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GENOCIDE AGAINST THE CULTURAL HERITAGE OF A NATION BEGINS WITH THE DESTRUCTION OF CITIES AND ARCHITECTURE

ABSTRACT: The issue of crimes against cultural heritage, particularly against immovable monuments, is of exceptional importance and urgency, as it constitutes a part of the civilizational identification of any human community. The protection and preservation of Ukraine's cultural heritage is considered an integral component of ensuring the national security of the Ukrainian state. Tangible and intangible cultural values represent one of the key foundations for further unity, consolidation of Ukrainian society, and the formation of a shared national historical memory, especially in the context of the Russian-Ukrainian war. It has been demonstrated that Ukraine's cultural heritage serves as a fundamental source for the formation of national consciousness and for the spiritual development of the people. It influences the nation's self-identification and the development of Ukraine as an independent state. The article examines the approaches of UNESCO, the Council of Europe, and the UN to the priorities of cultural heritage protection policies, as well as possible directions for Ukraine in the protection of both tangible and intangible values within the broader framework of European and Euro-Atlantic integration. The article highlights the problems of protecting Ukraine's cultural heritage during the Russian-Ukrainian war, with particular attention to violations committed by the Russian Federation and the occupation authorities.

KEYWORDS: genocide, cultural heritage, architectural monuments, cultural identification, cultural Eurointegration.

LUDOBÓJSTWO DZIEDZICTWA KULTUROWEGO NARODU ROZPOCZYNA SIĘ OD ZNISZCZENIA MIAST I ARCHITEKTURY

ABSTRAKT: Kwestia przestępstw przeciwko dziedzictwu kulturowemu, w szczególności przeciwko zabytkom nieruchomym, ma wyjątkowe znaczenie i pilny charakter, ponieważ stanowi część tożsamości cywilizacyjnej każdej społeczności ludzkiej. Ochrona i zachowanie dziedzictwa kulturowego Ukrainy jest uważane za integralny element zapewnienia bezpieczeństwa narodowego państwa ukraińskiego. Wartości kulturowe materialne i niematerialne stanowią jedną z kluczowych podstaw dalszej jedności, konsolidacji społeczeństwa ukraińskiego i kształtowania wspólnej narodowej pamięci historycznej, zwłaszcza w kontekście wojny rosyjsko-ukraińskiej. Wykazano, że dziedzictwo kulturowe Ukrainy stanowi fundamentalne źródło kształtowania świadomości narodowej i rozwoju duchowego narodu. Wpływa ono na samoświadomość narodu i rozwój Ukrainy jako niepodległego państwa. W artykule przeanalizowano podejście UNESCO, Rady Europy i ONZ do priorytetów polityki ochrony dziedzictwa kulturowego, a także możliwe kierunki działań Ukrainy w zakresie ochrony wartości materialnych i niematerialnych w szerszych ramach integracji europejskiej i euroatlantyckiej. W artykule zwrócono uwagę na problemy związane

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z ochroną dziedzictwa kulturowego Ukrainy podczas wojny rosyjsko-ukraińskiej, ze szczególnym uwzględnieniem naruszeń popełnionych przez Federację Rosyjską i władze okupacyjne.

SŁOWA KLUCZOWE: ludobójstwo, dziedzictwo kulturowe, pomniki architektury, identyfikacja kulturowa, euro-integracja kulturowa

INTRODUCTION

In armed conflict, tragic consequences inevitably affect virtually all spheres of life. Beyond military and humanitarian losses, wars often lead to significant destruction, eradication, or plundering of cultural heritage.

This tragedy is not unique to the present day. For centuries, the cultural and historical heritage of many nations has suffered barbaric destruction during armed conflicts. Architectural monuments were ruined or annihilated, while works of art were looted and transported to the aggressor state¹.

A vivid example is the destruction of cultural heritage during the wars waged by Napoleon Bonaparte. Alongside military campaigns, one of the central aspects of his aggressive policy towards other European countries was the seizure of works of art from museums and aristocratic palaces and their transfer to French institutions. However, it is worth noting that after the wars, the restitution process – the return of cultural monuments to their countries of origin – lasted for many years.

Over time, the aggressive policies of invaders evolved. They no longer confined themselves to the seizure of valuable artworks but also destroyed architectural structures of immense value, which served as identifiers of entire epochs and peoples. Such barbarism was evident during World War II, when Nazi occupiers throughout Europe annihilated architectural heritage and exported cultural artefacts to Germany. At the beginning of the 21st century, during a series of armed conflicts in the Middle East, in Syria, Iraq, Libya, and other states, the destruction of cultural heritage became an inseparable element of war. Libraries and universities in Palmyra (Syria) were looted, centuries-old manuscripts destroyed, and museum artefacts in Mosul eradicated².

