

cultural. genocide

the deliberate destruction of culture, place & memory

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Disclaimer: The report is part of a series of occasional Research Reports located on www.planning-culturally.com and has been prepared by an independent researcher with no affiliations to or funding from, any academic institutions and has not been peer reviewed. This is not an academic analysis of Cultural Genocide but an overview of the extensive discourse relating to the destruction of Cultural Heritage, especially in current and recent warfare, including conflicts at the time of writing (2026). The overview has drawn upon reports from relevant international agencies, academic discourse and current media reporting relating to the notion of Cultural Genocide and the deliberate destruction of Cultural Heritage including the act of Domicide, the deliberate destruction of "Home". As a non-legal researcher, the review of the international legal conventions relating to Cultural Genocide is based on available references gathered from both legal entities and academic reviews. The research was therefore limited to online searches, and published sources. The author has tried to ensure that the content reproduced in the report is publicly available and not confidential in any way. The author has made every effort to accurately attribute all quoted material and where possible to provide the URL of sites and citations of publications referenced.

The acts of Genocide and the destruction of Cultural Heritage are contentious and emotive and raise difficult moral and legal issues which are often challenged by individuals, groups and national governments. As such the report has aimed to provide a balanced perspective on a range of contentious issues and hopefully provide an unbiased and factual review across global conflicts.

Acronyms

AIATSIS	Australian Institute of Aboriginal and Torres Strait Islander Studies https://aiatsis.gov.au/
ASPI	Australian Strategic and Policy Institute www.aspi.org.au
CHBUN	Cultural Heritage Blue Umbrella Network
ICAHM	International Committee on Archaeological Heritage Management https://icahm.icomos.org/
ICBS	International Committee of the Blue Shield https://theblueshield.org/
ICC	International Criminal Court www.icc-cpi.int
ICCROM	International Centre for the Study of the Preservation and Restoration of Cultural Property www.iccrom.org
ICJ	International Court of Justice www.icj-cij.org/home
ICRC	International Committee of the Red Cross www.icrc.org/en
ICTY	International Criminal Tribunal for Yugoslavia www.icty.org
ICOMOS	International Council on Monuments and Sites www.icomos.org
UNESCO	United Nations Educational, Scientific, and Cultural Organization www.unesco.org/en
UN	United Nations www.un.org/en/
UNDRIP	Declaration on the Rights of Indigenous Peoples www.ohchr.org/en/indigenous-peoples/un-declaration-rights-indigenous-peoples
UNOSAT	United Nations Satellite Centre https://unosat.org/
UNHRC	UN Human Rights Commission www.ohchr.org/en/ohchr_homepage
WHC	World Heritage Convention https://whc.unesco.org/

Cultural Genocide Terminology:

Culturcide: the deliberate destruction of a culture.

Domicide: the deliberate destruction of homes.

Genocide: the deliberate killing of members of a group.

Memoricide: the killing of memory.

Urbicide: the deliberate destruction of a city.

Abstract

This research report explores the multifaceted concept of Cultural Genocide, the intentional annihilation of Cultural Heritage and Identity. A pressing and historically pervasive issue affecting global heritage and cultural identity including across a range of current armed conflicts and geopolitical skirmishes, such as the conflicts in Europe, North America, the Middle East, Africa, and Asia. It is not an academic study, rather it is a thematic survey bringing together contemporary media and scholarly/professional discourse, to provide an informed commentary on these critical issues. The report draws a critical link between historical and contemporary acts of destruction, notably during wars and conflicts such as the current 2022-2026 wars in Ukraine, Gaza, and Sudan, and theorizes on the implications of such acts on cultural memory and identity of their people. The focus shifts between intangible and tangible Cultural Heritage, tying the discussion to international legal frameworks and the roles of organizations like UNESCO, WHC, UNHCR, ICOMOS, ICJ and the ICC. The report explores the legal frameworks designed to safeguard Cultural Heritage and reflects on the limited efficacy of such measures during conflicts. The report also references significant geopolitical and historical episodes including the destruction of First Nations culture by colonial powers, to underscore the ongoing threat to Cultural Heritage worldwide. Finally, issues of mitigation, preservation and restoration are explored during and post conflict including in the context of contemporary advances in technology and artificial intelligence.

Key Words: Genocide, Cultural Genocide, Culturcide, Domicide, Urbicide, Cultural Heritage, Cultural Identity, Memoricide Conservation, Preservation, Restoration.

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1. Introduction to Cultural Genocide

1.1 Culture on the front line!

In many societies around the world “Culture” in its many forms seems to be under attack, literally and metaphorically!

We are witnessing shocking genocide being perpetrated on cultural groups in a range of regional conflicts from the Middle East to Africa and Asia, minority populations are being attacked due to their cultural beliefs, and cultural histories are being rewritten to align with political agendas.

Here in Australia the “Culture Wars” which are deepening ideological and social divides, involving issues of First Nations history and rights, immigration, multiculturalism, and identity politics. Likewise, we are currently witnessing efforts by the US Administration to influence the interpretation of the Cultural Heritage of America. This has resulted in President Donald Trump issuing Executive Order 14253: “*Restoring Truth and Sanity to American History*” in March 2025. (US Federal Register; www.federalregister.gov/documents/2025/04/03/2025-05838/restoring-truth-and-sanity-to-american-history) As a result of this Executive Order, the president also ordered dozens of signs, exhibits, films and other materials be removed from at least 37 National Park Service sites in a crusade against objects and stories that in the opinion of the Administration “disparage Americans”. President Trump has directed the removal of what he describes as; “*improper, divisive or anti-American ideology*” from the Smithsonian Institution, the world’s biggest museum, education and heritage research centre. The secretary of the Smithsonian Institute, Lonnie Bunch, described this as; *the most challenging period for the institution since the civil war*. Of particular concern is the Administration’s focus on rewriting the identity and Cultural Heritage of Native Americans, people of colour and women in the country’s museums and national monuments.

In another response to the executive order the International Bar Association reminds us that:

By attempting to dictate a narrative for the history of the United States, the Trump administration is in danger of desecrating the landmarks and monuments that make up its national identity. (International Bar Association www.ibanet.org/Rewriting-American-history)

In addition to these and other contemporary examples of culture and Cultural Heritage being under attack from political agendas we are also witnessing Cultural Heritage being under attack from warfare around the world. Of great concern, and the key focus of this document is the current scale of deliberate destruction of Cultural Heritage and Cultural Identity. While there is destruction on a vast scale in current conflicts, it must be acknowledged that this is by no means a new phenomenon as it has been happening throughout recorded history and across the world. However, in the last few years the wars in Ukraine, Gaza, Lebanon, Sudan and the 2026 US and Israeli attacks on Iran, have brought the issues back to prominence, due in part to the ferocity of destruction and real-time reporting of the wars in our 24/7 media environment. In previous centuries deliberate destruction was carried out with picks and shovels, sledgehammers and cannons, but the advanced warfare of the World Wars and the conflicts since, the military have such advanced weapons as today’s precision munitions’ that can be targeted with great precision make it easier and with deliberate intent to destroy Cultural Heritage buildings, monuments and residential housing with devastating accuracy. This weaponry has resulted in the deliberate destruction of entire towns and cities as well as listed archaeological sites with the clear aim of intentional Cultural Genocide.

Key to this discussion is Polish-Jewish lawyer Raphael Lemkin who introduced the term ‘Cultural Genocide’ in his 1944 book *Axis Rule in Occupied Europe*, which highlighted issues relating to the destruction of ‘sense of place, communal identity and erasing of collective and individual memories’. Lemkin reminds us that:

Essentially the idea of a nation signifies constructive cooperation and original contributions, based upon genuine traditions, genuine culture, and well-developed national psychology. The destruction of a nation, therefore, results in the loss of its future contribution to the world. Among the basic features which have marked progress in civilization are the respect for and appreciation of the national characteristics and qualities contributed to world culture by different nations—characteristics and qualities which are not to be measured in terms of national power or wealth. (Lemkin, R. 1944:91)

1.2 Report Structure

These and other related issues will be discussed in the following report, which is structured in four parts, *The Context*, *The Forms of Cultural Genocide*, *The Legal Context*, and *Meeting the Challenges*.

In PART A: *The Context*, I will initially discuss the nature of Cultural Heritage and cultural identity before exploring the act of genocide, its definitions and significance of genocidal intent on part of the perpetrators. This will include exploring the context to the acts of Genocide and Cultural Genocide both in the past and in the current wars in Ukraine and Gaza, Sudan and other conflicts.

In PART B: *The Forms of Cultural Genocide* I will explore the various aspects of cultural life impacted by Cultural Genocide, these being ‘*Culturcide: killing culture*’ the deliberate destruction of peoples’ culture. The Culturcide discussion covers the destruction of both tangible and intangible Cultural Heritage, including from the perspective of First Nations and Religious Cultural Heritage. In addition I discuss the concepts of ‘*Urbicide: killing the city*’ the deliberate destruction of place and ‘*Domicide: killing home*’.

In PART C: *The Legal Context* I provide a review and analysis of the existing legal environment and the challenges of preventing and or mitigating destruction in times of war and peace. This includes discussion relating to the intent and limitations of the existing Genocide and Hague Conventions and the related work of the relevant international judicial system.

The international body primarily responsible for identifying, conserving, and preserving the world Cultural Heritage in the United Nations Educational, Scientific and Cultural Organization (UNESCO). The UNESCO states that it seeks to: *encourage the identification, protection, and preservation of cultural and natural heritage around the world considered to be of outstanding value to humanity. This is embodied in an international treaty called the Convention concerning the Protection of the World Cultural and Natural Heritage, adopted by UNESCO in 1972.*

In PART D: *Meeting the Challenges* I will provide a review of issues associated with the prevention and or mitigation efforts to avoid and reduce the danger of the deliberate destruction of Cultural Heritage. The discussion explores initiatives to assist armed forces to recognise and protect Cultural Heritage during times of conflict and occupation. caused by armed conflict. Part D also includes a discussion of the challenging questions relating to the preservation and or restoration of damaged Cultural Heritage. And finally, issues such as the positive and negative benefits of new and evolving technologies are explored in the context of the identification and recording of heritage sites to assist their preservation or to assess and record damage

In this report I have attempted to raise pertinent questions about the role of international organizations and laws, and the intersection of Cultural Heritage with political agendas. It is an interdisciplinary approach to discussing the intersecting roles of historians, cultural academics, legal experts, urban planners, technologists and media reporting.

While it is without doubt a difficult but highly relevant subject in the current international political environment, I hope that the discussions in this report can contribute to advancing conversations around reducing the deliberate destruction of Cultural Heritage and addressing the urgency and complexity of preserving cultural memory amidst warfare and political objectives.

PART A: The Context

2. Culture, heritage & identity

UNESCO in the Universal Declaration for Cultural Diversity states that culture is:

"The set of distinctive spiritual, material, intellectual and emotional features of society or a social group and that it encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs" (UNESCO, 2002:12)

A commonly referred to definition of Culture comes from anthropologist Sir Edward B. Tylor who wrote that: *"Culture or civilization, taken in its wide ethnographic sense, is that complex whole which includes knowledge, belief, art, morals, law, custom, and any other capabilities and habits acquired by man as a member of society."* (Tylor, 1920/1871:1). Lévi-Strauss, a French anthropologist and the central figure of structuralism in social science, argued that culture is not simply a collection of customs, artifacts, or traditions. Instead, he viewed it as a structured system, much like a language, through which societies generate and share meaning.

Another common reference to culture comes from British cultural critic, Raymond Williams who in his 1976 book, *Keywords: A Vocabulary of Culture and Society* wrote that: *"culture is one of the two or three most complicated concepts in the English Language"* (Williams, R. 1976) that is because culture is used in a variety of contexts beyond the sociological reference as defined by Tylor, such as: Organizational/Corporate Culture; Scientific/Biological Culture; and High Culture such as the fine arts.

In this report the focus is on the UNESCO and Tylor concepts, which I suggest can be structured across three interrelated domains as a working model within which to consider the impacts of Cultural Genocide. The proposed domains are:

1. Cultural Practices: Relating to individual and community beliefs, values, behaviours, languages, religions. ways of life etc.
2. Cultural Expression: Relating to the creativity, look and feel of a place through the community's use of art, architecture, design, music, literature and cultural symbols such as monuments, fashion, foods etc.
3. Cultural Heritage: Relating to both tangible heritage such as architecture, landscape and keeping places, and intangible heritage such as storytelling, music, literature, sacred and spiritual places etc.

Throughout this report aspects of all three domains are considered although Domain 3: Cultural Heritage is a dominant issue, as heritage is so often the target and casualty of deliberate destruction in times of conflict.

2.1 Cultural Heritage

UNESCO (2024) defines Cultural Heritage as including:

... artefacts, monuments, a group of buildings and sites, museums that have a diversity of values including symbolic, historic, artistic, aesthetic, ethnological or anthropological, scientific and social significance. It includes tangible heritage (movable, immobile and underwater), intangible cultural heritage (ICH) embedded into cultural, and natural heritage artefacts, sites or monuments. (UNESCO 2024)

Cultural Heritage, as defined by UNESCO is the legacy of cultural property that a group or society have inherited from the past and is valued by those groups and societies. Organisations such as UNESCO seek to, where possible, maintain and preserve Cultural Heritage for the benefit of future generations. Therefore, it requires making decisions as to which objects, monuments or natural environments are valued and therefore to be preserved.

The 1972 World Heritage Convention (WHC) is the world's most widely ratified Cultural Heritage treaty, with near-universal participation. As such, it is a key point of reference for how heritage is regulated by both international and domestic law, and the most important legal instrument related to heritage.

To inform the preservation of Cultural Heritage UNESCO suggests that Cultural Heritage falls into the following categories:

Tangible Immovable Cultural Heritage: Includes historic sites, buildings, monuments, memorials, keeping places, and archaeological sites.

Tangible Movable Cultural Heritage: Encompasses artifacts such as paintings, Sculptures, coins, manuscripts, clothing, and tools.

Intangible Cultural Heritage: Includes practices, representations, expressions, knowledge, and skills that communities recognize as part of their Cultural Heritage.

As outlined above, Cultural Heritage falls into the categories: 'Tangible,' and 'Intangible.' Of the two, Tangible Cultural Heritage, can be split into 'immovable' heritage which includes buildings, civic, religious, arts, and other historic places and monuments, and let us not forget our largest built artefact, the city! Alternatively, "movable" tangible heritage refers to the wide range of historic objects relating to the society's past, be they religious or secular that are in keeping places such as museums, galleries, places of worship and the family home.

In terms of Cultural Genocide, it is the built form, including the wholesale destruction of a city, such as Aleppo in Syria (2012-2016), and the destruction of homes and villages, which are the most likely to fall victim to deliberate destruction during war, or terrorist hostilities, as they are the easiest to target by bombing or artillery fire.

Intangible Cultural Heritage constitutes those symbolic elements of the local community's identity and include the valuable stories that tell about community values and what they wish to preserve as part of their sense of belonging. This is an issue highlighted by the British Council's Director Culture and Development, Stephen Stenning in his 2015 article *Destroying cultural heritage: more than just material damage*, for the British Council Voices Magazine. Stenning states that:

Cultural heritage is typically understood to be built heritage, monuments related to culture such as museums, religious buildings, ancient structures, and sites. However, we should also include the slightly less material things, i.e., stories, poems, plays, recipes, customs, fashions, designs, music, songs, and ceremonies of a place, as cultural heritage. These are vital expressions of a culture and just as important. (Stenning, S. 2015)

In the 2022 International Review of the Red Cross No 919, the contribution by Ronald Alcalá, titled *Cultural evolution: Protecting "digital cultural property" in armed conflict*, reminds us that when considering Intangible Cultural Heritage, we need to consider the issues associated with protecting and preserving Digital Cultural Heritage. Alcalá raises the following questions:

It is unclear, for example, how the twin obligations to safeguard and respect cultural property, as outlined in the 1954 Hague Cultural Property Convention, should apply to digital creations – or even what digital material appropriately qualifies as cultural property. Can only new digital creations, otherwise known as "born-digital" material, be cultural property? What about high-quality copies of existing works, such as an extremely high-resolution image of the Mona Lisa? Does it matter whether a digital work has been reproduced in large quantities? Given the ubiquity of digital media and the growing popularity of digital art and other works, protecting digital cultural property in the event of armed conflict will require States to consider and resolve as-yet undecided questions

concerning the nature of digital creations and the reasons why certain works should be preserved. (Alcala, R. 2022)

In terms of Cultural Heritage, both intangible and tangible heritage can provide valuable local context to 'sense of place' and community identity. Dobrosława Wiktor-Mach, in *Cultural Resources and the Idea of the Creative City*, reminds us that when considering a city's heritage as a cultural resource we need to ask the question: *How can cultural heritage contribute to the process of developing or strengthening a city's unique identity?*

2.2 Cultural Identity

UNESCO (2023) defines cultural identity as:

Cultural Identity refers to those aspects of identity shared by members of a culture that, taken as set, mark them as distinct from members of other cultures. Like most forms of identity, cultural identity is socially constructed – that is, people do something to create and then claim it, whether that be speaking a particular language, eating particular foods, or following particular religious practices.

Associate Professor Karolina Wierczyńska in *The Unrecognized Genocide – Rethinking the Legal Framework for the Destruction of Cultural Heritage in Ukraine and Gaza*, refers to the importance of a community's sense of identity and cultural belonging. Wierczyńska suggested that this community identity was a key issue and helps to explain the shock and devastation that the 1993 terrorist attacks on New York had on America. The destruction of the New York World Trade Centre twin towers, were targeted specifically because to many Americans, they represented bold statements of their national identity as a modern capitalist democracy and world power as projected to the world through popular media.

In his 2005 book *"The Edifice Complex: The Architecture of Power"* British Author Deyan Sudjic explores the origins and symbolism associated with the destruction of the World Trade Centre and postulates that it was: *a literal acceptance of the iconic power of architecture, and an attempt to destabilize that power even more forcefully through erasure. (2005:14)*. In addition to the physical symbolism and iconic identity of the twin towers, Sudjic also discusses the symbolism of high rise towers generally in his book, appropriately named the *Edifice Complex*, and includes the ironic fact that; *"One of the hijackers who led the 11 September attacks, Mohammed Atta, was himself a graduate of Cairo's school of architecture, and a postgraduate urban planning student in Hamburg."*

It is important to remember that it is not just acts of terrorism at play in the deliberate destruction of Cultural Heritage or identity, in fact it is predominantly state actors who have genocidal strategies and therefore deliberately set out to destroy a peoples' Cultural Heritage and their sense of place, communal identity and erase collective and individual memories. In a 2024 Guardian news article titled *What does it mean to erase a people – a nation, culture, identity? In Gaza, we are beginning to find out*, columnist Nesrine Malik discussed the impacts of armed conflict and its destructive power on cultural identity and wrote that the Gaza conflict shows that:

This is what it would look like, to erase a people. In short, to void the architecture of belonging that we all take so much for granted so that, no matter how many Gazans survive, there is, over time, less and less to bind them together into a valid whole. This is what it would look like, when you deprive them of telling their story, of producing their art, of sharing in music, song and poetry, and of a foundational history that lives in their landmarks, mosques, churches, and even in their graves.

Key to evaluating local cultural identity is that its tangible and intangible objects are symbolic of the local community's stories that tell about what they value and what they wish to preserve as part of their sense of community.

