

# Contemporary Conflict, Nationalism, and the Destruction of Cultural Property During Armed Conflict: A Theoretical Framework

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During armed conflict, cultural property can be intentionally destroyed or looted. Despite the development of many preventive measures in recent decades, this phenomenon has not observably decreased. The literature on cultural property destruction during armed conflict fails to interpret this trend within a broader theoretical framework. Therefore, this article links the empirical knowledge on destruction of cultural property to contemporary theories of war and nationalism. This is achieved through an analysis of documents and literature. Our main conclusion is that the identity-bound character of (or role of nationalism in) contemporary wars is linked to an increased incidence of cultural property destruction. Moreover, factors such as illicit war economies, the prevalence of contemporary wars in weak or failed states, and the multiplicity of actors engaged, contribute to the incidence of intentional cultural property destruction and looting. These insights can contribute to an improved understanding of the phenomenon and, consequently, to an enhanced cultural property destruction prevention strategy.

**KEYWORDS** cultural property, armed conflict, nationalism, identity politics, intentional destruction, looting

During armed conflict, cultural property is under serious threat. It can be spoiled or destroyed through intentional devastation, looting, collateral damage, or neglect. Although these phenomena are long-standing problems, and although the international community has invested in prevention, a decrease of intentional destruction (devastation and looting, not collateral damage) has certainly not been observed in recent decades. Well-known examples such as the shelling of the *Stari Most* (Old Bridge) in Mostar, the intentional devastation and burning of mosques and churches

during the Bosnian and Kosovan conflicts and the looting of archaeological sites and museums in Iraq and Afghanistan represent only the tip of the iceberg.

This phenomenon seems to coincide with the emergence of a new type of warfare as the number of inter-state wars has decreased. In internal conflicts, the politics of identity or nationalism is an increasingly important issue. Cultural property reflects and manifests the identity of conflicting identity groups. Hence, the destruction of cultural property can be used as a weapon of psychological warfare. Moreover, the looting of (and the illicit trade in) cultural property can feed informal economies and fund insurgents.

These insights suggest that there is a need to place the phenomenon of the destruction of cultural property during armed conflict within the theoretical framework of contemporary theories on nationalism and armed conflict, in order to obtain a broader understanding of the phenomenon and to interpret its place in the current world order. In doing so, we may find conceptual precepts that can contribute to the analysis of the phenomenon of destruction of cultural property during armed conflict, and thus to an enhanced prevention strategy (which will fall outside the scope of this article).

Since the 1990s a great deal of attention has been devoted to the destruction of cultural property during armed conflict. Numerous studies have focused on the interpretation of applicable international law standards (e.g. Hladik, 1999; Chamberlain, 2004; O'Keefe, 2006; Gerstenblith, 2006), while others have focused on particular cases to describe the phenomenon as such (e.g. Rothfield, 2008; Brodie et al., 2000; Stone and Farchack Bajjaly, 2008). Moreover, the process by which heritage is deployed in the service of nation-building has already been emphasized by numerous authors (e.g. Hobsbawm and Ranger, 1994; Harvey, 2008; Smith, 2009). However, studies that contribute to a more theoretical and holistic understanding of the phenomenon in the contemporary world order are rare. One exception is Bevan's contribution, where he systematically argues that cultural property is the objective in conflicts where the erasure of the memories, history, and traditions attached to architecture and place is the goal in itself (Bevan, 2006). However, here we will take theories on contemporary conflict as our starting point in order to frame the phenomenon of intentional destruction and looting in the contemporary world order.

This article begins by explaining the main concepts used, namely cultural property, nationalism, and armed conflict. It then elaborates on contemporary theories on war, which are then linked to the increasing frequency of intentional cultural property destruction. This leads on to the insight that some features of contemporary wars — their identity-bound character, the existence of illicit war economies, the prevalence in weak or failed states, and the involvement of multiple actors — are directly related to an increased incidence of cultural property destruction. The article finishes by drawing some conclusions that should be taken into account in order to enhance cultural property destruction prevention strategies.

## **Cultural property, nationalism, and armed conflict**

In order to clarify how these main concepts are employed in this article, we provide a short description here.

This article focuses exclusively on tangible heritage (although heritage is never solely tangible, since even the tangible can only be interpreted through the intangible). Hence, we do not consider intangible cultural heritage (such as music, traditional parades, or crafts), even though such heritage can also be threatened during armed conflicts. We focus exclusively on the physical devastation and looting of tangible heritage. Therefore the term ‘cultural property’ rather than ‘cultural heritage’ — which is broader in scope — is employed here. ‘Cultural property’ is used as an overarching term that includes material cultural heritage: constructed or immovable as well as movable heritage; officially designated World Heritage as well as the heritage of local communities; and religious as well as secular heritage.

Furthermore, this article will not focus on the destruction of cultural property during armed conflict that occurs through collateral damage, since it concentrates on intentional deeds, which we describe as intentional destruction (e.g. the shelling of the *Stari Most*) and looting (e.g. looting of entire archaeological sites in Iraq or Afghanistan).