Most tragically, the majority of these crimes were committed deliberately, with the intent to inflict maximum pain on the people targeted by the aggressor and to strip them of cultures and traditions forged over millennia.

Literature Review. The issue under examination is still in the early stages of scholarly exploration; therefore, the historiography is only beginning to take shape. Nevertheless, there already exist studies by both domestic and international scholars attempting to conceptualise ongoing events, analyse them, and draw conclusions that may serve as a foundation for further research.

¹ Nicole Winchester. Targeting culture: the destruction of cultural heritage in conflict. Published Wednesday, December 14, 2022. <https://lordslibrary.parliament.uk/targeting-culture-the-destruction-of-cultural-heritage-in-conflict/>

² Andrzej Jakubowski. Noelle Higgins, The Protection of Cultural Heritage during Armed Conflict: The Changing Paradigms. *Journal of International Humanitarian Legal Studies*. 2021 https://brill.com/view/journals/ihts/12/1/article-p155_155.xml

The problem of war against the cultural heritage of nations has been studied by scholars worldwide. British researcher Nicole Winchester explored the protection of cultural and historical heritage during armed conflicts, examining the causes and consequences of destruction for the affected nations. Winchester concluded that culture itself constitutes the very marker that makes any nation unique, and that wars are often waged precisely to annihilate peoples and their identities³.

Gloria Munilla, professor at the Open University of Catalonia, investigated the fate of cultural heritage during armed conflicts, concluding that one of the inevitable consequences of war is the destruction of the cultural legacy of the targeted nation. She also highlighted the profound effects of war on cultural loss⁴.

Methodology. The methodological basis of the study consists of a combination of general scientific and specialised methods that allow the crimes against Ukraine's cultural heritage to be revealed as acts of genocide against its integral development and existence. The research employs an interdisciplinary approach, uniting historical, cultural, legal, and social dimensions of the problem⁵.

The historical-analytical method enabled tracing the evolution of the aggressor's attitude toward Ukraine's cultural heritage and the European community's response to such crimes. The comparative-historical method allowed identification of similarities with crimes against cultural heritage in other regions, particularly Southern Europe and the Middle East. An analysis of state policy formation regarding the protection and enrichment of cultural heritage was undertaken. Visual-analytical and cartographic methods made it possible to track the geography of destruction through satellite imagery, digital maps, and archival materials. Content analysis was applied to a vast corpus of textual sources, from legislation and scholarly publications to media reports and analytical papers. Where possible, empirical methods such as interviews with cultural workers, volunteers, and heritage protection specialists were used to bring the research closer to the practical reality of the problem.

Thus, the purpose of this article is to demonstrate one of the central problems that arise during war: genocide against cultural heritage, particularly architecture created by the Ukrainian people and by communities that have lived in Ukraine for centuries, and to explore its consequences.

Research Results. The concept of genocide, as defined in the UN General Convention and the Rome Statute, unfortunately, does not explicitly include culture. However, rethinking cultural genocide under international law highlights its devastating consequences, such as the forced

³ Nicole Winchester. Targeting culture: The destruction of cultural heritage in conflict. 2022. <https://lordslibrary.parliament.uk/targeting-culture-the-destruction-of-cultural-heritage-in-conflict/>

⁴ Munilla G. Destruction of cultural heritage is part of the strategies of war. Universitat Oberta de Catalunya. URL: <https://www.uoc.edu/en/news-/2022/018-gloria-munilla>.

⁵ Культурна спадщина України. Правові засади збереження, відтворення та охорони культурно-історичного середовища: зб. офіц. док. упоряд. В. І. Фрич; відп. ред. М. В. Гарник; Генеральна прокуратура України. К.: Істина, 2022. 336 с.

separation of indigenous children from their families, which resulted in the loss of identity and culture⁶.

Raphael Lemkin envisioned genocide not only as physical or biological destruction but also as the destruction of cultural heritage. He considered cultural genocide to be one of the methods of committing genocide, although this concept did not gain significant attention until the 1970s⁷.

In his book *Axis Rule in Occupied Europe*, Lemkin described aggressors' actions against cultural monuments as cultural genocide. He also included bans on native language use in schools and printed media. In his view, the concept of a nation signifies constructive cooperation and original contributions based on authentic traditions, culture, and psychology. The destruction of a nation thus leads to the loss of its potential contributions to humanity⁸.

