity of populations. There is thus a clear role for heritage destruction and deployment to be reported on here.

- **Who owns cultural heritage?**

Taking an overarching view that addresses the preservation of humanity's cultural heritage as a whole, rather than focusing solely on specific groups or only on heritage that is labelled as 'endangered', would be a more holistic approach to heritage preservation. Such a more holistic approach might help avoid issues of heritage partisanship raised above in heritage destruction reporting.

Perhaps it is inappropriate to use the term "ownership" in this context. Might it be preferable to adopt the terminology of trusteeship while recognising that some actors have a greater stake in the reconstruction/non-destruction of a particular cultural heritage than others?

The paradox of recognising cultural heritage as belonging to humanity (say by UNESCO) is that this often takes it out of the hands of local communities to make of it a lucrative tourist attraction controlled by governments and in which these communities are reduced to guides and vendors. What is protected by the funds and recognition so achieved on the one hand is imperilled by over-conservation as well as the environmental and social degradation caused by mass tourism on the other. If cultural heritage is seen as a human right, however, it must be dealt with not as a set of monuments and artefacts but together with the communities in

which it is located, who can then become part of the heritage that requires protection, becoming both part of its guardianship and benefitting from that protection.

This requires valuing the heritage sites in all of their historical periods and incarnations and not simply from the moment of its archaeological discovery or as the representation of an alien past. One of the implications of defining ownership in local and more multifarious ways is that attacks on cultural heritage can be understood more capaciously without the limited association of identity and ownership that enable partisan destruction. Further, identifying cultural heritage destruction more widely to include not just looting, terrorism, or encroachment, but also (deliberate) neglect and social, environmental, and other forms of harm avoids privileging terrorist destruction over all the other kinds since this simply brings us back to the military logic of interventionism. These other underemphasised forms of harm, which also carry with them significant social and psychological impacts, are by an order of magnitude more prevalent.

The focus on the universality of heritage within the world heritage process has led to the neglect of the suffering of the people who live around and within these heritage sites without acknowledging they have a stake in the ownership of this heritage. These comments (and the ones under the next heading) revolve around the gap between 'humanity' (effectively UNESCO or distant populations) and 'community', perhaps firmed up between tangible and intangible – in that it is harder to ignore the local community when they are actively the producers of the heritage. While often debated and recognised, this gap exists, but it is not at all uniform in its materialisation. For example, in some places people may be offended by being associated with a past heritage, while in others (North America and Australia spring to mind), indigenous people may claim a direct connection to the deep past. This is less the case where material remains are identified as intrusive, and even identified as more related to foreign heritage than local. Belonging to 'humanity' can only be made real if it does not exclude. The creation of neat boundaries around cultural heritage (for example where a site is recognised as important because of its 1st-Century role in the development of a specific religion) and such specificity, rather than reflecting universal values, is problematic as it may alienate more than it attracts and thereby create targets. To recognise something has cultural heritage value is to accept it has a presence and resonance in the modern world, which inevitably gives it context and a modern date, and makes it part and parcel of the accumulating modern landscape and heritage that surrounds us. As such even ancient heritage is still being modified and created, especially by local populations, and not preserved in aspic.

- **Cultural heritage values** (in relation to, for example, human life and sustainable development goals)

These should certainly involve recognizing local communities as stakeholders and including their specific histories into projects of heritage conservation and reporting. Such values, in addition, should include those like the UN's Sustainable Development Goals for the area in general, so that heritage becomes an inextricable part of development (economic, educational, health, environmental). This may require more coordination between international agencies tasked with addressing these needs in isolation from each other. Including heritage in these lists of development goals is likely to make their fulfilment more sensitive both to the past and to the present social fabric in which heritage sites exist.

Binding heritage to a community's development needs may also permit the latter's investment in conservation for reasons other than national pride or profiting from tourism. But in order for the coordination of such endeavours to occur in a productive way, it is crucial to involve anthropologists in all such projects in addition to archaeologists, economists, etc. For each neighbourhood requires ethnographic study in addition to statistical information and opinion surveys in order to carry out such multifaceted development projects. There are many examples of well-intentioned development interventions which have caused irreparable damage to cultural heritage and people.