An armed conflict is a conflict in which the participants engage in violence. Nonetheless, identifying such occurrences is difficult since a continuum of situations exists, ranging from military flights over another territory through to total wars (Ramsbotham et al., 2006: 28). The presence of an armed conflict does not necessarily depend on war having been declared, since the custom of declaring war fell into disuse during the twentieth century. Only the facts on the ground can define a state of armed conflict, as stipulated by the four Geneva Conventions. Article 2 stipulates that international humanitarian law is applicable as of a formal war declaration and in all other armed conflicts, even if the state of war is not recognized by one of the parties.<sup>1</sup> This means that we speak of an armed conflict when armed violence is *de facto* used. However, the *Second Additional Protocol of 1977 to the Geneva Conventions* points out that ‘situations of internal disturbance and tensions, such as riots, isolated acts of violence and other act of a similar nature’ are not armed conflicts.<sup>2</sup> Therefore, the International Criminal Court defines armed conflict in article 8 (2)(f) as something that ‘takes place in the territory of a State when there is protracted armed conflict between governmental authorities and organized armed groups or between such groups’.<sup>3</sup> Hence, we speak of an armed conflict only when the violence is protracted.

Finally, nationalism refers here to the political principle that aims at rendering the boundaries of the nation congruent with the boundaries of the governance unit or the state. In doing so, we refer to authors such as Gellner (1983), Breuilly (1982), Hobsbawm (2008), Anderson (2006), and Hechter (2002), who point at the political meaning of nationalism. Furthermore, nationalism can be interpreted as a moral ideal, since nationalism can be used to justify violence. Hence, the nation is a very strong form of group identification, because the political duty that arises out of nationalism overarches all other duties. The principle of loyalty is therefore significant for nationalism (e.g. Hobsbawm, 2008: 9, Ignatieff, 1993: 3).

## The changing nature of war

Although theorists are not unanimous on the starting point (i.e. after the end of the Second World War, or after the end of the Cold War), by the end of the twentieth

century, the main features of armed conflicts had changed. Contemporary conflicts no longer reflect strife between two centres of power, as did the majority of conflicts following the Peace of Westphalia. Rather, they reflect the fragmentation of state structures and economies. Analysts point to the impact of globalization on weak states, the ability to obtain cheap weaponry usable in ‘asymmetric wars’, and a generation of shadow economies that make these wars profitable (Ramsbotham et al., 2006: 4–5).

Thus, theorists have reached certain degree of consensus, arguing that inter-state conflicts are now rather uncommon. Kalevi J. Holsti points to the number of inter-state wars, which decreased considerably since 1945 (Holsti, 1996: 24). Today, the number of inter-state wars has shrunk to an absolute minimum. According to Lotta Harbom and Peter Wallensteen, in 2006, for the third year running, no conflicts were fought between states<sup>4</sup> (Harbom and Wallensteen, 2007: 626). While we cannot herald the absolute end of inter-state conflicts, a manifest evolution towards more intra-state conflicts is observable, and even current inter-state conflicts are characterized by features of contemporary internal wars.

Although this article more than once refers to theories on ‘new wars’ — a term *inter alia* used by Mary Kaldor (1999) and Herfried Münkler (2005) — this term will not be used. Kaldor used the term ‘new’ to distinguish these wars from the prevailing perception of war drawn from an earlier era, and the term ‘war’ to emphasize the political nature of these new types of violence (Kaldor, 1999: 1–12), even though they involve a blurring of the distinction between war (usually defined as violence between states or organized political groups for political motives), organized crime (violence undertaken by private organized groups for private purposes, usually financial profit), and large-scale human rights violations (violence undertaken by states or politically organized groups against individuals). Although we agree with the greatest part of her theory, there is considerable debate on the ‘new’-ness of these features: when were they introduced in war and were some of them not always features of internal wars? Moreover, the features of contemporary wars are not entirely new, because they show clear similarities with older conflicts such as the Thirty Years War. Their features are, however, new compared to those of the majority of wars since the Peace of Westphalia and the establishment of sovereign states. Other terms used are neither satisfactory. The term ‘ethnic conflict’ presumes a conflict between ethnic groups whereas, as Holsti points out, ethnicity is just one element of social division. Religion, class, caste, faction, language, and territorial location are also relevant. Hence, conflict can concern all types of communities, not only ethnic ones (Holsti, 1996: 106). The term ‘civil war’ seems to be more suitable at first glance. However, it tends to refer to a more traditional concept in political science, and therefore does not illuminate the changing nature of war, such as their link with globalization and the establishment of shadow economies. ‘Protracted social conflict’ (Azar, 1986) is also used, but it only refers to one feature of these wars: that they are protracted. ‘Wars of the third kind’ (Holsti, 1996) suggests the existence of two other kinds of war, on which no clear consensus exists. Therefore, we speak of ‘contemporary wars’ allowing the elucidation of the multiple causes and results.

## **Identity, (sub-) nationalism, and intentional destruction of cultural property**

Inventorizing contemporary theories on armed conflict leads to the conclusion that modern wars have characteristics that can be linked to an increasing incidence of intentional cultural property destruction during armed conflict. Contemporary wars are, or become, identity-bound or they (eventually) revolve around communities ('imagined' or otherwise) and are consequently linked to nationalism. This feature paves the road to an increased incidence of intentional destruction of cultural property.