The notion of 'Cultural Identity' is not always a simple one even in European countries, as exemplified by highly contested places and spaces in cities such as Berlin and Belfast where there have been, and indeed in Belfast's case continue to be, major political, religious and social divides between the city's communities which find expression in the sense of place and cultural

expression through protest street art and memorials (Brian Ladd, 1997 & William Neill, 2004). As Neill reminds us in his 2004 book *Urban Planning and Cultural Identity*, that culture is a key ingredient of “Identity”, whether it is an individual identity or the identity of a people and their cities.

It is also important to acknowledge that in our culturally diverse world, cultural identity is a highly contested concept, especially in settler countries such as Australia, the US, and Canada. This is especially the case in terms of places of cultural significance, for example the International Sacred Natural Sites Initiative (<https://sacrednaturalsites.org/>), defining sacred natural sites as *areas of rich and diverse nature having special spiritual significance to individuals and communities*.

In the Australian context, addressing the notion of identity of First Nations people and especially in relation to the questions ‘who we are’ and ‘where we are from’ leads to exploring the relationship to ‘country.’ First Nations Peoples tell us that we need to recognise that Country is not an ‘it’, but a ‘they’ and an ‘us’. So, it is not a question of ‘from but of Country’. Daphne Habibis et al. remind us: *Indigenous identity and culture are not simply add-ons that can be adapted to and adjusted at will but are engrained in lifestyles, habits and social connections. Their significance extends beyond cultural preference to issues of wellbeing and economic survival through principles such as mutual reciprocity.* (Habibis, D. et al. 2012:17) r

Contemporary First Nations Peoples are actively asserting their relationship to Country with statements such as “always was always will be” and urban planners such as Libby Porter reminding the planning profession that there remains an important struggle to: *make more visible the fact that ‘country’ is still here, still present. ‘Country’ is not ‘out there’ beyond the city limits, somewhere or somewhen else. It is the rock and soil into which the concrete and steel of the city is bolted.* (Porter, L. 2017:651)

In this discussion of cultural identity is also important to recognise the contribution that in culturally diverse communities there will be diverse identities to consider in terms of values and behaviours and cultural identities. In relation to the cultural contribution of migrants, in *Renegotiating the City. In Immigration and Integration in Urban Communities* Blair Ruble. et al state that:

The city can be viewed as historical layers, some that have disappeared and others that are still shaping space and identity. New migrant populations continue to add to these layers, altering the historical and physical form of the city and transforming the city into a space of hybridity. (Ruble, B. 2008:9)

In the early 1915 renown British urban thinker Patrick Geddes suggested that:

“We must excavate the layers of our city downwards, into its earliest past...and thence we must read them upwards, visualising as we go.” We need to be able to fold and integrate the complex, histories, textures and memories of our urban environments and their populations into the planning process. We need to do some cultural mapping – tracing people’s memories and visions and values – before we start the planning.”

I have previously written about the concept of ‘Cultural Layering’ (Brecknock 2006:89) highlighting the challenges that cultural layering presents for urban planners and designers as it calls for a high level of cultural literacy and meaningful intercultural dialogue, especially in a country such as Australia where we have multiple layers built on a foundation of thousands of years of First Nations Culture and spiritual association to ‘Country.’ Indeed, Ed Wensing from the Centre for Indigenous Policy Research at the Australian National University (ANU), reminds us that: *The failure of colonial Australia to recognise Aboriginal people’s connection to country, coupled with Aboriginal law and custom about who has authority to know about country, has produced a strong inclination among Aboriginal people to withhold information about significant sites from state agencies.* (Wensing, E. 2012:263). While this reluctance to share information is very understandable, it does create a situation that can make it difficult for built environment professionals who are genuinely seeking to be informed and make culturally sensitive planning and design decisions. The destruction of Cultural Heritage is not merely an attack on stone and mortar, we need to acknowledge it is an assault on memory, identity, and the historical continuity of a people.

3. The Act of Genocide

This report is not specifically about Genocide per se, however past genocides have focused on the destruction of groups based on their culture and religion and therefore; to discuss Cultural Genocide it is important to place it in the context of our understanding of the term Genocide. Therefore, this section explores the various definitions that have been proposed for Genocide, especially referencing definitions provided by the UN and UNESCO.

3.1 Genocide: the killing of members of a group

Definition:

It is recorded that the term *genocide* was coined by Raphael Lemkin who also lobbied for genocide to be outlawed by international treaty which resulted in the UN Genocide Convention after the end of WW2. Lemkin describes Genocide as:

“Generally speaking, genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves. The objectives of such a plan would be the disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups.”

The UN Genocide Convention defines genocide: *as killing, causing serious bodily/mental harm, deliberately inflicting conditions of life calculated to destroy the group, preventing births, or forcibly transferring children, specifically with "intent to destroy, in whole or in part" a group.*

Discussion:

The UN ‘Convention on the *Prevention and Punishment of the Crime of Genocide*’ was establishing in December 1948. The convention was a direct result from the terrible atrocities of the Holocaust which was the genocide of European Jews during World War II. Between 1941 to 1945, Adolf Hitler led Nazi Germany to systematically murder around six million Jews and other ethnic, and religious minorities. The genocidal act, known as the “Final Solution” by the Nazis was not restricted to the war period but was the culmination of a decade of increasingly severe discriminatory, anti-Jewish measures implemented by the Nazis. The Nazi genocidal program also included classifying the Romani people as “enemies of the race-based state” leading to approximately 500,000 deaths, which represented up to half of the Roma population in Europe at the time.

Like the Holocaust, many recorded genocides have occurred during wartime, and they are particularly likely in situations of imperial expansion and power consolidation. Genocide or genocidal intentions have existed through world history, twentieth-century events often cited as genocide include the 1915 Armenian massacre by the Turkish-led Ottoman Empire. Armenians have continued to experience ethnic cleansing events such as pogroms encouraged or tolerated by Soviet Azerbaijan which occurred in 1988 and 1992. The MacMillan Center for International & Area Studies at Yale University reports that these pogroms resulted in between 800,000 and one million Armenians killed and the forced removal of nearly the entire Armenian population of Azerbaijan. More recently, following the 2020 Nagorno-Karabakh War the Armenian population were forcibly displacement from Nagorno-Karabakh in 2023.

Genocide is also often associated with periods of colonialism across the world, especially settler colonialism in countries such as Australia, the USA and Canada plus other examples throughout Africa and Asia. In addition to colonial genocides inter-ethnic struggles have led to genocidal acts

such as the killing of and estimated three million Cambodians by the Khmer Rouge in the 1970s, and more recently in Africa the killing of Tutsi by the Hutu in Rwanda in the 1990s.

To explain how genocide evolves the UK Holocaust Memorial Day Trust website includes an analysis, developed by Genocide Watch, of the stages leading up to acts of genocide. (www.genocidewatch.com)

<https://hmd.org.uk/learn-about-the-holocaust-and-genocides/what-is-genocide/the-ten-stages-of-genocide/>

The following is a summary of The Genocide Watch **Stages of Genocide**:

1. **Classification** – *The differences between people are not respected. There's a division of 'us' and 'them' which can be carried out using stereotypes, or excluding people who are perceived to be different.*
2. **Symbolisation** – *This is a visual manifestation of hatred.*
3. **Discrimination** – *The dominant group denies civil rights or even citizenship to identified groups.*
4. **Dehumanisation** – *Those perceived as 'different' are treated with no form of human rights or personal dignity.*
5. **Organisation** – *Genocides are always planned. Regimes of hatred often train those who go on to carry out the destruction of a people.*
6. **Polarisation** – *Propaganda begins to be spread by hate groups.*
7. **Preparation** – *Perpetrators plan the genocide.*
8. **Persecution** – *Victims are identified because of their ethnicity or religion, and death lists are drawn up.*
9. **Extermination** – *The hate group murders their identified victims in a deliberate and systematic campaign of violence.*
- 9 **Denial** – *The perpetrators or later generations deny the existence of any crime.*

The preceding list of the stages leading to genocide has been based on the experiences of the Jewish people during Hitler's WW2's genocide in the hope that "Never Again" will there be acts of genocide. Unfortunately, the same factors such as the 'us' and 'them' stereotyping, denial of human rights and systematic destruction of people within the persecuted group can be seen in more recent genocides that we are currently witnessing today. Examples include "otherness" applying to relations between Christians and Muslims, between Hindus and Buddhists, between Jews and Muslims.

3.2 Genocidal Intent

The debate regarding "intent" in international law has evolved in relation to Genocide from courts requiring direct evidence of specific intent, to other courts considering the totality of the circumstances, including the political and social context. As Law Professor, Milena Sterio reminds us in *The Karadzic Genocide Conviction: Inferences, Intent and the Necessity to Redefine Genocide*, that:

In 1992, the Commission of Experts on Yugoslavia issued a final report addressing the intent requirement, claiming that "[intent] may be inferred from sufficient facts. In certain cases, there will be evidence of actions or omissions of such a degree that the defendant may reasonably be assumed to have been aware of the consequences of his or her conduct." (Sterio, M. 2017:271)

Further to Sterio's comments, Dr Kurt Mundorff in the article *Other Peoples' Children: A Textual and Contextual Analysis of the Genocide Convention, Article 2(e)*, also considers the question of "intent" and states that:

The ICJ, too, has noted that attacks on the cultural and religious property and symbols of the targeted groups' when conducted in tandem with 'physical' or 'biological' attacks, 'may legitimately be considered as evidence of an intent to destroy the group. (Mundorff, K. 2009)

The most prominent example of genocidal intentions being expressed would have to be the statements made by Adolf Hitler including making clear that the Third Reich intended to enact the "Final Solution". The Final Solution being the Genocide of the Jewish people.

Referring to the UK Holocaust Memorial Day Trust analysis of the stages leading up to acts of genocide, Stages 1, 2, 3 and 4 were key strategies of the Nazi party in branding the Jews, Romani, people with disabilities, etc. as "Other" and the cause of all of Germany's inter-war problems. Another example of specific statements of genocidal intent was made by the Rwandan Patriotic Front (RPF) when they amplified ethnic and political division between the Hutu and Tutsis. The Hutu extremist, labelled the Tutsis as non-human pests or cockroaches, which must be exterminated, and instructed their forces *"to make them disappear for good, to wipe them from human memory, to exterminate the Tutsi from the surface of the earth"*.

Hamas, a terrorist group whose charter expresses the aim to destroy Israel, and currently control Gaza, led a devastating attack on Israel on October 7, 2023. To justify the massive retaliation on the Palestinians in Gaza, we see Stage 4 statements in some of the rhetoric expressed by members of the current Israeli government. For example, the Israeli Minister of Education, Yoav Kisch, in an interview on Israeli Channel 14 on October 9, 2023, said of the Palestinians that: *"Those are animals, they have no right to exist. I am not debating the way it will happen, but they need to be exterminated."* Other ministers have been recorded as making similar statements, including former Defence Minister Yoav Gallant, current Defence Minister Israel Katz, and Finance Minister Bezalel Smotrich.

The statements clearly align with Stage 8. and Stage 9. as the UK Holocaust Memorial Day Trust website reminds us:

Genocide never just happens. There is always a set of circumstances which occur or which are created to build the climate in which genocide can take place.

Genocide Watch, states: *At each of the earlier stages there is an opportunity for members of the community or the International Community to halt the stages and stop genocide before it happens and that genocidal intent may be established:*

... either through a "systematic pattern" of acts listed in the Genocide Convention, and—contrary to common misconception—the Convention requires only an intent to destroy "part of a people." However, Genocide Watch founder Gregory Stanton states that ICJ precedent suggests that genocide must be the "only intent" to warrant a conviction which could allow Israel to argue additional aims such as "defeating Hamas," thereby complicating proof of exclusive genocidal intent. (www.genocidewatch.com)

More recently an extraordinary example of Genocidal Intent was expressed by the President of the United States when Donald Trump announced in April 2026 that the US military would attack Iran with such ferocity that *"a whole civilisation will die tonight, never to be brought back again."*

In response to President Trump's statement, Agnès Callamard, Secretary General of Amnesty International said:

"President Trump's very act of making such apocalyptic threats, including his warning of ending 'a whole civilization,' reveals a staggering level of cruelty and disregard for human life.

Callamard further reminds us that:

“International humanitarian law strictly prohibits direct attacks on civilians and civilian objects. The US President’s threat of extermination and irreparable destruction brazenly shreds core rules of international humanitarian law, with potentially catastrophic consequences for over 90 million people. It may constitute a threat to commit genocide, a crime defined by the Genocide Convention and by the Rome Statute of the International Criminal Court as committing one or more defined acts ‘with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.’ (www.amnesty.org.au)

Fortunately, in this case, President Trump did not carry out his threat to eliminate a civilisation!

While genocide is primarily associated with the heinous destruction of a target group of people it is also used to describe the deliberate destruction of a people’s culture as an extension of human genocide. In the following sections we will explore the definitions and application of the terms associated with Cultural Genocide, these being: Culturcide, Urbicide and Domicide.

PART B: The Forms of Cultural Genocide

4. The Deliberate Destruction of Culture

Cultural Genocide Terminology:

Culturcide: the deliberate destruction of a culture.

Urbicide: the deliberate destruction of a city.

Domicide: the deliberate destruction of homes.

Memoricide: the killing of memory.

4.1 *Culturcide: the destruction of culture*

Definition:

Culturcide is the destruction of a culture, especially one unique to a specific ethnic, political, religious, or social group.

The terms, Cultural Genocide and Culturcide describe the systematic destruction or eradication of a group's culture, heritage, or identity. These include the deliberate erasure of traditions, language, art, and historical sites. Acts of culturcide are typically driven by religious and or ideological domination and displays of power.

For example Dubrovnik, a UNESCO World Heritage site was bombarded by the Yugoslav People's Army in the siege of 1991–1992 which took place during the Croatian War of Independence, caused severe destruction to the historic Old Town. It is estimated that at least 11,000 buildings were damaged including heritage listed Monasteries, Palace, Libraries and many homes.

Another example is the result of the Azerbaijan takeover of Nagorno-Karabakh. There are reports of destruction of religious and secular monuments, desecration of cemeteries, demolition of buildings, historic quarters, and entire villages, as well as the elimination of Armenian inscriptions and historic names. However, as the Azerbaijan authorities will not grant UNESCO permission to send in teams to evaluate the status of the region's Cultural Heritage the exact extent of damage to Cultural Heritage remains unknown.

In Yemen UNESCO reports that from 2015 to 2017 there were at least seventy-eight cultural sites damaged or destroyed by the conflict. There were several different groups involved in the Yemen conflict including Shiite and Sunni groups plus Saudi Arabia, USA and Iran. The Cultural Heritage sites were destroyed by the actions of these different groups, but most of the reported incidents were the result of Saudi bombs. The bombing attacks decimated historic cities as well as the temples and dam of Marib, an ancient engineering marvel in Yemen built around the 8th century BCE.

More recently, UNESCO has verified 157 sites historic cultural sites that Israel has destroyed or damaged in Gaza, as of 2026. Archaeological sites, historic mosques housing rare manuscripts, one of the world's oldest Christian monasteries and an ancient harbour dating to 800 BCE are among the many cultural casualties.

Discussion:

The issues associated with Cultural Genocide have been explored by writers such as Bree Akesson and Andrew R. Basso in their 2022 book, *From Bureaucracy to Bullets: Extreme Domicide and the Right to Home*, and Robert Bevan, in his 2006 book *The Destruction of Memory: Architecture at War*, which explored this issue in considerable detail through examples from around the globe, such as the 1992 to 1995 genocide in Bosnia and Herzegovina, the Hindu extremists destroying the Bari mosque in 1992 and the Buddhas of Bamiyan blown up by the Taliban in 2001. Bevan writes that invading forces, practice *the destruction of cultural artifacts of an enemy people or nation as a means of dominating, terrorizing, dividing, or eradicating it altogether*. (Bevan, R. 2006:8)

Obviously, in war zones the primary focus of the International Committee of the Red Cross (ICRC) is on the provision of humanitarian aid. However, ICRC states that the protection of cultural property in the event of armed conflict is an area to which the committee attaches great importance, for that property constitutes the heritage of peoples and cultures. In a 2000 report titled *Protection of Cultural Property in the Event of Armed Conflict* the ICRC remind us that:

Of course, in any armed conflict, the priority remains to protect the civilian population and persons not participating directly in the hostilities, and we should not forget that the protection of civilian objects is also a basic rule of humanitarian law. We should nevertheless not underestimate the need to establish an effective system for the protection of cultural property in the event of armed conflict. Not only is the protection of such property, part of the world historical and cultural heritage, intrinsically important, its destruction could act as a catalyst, sparking more widespread hostilities and further blurring the distinction between military targets and civilian objects.

The Australian Strategic and Policy Institute (ASPI) in its 2020 report on the Chinese destruction of cultural heritage *Cultural Erasure* states that:

Unlike the international condemnation that followed the Taliban's dynamiting of the Bamiyan Buddhas in Afghanistan or the destruction of parts of Dubrovnik and Sarajevo following the collapse of Yugoslavia, China's acts of cultural erasure in Xinjiang have been perhaps less dramatic and visible, yet arguably far more wide-ranging and impactful.

ASPI estimate that approximately 16,000 mosques in Xinjiang (65% of the total) have been destroyed or damaged because of government policies.

Dr Rachel Harris from the University of London, writing in the New Lines Institute's 2020 article *Uyghur Heritage and the Charge of Cultural Genocide in Xinjiang*

Over the past few years, China's northwestern Xinjiang Uyghur Autonomous Region has been transformed into a police state, with an estimated 1.5 million of its Turkic Muslim citizens incarcerated and subjected to abusive regimes of indoctrination and forced labor. Uyghur cultural heritage is also under attack. Thousands of items of built heritage – mosques and sacred shrines – have been demolished in the course of China's efforts to secure the region, and the communities surrounding them have been uprooted.

Harris also reminds us that China claims that the destruction of Uyghur culture is necessary as the Chinese government is addressing extremism and terrorism in the region, although all the evidence suggests that their actions amount to what UNESCO calls strategic cultural cleansing, which is the deliberate and systematic destruction of Cultural Heritage. China has a track record of deliberate cultural destruction, given the 1966–1976 Cultural Revolution which set out to destroy the "Four Olds" being the old ideas, culture, customs, and habits, which resulted in the destruction of countless temples, historical artifacts, and sites, which represented a vast portion of China's heritage. Then again in 2016, authorities ordered the demolition of homes at the Larung Gar Tibetan Buddhist institution.

