

An Analysis of Cultural Destruction in the Ukrainian War

(2022 onward)

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Abstract

Despite the Hague (1993) and Geneva (1949) conventions, many warring governments from the 20th century onward have overtly broken precedents and subsequent laws as it applies to the protection of cultural heritage. The war in the Ukraine (February 2022- ongoing) is no exception. Detailing the Hague and Geneva conventions, and relevant historical precedents, this paper explores the practices and potential policies of the Russian government as it relates to the possibly systematic destruction of Ukrainian cultural heritage.

Using MacDonald's (2013) concept of heritage, I discuss how historical sites are more than just old buildings or ruins. They are sacred places that remind us about the past that could easily fade from our memories. This is because the past is more than what we talk about or think about. It is also present in the things around us, such as our home and places that mean a lot to a specific culture. Through places such as museums and other historical sites, they hold this memory of the past and attract people to gather at them. When these places are destroyed, their heritage and eventually the memory also fades away.

Combining an analysis of McDonald/s concept and an analysis of international treaties this paper examines cultural destruction in the Ukraine, with a focus on targeted sites, and as such demonstrates how Russia is breaking international laws, with the motive of destroying a culture as a military tactic in which the nation should be held accountable.

Introduction

A nation is bound together through their shared cultural heritage. This shared history and heritage is crucial for a prosperous nation and people. This heritage includes a nation's history, traditions, and many other aspects of a nation's society. The preservation of a nation's culture is important to those who live in that nation and to the world.

A nation's culture consists, in part, of historical sites, landmarks, and museums. These places are important to a nation and its culture because it gives its citizens a sense of belonging and togetherness. Indeed, Benedict Anderson makes the argument about the imaging of communities with a nation (Anderson 6). The history of these areas are rooted in people's family and social histories that are valuable to them. When culturally important sites are destroyed, that history gets destroyed and later forgotten by the next generation. They are not just random places anymore, it's their way of life they are attacking.

Throughout history many cultures and cultural heritage sites have been targeted with the goal of destroying it. This happens very frequently during war for many reasons. For starters, it is very psychologically damaging for a society to experience and has long lasting and demoralizing affects on that community (University of Minnesota). Seeing your renowned historical sites burnt down and destroyed gives an overwhelming sense of loss for that culture. This destruction in the long term also leads to the memory of that culture fading and being forgotten to time.

To try and prevent the loss of cultural heritage, countries from all over the world came together to sign international treaties. These treaties were designed to stop future cases of the cultural destruction that occurred in the past. While international treaties such as the Geneva

Convention, the Hague Convention, and the Rome Statute tried to prevent tragedies like those, cultural destruction still takes place.

On February 24, 2022 Russia began its invasion into Ukraine, starting a devastating war between the two nations. This war is brutal and devastating and it is ongoing. This has definitely been disastrous for Ukraine's cultural sites as well. Ukraine has been the home to a unique and rich culture for many years. Ukraine is the home of many cities with numerous historical sites. These places are important for their cultural heritage. For instance, the cities of The City of Lyman, in Donetsk Oblast, Ukraine and Severodonetsk, Ukraine are home to some of Ukraine's best theaters, music, churches, museums, and dance companies. All of these places have cultural sites that have been destroyed by Russian forces invading Ukraine, despite the established international laws.

International Law

Two major world wars, World War I and World War II in the modern era began to reshape the international legal landscape about war generally and the protection of cultural heritage. During these wars countless culturally significant pieces and institutions were targeted and destroyed. After the destruction of two world wars it was clear there needed to be stricter international humanitarian laws through international treaties to try and protect people and lessen the damage as much as possible. These lead to the development of international treaties and conventions throughout the past century. It is important to examine a definition of war before discussing the relevant conventions.

The Definition of War

When looking at international treaties many scholars and legal theorists use the term “Act of war”. These treaties all depend on what you consider to be an act of war. Defining what is considered an act of war and what is not can get convoluted depending on who you ask. According to Cornell Law “the term “act of war” means any act occurring in the course of— (A) declared war; (B) armed conflict, whether or not war has been declared, between two or more nations; or (C) armed conflict between military forces of any origin” (Cornell Law).

