THE DESTRUCTION OF CULTURAL HERITAGE BY WARFARE AND RECONSTRUCTION STRATEGIES: LESSONS LEARNED FROM CASE STUDIES OF REBUILT CITIES

By

MARAH AL ALOUL

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To Saeda, Ahmad, Nader and Saif…The four pillars of Nablus
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When I was a teenager a family friend told me, “You should build a statue for your mom in the heart of the city center. She is the most sacrificing, giving and selfless person I know.” For that friend I want to say; everyday I think of the design of that statue.
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During wars, cultural heritage and the built environment have often been systematically and deliberately destroyed. The value of cultural heritage to a people and the harmful effect of its loss on a community were major reasons for the attacks. They were also main motivations for the efforts to rebuild what was lost during conflicts. However, the rebuilding process takes a different track in each case depending on the special circumstances of each area. In my work, examples of devastated cities are presented. Archival research of the history, the devastation of war, and the strategy of rebuilding each case study was carried out and put forward. The case of Warsaw and Dresden after the Second World War and the case of Mostar after the Yugoslavian War were studies and analyzed. Research was also done on the humanitarian law concerning the protection of cultural heritage in times of conflicts and its development as a response to conflict outcomes. Lesson were drawn from each case study and employed -taking humanitarian law into consideration- to design an outline for a new rebuilding strategy. The new strategy is to be applied to Nablus city in Palestine which was attacked in 2002 and it takes into account all the special conditions and circumstances of the city and the conflict.
CHAPTER 1
PROLOGUE

“I have seen war. I have seen war on land and sea. I have seen blood running from the wounded. I have seen the dead in the mud. I have seen cities destroyed. I have seen children starving. I have seen the agony of mothers and wives. I hate war.” (Franklin Delano Roosevelt, 1936).

Introduction

The Merriam Webster Dictionary defines War as “a state of usually open and declared armed hostile conflict between states or nations.” (Merriam-Webster Online Dictionary, 2007). The history of armed conflict could be traced back to the history of mankind itself, where violence has been the primary tactic for settling conflict and domination over others. Keeley in his book War before Civilization in 1996, reports that 90 to 95% of known societies engage in war actions occasionally, whereas others engage in conflicts more constantly. This phenomenon could be observed since ancient times, and sadly has not changed yet to this day. The state of today’s world conflicts is a testament to the immensity of this problem.

Since its beginnings, War has been affecting humanity and human history on so many different levels with the loss of life being the foremost harm humanity mourns. However, in modern times the damage caused by wars has been amplified to a much greater extent. As Wright states “Among men, war has tended since its beginning in primitive human history to be increasingly destructive of life and disruptive of social organization.” (Wright, 1983 :88).

Today’s post-war societies suffer greatly, and their losses extend beyond the human toll to include other losses of elements valuable for the continuation of their daily life, and for the maintenance of their sense of community and social belonging. A major loss is of cultural identity and national pride as an outcome of the destruction of their cultural heritage and national monuments.
Recent wars especially in the 20th century, with all the advanced and complex weaponry technology have caused devastating unprecedented damage to cultural heritage in many areas of the world. Irreplaceable historic monuments, matchless invaluable works of art and extremely rare library collections and manuscripts that survived generations were lost, burned or destroyed in our modern time. The result is gaps in the heritage and missing eras of the history for all mankind. Sontag in Regarding the Pain of Others (2003) writes:

To be sure a cityscape is not made of flesh. Still sheared-off buildings are almost as eloquent as body parts (Kabul, Sarajevo, East mostar, Groznyy, 16 acres of lower Manhattan after September 11, 2001, the refugee camp in Jenin). Look, the photographs say this is what it’s like. This is what war does. War tears, war rends war rips open, eviscerates. War scorches. War dismembers. War ruins. (Sontag, 2003: 5).

The first natural response during conflict time is directed towards the sparing of human life and the safety and wellbeing of the civilians. Without demeaning the degree and significance of human suffering, and while acknowledging without any question that life is the most important element of all since it is the source and the purpose for culture. It should be recognized that during armed conflict cities and cultural heritage are also victims and key targets. Attention should also be paid to the level of destruction carried out against icons and symbols of a nation’s culture and against the fabric and basic composition of cities. A destroyed library or museum signifies the deletion of the symbols of a civilized society. Targeting religious institutions is a hit against religious tolerance and main beliefs of a people. The destruction of a community’s basic institutions and key icons is an attempt to annihilate the inhabitants and knocking down dwellings and daily life facilities is an attempt to terrorize and eradicate the residents.

The international community, after witnessing much of the destruction and after becoming conscious to the outcome of wars, made attempts to reduce the effect of conflicts on civilians and on public and private property. Conventions were held, international laws were passed and
finally the concept of punishment was agreed on when the Nuremburg Trials were held (1945-1949).

My work tells the story of three cities; Warsaw in Poland, Mostar in Bosnia and Dresden in Germany. The destruction these cities suffered, and the promise the residents’ took upon themselves to rebuild their beloved cities are documented, and later discussed. The approaches developed for rebuilding these great cities are studied, and important lessons related to their experience with cultural heritage are learned from this archival research.

In the last section of the discussion, the pressing issue of cities that have recently been in a conflict or still are is raised. A target city is studied. The Palestinian city (Nablus), my hometown has been in a recent conflict that caused a high level of damage to its cultural heritage in 2002. The conflict is still existent putting the city’s material history in a constant threat.

Recommendations based on the specific conditions of the city are presented and lessons from the three study cases are employed composing a starting point for a comprehensive plan for the reconstruction of what has been lost and the protection of what is still standing.

**Methodology**

When I started my work it was logical to try explaining why communities treasure their cultural heritage and why it is given all the attention of the public, the governmental organizations and of the international community. The general meaning of cultural heritage was first explained in my literature review including traditional and historic built environment as the part of cultural heritage I am studying in my work. Then I looked at what cultural heritage represents for a community and the effect of its destruction on the population. Reasons why cultural heritage is targeted during conflict times were also examined. I looked at the relationship between the idea of genocide and the destruction of a community’s relics and historic monuments. Globally recognized historic precedents were first given as examples to support the
ideas put forward. In the last section of my literature review I focused on international law and how it responded to developments occurring in the realm of targeting cultural heritage.

In the process of researching the rebuilding of war devastated areas, many cities around the world came to the picture and their experience on war losses and recovery stories stood out. Three cities were picked however as case studies on the bases that each has a rich intense experience with different lessons that can be learned from, and also on the bases of literature availability. I analyzed the case studies individually. First, the history that shaped each city’s architecture was scanned. Then, I looked at the conflict each area went through and the results of the conflict on its material cultural heritage. Afterwards, strategies for rebuilding each of the war devastated cities were studied.

In my discussion, rebuilding strategies and approaches that the study case cities followed were evaluated. Lessons were learned from the experience of each city in order to employ them when strategy when rebuilding a war torn area.
CHAPTER 2
REVIEW OF LITERATURE

“You can no more win a war than you can win an earthquake” (Jeanette Rankin).

In an endeavor to provide a background for the study, some information on the history of targeting cultural heritage is researched. The meaning of cultural heritage and the importance of its existence to a people is also included. Furthermore, evidence and earlier cases proving the deliberate nature of attacking cultural heritage from previous situations is explored and presented in addition to the idea of the strong connection between the destruction of cultural heritage and genocide.

Historic Precedents

Throughout history, cultural heritage has been a major target during wartime. From the library at Alexandria to the bridge at Mostar we can still see in the present day the painful destruction of the valuable human legacy that was passed down over generations. Not only military structures usually get targeted during conflicts but also civilian areas and buildings; places where people live out their daily routine and practice their customary activities. Churches, museums, libraries, schools and even housing areas have always been under attack during wartimes.

The scale of destruction of physical cultural heritage in the 20th century was appalling and with no precedent in human history. Some of the most alarming destruction cases were recorded by Robert Bevan. He stated that in the combating that was an adjunct to the dissolution of Yugoslavia in the early 1990s, “more than 1,386 historic buildings in Sarajevo were destroyed or severely damaged....Gazi Husrev Beg, the central mosque dating from 1530, received 85 direct hits from the Serbian big guns.”(Bevan, 2006: 38). He also reported that during the First World War, the Turks held attacks against the Armenians. They knocked down their Armenian towns
including churches, monuments and quarters “Armenian churches, monuments, quarters, and towns were destroyed in the process.” (Bevan, 2006: 54). The City of Van which was a beautiful Armenian city was almost completely leveled. He moreover included statistics on Warsaw in World War II, “…of 957 historic monuments, 782 were completely demolished and another 141 were partly destroyed.” (Bevan, 2006: 97) And in Hamburg in the year 1943, “…40,385 houses, 275,000 flats, 580 factories, 2,632 shops, 277 schools, 24 hospitals, 58 churches, 83 banks, 12 bridges, 76 public buildings, and a zoo had been obliterated.” (Bevan, 2006: 81).

In documentation by Riedelmayer, one indication on the intentional targeting of cultural heritage was expressed by the reporter Kate Adie when she approached a Serbian gunner and asked about the reason why they had been targeting the Holiday Inn where it is known that all the foreign respondents stay. The officer apologized and explained that they were in fact targeting not the hotel but the National Museum which happens to be behind it. That definitely eliminates the idea of “collateral damage” which is used too often to legitimize and justify brutal acts.

**Cultural Heritage**

Cultural heritage is defined as “an expression of the ways of living developed by a community and passed on from generation to generation, including customs, practices, places, objects, artistic expressions and values. Cultural Heritage is often expressed as either Intangible or Tangible Cultural Heritage.” (ICOMOS: International Cultural Tourism Charter, 2002)

Traditional and historic built environment is a very essential part of the cultural heritage of a nation. It encompasses a large part of people’s history, telling the story of the generations, and passing down the customs, traditions and the way of life of the ancestors. It represents the continuity of a nation’s existence in the place declaring the authenticity of its identity and representing a living record to its roots. Thus we do need our cultural heritage as our mutual
resource for communication and for our collective identity. “Preserving historic sites related to people, events, and ideas saves and interprets the cultural heritage of a society. This reminds us of where we came from and who we are. Saving and reusing public buildings, which serve as landmarks in our towns and cities, gives our society its identity and sense of place.” (Mills, 2006).

The importance and the significance of cultural heritage to a nation is in fact one of the major reasons for targeting it during conflicts and especially when genocidal acts are carried out. Architectural cleansing as Nicholas Adams puts it is an attempt to eradicate people and wipe out a culture inhabiting the place. Bevan quoted in his book The Destruction of Memory: Architecture at War, the Croatian writer Slavenka Drakulic who said in an English newspaper about the iconic destroyed bridge at Mostar:

“We expect people to die; we count on our own lives to end. The bridge in all its beauty and grace was built to outlive us; it was an attempt to grasp eternity. It transcends our individual destiny. A dead woman is one of us - but the bridge is all of us forever.” (Quoted in Bevan, 2006: 26).

Deliberate Attacks

“The killing of a person destroys an individual memory. The destruction of cultural heritage erases the memory of a people. It is as if they were never there” (Riedlmayer, 2002). The importance of cultural heritage in defining a group’s identity and in shaping a society’s uniqueness is argued to be the major cause for heritage being identified as a weapon in the hands of the group and the reason for placing it under attack. Rafael Lemkin in his book Axis Rule in Occupied Europe argued that attempting to destroy the base of the life of a group would involve the breakage of the political and social foundations of the culture, the language and the national feelings. While the well known bridge at Mostar was being hit, one militiaman stated to a
journalist about bombing the bridge “It is not enough to cleanse Mostar of the Muslims, the relics must also be destroyed.” (Quoted in Riedlmayer, 1995).

People connect their past, their memories and their existence in a place with the material cultural heritage present at that place. It is their anchor and their uniting power. It is the proof of their right of existence in the place. It is their tool to relate to their history, materialize it, and turn it into more than tales. If cultural heritage was destroyed that would result in a definite uprooting of the people. The tie to the area will gradually decrease since the symbols of their roots and origins have vanished.

Painfully, as he was leaving Kemal Bubic a young man from Herzegovina admitted after the destruction of the community mosque “At that moment everything I had was burned down…it is not that my family was burned down, but it is my foundation that burned. I was destroyed.” (Quoted in De Condappa, 2006).

There are several reasons leading to attacking Cultural heritage of a nation during conflict time according to UNESCO;

- The symbolic value of the structures to the community
- The identity associated with the monuments
- The aggressiveness and violence of the assault
- The misunderstanding and the rejection of the cultural importance and national values associated with the structures

Tom Lewis in his review of Bevan’s book states that destroying cultural heritage is an act related to genocide or to terrorizing the enemy: “Significant buildings may be destroyed as an adjunct to genocide, as propaganda for a cause, as a way of demoralizing an enemy, or out of simple personal vindictiveness on the part of the attackers or the victors.” (Lewis, 2006).
In our day, the destruction of cultural heritage during wartime is so massive and of an unprecedented scale. This might be explained by the fact that the battlefield has changed to include most nations of the world. Moreover, the weapons have advanced significantly to create more devastation. Modern war inventions and tactics like jet planes, rockets and radars, the substantial employment of tanks, the lightning war tactic that was used in WWII and even atomic weaponry were employed to target military and civilian areas as well. That created the most heartbreaking catastrophes. The 20th century earned the reputation of being the century of warfare and destruction. In any case, WWII which was the largest and the deadliest war in human history did take place in the 20th century and it implicated most of the globe. WWII involved the bombing and targeting of civilians to an extent unparalleled by any war ever. Around 62 million people were killed during the Second World War and many cities and towns were leveled by air raids. “It was the first war in which air power was a significant factor and civilian suffering and terror a primary military strategy…The war caused more civilian casualties than any war in history…In total, World War II caused the deaths of about two percent of the population of the world.” (Indopedia, 2004).

**Genocide and the Destruction of Cultural Heritage**

Because of the value of cultural heritage to the group owning it, the act of destroying material cultural heritage has been considered to be an act of erasure and a part of the crime of genocide. Genocide is a much broader concept than the mass killing of a group of people. It also includes acts of negatively affecting a group’s life conditions in a way that leads to the destruction of the group.

“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.” (UN, 1951).

Graham—in an effort to link the destruction of cultural heritage to the annihilation and the terrorizing of a people—passes on the experience of Colonel Bukhis, a “middle aged IDF (Israel Defense Forces) reservist. The remark of Colonel Bukhis when attacking a refugee camp in the Palestinian city Jenin as a bulldozer operator carrying out a 75 hour non-stop demolition was reported in Yediot Aharonot Israeli newspaper:

Before we went in I asked some guys to teach me (how to operate a D-9). They taught me how to drive forward and make a flat surface…For three days I just erased and erased…I kept drinking whisky to fight off fatigue. I made them a stadium in the middle of the camp! I didn’t see dead bodies under the blade of the D-9…But if there were any I don’t care. I found joy with every house that came down because I knew that they didn’t mind dying but they cared about their homes. If you knocked down their house you buried 40 or 50 people for generations…(After it was finished) I begged for more work: “Let me finish another house!” I wanted to destroy everything…it’s not that I wanted to kill. Just the houses. Believe me. We demolished too little. (Quoted in Graham, 2004).

And this is the mentality that is generating devastation. In modern literature the word for that is “Urbicide” Which is as Graham puts it “The deliberate denial or killing of a city.” (Graham, 2002).

Robert Bevan also points out that crimes against humanity go hand to hand with the destruction of architecture and cultural heritage. In his book, he presents examples of ethnic cleansing campaigns and the cultural heritage destruction that was associated with them. He talks about the Armenians who were mass murdered, exiled and their cities and monuments burned in the early 20th century. He also reports the Holocaust as evidence where Jewish synagogues and Jewish property was destroyed in the 1940s. But most recently Bevan writes about Bosnia and
Herzegovina where Muslims were not only killed, eradicated and their cities wiped out, but also their existence in the area was denied, as if they were never there. “Where a group is under physical attack, the destiny of its representative architecture is an excellent indicator of whether genocidal intent is present or incipient.” (Bevan, 2006: 27).