### ***Contemporary wars, (sub-) nationalism, and identity***

Current armed conflicts are more likely to revolve around communities and how they relate to each other than they are to revolve around particular interests of states (Ramsbotham et al., 2006: 21). Economic or social deprivation, the emergence of a power vacuum or the collapse of the state can intensify a collective need for identity. This budding nationalism is then used in the mobilization process, becoming a focal point in violent conflicts. As argued by Lake and Rothchild, ethnic conflicts (as they refer to them) are

most often caused by collective fears for the future. As groups begin to fear for their safety, dangerous and difficult-to-resolve strategic dilemmas arise that contain within them the potential for tremendous violence. As information failures, problems of credible commitment, and the security dilemma take hold, groups become apprehensive, the state weakens, and conflict becomes more likely. Ethnic activists and political entrepreneurs, operating within groups, build upon these fears and polarize society. Political memories and emotions also magnify these anxieties, driving groups further apart. Together these between-group and within-group strategic interaction produce a toxic brew that can explode into murderous violence. (Lake and Rothchild, 1996: 41–42)

Thus, political mobilization occurs via nationalist ideologies, which are deployed in the service of nationalistic aims, namely the making of the identity group or 'nation' congruent with the governance unit. Herewith, we enter within the bounds of theories on nationalism. By 1986, Anthony D. Smith had already pointed to the complementarity of theories of contemporary armed conflict and nationalism. He linked his insights into nationalism with Azar's theory on protracted social conflicts. He argued that

under modern conditions, popular antagonisms of class and ethnicity that often been latent and frozen have today become acute and manifest political issues, and new antagonism created by their example and by modern social conditions are constantly being added to the repertoire of contemporary conflicts. (Smith, 1986: 63–64)

Moreover, he questions how it is possible that large numbers of people are mobilized for conflict and war, when many thought 'the fires of nationalism were extinguished' (Smith, 1986: 65).

Kaldor speaks, in analogy with 'new wars', of 'new nationalism'. This nationalism is regressive and contributes to a wild, anarchistic form of globalization, characterized by violence and inequality (Kaldor, 2004: 162). She immediately links this

nationalism to new wars: nationalism has to be understood as a crucial point in the intimate relationship between the modern state and war (Kaldor, 2004: 165), although Holsti had already pointed to this intimate relationship, albeit less explicitly. He argued that the nation state excludes by its nature. A state that is based on a mythic 'natural' community in a real context of different communities within one state lacks a certain degree of legitimacy (Holsti, 1996: 57–58).

Although violence and nationalism are clearly intertwined, there are some nuances to be aware of, since different tendencies exist in nationalism and not all forms of nationalism are related to war. Although elaborating on a different classification is beyond our scope here, we pinpoint that the more exclusive nationalism is, the more it will tend to result in violence.

In contemporary conflicts, identity is thus deployed in the service of political mobilization. In this regard, we do not argue that these units or communities are entirely 'imagined' or manufactured. They probably existed already, however, albeit in a more latent, multi-layered, and fluid manner. In the period leading up to an armed conflict, the notion of identity is (mis)used in the process of political mobilization, and identities (in the form of nations) are presented as homogeneous, well-defined entities. Such identity politics are thus exclusive by nature, and they therefore tend towards fragmentation (Kaldor, 2006: 7).

### ***Identity and cultural property***

In order to enhance this mobilization process, nations or potential nations need their own identity. Obviously, this identity is largely designated by culture. Smith argues that myths can contribute to the mobilization of people for political action. This political action draws on a nationalist mythology based on political and cultural nationalistic premises. However, this mythology itself draws on much older mythical motives, which still live within older generations of the community. The expanded mythology of contemporary communities is formed by nationalistic intellectuals who have dug into the history, philology, and anthropology of their community. The evolutionary model of history is twisted to serve their own ethnic goals. Ethnic myths of descent are thus used to legitimize claims for rights (Smith, 1986: 73). In Northern Ireland, for example, 'the conflict has been centred on myths of descent founded on rival, mutually exclusive readings of religio-communal history' (Smith, 1986: 75). This is, for instance, reflected in the celebration of past victories, such as the Battle of the Boyne, in parades. Parades are interpreted as celebrations of in-group solidarity and therefore as manifestations of Protestant dominance over the Catholic minority. Clearly, they intensify political and cultural differences and often result in violence. These parades enhance in-group solidarity, but intensify out-group competition and prolong the conflict (Conteh-Morgan, 2004: 81–82). In a further example, Bernhardsson argues that Iraq, from its foundation in 1921, was searching for a national identity. In particular after 1958, pre-Islamic cultural property was used in this process (Bernhardsson, 2008). Prime Minister Qasim concentrated on the building of a sovereign Iraq, separate from the rest of the Arabic world, with a particular identity built on the country's pre-Islamic past. When Saddam Hussein took power in 1979, this process evolved into a more malign form: archaeology provided the justification for the government's legitimacy and policies (Bernhardsson, 2008: 200–01).

Smith elaborates on this in his later work and points to the importance of symbolic resources for the nation. Firstly, symbolic resources contribute to a certain degree of community awareness or even cohesion. Secondly, common cultural elements give communities a distinguishable symbolic repertoire, which helps them to distinguish themselves from other communities ('we' from 'them'). They also help to draw the profile of a certain community and its borders. Finally, common values, memories, rituals, and myths ensure some degree of continuity with previous generations (Smith, 2009: 25). However, Smith does not define this process as conscious reconstruction, but rather as 'the emergence of myths of common ancestry' and 'the result is usually a complex combination, if not a fusion, of origin myths' (Smith, 2009: 33–34).