Cultural Genocide is framed as the intentional dismantling of a group's social cohesion, essential foundations, and identity. It involves the prohibition of language, destruction of religious institutions, persecution of clergy/academics, suppression of cultural expression, and destruction

of libraries or historical monuments. It also includes the systematic restriction of traditional lifestyles, forcing a group to abandon its own culture and adopt a dominant one. This is erasure of culture through language and beliefs has been documented in China by Amnesty International. In 2026 China introduced the *Ethnic Unity Law* which aims to *create a "shared" national identity among China's 56 ethnic groups*. Which Amnesty International's deputy regional director, Sarah Brooks, suggests is:

"A law that brazenly pushes non-Han ethnic groups including Tibetans, Uyghurs and Mongolians toward a single, state-defined national identity rather than protecting their distinct cultures and languages," (www.amnesty.org/en/latest/news/2026/06/china-new-ethnic-unity-law-set-to-entrench-assimilation-of-minority-groups/)

In the case of a military occupation, where the occupying forces are seeking to destroy the identity of the occupied peoples, such as the Azerbaijan takeover of the Nagorno-Karabakh region. The Centre for Truth and Justice (CFTJ) 2026 report *The Erasure of Memory: A Report on the Systematic Destruction of Armenian Cultural Heritage*, reports that in Nagorno-Karabakh following the 2023 forced exodus, heritage sites had been left defenceless against destruction, desecration, and neglect. The Azerbaijan government introduced a program of cultural appropriation, where Armenian landmarks are rebranded as "Caucasian Albanian." This appropriation is a deliberate attempt to deny Armenian historical identity and rewrite the regional narrative to justify the permanent removal of Armenian presence.

The destruction of Cultural Heritage during wars has been weaponised as a means of subjugating a people, as the current Russian invasion of Ukraine is demonstrating, with Cultural Heritage buildings becoming targets of missile attacks etc. UNESCO has estimated that by June 2022, 152 cultural sites had been either destroyed or partially damaged. Likewise, the 2023 invasion of Gaza by Israel has resulted in massive destruction of Palestinian culture and heritage with the Omari mosque, Gaza's oldest mosque, destroyed by Israeli airstrikes. St Porphyrius church, the oldest church in Gaza, also dating back to the fifth century and believed to be the third oldest church in the world, was damaged along with more than 100 other heritage sites in Gaza, reported to have been damaged or levelled, including a 2,000-year-old Roman cemetery and the Rafah Museum, which was dedicated to the region's long and mixed religious and architectural heritage.

The destruction of the museum is a terrible loss for the Palestinian peoples, but also a significant loss of ancient Cultural Heritage of global significance. Stenning suggest that:

Societies have long sought to protect and preserve their cultural heritage, for reasons ranging from education to historical research to the desire to reinforce a sense of identity. In times of war and conflict, cultural identity and cultural heritage become all the more important. Buildings, monuments, and symbols of culture that speak of shared roots acquire an increased significance. Accordingly, they can become targets of violent and oppressive action that seeks to destroy the symbols valued by enemies or the iconography associated with alternative faiths and traditions. (Stenning, S. 2015)

James Cuno, president emeritus of the J. Paul Getty Trust and cochair of its Cultural Heritage at Risk Project, with Thomas G. Weiss published *Cultural Heritage and Mass Atrocities* (2022) remind us that historically:

The violent destruction of tangible and intangible heritage often sounds an alarm about forthcoming mass atrocities—the nineteenth century German poet Heinrich Heine famously said, "First they burn the books, then they burn the bodies." Targeted destruction of cultural heritage, as experienced during Kristallnacht in Nazi Germany in 1938, almost invariably precedes violence against civilian populations.

And that:

With this reality in mind, for instance, the 1995 Dayton Accords addressed specifically the reconstruction of lost heritage as a crucial component of peace, a necessary prelude to and prerequisite for peacebuilding in the former Yugoslavia. (Cuno, J, & Weiss, T. 2022:7)

Despite the various international conventions aimed at protecting Cultural Heritage, especially during military conflict, such as the 1954 *Hague Convention for the Protection of Cultural Property*, many nation states have totally ignored the convention or have maintained that the destruction during conflict is unavoidable. Unfortunately, this is the result of the Convention including the clause that the obligation may be disregarded in situations “*where military necessity imperatively requires such as waiver.*” Bevan (2006) reminds us that this situation has existed long before the Convention came into force, for example in Stalin’s Russia, Hitler’s Germany, and Franco’s Guernica. Bevan writes that:

...the destruction of cultural artefacts of an enemy people or nation as a means of dominating, terrorizing, dividing, or eradicating it altogether. The aim here is not the rout of an opposing army – it is a tactic often conducted well away from any front line – but the pursuit of ethnic cleansing or genocide by other means, or rewriting of history in the interests of a victor reinforcing his conquests. (Bevan, R. 2006:8)

In addition to military conquest, the deliberate destruction of Cultural Heritage has often been carried out in the name of religion over the centuries as one religion overwhelms another, religious building and monuments have been defaced, desecrated, or destroyed. The most distressing examples in recent times was the 2001 destruction of the Bamiyan Buddhas in Afghanistan by the religious extremists in the Taliban movement.

Hendra Wahyu Alamsyah et al writing in the 2022 article titled *The Dark Side of Cultural Heritage Protection* in the *Journal of Private and Commercial Law*, report that even though in 1999, the Taliban leadership issued a decree stating that Buddhas should not be destroyed but protected, in 2001, they reversed this decision and issued a decree stating that:

“Based on the verdict of the clergymen and the decision of the supreme court of the Islamic Emirate [the Taliban] all the statues around Afghanistan must be destroyed”. (Alamsyah et al. 2022:26)

Following this statement of “intent to destroy”, Heritage bodies around the world such as UNESCO, ICOMOS, the International Council of Museums and religious leaders from Egypt, Iraq, and Pakistan all called for their protection. Unfortunately, the Taliban proceeded with their destruction.

More recently Palmyra, a UNESCO World Heritage site in Syria, suffered significant destruction under the radical Islamic State (IS) group’s occupation in 2015 and 2017. Professor Micaela Frulli, at the University of Florence, in the 2011 article, *The Criminalization of Offences against Cultural Heritage in Times of Armed Conflict: The Quest for Consistency*, theorises that the destruction of the Bamiyan Buddhas may indicate that insurgent groups and governments understand that the Cultural Heritage aspect gets coverage in western media. Frulli suggests that “*sometimes it’s a case of a tail wagging the dog a little bit in terms of what ‘s going on. I think that sometimes, obviously, these sites are purposefully targeted, and there is the psychological warfare dimension of destroying cultural heritage*”.

We are also seeing the destruction of Cultural Heritage in the ongoing civil war in the Sudan between the Sudanese Armed Forces (SAF) and the Rapid Support Forces (RSF).

Archaeologist Dr Habab Idriss Ahmed explores *Protecting Sudan’s cultural heritage amidst war* in a 2024 blog on the Chr. Michelsen Institute (CMI) website. www.cmi.no/publications/9235-protecting-sudans-cultural-heritage-amidst-war

Ahmed reminds us that:

For thousands of years, Sudan has been a crossroads for the wider region. Contact with other cultural groups, tribal movements, trade, and immigration have led to continuous cultural change and development that has shaped the present Sudanese cultural and social identity. Evidence of Sudan’s development and interactions has been preserved in tangible forms like monumental architecture, numerous archaeological remains and objects, and elaborate artworks. Intangible evidence is recognized in oral histories, knowledge, traditional technologies, and practices.

Unfortunately, the warring sides have both been responsible for the destruction of Cultural Heritage, wanton vandalism and looting of moveable Cultural Heritage. Ahmed questions

whether the SAF and RSF are: *either neglecting or simply unaware of the international laws that are in place to protect and preserve cultural heritage during armed conflicts. This neglect is evident in the mass destruction and damage to infrastructure and cultural heritage in various parts of the country.*

The destruction of Cultural Heritage has a long history of warring parties seeking to wipe their opponents' culture off the face of the Earth, but we are living through a period where Cultural Heritage around the world is under fire from a range of National governments, terrorist groups, and religious fanatics.

4.2 Cultural Genocidal Intent

While as discussed genocide is primarily associated with the heinous destruction of a target group of people it is also used to describe the deliberate destruction of a people's culture as an extension of human genocide.

Brittan Harrell (2025) "*Cultural Conquest: Russia's Strategic Assault on Ukrainian Heritage as Both a Catalyst for and a Casualty of Conflict*," presents the legal case demonstrating "Intent" from the Russian government towards its deliberate destruction of Cultural Heritage in Ukraine. Russia's justification for the war against Ukraine and its destruction of Cultural Heritage align with the preliminary stages of the Genocide Watch Stages of Genocide, as Harrell proposes the:

... annihilation of Ukrainian cultural heritage is not incidental, nor is it the result of collateral damage. Rather, the destruction indicates a strategic assault on Ukrainian history, culture, and identity—an approach that serves Russian President Vladimir Putin's objectives. In conjunction with Putin's unfounded claim that Ukraine lacks an independent culture and history, Putin's forces have aimed to bolster this idea by targeting and destroying the country's cultural property. (Harrell, B. 2025:539)

Björn Alexander Düben in his 2020 London School of Economics article, "*There is no Ukraine*": *Fact-Checking the Kremlin's Version of Ukrainian History*, records that statements by President Putin have made his intentions regarding the invasion of Ukraine clear and Putin suggests that Ukraine does not have an independent history from Russia. Düben fact checks statements that Putin has repeatedly asserted that Ukrainian language is a Russian dialect, and that Russians and Ukrainians are "one people." Putin has announced that Russia entirely and fully created Ukraine and stated in the media that Russia's intent is to destroy the Cultural Heritage repositories of Ukraine. Düben concludes that:

Ultimately, by redrawing borders and rewriting history the Kremlin is unlikely to have done itself a favour. Through its intervention in Ukraine, it has galvanised most Ukrainians in their aversion to Russia and has thereby done a great deal to demarcate the perceived differences between Ukrainians and Russians more clearly than ever before. (Düben 2020)

Dr Hanna Bazhenova, from Institute of East-Central Europe, in her 2024 article *Genocidal Dimensions of the Russo-Ukrainian War: Targeting the People and Cultural Heritage of Ukraine*, explores the Russian intent to destroy Ukraine's Cultural Heritage and reports that:

The ongoing warfare has created a significant threat to Ukraine's cultural and historical heritage across the entire country. The bombardment of numerous sacral buildings, museums, memorial complexes, monuments, historical and cultural sites, theatres, and libraries has caused damage on a scale not witnessed since World War II. Additionally, the museums' contents were removed from the temporarily occupied territories, along with the relocation of art collections from educational institutions and private individuals. (Bazhenova, H. 2024:225)

A further example of government statements demonstrating the intent leading to the destruction of Cultural Heritage come from Chinese State media in 2018, who stated that the government's aim in relation to Uyghur culture is to "break their lineage, break their roots, break their

connections, and break their origins.” Such statements and the resulting punitive government programs were an attempt to remodel the cultural landscape of the Uyghur people.

Another example from Asia is the systematic and widespread destruction of mosques belonging to the Rohingya community by the Myanmar government forces, which proved the intent of the military to exterminate them. In her 2020 article, *Cultural genocide, the forgotten nemesis of cultural heritage: Case study of the genocide of Rohingya in Myanmar*, Sarah Albaladejo Garcia states:

where there is physical or biological destruction there are often simultaneous attacks on the cultural and religious property and symbols of the targeted group as well, attacks which may legitimately be considered as evidence of an intent to physically destroy the group.
(Garcia, S. 2020:36)

4.3 Deliberate Destruction of First Nations Culture

Writing in the Chicago Journal of International Law, Bonnie St. Charles, in her 2020 article *You're on Native Land: The Genocide Convention, Cultural Genocide, and Prevention of Indigenous Land Takings*, outlines the role of the Genocide Convention and the 2007 *Declaration on the Rights of Indigenous Peoples* (UNDRIP) in the protection of Indigenous culture. The UN General Assembly adopted UNDRIP in 2007, following more than two decades of negotiations between governments and indigenous peoples' representatives. St. Charles suggests that:

The UNDRIP has fallen far short of its potential, though, due to both the lack of a compelling enforcement mechanism and non-adoption by key nations, such as the U.S., Canada, Australia, and New Zealand. Countries have struggled to develop a global consensus on the best mechanism for the protection of Indigenous peoples' rights, and Indigenous groups continue to lose control and ownership of their territories as a result.
(St. Charles 2020:229)

Describing the Australian genocide context, Nathan Sentence, in his 2022 article, *Genocide in Australia* for the Australian Museum reminds us that If you examine Australian history, you can see that the brutality of ongoing invasion and colonisation fits the accepted definition of genocide. Research by Professor Lyndall Ryan has established that in Australia's colonial history there were at least: *270 frontier massacres over 140 years of Australian history, as part of a state-sanctioned and organised attempts to eradicate First Nations people*. Because of the colonial genocidal actions, it is estimated that the First Nations population went from 1-1.5 million before invasion to less than 100,000 by the early 1900s.

Sentence writes that:

... the forcible removal of First Nations children has devastated the maintenance of First Nations culture as the intention of these reserves and the people who work for them was to “civilise” First Nations children, which meant prohibiting the children from using their language or partaking in their culture.

Sociologist Dr Christopher Powell from Sociology Department at Toronto Metropolitan University in Ontario, proposes that these practices were a form of *slow genocide often called cultural genocide which is the destruction of language, culture, religion, and social institutions of a group with the intended aim of annihilating the group*.

Professor Eyal Weizman, a British-Israeli architect at Goldsmiths, University of London, quoted in *When the World Sleeps: Stories, words and wounds of Palestine* (2026) suggests that Settler Colonialism is a process that operates through a dual dynamic: construction and destruction. On the one hand, outposts, infrastructure, colonies are built; on the other hand, the conditions that make life possible for the colonised population are systematically destroyed. This is clearly the patten of Australia's colonisation and impacts on First Nations cultures.

Dr Ed Wensing, writing in his 2012, article *Aboriginal and Torres Strait Islander people*, reminds us that:

It is only in recent years that the Aboriginal and Torres Strait Islander cultural heritage recording and protection regimes have begun to accept this culture as living (Evatt 1996, p. 41; Jacobs 1996, p. 113). For planners and planning institutions, the challenge is going beyond such conventional views to incorporate Aboriginal and Torres Strait Islander people's deep and continuing connection to country as a matter of standard practice in planning processes and outcomes. (Wensing, Ed. 2012:264)

Unfortunately, the destruction of First Nations culture is not a thing of the past. In her 2020 article *Cultural vandalism: Regulated destruction of Aboriginal cultural heritage in New South Wales*. Associate Professor Janet Hunt from the Centre for Indigenous Policy Research at the ANU refers to the destruction of the Juukan Gorge rock artworks by mining giant Rio Tinto, Hunt states that:

The deliberate destruction of a cultural site of the Puutu Kunti Kurrama and Pinikura people, which held evidence of 46 000 years of continual human occupation, by mining giant Rio Tinto has rightly attracted national and international condemnation (Wahlquist, 2020). The response to this destruction at Juukan Gorge has also put pressure on another major mining company, BHP, which has been forced to delay the proposed destruction of more Pilbara sites of great significance (Allam & Wahlquist 2020). Both companies' actions or proposals are lawful, due to the weak protections offered by the outdated Aboriginal Heritage Act 1972 (WA) relating to Aboriginal cultural heritage. (Hunt, J. 2020:1)

The weakness of Australia's Indigenous heritage laws heightens the ongoing risk of what Hunt calls "Cultural Vandalism". Hunt reminds us that each year in NSW despite laws that are meant to protect 'places, objects and features of significance to Aboriginal people' between 100 and 200 sites and objects are lawfully destroyed every year. Indeed, this destruction is carried out with the benefit of legal permits issued by the state government to companies or others for the disturbance or destruction of Aboriginal Cultural Heritage, often on Public Land. This is despite the NSW government commitment to international standards such as the UN Declaration of the Rights of Indigenous People (UN, 2007) and the UNESCO 2003 Convention for the Safeguarding of Intangible Cultural Heritage (UNESCO, 2018).

Further highlighting the issues associated with the destruction of First Nations Cultural Heritage in North America. Lindsay Kingston, Associate Professor of International Human Rights at Webster University, in her 2015 article *The Destruction of Identity: Cultural Genocide and Indigenous Peoples*, reminds us that:

Within North America and around the world, indigenous nations continue to face systemic, widespread threats to their fundamental human rights to culture. These identity groups are increasingly conceptualizing such rights violations as "cultural genocide," despite the fact that this term is not currently recognized under international law or within existing human rights frameworks. Cultural genocide is defined as the purposeful weakening and ultimate destruction of cultural values and practices of feared out-groups.

Kingston goes on to suggest that:

Within North America, indigenous nations have historically faced physical violence that would today meet the legal standards of genocide—that is, physical acts with the intent to destroy the group—in addition to a wide range of threats to their cultural traditions and self determination. (Kingston, L. 2015:5)

In Canada, the forcible assimilation that was carried out in the residential schools amounted to Cultural Genocide. Political correspondent Mary Agnes Welch (2014) reminds us that the idea of Cultural Genocide is particularly important for Canadian First Nations people because there are many cases of policies whose intent was to destroy culture, and Welch suggests that First Nations people would argue the goal was the Cultural Genocide of its people.

This discussion highlights the ethical position that every culture deserves respect and the right to exist, maintaining its integrity, unless its practices threaten the well-being of others. And that cultural destruction often results in "social death," reducing a community's capacity to exist as a distinct entity, even if members are not physically killed.

As the Australian, and North American examples suggest the colonial perspective on Cultural Genocide was strongly tied to colonial practices, where powerful states destroy indigenous institutions to seize land and resources, often rebranded as "civilizing" missions. Unfortunately, post-colonial governments have often resisted their responsibility to recognise Cultural Genocide, viewing such accusations as attacks on their own historical legitimacy.

In Australia there has been a lack of willingness to address and recognise the extent of the 'Frontier Wars', the violent conflicts between the First Nations People and settlers/colonial forces from 1788 to the 1920s which led to an estimated over 20,000 dead. Today there is a growing, yet still contested, movement to formally acknowledge these battles as part of the nation's military history, including efforts to include this history in the Australian War Memorial.

In relation to the destruction of language, the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) report that there were approximately 260 distinct language groups and 500 dialects at the start of colonisation. Government policies focused on preventing the use of traditional languages and the removal of thousands of First Nations children from their families and placed them in state-controlled reserves, missions, where they were forbidden from speaking their traditional languages. The result is that today unfortunately 90% of these languages and dialects are considered endangered. Today, around Australia, First Nations People are engaged in language conservation and recovery projects that: *support language revitalisation through access to archival materials; that support the production of language resources such as dictionaries and apps; and that survey the health and strength of Aboriginal and Torres Strait Islander languages nationwide.* <https://aiatsis.gov.au/research/languages>

Another area of the world where First Nations cultures have come under attack is Scandinavia where countries such as Norway, Sweden and Finland have had past policies of assimilation of the Sami peoples with government policies restricting the use of traditional languages and cultural practices. In Sweden it was 1977 before the Sami were formally recognised as indigenous people entitled to special cultural treatment in Sweden under international law followed by the Swedish government in 2011 recognising the Sami have a right to self-determination under international law, by virtue of being an indigenous people. In Greenland, Denmark's impact on Inuit culture has been profound, characterized by a complex history of missionary work, forced assimilation, and policies favouring the Danish language and education systems led to a decline in the fluency of traditional Greenlandic languages, particularly when young Greenlanders were educated in Denmark. In recent times Sámi languages have gained official minority status and legal protections in Norway, Sweden and Finland, mean that learning the language has become a powerful post-colonial tool for younger generations to reconnect with their roots and traditions.

Fortunately, despite the historic injustices, many First Nations Peoples around the world have retained a strong connection to their culture. For example in Australia, First Nations Peoples are maintaining and resurrecting languages, customs and cultural relationship to Country. This relationship is gaining greater recognition in urban planning and design as First Nations People remind us that Australia "*Always was always will be Aboriginal Land*" a powerful statement of sovereignty, resilience, and survival.