Article III ("Cultural Genocide") of the UN Global Convention defines genocide as also encompassing any deliberate act committed with the intent to eradicate the language, religion, or culture of a national, racial, or religious group on the basis of the national or racial origin or the religious beliefs of its members⁹. The concept of «cultural genocide» within the framework of the Convention is undergoing continuous evolution. The conceptualisation and elaboration of a legally precise definition remain problematic, as the notion brings together two complex categories: culture, which may be broadly understood as the way of life of a particular people, and genocide, which to this day has not been afforded a comprehensive definition in international law. World history offers numerous examples of cultural genocide. In such cases, perpetrators sought not only the physical destruction of a protected group but also the eradication of all manifestations of its existence through the deliberate annihilation of its cultural heritage¹⁰.

For more than a decade, Ukraine has faced a hybrid war waged by the Russian Federation, and for over three years, a full-scale war. Although Russia officially recognised Ukraine's independence in 1991, it has consistently treated Ukraine as an inseparable part of Russian history and culture. The war against Ukrainian cultural values and architectural objects demonstrates that culture itself constitutes the foundation of the strong and unique character of Ukrainian identity. As Ukrainians resisted such violence, the Russian leadership escalated the war against the entire Ukrainian people, to annihilate the nation as a whole, together with its history, culture, and identity. Yet cultural heritage cannot be separated from the people, for it is, in essence, the people themselves.

⁶ TRT World, "Explained: Canada's 'Cultural Genocide' of Indigenous People," accessed November 15, 2021, <https://www.trtworld.com/magazine/explained-canada-s-cultural-genocide-of-indigenouspeople-47835>

⁷ Raphael Lemkin to John. J. Parker, Judge at the International Military Tribunal, Nuremberg (1946), cited in Kurt Mundorff, *A Cultural Interpretation of the Genocide Convention* (New York: Routledge, 2021).

⁸ Lemkin, *Axis Rule in Occupied Europe*,. Raphael Lemkin, *Axis Rule in Occupied Europe* (Washington, DC: Carnegie Endowment for International Peace, 1944), p. 79–95.

⁹ Khushboo Chauhan *Rethinking the Concept of Cultural Genocide under International Law*. 2023. DOI: 10.1515/9783110781328-004

¹⁰ "Cultural Genocide in Tibet: Dalai Lama," *The Economic Times*, March 17, 2008, accessed June 25, 2022, <https://economictimes.indiatimes.com/news/politics-and-nation/cultural-genocide-in-tibetdalai-lama/articleshow/2872608.cms?from=mdr>.

International organisations such as UNESCO, the Council of Europe, and the EU treat cultural heritage as vital component to sustainable development and post-crisis recovery. These organisations address the objectives, mechanisms, and instruments for safeguarding cultural heritage within the broader framework of economic, social, and environmental values and priorities, as articulated in the concept of sustainable development. For this reason, in 2015, UNESCO adopted the Policy on the Integration of a Sustainable Development Perspective into the Processes of the World Heritage Convention¹¹.

The crimes committed by the Russian Federation against Ukraine's cultural heritage have destroyed urban communities and local cultural groups, especially in the East and South of Ukraine. The continuous shelling of cities by the Russian side has destroyed urban cultural heritage sites as well as their natural and urban landscapes. Equally tragic are the losses of human capital in the cities, and the disruption of their cultural connections and practices¹².

By September 2022, the European Parliament reported that since 2014, the Russian military had destroyed hundreds of cultural, artistic, scientific, educational, and religious objects. Since the full-scale invasion in February 2022, libraries and educational institutions have been systematically targeted¹³.

This article aims to underscore that architectural monuments, which embody centuries of historical significance and reflect distinct artistic epochs, have often suffered the most extensive damage during armed conflicts. The destruction of architectural heritage was especially severe during the Second World War. The Nazi army demolished the architecture of the territories it occupied during hostilities, while the Allied forces, in turn, destroyed architectural heritage in Germany during its liberation from Nazi control. The architecture of numerous European cities and towns suffered, including Dresden, Berlin, Warsaw, Paris, Kyiv, and many others.

Hundreds of religious structures, museums, historic buildings, and memorials were affected by the actions of both German and Soviet forces. Both armies also transported countless invaluable works of art to Germany and the Soviet Union. It thereby becomes evident that such actions constitute a form of genocide targeting architectural heritage.

The ongoing war of the Russian Federation against Ukraine represents yet another stage in the adversarial treatment of the Ukrainian people as a distinct nation. For centuries, the Russian state and its elites have disregarded the unique characteristics of the Ukrainian people, systematically and demonstratively eradicating Ukraine's cultural heritage.