It is important to understand that an act of war is more than just a declared war. As long as there is an armed conflict against two nations, that is still considered an act of war. This means all international treaties still apply in those cases. This is important to understand when looking at Russia’s invasion of Ukraine because neither side has officially declared war, but is still considered an act of war in the eyes of the law. This is why this definition of war is directly relatable to the war in the Ukraine, because neither side has officially declared war.

The Geneva Convention 1949

To try and prevent future devastating events like these from occurring again, 196 countries ratified the 1949 Geneva convention. This was an historic day that would define the rights and protections for those in war, especially non-combatants (Van Dijk). The Geneva Convention's goal was to give rules to "prevent truly horrific weapons from being used, civilians from being attacked, hospitals from being bombed, and other similar actions that are generally considered to be morally reprehensible" (Andress 1).

When the 196 countries signed these treaties they all understood that they had to follow these new international laws. However, it is also important to note that these rules do not only apply to them. This also includes non-state actors and those who did not sign the treaties. This means that even countries who did not sign the treaties have to follow international humanitarian law because they are regarded as customary international law. (Mendleson). These are rules that are generally accepted internationally, even if they may not be written down. They are based in precedent, and long standing practices that influence how countries interact with each other on an international level.

The Hague Convention

The Geneva Convention which supplied a foundation on basic humanitarian rights and the protections given during wartime. It also strengthened and reinforced customary international law. However, the Geneva Convention did not mention anything about protecting Cultural Property or Heritage sites during wartime. Due to the lack of protections for places and artifacts such as these there was a need for a new convention to establish protections on people's cultural heritage during war. This led to the 1954 Hague Convention.

Before the Hague Convention there were not many rules about destroying or stealing historical artifacts, art, and landmarks. Actually, during wartime it was historically commonplace to destroy and steal these valuable items for profit or to try and destroy a culture. In modern times, after World War II it was noted how much looting and destruction to cultural property had taken place. “During the period from March 1941 to July 1944 the special staff for Pictorial Art brought into the Reich 29 large shipments, including 137 freight cars with 4,174 cases of art works” (Toman Part II). That does not even include the countless works that were destroyed during the war.

The Hague Convention established the protection of cultural property in the event of armed conflict and the notion of military necessity. This was meant to establish the protection of cultural property, such as museums, artworks, and many other cultural institutions. The goal was to preserve cultural heritage because cultural heritage is humanity's heritage which deserves to be protected.

While the Hague Convention of 1954 was supposed to protect cultural heritage, in 1999 they added the second protocol. This protocol got more specific on how to protect cultural heritage during times of war. This addition included taking preparatory measures in peace times, creating respect for cultural property, and employing precautionary measures during wartime. This protocol also outlines criminal responsibility and procedures. Since these additions, anyone found committing these war crimes can be tried and punished for these actions (Woundenberg).

The Rome Statute

Finally, the Rome Statute in 1998 was an important step in protecting cultural property and heritage sites. The Rome Statute established the International Criminal Court or ICC. Their

goal was to establish a court to criminalize genocide, crimes against humanity, war crimes, and the crime of aggression internationally (Schabas). The ICC enforces these laws by creating a mechanism to enforce the previously made international treaties that were signed, such as the Geneva Convention and Hague Convention. Thus, under the Rome Statute it is illegal to intentionally direct attacks against buildings dedicated to religion, education, art, science or charitable purposes, and historic monuments and if broken can be tried as a war crime.

International law has created numerous treaties and has had numerous conventions to establish the rights of people during wartime, including the protection of cultural property. It has also created ways that are supposed to enforce these international treaties. However, over the years we are still seeing cases where certain countries are targeting, looting, and destroying cultural heritage sites. It is vital to the preservation of human history to enforce these laws and protect humanities heritage. The heritage and culture of people around the world mean a lot to understanding the world around us. To fully understand why heritage is important to people and the nation they live in you must understand what the concept of heritage is.