Breuilly also points to the fact that national movements make use of symbols and ceremonies that give national ideas a more pronounced form and power (Breuilly, 1982: 344–48). Nations do need, as Anderson (2006) argues, their own biography; nations need their narrative (or an identity), which is constructed through remembrance, but also through the forgetting of certain events (Anderson, 2006: 204–06). For Kaldor, ideologies such as nationalism are backward-looking or regressive, 'the appeal to an imagined past, and propose to reserve at least some aspects of the current change' (Kaldor, 2004: 162). It is even possible to argue that nationalist movements routinely reinvent particular versions of history and memory to construct new cultural forms to use in the process of political mobilization (Kaldor, 1999: 76–85). Brewer (2006) defines nations as 'communities of memory'; members are socialized in what to remember and what to forget. These memories are mirrored in public remembrances and memorials, in public images, texts, photos and rituals by which people are socialized. Intentional collective amnesia or denial contributes to nation-building efforts. Items that are problematic and which thwart the construction of the 'imagined community' are expelled from the narrative (Brewer, 2006: 216).

Indeed, history clearly plays a role in the construction of identity. Traditions and history are also a part of contemporary politics, and are reflected in mechanisms of cultural production in order to create a particular version of collective memory and a feeling of national and cultural identity (Goulding and Domic, 2009: 87–88). In this way, museums and heritage become cultural bearers of ideology embedded in a selective version of history (Goulding and Domic, 2009: 99). In other words, people use the past to give themselves a place in the present. The history of the 'other' can be integrated into this process. However, the past of others can also be neglected. On the other hand, identity is needed to create heritage. 'Meaning' gives value to heritage and explains why certain artefacts, buildings, traditions, and memories are, or are not, 'selected' as heritage. Not all historical items are regarded as constituting either heritage or culture. Meaning is given through identity and is produced and exchanged by social interaction. This process results in the contemporary character of heritage, since heritage is created, formed, and managed through the questions of the present. Hence, heritage is subject to constant revision and change, and is the source as well as the result of social conflicts (Graham and Howard, 2008: 2). The discipline of archaeology in particular, is linked to nationalism, originating in the nineteenth century together with the rise of nation-states. Archaeology generates knowledge that can be deployed in the process of legitimizing the nation. Clearly, archaeology has to

be practiced objectively, though this is not easy, since archaeological knowledge depends on interpretation and thus is an inherently social product and is linked to different intellectual traditions. Archaeological fieldwork can be understood as a mirror and mediator of broad political interests and its results have more than once been deployed for political aims (Abu El-Haj, 2001: 1–9).

### **Intentional cultural property destruction**

Symbolic goods in particular are targeted in contemporary wars provoked by new nationalism as a message or even a statement (Kaldor, 2004: 170). Hence, when nationalism is deployed for political mobilization in contemporary conflicts, communities (or nations) are targeted and, consequently, their private properties will be interpreted as ‘interesting’ goals.<sup>5</sup> The targeting of these goals is ‘necessary’ in order to adversely affect the ‘other’ party, which in contemporary wars is no longer necessarily a state but an ‘other’ community or nation. Hence, it is not surprising that cultural property plays a role in the conduct of warfare. Parties in a conflict try to affect the ‘other’ through the demolition or destruction of cultural property that reflects either the identity of that ‘other’ or a common identity. Moreover, these goods can play a role in the reconstruction of the nation’s past. They help tell the nation’s narrative and the story of its belonging to a specific territory. Seen with such logic, elements that obscure this narrative, such as symbols of an ‘other’ nation, have to be erased.

Moreover, territorialization is, as Smith (2009) argues, one of the most important features of nationalism. This happens through the creation of ethnoscares, in which a people and its homeland increasingly become symbolic. So, the community gets ‘naturalized’ and becomes a part of the environment, the landscape gets historicized and bears the features of the historical development of a community. In this vein, the process creates a homeland for a certain people (Smith, 2009: 47–48). Notions of a historic homeland can, according to Brewer, lead to violence (Brewer, 2006: 216). Although Smith does not mention this in particular, we argue that the destruction of cultural property during armed conflict can be interpreted partly within this process of territorialization. If a landscape has to bear the features of the historical development of only one community, some interventions, such as the erasing of symbols that mirror other communities, are ‘needed’. Destruction of cultural property can, in this vein, even be considered as an essential step in the process of ethnic cleansing, which aims at erasing entire communities in order to render the territory homogeneous.<sup>6</sup> The destruction of history and culture or the removal of the physical landmarks (or even cultural claims) of a certain community in a certain area is used as a method to render an area uninhabitable for that community. All features or cultural claims of a certain community disappear via the destruction of religious property, archaeological remains and other cultural properties. When these features are erased, it becomes easier to believe the reconstructed version of history, which empowers the claim on the territory of the remaining community. This practice was illustrated in, for example, the Balkan Wars of the 1990s. Goulding and Domic describe the phenomenon in relation to the events in the first half of the 1990s in Croatia:

