Chapter 5

The Cultural Dimension of Peace Operations: Peacekeeping and Cultural Property

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ABSTRACT

This chapter is concerned with the socio-legal connotations of cultural property vis-à-vis peacekeeping. The chapter enquires whether, and how, can peacekeepers (acting on behalf of the international community) protect cultural property. The chapter provides a critical analysis on the way in which the concepts of cultural property and peacekeeping interact at both normative and implementation level. The central question under examination is whether peacekeeping missions are/should be under obligation to protect cultural property. The chapter argues for the need to include cultural property in the mandate of peace operations. The feasibility of such inclusion is preconditioned by the states’ political will in the UN Security Council. The successful integration of the cultural perspective into a peace operation is ultimately dependent on the extent of education, training, understanding, tolerance, cooperation, and coordination between many diverse elements of any mission and, at the same time, and importantly, between the mission and the local population.

INTRODUCTION

Culture is an essential part of conflict and conflict resolution. Cultures are like underground rivers that run through our lives and relationships, giving us messages that shape our perceptions, attributions, judgments and ideas of self and the other. (LeBaron, 2003, para. 1)

Since the end of the Cold War the international community has witnessed an increased incidence of non-international armed conflicts. These conflicts have involved multiplicity of actors such as warlords, paramilitaries and terrorist formations. What those actors have in common is the denial of the ‘other’ through brutal attacks on human dignity (“a foundational commitment to human value or human status”
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(Internet Encyclopaedia of Philosophy, n.d., para. 1), frequently in the form of the deliberate and systematic destruction of cultural property. The cultural onslaught throughout the territory of the former Yugoslavia in the 1990s (Petrovic, 2013a), the devastation inflicted on mausoleums and shrines, ancient manuscripts and other precious objects of cultural property in Mali in 2012 and 2013 (Petrovic, 2013b), and the ongoing cultural tragedies in the ancient cities of Palmyra and Aleppo in Syria, and Nineveh and Nimrud in Iraq (Petrovic & Hughes, 2016), are among the most recent horrifying examples. Because cultural property is an important part of people’s identities and belongings, and because, concomitantly, there is no future unless the present respects the past, cultural property is becoming more and more prominent and an indispensable factor in combating ethnic and cultural cleansing, violent extremism, rebuilding societies and building sustainable peace and security. This is understandable given that a new type of conflict — in which cultural warfare occupies central stage — “has escaped the traditional resource and interest-based resolution methods” (2013, para. 14) as Ann-Belinda Preis and Christina Stanca Mustea put it. The new type of warfare goes even further in its objectives. In its more grotesque form, it is not only about destroying people’s identity, self, and personhood, as well as physical bodies, as strategic targets of armed conflict, but also about “what military strategists conceive of as humanity” (Nordstrom, 1998, p. 105). Carolyn Nordstrom, for example, warns that

[1]his form of terror is not directed at the destruction of life and limb, but against all sense of a reasonable and humane world. A culture of violence, far more complex, multifaceted, and enduring than the formal boundaries of war demarcated in military culture, takes root in the quotidian life of a country at war. Self and identity constitute the hidden casualties of war (Nordstrom, 1998, p. 105).

This begs an enquiry on how, and whether, can those acting on behalf of the international community address this pressing problem.

This chapter concerns the cultural dimension of United Nations (UN) peace operations, being one such international community’s representative, by focusing on the role of peacekeeping in the protection of cultural property. The fate of cultural property in the context of armed conflict has been explored extensively in scholarly writing. Peacekeeping, too, occupies a notable place in literature. However, little research has been carried out on the socio-legal connotations of cultural property vis-à-vis peacekeeping. This chapter provides a critical analysis of the way in which the two concepts interact at both normative and implementation level. The central question under examination is whether peacekeeping missions are/should be under obligation to protect cultural property. The chapter argues for the need to include cultural property in the mandate of peace operations. The feasibility of such inclusion is preconditioned by the States’ political will in the UN Security Council (primarily the political will of the Five Permanent Members of the Council). The successful integration of the cultural perspective into a peace operation is ultimately dependant on the extent of education, training, understanding, tolerance, cooperation and coordination between many diverse elements of any mission and, at the same time, between the mission and the local population (Petrovic, 2002).

After a brief overview, this chapter first highlights the dual nature of cultural property (i.e., cultural property being simultaneously part of cultural patrimony and of the cultural heritage of all humankind) and emphasises the importance of cultural property preservation. The chapter then considers the legal framework related to peacekeeping missions with reference to cultural property. The consideration of the normative level is followed by a survey of peacekeeping missions’ approaches to cultural property at the practical level where the MINUSMA peacekeeping mandate in Mali (being supported by UNESCO