The Concept of Heritage

In any nation, cultural heritage is an important aspect for any thriving community. Cultural heritage is part of the fabric that binds a nation together, and gives that nation a sense of belonging that could not otherwise exist. This is because a nation is a community of citizens from that nation who all share a common history and culture. Pinpointing what cultural heritage means and why it is important is contested. According to G.J Ashworth “The concept of heritage has evolved from a concern for the preservation of the chance surviving relics from the past” (G.J Ashworth 15). G.J Ashworth discusses how cultural heritage has originated from the preservation of historically significant places and events that a society felt was integral to their way of life. For instance, a sacred temple, a city square, or museums are all integral parts of nations’/communities heritage. However, the concept of heritage has also evolved to include traditions and the general way of life that is passed down from generation to generation. The conception of heritage has changed with time but it builds off the past.

Heritage Identity and the Museum

How we identify ourselves has a lot to do with our heritage. An intrinsic part of that heritage is preserving the past through heritage sites, such as museums (McDonald). This is because the “purpose of museums is education in all its varied aspects from the most scholarly research to the simple arousing of curiosity” (Anderson 36). These sites allow us to learn about the world around us, and even more about ourselves.

Museums and other heritage sites preserve the memory of that place for future generations to learn. According to Macdonald, this is because “objects and places are widely recognised as capable of triggering recollection; and the attempted preservation of memory

through forms of materialization” (McDonald 80). This means these sites hold a lot of power within a nation to form people’s interpretation and view of their heritage. They are physical links to our history and can change how we view our collective memory by the way the information is presented in the museum. That is why it is integral for a nation to be able to have a strong voice in these cultural institutions, so these memories do not get lost to history.

The preservation of this shared history is important in bonding a nation together and forming strong communities. Museums allow a nation to give people access to learn about their culture and to be able to shape our collective memories. As a nation, this shared collective memory gives people a shared history and hands down traditions to each subsequent generation, thus creating a shared heritage. This shared heritage is so important in keeping a community thriving and working well together (McDonald).

The Issue with Destruction of Heritage

Heritage is an integral part of a nation. Having a shared history with traditions and culture all seem like very positive things. They are vital in keeping a community and culture thriving in that location. However, sometimes there are people who seek to take control of a nation and a way they do that is by trying to destroy their heritage. Once people forget about their heritage, it becomes easier for an outside community to take control (Linguistic Society).

During times of war, sometimes some warring factions decide to target museums and heritage sites that contain items and artifacts that the local communities cherish. They target these locations to try and destroy the history and memory that the local communities in that nation are trying to preserve. In the context of war they do this to try to demoralize their targets

and destroy their sense of belonging (Harmanşah). Once a nation loses their sense of belonging, it allows the enemy to take over and try and force them to learn their heritage.

When a nation's heritage is attacked and damaged they can feel disconnected from their culture. This leads to loss of traditions, loss of cultural diversity, and the loss of a way of life (Krashen). Losing one's heritage to history due to war is absolutely horrible. In Europe and the Middle East we have seen this happen numerous times, and right now we can see it happening again in the Russian invasion of Ukraine.

On February 24, 2022 Russia invaded Ukraine to try and take over the nation by force. This invasion has cost thousands of lives and has devastated even more. Under the false pretense of eradicating Nazis from the Ukraine, the Russian military wants to take complete control over Ukraine. To accomplish this, they have started targeting cultural heritage sites and museums to not only win the war but to completely destroy the Ukrainian culture and heritage that is there. It seems that Putin and his war strategists believe that if they can successfully destroy Ukraine's heritage and demoralize their citizens, it will give them an advantage in the war. However, this should not be allowed to occur. Throughout the 20th century we have seen people use these tactics of destroying cultural heritage many times before. While Ukraine is the current victim to this terrible military tactic, they are not the first people to have to deal with these sorts of crimes.

Previous Conflicts and Cultural Destruction

Currently, Russia is at war with Ukraine and destroying countless heritage sites and other cultural property that is important to their history and culture. The previously mentioned international laws clearly state how we intend to protect cultural property and heritage sites and what should happen to Russia. However, to fully understand why it is so crucial to protect

Ukraine's cultural property it is important to look at previous conflicts that included destroying cultural property and the consequences that arose from them.