4.3 Deliberate Destruction of Religious Heritage

There is no culture without people; and no society without culture and cultures with no memory cease to exist long before the natural extinction of the individuals comprising them. (UNESCO Secretary General 2013)

Dimitrios Mylonopoulos, et al in their 2017 article *War and Cultural Heritage: The Case of Religious Monuments* remind us that:

Religion is a universal phenomenon that plays a significant role in peoples' spiritual life and is rendered a key parameter in culture's shaping, as it is interwoven with human presence on earth. A direct interaction between religion and culture could be supported, due to the fact that the one is a key 'ingredient' of the other. (Mylonopoulos, et al 2017:155)

For many communities' religion plays a vital role in their cultural life and therefore key elements of Cultural Heritage are the permanent tangible religious places of worship and the range of tangible but movable sacred texts and relics. All of which are vulnerable to deliberate Cultural Genocide in times of war. Throughout human history communities with differing and competing religions have fought each other in "holy wars" and deliberately destroyed or removed evidence of the others religious iconography. For example, the Crusades between 1095 and 1291 were a series of military campaigns launched by the Christians against Muslim rulers in an attempt to recover and defend the Holy Land. The destruction and repurposing of religious sites during the Crusades was driven by shifting territorial control, zealous ideologies, and the spoils of war. Across the Levant and Europe, conquerors from both Christian and Islamic forces systematically destroyed, pillaged, or repurposed sacred structures.

A classic example of religious repurposing is the Mezquita Cathedral in Cordoba which was originally built as a Grand Mosque on the site of an earlier church after the 8th century Moorish conquest. This UNESCO World Heritage site is an architectural marvel that blends the former grand mosque with a Christian cathedral built right in its center.

In Britain the wars between the Catholics and Protestants involved a centuries-long struggle triggered in the 1530s when King Henry VIII separated the Church of England from Rome which led to the systematic dismantling of over 800 monasteries, abbeys, and friaries across the country. As evidenced by the large number of religious ruins found today across the British countryside.

Examples of deliberate destruction of religious heritage include the 1991 and 1992 shelling of Dubrovnik, Croatia, which were aimed at the medieval town's monuments including the intentional destruction of monasteries, churches, places of worship, and by Serbian, Croatian, and Muslim armed forces in Vukovar, Mostar, Sarajevo. This destruction was perpetrated despite the former Federal Republic of Yugoslavia being one of the first countries to ratify the Hague Convention in 1975.

As with all other Cultural Heritage, religious heritage is at significant risk during armed conflict. Unfortunately, in times of war religious Cultural Heritage is often left unprotected and can become a deliberate 'target' especially when there is a religious context to the conflict, leading to religious heritage becoming the main target for cultural erasure. Mylonopoulos, et al suggest that: *By destroying all cultural– religious treasures and symbols, the victors express their war hatred and punish the defeated. As material heritage contributes to national identity creation and social memory preservation, historical monuments – particularly the religious–cultural ones – are often targeted during conflict.*

Exploring the destruction of Religious sites, from a women's perspective, Benjamin Isakhan & Eleanor Childs in their 2026 article, *Global heritage governance, and women's everyday (in)security*, report that for women in warzones the destruction has significant impacts on their practice of cultural life. These places of worship provide a key social and cultural role as safe places to gather and not only practice their religious customs but also a safe places where they could socialise with other women and support one another through their joys and sorrows of life.

These sites [Yezidi shrines] are considered by the Yezidi community as heritage sites and also spiritual centres. In there the Yezidi bury their dead and visit their dead. Also, it is the place of their prayers to God. As well as a place to gather the people and to make the special ceremonies for the Yezidis. The shrines are all of that to the Yezidis, so imagine the negative effect its destruction will leave on the community.

This example shows that the destruction of Cultural and especially Religious heritage is used by the perpetrators as a way of attacking not just architecture but the people by destroying the places that anchor their lives, relationships, and sense of safety.

Indeed, while today, there is a greater focus on the destruction of religious heritage, historic records and the visual evidence seen today in many countries where places of worship still show the scars of previous vandalism and sackings across the centuries. Churches across the UK and Europe feature statues of the saints defaced or head removed by the pillaging mobs of rival

religions. Most recently in 2001 we witnessed on our news the Buddhas of Bamiyan being blown up by the Taliban who declaring them "false idols".

4.4 Deliberate Destruction of Memory

The term *Memoricide*, or the "killing of memory," is credited to have been coined in 1991 by Professor Mirko Drazen Grmek a doctor, and historian, who in relation to the Cultural Genocide experienced during the Croatian war suggested that "*Memoricide*" relates to acts such as burning archives, blowing up monuments, and erasing traces of a group's historical presence. *Memoricide* is a calculated process of *Culturicide* to force social amnesia and deny a community's right to its own past and identity and may include the practices, of altering place names, removing dual languages signage or removing indigenous landmarks, all of which slowly erases historical narratives, local identity and sense of place. It also covers the previous discussion regarding attempts to destroy First Nations languages by colonial governments around the world.

In his 2022 book *Resisting Memoricide: On the Destruction and Reconstruction of Memory*, Syrian writer Ammar Azzouz discusses a range of approaches to the concept of reconstructing memory or reclaiming the memory/narrative and reports that:

... many Syrians have started new projects as part of grassroots movements to establish an alternative story about Syria, including new publishing platforms, art festivals, and research projects. Opposition Syrian groups have been essential to keeping the Syrian struggle alive and protecting the memory of Syrians and Syria. (Azzouz, A 2022)

Azzouz's writing also raises a series of critically importance questions regarding what memories should or need to be reconstructed by the community in response to acts of *Memoricide*. For example, he asks; *How much should we remember and how much should we forget?* Indeed, these are challenging questions for communities to reevaluate how they wish to remember and preserve the positive and negative aspects of their heritage. This is not only of importance for those who have survived the war but informing the cultural legacy and cultural foundations for future generations. Azzouz states that: *Through memory, hope can be remembered as a torch in the darkest moments of history. This hope is vital today as many people around the world feel a sense of collective loss, trauma, and grief. Language*

5 The Deliberate Destruction of Place

5.1 Urbicide: *killing a city*

Definition:

Urbicidal, literally translates to "city-killing" (Latin *urbs* 'city' + Latin *occido* to kill) and refers to the deliberate, premeditated destruction or systematic alteration of a city's built-environment, infrastructure, and socio-cultural fabric. While the term was initially used to describe 20th-century slum clearance practices of urban redevelopment in the US, the concept highlights that cities are not merely incidental backdrops of violence, but intentional targets of warfare or aggressive redevelopment. The term became widely used in the wake of the Serbian siege of Sarajevo between 1992 and 1996.

Other examples include the Russian attacks on Grozny, Chechnya in 2001, Israel's destruction of Beirut's southern suburbs in 2006, Bashar al-Assad's government destroying the Syrian cities of Homs and east Aleppo between 2012 and 2017, ISIL's (ISIS) campaign in Mosul, Iraq, and Russia attacking Mariupol and Bucha in Ukraine have all been described as Urbicide.

Discussion:

'The city itself is the collective memory of its people, and like memory it is associated with objects and places' Aldo Rossi (1966)

People have a strong connection to place, after conflict and civic destruction citizens are drawn back to rebuild their buildings and their lives. After the devastation of the London Blitz or the destruction of Coventry the British people came together to rebuild and restart their lives all the while living with the memories of before, during and after the destruction of their cities and towns. In Coventry, the deliberate decision to build a new Cathedral next to the remains of the original building destroyed in the German bombing in 1940, functions as a constant memory bank of the war years. Similar experiences were happening on the other side of the English Channel with the Post War rebuilding of German cities such as Dresden and Berlin.

There is no starker reminder of impacts of Urbicide than the total devastation resulting from the US dropping the atom bombs on of the Japanese cities of Nagasaki and Hiroshima in 1945. As a result of the blast the Hiroshima Prefectural Industrial Promotion Hall, a stone construction with a steel framed dome was gutted, leaving behind a skeletal structure that has been preserved. And was designated as a UNESCO World Heritage Site in 1996.

UNESCO remind us that:

The ruin serves as a memorial to the over 140,000 people killed in the bombing. It is permanently kept in a state of preserved ruin as a reminder of the destructive effects of nuclear warfare. The Hiroshima Peace Memorial (Genbaku Dome) was the only structure left standing in the area where the first atomic bomb exploded on 6 August 1945. Through the efforts of many people, including those of the City of Hiroshima, it has been preserved in the same state as immediately after the bombing. Not only is it a stark and powerful symbol of the most destructive force ever created by humankind; it also expresses the hope for world peace and the ultimate elimination of all nuclear weapons. (UNESCO <https://whc.unesco.org/en/list/775>)

Despite the stark warnings from the Second World war as memorialised by places such as Coventry in England and Hiroshima in Japan, we continue seeing Urbicide daily in the media relating to the wars in Ukraine and the Middle East. Today's media and technology have brought new tools to the issue of deliberate destruction of Cultural Heritage and to assist with the planning of repair and reconstruction of damaged Cultural Heritage buildings. In Ukraine they have been using 3D scanning to creating digital backups of heritage buildings and monuments threatened by the war, using laser scanning, drones, and photogrammetry. The resulting scans can be used

in the future by groups such as Save Ukrainian Heritage and Backup Ukraine as detailed 'digital memories' to inform future reconstruction efforts.

5.2 The Work of International Organisations

International Organisations:

UNESCO: United Nations Educational, Scientific, and Cultural Organization

ICOMOS: International Council on Monuments and Sites

ICBS: International Committee of the Blue Shield

CHBUN: Cultural Heritage Blue Umbrella Network

ICCROM: International Centre for the Study of the Preservation and Restoration of Cultural

To address the aftermath of world conflicts and the destruction of cultural urban fabric, UNESCO published a Position Paper in 2018 titled *Culture in City Reconstruction and Recovery* (CURE) that provides a framework of operational guidance for policymakers and practitioners confronting the planning, financing, and implementation phases of post-crisis interventions for city reconstruction and recovery.

The CURE Framework and its seven guiding principles reflect the shared commitment of the World Bank and UNESCO to place culture at the forefront of the reconstruction and recovery of cities in post-conflict, post-disaster, and urban distress situations.

The following key messages summarize this joint undertaking:

- *Culture plays a key role in post-crisis reconstruction and recovery processes.*
- *Culture should be acknowledged as the foundation that integrates people-centred and place-based policies.*
- *Effective city reconstruction and recovery programs require that culture be mainstreamed across the damage and needs assessment and scoping, setting policy and strategy, financing, and implementation phases.*

By integrating culture into sustainable urban development policies that address the impact of urban crises, the CURE Framework aims to help make cities more inclusive, safe, resilient, and sustainable. (UNESCO 2018:9)

The UNESCO Position Paper acknowledges that the city is a "Cultural Construct," and that "Culture" is the foundation upon which to connect people and place in a reconstruction process. Despite the UNESCO focus on raising awareness internationally on the importance of preserving Cultural Heritage, even during hostilities between nations, there is little the organisation can do to prevent the deliberate destruction of Cultural Heritage by warring parties. The two most prominent examples of nation states and members of the UN deliberately destroying Cultural Heritage are Russian attacks on Ukrainian heritage and Israel's destruction of Palestinian heritage in Gaza. Despite the visual evidence witnessed via the world media and UNESCO damage surveys Israel continues to claim it is acting with "utmost sensitivity" regarding cultural and religious sites. When sites are damaged, the Israel Defence Forces (IDF) often claim the locations were being used by militants for operational purposes, thus rendering them military targets. Indeed, Israel rejected accusations of "Cultural Genocide" by UNESCO and, in 2019, withdrew from the organization, accusing it of bias.

In addition to UN support for the preservation of Cultural Heritage and identity through the work of UNESCO, organisations such as the 1972 World Heritage Convention (WHC), and the International Council on Monuments and Sites (ICOMOS) which is a non-governmental

organisation working to conserve and protect Cultural Heritage sites around the world and advocating for the preservation of Cultural Heritage in the current war zones. For example, in 2020 the US chapter of ICOMOS issued a: “*Statement on the Preservation of Cultural Heritage During Armed Conflict*” in which they denounced the suggestion made by President Donald J. Trump that he might: *order the destruction of heritage sites in retaliation for Iranian aggression in response to recent American actions in the Middle East.*

The International Committee of the Blue Shield (ICBS) was formed out of The Hague Convention, as an advisory body to promote education regarding risk management and the maintenance of standards across the conservation sector. The ICBS have signed a Memorandum of Understanding with International Committee of the Red Cross (ICRC) to work more closely together to ensure the protection of cultural property during armed conflict.

Organisations such as ICBS, ICRC, ICOMOS and UNESCO can play a significant role in the identification and preservation of Cultural Heritage under normal circumstances, however they are sidelined during times of war, such as we are witnessing in our current political environment.

5.3 Collateral Damage or Deliberate Destruction

In the Bosnian war the destruction of cultural property was integral to the campaign to forcibly create separate communities based on ethnicity, thus the savage and wanton destruction of symbolic buildings went hand in hand with massacres and displacement. As a result, the destruction of buildings was well beyond what might be expected as collateral damage and had all the hallmarks of the targeting of strategically important cultural structures.

In wartime it is often claimed by the military that significant cultural buildings were not deliberately targeted but were the result of collateral damage occurring as accidental inaccurate bombardment or bombing. While in past wars where carpet bombing and inaccurate targeting of artillery due to the limits of their technology at the time led to inevitable examples of collateral damage to Cultural Heritage sites, today with our advanced technology, the risks of collateral damage have been reduced.

However there are many examples of claimed cases of collateral damage that were proved to be the result of deliberate targeting, Martin Coward in *Urbicide: the politics of urban destruction*, (2009) reports that in the case of War Damage to the Cultural Heritage in Croatia and Bosnia-Herzegovina the Council of Europe Committee on Culture and Education’s Sub-Committee on the Architectural and Artistic Heritage of Europe found that in respect of the destruction of the Oriental Institute in Sarajevo, that:

In view of the location of the Oriental Institute and the force of flame produced, it is fair to presuppose that the shelling was carried out to plan: the Institute was directly targeted. This is even more believable in view of the fact that sources have provided details of how the invaders possessed remarkably precise military maps, and it is well-known that on the occasion of sorting through the Yugoslav Army material left in its building in Sarajevo after it withdrew, maps were found which had marked on them in precise detail all the targeted objectives in Sarajevo. (Council of Europe 1994) (Coward, M. 2009:22)

In war the law acknowledges that some civilian casualties may occur during a legitimate military operation. However, if those casualties or damages are disproportionately large compared to the military objective, the attack is considered a war crime. The concept of “proportionality” is a foundational rule of International Humanitarian Law. It prohibits military attacks where the expected incidental harm to civilians and civilian property is excessive in relation to the concrete and direct military advantage anticipated.

5.4 The Cultural Impacts of Urbicide

Technology such as satellite imagery is being employed to inform the analysis undertaken by the United Nations Satellite Centre, UNOSAT, for their damage assessment as it is not possible to undertake on the ground assessments. The Gaza Strip Comprehensive Damage Assessment in October 2025 estimated that:

...approximately 81% of all structures in the Gaza Strip are damaged. Among the damaged structures, UNOSAT identified 123,464 destroyed structures, 17,116 severely damaged structures, 33,857 moderately damaged structures, and 23,836 possibly damaged structures for a total of 198,273 affected structures. Compared to the 8 July 2025 assessment, this corresponds to a 4% increase in total affected structures, and an 18% increase in destroyed structures, indicating worsening damage. An estimated 320,622 housing units have been damaged, 12% more than on 08 July 2025.

As these structures are the makings of a city – homes, schools, hospitals, cultural sites, religious sites, and infrastructure related to water, electricity, and transport – some researchers deem Israel's actions to be the killing of Gaza's cities, or Urbicide.

Bevan's 2006 book *"The Destruction of Memory: Architecture at War"* is a powerful commentary on a critical approach by armies over the centuries to the destruction of a people's cultural life and heritage. Watching the Russian army destroy Ukrainian cities and the Israeli army's destruction of Gaza on the nightly news is a vivid contemporary reminder of the destruction highlighted by Bevan.

This is of course not an issue limited to Europe. A 2024 press article in the German media Deutsche Welle (DW) site, relates to the destruction of many cultural and world heritage sites that have been destroyed or looted in war torn Sudan. DW reports on the historic site of Naga which lies 200 km northeast of Sudan's capital, Khartoum, and close to the banks of the Nile in an area once regarded as the cradle of civilization. The city was founded around 250 B.C. as a royal residence of the Kingdom of Meroe and featured numerous temple and palace buildings. This UNESCO World Heritage site has now been caught up in yet another Sudanese civil war. Once again irreplaceable Cultural Heritage has been caught in the crossfire of military madness and left unprotected from mindless destruction and looting. The destruction of such ancient monuments is not only a tragic loss for the Sudanese people, but it is erasing significant world heritage of immense importance to our understanding of the foundations of cities and civilization. War inevitably brings death and destruction to populations, leading to human misery and ruined buildings and civic infrastructure, including societies unique and valued Cultural Heritage.

In the 2026 attack by the USA and Israel on Iran also represents another example of deliberate destruction of Cultural Heritage, as Costanza Musu reminds us in her article published in *The Conversation*, titled *War in Iran: Why destroying cultural heritage is such a foolish strategic move in any conflict*, in which she reminds us that:

States implement these legal obligations through rules of engagement, which guide how and when force may be used in compliance with international humanitarian law: what U.S. Secretary of War Pete Hegseth has dismissively called "stupid rules of engagement."

International humanitarian law protects cultural heritage. After the widespread destruction of the Second World War, states adopted the 1954 Hague Convention, recognizing monuments, museums, and archaeological sites as specially protected cultural property, and requiring warring nations to refrain from attacking them except in cases of imperative military necessity.

Ignoring cultural property protections runs counter to a lesson many military forces, including the United States, have come to recognize: that safeguarding cultural heritage is not only a legal obligation, but also strategically smart.

Over the past two decades, this approach has increasingly been integrated into military doctrine. By protecting monuments and historic sites, military forces signal respect for a society's identity, build trust with local populations and advance broader political objectives by fostering local civilian support. (Musu, C. 2026)

In our media rich environment, the behaviour of nations is observed and recorded in unprecedented ways, such that future generations will witness online the appalling behaviour of armies and terrorists deliberately destroying their enemy's cities. In 2011 the world watched with horror as the start of the 14-year Syrian civil war which unfolded with great ferocity by all sides of the conflict. The 2012-2016 Battle of Aleppo, named the "mother of battles" by the combatants led to the virtual elimination of this great UNESCO World Heritage city.

6 The Deliberate Destruction of Home

6.1 Domicide: *killing of home*

Definition:

Domicide, fuses the concept of *domus*— home—with the Latin *occido* or to kill.

Domicide is an extension of Urbicide and means the deliberate and systematic destruction of living spaces, targeting intimate places of residence so that any form of stability, physical or emotional, is replaced with a feeling of constant flux.

The term domicile was first recorded in 2001 with J. Douglas Porteous and Sandra E. Smith's book *Domicide: The Global Destruction of Home*. The term has gained recognition as an international crime by UN experts, the term highlights the physical and psychological devastation of erasing a community's shelter, identity, and history.