From the literature and from the past experiences of cities around the world, a strong link between urbicide and genocide in its general meaning can be established. Cultural heritage has been targeted deliberately during warfare majorly because of its value to the community and to the negative effect of its loss on the people. That led to the loss of a considerable portion of the legacy of mankind.
Figure 2-1. Pictures showing the City of Dresden, Germany before and after the destruction.
Warsaw in Poland, Dresden in Germany and Mostar in Bosnia and Herzegovina are the three study cases considered here. The Second World War left its devastation on Warsaw and Dresden in 1939, while Mostar was destroyed during the Yugoslavian war in 1992. All three cities worked hard to rebuild, but each following its own strategy. A set of strategies that could be employed to reconstruct an area is studied and presented in its abstract form and later the individual strategy for each study case is explored.

Three Cities

Cultural heritage has been targeted in many cities around the world. To make that experience clearer and study its consequences in more depth, three case studies were chosen. Each city of the below have different situations. However, they all showed devotion to recover from the devastation. Mostar in Bosnia, Warsaw in Poland and Dresden in Germany were all victims of the 20th century wars. Their history, their destruction and then their rebuilding is researched.

Warsaw

“Between 1939 and 1944 over 84% of Warsaw was completely destroyed, with the city centre bearing the brunt of the damage. In spite of the Herculean rebuilding work that has since taken place, the odd bullet scarred wall or pre-war tenement can still be found.” (Official website of the city of Warsaw, 2005).

History of the area

The location of Warsaw was first populated in the 9th-10th century by the Brodno settlement. Since then and for hundreds of years the city has been invaded and destroyed multiple times. However, it has always been celebrated for its indestructibility. A phoenix rising
from the ashes is the description for the city, as it has risen multiple times from the ruins of war. The city went through severe damage during the Swedish Prussian wars 1655-1656 when it lost its freedom to Sweden. In the year 1794 it was assaulted for a second time when the Russians attacked the city. During the Second World War however, the city suffered the most. The residents were forced out or sent away to concentration camps and the Germans set off an organized destruction of the town. 84 percent of the city’s urban fabric had been destroyed. “The special Nazi detachments set on fire every house and a street after a street. The most significant buildings, such as the Royal Castle, were blown up. The intention was not to leave a single building standing.” (The official website of the City of Warsaw, 2005).

**Destruction**

“In Warsaw they fought, and as a result the city and its people were almost totally eradicated, and not just by the missiles, bombs and bullets of combat. In Warsaw the Nazis devised a systematic program of cultural annihilation.” (Tung, 2001: 73).

In his book, Anthony Tung reveals that German architects worked hard on identifying the major buildings and monuments in Warsaw. They singled out the historic monuments of the city, the buildings significant to its history, the most symbolic structures, the buildings with the most exquisite decorations perfect proportions and aesthetic superiority, and the most representative buildings of the culture, history and architectural styles. Afterwards, Nazi forces worked even harder on destroying those buildings. They first looted all the artistic treasures of the city and followed that by dynamiting the buildings. “In World War II, it became German national policy that the culture of Warsaw be erased as a way to quash the spirit of resistance among the Polish people.” (Tung, 2001: 74). 782 of the 957 significant Warsaw building were totally destroyed and 141 partially demolished. The Nazis tore down 96.5% of the city’s historic heritage. It was said after bombing Warsaw that all of the beautiful features of the city were lost.
After the war the city came under the communist Soviet command. People were largely opposed to the new rule. They took it on themselves to rebuild the city and the destroyed cultural heritage as an act of silent resistant and national pride. “For non-Communists living under Communist rule, recreating the historic core would be an act of symbolic moral resistance.” (Tung, 2001: 84).

**Dresden**

During World War II, German cities were severely bombed and memories were lost forever along with many of their historic buildings. While some buildings around German cities were left in ruins for decades, many others were sadly demolished. Significant architecture was destroyed either because of the aesthetic inferiority to other buildings from earlier times, the plan to make space for new constructions, the extensive damage to the structures, or the opposition of property owners to reconstruct the property. In many instances throughout Germany, ruins of war damaged buildings stood for long decades because of cities’ failure to decide on their fate most of the time, or because of the marginal cultural importance of buildings to the community and thus the lack of will to restore them. In a few cases buildings were left deliberately in ruins as admonishing reminders of the war and as symbols marking the acceptance of loss during conflict times.

**History of the area**

The first evidence of inhabitance in Dresden’s location was in the 6th century when Slavs from Bohemia settled and found the village of Drezdany on the northern bank of the River Elbe. In the 10th century German armies dominated the area and extended the settlement to the southern bank of the river. Since the 17th century, successive rulers of the region sought to turn Dresden into a hub for arts and architecture. The best architects and painters were gathered in the
city, energetic musical life was growing and supported by the rulers, and the famous European porcelain was first invented in Dresden influenced by the Chinese porcelain.

Between the years 1756-1763 the area suffered devastating destruction as a result of the Seven Years’ War which incorporated European and Colonial realms. After its recovery, the city became an industrial center in the 19th century. Automobile production, food processing and medical equipment manufacturing were some of the most important industries that boosted the economy of the area. Besides the scientific achievement of the era the city was a center for culture as well. Artworks and antiques trade flourished in Dresden.

In the second half of the 19th century the appearance of the city started to change. Bridges, a railway line and a port were built in addition to Dresden’s new city hall, an opera house and a large number of public buildings. Even though the city grew significantly, strict building regulations allowed the city to sustain its charm. Today, the architectural style of the city is diverse. It is often described as a Baroque city but it also is famous for its Renaissance architecture in addition to the contemporary styles of Modernism and Postmodernism.

**Destruction**

On the night of February 13th 1945, three months before the Second World War ended, the city was ferociously hit with a series of five air raids over the period of three days. Bishop comments “That war was, after all, an absolute orgy of city killing. The premeditated murder of very large cities was one of its most salient characteristics, Hiroshima and Dresden being only the iconographic examples.” (Graham (ed.), 2004: 57).

It was widely suggested that the Allies had no strategic advantage in bombing Dresden. Clayton argues that it was also a common belief that since Dresden is merely a cultural hub it would be out of harm’s way “There was a mistaken belief that city’s beauty had been recognized by the allies and it would be spared attack.” (Clayton, 1997). Clayton also suggests that the
unforeseen nature of the attack caused more devastation to the city. “The devastation… was thereby increased both by its totality and its sudden and unexpected nature.” (Clayton, 1997).

The bombing killed more than 35,000 people. It was reported that the historic city center was surrounded by gigantic flames. Over 6 square miles of the old city center were reduced to ruins, and the most spectacular architectural ensemble in the Western world was wiped out in hours. The Florence on the Elbe was lost.

Reichert comments “War always claims many lives. The airwar caused thousands of human tragedies and irretrievably obliterated urban structure, which had grown through the centuries.” (Jager & Brebbia, (eds.) 2000: 8). After the war, Dresden was ruled by the soviet army. Socialism came into the picture and the city’s essence came into a shifting point as a result.

Mostar

**Background on Bosnia and Herzegovina**

In the past, for many centuries this area of the world was a haven where Christians, Muslims and Jews coexisted peacefully. They all lived side by side and carried on with their daily life with no conflict. Historic buildings in the area stand as a testimony to a time where tolerance was the general attitude and pluralism was a given. A Catholic cathedral, a mosque, an old orthodox church and a synagogue stand side by side in the center of Sarajevo in an intentional setting to reflect the way of life in the city, the pride of its diverse theme, and the freedom of religion. “People who cannot abide the sight of each other will not build the houses and monuments of their religious life in the shadows of those of the others.” (Riedlmayer. 1995) This was the case in the region until the ethnic Bosnian War started. Hostilities were initiated in the year 1992 after a public ballot in favor of Bosnia’s independence from Yugoslavia. The war
was alleged to be fueled by the ancient hatred, but the cultural heritage tells a different story.

That was why the buildings had to go and the traces of the past had to be wiped out.

Rubble in Bosnia and Herzegovina signifies nationalist extremists hard at work to eliminate not only human beings and living cities but also the memory of the past...We are still being told that “ancient hatreds” are what fuel this destruction, but that is not true. The history that is being erased, both buildings and documents, speak eloquently of centuries of pluralism and tolerance in Bosnia. It is this evidence of a successfully shared past that the nationalists seek to destroy. (Riedlmayer, 1995).

**History of the area**

The complex expressive architectural identity of Bosnia and Herzegovina reflects multiple cultures and diverse rulers that controlled the area throughout history, and tells stories of a unique character and a distinctive spirit of an experienced region of the world. It is thought that the area has been populated since the Neolithic time. Many events have occurred and changed the demographics of the area since. During the early Christian era the region was ruled by the Roman Empire, however, after the fall of the Romans, the region was fought over by the Byzantium and Rome's successors in the west. Slavs came to the area in the 7th century settling in today’s Bosnia and Herzegovina and nearby land. Shortly after, in the 9th century, came the Serbs and the Croats to the area. They settled there and divide the control of Bosnia.

The Kingdom of Hungary came into play during the 11th and 12th century when it took over Bosnia, until around 1200 A.C. when the Kingdom of Bosnia achieved its independence of about two and a half centuries. The Ottoman Empire then took over in the year 1463 and for over 400 years when in 1878 Bosnia was colonized under the Austria-Hungary rule. After the First World War Bosnia became a part of the South Slav state of Yugoslavia (kingdom of Serbs, Croats and Slovenes). The kingdom was concurred by the Nazis during World War II and all of Bosnia was given to the state of Croatia. During the Cold War, in the year 1946, the Communist Federal Republic of Yugoslavia was established under Josip Broz Tito. Tito died in 1980 and a
new leadership emerged and the following period witnessed the rise of nationalism and ethnic tension in the area.

Three churches coexisted in the Kingdom of Bosnia in medieval times; Roman Catholic, Eastern Orthodox and the local Bosnian Church. Then, over 500 years ago, when the Ottoman Empire controlled the area, large portion of the population converted to Islam and started adapting some cultural and architectural elements inspired from the Islamic world. Naturally, as time went by, the identity and the image of the area started to express the new religion and the Moorish style started to take effect.

The Ottoman Sultans and their local governors embellished Bosnia’s towns with splendid mosques and established endowments to build and support schools, libraries and other institutions. Around which new neighborhoods and entire new towns grew. Among the new Ottoman towns Sarajevo and Mostar located at the strategic river crossings, they became cultural and commercial centers, thanks to newly built bridges, markets and caravansaries. (Riedlmayer, 1995)

The Ottoman rule of the area ended when the region was placed under the Austro-Hungarian Rule in the year 1878. The new rulers also had a significant effect on the look of the area. They brought the Viennese flavor to the mix in an effort to modernize the appearance and the result was a rich eclectic style exclusive to Bosnia. “Erecting schools, museums and civic institutions they sought to bring their newly-acquired territory into the modern age. The result is uniquely Bosnian in its blend of cultural influences.” (Riedlmayer, 1995)

**Destruction**

In his document, Riedlmayer lists examples on significant buildings and cultural property that were destroyed during the war in former Yugoslavia. He talks about The National Library. A Moorish revival building that was built in the 1890s. It operated as the Bosnian parliament after WWI and then as Sarajevo’s city hall after 1918. For the last 50 years before its destruction the building housed Bosnia’s National Library. In 1992 the library was bombed for 3 straight days
“…it was reduced to ashes along with most of its irreplaceable contents.” (Riedlmayer, 1995). Among the tragic losses was 90% of the libraries contents which incorporated 1.5 million volumes including 155,000 rare books and manuscripts, the University of Sarajevo’s collection and 100 year collection of Bosnian newspapers and periodicals. The attack was described by Riedlmayer as “…the largest single act of book burning in modern history.” (Riedlmayer, 1995) Today the reconstructed building stands tall with a dramatic plaque on its front that emotively reads “Do not forget…Remember and warn.” (See figure 1-1).

Sarajevo’s oriental institute also faced the same fate in the same year. The entire inventory of the institute was reduced to ashes. The Oriental Institute was a repository to the largest and most valuable Ottoman documents and collection of Muslim and Jewish manuscripts in southeastern Europe. The documents in both buildings along with the two structures were testimonials on a past that had to be erased too. Hobsbawm notes that “History is the raw material for nationalist or ethnic or fundamentalist ideologies, as the poppies are the raw material for heroin addiction…If there is no suitable past, it can always be invented. The past legitimizes. The past gives a more glorious background to a present that doesn’t have that much to show for itself.” (Quoted in Riedlmayer, 1995).

In the town of Bijeljina in 1993, the Serbs exploded all the mosques in town in a single night. The next day they removed all the ruins and the traces and plowed over their spots. Trucks and busses were geared up waiting to take away the town’s horrified inhabitants. A few weeks later, traces and evidence of the mosques or of the once existent Muslims had been completely erased. “Two months later, in May 1993, Western reporters visiting the town found grass and trees planted on the leveled sites; it was as if the mosques and Muslims had never been there.” (Riedlmayer, 1995).
“A cultural catastrophe in the heart of Europe” that is how the destruction in Bosnia and Herzegovina was described by the Council of Europe after the 1992 war. The Director-General of UNESCO commented about the destruction in Kosovo and the surrounding region that “Beyond monuments and heritage, it is memory and cultural identity that are being destroyed.” (Director-General of UNESCO, 2004). The whole world mourned the fall of the bridge at Mostar. Caught on tape, the footage showed how vulnerable and targeted cultural heritage can be. “One of the most infamous images of conflict in that region was the obliteration of the beautifully constructed Stari Most, the old Ottoman bridge at Mostar. It was an image that arguably focused the outraged lens of international condemnation more immediately than some of the preceding human rights abuse.” (De Condappa, 2006).

The Stari Most (Old Bridge) was built in the year 1566 during the Ottoman rule of the area. It was built by the architect Mimar Hajruddin to replace a wobbly wooden suspended bridge that was built in 1452. The city of Mostar grew around the 1452 bridge and along the riversides. It was named Mostar (bridge keeper) because of it. The bridge for a long time functioned not only as a physical connection between the two parts of the city of Mostar, but also as a symbol signifying the union of different societies and ethnicities; the Croats on the west bank of the river and the Bosnian Muslims on the east bank. To the people Stari Most was for centuries an important part of their traditions and a romantic symbol of their civic life. Parents brought their newborn babies to be offered as new members in a city of bridge keepers. Families set its location as a destination for their strolls along the old town’s streets. And for many people it stood as a witness to their first kisses and their romance stories. The fall of the bridge left the people without a shrine signifying their memories and deprived them of a large part of their legacy and traditions. “The bridge at Mostar is a symbol of loss in wartime and a symbol of hope
for peace. It is the expected thing to say that people come first and they do, but the survival of architecture and urban life is important to the survival of people.” (Adams, 1993).

Riedlmayer reports the expressive response of a Muslim Mostar resident when asked about his reason for staying in the city despite the shelling, the siege and the life threatening conditions. He said “I’m fighting for the bridge.” (Quoted in Riedlmayer, 1995).

In November 1993 the historic stone single-arched bridge fell into the water of the Neretva River after it was hit by Croatian tanks, dragging along the connectivity and the unity it stood for. “When a beloved and highly symbolic historic bridge was destroyed during the war in Bosnia and Herzegovina of the early 1990s, the whole world grieved.” (Architecture Week, 2004).

**Overview of the Different Approaches**

In theory, there are many techniques to approach post war recovery. Some techniques are more practical than others, some are more symbolic as a result of the public’s national pride, and some are morally questionable. In practice however, fewer models have been followed all over the ruined cities of the world. A number of them proved to be successful but unfortunately, some resulted in more loss to the city, to the people and to the cultural inheritance. In any case, war devastated cities tend to recover and survive the destruction each following its own strategy. “If any single characteristic defines cities, it is their resilience. Above all, cities have a propensity to survive. Cities endure. They recover. The very dynamism that makes cities grow, function and flourish also drives them to outlast even the most extreme violence pitted against them.” (Graham, 2004: 331).