Looting in War World II

When World War II began in 1939, it was one of the deadliest and most destructive wars ever fought in human history. Due to the rise of facism in Europe and specifically Germany, Adolf Hitler was about to take control of Germany. This allowed Adolf Hitler to give rise to the Nazi party, who were extremely nationalistic, racist, and anti-semitic (Wiener Holocaust Library).

To gain power he would target the Jewish people and blame them for anything bad that was happening in Germany. Once the war broke out this evil rhetoric would lead to the Holocaust, which was the Nazi's rounding up all the Jewish population they had and putting them in concentration camps where they were forced to work, they were tortured, and they were murdered. These concentration camps were absolutely horrible. (Sulzberger).

These evil and horrendous acts were not enough for the Nazi party. They wanted to eradicate everything they deemed harmful. They wanted to erase all of the Jewish history they could. This included burning books, temples, and many other heritage sites that were important to the Jewish people. A specific place Nazis would target were Jewish libraries and archives. They believed by destroying these places they could erase the Jewish people from history.

When Hitler invaded Poland he wanted to spread his evil ideology. To accomplish this he knew he had to destroy their cultural property and heritage sites to try and erase them from history. Once in Poland he sent soldiers to Cracow, which was home to many Jewish libraries, archives, and synagogues. This area was "the largest and most significant center of Jewish

cultural and religious life in Poland.” (Sroka) The presence of Jewish culture was very much alive in this city.

They housed rare books, manuscripts, and other collections that were very important to their culture. Once the Nazis were in Cracow they plundered and destroyed as many of these locations that they could find. They even went into bookstores and burnt any book that was written by a Jewish person. Many of these rare collections and manuscripts are now forgotten to history due to the looting and destruction.

During a time of war leaders will use many different kinds of tactics to achieve their goals. However, World War II really showed us how harmful the destruction of cultural property and heritage sites can be. During a time of war, evil leaders who manage to get in power abuse their status and try to win by destroying an entire culture. The events that happened here are similar to what is currently happening in Ukraine. Germany invaded Poland, very similarly to how Russia invaded Ukraine. Germany decided to attack libraries and archives that help very important cultural items and literature to try and erase their history and to demoralize their population, which is eerily similar to what Russia is attempting to do in Ukraine as we speak.

ISIS's Cultural Attacks

World War II is one of the most known and discussed times that cultural destruction on such a massive scale has occurred in our history. However, this is not even close to one of the last times massive cultural destruction has occurred. In very recent memory a group called the Islamic State of Iraq and Syria, otherwise known as ISIS committed numerous war crimes by targeting and destroying sacred heritage sites and killing many civilians in Iraq and Syria.

ISIS was originally formed in 1999, as a Salafi-Jihadist militant organization in Iraq and Syria. “The group’s goal was to establish an Islamic caliphate in Iraq and Syria and eventually spread its influence globally” (Stanford). The Iraqi military and the American military kept ISIS at bay until 2011 when America started to withdraw from Iraq. This led to ISIS gaining more power.

After ISIS started to gain more traction in Iraq and Syria they started demonstrating their violent and destructive methods to spread their message. They started using the internet to show horrific and graphic acts to those who stand against them. One example of this was a video posted on a social media platform titled “A Message to America” which showed “the beheading of the American photojournalist James Wright Foley at the hands of a masked insurgent” (Friis 725). ISIS was trying to spread its message across the world through these big acts of terror, which did not stop there.

Between 2013 and 2019 ISIS would also start to attack cultural heritage sites. “The performative destruction of monuments and sites was a carefully choreographed, Internet-propagated, public strategy of cultural genocide combined with acts of physical genocide” (Stein). Some of the sites that ISIS attacked and destroyed were the Temple of Baalshamin, multiple Tower Tombs and the remaining museum collections (Cunliffe).

The Temple of Baalshamin is an ancient temple that was once in Palmyra. “Palmyra thrived for centuries in the desert east of Damascus as an oasis and stop for caravans on the Silk Road. Part of the Roman Empire, it was a thriving, wealthy metropolis” (National Geographic). The ancient city of Palmyra is located in current day Syria, and this archaeological site was one of the best preserved sites in Syria, full of the region's cultural heritage.

