*What follows is the full text of the **talk delivered by Getty President Jim Cuno** on February 16, 2018, at the Italian Academy (under the umbrella of the Academy's* International Observatory for Cultural Heritage*). He makes a case for the pressing need to protect cultural heritage in war zones, and explains why the J. Paul Getty Trust is exploring the development of international standards in this area.*

The talk was moderated by David Freedberg, Pierre Matisse Professor of the History of Art and Director of the Italian Academy, with discussants Vishakha Desai, senior advisor for global affairs, Columbia; Edward Luck, professor of international affairs, Columbia; Thomas Weiss, professor of political science, CUNY Graduate Center; and Mariët Westermann, executive vice president, Andrew W. Mellon Foundation.

Palmyra was one of the great cities of antiquity, comparable only to Petra in Jordan, Angkor Wat in Cambodia, and the Athenian Acropolis in Greece. It was known at the time as Tadmur. A city of that name appears in the Bible in the second Chronicle and covered more than ten square kilometers. It was a gateway to the west and to the east, with traders from as far away as China plying their wares there. Palmyrene traders—"merchants of the sands," as they were called—established commercial colonies along the Silk Road and during the Roman era developed a commercial culture that built temples, civic buildings, and tombs and decorated them with portrait busts of the greatest beauty. Among the thousands of inscriptions carved into the city's buildings are dedications to gods and goddesses from Phoenician, Babylonian, Arab, and Canaanite traditions. An early inscription, dating from AD 19, records the contribution of a local worthy to the construction of the Temple of Bel.

With the fall of the Roman Empire, Palmyra began to decline. Hundreds of years later, this once-substantial oasis trading city was little more than a small village in the courtyard of an ancient temple. The rise and fall of the Byzantine Empire, Umayyad Caliphate, and Ottoman Empire left their marks on this once-great trading center, as did the recent decades of the French Mandate, the political and economic disruption of the Second World War, and six years of violent and tragic civil war.

In 2004, Palmyra had a population of 51,323. Eleven years later, four years after the outbreak of civil war and the capture of Palmyra by ISIS, the city's population stood at fewer than 2,000. Since then, many of its most important ancient structures have been heavily damaged or destroyed—the Temple of Bel, the Temple of Baalshamin, and later a tetrapylon and part of a Roman theater—and Khaled al-Asad, the archaeologist who for more than forty years looked after the ancient remains of Palmyra, was captured by ISIS and decapitated. His headless corpse was hung from a column in the center of the ancient city. He was 81 years old.

This afternoon, I will recount the circumstances that have reduced so much of the cultural heritage in Syria to rubble. I will ask what role cultural heritage plays in the lives of the people who live with it daily as part of their religious practices, cultural identity, economic vitality, and as evidence of the long history and cultural diversity of the world of which they and we are a part, and why it is in the world's interest to join together in its

protection. And I will propose that we consider a new legal norm or framework for the protection of cultural heritage in conflict zones.

In the process, I hope to make it clear that we all have a stake in the preservation of the world's cultural heritage as our *common* heritage, that any and all forms of cultural expression produced at any time in any part of the world are all of ours to identify with and be inspired by, and that the more we understand this the better off we will be and the greater will be the prospects for a safer world.

Case Study: The Syrian Civil War

I begin with the Syrian civil war.

Syria gained independence from the French Mandate in 1945 and became a founding member of the United Nations that same year. Thirteen years later, in 1958, it entered a union with Egypt called the United Arab Republic. In 1961, a coup d'état brought the Arab Republic of Syria into being, and two years later, following a military coup, and for the next forty-eight years, Syria fell under emergency law.

In 1970, a military coup installed Hafez al-Assad as Syria's president. Thirty years later he was succeeded by his son, Bashar al-Assad, who won 99.7% of the votes cast in his first uncontested election, and seven years later 97.6% of the votes cast in a second uncontested election. Bashar al-Assad remains president of Syria today.

In 2011, in the wake of the Arab Spring, hundreds of thousands of Syrians took to the streets of the southern city of Daraa to protest the punitive actions of the Syrian government. Two years later, the UN reported 90,000 people killed in cities across Syria, and four years later, more than 450,000 Syrians killed, more than five million having fled the country, and more than six million displaced internally. Today approximately 70% of the Syrian population is without access to adequate drinking water, one in three people are unable to meet their basic food needs, more than two million children are out of school, and four out of five people live in poverty.