Lebbeus Woods is an architect who designs experimental architecture and environments rather than practical buildings. He explores design scenarios for systems in crisis. His book *War*
and Architecture investigates and critiques several post-disaster reconstruction scenarios. In his book he states his own philosophy of war and architecture;

Architecture and war are not incompatible. Architecture is war. War is architecture. I am at war with my time, with history, with all authority that resides in fixed and frightened forms. I am one of millions who do not fit in, who have no home, no family, no doctrine, no firm place to call my own, no known beginning or end, no "sacred and primordial site." I declare war on all icons and finalities, on all histories that would chain me with my own falseness, my own pitiful fears. I know only moments, and lifetimes that are as moments, and forms that appear with infinite strength, then "melt into air." I am an architect, a constructor of worlds, a sensualist who worships the flesh, the melody, a silhouette against the darkening sky. I cannot know your name. Nor you can know mine. Tomorrow, we begin together the construction of a city. (Woods, 1993: 1)

Building Replicas

Restoration in Woods’s point of view is a natural reaction immediately after the destruction of wars. He however thinks that this approach should only be applied on landmarks and important civic and cultural monuments for their role for the people as symbols of a civilized and active society. On the other hand, Woods point out that rebuilding the whole fabric of a ruined city to its original form before war is senseless. He bases his argument on the idea that reconstructing the whole fabric would be a complete denial to the existing situation and an obstruction to the development of new urban fabric and lifestyle resulting from this situation. He argues that the true meaning of a city should be found in its streets, buildings and fabric resulting from the complexity of events that went over the area and the experience of the people and the city over the years. He states that a complete reconstruction of a ruined city would result in a tourist attraction that lost much of its meaning and soul. Rosenfeld, in his book Munich and Memory agrees with Woods’ point. He proposes that traces of war, and remembrance of devastation helps the public recover through mourning “Exact reconstructions can be seen a physical manifestations of the inability to mourn.”(Rosenfeld, 2000: 32) He argues that through
exact reconstruction of post war cities, traditionalists failed to admit to war losses and “denied the local guilt” that led to the devastation.

**Erasure: The Tabula Rasa Strategy**

Woods speaks against erasure of all the remnants of war and its painful memories. He thinks it is natural for a society to work on erasing the reminders of the tragedy and the loss they suffered. He speaks against substituting the destroyed fabric of the city that was built over centuries and ravaged by war with an entire new tissue. Woods points out that early modernists went in that direction and accuses them of launching their own war in the name of urban renewal on the city. He also indicates that the efforts of modernists were successful after the Second World War since many cities were either almost entirely destroyed or were begging for new plans. In his opinion the efforts of modernists led to failure. He states that the new environments were too mindless in worshiping the machine to stand for the chaotic essence of the new age.

The erasure of the old cities in order to build better and more human world is by now a widely discredited concept, yet it lives on wherever a totalizing system of space and thought is imposed in the name of a common cause. This applies especially in the crisis of post war reformations, when cities or parts of them are conceived as tabulae rasae on which to inscribe new plans. (Woods, 1993: 10)

**Building on the Remnants**

Lebbeus Woods is nevertheless in favor of building on the existent remnants of war. He insists that the form of war damaged buildings should be respected for showing and representing honestly the events that took place and the history that is undeniable. “In their damaged state they suggest new forms of thought and comprehension, and suggest new conceptions of space that confirm the potential of the human to integrate itself, to be whole and free outside of any predetermined, totalizing system.” (Woods, 1993: 14). He says that the remnants of war accept what the society has tolerated and what has been lost with pride, and celebrate what has been
gained. In his point of view, this case will help the war shattered society recognize its weaknesses and appreciate its strengths and thus seek to mend itself and learn from the mistakes.

They build upon the shattered form of the old order a new category of order inherent only in present conditions, within which existence feels its strengths, acknowledges its vulnerabilities and failures, and faces up to the need to invent itself as though for the first time, thus seizing the means to continuously refresh and revitalize itself. There is an ethical and moral commitment in such an existence, and therefore a basis for community. (Woods, 1993: 14)

A case that comes to mind when looking at the latest approach; building on the remnants of war is the case of the Cathedral at Coventry. Built in the 13th and 14th century, The Cathedral was bombed in 1940. It was almost entirely knocked down except for the slender steeple and unstable walls. Instead of rebuilding the Gothic cathedral, it was left in ruins as a reminder of war atrocities. Two wooden beams from the roof truss were found after the bombing laid in the shape of a cross. They were preserved and put in the apse of the ruined cathedral with the phrase “Father Forgive” engraved behind it.

A new modern style cathedral was built just next to the ruins of the original one. The nave of the new church forms an L shape with that of the old church. A glass screen replaced a front façade so that the alter of the old church can be seen by one who looks down the nave of the new church. And a colonnaded porch connects both structures. The hollowed cathedral is still used for open air activities.

The Cathedral at Coventry was an example of one of the strategies to rebuild post war damaged particular buildings. However, the subsequent strategies are applied to entire city fabric.
Strategies of the Case Studies

The Approach of Warsaw

Poles saw the destruction coming and feared their cultural property would be damaged. In an attempt to save as much as can be saved of the city’s treasures, Varsovian architects, planners, art historians and teachers took action. Elements of Warsaw castle’s interior were taken and hidden from the German’s and the bombs. Doors, columns, fireplace were smuggled out of the targeted area. Before and during the war Varsovians worked on documenting the architecture of Warsaw hoping that one day the time will come to rebuild the city. Then, their collective comprehensive documentation of historic Warsaw was hidden in an architectural school. Later on, the city was ruined and deserted and the documents were still located inside the architectural school, which was in the middle of the destroyed area. A number of faculty members of the university could get a permit to access the city. They cautiously moved the documents from the city, and hid them in Piotrkow monastery, inside the coffins of dead monks. Thanks to their effort, after the end of the war, the documents were found intact and were used as a basis for the city’s reconstruction. The rebuilding process went on between the years 1945 and 1966 when the 85% ruined city was completely rebuilt. “The Single-mindedness of the recreation astonished the world” (Bevan, 2006: 181).

The Varsovians’ persistence led to a detailed reconstruction of the almost completely destroyed town’s fabric, monuments and landmarks including the churches, the palaces and the market place. During the thorough reconstruction process, original material -if found- was taken into account. Original stones that could be recovered and reused were pulled out of the rubble. They were identified and placed back in their original locations. Throughout the city, in corners and facades of the old town’s reconstructed buildings, evidence of the past and the history of
Warsaw can be witnessed. The original material stands as a testimony on Old Warsaw, and as a memorial of the devastating destruction.

The decision to rebuild the city in the same old form was made for many reasons. Firstly, after the war Warsaw became under the communist rule. The population of the city was non-communists however. For the citizens, rebuilding the historic town would be a symbol of resistance and pride as opposed to designing a new model city of social justice endorsing communist propaganda. “Through a fusion of desperate motives, the new metropolis would be a symbol of national pride, a city of accumulated memory, and a city of dreams.” (Tung, 2001: 84)

Secondly, the idea of collective memory came to play. Polish sociologists put forward that it is essential for the distressed community of Warsaw to see the comeback of their ruined city in the original ambiance with all its landmarks and monuments in their same locations. They recommended the reconstruction of the original street layout, landmarks, parks, and buildings; in other words, an exact replica. Stanislaw Ossowski points out that “If the Warsaw community is to be reborn, if its core is to be constituted by former Varsovians, then they have to be given back their old rebuilt Warsaw so that they can see in it the same city and not a different town in the same spot.” (Quoted in Tung, 2001: 84).

Another reason for reconstructing the old city -as Tung explains- is the cost. Rebuilding the same street pattern -for instance- in other cities’ experience has proven to be more cost effective since the old network would provide a sub street infrastructure. “The present day town is to a great extent the result of post-war reconstruction which included the rebuilding of the most valuable historic monuments and retaining the majority of pre-war central area street pattern.” (Niemczyk, 1998)
Other issues relative to the reconstruction of the city came up during the process. Historic buildings of the city in many instances lacked the comforts of today’s life, so the outer facades of the structures were reconstructed to their original look but the interiors were modified to accommodate amenities such as heating, plumbing, electricity bathrooms and kitchens. In many cases, it was discovered during the cleanup process that older layers of historic fabric were hidden under the buildings’ finished facades. Varsovians aimed to go as far in history as they could. They revealed the oldest fabric available, and reconstructed the building to its earliest appearance.

In the year 1980, the historic center of Warsaw was inscribed as World Heritage Site. It was acknowledged by the UNESCO as “An outstanding example of a near-total reconstruction of a span of history covering the 13th to the 20th century.” (UNESCO, 1980). The site was nominated based on its universally recognized exceptional value for being associated with events of considerable historic significance according to the nomination form. “The reconstruction of the historic center so that it is identical with the original, symbolizes the will to insure the survival of one of the prime settings of Polish culture and illustrate, in an exemplary fashion, the efficiency of the restoration techniques of the second half of the 20th century.” (ICOMOS, 1978).

The reconstructed heritage of Warsaw -whether movable or immovable- is protected thoroughly under the 1962 heritage conservation statute of Poland which is said to be “the most comprehensive single statute ever conceived for the preservation of a nation’s material legacy.” (Tung, 2001: 89)

The Approach of Dresden

Wolfgang Kil points out that under the Soviet rule, the rebuilding of the destroyed city of Dresden took a rather passive path. Expansive areas were left vacant and unimproved for 50 years after the bombing.
The GRD had surrendered to the endless bleakness of the Altstadt (old city) after it had been cleared of rubble and had left broad areas unimproved. For this reason many dreamed of a completely new capitol for the Free State of Saxony on a leveled site. Others dreamed of the reestablishment of the “Florence on the Elbe” 50 years after it had been almost completely destroyed by massive bombing raids in 1945 (Quoted in Jager & Brebbia (eds.), 2000: 32).

During the rule of the Soviet army, areas of Dresden were rebuilt to some extent. The general image of the rebuilt fabric was however influenced by the new ruling system; Communism.

The first step taken was clearing out all the rubble and debris. Thousands of volunteer tragedy survivors worked to clean the rubble from the devastated area. The new rulers’ plan was to build a new socialist city instead of reconstructing the city of Baroque that once stood. It has been said that whatever was saved from the bombs fell to communist planners after the war ended. Giovannini explains that in post war Dresden there were enough compilations of “surviving buildings, or remnants of buildings and street infrastructure” (Giovannini, 1999) to rebuild the old fabric of the city and to restore the memorable scale. However, the communist planners chose to erase many of the surviving buildings instead with the intention to create a tabula rasa on which to build the ideal communist city. “On the new tabula rasa, they built a politically correct field of banality and celebrated collectivity” (Giovannini, 1999).

With the intension of meeting the urgent need, residential and representative buildings were built in the Stalinist style which is infamous for being “ugly”, dull and of an inhuman scale. The new building technique invaded the memory of what the city’s architecture looked like before the war. However, during the era of communist rule and just after the war, a referendum was held in Dresden and the people chose to reconstruct the remarkable destroyed Zwinger Palace. In the 1962 the 1722 Baroque palace was completely restored.

As the Communists were carrying out projects to construct new buildings in the socialist style, they were encouraged by the success of the Zwinger to rebuild more of Dresden’s historic
fabric and landmarks. Their vision became “...a combined recreation and restoration of the rest of Dresden’s historic urban ensemble suggesting a both-and rather than either-or overall urbanism.” (Giovannini, 1999). Some of the reconstructed landmarks were the Semper Opera House that was reopened in 1985 in the 40th anniversary of the raids, and the high Baroque Catholic Church Hofkirche that was rebuilt in 1979 in addition to a few other landmarks.

Despite their attention to some of the significant buildings of the city, Communists tore down ruins of a considerable number of monuments and left entire city blocks all over Dresden in ruins for the entire time of their rule. The Economist article in the year 1993 (A German Phoenix) put the communist rule in the same category as the RAF raids for being a destroyer “Dresden is well on its way to repairing the damage done by its twin destroyers: bombers and post-war planners” (Economist 1993). It is nevertheless analyzed that financial and political reasons were behind the destruction of a good number of what was still standing in Dresden. Communists were simply uninterested in rebuilding churches, castles or icons from the Nazi era in addition to the lack of funds. “They were so handicapped both by a lack of money and of political will that the Altstadt is still pockmarked with ruins.” (Economist, 1993).

According to the Economist, over 40 years later and after the reunification of Germany, the city’s government in 1993 was neither planning to rebuild the entire fabric of Dresden nor to go with a total urban renewal approach. The city instead was considering combining both approaches. “It wants a careful mix: a restored clutch of such splendid ruins as the Schloss, or royal palace, on the Elbe together with department stores and other modern buildings designed in a compatible style.” (Economist, 1993). Rebuilding was kicking off again.

The German government started efforts to rebuild the extensively neglected ruins of the city. The first mission was to complete the rebuilding of the Schloss (castle) which was built in
the 13th century in the heart of Dresden’s old city. Rebuilding work began in the 80s during the communist rule but the lack of funds delayed it until the new government came along. The castle functioned as the royal residence for the Saxon leaders until WWI. The government after reopening changed the Schloss into a museum.

The most celebrated reconstruction effort however was the rebuilding of the Frauenkirche (The Church of Our Lady). The Baroque structure that was first built in the year 1726 burned for two nights and was completely destroyed in 1945. After the war communists left the church in ruins as a war monument and a reminder of war atrocities until the German government took over. For years, the public was eager to rebuild their beloved shrine. Funds needed for rebuilding the church were raised by Dresdeners during the communist era and in the first years after the reunification. They created a society and gathered money from around the world. However, this was not the only obstacle Dresdeners faced while planning to rebuild the Frauenkirche. They also came across the question of the shape in which the Church would be brought back to the city; some though the form should be changed to represent all events that affected the building. The notion that was later dismissed when the society decided on rebuilding the church as an exact replica of the original Frauenkirche. The rebuilding was based on the original plans and the detailed survey done in the year 1930. Some of the original material was pulled out of the rubble and used in the process. The historic church was reopened in 2005 one year before the scheduled time.

The German government was also looking at the empty space around the reconstructed monuments. They wanted the monuments to dominate a fabric not an empty space, so they started planning for the empty areas. The idea was that the new construction in the empty surrounding areas should respect and compliment the monuments and not take over the
cityscape. The planners of Dresden were also interested in constructing some new “highlights” alongside the reconstructed monuments “These new monuments take up the case of architectural singularity so convincingly established in the historic core.” (Giovannini, 1999).

All over Dresden, accurate replicas were made possible because of the existing 18th century plans. Naturally, such a radical undertake would result in opposition. Newsweek International reports the outrage of the purists and the disapproval of The German Landmark Foundation and the preservationists. “Purists are appalled. The German Landmark Foundation calls such reconstruction "sinful," and preservationists worry reconstruction will draw donations away from needy existing landmarks.” (Theil, 2006).

Additionally, in order to restore Dresden as a fabric and to revive its original skyline pattern, the German government also took action to control construction activity in the city. It was important to ensure the sensitivity of the built environment to the historic ambiance of the city and to its heritage. The height was restricted on both banks of the river, government buildings were regulated to be built in the traditional style, and the streets that were widened during the Communist era were returned to the earliest dimensions. In any case, each city’s unique essence lies in its exclusive pattern and the distinctive relations between its elements.

Though some parts of the city center still look as if they're stuck halfway between demolition and construction, the present city is an enormous tribute to Dresdeners' skills and dedication. The resemblance of today's riverside to Dresden cityscapes painted by Canaletto in the mid-1700s is remarkable. Unfortunately, the war-inflicted gaps in the urban landscape in other parts of the city are too big to be closed anytime soon. (Fodor's Saxony with Leipzig & Dresden Annual, 2007).