The Temple of Baalshamin was important to other Muslim sects who live in Syria. It was a place of worship that had many religious artifacts including idols. However, ISIS trying to take over the area decided to destroy the archeological site and the Temple due to their own religious beliefs. They tried to justify their actions by saying it is against their religion to worship idols, so in an attempt to take control over the area they destroyed the area.

This is not the only part of Palmyra that ISIS tried to erase from history. ISIS also targeted ancient towers that were created as tombs that go all the way back to 44 AD. ISIS was trying to destroy any evidence that the city even existed through “a systematic effort to obliterate the ruins of the ancient city” (Shaheen). If ISIS had their way they would destroy every significant historical or cultural site that did not align with their agenda.

What ISIS has done was absolutely terrible and now since the establishment of the Geneva Convention, Hague Convention, and the Rome Statute, the International Criminal Court was able to say what ISIS has done has “undoubtedly constitute serious crimes of concern to the international community and threaten the peace, security and well-being of the region, and the world” (International Criminal Court). However, prosecuting them this way did not seem to work due to not having the proper jurisdiction. They did not have jurisdiction because according to international law, the ICC can only intervene with countries that are signatories of the Rome Statute. This is an issue because Iraq and Syria are not signatories of the ICC so they would need permission from these countries to prosecute anyone.

These instances show why it is so important to protect cultural property and heritage. We need to actively preserve the heritage of humanity from being destroyed and forgotten about. This is why it is so important to look at what Russia is doing to Ukraine before it is too late.

Russia is currently trying to destroy Ukrainians cultural heritage, likely in the hopes to take control and force them under their rule. Just like Hitler and ISIS tried to do in the past.

Ukraine In Depth

Cultural destruction has been a tool used to do terrible things throughout the world since the beginning of civilization. After looking at some examples from our not so distant past, such as World War II and ISIS committing heinous acts of cultural destruction, destroying heritage sites and other culturally valuable items, we can see why it is so important to protect cultural property. Today, we can see history repeating itself once again in Ukraine. Russia has invaded Ukraine and continuously destroyed heritage sites and cultural sites.

On February 24th, 2022 Russia decided to invade Ukraine. However, this is not the first time these two countries have crossed paths. In 1793 most of Ukraine was under control of Russia. This land was very important to Russia because the land is great for growing crops such as grain. Ukraine still produces a large percentage of the world's grain products. Then in 1918 Ukraine declared independence after the Bolsheviks rose to power and took over Russia. However, this was short lived, due to opposition Ukraine would end up joining the Union of Soviet Socialist Republics or USSR in 1922 (History Channel). In 1991 Ukraine left the USSR. “Without Ukraine, it was inconceivable for the Soviet Empire to survive” (Simon 1). Which led to the fall of the Soviet Union.

Since these events Russia has always felt that Ukraine belonged to them and would not fully recognize Ukraine as its own country. In 2014 after political unrest in Ukraine, Russian troops took control of Crimea where the “Crimean parliament voted to secede from Ukraine and join Russia” (Sullivan). Now in 2022 Russia has gone even further. This was not an invasion that occurred out of the blue, it was completely a plan with the intention of trying to take control over the entirety of Ukraine.

Vladimir Putin invaded Ukraine solely to try and take over Ukraine due to its valuable land. Just like leaders in the past who wanted to take control of other lands they first spread lies about why they are invading. Like the Nazi's who used propaganda to convince the German people that the Jewish people were evil, Vladimir Putin is using propaganda to justify his invasion of Ukraine. He claims his goals are to "demilitarize and denazify" (Kirby) Ukraine. This is completely unfounded. His goals seem to be to take over the land and erase any history of Ukrainian culture outside Russia. He wants to erase their culture because this will make it easier for him to take over and integrate Ukraine into Russia.

The City of Lyman, in Donetsk Oblast, Ukraine

Putin obviously does not care about destroying Ukrainian heritage sites and their culture along with it. This includes many historic heritage sites that predate even the 18th century when Ukraine first became part of Russia. For instance, the city of Lyman in Donetsk Oblast, Ukraine was thriving in culture and heritage sites.