This is what years of civil war look like in Syria: once robust and dynamic cities reduced to crumbling masses of destroyed buildings.

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The core conflict of the Syrian civil war is between forces loyal to President Assad and his government and the Syrian rebels who oppose him. A second conflict involves foreign interventions, with the United States, Turkey, and Arab states like Saudi Arabia, but also Jordan, Qatar, and the United Arab Emirates opposing the regime; and Iran, Russia, and the Lebanese militant group Hezbollah supporting it.

A third conflict includes Kurdish militia fighters as part of the anti-regime Syrian Democratic Forces fighting ISIS. As I write, the Kurds are part of a controversial

American-trained force being positioned along Turkey's southern border to prevent a resurgence of ISIS there. Turkey, a NATO ally of the US, has long viewed the Kurds as separatist terrorists linked to a deadly insurgency threat to its territorial sovereignty. A few weeks ago, the Turkish Foreign Ministry issued a statement critical of the American-led Kurdish campaign on its border, saying that "Turkey, as a member of the coalition [with the US opposed to the Syrian regime], was not consulted with regard to the establishment of the so-called 'Syrian Border Security Force.'"

Turkish President Recep Tayyip Erdogan threatened to destroy the "terror nests," as he called the Kurdish fighters. Then on January 19, Turkish artillery fired shells into the northern region of Afrin, prompting a response by the US State Department calling on the Turks not to take action of any sort except against ISIS.

More recently, in rebel-controlled Idlib Province in northern Syria, a Russian fighter jet was shot down by a ground-to-air missile, and its pilot captured and killed by members of a militia on the ground in an area controlled by the Organization for the Liberation of Syria, previously known as the Al Qaeda-affiliated Al Nusra Front. Russian and Turkish forces are working to retrieve the pilot's body.

The Syrian Civil War and International Response

ISIS is a transnational Jihadist group, whose central tenet is the urgent need to defend the worldwide Muslim community from both foreign occupiers and domestic infidels and non-believers. It originated in 1999 as a Sunni insurgency force allied with a Jordanian radical group called Monotheism and Jihad. In 2004, it swore loyalty to Osama bin Laden and changed its name to the Organization of Jihad's Base in Mesopotamia, commonly called al-Qaeda in Iraq, or AQI. Then in January 2006, it joined with others to form the Mujahideen Shura Council, which nine months later changed its name to the Islamic State of Iraq and with the outbreak of the civil war in Syria in 2011 to the Islamic State of Iraq and Syria (ISIS).

Over the years, maps of Syria have come to resemble jigsaw puzzles, which, as one journalist has written, change size and shape every time one tries to assemble the pieces.

You may have seen the front-page article in the New York *Times* of just a week ago. Its headline reads: "Carnage Rises as Syria's War is Splintering" (published online as It's Hard to Believe, but Syria's War Is Getting Even Worse). Let me quote just a few sentences:

"The fact is that the Syrian war, for years, has not been just one war but a tangle of separate but intersecting conflicts with a rotating list of combatants. Much of the world cheered the collapse of the Islamic State's medieval-inspired caliphate last year. But that victory cleared the way for the war's underlying conflicts to resurface with a vengeance…The panoply of conflicts and warring parties has made the war resistant to international peacekeeping. United Nations–backed peace talks in Geneva are stalled,

and a 'national dialogue' in Russia last week was stacked with Assad government supporters and appeared to be aimed at ratifying a military victory. After seven years of fighting, an estimated 400,000 deaths and 11 million Syrians displaced from their homes—more than half the population—many international officials and analysts appear to be shifting to the question of how to rebuild after what they see as the inevitable restoration of control under Mr. Assad. Even if Mr. Assad's position proves secure, the question then is how much longer and deadlier the war will be."

Civil wars are complicated and stubborn. In a recent article in Daedalus, the house journal of the American Academy of Arts and Sciences, Stewart Patrick of the Council on Foreign Relations notes that in his final State of the Union address President Obama said that the US was endangered less by evil empires and more by failing states. "The greatest threat posed by internal violence is to our common humanity," Patrick reminds us. "Failed and war-torn states are the world's greatest generators of human misery." Almost always the response to such events includes intervention by other countries.

Why Protect Cultural Heritage Amid Human Suffering?