It is a politics of ‘absence’ that is collectively embraced, but it also illustrates that it is not only the tangible reminders of the past that help to forge a national identity, but also that which are invisible or absent. (Goulding and Domic, 2009: 95)

Similarly, Riedlmayer (2002) argues that the destruction of cultural property in Bosnia-Herzegovina was one of the methods of ethnic cleansing. He investigated damage at 392 Muslim sites and concluded that it was certainly intentional. It was an act aimed at obscuring the multi-ethnic past of Bosnia-Herzegovina and thus can be interpreted as part of efforts to reconstruct memory and history (Riedlmayer, 2002: 11). One of the most famous examples was the 1993 attack on the *Stari Most* in Mostar by the paramilitary Croatian Defence Forces. The Ottoman bridge was interpreted as a symbol of the Bosnian Muslims. Moreover, the neighbourhood around the bridge, an almost perfectly preserved Ottoman vestige, was entirely destroyed. However, Orthodox buildings were also attacked. For example, the fifteenth-century Orthodox monastery of the Annunciation of Žitomislici in Herzegovina was destroyed by Croatian forces (Carmichael, 2002: 86–87). At the end of the Abkhazian war against Georgia in 1993, armed forces threw grenades at the building of the Abkhazian Archive. The documents of the archive reflected Abkhazian identity, but documents of the Greek, Jewish, Armenian, and Russian communities that symbolized the multi-ethnic nature of Abkhazian society before the war were also hit (Ascherson, 2007: 22).

The systematic destruction of cultural property can even, in this regard, be considered as a part of the process of genocide. Although intentional destruction of cultural property is not formally regarded as a form of genocide (cultural genocide), it can count as proof that genocide has occurred. The International Criminal Tribunal for the former Yugoslavia concluded in the case General Radislav Krstić that ‘customary international law limits the definition of genocide to those acts seeking the physical or biological destruction of all or part of a group’, and so that ‘an enterprise attacking only the cultural or sociological characteristics of a human group in order to annihilate these elements which give that group its own identity distinct from the rest of the community would not fall under the definition of genocide’. Nevertheless, the Court notes the following:

The Trial Chamber however points out that where there is physical or biological destruction there are often simultaneous attacks on the cultural and religious property and symbols of the targeted groups as well, attacks which may legitimately be considered as evidence of an intent to physically destroy the group. In this case, the Trial Chamber will thus take into account as evidence of intent to destroy the group the deliberate destruction of mosques and houses belonging to members of the group.<sup>7</sup>

Moreover, intentional destruction of cultural property aggravates cultural and political differences and could thereby prolong, intensify, or even reignite violence. The bombing of the Al-Askari Mosque in Samarra in 2006 and the increased inter-ethnic violence that followed clearly illustrates this. In March 2004, a reawakening of violence occurred in Kosovo when mosques and churches were set alight.

Finally, the looting of cultural property during and after war can also be partly interpreted in this regard. Bernhardsson argues that the association of archaeology with the former regime justified the lootings of museums after the fall of Saddam Hussein (Bernhardsson, 2008: 200–01). This was confirmed by expert interviews which the author conducted in order to analyse Iraq as a case, albeit less pronounced. We can conclude that this was certainly a motive for some of the looters, but not for all of them. Profit was certainly an important motive, too, on which will be elaborated later.

However, one could argue that this kind of intentional destruction of cultural property also happened in earlier times (i.e. the period from the Peace of Westphalia until the end of the twentieth century), and is thus not specific to contemporary wars. Events such as *Kristallnacht* or the bombing of Dresden during World War II could be interpreted in this regard. Indeed, this is partly true. Some authors point to the fact that harbingers of the changes that led to the emergence of contemporary wars were already present during the total wars of the twentieth century. Holsti (op. cit.) claims that new technologies and the rise of air warfare during World War I made harming civilians unavoidable. Consequently, the difference between civil and military targets began to erode. Moreover, almost the entire male population had to participate in these conflicts. To recruit them, nationalistic propaganda was used. As such, conflict between forces transformed into conflict between nations (Holsti, 1996: 28–35). According to Kaldor, the total wars of the twentieth century started to deviate from the pattern of old wars and can be interpreted as harbingers of new wars; the difference between private and public decreased and the term ‘genocide’ entered into legal parlance (Kaldor, 1999: 29–30). The destruction of cultural property, such as the burning of synagogues during *Kristallnacht*, illustrates this evolution. On the evening of 9 November 1938, for example, the synagogue of Dresden was burned down intentionally in order to abolish the symbol of the Jews of Dresden (Taylor, 2005: 83–84). Nevertheless, this reasoning seems incorrect when applied to the bombardment of Dresden at the end of the war, in which the majority of the city’s valuable cultural property was lost. The contemporary debate points more and more towards military reasons for the bombardment. During the war, the optical industry of Dresden was turned over to a war industry and thus the factories in the city became military objectives. Furthermore, the bombardment was intended to reduce the morale of the Germans and so hasten the conclusion of the war (Taylor, 2005). In this vein, the bombardment of Dresden aimed at something different from the burning of the synagogue or, for example, the destruction of the Buddhas of Bamiyan, which involved respectively targeting the Jews and the Hazara as an identity group or a community for whom the synagogue or the Buddhas were an important symbol.