An amazing historical site in Lyman. It was called the Railway Workers' House of Science and Technology. This was "a people's palace for the arts dating to the Soviet era that provided a grand stage for visiting artists, folk ensembles and community performances at Christmastime" (Farago). This city was full of Ukrainian culture and memories. The city was formed originally as railroad workers and grew to become a hub of culture in the 17th century. The city became a center for arts and culture, with numerous theaters, dances, big bands, and libraries with "almost 40,000 editions and provided books to more than 30 mobile libraries" (Ukrainian Institute).

Due to the rich history of this city Russia targeted it. Russia wanted to erase anything that had cultural significance that did not have to do directly from their own influence. So during the invasion Russia bombed and blew up countless heritage sites in the city, leaving the townspeople to find their city and cultural heritage destroyed (Farago).

Now that Russia has destroyed the city of Lyman it will never be like it once was. This place was a cultural hub for generations. They walked by and learned about their history through the museums and other remnants from past generations that influenced the art current generations continued to create. However, now that it was destroyed, even if it is slowly rebuilt those places are gone. The next generations won't have the same reminders of their culture that previous generations had. As time goes on, the memory of what Lyman used to be like will fade to history. The railways workers hub of culture that was once thriving could be completely erased from history.

Sievierodonetsk, Ukraine

The city of Lyman is not the only cultural site Russia is targeting. They are targeting numerous cultural sites all over Ukraine. The number of cultural properties that have been destroyed are estimated to be higher than 240. (UN). These are clearly targeted attacks to try and wipe out Ukrainian culture. This includes the Sievierodonetsk City Public Library.

The Sievierodonetsk City Public Library is a historic library that housed many rare collections and publications. It has preserved many historical archives from the earliest stages of the city. This is why Putin targeted the library specifically. He is looking for sites like this that aim to preserve Ukrainian culture.

According to G.J Ashworth heritage starts from preserving relics for future generations (15). The Sievierodonetsk City Public Library is a huge part of preserving the city's start and evolution through the years. It has preserved local papers, important historical documents, and houses numerous other archives that tell the history of those who built and lived in the city since its conception. Now that it is destroyed, all of those stories are gone for future generations to discover and learn about. These memories will soon also be lost to time, forgotten.

These are not the minority of cases listed above. All over Ukraine Russia is targeting these valuable cultural sites that are extremely important to Ukraine and their history. We can clearly see this going on, and we have already established that according to the Hague Convention it is considered a war crime. It is crucial to hold Russia accountable for committing these crimes.

Conclusion

The concept of heritage is important to maintain a healthy and prospering nation. Heritage comes a long way over the years and is an important part creating the culture of the nation people live in. It creates the memory of a past time, preserving history, while guiding us when we create our futures.

The history and culture of Ukraine is a part of humankind's history and culture, which is of great value to us. However, throughout history people have sought to destroy others' heritage in the name of power and control. Just like Hitler tried to do in World War II and ISIS tried to do in the 2010's. These leaders actively targeted cultural sites to try and erase their history from the earth and potentially humankind's memories.

Due to this destruction many nations have come together to create international treaties and texts with the goal to lessen the damage during war (Blake). These would include the Geneva Convention, the Hague Convention, and the Rome Statute. These treaties and texts were created to protect cultural property and heritage sites as much as possible. They prohibit the senseless destruction of a nation's culture, they established a court to enforce these treaties, and Russia was a signatory for the ICC, however never fully ratified. All of these precautions have been established and no one can seem to hold the Russian Government accountable. These international treaties and conventions are lacking. They are not adequate enough in fulfilling their intended goals and need to be reevaluated.

Today Russia is still invading Ukraine trying to take over the country. Russia is using every trick in the book to accomplish this including its military, propaganda, and targeting cultural and heritage sites. Russia is doing this because "they know that even if Ukraine wins, but Ukrainian culture loses and Ukrainian language disappears, there will be no Ukraine." (Gedeon).

It is clear that Russia is committing numerous war crimes in violation of the Geneva Convention, Hague Convention, and Roma Statue. As of March 17th, 2023 the International Criminal Court has issued warrants for Valdimir Putin. (ICC). We can only hope that this invasion will end soon, and the destruction can stop.

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