Discussion:

“building a house is a cultural phenomenon, its form & organisation are greatly influenced by the cultural milieu to which it belongs.” (Amos Rapoport 1968)

The home as Rapoport reminds us, is not just a building it is a cultural place informed by the culture of the occupants and the society it is situated in.

Considering Domicide in a peacetime disaster, such as fire or flood, which are regular life changing events for many Australians who lose their homes in bushfires and floodwaters across the continent. Survivors often state that they can replace their house, but they mourn the loss of their personal and family records and photographs. The loss of “memory” is a powerful emotion for many survivors. These peacetime disasters are traumatic for those who live through them. However, add a significant extra emotional challenge of experiencing domicile, the deliberate destruction of home in times of war or civil unrest which results in the loss of culture and memory. These added factors can become a catastrophic emotional challenge.

Therefore, Cultural Genocide is not just the destruction of significant Cultural Heritage sites but also the destruction of home, a cultural site of personal significance. In 2026 we are witnessing a massive ‘domicide’, that is happening across Gaza. The United Nations Special Rapporteur on the occupied Palestinian territories, Francesca Albanese wrote in her book *When the World Sleeps: Stories, Words and Wounds of Palestine* that from her experience of consulting with children in Gaza that the impacts of Domicide include destroying the relationship between children and their homes. Albanese reports that:

For all children, the home should be the centre of their childhood, a safe haven where they can grow, explore, and dream; but in Palestine the certainty of protection is not found even within the walls of their homes. The expropriation and destruction of houses have become a tool of Israeli occupation, so those who grow up in this reality are forced to live with an ‘unbelonging’ imposed from outside. Every apartment building razed to the ground is not just a demolished structure but a piece of life, history, and past erased, and a mortgaged future, which irreparably marks the soul of the youngest. This violence inflicts a deep wound, a loss that transcends materiality, severing bonds, fragmenting communities, and casting the shadow of a precarious existence on the innocence of youth. (Albanese, F. 2026:33)

Also writing about the vital relationship we have with the notion of “home,” Ammar Azzouz from Oxford University reminds us:

But home here doesn't only mean the physical, tangible built environment of people's homes and properties, it also refers to people's sense of belonging and identity. We are seeing in many conflicts and wars across the world that alongside the destruction of architecture, people's sense of dignity and belonging is also being targeted. There is a link between genocide and domicile: genocide refers to the killing of people and domicile to the erasure of their presence and their material culture. (Azzouz, A, 2023)

6.2 Domicide in War Zones

The UNHRC argue that the deliberate and widespread destruction of homes during violent conflicts has intensified in recent years, as conflict is becoming increasingly urbanized. The use of weapons with wide-area effects and AI systems in urban areas has devastating effects. These advanced military systems and armaments when used indiscriminately, destroy and damage essential infrastructure and homes resulting in the eviction and displacement of civilians. As a result of the destruction of homes the people are often forcibly prevented from returning to their homes. Leading to displacement, disrupted livelihoods, fractured social networks, which undermines the ability of people to live in dignity. For many, domicile results in long-term instability, poverty and uncertainty. The UN High Commissioner for Refugees (UNHCR) estimates that at least 117.8 million people worldwide are currently forcibly displaced due to war, conflict, violence, and persecution. The UNHCR suggests that this figure includes refugees, asylum seekers, and internally displaced people who have fled their homes but remain within their own countries.

Professor of Law and Development, Balakrishnan Rajagopal, was the UN special rapporteur on the right to adequate housing from 2020-2026. In the 2024 MIT Faculty Newsletter titled *Domicide: The Mass Destruction of Homes Should Be a Crime Against Humanity* Rajagopal wrote that:

The widespread or systematic destruction of homes has long been a feature of modern warfare. But what is often lost in the images of rubble and statistics of destroyed buildings is the profound effect of this loss at a human level.

For a home is so much more than a structure: It is a repository of experience and future dreams, of memories of births, deaths, marriages, and intimate moments with our loved ones, amid neighbors and a familiar landscape. The idea of home brings comfort and gives meaning to our lives. Its destruction is the denial of a person's dignity and humanity.

It is for this reason that the systematic and indiscriminate leveling of entire neighbourhoods through explosive weapons, as happened in Aleppo, and Mariupol, and Grozny, and towns in Myanmar, or most acutely these days, in Gaza – should be a crime against humanity. A growing number of legal and other types of scholars agree. (Rajagopal, B. 2024)

As Rajagopal further explains, *to kill a home is not to annihilate a structure but to murder both a sanctuary and a sense of sanctity. It is to rip apart a community, to fracture familial and social bonds, to collapse friendships and memories, dreams and futures, forever buried within mounds of broken concrete, twisted steel, and severed limbs. Unlike genocide, where intent is (made) difficult to establish, with domicile, the motivation is indisputable, targeting the very foundations of a society's existence, rendering that existence not just undesirable but impossible. Domicide thus appears as an act of depraved cynicism, destroying existence even if life itself persists. (Rajagopal, B. 2024)*

Further expanding on the impacts of Domicide in Gaza, Palestinian journalist Moayad Taneenah writing in a 2024 Worldchruuch Focus article states that:

The peculiarity of the Palestinian house stems from its history of being a battlefield and a measure of the "memory of things": its walls, what is hung on them are evidence of the identity of its inhabitants.

"All of these things are the memory of people that has been emptied of things, and the memory of things that has been emptied of people," Darwish, the poet, wrote. "Houses are killed as are their residents. It kills the memory of things."

The UN Human Rights Commission estimated that in 2024:

“Six months into the current military offensive, more housing and civilian infrastructure has now been destroyed in Gaza as a percentage, compared to any conflict in memory,” they said. “Homes are gone, and with that, the memories, hopes and aspirations of Palestinians and their ability to realise other rights, including their rights to land, food, water, sanitation, health, security and privacy (especially of women and girls), education, development, a healthy environment and self-determination. And this comes on top of systematic demolitions of Palestinian homes over decades of occupation and previous bombardments.”

Ammar Azzouz in his 2023 book *Domicide: Architecture, War and the Destruction of Home in Syria*, reminds us that:

For over a decade now, the built environment in Iraq, Syria, Yemen, and Libya has been radically transformed through the mass destruction of cities and villages and, before them, many cities throughout various times in history, such as Warsaw,

What does it mean to lose one’s home? What does it mean to be uprooted from one’s home and from the people you love and cherish? What does it mean to lose something every day? To lose the familiar streets, buildings, and squares, to lose your city — even when you lose them, slowly and gradually. What does it mean to walk on the path of life knowing that even the return to the ruins of your city, the chance to say a final goodbye to the ones you lost, the visit to your erased home, is impossible?

The built environment has been weaponized in Syria. The destruction of people’s homes has been a tool for punishment, displacement, and violence against those who oppose the regime or sympathize with the uprising. The leveling of people’s homes did not only mean the eradication of physical buildings and structures but also meant the eradication of the conditions of possibility and existence for their personal identities. (Azzouz, A. 2023)

Rajagopal’s UN report puts the extent of domicide in Gaza into context and provides some specific facts and figures on the scale of homes destroyed. Rajagopal states that:

In Gaza, we are witnessing destruction that is overwhelming in terms of its scale and impact, and far worse than what we saw in Dresden and Rotterdam during World War II, where about 25,000 homes were destroyed in each city. In Gaza, more than 70,000 housing units have been destroyed and more than 290,000 partially damaged. Recent conflicts are all proving to be equally destructive: In parts of Aleppo, up to 65 percent of structures were damaged or destroyed in five years of conflict, while in Mariupol, approximately 32 percent of the structures were damaged or destroyed in a year over 2021 and 2022. In about three months of conflict, a shocking 60 percent to 70 percent of structures in Gaza, and up to 84 percent of structures in parts of northern Gaza, have been damaged or destroyed. (Rajagopal, B. 2024)

Further demonstrating the human impact of the deliberate destruction of homes has on an individual, family and community from the perspective of their individual and collective cultural identity, a Guardian news article in April 2026 quoted an Israeli army bulldozer driver as boasting that he was demolishing 50 homes a week in Gaza. He is reported as stating that *“They have nothing to return to in Rafah and Jabalya ... tens of thousands of families have no papers, childhood photos, ID cards, no homes. They have nothing.”*

6.3 Deliberate Destruction of Home in Peacetime

The deliberate destruction of ‘home, culture and identity’ also happens in peacetime because of city redevelopment, modernisation, relocation, or political motivation. Akesson & Basso propose that this amounts to:

...extreme domicide referred to “major, planned operations that occur rather sporadically in time but often affect large areas and change the lives of considerable numbers of people.” Resulting in homelessness and displacement, the act of extreme domicide can be a

unique form of trauma; the victims are not killed but rather experience the destruction of their home after being physically and oftentimes violently removed from it. Furthermore, extreme domicile is often marked by an element of political violence. (Akesson, B. & Basso, A. 2022:4)

The deliberate destruction of homes can be seen in at least three specific circumstances such as, “Punitive Demolitions” such as the destruction of homes belonging to minority or marginalized communities’ as a form of punishment or political repression; “Urban Cleansing” such as a government sanctioned bulldozing of neighbourhoods for large-scale state or private sector developments, and gentrification; and “Forced Evictions & Privatization” such as the destruction of housing or informal settlements by corporate or private actors in the name of economic interests resulting large scale homelessness.

Fahad Zuberi writing about domicile in a political context in his 2026 article describes what he terms “*Punitive domicile*”: *bulldozer justice and punishment in India*. Zuberi presents a case study of the deliberate destruction of Jahangirpuri neighbourhood of Delhi in 2022, where what he describes as “bulldozer politics” led to *demolitions as a brutal act of domicile: the deliberate destruction of home as punishment, humiliation, and political theatre*. The demolition drive authorised by North Delhi Municipal Corporation saw bulldozers destroy a pre-dominantly Muslim pocket of the neighbourhood including homes and retail buildings was justified by the authorities as a response to claims of communal violence.

The case of the destruction of the hutong districts in Beijing has been described as a classic example of both “Urban Cleansing” and “Forced Evictions & Privatization”. Therefore, destroying a built form and way of life in the name of progress. A feature of Beijing’s ancient vernacular architecture was the single-story courtyard homes that line the narrow lanes of the hutongs. Michael Meyer in his 2008 book *The Last Days of Old Beijing: Life in the Vanishing Backstreets of a City Transformed* reports that: *the hutong disappeared in the frenzy of government sanctioned clearances, heritage-protection bureaus could do little to stop the destruction*. Between 1991 and 2003 developers razed entire neighbourhoods, and everyone had to go and be resettled in new modern residential towers. It is reported that at least half a million people were evicted from the Hutong districts, which while in a poor state of repair held a cultural significance to Beijing residents and represented a special sense of community which was lost when the residents were dispersed to the outskirts of the city with total disregard to their community connections and previous cultural life. Indeed, Mayer comments that “*The planning and development professions in Beijing currently have only a limited understanding of the potentially enormous impact renewal may have on the social and cultural aspects of the city’s character.*” The story of the destruction of the Hutongs is a clear example of both the destruction of Cultural Heritage in terms of a unique housing form and cultural artifact, and the destruction of home as in domicile.

Of course, the Beijing and Delhi examples are only two of many examples of “slum clearance” making way in the name of progress, major cities such as Paris, London and New York have all destroyed strong centres of local community in the name of modernisation, as the great urbanist Jane Jacobs described in her 1961 classic “*The Death and Life of Great American Cities*”.

6.4 The Cultural Impacts of Domicide

The demolition of a home is a traumatising and powerful experience that affects all family members and puts them under psychological, social, and financial pressure. According to the World Health Organization (WHO), the number of people with mental and psychological disorders is likely to rise in a population that has been under occupation, people do not feel safe as they have had their human rights violated, including being forced to move from their ‘safe’ home environment, from their communal relationships and spatial familiarity. The WHO state that such distressful experiences, in many cases leads to severe psychological trauma, including Post Traumatic Stress Disorder (PTSD), depression, anxiety, and chronic stress.

Therefore, we are reminded that homes are filled with memories; each member of the household will have their own memories as well as collective family memories. The late David Malouf, a great Australian writer and poet, was highly regarded for his evocative writing about places, especially his memories of childhood in the family home in his 1992 book *12 Edmondstone Street*.

Malouf captures the very essence of growing up in Brisbane suburbs among the vernacular architectural environment of his childhood. Malouf reminds us that:

The house is a field of affinities, laid down, each one with almost physical power, in the life we share with all that in being 'familiar' has become essential to us, inseparable from what we are. (Malouf, D. 1992:10)

The house and indeed most of the Edmondstone Street has long been demolished to make way for new buildings, but Malouf had his memories and the literary skills to record them with great clarity.

PART C: The Legal Context

7. Cultural Genocide and the law

Courts & Conventions:

Hague Convention: For the *Protection of Cultural Property* established 1954 to safeguard Cultural Heritage, monuments, and historical sites during times of armed conflict.

ICJ The International Court of Justice established in 1945

Genocide Convention: *Convention on the Prevention and Punishment of the Crime of Genocide* was adopted by the UN General Assembly in 1948

ICTY: The International Criminal Tribunal for Yugoslavia (ICTY) established in 1993.

ICC: The international Criminal Court established in 2002 to prosecute individuals for genocide, war crimes, crimes against humanity, and aggression.

7.1 Cultural Genocide the legal perspective

Professor Leora Bilsky, and Rachel Klagsbrun, from the Minerva Center for Human Rights, Faculty of Law, Tel Aviv University, Israel, writing in their 2018 article *The Return of Cultural Genocide?* remind us that:

As a legal concept in international law, cultural genocide was devised as a sub-category, or aspect, of genocide – the attempt to systemically and wilfully destroy a group – alongside physical genocide and biological genocide. It denoted the destruction of both tangible (such as places of worship) as well as intangible (such as language) cultural structures. It envisioned negative and positive responses – a criminal prohibition alongside restitutive and reparative measures. (Bilsky, L. & Klagsbrun, R 2018:374)

Thomas Johansson from Orebro University School of Law, Psychology and Social Work, in his 2019 article *Cultural Genocide in International Law An Assessment*, writes that Lemkin, when drafting the Genocide Convention wanted to include culture as an integral part of the act of genocide but this was not supported by many of the UN member states. This was primarily from member states that had a history of deliberate destruction of the culture of indigenous peoples within their nations. Bilsky and Klagsbrun also raise the issue that *since the concept of cultural genocide undermined the clear distinction between authoritarian states and democratic states, there is no wonder that the opposition to its inclusion in both of these occasions was very strong.* (Bilsky, L. & Klagsbrun, R 2018:395)

Powell reminds us, in his article, *What do Genocides Kill? A Relational Conception of Genocide*, that the inclusion of Cultural Genocide was blocked at the UN by countries such as: *Australia, the US, Canada, Sweden, France, India, Peru and the U.K. were unhappy with the inclusion of cultural genocide due to their ongoing or past treatment of immigrants, minorities and indigenous peoples. In the case of Canada, their delegation was instructed to do all it takes to get rid of the notion of cultural genocide.*

This issue is further discussed by Dr Elisa Novic, in *The concept of cultural genocide: an international law perspective* (2016). Novic suggests that Cultural Genocide is a wide-ranging issue:

... as exemplified by the discussions before the International Criminal Tribunal for the Former Yugoslavia and also the drafting of the UN Declaration on the Rights of Indigenous Peoples. Such cases include the destruction of cultural and religious heritage in Bosnia and Herzegovina, the forced removals of Aboriginal children in Australia and Canada, and the case law of the Inter-American Court of Human Rights in relation to Indigenous and tribal groups' cultural destruction. (Novic, E. 2016)

Unfortunately, Cultural Genocide is not currently included in the Genocide Convention, however there is the potential for states to be brought before the International Court of Justice (ICJ), which can issue binding orders to halt crimes against humanity.

7.2 UN Genocide Convention

The United Nations *Convention on the Prevention and Punishment of the Crime of Genocide* was adopted by the UN General Assembly in 1948 in response to the horrors of World War II, which saw atrocities such as the Holocaust. The convention was responding to the lack of an adequate description or legal definition. However, Raphael Lemkin, who had coined the term genocide, continued to campaign for its recognition as a crime under international law.

The Genocide Convention was the first legal instrument to codify genocide as a crime and was unanimously adopted by the UN in 1948.

Article II of the Convention states that:

In the present Convention, genocide means any of the following acts committed with Intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group.*
- (b) Causing serious bodily or mental harm to members of the group.*
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.*
- (d) Imposing measures intended to prevent births within the group.*
- (e) Forcibly transferring children of the group to another group.*

7.3 Hague Convention

...any damage to cultural property, irrespective of the people it belongs to, is a damage to the cultural heritage of all humanity, because every people contributes to the world's culture. (Preamble of the 1954 Hague Convention)

The Convention for the Protection of Cultural Property in the Event of Armed Conflict was adopted in 1954 under the auspices of UNESCO and is the first comprehensive treaty dedicated exclusively to the protection of Cultural Heritage in times of peace and armed conflict.

The stated aims of the Hague Convention are to protect cultural property, such as monuments of architecture, art or history, archaeological sites, works of art, manuscripts, books, and other objects of artistic, historical, or archaeological interest, regardless of their origin or ownership.

Parties to the Convention are required to commit to the following measures:

- *Adopting preventive measures such as preparing inventories, planning emergency measures to protect property against the risk of fire or the collapse of buildings, and preparing the removal of cultural property to places of safety.*
- *Developing initiatives which guarantee respect for cultural property situated on their own territory or on the territory of other States Parties. This involves refraining from using such property in any manner that might expose it to destruction or deterioration in the event of armed conflict, and by refraining from all acts of hostility directed against it.*

- *Registering cultural property of very high importance on the International Register of Cultural Property under Special Protection in order to obtain special protection for such property;*
- *Marking certain important buildings and monuments with a distinctive emblem of the Convention;*
- *Providing a place for eventual refuge to shelter movable cultural property;*
- *Establishing special units within the military forces responsible for the protection of cultural property;*
- *Setting sanctions for breaches of the Convention; and,*
- *Promoting the Convention among the general public and through target groups such as cultural heritage professionals, and military or law-enforcement agencies.*

These rules also apply to States who are Occupying Powers of territory during conflict or otherwise. The Convention obliges Occupying Powers such as Russia in the Donbas and Crimea, and Israel in Gaza, to respect the cultural property of the occupied territory, and to support local national and international agencies in its preservation and repair when necessary.

In the late 1980s and the beginning of the 1990s various conflicts highlighted the deficiencies in the implementation of the Hague Convention and its First Protocol. As a result, the Second Protocol to the Hague Convention was adopted in March 1999. The Second Protocol seeks to complement and expand upon the provisions of the Hague Convention, by including developments in international law and cultural property protection which had emerged since 1954. Regarding the Second Protocol Professor Micaela Frulli, states that the:

Second Protocol to the 1954 Hague Convention on the Protection of Cultural Property in Times of Armed Conflict seems far more innovative, preferring a cultural-value oriented approach. the most effective tool for pursuing war crimes against cultural property is Protocol II to the 1954 Hague Convention. It is thus crucial to promote ratification by a large number of states and to encourage states to adopt implementing legislation that may allow domestic judges to prosecute the most serious crimes against cultural heritage on the basis of jurisdictional criteria provided for in Protocol II to the 1954 Hague Convention. (Frulli, M. 2011)

7.3 The International Criminal Courts

The International Criminal Tribunal for Yugoslavia (ICTY)

International recognition of Cultural Genocide has been seen as a “subsidiary role” in our present understandings of genocide and group destruction. However, there is evidence that Cultural Genocide has been used with the intent to destroy an identity group, as was the case in the former Yugoslavia, indeed this evidence has been used to inform the UN Genocide Convention. The International Criminal Tribunal for Yugoslavia (ICTY) acknowledged that genocide encompassed the destruction of a group as a distinct social identity, and that group destruction through purposeful eradication of culture and identity was conceivable. Evidence against General Krstić, a former Bosnian commander charged with complicity to commit genocide and extermination as a crime against humanity, included the deliberate destruction of mosques and houses belonging to Bosnian Muslims.