In 2004, the United Nation's cultural organization UNESCO declared Dresden and the surrounding section of Elbe river valley to be a World Heritage Site. Dresden was inscribed for being “an outstanding cultural landscape, an ensemble that integrates the celebrated Baroque setting and suburban garden city into an artistic whole within the river valley.” (UNESCO, 2004)
In addition, Dresden’s “court architecture and festivities” as well as its middle class architecture were recognized in the inscription. In 2006, Dresden was threatened to be removed from the World Heritage List and was placed on the List of World Heritage in Danger, for the municipality’s plans to build the Waldschlösschen-Bridge across the Elbe in the core of the cultural area. The City of Dresden suspended the project and the site stayed on the List of World Heritage in Danger.

The Committee decided that plans to build a bridge across the Elbe would have such a serious impact on the integrity of the property's landscape that it may no longer deserve to be on the World Heritage List. It therefore decided to inscribe Dresden Elbe Valley on the List of World Heritage in Danger “with a view to also consider, in a prudent manner, delisting the site from the World Heritage List in 2007 if the plans are carried through.” (UNESCO, 2006).

The Approach of Mostar

Following the Yugoslavian War, international agencies as well as civic organizations became to comprehend the great amount of work that has to be invested in the area. The World Bank and the UNESCO launched a project to reconstruct the old bridge complex. Amir Pasic, a Mostarian architect, started rallying and gathering funds to rebuild the destroyed city with Stari Most as a starting point. He began working on the bridge’s rebuilding project way before the war ended visiting countries all over the world and holding conferences, lectures and workshops at universities in order to campaign for his rebuilding plan. He handed out invitations for the reopening of the bridge complex in 2004, eleven years in advance. Pasic commented “I thought that 2004 sounds good because it's an Olympics year and so people will remember it.” (Quoted in Ruben, 2006) It was important for him and for all Mostarians to see the bridge after which the city was named brought back to their life. His early efforts for gathering funds and support succeeded and his plan was underway as soon as the war ended.
Luckily, before the war, the entire structure was mapped and documented in details. The shape, size and location of the stones were clear. Efforts were made to pull out all the original stones from the river in order to use the authentic material for rebuilding the bridge.

Unfortunately, the original stones were too damaged and cracked to be used. The original stones instead were laid on the western side of the Neretva River and new locally quarried stones -from the same query used by the Ottomans when first building Stari Most- were used. However, the slippery paving tiles that cover the pathway are original material. Traditional building methods were also followed along the course of the reconstruction.

The Ottoman bridge was completely reconstructed to its original form in the year 2004. Just 8 weeks before the date Pasic set. In addition to the rebuilding of the old bridge, a museum showing its history was built under it. The reopening of the reconstructed Stari Most was vastly celebrated. The newly built bridge highly resembles its precedent. It is 100 feet long, 13 feet wide and 65 feet high at its peak. It also resembles the original by being a physical connection between the two sides of the city the Muslim and the Croat just like the old Stari Most was for over four centuries. However, the role of bridging the emotional and mental gap between the two sides resulting from years of devastating war is still to be acted.

The Aga Khan Trust for Culture along with the World Monument Fund on the other hand, turned to the urban fabric surrounding the bridge and to other monuments and neighborhoods which individual structures are not as significant to the community as the bridge, but together they form the identity and the exceptional charm of the city.

Straddling both sides of the Neretva River at the strategic crossing point of the Old Bridge, these neighborhoods are in fact an integral part of the Stari Most. They constitute both its physical, visual and functional context…These old neighborhoods reflect the character of the city formed during the Ottoman period, and remain an inextricable part of Mostar’s historic image. (The Aga Khan Trust for Culture, 2004).
The proposal of the Aga Khan Trust and the World Monument Fund was adopted in the year 2001. It was comprehensive in combining physical and operational schemes. The proposal included not only the plans for revitalizing historic Mostar but also detailed regulations and thorough guidelines for the protection of the area’s character and fabric. The proposal included:

- Complete plans for the rehabilitation of the old town’s neighborhoods, combined with adaptive reuse schemes.

- Provisions supporting institutional strengthening plans as well as dynamic management mechanisms of the historic city’s future.

- Traditional building methods and materials were also documented in the proposal and their application encouraged so as maintaining the traditional building heritage. “Re-introducing these traditional methods on construction sites is the best guarantee of perpetuating and eventually transferring them to the next generation of builders.” (The Aga Khan Trust for Culture, 2004)

- The proposal also pointed out twenty one buildings to be restored on both eastern and western banks of the river. The criteria for choosing the building were based on their architectural significance, multi-cultural character, importance for different religions and sects, and for their varied functions. They were also chosen for their locations in critical gaps within the urban fabric “anchor sites during the long process of reconstruction”. The goal was to restore the buildings so that they would represent focal points attracting investment and stimulate the economic growth each within its neighborhood “These buildings represent some of Mostar’s highest architectural achievements, reflecting the city’s long history and rich culture. They include Catholic, Orthodox and Muslim religious structures; Ottoman, Austro-Hungarian, and socialist era public buildings.” (The Aga Khan Trust for Culture, 2004). Of these twenty one building and to the date the report was made in 2004, four buildings were restored with funds from the Aga Khan Trust for Culture and World Monuments Fund. Four other buildings funded by the World Bank and other donors were still in the process of restoration.

- A number of selected streets were also chosen for detailed streetscape planning. The streets were selected mainly based on the location. Chosen streets crossed the old town and extended into the newer 19th-20th century parts of Mostar. The revitalization of the selected streets would connect the old and newer parts of the city and since significant landmarks exist along the corridors, the process is expected to promote economic growth not only in the old city but also along the streets in newer neighborhoods outside the historic district.
The plan to reconstruct Mostar is thorough. It incorporates long term goals to revitalize Mostar on many levels. Mostarians have already witnessed progress according to the 2004 report but much is still to be done.

From the above we conclude that rebuilding war devastated cities could theoretically follow the tabula rasa, the replica, or the building on the remnants of war approach. However, when looking at Warsaw, Dresden and Mostar it becomes evident that in the real world the rebuilding strategies are often a mix of more than one approach. Significant monuments and shrines tend to be rebuilt as a symbol of national pride while in most cases other historic buildings that are not considered of a great importance tend to be neglected or demolished.
CHAPTER 4
INTERNATIONAL LAW

Background

In the shadows of the frequent and ample destruction that affected human cultural heritage over the history and more alarmingly in the recent armed conflicts, the international community took some steps in an attempt to protect and safeguard cultural heritage. These steps are parts of the humanitarian law that was developed over many years.

Humanitarian Law is based on the idea that it is inevitable that wars will continue to occur. Different areas of the world will be struck despite all the efforts to prevent it and all the peace waging attempts. War is believed to be in the human nature and hence unavoidable. This belief compels a humanitarian law to be set in place to minimize the human suffering and the devastation of wars.

Humanitarian law is defined by the International Committee of the Red Cross as; “A set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not or are no longer participating in the hostilities and restricts the means and methods of warfare. International humanitarian law is also known as the law of war or the law of armed conflict.” (International Committee of the Red Cross, 2004).

International law was primarily developed to protect the human life and minimize the human suffering; however, war has devastating effects on the cultural heritage as well which is acknowledged in humanitarian law too. Toman states in 1996 that “War is not only the enemy of man, it is the enemy of the best that man has produced: the whole cultural and historic heritage.” (Quoted in Teijgeler, 2006).
Historically, attempts to protect and respect cultural property and work of art have been in action long before humanitarian law came into play. Rene Teijgeler in Preserving Cultural Heritage in Times of Conflict points out that protecting works of art was an idea and an aspiration that first appeared during Renaissance. “The first stirrings of a wish to protect works of art appeared during the Renaissance.” (Teijgeler, 2006). Patrick Boylan also sets the Renaissance as the start point where awareness of responsibility towards cultural heritage during conflicts started. “From the Renaissance there was a growing debate about the obligation of belligerents in conflicts towards cultural buildings and objects.” (Tubb & Brodie (eds.), 2002).

Teijgeler also reports that writers on international law worked on the same concept in the 16th and the 17th century. He mentions the Polish Jurist Jacob Przyluski as one of the influential writers on international law in the year 1553 who proposed that art work should be protected during conflicts for its value. Toman also emphasizes the necessity of protecting and respecting the work of art even if it was of a nonreligious nature “…every belligerent should show regard for a work of art, but not solely because of its religious nature.” (Quoted in Teijgeler, 2006). In addition, German jurists Justin Gentilis in the year 1690 and Emer de Vattel in the year 1758 also discussed the issue of safeguarding and respecting the works of art and the religious and cultural property in times of conflict.

A world away, in the Eastern civilization, Islamic religion distinctly emphasized the same concept “The protection of cultural property was also considered in non-western civilizations. Under Islamic law, the obligation to distinguish between civilian and military objects is clearly imperative and permits no exception.” (Teijgeler, 2006). Toman also supports the same point “in accordance with the orders of the first Caliph Abu Bakr (AD 632-634) attacks should be strictly confined to military targets (i.e. objects that by their nature or use are intended for the pursuit of
hostilities) Thus the Islamic concept presumes all objects to be civilian unless proven otherwise.” (Quoted in Teijgeler, 2006).

In our modern history, humanitarian law was covered and discussed over many years and in many peace treaties and international conferences as a part of international law. Some early peace treaties showed the first signs of interest in cultural heritage and artwork. The Peace of Westphalia (Treaty of Munster) in 1648 between the Holy Roman Emperor and the king of France which came at the end of The Thirty Years War paid special attention to cultural heritage. The treaty discussed the return of looted cultural property and emphasized the necessity to distinguish between public and private property.

Treaty of Munster was followed by the Quatres Instructions Initials of 1791 which was a wakeup call during the French revolution that involved alarming destruction rates and looting of cultural property. The French Convention got urgent legislative action going in order to try to stop the looting and destruction.

However, the first time for cultural property to be explicitly protected was when the US Federal Army issued the Lieber Code in 1863 during the Civil War. Private property and cultural property were protected under the code. It is also stated in the code that action should also be taken to protect Artwork in addition to libraries, hospitals and scientific collections. The code also points out the importance of the proportionality of war action and the necessity to limit aggression only to military targets. (See Appendix A for Lieber Code Articles).

Lieber Code, which is still an important part of the US military law set the ground for successive formal international humanitarian laws. The foremost action in that realm was initiated with the Hague Convention in July 1899 (First Peace Conference) which although was outdated by subsequent international Conventions, the terms of which are still considered
customary international law. The first Hague adopted some of the principles put forward during the Brussels (1874)/Oxford (1880) proposals, neither of which was formally approved by a number of countries enough to become an international treaty. (See Appendix B).

The first Hague regulations of the Laws and Customs of War on Land prohibited that the property of the enemy be destroyed or seized. Article 23: “Besides the prohibitions provided by special Conventions, it is especially prohibited….to destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war.” (International Committee of the Red Cross, 2005). The Hague article 28 also prohibits the looting of towns: “The pillage of a town or place, even when taken by assault, is prohibited.” (International Committee of the Red Cross, 2005).

In October 1907, The Hague was followed by a much larger Second Hague Peace Conference, where cultural property, historic monuments, artifacts and public buildings were of the main issues. Many of the articles and provisions of the first 1899 Hague were annexed to the 1907 Hague. The 1907 Hague emphasized the provision of the 1899 Hague on the importance of protecting certain properties during bombardments and sieges. Article 27 of the 1907 Hague was annexed from the first Hague (1899) and states that “In sieges and bombardments all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, provided they are not being used at the time for military purposes.” (Hague, 1907).

The convention also stresses the necessity of marking the buildings that fall under any of the categories with distinctive signs that are notified to the enemy. The principle was preceded in the 19th century by the Oxford Code (1880) and the First Hague conference (1899) article 27.
“The besieged should indicate these buildings or places by some particular and visible signs, which should previously be notified to the assailants.” (Hague, 1907).

While Article 56 of the 1899 Hague spoke directly of historic monuments and works of art and was also annexed to the 1907 Hague:

The property of municipalities, that of institutions dedicated to religion, charity and education, the arts and sciences, even when State property, shall be treated as private property. All seizure of, destruction or willful damage done to institutions of this character, historic monuments, works of art and science, is forbidden, and should be made the subject of legal proceedings. (Hague, 1907).

Although the regulations of the 1907 Hague depended largely on annexed articles from the 1899 Hague, it took the protection of cultural property during war on land to a further extent than any of the codes achieved in the 19th century.

However, neither the 1899 nor the 1907 Hague Conventions had much influence on the protection of cultural heritage. It sadly failed to avert the extensive destruction of cultural property in World War I and World War II. Many buildings of great cultural and historical significance were damaged throughout WWI including the Rheims Cathedral and the Library of Louvain.

In the year 1935 the (Roerich Pact) was introduced in Washington as a Pan-American rather than an international treaty. The pact built on the previous provisions and is still in effect in North America and in most counties from Central and South America. The pact intended mainly to adopt a universal flag which is already designed. The flag is intended to be used in times of danger to preserve national and private immovable monuments. The first act of the pact emphasizes again the importance of protecting historic monuments –among other buildings– during the time of war. However, article 1 of the pact also points out that monuments should also be protected during peace time.
The historic monuments, museums, scientific, artistic, educational and cultural institutions shall be considered as neutral and as such respected and protected by belligerents. The same respect and protection shall be due to the personnel of the institutions mentioned above. The same respect and protection shall be accorded to the historic monuments, museums, scientific, artistic, educational and cultural institutions in time of peace as well as in war. (International Committee of the Red Cross, 2005).

However, according to Boylan 2001 most of the States that adopted the Roerich Pact did little or nothing to employ its terms. “Only Mexico prepared and registered internationally a list of monuments and institutions for which they wished to seek protection”. (Tubb& Brodie (eds.), 2002).

In the year 1939, after the Spanish Civil War (1936-1939) and while the Second World War was approaching, the International Museums Office was commissioned for the purpose to re-evaluate the guarding of monuments and artworks during conflict times. The accomplishment of this last conference was adding civil disturbances to the types of conflicts regulated. Although the International Convention for the Protection of Historic Building and Works of Art in Time of War was never ratified many of the terms it came up with were adopted by the 1954 Hague. In article 1, Boylan says that the convention stressed “the necessity that each government should work during peacetime on preparing and arranging for the protection of historic buildings and works of art in times of conflicts “including both physical arrangement and military training” (Tubb& Brodie (eds.), 2002).

While Article 5 of the convention states that Monuments which are pre-notified, not used for defence or military purposes and at least 500 meter from any military target would be under special protection, Article 6 states that any monument that failed to meet the conditions and is of an importance to the international community could be protected under a special agreement between the contracting parties. The marking of monuments and cultural sites was also included
in the terms, in addition to exclusion of cultural sites from acts of reprisal, and the immunity
during transporting movable work of art to other countries for temporary protection.

During the Second World War, artworks were sadly looted and cultural heritage was
ferociously damaged all over Europe in the face of all international treaties and global laws.
After WW2 the first actual enforcement of international cultural property laws was imposed.
Nuremberg Trials prosecuted and punished Nazi war criminals for the damage, confiscation and
the destruction of cultural heritage during the war.

Boylan 2001, the Geneva conventions came as a continuation to the terms of The Hague. It also
came as an affirmation to the 1945 Treaty of London (Agreement for the Prosecution and
Punishment of the Major War Criminals of the European Axis) and the Nuremberg War Crimes
Tribunal.

In the year 1954, and after looking at the outcome of WWI and WWII, another Hague
Convention was held to discuss specifically approaches to protecting the cultural heritage during
conflicts. In the conference both movable and immovable cultural heritage were included, during
both international and non-international conflicts. The need for the protecting, safeguarding and
respecting cultural property by all parties was emphasized, and actions of reprisal and hostility
against cultural property were prohibited in article 4.

The High Contracting Parties undertake to respect cultural property situated within their
own territory as well as within the territory of other High Contracting Parties by refraining
from any use of the property and its immediate surroundings or of the appliances in use for
its protection for purposes which are likely to expose it to destruction or damage in the
event of armed convict; and by refraining from any act of hostility directed against such
property. (Hague, 1954).