### **Illicit war economies, weak states, and the involvement of multiple state and non-state actors**

Moreover, the identity-bound character of contemporary wars or the new nationalism in contemporary wars is intrinsically linked to some other features of these conflicts, which also tend to contribute to the increased incidence of cultural property destruction and looting — namely, the incidence of illicit war economies, the link with weak or failed states and the involvement of multiple state and non-state actors.

#### ***Illicit war economies***

Authors such as Kaldor (1999) and Münkler (2005) indicate that contemporary wars are, more than ever before, privatized. Previously, for most of the modern era, armed conflicts were fought largely between national forces and were consequently mainly financed by state resources. Currently, by contrast, wars are mostly fought between

identity groups or communities — that is to say, private groups. These private groups cannot count on state resources and have to finance conflicts by themselves. This is, *inter alia*, possible through the trade in natural (or cultural) resources.

Collier (2000) has elaborated on this and developed an economic theory of armed conflict. He claims that the financial means of the participants in conflicts prevail over their motivations (Collier, 2000: 4). His colleague Bannon argues that the presence of primary commodities will, particularly in low-income countries, increase the risk of armed conflict; this is, however, nuanced by the claim that resources are never the only source of armed conflict (Bannon and Collier, 2003: ix–6). The looting of natural resources, rather than the seizing of power, tends to be the aim of the conflict. Nevertheless, this thesis has increasingly become the object of criticism, mainly because of its assumption of the existence of a causal link between the origins of armed conflict and resources (Arnason, 2005: 6–7). To argue that resources are the primary cause of armed conflict ignores a lot of inter-disciplinary literature that demonstrates that historical, social, psychological, and economic dimensions are at stake, too. Although resources certainly play a role in the prolongation and expansion of armed conflicts, the origins cannot simply be reduced to resources (Chernick, 2005: 203–04). According to Zartman, it is not interesting to find out whether conflicts arise as a result of need, creed or greed; rather, it is interesting to analyse how these factors inter-relate during armed conflicts (Zartman, 2005: 256–57). However, as conflicts evolve or are prolonged, resources play an increasingly important role. The longer the conflict lasts, the greater the temptation to enter into a phase of greed (Zartman, 2005: 268). Ramsbotham, Woodhouse, and Miall argue that identity-based or ideology-based conflicts can be fed by the failure of existing governmental structures that are no longer able to fulfil expectations and basic needs. However, economic motives alone do not explain the intrinsic motives of armed conflicts. Such analysis is applicable only to quasi-states, in which formal structures are eroded and war economies became endemic (Ramsbotham et al., 2006: 139–40).

Hence, most armed conflicts do not result from economic motives. Economic motives and profit will, however, play an increasingly important role during the conflict, which will result in the formation of shadow economies. The traffic in ‘blood’ diamonds, other gems, drugs and tropical timber has a particular reputation in this regard. The trade in these kinds of commodities will eventually prolong the conflict. Because of its lucrative nature, the benefits to its participants of ending of the conflict will decrease. The beneficiaries stand to gain more by prolonging the conflict than by ending it.

Illicit excavation of archaeological sites can sometimes be interpreted in this vein. There is increasing evidence that the looting of cultural property is being used to help fund insurgencies, although Interpol is hesitant to confirm this link publicly. Bogdanos makes an explicit connection between the looting and trade in antiquities and the funding of the underground economy and insurgency (e.g. Bogdanos, 2005: 477–529; Bogdanos, 2008: 109–34; Stone and Farchakh Bajjaly, 2008: 5). In Afghanistan and Cambodia, it was ascertained that the evolving erosion of state power led to an expansion in the illicit trade in cultural property as a result of an explosion of plundered archaeological sites. The resources raised through this trade funded the armed combatants. The money spent by Western antiquities collectors is, in other words, funding and prolonging armed conflicts (Brodie and Walker Tubb, 2002: 7).

This illegal activity is growing, and it is becoming increasingly attractive to criminals and insurgents (Stone and Farchakh Bajjal, 2008: 5).

### ***Weak or failed states***

As pointed out, contemporary conflicts are the result of problems within states rather than between them. New and weak states are the primary loci of such contemporary conflicts, because they are often the result of the lack of political legitimacy of a ruler in the eyes of the ruled (Holsti, 1996: xi–xii). Hence, wars are an illustration of anarchy in states. Weak states are characterized by a lack of legitimacy on different levels and they can quickly erode further and become failed states (Holsti, 1996: 119–22). According to Münkler, new wars are ‘state-disintegrating wars’, because they will lead to the implosion of new or unstable states (Münkler, 2005: 8). The implosion of states is thus the result as well as the cause of these conflicts, because a weak state allows violence to occur and violence, in turn, plays a role in the erosion of legitimacy and order (Zartman, 2005: 5). Weak states are characterized by a lack of functioning state structures, an absence of law and order, and by inhumanity and insecurity. Moreover, weak states often fall prey to criminal organizations, corruption, and inefficient police systems. Criminal organizations make use of the situation in order to establish international illicit trafficking (Garelli and Montanari, 2003: 21).

Hence, it is not surprising that the destruction of cultural property occurs more often in weak or failed states. Due to the lack of law and order, perpetrators are not effectively punished and the looting of cultural property becomes easier. Illicit excavation can take place undisrupted, due to a lack of security. Inhumane deeds, such as the destruction of the cultural property of other parties, are tolerated more readily. Moreover, looted antiquities can cross borders more easily. Finally, cultural property preservation activities will mostly be discontinued in weak or failed states, such that cultural property is neglected.