The ICTY, which was established in 1993, recognized that physical attacks are often accompanied by destruction of cultural property and symbols. Such acts of cultural destruction may be considered as proof of the specific intent to physically destroy an identity group. Such as cases relating to the bombardment of the fortified city of Dubrovnik in early October 1991. In relation to the ICTY case against members of the Yugoslav People’s Army who commanded the forces which attacked Dubrovnik the Trial Chamber held that: *while it is a serious violation of international humanitarian law to attack civilian buildings, it is a crime of even greater seriousness*

to direct an attack on a heritage protected site. (www.ohchr.org) The tribunal determined that a site once destroyed could not be returned to its original status.

The ICTY has tried several cases relating to the destruction of Cultural Heritage during the Yugoslavia conflicts. An early case before the ICTY was the 1998 case brought against Dario Kordić and Mario Čerkez who were charged with grave breaches and violations of the laws or customs of war in connection with: *the destruction and plunder of Bosnian Muslim property and the destruction of institutions dedicated to religion or education*. The courts' indictment stated that the accused had violated the laws and customs of war by attacks on civilians, and civilian property and wanton destruction not justified by military necessity and were found guilty and sentenced Kordi to 30 years and Cerkez to 25 years.

Two further notable cases related to the intentionally shelled the Old Town of Dubrovnik in Croatia. The first 2001 case against command of Yugoslav People's Army (JNA), General Pavle Strugar, who was charged with destruction of Cultural Heritage in Dubrovnik, an ancient, living city and a designated UNESCO World Heritage Site. In 2005, the ICTY found Strugar guilty of the destruction or wilful damage of historic monuments and sentenced to 8 years in prison. Also, in 2001 a further case relating to the Dubrovnik shelling was brought against Admiral Miodrag Jokić who commanded the naval artillery. He was found guilty in 2004 and was sentenced to seven years in prison for the destruction of protected cultural property.

The International Court of Justice (ICJ)

The International Court of Justice (ICJ) was established in June 1945 by the Charter of the United Nations, following post-World War II global cooperation efforts. It officially began its judicial work in April 1946 and currently all 193 United Nations member states are automatically parties. Its role is to settle, in accordance with international law, legal disputes submitted to it by States and to give advisory opinions on legal questions referred to it by authorized United Nations organs and specialized agencies.

For example, in addition to the ICTY case there was a Genocide case bought by Bosnia and Herzegovina against Yugoslavia (later Serbia and Montenegro) before the ICJ in 1993. This case concerned Yugoslavia's alleged violations of its obligations under the 1948 Genocide Convention. Unlike the cases before the ICTY which covered individual criminal responsibility, this action concerned the culpability of a State in respect of the international crime of genocide. The ICJ accepted that there was conclusive evidence of the deliberate destruction of the historical, cultural, and religious heritage of the protected group and ordered:

That Yugoslavia (Serbia and Montenegro), together with its agents and surrogates in Bosnia and elsewhere, must immediately cease and desist from all acts of genocide and genocidal acts against the people and State of Bosnia and Herzegovina, including but not limited to murder; summary executions; torture; rape; mayhem; so-called "ethnic cleansing"; the wanton devastation of villages, towns, districts and cities; the siege of villages, towns, districts and cities; the starvation of the civilian population; the interruption of, interference with, or harassment of humanitarian relief supplies to the civilian population by the international community; the bombardment of civilian population centres; and the detention of civilians in concentration camps or otherwise.

However, Serbia ignored the ICJ ruling and violated its obligations by failing to comply with provisional measures. Despite this violation the ICJ declined to impose fines or payment of compensation by Serbia.

More recently 2023 ICJ has received an application from South Africa in relation to Israeli actions in Gaza. The Republic of South Africa filed in the Registry of the Court an Application instituting proceedings against the State of Israel raising alleged violations in the Gaza Strip of obligations under the Genocide Convention. Although Israel strongly denies the allegations the ICJ issued temporary orders for Israel to prevent genocidal acts, punish public incitement, and ensure the unhindered flow of humanitarian aid into Gaza. The court further clarified Israel's obligations as an Occupying Power under international human rights law as the occupying power responsible for the Occupied Palestinian Territories (OPT).

The Court concluded that under international human rights law Israel is required to refrain from impeding UNRWA's operations. It found that restrictions on access to the OPT had deprived the population of relief and services that are indispensable for its well-being and dignity. The Court further found that to the extent that the local population has been capable of enjoying human rights in the OPT, such as rights to education, health and non-discrimination, this has been enabled and ensured through the work of the United Nations, and particularly through UNRWA. Therefore, any diminution of UNRWA's capacity directly affected the realization of such rights. (www.unrwa.org/icj-advisory-opinion-israel-obligations-key-conclusions-relating-unrwa)

Also relating to the act of genocide, in 2025 the court reviewed an Application of the Convention on the Prevention and Punishment of the Crime of Genocide in Sudan (Sudan v. United Arab Emirates) The Court's deliberations led to the ICJ resolve that the Court: *rejects Sudan's Request for the indication of provisional measures and orders that the case be removed from the General List.*

The International Court of Justice and the International Criminal Court play key roles in upholding international law but face criticism over selective enforcement. The *Policy Centre for the New South* in a 2025 policy paper explores the critics of the ICJ and states that:

Firstly, one of the ICJ's fundamental limitations is that its jurisdiction is voluntary, meaning states must consent to being sued. Powerful nations often refuse to recognize its authority in cases that challenge their interests.

And that:

A second and even more significant weakness is the ICJ's lack of enforcement power. It relies on the UN Security Council (UNSC) to implement its rulings (UN Charter, Article 94). However, the geopolitical structure of the UNSC, particularly the veto power held by its five permanent members, often renders ICJ decisions unenforceable.

(www.policycenter.ma/sites/default/files/2025-04/PP_13-25%20%28Ferid%20Belhaj%29.pdf)

The International Criminal Court (ICC)

The International Criminal Court (ICC) (2021) *Policy on Cultural Heritage*, The Hague, Netherlands.

The International Criminal Court ("ICC" or the "Court") was founded on the recognition "that all peoples are united by common bonds, their cultures pieced together in a shared heritage and concern", and "that this delicate mosaic may be shattered at any time".

- 1 The Rome Statute ("Statute") confers upon the Court jurisdiction over crimes against or affecting cultural heritage,*
- 2 Complementing international law governing the protection of cultural heritage and associated human rights.*
- 3 the protection of cultural heritage has been a long-standing concern of the international community, and is reflected in the governing instruments of the International Military Tribunals at Nuremberg,*
- 4 the International Criminal Tribunal for the Former Yugoslavia ("ICTY"),*
- 5 the Extraordinary Chambers in the Courts of Cambodia,*
- 6 all of which have jurisdiction over particular crimes related to cultural heritage, specifically cultural property. (ICC 2021:4)*

and

However, since "cultural property" itself only touches on the tangible aspects of human culture, these provisions still reflect only part of the protection which may be afforded by the crimes in the Statute to cultural heritage, as conceived in this Policy. Indeed, attacks against or affecting cultural heritage may constitute or relate to numerous other crimes under the

Statute. The term “cultural heritage” thus more properly reflects the rich corpus of human achievement that the Statute and international law seek to protect. (ICC 2021:7)

In addition to the ICTY and ICJ, the Rome Statute for the International Criminal Court (ICC) defines the war crime of ‘*intentionally directing attacks against buildings dedicated to religion, education, art, science, or charitable purposes*’ and ‘*historical monuments*’. The first formal accusation by the ICC under these provisions arose in respect of the situation in Mali during 2012, under a warrant issued in September 2015. Mali requested that the ICC Prosecutor investigate and indict the perpetrators of attacks on religious and cultural sites including the World Heritage site in Timbuktu. In the *Human Rights Quarterly* 41 article *Who are the Victims of Crimes Against Cultural Heritage?* (2019) Dr Oumar Ba suggests that:

Given the symbolic value that Timbuktu represents in the global imagination in addition to the World Heritage site status of the monuments that were targeted for destruction in 2012, the ICC became the focal point on how the international community was to address such wilful destruction of cultural heritage as war crimes. (Ba, O. 2019:594)

Indeed, the ICC 2012 prosecution of Ahmad Al Faqi Al Mahdi who led the *Hesbah*, the morality police of the Ansar Dine jihadi group, was the first ever case where the defendant was solely charged with the crime of destruction of Cultural Heritage. As a result, Al Mahdi pleaded guilty and was convicted of the war crime of attacking protected objects under Article 8(2)(e)(iv) of the Rome Statute, in conjunction with attacks on ten buildings “*of a religious and historical character*” that included mausoleums and a mosque all located in Timbuktu. The case resulted in a guilty verdict in 2016 and a sentence of to nine years’ imprisonment.

Addressing the issues in the context of the Ukraine and Gaza wars Karolina Wierczyńska in *The Unrecognized Genocide – Rethinking the Legal Framework for the Destruction of Cultural Heritage in Ukraine and Gaza*, states that:

The International Criminal Court (ICC), which formulated the policy on cultural heritage, the Office broadly construes the term “cultural heritage” to extend beyond cultural property and to incorporate both products and processes. This term denotes a community’s sense of identity and belonging and involves cultural resources in both their tangible and intangible forms. Cultural heritage refers not only to physical forms of heritage, such as material objects and artefacts (including digital artefacts), but also to the practices and attributes of a group or society that are inherited from past generations, maintained in the present, and bestowed upon future generations for benefit and continuity. (Wierczyńska, K. 2025:59)

As a result of the alleged Genocide perpetrated in Ukraine and Gaza the International Criminal Court (ICC) has in 2023 issued arrest warrants for Russian President Vladimir Putin for allegedly being *responsible for the war crime of unlawful deportation of population (children) and that of unlawful transfer of population (children) from occupied areas of Ukraine to the Russian Federation (under articles 8(2)(a)(vii) and 8(2)(b)(viii) of the Rome Statute)*. And in 2024 for Mohammed Diab Ibrahim Al-Masri (since deceased) leader of the military wing of Hamas for the crimes against humanity. Also, in 2024 for Israeli Prime Minister Benjamin Netanyahu and former Defence Minister Yoav Gallant charged with allegedly being “*responsible for the war crimes of starvation as a method of warfare and of intentionally directing an attack against the civilian population; and the crimes against humanity*”. (www.icc-cpi.int/defendants?page=0)

The ICC website currently lists 75 persons either under a warrant for arrest or a summons to appear before the court on charges relating to genocide, war crimes, crimes against humanity, and aggression from counties in the Middle East, Africa and Asia. There are also details of those defendants who have been found guilty. www.icc-cpi.int/defendants?page=0

The International Criminal Court (ICC) is governed by the Rome Statute and was adopted in 1998. The ICC was established to investigate and, where warranted, tries individuals charged with the gravest crimes of concern to the international community: genocide, war crimes, crimes against humanity and the crime of aggression. As a court of last resort, it seeks to complement, not replace, national Courts. There are currently 124 States Parties to the Rome Statute, plus the Palestinian territories who are committed to the court’s jurisdiction. However unfortunately

several major global powers such as the United States, Russia, China, Israel, and India are not members.

The ICC is not without its critics, The Australian Centre for International Justice (ACIJ) reminds us that: *In 2020 we saw the amplification of attacks from the US Government against the International Criminal Court, with threats in March 2020 of sanctions measures against ICC staff, and subsequently in June 2020, imposition of financial sanctions against the ICC's Chief Prosecutor and another member of the Office of the Prosecutor.* In response the ACIJ worked with human rights organisations to appeal to the Australian Government to condemn the threats and support the ICC against attacks, including through public and private engagement to pursue those ends. The Australian Government joined other States Parties in joint statements to protest the actions of the US Government.

Put simply, the core raison d'être of the ICC is expressive or retributive justice, of which it has delivered very little. While the Court may be said to serve numerous objectives, the 'key rationale for creating the ICC is to eradicate impunity for the gravest crimes'; this cannot be achieved without convictions. The Preamble to the Rome Statute itself articulates the object and purpose of the Court as being *'to contribute [both] to the prevention' of international crimes and to their 'effective prosecution ... at the national level' on the basis that 'such grave crimes threaten the peace, security and well-being of the world'*

The ICC is not without calls for its reform, replacement or abolition based on criticism from a range of perspectives such as accusations of bias, narrow focus and of lacking successful outcomes despite the extensive resources and legal capabilities. The accusations of bias are highlighted by a group of African states such as the juntas running Burkina Faso, Mali, and Niger, who have withdrawn from the ICC and accusing the court of focusing unfairly on "the Global South" especially countries in Africa. It is important to note that most ICC investigations into African nations have been at the request of African nations.

The *Coalition for the International Criminal Court* remind us that: *the majority of African countries lack legislation that fully incorporates Rome Statute definitions of genocide, crimes against humanity, and war crimes into domestic law, making international justice mechanisms like the ICC the most reliable avenues to achieving justice for victims and punishing perpetrators.* (<https://coalitionfortheicc.org/explore-international-criminal-court-africa-icc>)

In his 2019 article *Lacking Conviction: Is the International Criminal Court Broken?* International law expert, Professor Douglas Guilfoyle, explores many of these criticisms and concludes that:

The ICC remains a major international organisation with real impacts on international relations and one tasked with applying complex concepts drawn from, inter alia, international humanitarian law. Expertise in international law remains important, at least at the Appeals Chamber level. (Guilfoyle, D. 2019:51)

Guilfoyle concludes that there is a need for: *a more modest and more realistic Court that does not entail that those wielding state power will never be prosecuted. But such a Court will have to accommodate itself to the fact that such suspects will never be prosecuted while they remain in office.*

7.5 Domicide the Legal Perspective

What does international law say about domicile?

International law does not explicitly criminalise the wholesale destruction of the "home" as a concept, however the unlawful and wanton destruction of residential property not justified by military necessity constitutes a grave breach of the Geneva Conventions and a war crime under the Rome Statute of the International Criminal Court.

The UNHRC Special Rapporteur on housing has advocated to establish Domicide as an international crime of its own standing. The Rapporteur has suggested that:

This would close protection gaps and help ensure that severe, widespread, and systematic violations of economic, social, and cultural rights receive the same attention in international criminal law as any other gross violations of human rights. In 2026 he submitted a follow-up report on domicide to the Human Rights Council highlighting mass destruction of housing and civilian infrastructure in Gaza, Myanmar, Sudan, and Ukraine.

International human rights law and international humanitarian law establish clear obligations for States and other parties to conflict to respect and protect civilians and civilian objects, including homes. The right to adequate housing remains applicable during and in the aftermath of conflict and must inform responses to housing destruction, forced displacement and reconstruction. Yet, the systematic and widespread destruction of homes continues to occur with limited accountability.

Under Australian Law, Domicide, the deliberate destruction of civilian or residential buildings without military justification is a war crime under Division 268 of the Criminal Code Act (1995) This law can also be applied to Australian citizens returning from service in foreign armies who have been deemed to have committed war crimes under the Act.

Becky Sullivan, in her 2024 article *What is 'domicide,' and why has war in Gaza brought new attention to the term?* reminds us that:

The word "domicide" doesn't appear in the Geneva Conventions, which govern international law about the treatment of civilians during conflict. The Geneva treaties prohibit reprisals against civilians and their property, and they demand that any destruction of property must be "rendered absolutely necessary by military operations."

One U.N. official has called for that to change. In an opinion piece published late last month in the New York Times.

Sullivan also quotes Balakrishnan Rajagopal, the U.N. special rapporteur on the right to adequate housing who has called for domicide to be explicitly codified into international humanitarian law.

7.6 The limits of the existing legal system

UNESCO's efforts to prevent the destruction of cultural heritage are limited by its lack of enforcement power, dependence on state cooperation, and inability to directly stop active conflict. While it sets standards through the 1972 Convention, UNESCO cannot impose sanctions, often struggles to act against state-led destruction, and faces challenges with funding and political sensitivity.

Despite these conventions UNESCO acknowledges there is a serious global challenge to protect the world's Cultural Heritage and cultural identity of our diverse civilisations:

Armed conflicts have always had a devastating effect on culture including the intentional destruction of people's collective memories and the tarnishing of symbols representing their cultural identities. In recent decades, culture has been increasingly targeted as a means of erasing people's ties to their communities, cities, and nations. Similar targeted acts of destruction are undertaken to erase cultural diversity and pluralism and to deny victims their cultural rights and fundamental freedoms. (UNESCO 2018:11)

Karolina Wierczyńska in her 2025 article states that International law demonstrates two principal failures:

Firstly, the current legal framework lacks an operative mechanism for prosecuting cultural genocide as a distinct form of genocide – one that results in the destruction of a group as such. The international community should therefore advocate for a re-evaluation of the doctrine and a potential amendment of the Genocide Convention to explicitly include cultural genocide, consistent with Lemkin's original conception.

Secondly, there are inadequate enforcement mechanisms for crimes against cultural heritage. The International Criminal Court, while vested with jurisdiction over war crimes involving attacks on cultural property under Article 8(2)(b) (ix) of the Rome Statute, lacks the capacity to address the scale and systematic nature of such crimes in Ukraine or Gaza. The

inability of international institutions to match mass atrocities with proportional investigative and prosecutorial responses renders the international community effectively impotent – and, in the case of Gaza, lamentably inert. (Wierczyńska, K. 2025:77)

Ana Filipa Vrdoljak, Professor of Law and the UNESCO Chair in International Law and Cultural Heritage, in the 2016 article, *The Criminalisation of the Intentional Destruction of Cultural Heritage*, states that:

Recent acts of intentional destruction of monuments at World Heritage sites have engaged both the Security Council and the ICC which have called upon all Member States to cooperate in bringing the perpetrators of these international crimes to justice. New technologies will prove vital in the evidence gathering and reconstruction processes. Yet history shows that such actions have met with limited success and are by definition reactive. (Vrdoljak, A. 2016:26)

The Australian Institute of International Affairs suggest that the Key limitations in UNESCO's protection of Cultural Heritage include:

- **Lack of Enforcement Power:** *UNESCO is a diplomatic body, not a military or police force. It cannot physically protect sites or impose binding sanctions on state parties that violate heritage protection.*
- **Conflict and War Challenges:** *During armed conflicts, heritage sites are often targeted or damaged. While the 1954 Hague Convention (mentioned in) offers guidelines, "imperative military necessity" waivers allow destruction of cultural property.*
- **Dependence on Sovereign States** *Protection relies on the willingness of national governments. If a state is the agent of destruction, or refuses to act, UNESCO has little recourse other than moral pressure or listing the site as "In Danger".*
- **Political Constraints:** *As an organization of member states, its ability to condemn specific nations is restricted by diplomatic processes and the need for consensus.*
- **Resource Limitations:** *Many countries lack the economic, scientific, and technical capacity to safeguard sites, making them vulnerable despite official listing.*
- **Development and Tourism Pressures:** *Non-conflict threats like urbanization, industrialization, and overtourism (e.g., in Venice) also destroy heritage, and are often driven by economic factors.*

Summarising the weaknesses in the international legal system Alberto Frigerio in *Heritage Under Attack: A Critical Analysis of the Reasons Behind the Destruction of Cultural Property in the Event of Armed Conflict* (2014) suggests that:

The destruction of Buddhas of Bamiyan and the attacks against the mausoleums of Timbuktu have revealed the enormous difficulties of international community to deal with similar events. When diplomacy fails and the economic sanctions do not produce immediate effects, few (if any) other options are available. (Frigerio, A. 2014)

The goal for the UN membership is to work to encourage and enforce a greater respect for the world's irreplaceable Cultural Heritage. However, at this point in time governments have not been formally sanctioned under international law for "Cultural Genocide" although it is possible for individual nations to place specific sanctions against key individuals involved in the ordering of Cultural Genocide. For example, in 2021 the USA passed the Uyghur Forced Labor Prevention Act, banning imports from Xinjiang due to China's state-sponsored cultural erasure and forced assimilation programs. Other opportunities exist to impose travel bans or laws to freeze the assets of individuals or organisations found responsible for crimes against humanity.