This might be waived only if military necessity requiring the waiver rises. It is also stated in the
conference that the use of cultural property in any manner that would put it in the way of damage
and expose it to destruction is illegal. The 1954 Hague, in addition, obligates the contracting parties to prevent and prohibit the theft, misappropriation or vandalism of movable and immovable cultural property. And in an attempt to provide more protection for the cultural heritage the conference necessitated the peace time preparation of safeguarding cultural resources for foreseeable conflicts.

It has been reported that the 1954 Hague was a breakthrough since it stressed the view that the cultural heritage is the property of all mankind regardless of its location. “Its text made the idea of world heritage a central argument for the adoption of international rules. It stated clearly that "damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of all mankind, since each people makes its contribution to the culture of the whole world."” (Gamboni, 2001).

In order to inflict the provisions of The Hague the members approved to take actions to prosecute and impose sanctions on all offenders. Subsequently, the need for a second protocol amending the 1954 Hague developed as the result of the Yugoslavian war. While The Hague showed effectiveness in the Gulf War in 1991 when a “no fire target list” was created and respected by the parties to a certain extent, the uncalled for attacks against cultural property in Dubrovnik and Mostar (Yugoslavia) showed otherwise.

In 1999 a second protocol amending the 1954 Hague was endorsed. The second protocol gave more detail to an enhanced protection section that existed in 1954 as a special protection article (See Appendix C). The protocol includes a greater number of punitive elements than any of its precedents. With “..Specific articles on criminal jurisdiction, a duty to prosecute and extradite and mutual legal assistance.” (Nafziger, 2003).
The 1999 protocol elaborates on the safeguarding in peacetime against a foreseeable conflict. It strengthen the importance of preparing inventories for cultural property, protecting against fire and structural damage, removing all property that is movable to a safe place, and designating an authority to protect cultural property in the time of conflict.

The protocol also forbids the attacks that are known to cause damage to cultural property. “A state must refrain from attack when either the objective is the destruction of protected cultural property or the attack might create incidental damage to cultural property that is excessive in relation to the anticipated military advantages.” (Nafziger, 2003). The prosecution and punishment of Violators of the Hague conventions are discussed in more detail as well in the 1999 Hague (See Appendix C). It is important however to point out one limitation of the conventions and that is the absence of criterion for the penalties for violations. “The conventions related to cultural war crimes, however, do not spell out the penalties that should be handed down for violations.” (Maass, 1999).

Despite the humanitarian law, violations of the Hague Conventions and the international laws concerning the protection of cultural property continue to occur all over the world. In the year 1974 Turkey bombed Paphos, Cyprus. A few years later, in early 1980s, the Israeli army held military operations attacking the archeological site of Tyre, Lebanon. Another violation took place at around the same period when Iraq attacked the cultural and historic site of Abadan and Shush in Iran. More recent events took place during the war in former Yugoslavia when the Serbs attacked the religious, cultural and historic sites in Bosnian territories. “Major steps in the protection of cultural heritage often follow the acknowledgment of failures.” (Gamboni, 2001).
In order to provide true protection for the world’s work of art, it is essential to pass on the idea and raise the awareness that cultural heritage wherever located is the legacy, the property and the responsibility of all mankind.
CHAPTER 5
ANALYSIS OF RECONSTRUCTION STRATEGIES

Background

As we learned from the review and from many cases all over the globe, cultural heritage is vulnerable and has been targeted for many different reasons. International laws have been in place, but unfortunately we still see cultural heritage deliberately destroyed. We also realized after looking at Mostar, Dresden and Warsaw that cities naturally make every effort to break out of post war devastation and rise again. However, each city and each area followed its own strategy and come up with its own post war plan in an attempt to recover and heal. A number of post war reconstruction strategies were presented in relation to the discussed case studies. Each strategy came as a reaction to the unique situation of each city. After looking closely at the three cases, an evaluation and a critique of each approach can be completed.

Warsaw

Preparation and Planning Ahead

In the case of our first model, Warsaw, we learned that people started rebuilding immediately as an act of patriotism and national pride. One reason that helped varsovians through their mission is the anticipation of the attack and -as a result- the readiness. The fact that they saw the destruction coming helped them prepare for it. They worked hard to protect and hide what they could move and to document what they could not. Just five years after the war ended the entire city was rebuilt to its detailed prewar appearance.

The second protocol of The Hague (1999) discusses the importance of preparing an emergency plan for the protection and safeguarding of cultural property before conflicts break out. Learning from Varsovians, it is necessary for each city especially when a conflict is
expected to make a plan to protect cultural heritage; move it to a safe location –if movable- or outline steps to protect it if not.

**Traditional Materials and Methods**

During the reconstruction of Warsaw, original material was used if found, if not, traditional building methods were applied to replace it. It should be pointed out that employing traditional building methods is beneficial in the sense that it keeps the traditional building techniques alive. In addition, when a huge project follows this strategy, it functions as a school for a new generation to learn from the experienced craftsmen.

**Selectivity**

However, and while respecting and recognizing the work done to restore Warsaw, the historic center which was almost entirely leveled in WWII has neither representation whatsoever of that important part of its history nor of other significant times of the city’s past when Poland was ruled by foreign powers. “Varsovians now decided to return buildings to prior architectural incarnation rather than recreate forms that had been derived during a political period when Poland was occupied by foreign powers.” (Tung, 2001:86) For instance buildings from the 19th century when Poland was partitioned were not intended to be rebuilt. That fact contradicts with the Venice charter that emphasizes the importance of maintaining additions on buildings throughout the history as a representation of the effect of time and of different eras on architecture.

Buildings in Warsaw were restored to their earliest shape if evidence were found of it - even if later changes or additions have occurred and altered them- and layers were removed to reveal other layers from previous eras. The act that also bypasses important contributions made throughout the history of the area. Article 11 of the Venice Charter discusses points out this issue:
The valid contributions of all periods to the building of a monument must be respected, since unity of style is not the aim of a restoration. When a building includes the superimposed work of different periods, the revealing of the underlying state can only be justified in exceptional circumstances and when what is removed is of little interest and the material which is brought to light is of great historical, archaeological or aesthetic value, and its state of preservation good enough to justify the action. Evaluation of the importance of the elements involved and the decision as to what may be destroyed cannot rest solely on the individual in charge of the work. (Venice Charter, 1964).

It might be said that selectivity was employed to rebuild the city; Selectivity of time for the whole composition and of appearance for each of the buildings. Varsovians dismissed a very important period of time when rebuilding their city. They were accused of producing a tourist attraction, a "Disney" instead of a city that survived war and conquered it. It is expected and very likely to want to dismiss such a horrific experience from memory through erasing it from everyday’s scene but it is also necessary to generate a city genuinely representative of all events and all experiences in its history rather than a “plastic surgeried” beauty.

**Celebrating the Replica**

The effort of rebuilding Warsaw was rewarded in 1980 by recognizing the historic center of the city as an item on the world heritage list for being an “outstanding example of a near-total reconstruction of a span of history covering the 13th to the 20th century.” (UNESCO, 1980).

Warsaw now is celebrated for being an exact replica of what has been. It is valued as an icon of the effort Varsovians put in it and the national pride that led to it -and that is absolutely worth valuing-. In time however, it might be recognized and celebrated for what it is and not for what it copies. “Then, as now, such artifice evoked a simpler past in a rapidly modernizing world. Critics may call them "fake" or "artificial." But as with those beautifully gaudy monuments of a century ago, people may one day appreciate these reconstructions as an authentic expression of our times.” (Theil, 2006).
Mostar

Adopted Strategy

To a certain extent, the reconstruction of Mostar can also be considered a facsimile or a true copy reconstruction since a number of buildings have been reconstructed in the original form and in their exact location. However, when looking at Mostar in comparison to Warsaw it becomes clear that in Mostar some of the buildings were reconstructed -and to be exact 21 in addition to the bridge complex- but not the whole fabric of the historic city, while the rest of the buildings were constructed to compliment and enrich the scene rather than being exact replicas.

Comprehensive Planning

In Mostar, a comprehensive plan discussing all scenarios was generated. Producing a plan is an important step that should be considered in early stages so as to control the comeback of the city and to organize and regulate the rebuilding process. People need to see some effort materialized, they also need facilities, services, and housing; as early as a plan is constructed as soon as they can see progress on the ground.

The Gracious Comeback of Stari Most

In Mostar, the bridge (Stari Most), the community’s cherished icon, was the first focus after the war. Its comeback was necessary as a symbol restoring national pride, healing the sense of community and raising the spirits of the devastated public. Its restoration signified a less segregated future between the two ethnicities in Mostar. The bridge is a very significant landmark, the day it was destroyed Mostarians were heartbroken. In a war devastated city, the comeback of such a symbolic building is very crucial for the public to regain their faith that their lives will be restored as well. The bridge was the first step and the most important psychologically.
Realistic Reconstructing

All over the city the 21 selected significant buildings were restored to their original forms and put to use for community purpose and activities. The selection of the buildings was based on the comprehensive plan’s big picture of revitalizing the community economically and socially. Other buildings of Mostar were either discarded if totally ruined or rehabilitated if still has an acceptable percentage of the original tissue to an acceptable level of integrity. The process that was followed to select the 21 significant buildings took into consideration many issues; the architectural representation, the relation to all religions in the area but most importantly the location. Realistically, the approach to revitalizing Mostar clearly dismissed the idea of reconstructing all or most of the historic monuments to the original shape. The selected buildings however, were located where they would promote community revitalization. And to satisfy the public, the characters of the selected buildings were diverse to represent all the public.

Harmonized Fabric

The comprehensive plan took into consideration the historic core of the city as well as the newer parts that were built in the 19th and 20th century. As mentioned earlier a few significant landmarks were constructed in dispersed locations and the rest of the city was planned in harmony with the landmarks and with the familiar character of the fabric. The historic areas closest to the bridge were restored to a satisfactory degree of integrity. Except for the main street on the front line which still lies in ruins while the two sides –east Bosnian Muslims and west Christian Croats- fight over controlling its future.

Mostar is an example of rebuilding with the community in mind. In Mostar they did not rebuild the entire old district in its original form; they instead produced a network of buildings in harmony with each other and left some room for new construction within tailored guidelines.

“The authenticity of a historic building as aesthetic entity and historic document is the compound
truth, both tangible and intangible, which makes it valuable and significant. Understood in a developing perspective, the authenticity of a historic building lies in it yesterday, today and tomorrow rather than a simple point of time. (Yining, 2007).

**Dresden**

**Public Action**

In Dresden the post war situation was controlled by the new political climate. The communists were in power now and they wanted to create a new communist city. However, the decision to reconstruct the city’s landmarks came from the citizens of Dresden. They voted to bring their Zwinger back and that stimulated the following of other monuments. The public also succeeded in gathering funds to rebuild the Frauenkirche through creating a society dedicated to this goal.

**Risk Taking**

The reconstruction of Dresden was not really an exact replica of the prewar city but rather a compilation of selected reconstructed monuments located dominantly among new buildings that compliment the character and the significance of them. The street network and the general scale were restored to recreate the essence of the area.

Modern and postmodern style buildings also shared the scene. Contemporary monuments were built just outside the old district the fact that resulted in a collection of replicas of historic monuments, contemporary monuments and infill buildings. “Dresden’s urban attitude allows the coexistence of past and future in a more relaxed present.” (Giovannini, 1999).

Creating such an environment is very risky however, if not studied very carefully the city could lose its character and turn into a pool of unrelated, competing, and confusing elements that do not compliment but rather demean each other’s significance.
Time

Another issue relater to Dresden is time. After the destruction of the city, a significant number of old town’s blocks was left in ruins for over 50 years during the communist rule. The passing time and the neglect of the ruins and remnants must have further deteriorated the shape of them and erased many of them from the scene and from the memory of the people.

Berlin in Contrast

In literature, the process of rebuilding Dresden is often compared to that of Berlin. In Berlin a totally different route was taken. Many of the city’s monuments were demolished following official decisions including the royal palace located the historic district. In the place of knocked down monuments urban renewal came into view. Siedler notes that “Every epoch of Berlin seems to consume its predecessor” (Quoted in Werneburg, 1995). Berlin is an example of a total different approach; the tabula rasa approach.

Summary

The three cases reviewed have some aspects in common. Like the strong public will to rebuild the city and the desire to bring back the monuments. Those two aspects are pushed and motivated by the national pride of the people. However, the rebuilding strategies have a lot of differences in terms of the conditions controlling the course of the process and the concept adopted to carry out the rebuilding.
CHAPTER 6
DESIGNING A NEW APPROACH

Introduction

After looking at the case studies and taking first hand experiences into consideration, a new plan for rebuilding a conflict devastated area can begin to shape up. As mentioned earlier, each post war reconstruction strategy depends highly on the conditions and the specific case of the city. The target city chosen has been in a 40 year conflict which is still ongoing. Nablus is a Palestinian city that is located in a valley between two mountains. It has a very rich history dating back to 2500-3000 BC when the city was first found by the Canaanites. Along its history, the city was ruled by Romans, Byzantines, Crusaders, Mamluks and Ottomans which resulted in a pool of a rich, diverse cultural heritage. The city was invaded in 2002 and a large amount of its legacy was lost.

Icomos issued a detailed destruction report a few months after the attack of the city of Nablus. In the report a detailed description of the unique historic area and complete survey of the significant historic buildings was included. It is also stated in the report that Nablus was the most economically strong city of Palestine and the most beautiful, until it was invaded and its historic quarter destroyed. The report says that the old city is famous for its dense network that is composed of major commercial streets and six main residential quarters. Vaulted markets, ancient mosques and churches, traditional olive oil soap factories and operational Turkish bathhouses were major elements and attractions of the area. A roman aqueduct system runs under the area where tourists once used to visit. In addition to the tourist aspects, there are 2850 houses inside the old district where some of them are family palaces. Ruins from Roman times surround the old city and inside of it a considerable number of Byzantine and Crusader monuments are still surviving.
The setting of the old district is distinctive for its narrow winding casabas enclosed by joined buildings on both sides. It is significant not for a collection of grand masterpiece landmarks but rather for the fabric with all its modest elements, exceptional setting and rich history “The concept of a historic monument embraces not only the single architectural work but also the urban or rural setting in which is found the evidence of a particular civilization, a significant development or a historic event. This applies not only to great works of art but also to more modest works of the past which have acquired cultural significance with the passing of time.” (Venice Charter, 1964).

The Destruction

In April 2002 the city underwent an air and ground attack that resulted in devastating destruction to its old district. The invasion lasted for eighteen straight days. The area was hit badly by F-16s and Apache helicopters. The worst damage however, was caused by the military tanks and bulldozers that used to come in with the purpose of opening a path to the tanks knocking down the buildings on both sides of the alleys and crushing the historic stone paving along their way. Timed explosives were also used to open huge holes through walls that linked buildings share in order to assist the movement of ground troupes.

Bevan reports the destruction that took place in a 2002 attack on the city. He states that over 2500 structure in the old district were reported in 2002 before the invasion “from Roman water cisterns to nineteenth-century mosques” (Bevan, 2006:149) during the Israeli invasion mosques -some as old as 1600 years buildings converted to mosques-, the Greek Orthodox old town’s Church, traditional 200 year old soap factories, ancient caravanserai, and historic baths were destroyed. “Throughout the center historic stone buildings have been gouged, pocked or reduced to rubble.” (Bevan, 2006: 149). A question has been raised on the strategic gain of destroying the caravanserai along with two adjacent soap factories and seven houses just a few
hours before the invasion forces left town temporarily. They however returned after two months and flatten the remnants of the caravanserai just after a reconstruction project was launched and funds from the European Union were gathered to rebuild it. UNESCO condemned the destruction of the cultural heritage in Nablus stating that it “deplores the destruction and damage caused to the cultural heritage of Palestine.” (UNESCO, 2002) while acknowledging the “exceptional universal value” of the cultural heritage of Palestine.