According to the conclusions from the expert interview the author conducted on Iraq, this was precisely what happened.<sup>8</sup> The Americans were not enough prepared to establish law and order after the fall of Saddam. There were simply not enough troops to stabilize the situation. Most supporting troops, including the cultural affairs officers, were still in Kuwait, when Baghdad was entered earlier than expected. Following the Hague Convention (which was not ratified by the US, although the US stated that it would act in its spirit) the occupying forces had a responsibility to protect cultural heritage. However, the coalition forces were not able to do so and were not prepared; they were in general unable even to provide civilian security. Looters of museums and archaeological sites could act uninterrupted and goods could cross borders easily. Moreover, the state was (as early as 1991) no longer able to provide social security and farmers, in particular in the South, lost their jobs. Looting became therefore a way to feed their families. And finally, the security situation did not allow international archaeologist to work in the country.

### ***Involvement of multiple state and non-state actors***

Finally, contemporary wars are characterized by the presence of multiple state and non-state actors.

Holsti argues that wars have assumed a new profile since 1945 and that these wars have been fought by loose groups, irregular cells, or even local warlords under little or no central authority, rather than by regular forces (Holsti, 1996: 20). According to Münkler, warlords, mercenaries, and terrorists play an increasingly important role in new wars (Münkler, 2005). These multiple ‘new’ actors can be ‘new’ perpetrators of cultural property destruction. Sometimes, these actors are even those charged with securing an area and its cultural property, such as peace-keeping forces and private military companies. Recent examples show that these forces can be involved in the destruction of cultural property. In January 2008, for instance, UN Blue Helmets of the MINURSO peace mission vandalized a prehistoric site featuring rock paintings over 6000 years old (Alberge, 2008).

## Conclusion

Since incidents of intentional cultural property destruction and looting during armed conflicts have been observed frequently in recent decades, this article has aimed to frame this phenomenon in the context of the current world order. In order to do this, we have related contemporary features of armed conflict and nationalism to the phenomenon of cultural property destruction.

By the end of the twentieth century, the main features of war had changed significantly. This article has argued that the identity-bound character, or the ‘new nationalism’, of these wars is linked to an increased incidence of cultural property destruction. In new wars, different communities reflect conflicting claims on nationhood and identity is deployed in the service of political mobilization. Identity is largely designated by culture and so by cultural property. Hence, it is not surprising that cultural property is becoming an important target in these conflicts and that its destruction is framed in the process of ethnic cleansing. Moreover, some other features of contemporary wars, which are intrinsically linked to their identity-bound character, also contribute to cultural property destruction and looting. Firstly, due to the fact that new wars are not fought by states but rather by communities, these communities have to search for revenues themselves and they therefore engage in criminal activities. The looting and subsequent illicit trade in cultural property can be interpreted in this regard. Secondly, new wars appear more often in weak or failed states where law and order is lacking. Hence, cultural property destruction and looting are easier to undertake. Lastly, multiple state and non-state actors are or are potentially involved, which implies that there are more potential perpetrators of cultural property destruction during armed conflicts (e.g. insurgents, mercenaries, peace-keeping forces, etc.).

However, we must point to the fact that these theories on the changing nature of armed conflicts were already the object of critique. Kalyvas (2001) argues that the suggested inherent difference between new and old civil wars is not demonstrated. He refers to authors who argue that new civil wars are criminal rather than political phenomena. According to Kalyvas, these theories stem from incomplete and biased information of recent wars and the neglect of research into older wars (Kalyvas, 2001: 100). However, he particularly refers to the most extreme opinions on the changing nature of armed conflict which have already been nuanced in this paper. He, for

example, refers to the difference between ‘justice-seeking’ and ‘loot-seeking’ civil wars (Kalyvas, 2001: 101). We have also critiqued a causal relationship between resources and the origins of war. Nevertheless, we think that resources increasingly play a role in the progress of the war, since war is fought less between states, which could count on state revenues, than within a state. Hence, non-state actors involved have to create revenues themselves. Moreover, Kalyvas indicates himself that in civil wars before the end of the Cold War, non-state actors could count on external revenues from the superpowers (Kalyvas, 2001: 117). Here we come to our main argument: Kalyvas makes a great contribution to the debate, but his critique is based on rejecting certain specific statements. However, he does not reject Kaldor’s theory which is framed within the context of globalization and the erosion of sovereign states. New wars appear in the context of erosion of the autonomy of the state and in some extreme cases the disintegration of states. In particular, they appear in the context of the erosion of the monopoly on legitimate organized violence (Kaldor, 2006: 5).