The social values of heritage should be recognised as a factor that can enhance the resilience and reconstruction of societies during catastrophes and crises. Yet, heritage can be a source of conflict or a factor in its escalation. Heritage values should not be romanticised and its conflict-generating potential should also be considered.

Destruction is a recognition of value, which is one reason why it is important not to alienate value from local contemporary society. In terms of heritage destruction reporting, benefits could be found in linking heritage to these wider community values to reduce partisan targeting (although clearly not in all cases).

- **Why report/ing on heritage damage and destruction?**

Reporting is key to (a) help ensure that victims of destruction are properly heard and acknowledged, (b) help gather evidence for possible prosecution, (c) take steps, as soon as possible, towards reconstruction and/ or memorialisation if possible/desirable, with engagement of local communities.

Damage to heritage may also reveal much about wider conflicts – identify more clearly issues such as ethnic cleansing, atrocities, gender-based and other sectional violence, and criminal enterprise.

There are domestic issues here too – for example the destruction of memorials to wealthy colonialists and slave traders – which is an issue of heritage ownership but also of a heritage conflict – which helps illustrate (a) that heritage is not neutral/a good thing (b) that heritage can be very partisan – and reporting its destruction can be in itself an act of partisanship.

Reporting heritage destruction can also lead to or escalate protection measures at two levels: heritage protection measures and military measures.

- **Misuses linked to the reporting of heritage destruction.**

Reporting heritage destruction can encourage and promote greater destruction, as well as the recruitment of volunteers and raising of finance by extremist ideologies.
If heritage destruction is reported without taking into account cultural, ethnic, racial, gender, religious, and other human rights concerns, it can lead to discrimination, unpleasant feelings, shame, and dissatisfaction among communities and individuals. Additional aspects of misusing reporting on cultural heritage destruction might be a form of "war tourism" or "click

trade" if the complex dimensions of conflict, human rights violations and unsustainable development are not taken into account.

If just the iconoclastic and ideological dimensions of heritage destruction are reported, other aspects such as the political or colonial background of the heritage may be ignored.

News reports about heritage protection in conflict contexts often disproportionately highlight the work of outsider and Western-based organisations, while local efforts may not receive the same attention or recognition. The ownership of heritage is shaped in part by the stories and narratives that are told about its destruction, protection, and reconstruction. However, an orientalist approach can lead to misrepresentation of communities and their heritage.

- **Examples of the impact (positive and negative) of reporting and non-reporting of heritage destruction on policy-making and awareness-raising etc**

The weaponization of heritage destruction/protection – the objective of many on all sides of conflict – is part of reporting narratives and selections.

Reporting cultural heritage destruction can help to legitimise military intervention for Cultural Property Protection (CPP), hence raising the propaganda value of heritage.

Several examples of newspaper articles only mention Western organisations working to protect/recover Syria's heritage, with no recognition of any local Syrian organisations.

Boris Johnson credited Russia for 'saving' Palmyra, and suggested that British 'experts' should lead the way in protecting Syria: https://www.theguardian.com/world/2016/mar/27/british-archaeologists-should-help-rebuild-palmyra-says-boris-johnson

- **Structuring of mainstream and social media on heritage reporting**

- **Recommended framework for reporting**

- Reporting should not put individuals at risk of additional harm or cause unnecessary distress
- Make sure local voices are included and reported, and encourage them to write their own stories and consult with them when covering heritage destruction.
- Avoid treating heritage destruction as a trendy or sensational topic to increase engagement on news media. (Sometimes it is appropriate to cover the sensational – sometimes others already have – but it is inappropriate to sensationalise. Conflict actors and analysts speak of 'spectacular attacks' as the means to ensure resonance of message)
- Respect the loss and impact on people's lives.
- Avoid disconnecting cultural heritage from their broader political and social contexts that contribute to their recognition, protection, and destruction. Acknowledge the surrounding community and political factors in reporting.