It is reported by Bevan that the damage which took place was denied by the Israelis including the director of the Israeli Museum formerly Martin Wayl who described the devastating effect of the invasion on the cultural heritage of Nablus city as “non-existent”. Bevan further explained after being sent to the city as an eye witness “This heritage is deemed, at the very least, expendable by the Israeli forces.” (Bevan, 2002: 152). The loss was documented by ICOMOS;

The city of Nablus, with 113,000 Palestinian residents, suffered considerable damage and destruction during an 18-day air and ground bombardment by Israeli military forces, 3-21 April 2002. Most of the destruction occurred in the two-millennia-old historic core area in central Nablus, where 16,000 residents and hundreds of economically viable businesses are located. The large-scale attack on Nablus was part of an Israeli re-occupation of Palestinian territory in the West Bank that targeted major cities and villages. Since then, Israeli military forces have repeatedly re-entered the city causing more damage. (ICOMOS, 2002).

**Facts to Keep in Mind**

In the individual case of Nablus, some specific points should be kept in mind when structuring a strategy:

- The conflict has not been resolved yet, so the danger on cultural heritage still exists. A strategy to limit the destruction and avoid further harm is necessary.
- The city is under occupation with the absence of the rule of law.
- Most cultural property is privately owned and many buildings are used for housing purposes.
Due to the extreme living conditions people are seeking basic needs. Preservation and reconstruction is not high on their priority list.

Due to historic trends of city expansion, the existing population of the old city is of limited economic means.

**Groundwork**

Taking the above points into account, a preliminary strategy can begin to shape up. The economic, political and social conditions of the area, in addition to the public will and the nature of the destruction are factors that should be accounted when designing a reconstruction framework in Nablus.

**Public Awareness**

One major element in a reconstruction plan for the area is public awareness. People of the city and particularly those who live inside the historic district should be educated and informed about the value of their cultural heritage and about the harm that could be brought on the community if lost. This will not only gain public support for the reconstruction process, it will also help limit man made deterioration, and -like in the case of Dresden- it could employ public effort to gather funds and support for the reconstruction process. International awareness is also as essential as the local. It will provide the still standing cultural heritage with international protection and will hopefully take necessary action concerning the destroyed.

**Time**

Time is also a sensitive variable when it comes to cultural heritage, particularly in a law income area such as the old district. Since a considerable number of the historic buildings in the old district are used for housing, if the citizens did not see immediate action on the ground, they will improvise and act to rebuild their homes out of necessity; ad hoc without adhering to any plan or following any preservation policies or laws.
In post war reconstruction generally, and in this case particularly, there should be immediate intervention by restoration organizations to carry out emergency reconstruction projects with the aim of providing for adequate living condition temporarily until a more detailed comprehensive reconstruction plan materializes.

**Documentation**

From the experience of the three study case cities, it has been clear that one of the central steps to take while anticipating an attack is the documentation. In this case, since the conflict is still existent, a new outbreak jeopardizing the still standing structures should be anticipated which leads us to the conclusion that detailed documentation of the existent situation is imperative.

The comprehensive documentation process should closely be supervised by experts on the cultural heritage of the old city. Not only buildings but also street networks, and landscape elements should be documented in detail. This is an important step to avoid the loss of a chance to rebuild the composition -if chosen-, or keep the memory and evidence of it.

In the ICOMOS report, it is pointed out that the damage assessment was inadequately done because of limits on movement as a result of the curfew. “Curfews on the city as well as movement restrictions between cities have complicated the task of making further damage assessment.” (ICOMOS, 2002).

Alongside the traditional documentation methods, the public memory should also be considered while collecting information. Many example of reconstruction projects relied on the public memory and the stories told of the area’s essence, history and use as a valuable record alongside the official documentation. In this case it is also useful to talk to the citizens and document their ideas, memories and anticipations for their district in order to recreate a formation they can relate to.
Reconstruction Approach

In the process of revitalizing the old district, many approaches could come to the table. However, thought should be given to the fact that buildings of the old city are joined and the whole network is of a human scale with its narrow alley ways and continuous on street facades. This imposes the rebuilding of the destroyed areas in the same style (not necessarily replicas) within the Old district so as to compliment and complete the rest of the network since it all functions as one big complex unit rather than an assembly of different buildings.

Yet, in order to maintain the memory of the destruction, and to avoid the confusion of the rebuilt structures with the original genuinely historic, the image of the rebuilt structures should hold some modernity to it so as to reveal the mark of the event and the era in which it took place. For example, in that same area when walking along the streets a person would notice in some areas of the facades bigger blocks of stones with different colors on the bottom as a result of previous destruction and the consequent rebuilding using different material but respecting the old arrangement.

Traditional Materials and Methods

We also learned from the case studies the importance of reviving traditional building methods and studying old materials. It is essential in this case to train craftsmen and construction workers on traditional techniques in order to have a staff ready to repair the damages to harmed structures and to maintain what is still standing in a sensitive manner.

Economic Revitalization

Since the area has fallen into economic devastation as well, action should be taken in order to revitalize the community and bring more activity into it. Restoring trade-based structures, religious sites, traditional soap factories and public baths would lead to more activity and more investment.
Many sites inside the old district are very unusual and specific only to the old city of Nablus such as the historic public baths. Being important traditional sites, people from all over the country used to rent the places and organize traditional parties or wedding showers. The reconstruction of these sites all over the old district along with some other functions specific to the old city would bring in more people; the idea that we learned from the comprehensive plan of Mostar. This should be accompanied by the revitalization of the routes leading to the public buildings so as to increase the connectivity between the new city and the old district.

During the reconstruction process, the respect of the original tissue of each building and of the whole network should be taken into account. Preservation and reconstruction guidelines should also be respected and followed in detail so as to preserve the integrity of the historic site.

Getting to create a reconstruction plan is a lengthy and very detailed process that encounters looking at each building’s history. It also involves a lengthy and detailed study of the area on all levels, socially, economically, historically, and on many other levels as well. The previous discussion was only a glimpse on a few strategies that could be employed in the case given however; opportunity for further analysis and detailed studies is still present.

**Summary**

In Nablus, there are many factors controlling the rebuilding of the cultural heritage. The setting of the area, the usage of the buildings, the economic and political situation and the fact that the conflict if still existing are all controlling elements that should be kept in mind when rebuilding. A complete comprehensive plan should be the next step in that area. However, such an effort requires thorough and extensive field work examining the destruction, investigating the cultural legacy, and taking the public opinion and vision into consideration.
Figure 6-1. The location of the city of Nablus, Palestine. Source: University of Texas Libraries. Retrieved on Nov. 3rd, 2007 from http://www.lib.utexas.edu/maps/cia05/west_bank_sm05.gif
CHAPTER 7
OBSERVATIONS

The movement to protect cultural heritage during conflict times has been on the go for decades. Progress has been made, and punishment of war criminals responsible for aggressions against cultural heritage has been established. However, most steps taken in that realm came as a reaction to the destruction and to the crimes instead of being precautionary measures motivated by the will to protect the legacy of mankind.

Sadly, in our modern time, we have witnessed the painful and huge destruction and disregard of cultural heritage all over the globe. The war in Iraq, and in former Yugoslavia, the conflicts in Lebanon, Afghanistan, and Palestine, they all are evidence of the weak points of the international law and the limited powers of its regulations. It is clear and important -in the shadow of all the recent destruction- to admit the need of adopting new strict measures firm enough to prevent and avoid the destruction and the attacking of cultural heritage.

Moreover, it is very essential to acknowledge the idea that cultural heritage wherever exists is a legacy of all human beings and it is the responsibility of all mankind to protect it in order to maintain it for future generations.

From the several case studies, it has been clear that the destruction is usually massive covering vast areas within cities. In most cases, attacking cultural heritage does not have strategic goals and does not give belligerents a military advantage. Attacks are often deliberate. They are carried out to terrorize and demoralize civilians. For those reasons, literature suggests the strong connection between genocide and urbicide as a new term for immoral and violent acts specific to cultural heritage.

Looking at the case studies, we can also see that the cost of rebuilding could be funded either by the government or by international donors. In the context of developing countries,
international donors play a very important role since funding is a problem and the institutional structure and policies are not designed to accommodate such a task. This issue is also reflected in the administration and implementation of these projects, where in developing countries; international agencies play a significant role during the process. One thing to note here is the potential importance of mobilizing the public to participate in the rebuilding process. The public could provide valuable financial and manpower assistance, yet the mechanisms have to be in place to manage this participation, and to guarantee that the individual efforts do not cause further harm to the cultural heritage.

Furthermore, the cultural heritage of a people is essential for their existence in a place, and for their connection to the area and the history. This explains the devastation and damage of a community if it was destroyed and the will to rebuild as an attempt to mend the community and the daily life despite the immensity and the vastness of the demolition. However, from our research we conclude that there are several ways to approach the rebuilding. Theoretically there are three directions to follow. Either the replica rebuilding which brings the city back and erases the traces of war, the tabula rasa which demolishes the remnants, resume with a fresh start and erases the history, or the building on the remnants of war which retain the scars and honor them as a war memorial and rebuild keeping them in the final picture in an attempt to represent history with all its good and tragic events.

Neither of the three study cases presented followed a single pure approach. In each case, one approach seemed to dominate but the other two would be vaguely and slightly employed as well. Some aspects were shared between the three cases in spite of their differences such as the civilian role. Due to their appreciation of the destroyed legacy civilians would take a leading
part, and would assist in the rebuilding process. They aspire to see their cherished monuments and treasured shrines come back to their life.

Taking that into account, it has been noticed that the most employed strategy -although strongly criticized- is rebuilding exact replicas in their exact former location. “Destroyed monuments, of course, have been reconstructed as long as there have been fires, earthquakes and war” (Theil, 2006). When taking a target case into consideration, the decision to reconstruct would involve many issues. As mentioned earlier, the public often want to see their monuments rebuilt to the exact original shape. However, authenticity and the effect of history on the buildings and the fabric are issues that this strategy fails to take into account.

In sum, it is important to point out that one rebuilding strategy for all is not a realistic view and does not consider the uniqueness of each culture and each area. Every city has a special set of circumstances that control the process of its comeback. The environment, the economy, the public vision, and the ruling system are some issues that affect the decision of rebuilding a devastated city like Nablus. When studied well, a thorough strategy for the recovery that values the heritage, respects the history and plans for the future can be designed with the will and spirit of today.
APPENDIX A
INSTRUCTIONS FOR THE GOVERNMENT OF ARMIES OF THE UNITED STATES IN THE FIELD (LIEBER CODE). 24 APRIL 1863; SAMPLE ARTICLES ASSOCIATED WITH CULTURAL HERITAGE

Section II: Public and private property of the enemy -- Protection of persons, and especially of women, of religion, the arts and sciences -- Punishment of crimes against the inhabitants of hostile countries

- Art. 31. A victorious army appropriates all public money, seizes all public movable property until further direction by its government, and sequesters for its own benefit or of that of its government all the revenues of real property belonging to the hostile government or nation. The title to such real property remains in abeyance during military occupation, and until the conquest is made complete.

- Art. 32. A victorious army, by the martial power inherent in the same, may suspend, change, or abolish, as far as the martial power extends, the relations which arise from the services due, according to the existing laws of the invaded country, from one citizen, subject, or native of the same to another. The commander of the army must leave it to the ultimate treaty of peace to settle the permanency of this change.

- Art. 33. It is no longer considered lawful -- on the contrary, it is held to be a serious breach of the law of war -- to force the subjects of the enemy into the service of the victorious government, except the latter should proclaim, after a fair and complete conquest of the hostile country or district, that it is resolved to keep the country, district, or place permanently as its own and make it a portion of its own country.

- Art. 34. As a general rule, the property belonging to churches, to hospitals, or other establishments of an exclusively charitable character, to establishments of education, or foundations for the promotion of knowledge, whether public schools, universities, academies of learning or observatories, museums of the fine arts, or of a scientific character -- such property is not to be considered public property in the sense of paragraph 31; but it may be taxed or used when the public service may require it.

- Art. 35. Classical works of art, libraries, scientific collections, or precious instruments, such as astronomical telescopes, as well as hospitals, must be secured against all avoidable injury, even when they are contained in fortified places whilst besieged or bombarded.

- Art. 36. If such works of art, libraries, collections, or instruments belonging to a hostile nation or government, can be removed without injury, the ruler of the conquering state or nation may order them to be seized and removed for the benefit of the said nation. The ultimate ownership is to be settled by the ensuing treaty of peace. In no case shall they be sold or given away, if captured by the armies of the United States, nor shall they ever be privately appropriated, or wantonly destroyed or injured.
• Art. 37. The United States acknowledge and protect, in hostile countries occupied by them, religion and morality; strictly private property; the persons of the inhabitants, especially those of women: and the sacredness of domestic relations. Offenses to the contrary shall be rigorously punished. This rule does not interfere with the right of the victorious invader to tax the people or their property, to levy forced loans, to billet soldiers, or to appropriate property, especially houses, lands, boats or ships, and churches, for temporary and military uses.

• Art. 38. Private property, unless forfeited by crimes or by offenses of the owner, can be seized only by way of military necessity, for the support or other benefit of the army or of the United States. If the owner has not fled, the commanding officer will cause receipts to be given, which may serve the spoliated owner to obtain indemnity.

• Art. 39. The salaries of civil officers of the hostile government who remain in the invaded territory, and continue the work of their office, and can continue it according to the circumstances arising out of the war -- such as judges, administrative or police officers, officers of city or communal governments -- are paid from the public revenue of the invaded territory, until the military government has reason wholly or partially to discontinue it. Salaries or incomes connected with purely honorary titles are always stopped.

• Art. 40. There exists no law or body of authoritative rules of action between hostile armies, except that branch of the law of nature and nations which is called the law and usages of war on land.

• Art. 41. All municipal law of the ground on which the armies stand, or of the countries to which they belong, is silent and of no effect between armies in the field.

• Art. 42. Slavery, complicating and confounding the ideas of property, (that is of a 'thing'), and of personality, (that is of 'humanity'), exists according to municipal or local law only. The law of nature and nations has never acknowledged it. The digest of the Roman law enacts the early dictum of the pagan jurist, that "so far as the law of nature is concerned, all men are equal." Fugitives escaping from a country in which they were slaves, villains, or serfs, into another country, have, for centuries past, been held free and acknowledged free by judicial decisions of European countries, even though the municipal law of the country in which the slave had taken refuge acknowledged slavery within its own dominions.

• Art. 43. Therefore, in a war between the United States and a belligerent which admits of slavery, if a person held in bondage by that belligerent be captured by or come as a fugitive under the protection of the military forces of the United States, such person is immediately entitled to the rights and privileges of a freeman. To return such person into slavery would amount to enslaving a free person, and neither the United States nor any officer under their authority can enslave any human being. Moreover, a person so made free by the law of war is under the shield of the law of nations, and the former owner or State can have, by the law of postliminy, no belligerent lien or claim of service.
• Art. 44. All wanton violence committed against persons in the invaded country, all destruction of property not commanded by the authorized officer, all robbery, all pillage or sacking, even after taking a place by main force, all rape, wounding, maiming, or killing of such inhabitants, are prohibited under the penalty of death, or such other severe punishment as may seem adequate for the gravity of the offense. A soldier, officer or private, in the act of committing such violence, and disobeying a superior ordering him to abstain from it, may be lawfully killed on the spot by such superior.

• Art. 45. All captures and booty belong, according to the modern law of war, primarily to the government of the captor. Prize money, whether on sea or land, can now only be claimed under local law.

• Art. 46. Neither officers nor soldiers are allowed to make use of their position or power in the hostile country for private gain, not even for commercial transactions otherwise legitimate. Offenses to the contrary committed by commissioned officers will be punished with cashiering or such other punishment as the nature of the offense may require; if by soldiers, they shall be punished according to the nature of the offense.