7.7 Ethical Considerations

There are many ethical issues to be confronted by the international community and organisations, including how to acknowledge past wrongs such as the impacts of colonialisation and dispossession of First Nations Peoples. This is a major challenge for previous colonial powers and includes resolving issues such as reparations for lost culture, and the restoration of Cultural Heritage such as the repatriation of artifacts and human remains.

Other ethical challenges include the need to strengthen international and domestic laws to prevent forced assimilation of First Nations People and the protection of their cultural rights to maintain their language, beliefs, identity and relationship to their land. Finally, while harder to prove than physical murder or destruction, an ethical focus requires investigating the "intent to destroy" a group's Cultural Heritage and ways of life.

Ultimately the research highlights a global system that is failing morally to prevent and prosecute ongoing Cultural Genocide in its many forms. These failures are not due to the lack of knowledge, they must be seen as failures of courage, structure, empathy, and moral clarity on behalf of the international community especially the UN member states. As I have documented, the legal machinery such as the 1948 Genocide Convention exists, but the evidence shows that the Genocide Convention signatories, despite their obligation to prevent and punish genocide fail to act. Time and time again it seems that the very institutions such as the UN Security Council who are charged with enforcement are hindered from acting by the interests of the powerful nations.

Indeed, there are significant ethical issues involved when individual nations impose sanctions or support for ICC arrest warrants on another country or individuals, as opposed to sanctions imposed by the UN General Assembly. For example the US have supported sanctions on China in relation to the treatment of the Uyghur people and on Russia for attacks on Ukraine but opposed sanctions on Israel over Gaza. Likewise, the US supports the ICC arrest warrant for President Putin but not for the warrants on Israeli ministers. Once again, here is evidence of power over ethics.

PART D: Meeting The Challenges

8. Prevention, mitigation & restoration

This research report has only scratched the surface of a profound challenge facing humanity, a challenge that while it has been given significant consideration from international legal perspectives such as *The Rome Statute* and the ICC, and international cultural organisations such as UNESCO and ICOMOS, national states continue to violate the legal framework and deliberately engage in Cultural Genocide.

8.1 Can Cultural Heritage be protected in War Zones?

There is no simple solution to prevent the deliberate destruction of Cultural Heritage, especially during periods of conflict. While there are appropriate international charters recognising and calling for the protection of Cultural Heritage, and legal mechanisms such as the ICC to bring perpetrators to justice after the event, the reality is that critically there is a lack of mechanisms to prevent the destruction from occurring in the first place.

Further to the example of China and the Uyghur people, predictably, China has repeatedly denied the allegations and said the measures taken in the region are for countering extremism, terrorism and separatism and therefore any damage to Cultural Heritage is collateral damage. Unfortunately, UNESCO, according to a 2023 report by Rachel Harris and Aziz Isa Elkun on behalf of the Uyghur Human Rights Project, has failed to protect Uyghur, Kazakh and Kyrgyz heritage in the Uyghur region. The report further acknowledges that the U.N. Office of the High Commissioner for Human Rights and a growing number of governments have expressed alarm about the situation, with the U.S. calling it 'genocide and crimes against humanity'.

An organisation attempting to prevent destruction of Cultural Heritage is the International Committee of the Blue Shield's (ICBS) which calls upon warring parties to *abide by all relevant international law and to protect the civilian population and their heritage wherever and whenever possible. We stress in particular the responsibilities of all belligerent parties involved under the 1954 Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict*. Since 2006, the Blue Shield and Cultural Heritage colleagues in the UK, have helped to provide lists of cultural property to be protected, where possible, during armed conflict, for Libya, Mali, Syria and northern Iraq. The lists have been provided to the armed services to help inform the forward planning of military campaigns. Another positive initiative is the ICBS providing Cultural Property Protection Courses to train military personnel who are preparing for UN peacekeeping. The course introduces the concept of heritage protection and highlights its relevance and importance. Another important military training initiative is provided by UNESCO in a program called, the *Civil-Military Alliance for the Protection of Cultural Property*. This program aims to build a culture of respect for and protection of movable and immovable cultural property within the military. This program draws on Article 7 of the 1954 Hague Convention which encourages the establishment of specialized personnel within the armed forces to ensure respect for cultural property and to cooperate with civilian authorities responsible for its safeguarding.

As Kamil Zeidler & Paula Chmielowska in their 2024 article *Can Archaeological Heritage Outlast an Armed Conflict?* note that the Hague Convention distinguishes two types of obligations incumbent on the occupying state during armed conflicts. They are, A. armed forces must refrain from any acts infringing cultural property in the occupied territory; and B. to protect existing cultural property, although there is no reference to Archaeological sites. Zeidler and Chmielowska argue that:

Both forms of obligations are missing in the field of protection of cultural property when archaeological heritage (archaeological sites) are considered. Most of the archaeological sites are not even marked with Blue Shield, and those that were marked were often the first

objects to attack in recent armed conflicts. Archaeological heritage cannot be easily rebuilt or restored like a building or a structure.

In 2016 UNESCO in collaboration with the International Institute of Humanitarian Law, published a manual titled '*Protection of Cultural Property: Military Manual*'. <https://iihl.org/wp-content/uploads/2022/12/CPP-Manual-English.pdf>

This manual outlines the rules and obligations contained in the Second Protocol and provides practical guidance on how these rules should be implemented by military forces around the world. It also contains suggestions as to best military practices in relation to these obligations. It relates only to the international laws governing armed conflict and does not discuss military assistance that is provided in connection with other circumstances such as natural disasters.

It is worth noting that during the second world war the Allied forces had the 'Monuments, Fine Arts, and Archives' Unit which was a team of Cultural Heritage experts fully integrated into the Allied forces, known as the 'Monuments Men'. Their role was to help protect cultural property in all theatres of the war. Peter Stone in 2016 article *The Challenge of Protecting Heritage in Times of Armed Conflict* suggests that: *some armed forces have re-introduced, or re-invigorated, contemporary versions of the Monuments Men. These, usually middle-ranking officers, are generally part of what different armed forces call Civil Affairs or CIMIC —civilian/military liaison. This is where the relationship between cultural property experts and the military can be nurtured.* (Stone, P. 2016:8)

Stone provides details of the '4-Tier' approach to a policy outline and practical framework for the inclusion of cultural property protection into military doctrine and long-term planning.

Tier 1 requires the integration of cultural property protection training within basic training for all military personnel at an appropriate level and can be introduced for junior ranks,

Tier 2 is introduced as soon as deployment becomes a possibility, and the military needs an understanding of the cultural property they will encounter in a particular location; this is the time to provide or review specific information about cultural property to be protected in a particular theatre of operations.

Tier 3 is activity during conflict, and **Tier 4** post-conflict activity, which the military refers to as 'stabilisation'. The approach provides a framework for future collaboration so that cultural property protection be integrated as a core element of military planning into the future.

(Stone, P. 2016:11)

Stone's four tier approach while providing a framework for cultural awareness training faces the inevitable challenges of practicality of integration into established military training and the realities of competing priorities of battle ground practices. Indeed, Stone recognises the serious challenges of implementing Cultural Heritage training and decision making within the military context when he suggests that: *All these and many other issues lie in the path of the development and implementation of the four-tier approach. However, if we do not start, if we do not take the initiative, then we are condoning a situation where cultural property is put at significant risk whenever and wherever there is armed conflict in the future.* (Stone, P. 2016:175)

Also from a defence perspective is an article in the *Journal of Defence Management* by Ahmad Hoteit and Issam Ali Khalifeh from the Islamic University of Lebanon, in a 2013 piece titled, *The Protection of Cultural Property during Peacetime and in the Event of Armed Conflict: A Historical Overview and a Case Study, The Plundering of Lebanon's Cultural Heritage*. Hoteit and Khalifeh record that despite the international Convention for the *Protection of Cultural Property in the Event of Armed Conflict* aims to: *protect cultural property situated in occupied territory and, particularly, as far as possible, take the necessary measures for its preservation (Article 5 of the Convention)* unfortunately in terms of Kamid el-Loz, an archaeological site located in the fertile Beqaa valley in modern-day Lebanon, none of these conventions prevented:

... the two modern day armies which briefly fought for Kamid el-loz in 1982. The site was the demarcation line between the Syrian and Israel armies. Both armies fought to hold the site, and the warning sign of the UNESCO with the emblem comprised of white and blue triangles warning everybody including fighting armies that the premises are protected by the Hague convention of 1954, and it should be safe-guarded in the event of armed

conflict. Even this sign it didn't deter the fighting armies, such UNESCO signs were mounted on most archaeological sites in Lebanon, but it didn't deter fighting armies from bombing the sites or stop the looters from plundering Lebanon's heritage. (Hoteit & Khalifeh 2013:5)

Unfortunately, cultural sites in Lebanon are once again under attack, in 2026 the Israeli forces in their ongoing conflict in Lebanon have attacked the UNESCO World Heritage-listed city of Tyre. This Phoenician city was added to the World Heritage List in 1984. This Lebanese example reminds us that as we have seen throughout history and especially in current conflicts in Ukraine, the Middle East and African conflict zones, warring parties simply ignore preservation requirements or couch the destruction as necessary due to military intelligence identifying sites as legitimate targets!

Alamsyah, et al. in their 2022 article titled *The Dark Side of Cultural Heritage Protection* argue that the very act of nominating Cultural Heritage as national or international significance may have a "Dark Side" and can in fact place a target on it for potential enemies to plan for the deliberate destruction of the heritage site or object. This notion of the dark side of Cultural Heritage protection should be addressed by relevant institutions in identifying the required protection of Cultural Heritage and that the *International Community should create an extensive communication, strategy, and risk assessment for cultural heritage, to consider the steps that can be taken*, in protection strategies. This recommendation could be seen as a call for a civilian equivalent of the UNESCO 'Protection of Cultural Property: Military Manual'.

8.2 Protection Under Occupation

As with war fighting there are obligations on Occupying armies to adhere to international law on the protection of Cultural Heritage in occupied territories. Both the UNESCO the ICRC mandate that occupying forces safeguard historical monuments, art, and institutions from pillage, vandalism, and appropriation without proper understanding, respect, or acknowledgment.

Under the Hague Convention occupying powers are to prohibit, prevent, and suppress any form of theft, pillage, or misappropriation of cultural property. The Convention specifically mandates: *that occupying armies must not export cultural property from occupied territory, and it strictly prohibits holding cultural objects as war reparations.*

In the event of violations, the occupying power can be held liable under international criminal law. Organizations like the ICBC are working alongside military forces during and after conflicts to monitor heritage sites, train soldiers on cultural property protection, and help implement international treaties. Military history provides both positive and negative examples of how occupying armies have handled the protection of cultural property in occupied territories.

In 1917, after the British Empire's Egyptian Expeditionary Force occupied Jerusalem, its commander, Allenby, announced that *"every sacred building, monument, holy spot, shrine, traditional site ... of the three religions will be maintained and protected"*. In a meaningful culturally sensitive approach the occupying forces, posted Muslim troops from the Indian Army to protect the mosques.

The Republic of Armenia is increasingly exposed to structural risks of cultural destruction because of Azerbaijan's occupation, territorial claims, military pressure, and expansionist narratives. Unlike the Nakhchivan Autonomous Republic, a landlocked exclave of the Republic of Azerbaijan, where the process of cultural erasure has been completed, or the Nagorno-Karabakh region, where deliberate destruction is actively unfolding, Armenia's Cultural Heritage is currently at risk through the normalization of historical revisionism, and the denial of Armenian historical past and present. The Centre for Truth and Justice (CFTJ) suggest that:

... As both parties to the conflict are bound by the Convention, any destruction, alteration, misuse, or intentional modification of cultural property in connection with hostilities or under effective territorial control may constitute a breach of binding treaty obligations, in addition to a violation of customary international humanitarian law. (www.cftjustice.org)

Despite this, Azerbaijan has claimed that the entirety of the Republic of Armenia as “historical Azerbaijani lands” and deliberately destroyed Armenian Cultural Heritage in an attempt to destroy the cultural identity of its people.

When the USA Coalition invaded Iraq in 2003, the protection of Cultural Heritage was perceived as an extremely low priority. Fortunately, while there was very little Cultural Heritage damaged during the combat phase of the invasion – during the occupation period, when museums, libraries, archives, galleries, and hundreds of archaeological sites were left unprotected there was significant looting. This failure in planning for the protection of cultural property demonstrates the USA Coalition’s wider failure to understand the importance of culture to the social fabric and stability of Iraq.

8.3 Preservation and Restoration

Internationally there are a range of organisations and program initiatives dedicated to the preservation and restoration of Cultural Heritage such as the Cultural Heritage Blue Umbrella Network (CHBUN) and heritage bodies such as UNESCO, ICOMOS, ICBS, and International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM). One of ICCROM flagship programs is *First Aid and Resilience for Cultural Heritage in Times of Crisis (FAR)* which is a training program initiated in 2020 that builds knowledge, creates networks, increases awareness and informs policy with an overall aim to reduce disaster risk for tangible and intangible heritage and associated communities. The program has provided advisory services relating to the protection of Cultural Heritage before and during conflict and restoration after conflict.

There are some questions regarding the effectiveness of international professional organizations such as ICOMOS, and Blue Shield during conflicts as they are dependent on the cooperation of warring parties. Therefore, their organizational capacity to act effectively in a time of crisis would be limited as some parties might interpret their involvement as political interference and expose them to a political or military response. Often the warring parties simply ignore their advice.

The 2012 ICCROM report *Protecting Cultural Heritage in Times of Conflict* includes the suggestion of developing a *Cultural Heritage Blue Umbrella Network* comprising heritage professionals instead of governmental organisations, ICCROM suggest that such a network could act effectively because:

- *They can be involved within public activities and try to raise public awareness in protection of cultural heritage;*
- *Due to their profession, they can carry out risk assessments and evaluate them in order to implement the best means of protection;*
- *They are familiar with, or may be members of, international organizations in protection of cultural properties. Therefore, they can inform those organizations about critical conditions and act for them in an efficient and practical process. (ICCROM 2012:99)*

In terms of restoration practices following armed conflict ICOMOS and ICCROM developed a manual (2025) to provide ‘*Guidance on Post-Disaster and Post-Conflict Recovery and Reconstruction for Heritage Places of Cultural Significance and World Heritage Cultural Properties*’. The document states that:

This Guidance aims to help relevant actors affected by destruction at heritage places of cultural significance to set up sound decision-making processes for recovery and reconstruction. It sets out a framework within which thorough, informed and participative decision-making can be undertaken in recovery. Recovery is understood to include reconstruction, involving tangible and intangible attributes of heritage places and World Heritage properties.

This guide also includes analysis of case studies in recovery and reconstruction from both wartime and peacetime disasters.

There is a wealth of experience and conservation knowledge that can be brought together through initiatives such as the *Cultural Heritage Blue Umbrella Network* and its partners. Once

again, the challenge is how these organisations of heritage experts can gain safe access to endangered heritage sites during times of conflict or indeed immediately after the end of conflict, given the dangers such as unexploded ordinance. Therefore, limiting access to identify the extent of damage and potential preservation or restoration requirements. This also raises questions about the role of new technologies in providing detailed evidence of the extent of destruction of Cultural Heritage during conflicts and the value of digital records, recordings and models of existing Cultural Heritage that can inform required conservation or reconstruction.

Decisions regarding how to address damaged Cultural Heritage structures after armed conflict present many challenges including how the selected approach will contribute to community identity and ongoing Cultural Heritage. The choice requires balancing tangible evidence with the socio-economic and psychological recovery needs of the affected society.

Recovery options include:

1. Retention (Preservation)

- Retention of Cultural Heritage ruins and focusing on stabilizing damaged structures to preserve their archaeological, historical, and aesthetic values without necessarily restoring them to a functional state.
- Preserves the ruins as a constant memory of its destruction and warn future generations of the tragedy that has occurred.
- Best practices ensure that these fragile remnants remain safely accessible and authentic for future generations

Example of Retention: The Cathedral Church of Saint Michael in Coventry, England, which has been retained as a memorial following its destruction during the second world war German bombing blitz.

People have a strong connection to place, after conflict and civic destruction citizens are drawn back to rebuild their buildings and their lives. After the devastation of the London Blitz or the destruction of Coventry the British people came together to rebuild and restart their lives all the while living with the memories of before, during and after the destruction of their cities and towns. In Coventry, the deliberate decision to build a new Cathedral next to the remains of the original building destroyed in the German bombing in 1940, functions as a constant memory bank of the war years. Similar experiences were happening on the other side of the English Channel with the Post War rebuilding of German cities such as Dresden and Berlin.

In Japan the *Hiroshima Peace Memorial (Genbaku Dome)* a UNESCO World Heritage Site, was the only structure left standing in the area where the first atomic bomb exploded on 6 August 1945. It has been Retained as a stark and powerful symbol of the most destructive force ever released upon a city in times of war. It also expresses the hope for world peace and the ultimate elimination of all nuclear weapons. (UNESCO <https://whc.unesco.org/en/list/775>)

2. Restoration (Conservation)

- Repairing a damaged structure using original materials and historical construction methods, limited to what physically remains.
- Often leaves the structure as an incomplete ruin or a fragmented monument, which may not be functional for the local community.

Examples of Restoration: The Al-Nouri Mosque and Minaret (Mosque of the Great Prophet, Mosul, Iraq) was heavily damaged during the conflict with ISIS in 2017. The restoration spearheaded by UNESCO was designed to preserve the surviving ancient structures.

Following the bombardment of Dubrovnik where more than 70% of the roofs were damaged, it was decided that as, the most recognizable urban feature of the Old City were the tiled roofs it was critical to maintaining living conditions inside the Old City by restoring the roofs in line with their traditional form.