Tom Weiss, professor of political science at the CUNY Graduate Center, who is with us here this afternoon and will soon join in our conversation, has written a highly influential book on humanitarian intervention. As principal author of the research materials that underpinned the Report of the International Commission on Intervention and State Sovereignty in 2001, Weiss reminds us that following the Rwandan genocide the bar for coercive intervention was set high: "the threat or actual occurrence of large-scale loss of life (especially genocide) and massive forced migration." Four years later, the intergovernmental resolution by the UN General Assembly at the September 2005 World Summit was more specific, restricting intervention to instances of "genocide, war crimes, ethnic cleansing, and crimes against humanity."

I want now to raise the question: with so much human tragedy in conflict zones, why should we care about damage to or destruction of cultural heritage? One reason is that the people affected by civil wars and jihadist violence themselves care about it. Last July, Mustafa Kurdi, supervisor of the reconstruction of the Great Umayyad Mosque in Aleppo, said, in the midst of ongoing military and social instability, "We are preparing now to bring the equipment to move the stones of the minaret and put them together and start to build as close as possible as the original minaret was. Maybe some of the stones cannot be used again because they are broken. We shall have to find new stones from perhaps other old sites. If need be, we can make new stones look like old ones. This is a vast task but we consider our main work is the rebuilding of the minaret."

His response to the destruction was practical. Other responses have been more emotional. "It is as though we lost a close relative," Haymen Rifai, a 60-year-old Aleppo resident, said. "Each time we come here it feels worse." Mohammed Marsi, standing with his son, shook his head and sighed, "the destruction for the whole country is indescribable, just like what happened to the mosque. If you knew the mosque before

the damage, and saw it now, it is like someone who lost a child or part of his body." And similar remarks have been made regarding the affected monuments in Palmyra.

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It has been argued that the protection of cultural heritage, like that of hospitals and schools, can be justified as part of a counterinsurgency strategy, or a comprehensive civilian and military effort taken to defeat and contain insurgency and address its root causes. There is a long and complicated history regarding counter insurgencies, far too long and complicated for me to go into here. But let me cite here General David Petraeus's argument that counterinsurgency is a tactic that can only be effective if it involves the use of public diplomacy in an effort to render the insurgents ineffective and non-influential by having strong and secure relations with the population of the host nation. In a civil war as complicated as Syria's, with so many fronts overlapping alliances and agendas active at once, counterinsurgency would seem to be the only effective means to restore civil society post-conflict. In this strategy, protecting cultural heritage is important. It is part of what the civilian populations return to restore their lives once fighting has ended.

The power and authority of cultural heritage lies in its integrity as evidence of the continuing, inspiring genius of humanity and as a source of local communal identity, economic recovery, and as an instrument of civil society. The destruction of cultural heritage in Palmyra was aimed at destroying the collective identity of a subject people. "Murder and destruction of culture are inherently linked," Irina Bokova, then Director-General of UNESCO, said in response to the attacks on Palmyra. "This is a way to destroy identity. You deprive [people] of their culture, you deprive them of their history, their heritage, and that is what goes hand in hand with genocide. Along with the physical persecution they want to eliminate—to delete the memory of these different cultures."

UN Deputy Secretary-General Jan Eliasson put it this way: "the destruction of cultural heritage bears witness to a form of violent extremism that seeks to destroy the present, past, and future of human existence." In other words, it's all about ending the human misery of civil war and jihadist violence. If the aggressive and oppositional forces of civil war are to be countered, a sense of a common humanity born out of an identification with the world's cultural heritage is necessary.

Responsibility to Protect, a New Framework for Cultural Heritage

For the past two years, the J. Paul Getty Trust has been leading a working group exploring the relevancy of a new international norm for the protection of cultural heritage modeled on the "Responsibility to Protect," the aforementioned principles adopted by the UN General Assembly at the September 2005 World Summit in response to "genocide, war crimes, ethnic cleansing, and crimes against humanity."

Tom Weiss was director of the team that developed the underlying textual resources of Responsibility to Protect (R2P), and Ed Luck, professor of politics at Columbia University and former special advisor to UN Secretary General Ban Ki-moon during the development of R2P, to discuss the prospect of an R2P, are part of this working group. The R2P framework was adopted by all members of the UN General Assembly at the 2005 World Summit. It holds that:

The duty to prevent and halt genocide and mass atrocities lies first and foremost with the State, but the international community has a role that cannot be blocked by the invocation of sovereignty. Sovereignty no longer exclusively protects States from foreign interference; it is a charge of responsibility where States are accountable for the welfare of their people. This principle is enshrined in article 1 of the Genocide Convention and embodied in the principle of 'sovereignty as responsibility' and in the concept of the Responsibility to Protect.