• Art. 47. Crimes punishable by all penal codes, such as arson, murder, maiming, assaults, highway robbery, theft, burglary, fraud, forgery, and rape, if committed by an American soldier in a hostile country against its inhabitants, are not only punishable as at home, but in all cases in which death is not inflicted, the severer punishment shall be preferred.
B. Rules of conduct with regard to things

- (a) Means of injuring -- Bombardment

'Certain precautions are made necessary by the rule that a belligerent must abstain from useless severity (Article 4). In accordance with this principle'

- Art. 32. It is forbidden:
  (a) To pillage, even towns taken by assault;
  (b) To destroy public or private property, if this destruction is not demanded by an imperative necessity of war;
  (c) To attack and to bombard undefended places.

'If it is incontestable that belligerents have the right to resort to bombardment against fortresses and other places in which the enemy is intrenched, considerations of humanity require that this means of coercion be surrounded with certain modifying influences which will restrict as far as possible the effects to the hostile armed force and its means of defense. This is why'

- Art. 33. The commander of an attacking force, save in cases of open assault, shall, before undertaking a bombardment, make every due effort to give notice thereof to the local authorities.

- Art. 34. In case of bombardment all necessary steps must be taken to spare, if it can be done, buildings dedicated to religion, art, science and charitable purposes, hospitals and places where the sick and wounded are gathered on the condition that they are not being utilized at the time, directly or indirectly, for defense. It is the duty of the besieged to indicate the presence of such buildings by visible signs notified to the assailant beforehand.

(b) Private property

'If the powers of the occupant are limited with respect to the property of the enemy State, with greater reason are they limited with respect to the property of individuals.'

Art. 54. Private property, whether belonging to individuals or corporations, must be respected, and can be confiscated only under the limitations contained in the following articles.

- Art. 55. Means of transportation (railways, boats, & c.), telegraphs, depots of arms and munitions of war, although belonging to companies or to individuals, may be seized by
the occupant, but must be restored, if possible, and compensation fixed when peace is made.

- Art. 56. Impositions in kind (requisitions) demanded from communes or inhabitants should be in proportion to the necessities of war as generally recognized, and in proportion to the resources of the country. Requisitions can only be made on the authority of the commander in the locality occupied.

- Art. 57. The occupant may collect, in the way of dues and taxes, only those already established for the benefit of the State. He employs them to defray the expenses of administration of the country, to the extent in which the legitimate government was bound.

- Art. 58. The occupant cannot collect extraordinary contributions of money, save as an equivalent for fines, or imposts not paid, or for payments not made in kind. Contributions in money can be imposed only on the order and responsibility of the general in chief, or of the superior civil authority established in the occupied territory, as far as possible, in accordance with the rules of assessment and incidence of the taxes in force.

- Art. 59. In the apportionment of burdens relating to the quartering of troops and war contributions, account is taken of the charitable zeal displayed by the inhabitants in behalf of the wounded.

- Art. 60. Requisitioned articles, when they are not paid for in cash, and war contributions are evidenced by receipts. Measures should be taken to assure the ‘bona fide’ character and regularity of these receipts.
APPENDIX C
SECOND PROTOCOL TO THE HAGUE CONVENTION OF 1954 FOR THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT THE HAGUE, 26 MARCH 1999

Chapter 1 Introduction

Article 1 Definitions
For the purposes of this Protocol:

a. "Party" means a State Party to this Protocol;

b. "cultural property" means cultural property as defined in Article 1 of the Convention;


d. "High Contracting Party" means a State Party to the Convention;

e. "enhanced protection" means the system of enhanced protection established by Articles 10 and 11;

f. "military objective" means an object which by its nature, location, purpose, or use makes an effective contribution to military action and whose total or partial destruction, capture or neutralisation, in the circumstances ruling at the time, offers a definite military advantage;

g. "illicit" means under compulsion or otherwise in violation of the applicable rules of the domestic law of the occupied territory or of international law.

h. "List" means the International List of Cultural Property under Enhanced Protection established in accordance with Article 27, sub-paragraph 1(b);

i. "Director-General" means the Director-General of UNESCO;

j. "UNESCO" means the United Nations Educational, Scientific and Cultural Organization;


Article 2 Relation to the Convention
This Protocol supplements the Convention in relations between the Parties.

Article 3 Scope of application
1. In addition to the provisions which shall apply in time of peace, this Protocol shall apply in situations referred to in Article 18 paragraphs 1 and 2 of the Convention and in Article 22 paragraph 1.

2. When one of the parties to an armed conflict is not bound by this Protocol, the Parties to this Protocol shall remain bound by it in their mutual relations. They shall furthermore be bound by this Protocol in relation to a State party to the conflict which is not bound by it, if the latter
accepts the provisions of this Protocol and so long as it applies them.

**Article 4** Relationship between Chapter 3 and other provisions of the Convention and this Protocol

The application of the provisions of Chapter 3 of this Protocol is without prejudice to:

a. the application of the provisions of Chapter I of the Convention and of Chapter 2 of this Protocol;

b. the application of the provisions of Chapter 2 of the Convention save that, as between Parties to this Protocol or as between a Party and a State which accepts and applies this Protocol in accordance with Article 3 paragraph 2, where cultural property has been granted both special protection and enhanced protection, only the provisions of enhanced protection shall apply.

**Chapter 2** General provisions regarding protection

**Article 5** Safeguarding of cultural property

Preparatory measures taken in time of peace for the safeguarding of cultural property against the foreseeable effects of an armed conflict pursuant to Article 3 of the Convention shall include, as appropriate, the preparation of inventories, the planning of emergency measures for protection against fire or structural collapse, the preparation for the removal of movable cultural property or the provision for adequate in situ protection of such property, and the designation of competent authorities responsible for the safeguarding of cultural property.

**Article 6** Respect for cultural property

With the goal of ensuring respect for cultural property in accordance with Article 4 of the Convention:

a. a waiver on the basis of imperative military necessity pursuant to Article 4 paragraph 2 of the Convention may only be invoked to direct an act of hostility against cultural property when and for as long as:

i. that cultural property has, by its function, been made into a military objective; and

ii. there is no feasible alternative available to obtain a similar military advantage to that offered by directing an act of hostility against that objective;

b. a waiver on the basis of imperative military necessity pursuant to Article 4 paragraph 2 of the Convention may only be invoked to use cultural property for purposes which are likely to expose it to destruction or damage when and for as long as no choice is possible between such use of the cultural property and another feasible method for obtaining a similar military advantage;

c. the decision to invoke imperative military necessity shall only be taken by an officer commanding a force the equivalent of a battalion in size or larger, or a force smaller in size where circumstances do not permit otherwise;

d. in case of an attack based on a decision taken in accordance with sub-paragraph (a), an effective advance warning shall be given whenever circumstances permit.

**Article 7** Precautions in attack

Without prejudice to other precautions required by international humanitarian law in the conduct
of military operations, each Party to the conflict shall:

a. do everything feasible to verify that the objectives to be attacked are not cultural property protected under Article 4 of the Convention;
b. take all feasible precautions in the choice of means and methods of attack with a view to avoiding, and in any event to minimizing, incidental damage to cultural property protected under Article 4 of the Convention;
c. refrain from deciding to launch any attack which may be expected to cause incidental damage to cultural property protected under Article 4 of the Convention which would be excessive in relation to the concrete and direct military advantage anticipated; and
d. cancel or suspend an attack if it becomes apparent:

i. that the objective is cultural property protected under Article 4 of the Convention
ii. that the attack may be expected to cause incidental damage to cultural property protected under Article 4 of the Convention which would be excessive in relation to the concrete and direct military advantage anticipated.

Article 8 Precautions against the effects of hostilities
The Parties to the conflict shall, to the maximum extent feasible:

a. remove movable cultural property from the vicinity of military objectives or provide for adequate in situ protection;
b. avoid locating military objectives near cultural property.

Article 9 Protection of cultural property in occupied territory

1. Without prejudice to the provisions of Articles 4 and 5 of the Convention, a Party in occupation of the whole or part of the territory of another Party shall prohibit and prevent in relation to the occupied territory:

a. any illicit export, other removal or transfer of ownership of cultural property;
b. any archaeological excavation, save where this is strictly required to safeguard, record or preserve cultural property
  c. any alteration to, or change of use of, cultural property which is intended to conceal or destroy cultural, historical or scientific evidence.

2. Any archaeological excavation of, alteration to, or change of use of, cultural property in occupied territory shall, unless circumstances do not permit, be carried out in close co-operation with the competent national authorities of the occupied territory.

Chapter 3 Enhanced Protection

Article 10 Enhanced protection
Cultural property may be placed under enhanced protection provided that it meets the following three conditions:

a. it is cultural heritage of the greatest importance for humanity;
b. it is protected by adequate domestic legal and administrative measures recognising its exceptional cultural and historic value and ensuring the highest level of protection;
c. it is not used for military purposes or to shield military sites and a declaration has been made by the Party which has control over the cultural property, confirming that it will not be so used.

**Article 11** The granting of enhanced protection

1. Each Party should submit to the Committee a list of cultural property for which it intends to request the granting of enhanced protection.

2. The Party which has jurisdiction or control over the cultural property may request that it be included in the List to be established in accordance with Article 27 sub-paragraph 1(b). This request shall include all necessary information related to the criteria mentioned in Article 10. The Committee may invite a Party to request that cultural property be included in the List.

3. Other Parties, the International Committee of the Blue Shield and other non-governmental organisations with relevant expertise may recommend specific cultural property to the Committee. In such cases, the Committee may decide to invite a Party to request inclusion of that cultural property in the List.

4. Neither the request for inclusion of cultural property situated in a territory, sovereignty or jurisdiction over which is claimed by more than one State, nor its inclusion, shall in any way prejudice the rights of the parties to the dispute.

5. Upon receipt of a request for inclusion in the List, the Committee shall inform all Parties of the request. Parties may submit representations regarding such a request to the Committee within sixty days. These representations shall be made only on the basis of the criteria mentioned in Article 10. They shall be specific and related to facts. The Committee shall consider the representations, providing the Party requesting inclusion with a reasonable opportunity to respond before taking the decision. When such representations are before the Committee, decisions for inclusion in the List shall be taken, notwithstanding Article 26, by a majority of four-fifths of its members present and voting.

6. In deciding upon a request, the Committee should ask the advice of governmental and non-governmental organisations, as well as of individual experts.

7. A decision to grant or deny enhanced protection may only be made on the basis of the criteria mentioned in Article 10.

8. In exceptional cases, when the Committee has concluded that the Party requesting inclusion of cultural property in the List cannot fulfil the criteria of Article 10 sub-paragraph (b), the Committee may decide to grant enhanced protection, provided that the requesting Party submits a request for international assistance under Article 32.

9. Upon the outbreak of hostilities, a Party to the conflict may request, on an emergency basis, enhanced protection of cultural property under its jurisdiction or control by communicating this request to the Committee. The Committee shall transmit this request immediately to all Parties to the conflict. In such cases the Committee will consider representations from the Parties concerned on an expedited basis. The decision to grant provisional enhanced protection shall be taken as soon as possible and, notwithstanding Article 26, by a majority of four-fifths of its members present and voting. Provisional enhanced protection may be granted by the Committee pending the outcome of the regular procedure for the granting of enhanced protection, provided that the provisions of Article 10 sub-paragraphs (a) and (c) are met.
10. Enhanced protection shall be granted to cultural property by the Committee from the moment of its entry in the List.

11. The Director-General shall, without delay, send to the Secretary-General of the United Nations and to all Parties notification of any decision of the Committee to include cultural property on the List.

**Article 12 Immunity of cultural property under enhanced protection**

The Parties to a conflict shall ensure the immunity of cultural property under enhanced protection by refraining from making such property the object of attack from any use of the property or its immediate surroundings in support of military action.

**Article 13 Loss of enhanced protection**

1. Cultural property under enhanced protection shall only lose such protection:

   a. if such protection is suspended or cancelled in accordance with Article 14; or
   b. if, and for as long as, the property has, by its use, become a military objective.

2. In the circumstances of sub-paragraph 1(b), such property may only be the object of attack if:

   a. the attack is the only feasible means of terminating the use of the property referred to in sub-paragraph 1(b);
   b. all feasible precautions are taken in the choice of means and methods of attack, with a view to terminating such use and avoiding, or in any event minimising, damage to the cultural property;
   c. unless circumstances do not permit, due to requirements of immediate self-defence:
      
      i. the attack is ordered at the highest operational level of command;
      ii. effective advance warning is issued to the opposing forces requiring the termination of the use referred to in sub-paragraph 1(b); and
      iii. reasonable time is given to the opposing forces to redress the situation.

**Article 14 Suspension and cancellation of enhanced protection**

1. Where cultural property no longer meets any one of the criteria in Article 10 of this Protocol, the Committee may suspend its enhanced protection status or cancel that status by removing that cultural property from the List.

2. In the case of a serious violation of Article 12 in relation to cultural property under enhanced protection arising from its use in support of military action, the Committee may suspend its enhanced protection status. Where such violations are continuous, the Committee may exceptionally cancel the enhanced protection status by removing the cultural property from the List.

3. The Director-General shall, without delay, send to the Secretary-General of the United Nations and to all Parties to this Protocol notification of any decision of the Committee to suspend or cancel the enhanced protection of cultural property.

4. Before taking such a decision, the Committee shall afford an opportunity to the Parties to make their views known.

**Chapter 4 Criminal responsibility and jurisdiction**
**Article 15** Serious violations of this Protocol

1. Any person commits an offence within the meaning of this Protocol if that person intentionally and in violation of the Convention or this Protocol commits any of the following acts:

   a. making cultural property under enhanced protection the object of attack;

   b. using cultural property under enhanced protection or its immediate surroundings in support of military action;

   c. extensive destruction or appropriation of cultural property protected under the Convention and this Protocol;

   d. making cultural property protected under the Convention and this Protocol the object of attack;

   e. theft, pillage or misappropriation of, or acts of vandalism directed against cultural property protected under the Convention.

2. Each Party shall adopt such measures as may be necessary to establish as criminal offences under its domestic law the offences set forth in this Article and to make such offences punishable by appropriate penalties. When doing so, Parties shall comply with general principles of law and international law, including the rules extending individual criminal responsibility to persons other than those who directly commit the act.

**Article 16** Jurisdiction

1. Without prejudice to paragraph 2, each Party shall take the necessary legislative measures to establish its jurisdiction over offences set forth in Article 15 in the following cases:

   a. when such an offence is committed in the territory of that State;

   b. when the alleged offender is a national of that State;

   c. in the case of offences set forth in Article 15 sub-paragraphs (a) to (c), when the alleged offender is present in its territory.

2. With respect to the exercise of jurisdiction and without prejudice to Article 28 of the Convention:

   a. this Protocol does not preclude the incurring of individual criminal responsibility or the exercise of jurisdiction under national and international law that may be applicable, or affect the exercise of jurisdiction under customary international law;

   b. Except in so far as a State which is not Party to this Protocol may accept and apply its provisions in accordance with Article 3 paragraph 2, members of the armed forces and nationals of a State which is not Party to this Protocol, except for those nationals serving in the armed forces of a State which is a Party to this Protocol, do not incur individual criminal responsibility by virtue of this Protocol, nor does this Protocol impose an obligation to establish jurisdiction over such persons or to extradite them.

**Article 17** Prosecution
1. The Party in whose territory the alleged offender of an offence set forth in Article 15 sub-
paragraphs 1 (a) to (c) is found to be present shall, if it does not extradite that person, submit,
without exception whatsoever and without undue delay, the case to its competent authorities, for
the purpose of prosecution, through proceedings in accordance with its domestic law or with, if
applicable, the relevant rules of international law.
2. Without prejudice to, if applicable, the relevant rules of international law, any person regarding
whom proceedings are being carried out in connection with the Convention or this Protocol shall
be guaranteed fair treatment and a fair trial in accordance with domestic law and international law
at all stages of the proceedings, and in no cases shall be provided guarantees less favorable to
such person than those provided by international law.