3 Reconstruction (Rebuilding)

- Direct intervention to return a damaged site to its prior or original historical state, often using a mix of salvaged material and new construction.
- Purists argue that recreating lost monuments creates a "replica," destroying the original physical authenticity and erasing the historical record of the violence or disaster that caused the initial destruction.
- The method, extent and timing of the clearing works of the damaged building, as well as what the ruins represent and what is to replace them, are already crucial phases of the reconstruction process.
- Reconstruction is not always supported by some archaeologists, and other heritage professionals who believe it is inappropriate and leads to the 'Disneyfication' of heritage. Other experts believe the reconstruction of heritage is justified within the community identity context.

Example of Reconstruction: The iconic 16th-century Ottoman Mostar bridge which was destroyed during the Bosnian War in 1990s was reconstructed using original stone and traditional techniques. The stated reconstruction aim was to serve as a symbol of ethnic reconciliation by linking the city's diverse inhabitants of Bosnians, Croats, Serbs, Muslims, Jews and Orthodox Christians.

The recovery decisions to Retain, Restore or Reconstruct involve a range of cultural, social and ethical questions. A 2020 article by William Bulow and Joshua Thomas titled *On the Ethics of Reconstructing Destroyed Cultural Heritage Monuments* in the Journal of the American Philosophical Association, explores the moral debates around the reconstruction of Cultural Heritage structure such as the Old Bridge of Mostar and post war reconstruction of European cities such as Warsaw. Bulow and Thomas considered the arguments that it would be; *morally wrong to reconstruct cultural heritage monuments or historical artworks that have been either destroyed or severely damaged*. They conclude; *that reconstructing destroyed or severely damaged cultural heritage monuments can be both morally permissible and beneficial overall* and that:

The destruction of cultural heritage can be incredibly painful to stakeholders who cared deeply about it, and its absence from their lives could cause continual sorrow. Perhaps such individuals have a right not to be confronted perpetually with what happened. Perhaps they have a right to reconstruct the heritage as authentically as possible and forget the initial loss as well as they can. Moreover, in cases where cultural heritage was deliberately damaged for iconoclastic reasons, we might have a moral duty to try to make it as if the attackers had not succeeded. (Bulow, W. & Thomas, J. 2020:498)

What is likely to be the biggest test of the international community is addressing the aftermath of the destruction of Gaza. Indeed, the first recovery task will be to identify what form the restoration or reconstruction of Gaza will take. Given the massive extent of Domicide across Gaza, housing will need to be a key consideration for all plans. Given that housing plays such a vital role in the social and cultural life of a community the challenging questions will include: is the plan to repair versus redesign; neighbourhood continuity versus master-planned reordering; community return versus corridor-based economic integration; incremental rebuild versus large scale speculative redevelopment.

The Portland Trust (2026) provides an analysis of the Gaza Reconstruction Plans and different approaches currently being proposed, these are:

The first is about humanitarian stabilisation, concentrating on restoring minimum functionality across housing, water, energy, transport, health, and education, with a focus on debris removal, network repair and reactivating essential services so the displaced can return.

The second are state-led public works approaches, broadly centralised efforts to coordinate large-scale infrastructure projects such as ports and power plants as engines of recovery. Here, reconstruction can be a mechanism for state-building and institutional consolidation. Both types depend on external funding.

The third type is investment-led, with Gaza a site for master-planned districts, logistics corridors, tourism infrastructure, and real estate, using public–private partnerships, concessions, trust funds, or international investment platforms: reconstruction catalyses economic transformation by mobilising external capital.

Finally, there are autonomy and resilience-oriented rebuilding plans, which are decentralised, with local production and community-based governance, often also those with rubble recycling, cooperative labour structures, and renewable energy. With these, reconstruction is not only physical rebuilding but also the opportunity to rebuild productive capacity and reduce dependency. (<https://portlandtrust.org/gaza-reconstruction-plans/>)

Obviously, the critical need in the case of recovery in Gaza is for the humanitarian stabilisation phase which is proposed by UN-Habitat and focuses on early recovery, community-led reconstruction, and urban resilience in Gaza. Key initiatives include partnering with the Palestinian Housing Council to rehabilitate damaged homes, restore vital services, and safeguard land and property rights. These initial tentative steps of putting people and Palestinian culture first, must proceed before any grand urban planning initiatives are undertaken.

8.4 Is there a role for technology?

Dr Jo Morrison in *Using AI to preserve cultural heritage* (2026) explores the future potential for utilising Artificial Intelligence (AI) technology to help preserve Cultural Heritage such as historic sites, crafts, storytelling, and languages. Morrison proposes that:

In the realm of cultural heritage, AI has the potential to offer powerful tools that safeguard legacies and traditions and foster understanding across communities. However, ethical questions must be addressed if we are to minimise the risk that comes with using these tools. For example, who decides what is preserved or left behind, who provides and owns the data, and what does provenance mean in relation to large language models?

www.linkedin.com/pulse/using-ai-preserve-cultural-heritage-dr-jo-morrison-5in9e/

Morrison reminds us that *Technology is never neutral, it is shaped by those who create and distribute it*. Therefore, it is inevitably biased by the those who develop the software and by the prevailing needs of the communities to be served. She also expresses concerns that:

In the realm of cultural heritage, AI has the potential to offer powerful tools that safeguard legacies and traditions and foster understanding across communities. However, ethical questions must be addressed if we are to minimise the risk that comes with using these tools.

Also addressing questions of AI use in the preservation of Cultural Heritage Dr Isabella Marchese, in her 2025 article, *Preserving Cultural Heritage in the Age of Artificial Intelligence: an overview between protection and weaponisation*. Like Morrison, Marchese warns us that there are both positive and negative aspects of technology, especially the evolving field of AI in relation to Cultural Heritage. For example, AI can provide the military of nation states or terrorists organisations with AI powered predictive modelling and satellite imaging can accurately identify Cultural Heritage sites to be protected during hostilities, however this knowledge can also be used to target key cultural landmarks with unprecedented precision. Therefore, the protection of cultural monuments, religious temples, libraries, and ancient settlements in conflict zones remains a major concern. Marchese reminds us that in the Ukrainian war Russia has attacked and destroyed thousands of Cultural Heritage sites. Marchese suggests that:

Ultimately, Ukraine's experience underscores that cultural heritage is far from being mere collateral damage in modern warfare—it is a strategic target. To respond effectively, there needs to be a comprehensive approach that combines AI, diplomacy, and robust digital safeguards.

Unlike Ukraine, where international observers from organisations such as UNESCO can in real time assess the ongoing damage to heritage sites from Russian bombardment, the Israeli government refuse to allow UNESCO entry to the Gaza strip to assess the damage to World Heritage sites. Heritage Watch.AI (<https://heritagewatch.ai/>) use satellite data and machine

learning for near real-time monitoring of heritage sites at risk from warfare. UNESCO has through the use of technologies, such as high-resolution satellite imagery, been able to estimate the extent of the damage or destruction of Cultural Heritage across war zone as a total of 164 sites as of March 2026.

In addition to identifying damage to heritage sites, AI systems can be a valuable tool in real-time monitoring of cultural sites and can be applied to conflict zones to detect and respond to risks promptly. In addition, the integration of AI tools in military decision-making can assist military decision makers to identify the critical distinction and cultural significance of Cultural Heritage and therefore help to minimizing collateral damage. Finally, after cessation of conflict AI can make a significant contribution to reconstruction through the application of 3D models of damaged sites.

In 2025 UNESCO released the *Report of the Independent Expert Group on Artificial Intelligence and Culture* which noted the value of digitising archival material for the future but also highlighting the practice of 3D modelling programs capturing detailed 3D records of heritage buildings these records will provide an invaluable resource if the buildings are damaged during periods of conflict. The report provides examples where these technologies have been employed, such as in Beirut and Ukraine. UNESCO suggests that:

AI offers transformative opportunities for safeguarding endangered cultural heritage, by enabling faster, more precise, and more inclusive approaches to preservation.

Referring to the article by Alamsyah, et al. titled *The Dark Side of Cultural Heritage Protection* the question arises while there are positive examples of how technology and AI may provide opportunities to safeguard Cultural Heritage, there is also the potential for the “dark side” leading to negative applications. Political scientist Antonia Juelich from the University of Cambridge’s ‘Cambridge Programme on AI Science & Policy’ has released a report titled, *“God has helped us, and so will AI”: How the Terrorist Group Boko Haram Uses Frontier AI* (2026). The report’s findings are based on in-person interviews with 27 former members of Boko Haram, including mid-ranking commanders and technical specialists. Juelich explores how the terrorist group report using AI in its attacks and concludes that:

This research establishes that AI misuse by terrorist groups is no longer a prospective threat but one that has already materialized, unfolding more systematically and across a wider range of operational domains than existing analyses have suggested. (Juelich, A. 2026)

While Juelich’s research was not focused on questions of the application of AI in the destruction of Cultural Heritage, it highlights the dangers of terrorist groups accessing and applying the technology when there have been many examples of such groups destroying Cultural Heritage in the recent past. Therefore, only time will tell if AI leads to more *inclusive approaches to preservation* or it will lead to *enabling faster, more precise targeting* of Cultural Heritage!

8.5 Is there a way forward?

Unfortunately, the takeaway message is that despite the existing charters and laws against Cultural Genocide and the intentional destruction of Cultural Heritage there remains little or no mechanisms for the enforcement of these legal requirements in past or current conflicts. For example, in 2023 ICOMOS stated that:

The actions carried out by the Israeli occupation army in the Gaza Strip and in the West Bank supported by the Israeli settlers, and the destruction they are inflicting on human heritage are considered a full-fledged war crime and a clear violation of charters, agreements, and international law, especially those devoted to the situation of armed conflict, such as the Fourth Geneva Convention of 1949, the 1954 Hague Convention and its Second Protocol of 1999, the World Cultural, and Natural Heritage Convention of UNESCO on 16 November .1972

This disdain for legal obligations by UN member states is highlighted by the following example from the US/ICOMOS committee in 2020.

ICOMOS Statement on the Preservation of Cultural Heritage During Armed Conflict

The US ICOMOS committee released a statement denouncing the suggestion made by President Donald J. Trump that: *he might order the destruction of heritage sites in retaliation for Iranian aggression in response to recent American actions in the Middle East.*

The ICOMOS statement affirmed that:

We have no doubt that U.S. destruction of heritage sites—no matter what the rationale provided—will be regarded by people around the world as an attempt at cultural genocide. Many voices will be raised in angry protest to such actions. The story of this kind of cultural destruction will live on from generation to generation. It will prove a disaster for U.S. foreign policy and could very well threaten the safety of U.S. citizens traveling abroad. It could provoke attacks on historic properties in the United States. US/ICOMOS urges the Trump Administration to withdraw this threat immediately and to announce its support for the preservation of the world's cultural heritage. (US ICOMOS 2020)

This is even though Military attacks targeting cultural sites are considered war crimes under international law. The United States, Israel and Iran have signed conventions to protect Cultural Heritage, including during conflict. In 2026 US Defence Secretary Pete Hegseth has expressed contempt for "*stupid rules of engagement*": such as the conventions and laws meant to reduce risks to civilians.

DW news reported that the US Committee of the Blue Shield (ICBS) said it was "disturbed" by Hegseth's statement and noted that "*the failure to observe international humanitarian law, including numerous international conventions to which the US is a State Party, as well as customary international law, can lead to the commission of war crimes.*" (www.dw.com/en/israeli-strikes-damage-irans-cultural-heritage-sites/a-76350565)

Irish-American journalist, diplomat Samantha Power, in her Pulitzer Prize-winning book *A Problem from Hell: America in the age of genocide* (2002) states that *the United States had, across the twentieth century, repeatedly known about genocides in progress and chosen not to act. American presidents and their advisers calculated, again and again, that the political cost of intervention outweighed the moral cost of silence.*

Wierczyńska reminds us that:

Ultimately, the protection of cultural heritage must be recognized as a shared responsibility of humankind. Beyond preservation, there exists a corresponding obligation to innovate preventive frameworks capable of addressing the evolving modalities of cultural destruction. The international community must therefore reconceptualize cultural heritage protection not merely as a matter of preservation, but as an essential component of the international legal order's commitment to preventing a group's extinction. (Wierczyńska, K. 2025:77)

Therefore, protecting Cultural Heritage is not only a humanitarian obligation, but a strategic consideration in conflicts with long-term outcomes that depend on the attitudes of the people affected. It needs to be accepted that destroying Cultural Heritage is a foolish strategic move in any conflict as history shows repeatedly that the destruction of a societies' Cultural Heritage galvanises nationalist sentiment and strengthen the communities resolve to resist attacks on their cultural identity. For example, during the Bosnian War the destruction of the Old Bridge of Mostar, a 6th-century Ottoman masterpiece, which was deliberately destroyed in 1993 by Croat tank fire, became a powerful symbol of national loss and identity. As a result of the destruction research suggests that rather than weakening community resolve, widespread destruction such as when it affects significant cultural landmarks, can mobilize public anger and rally citizens around the defence of the country.

To conclude this discussion of community resolve in the face of Cultural Genocide I quote, Reza Salehi Amiri, Iran's minister for culture and tourism, who on Al Jazeera News is reported as stating during the war on Iran, that:

"But while you can destroy the stone, you cannot bomb the faith a people have in their land. Iran is our soul, and we will defend this civilisation until the last moment."
(Al Jazeera. 2026)

In a non-war context, the 2020 ASPI report on the destruction of Uyghur and Islamic spaces in Xinjiang suggests that the Chinese Government must abide by its own constitution that covers the preservation of Cultural Heritage. The report states that in the constitution Article 4 allows:

... the indigenous communities of Xinjiang to preserve their own cultural heritage and uphold the freedom of religious belief outlined in Article 36. It must abide by the autonomous rights of minority communities to protect their own cultural heritage under the 1984 Law on Regional Ethnic Autonomy.

Furthermore, the ASPI report suggests that:

UNESCO and ICOMOS should immediately investigate the state of Uyghur and Islamic cultural heritage in Xinjiang and, if the Chinese Government is found to be in violation of the spirit of both organisations, it should be appropriately sanctioned.

Unfortunately, China has repeatedly denied the allegations and said the measures taken in the region are for countering extremism, terrorism and separatism and therefore any damage to Cultural Heritage is collateral damage.

9 Conclusions

“those who cannot remember the past are condemned to repeat it”

This observation by philosopher George Santayana from his 1905 book *The Life of Reason* continues to have profound resonance. Once again, it is relevant to the subject of Cultural Genocide, not learning from history seems to be a serious human failing. As Denis Glover in *Repeat: A Warning from History* (2024) reminds us *“If something can happen once, it can happen again.* Glover also suggests that there is hope: *If we can recognise destructive patterns as they begin to repeat, we can act decisively and avoid them.*

This research has found that Cultural Genocide seems to be on “Auto Repeat” as it has been an ever-present outcome of human conflict and today it is still clearly a highly contentious subject. The various aspects of Cultural Genocide are observed and discussed at great length in the media, academia and by international courts and cultural organisations.

Experiences from past and present conflicts lead organisations such as UNESCO, ICOMOS and ICBS to actively seek to establish mechanisms that will help to prevent or mitigate deliberate attacks on heritage infrastructure, especially but not only during military conflicts. The research has found that there are some positive programs, such as those of ICBS to educate military personnel, embedding heritage advisors as was done by the allied forces during the WW2, and to better identify the sites of Cultural Heritage that should not be targeted during conflict. However, the evidence suggests that the adoption of such strategies is often limited and, in some cases, dismissed by the military, as hindering their war fighting capabilities.

In relation to Cultural Genocide and its various manifestations, the current status is that there are established legal statutes and laws addressing warfare and Cultural Heritage. Unfortunately, the current wars in Ukraine, Gaza and Lebanon demonstrate that governments are not deterred by the existing international laws relating to the destruction of Cultural Heritage as they continue destroying Cultural Heritage and homes with seeming impunity.

We must both learn from past conflicts in terms of the application of international law, and conventions as well as learning from recent and current conflicts. Such as conflicts where terrorists and irregular forces such as ISIS, who are either ignorant of laws governing warfare or are not parties to the existing international conventions and are therefore committing Cultural Genocide against rival communities seemingly without penalty. At the same time there are members of the UN and signatories to the relevant laws and conventions who are guilty of knowingly committing Cultural Genocide in its various forms, regardless of the international laws and conventions. At least in relation to these UN member states there is a need for the UN to establish stronger penalties and or meaningful sanctions against those who are guilty of perpetrating Cultural Genocide. While ideally international sanctions should be imposed by the UN Security Council, to ensure that sanctions are consistent with international law, where this is not possible individual states can and do impose unilateral sanctions against another state. Despite the difficulty of enforcing international laws, national reputational damage is being done to those UN members who are responsible for Cultural Genocide, although unfortunately the countries identified in this report do not seem to be concerned about being branded as pariah nations.

Experience demonstrates that across the globe deliberate destruction of Cultural Heritage in both times of conflict and times of peace has been a constant. This situation is both continuing and increasing, especially in terms of modern warfare leaving cities and towns with damaged dwellings, monuments and other places of cultural significance to be removed, retained, restored or reconstructed. Therefore, addressing the post conflict options is a significant challenge for those responsible for recovery strategies. Obviously, the humanitarian needs of the community come first, including providing adequate shelter and essential services, followed by the difficult questions relating to the conservation and preservation of Cultural Heritage.

We must remember that technology and warfare have always had a strong relationship with innovation and new technologies providing the military with new and more powerful means of destruction. We are yet to see if new technologies such as AI and satellite imaging can provide positive prevention of mitigation outcomes or will it as Alamsyah, et al. discussed, turn to the “Dark Side” and end up being utilised to assist in identifying Cultural Heritage as targets to be destroyed rather than preserved. The big question remains, can the technologies such as satellite tracking, 3D scanning and AI, aid humanity in preserving its heritage during armed conflicts? The international and local initiatives, such as the International Committee of the Blue Shield programs with the military to raise awareness and the evolution of future AI tools present some positive benefits. However, only time will tell if these initiatives lead to the major powers adhering to the UN charters or that technology, as so often happens, becomes corrupted and utilised as a powerful tool aiding the deliberate destruction of the world’s Cultural Heritage.

To summarise, the practical options for preventing or limiting the destruction of movable and immovable Cultural Heritage in wartime, we need to learn from experience which suggests that there appear to be three key options, these are, robust legal protections, proactive military planning, and community-led emergency preparedness. Therefore, this relies on strong international law enforcement, the physical safeguarding of monuments and artifacts, and specialized training for armed forces.

In conclusion there is not a lot of positive messages in the findings of this report in terms of strategies or binding international agreements to reduce the level of deliberate destruction of Cultural Heritage either in peace-time or war-time. The positive finding from the research is that Cultural Genocide is the focus of considerable debate and awareness raising, including in the international media, which keeps the issue front and centre during times of intranational and international conflict. Despite these considerable challenges we need to remind ourselves that humans have demonstrated throughout history to be incredibly resilient in recovering from adversity. History shows that peoples come together in their communities and rebuild their society and recover and nurture their cultural values and Cultural Heritage, despite the best efforts of others to commit Culturcide, Urbicide and Domicide.

Finally, further to Glover’s proposition that; *if we can recognise destructive patterns as they begin to repeat, we can act decisively and avoid them*, our current challenge is that we are seeing the destructive patterns, but will humanity act decisively and avoid them happening over and over again!

Perhaps human rights author Samantha Power, best sums up the situation in the title of her Pulitzer Prize book: ***A Problem from Hell!***

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