The R2P framework is based on three pillars of responsibility:

1. the State carries the primary responsibility for protecting populations from genocide, war crimes, crimes against humanity, and ethnic cleansing, and their incitement;
2. the international community has a responsibility to encourage and assist States in fulfilling this responsibility; and
3. the international community has a responsibility to use appropriate diplomatic, humanitarian, and other means to protect populations from these crimes. If a State is manifestly failing to protect its populations, the international community must be prepared to take collective action to protect populations, in accordance with the Charter of the United Nations.

R2P was drafted to address crimes of genocide, war crimes, ethnic cleansing, and crimes against humanity. Former UNESCO Director-General Irina Bokova has employed the following language to describe the destruction of cultural heritage:

*   On September 22, 2014, at New York's Metropolitan Museum of Art, she called the destruction of cultural heritage "cultural cleansing," "cultural eradication," and "cultural looting," and she emphasized that "protecting heritage must be an integral part of all peace building." She stated that "saving the past of Iraq and Syria is essential to saving our collective future," that "to build peace tomorrow, we need to safeguard today their [Iraq's and Syria's] heritage of diversity and tolerance—to prepare the ground for reconciliation," and that the "destruction of cultural heritage is a crime against humanity."
*   On April 2, 2015, she called on all Syrians to "unite for the protection of their shared cultural heritage. This heritage belongs to all Syrians and to all humanity. I call on all parties to refrain from using cultural heritage sites for military purposes and to protect them against any possible destruction resulting from fighting."
*   On June 14, 2015, she called upon the world to see ISIS's destruction of cultural heritage as acts of "cultural cleansing," of a kind with deliberate attacks against

civilians and ethnic and cultural minorities—"murder and destruction of culture are inherently linked."

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None of this, however, would have the collective force that a Responsibility to Protect framework for the protection of the world's cultural heritage would have. And that is why the Getty Trust is working now to explore the applicability of an R2P for cultural heritage.

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To date most responses to attacks on cultural heritage have been to condemn and record them. There are numerous websites that post satellite images of cultural heritage sites at risk or under attack. These are of the greatest importance for recording what remains of historical sites and monuments. They are said to be useful in reconstructing sites and monuments post-conflict. And the Getty Conservation Institute has been involved in important work, developing ARCHES, a free, open-source, geospatially enabled software platform for cultural heritage inventory and management, which is being deployed by the American Schools of Oriental Research Cultural Heritage Initiatives in Syria and Iraq.

But still, in all such cases the damage to cultural heritage has already been done. The challenge still is to *prevent* the damage and destruction in the first place. Only *intervention* can do this.

If we value cultural heritage for all the reasons I have suggested we do, we must accept the responsibility to protect it. In the words of Irina Bokova: "We must respond [to the destruction of cultural heritage] by showing that exchange and dialogue between cultures is the driving force for all. We must respond by showing that diversity has always been and remains today a strength for all societies. We must respond by standing up against forces of fragmentation, by refusing to be divided into 'us' and 'them.' We must respond by claiming our cultural heritage as the commonwealth of all humanity."

Only then will the ideals of UNESCO—"to contribute to peace and security by promoting collaboration among nations to further universal respect for justice, the rule of law, and human rights without distinction of race, sex, language or religion"—as put forward in the Charter of the United Nations—have meaning and currency. And isn't this in great part what the people in Syria want for themselves and for all others who, like them, are forced to return to burned-out and broken fragments of cities, sites of civil wars and jihadist insurgencies, targeted by the political regime that claims to represent them and, by their claim of sovereignty, has the responsibility to protect them?

To this end, I draw your attention to the publication of the Getty Trust's Occasional Papers in Cultural Heritage Policy. The first paper is co-authored by Tom Weiss and Nina Connelly and is titled "Cultural Heritage and Mass Atrocities." I urge you to request a free copy of the publication from Getty Publications, or download a free PDF from our

website. A second paper in the series will appear over the summer and will be written by Ed Luck.

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We live in dangerous times. And the more we understand that we all have a stake in the preservation of the world's cultural heritage as our *common* heritage, that any and all forms of cultural expression produced at any time in any part of the world are all of ours to identify with and be inspired by, by dint of our being humans, individuals capable of surmounting the limitations of our national affiliations, the better off we will be and the greater will be the prospects for a safer world.