Article 18 Extradition

1. The offences set forth in Article 15 sub-paragraphs 1 (a) to (c) shall be deemed to be included
as extraditable offences in any extradition treaty existing between any of the Parties before the
entry into force of this Protocol. Parties undertake to include such offences in every extradition
treaty to be subsequently concluded between them.
2. When a Party which makes extradition conditional on the existence of a treaty receives a
request for extradition from another Party with which it has no extradition treaty, the requested
Party may, at its option, consider the present Protocol as the legal basis for extradition in respect
of offences as set forth in Article 15 sub-paragraphs 1 (a) to (c).
3. Parties which do not make extradition conditional on the existence of a treaty shall recognise
the offences set forth in Article 15 sub-paragraphs 1 (a) to (c) as extraditable offences between
them, subject to the conditions provided by the law of the requested Party.
4. If necessary, offences set forth in Article 15 sub-paragraphs 1 (a) to (c) shall be treated, for the
purposes of extradition between Parties, as if they had been committed not only in the place in
which they occurred but also in the territory of the Parties that

Article 19 Mutual legal assistance

1. Parties shall afford one another the greatest measure of assistance in connection with
investigations or criminal or extradition proceedings brought in respect of the offences set forth in
Article 15, including assistance in obtaining evidence at their disposal necessary for the
proceedings.
2. Parties shall carry out their obligations under paragraph 1 in conformity with any treaties or
other arrangements on mutual legal assistance that may exist between them. In the absence of
such treaties or arrangements, Parties shall afford one another assistance in accordance with their
domestic law.

Article 20 Grounds for refusal

1. For the purpose of extradition, offences set forth in Article 15 sub-paragraphs 1 (a) to (c), and
for the purpose of mutual legal assistance, offences set forth in Article 15 shall not be regarded as
political offences nor as offences connected with political offences nor as offences inspired by
political motives. Accordingly, a request for extradition or for mutual legal assistance based on
such offences may not be refused on the sole ground that it concerns a political offence or an
offence connected with a political offence or an offence inspired by political motives.
2. Nothing in this Protocol shall be interpreted as imposing an obligation to extradite or to afford
mutual legal assistance if the requested Party has substantial grounds for believing that the
request for extradition for offences set forth in Article 15 sub-paragraphs 1 (a) to (c) or for mutual legal assistance with respect to offences set forth in Article 15 has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice to that person's position for any of these reasons.

Article 21 Measures regarding other violations

Without prejudice to Article 28 of the Convention, each Party shall adopt such legislative, administrative or disciplinary measures as may be necessary to suppress the following acts when committed intentionally:

a. any use of cultural property in violation of the Convention or this Protocol;

b. any illicit export, other removal or transfer of ownership of cultural property from occupied territory in violation of the Convention or this Protocol.

Chapter 5 The protection of cultural property in armed conflicts not of an international character

Article 22 Armed conflicts not of an international character

1. This Protocol shall apply in the event of an armed conflict not of an international character, occurring within the territory of one of the Parties.

2. This Protocol shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature.

3. Nothing in this Protocol shall be invoked for the purpose of affecting the sovereignty of a State or the responsibility of the government, by all legitimate means, to maintain or re-establish law and order in the State or to defend the national unity and territorial integrity of the State.

4. Nothing in this Protocol shall prejudice the primary jurisdiction of a Party in whose territory an armed conflict not of an international character occurs over the violations set forth in Article 15.

5. Nothing in this Protocol shall be invoked as a justification for intervening, directly or indirectly, for any reason whatever, in the armed conflict or in the internal or external affairs of the Party in the territory of which that conflict occurs.

6. The application of this Protocol to the situation referred to in paragraph 1 shall not affect the legal status of the parties to the conflict.

7. UNESCO may offer its services to the parties to the conflict.

Chapter 6 Institutional Issues

Article 23 Meeting of the Parties

1. The Meeting of the Parties shall be convened at the same time as the General Conference of UNESCO, and in co-ordination with the Meeting of the High Contracting Parties, if such a meeting has been called by the Director-General.

2. The Meeting of the Parties shall adopt its Rules of Procedure.

3. The Meeting of the Parties shall have the following functions:

(a) to elect the Members of the Committee, in accordance with Article 24 paragraph 1;

b) to endorse the Guidelines developed by the Committee in accordance with Article 27 sub-
paragraph 1(a);

(c) to provide guidelines for, and to supervise the use of the Fund by the Committee;

(d) to consider the report submitted by the Committee in accordance with Article 27 sub-
paragraph 1(d);

e) to discuss any problem related to the application of this Protocol, and to make
recommendations, as appropriate.

4. At the request of at least one-fifth of the Parties, the Director-General shall convene an
Extraordinary Meeting of the Parties.

Article 24 Committee for the protection of cultural property in the event of armed conflict

1. The Committee for the Protection of Cultural Property in the Event of Armed Conflict is
hereby established. It shall be composed of twelve Parties which shall be elected by the Meeting
of the Parties.

2. The Committee shall meet once a year in ordinary session and in extra-ordinary sessions
whenever it deems necessary.

3. In determining membership of the Committee, Parties shall seek to ensure an equitable
representation of the different regions and cultures of the world.

4. Parties members of the Committee shall choose as their representatives persons qualified in the
fields of cultural heritage, defence or international law, and they shall endeavour, in consultation
with one another, to ensure that the Committee as a whole contains adequate expertise in all these
fields.

Article 25 Term of office

1. A Party shall be elected to the Committee for four years and shall be eligible for immediate re-
election only once.

2. Notwithstanding the provisions of paragraph 1, the term of office of half of the members
chosen at the time of the first election shall cease at the end of the first ordinary session of the
Meeting of the Parties following that at which they were elected. These members shall be chosen
by lot by the President of this Meeting after the first election.

Article 26 Rules of procedure

1. The Committee shall adopt its Rules of Procedure.

2. A majority of the members shall constitute a quorum. Decisions of the Committee shall be
taken by a majority of two-thirds of its members voting.

3. Members shall not participate in the voting on any decisions relating to cultural property
affected by an armed conflict to which they are parties.

Article 27 Functions

1. The Committee shall have the following functions:
a. to develop Guidelines for the implementation of this Protocol;

b. to grant, suspend or cancel enhanced protection for cultural property and to establish, maintain and promote the List of cultural property under enhanced protection;

c. to monitor and supervise the implementation of this Protocol and promote the identification of cultural property under enhanced protection;

d. to consider and comment on reports of the Parties, to seek clarifications as required, and prepare its own report on the implementation of this Protocol for the Meeting of the Parties;

e. to receive and consider requests for international assistance under Article 32;

f. to determine the use of the Fund

g. to perform any other function which may be assigned to it by the Meeting of the Parties.

2. The functions of the Committee shall be performed in co-operation with the Director-General.

3. The Committee shall co-operate with international and national governmental and non-governmental organizations having objectives similar to those of the Convention, its First Protocol and this Protocol. To assist in the implementation of its functions, the Committee may invite to its meetings, in an advisory capacity, eminent professional organizations such as those which have formal relations with UNESCO, including the International Committee of the Blue Shield (ICBS) and its constituent bodies. Representatives of the International Centre for the Study of the Preservation and Restoration of Cultural Property (Rome Centre) (ICCROM) and of the International Committee of the Red Cross (ICRC) may also be invited to attend in an advisory capacity.

Article 28 Secretariat
The Committee shall be assisted by the Secretariat of UNESCO which shall prepare the Committee's documentation and the agenda for its meetings and shall have the responsibility for the implementation of its decisions.

Article 29 The Fund for the protection of cultural property in the event of armed conflict

1. A Fund is hereby established for the following purposes:

a. to provide financial or other assistance in support of preparatory or other measures to be taken in peacetime in accordance with, inter alia, Article 5, Article 10 sub-paragraph (b) and Article 30; and

b. to provide financial or other assistance in relation to emergency, provisional or other measures to be taken in order to protect cultural property during periods of armed conflict or of immediate recovery after the end of hostilities in accordance with, inter alia, Article 8 sub-paragraph (a).

2. The Fund shall constitute a trust fund, in conformity with the provisions of the financial regulations of UNESCO.

3. Disbursements from the Fund shall be used only for such purpose as the Committee shall decide in accordance with the guidelines as defined in Article 23 sub-paragraph 3(c). The
Committee may accept contributions to be used only for a certain programme or project, provided that the Committee shall have decided on the implementation of such programme or project.

4. The resources of the Fund shall consist of:

a. voluntary contributions made by the Parties;

b. contributions, gifts or bequests made by:

   (i) other States;
   (ii) UNESCO or other organizations of the United Nations system;
   (iii) other intergovernmental or non-governmental organizations; and
   (iv) public or private bodies or individuals;

(c) any interest accruing on the Fund;

(d) funds raised by collections and receipts from events organized for the benefit of the Fund; and

(e) all other resources authorized by the guidelines applicable to the Fund.

Chapter 7 Dissemination of Information and International Assistance

Article 30 Dissemination

1. The Parties shall endeavour by appropriate means, and in particular by educational and information programmes, to strengthen appreciation and respect for cultural property by their entire population.

2. The Parties shall disseminate this Protocol as widely as possible, both in time of peace and in time of armed conflict.

3. Any military or civilian authorities who, in time of armed conflict, assume responsibilities with respect to the application of this Protocol, shall be fully acquainted with the text thereof. To this end the Parties shall, as appropriate:

   (a) incorporate guidelines and instructions on the protection of cultural property in their military regulations;

   (b) develop and implement, in cooperation with UNESCO and relevant governmental and non-governmental organizations, peacetime training and educational programmes;

   (c) communicate to one another, through the Director-General, information on the laws, administrative provisions and measures taken under sub-paragraphs (a) and (b);

   (d) communicate to one another, as soon as possible, through the Director-General, the laws and administrative provisions which they may adopt to ensure the application of this Protocol.
Article 31 International cooperation
In situations of serious violations of this Protocol, the Parties undertake to act, jointly through the Committee, or individually, in cooperation with UNESCO and the United Nations and in conformity with the Charter of the United Nations.

Article 32 International assistance
1. A Party may request from the Committee international assistance for cultural property under enhanced protection as well as assistance with respect to the preparation, development or implementation of the laws, administrative provisions and measures referred to in Article 10.

2. A party to the conflict, which is not a Party to this Protocol but which accepts and applies provisions in accordance with Article 3, paragraph 2, may request appropriate international assistance from the Committee.

3. The Committee shall adopt rules for the submission of requests for international assistance and shall define the forms the international assistance may take.

4. Parties are encouraged to give technical assistance of all kinds, through the Committee, to those Parties or parties to the conflict who request it.

Article 33 Assistance of UNESCO
1. A Party may call upon UNESCO for technical assistance in organizing the protection of its cultural property, such as preparatory action to safeguard cultural property, preventive and organizational measures for emergency situations and compilation of national inventories of cultural property, or in connection with any other problem arising out of the application of this Protocol. UNESCO shall accord such assistance within the limits fixed by its programme and by its resources.

2. Parties are encouraged to provide technical assistance at bilateral or multilateral level.

3. UNESCO is authorized to make, on its own initiative, proposals on these matters to the Parties.

Chapter 8 Execution of this Protocol

Article 34 Protecting Powers
This Protocol shall be applied with the co-operation of the Protecting Powers responsible for safeguarding the interests of the Parties to the conflict.

Article 35 Conciliation procedure
1. The Protecting Powers shall lend their good offices in all cases where they may deem it useful in the interests of cultural property, particularly if there is disagreement between the Parties to the conflict as to the application or interpretation of the provisions of this Protocol.

2. For this purpose, each of the Protecting Powers may, either at the invitation of one Party, of the Director-General, or on its own initiative, propose to the parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for the protection of cultural
property, if considered appropriate, on the territory of a State not party to the conflict. The parties to the conflict shall be bound to give effect to the proposals for meeting made to them. The Protecting Powers shall propose for approval by the Parties to the conflict a person belonging to a State not party to the conflict or a person presented by the Director-General, which person shall be invited to take part in such a meeting in the capacity of Chairman.

**Article 36** Conciliation in absence of Protecting Powers

1. In a conflict where no Protecting Powers are appointed the Director-General may lend good offices or act by any other form of conciliation or mediation, with a view to settling the disagreement.

2. At the invitation of one Party or of the Director-General, the Chairman of the Committee may propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for the protection of cultural property, if considered appropriate, on the territory of a State not party to the conflict.

**Article 37** Translations and reports

1. The Parties shall translate this Protocol into their official languages and shall communicate these official translations to the Director-General.

2. The Parties shall submit to the Committee, every four years, a report on the implementation of this Protocol.

**Article 38** State responsibility

No provision in this Protocol relating to individual criminal responsibility shall affect the responsibility of States under international law, including the duty to provide reparation.

**Chapter 9** Final Clauses

**Article 39** Languages

This Protocol is drawn up in Arabic, Chinese, English, French, Russian and Spanish, the six texts being equally authentic.

**Article 40** Signature

This Protocol shall bear the date of 26 March 1999. It shall be opened for signature by all High Contracting Parties at The Hague from 17 May 1999 until 31 December 1999.

**Article 41** Ratification, acceptance or approval

1. This Protocol shall be subject to ratification, acceptance or approval by High Contracting Parties which have signed this Protocol, in accordance with their respective constitutional procedures.

2. The instruments of ratification, acceptance or approval shall be deposited with the Director-General.

**Article 42** Accession

1. This Protocol shall be open for accession by other High Contracting Parties from 1 January
Article 43 Entry into force

1. This Protocol shall enter into force three months after twenty instruments of ratification, acceptance, approval or accession have been deposited.

2. Thereafter, it shall enter into force, for each Party, three months after the deposit of its instrument of ratification, acceptance, approval or accession.

Article 44 Entry into force in situations of armed conflict

The situations referred to in Articles 18 and 19 of the Convention shall give immediate effect to ratifications, acceptances or approvals of or accessions to this Protocol deposited by the parties to the conflict either before or after the beginning of hostilities or occupation. In such cases the Director-General shall transmit the communications referred to in Article 46 by the speediest method.

Article 45 Denunciation

1. Each Party may denounce this Protocol.

2. The denunciation shall be notified by an instrument in writing, deposited with the Director-General.

3. The denunciation shall take effect one year after the receipt of the instrument of denunciation. However, if, on the expiry of this period, the denouncing Party is involved in an armed conflict, the denunciation shall not take effect until the end of hostilities, or until the operations of repatriating cultural property are completed, whichever is the later.

Article 46 Notifications

The Director-General shall inform all High Contracting Parties as well as the United Nations, of the deposit of all the instruments of ratification, acceptance, approval or accession provided for in Articles 41 and 42 and of denunciations provided for in Article 45.

Article 47 Registration with the United Nations

In conformity with Article 102 of the Charter of the United Nations, this Protocol shall be registered with the Secretariat of the United Nations at the request of the Director-General. IN FAITH WHEREOF the undersigned, duly authorized, have signed the present Protocol. DONE at The Hague, this twenty-sixth day of March 1999, in a single copy which shall be deposited in the archives of the UNESCO, and certified true copies of which shall be delivered to all the High Contracting Parties.
LIST OF REFERENCES


BIOGRAPHICAL SKETCH

Marah AlAloul was born in Nablus, Palestine. The oldest child of Nader and Saif, she lived the first seven years of her life in the United Arab Emirates. Her family then moved back to Nablus and she spent the next ten years there until she was 17 when she went to BirZeit University in Ramallah, Palestine to study architecture. She graduated with a Bachelor of Architecture in June, 2000. Six months later, she started working with The Welfare Association as a junior architect. She worked in the preservation of the cultural heritage of Jerusalem, and that shaped her additional interest in historic preservation. A year later, she got into the Clinton Scholarship Program which provided her with an opportunity to study in the United States. In 2002, she entered a master’s program in urban and regional planning. During her master’s, she joined the University of Florida historic preservation studio in Nantucket which enriched her experience and renewed her passion in the field. She graduated in May 2004 with a Master’s in urban and regional planning and an interdisciplinary concentration and certificate in historic preservation. A year later, in 2005, she joined the Master of Science in architectural studies program and will be graduating in December 2007.