Insights in the changing nature of war aim to provide an improved understanding of the phenomenon of cultural property destruction; of perpetrators’ profiles and motives; and consequently to formulate an enhanced prevention strategy. In this vein, Holsti has already observed that key concepts used in older wars, such as the balance of power, hegemony, alliances, and so on, are no longer applicable. International humanitarian law and international organizations sometimes still rely on these principles. Diagnostics and solutions for wars are still predicated on the view that these conflicts occur between states. Therefore, new threats have to be identified (Holsti, 1996: 18). Although awareness of the fact that contemporary wars differ significantly from old ones has increased significantly, this is not always taken into account in the protection of cultural property during armed conflicts, because the phenomenon of cultural property destruction has not been systematically linked to these kinds of wars and to theories on nationalism. Nevertheless, some changes in prevention strategies are already observable, though mostly in the area of international law (cfr. *The 1999 Protocol to the Hague Convention of 1954*,<sup>9</sup> which is also applicable to non-international conflicts and in which individual criminal responsibility is established). Some significant problems remain unsolved, even in this area, however. For example, in the realm of peace-keeping, since the destruction of cultural property can contribute to ethnic cleansing, the protection of cultural property during peace operations should, more than ever, be a task of those operations. On the one hand, peace-keeping forces seem to have the obligation to respect cultural property, but on the other hand it remains unclear whether they have an obligation to intervene when violations are committed by other parties to the conflict (Van der Auwera, 2010: 14). Nevertheless, we must point to the NATO and UN awareness is rising which was illustrated by KFOR and UNMIK protection of historic sites in Kosovo. Moreover, in relation to topics such as the military, cultural diplomacy, education, civil society action, and so on, an awareness of these facts is not yet established and prevention measures have not yet adjusted to the new profiles and motives of perpetrators.

Finally, the fact that the incidence of cultural property destruction is more likely in weak or failed states illustrates the need for adequate international community action. UNESCO has developed a lot of tools (conventions, diplomatic activities, awareness rising, etc.) and coordinating bodies (such as the International Coordinating Committees for the protection of cultural property in Cambodia, Iraq, and

Afghanistan). However, UNESCO still leaves the responsibility of cultural property protection during armed conflicts to national governments (states). The ICBS is another case in point. This non-governmental organization was established in 1996 by the four main cultural-property NGOs: ICOM, IFLA, ICA, and ICOMOS. In 2005, ICCAAA joined as well. Moreover, the ICBS has established a number of National Committees (19 in April 2011), and the Association of National Committees of the Blue Shield was founded in December 2008. In the *Second Protocol of 1999 to the Hague Convention*, the ICBS was formally recognized as the advisory body of the Committee for the Protection of Cultural Property during Armed Conflict, which was established by the same Protocol (Cole, 2008: 67–68). Although the ICBS aspired to be the coordinating body for the protection of cultural property in Iraq, its low funding and invisible international profile prevented the organization from achieving this objective. According to Stone and Farchakh Bajjaly, the heritage community has a major responsibility to engage with the ICBS, to ensure that it receives better funding and to raise its profile (Stone and Farchakh Bajjaly, 2008: 6). Finally, since cultural property destruction and looting are rather conflict constituting elements than side effects and incidences can be link with particular characteristics of contemporary conflicts, I think UNESCO and the ICBS must invest in proactive incidence detection to enhance their prevention strategy.

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## Notes

- <sup>1</sup> Common article 2 of the Geneva Conventions, <<http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/genevaconventions>>.
- <sup>2</sup> *Protocol Additional to the Geneva Conventions of 12 August 1949*, and relating to the protection of victims of *Non-International Armed Conflicts (Protocol II)*, <<http://www.icrc.org/ihl.nsf/7c4d08d9b287a42141256739003e636b/d67c3971bcff1c10c125641e0052b545>>.
- <sup>3</sup> *Rome Statutes of the International Criminal Court*, <[http://www.icc-cpi.int/NR/rdonlyres/EA9AEFF7-5752-4F84-BE94-0A655EB30E16/o/Rome\\_Statute\\_English.pdf](http://www.icc-cpi.int/NR/rdonlyres/EA9AEFF7-5752-4F84-BE94-0A655EB30E16/o/Rome_Statute_English.pdf)>.
- <sup>4</sup> Though we have to note that Harbom and Wallensteen consider five conflicts as ‘internationalized’. An internal conflict is seen as internationalized when a state that is external to the original conflict contributes troops in support of one of the primary warring parties (mediation efforts and peace-keeping are thus excluded) (Harbom and Wallensteen, 2007: 626).
- <sup>5</sup> Remarkable here is that Breuilly, although not in the context of war, already pointed to the fact that nationalism would lead to the erosion of the difference between the public state and private society. When the state is in hands of the nation, the difference between the state and society does not exist anymore (Breuilly, 1982: 377).
- <sup>6</sup> An Expert Commission of the United Nations reported in 1993 to the Security Council that ethnic cleansing involves ‘the planned deliberate removal from a specific territory, persons of a particular ethnic group, by force or intimidation, in order to render that area ethnically homogeneous’ (Carmichael, 2002: 2).
- <sup>7</sup> *Prosecutor v. Krstic*, IT-98-33-T, Trial Chamber Judgment, 2 Augustus 2001 and *Prosecutor v.*

Kristic, IT-98-33-A, Appeals Chamber Judgment, 19 April 2004.

<sup>8</sup> Although most respondents made notice of these facts, in particular Corine Wegener and Rene Teijgeler elaborated on them.

<sup>9</sup> Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict 1999, <[http://portal.unesco.org/en/ev.php-URL\\_ID=15207&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=15207&URL_DO=DO_TOPIC&URL_SECTION=201.html)>.

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