¹¹ Культурна спадщина та національна безпека : аналіт. доп. / [В. Потапенко, Ю. Тищенко, Ю. Каплан та ін.] ; за ред. В. Потапенка. Київ : НІСД, 2023. 58 с. <https://doi.org/10.53679/NISS-analytrep.2023.08>

¹² Policy Document for the Integration of a Sustainable Development Perspective into the Processes of the World Heritage Convention as adopted by the General Assembly of States Parties to the World Heritage Convention at its 20th session (UNESCO, 2015). URL: <https://whc.unesco.org/en/sustainabledevelopment/>

¹³ Campfens, E., Jakubowski, A., Hausler, K., Selter, E., Research for CULT Committee – Protecting cultural heritage from armed conflicts in Ukraine and beyond, European Parliament, Policy Department for Structural and Cohesion Policies, Brussels. 2023. [https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU\(2023\)733120](https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU(2023)733120)

Today, as a result of the ongoing bombardments, a significant number of architectural sites constituting valuable elements of Ukraine's cultural and historical heritage have been destroyed. These include ecclesiastical and palace structures, as well as theatre buildings, educational institutions, and medical facilities.

By May 13 2022, according to data from the Ministry of Culture and Information Policy of Ukraine (MCIP), a total of 300 incidents of war crimes against Ukraine's cultural heritage had been documented as a result of the large-scale military aggression by the Russian Federation. Specifically, 16 cultural monuments of national significance and 72 of local significance were destroyed or damaged. Additionally, 10 monuments (memorial steles or sculptures), 12 museums and historical-cultural reserves, and 6 cinemas sustained damage. Religious structures were affected in 92 cases, including 35 sites of historical, architectural, and urban significance, 29 memorials commemorating historical figures and events from the 19th to early 21st centuries, 19 buildings or complexes of museums and reserves, 33 community centres, 6 theatres, libraries, and other historically valuable buildings¹⁴.

An analysis of the consequences of artillery shelling and bombardments as of mid-March 2022 revealed the destruction or damage of palaces and museum buildings that constitute an important part of Ukraine's national cultural heritage. Among these are the building of the Historical and Local Lore Museum, the Trostianets Museum and Exhibition Centre, the Vasyl Tarnovsky Museum of Ukrainian Antiquities, the Mykhailo Kotsiubynsky House-Museum and estate in Chernihiv, the university building in Kharkiv, the drama theatre in Mariupol, the architectural museum-reserve Popov Estate in the town of Vasylivka, Zaporizhzhia region, and numerous other architectural monuments.

Among the architectural monuments destroyed were numerous religious structures representing various faiths, including: the Church of St. Illia (11th–12th centuries) in Chernihiv, the Assumption Cathedral (18th century) in Kharkiv, the Holy Assumption Lavra (17th–18th centuries) in Sviatohirsk, the Church of the Nativity of the Virgin (1862) in the village of Vyazivka, Zhytomyr region, the St. George Church (1878) in the village of Zahorychi, Kyiv region, and the Holy Christ Nativity Cathedral in Sievierodonetsk, Luhansk region.

One of Ukraine's largest cities, Mariupol, which possessed a significant cultural heritage, was completely destroyed by the occupying forces. The city had a unique cultural and artistic potential, a rich historical legacy, and a heritage spanning several millennia. Even during the Second World War, the building of the A. Kuindzhi State Art Museum in Mariupol, though looted by German forces, was not completely destroyed; in contrast, it was entirely demolished by Russian occupiers¹⁵.

¹⁴ Агресивна атака російських військ руйнує християнські храми та інші святині релігійних спільнот України' 2022, "Укрінформ" мультимедійна платформа іномовлення України, 08 травня 2022. Доступно: . [18 Травень 2022].

¹⁵ Скленар, І. 2022, 'Нова статистика про втрачені і пошкоджені об'єкти культури внаслідок рашистських обстрілів і авіа ударів', Фотографії старого Львова, 04 травня 2022. Доступно: ОСВІТНІЙ ДИСКУРС: ЗБІРНИК НАУКОВИХ ПРАЦЬ 39(1-3), 2022 - 75 - . [18 Травень 2022].

On May 8 2022, a missile strike by Russian forces also destroyed one of Ukraine's and Europe's unique cultural heritage sites – the Vorontsov Palace, an architectural monument of the first half of the 19th century. Constructed in the classical style according to the design of the Odesa architect Franz Karlovich Boffo (1796–1867), the palace's original layout, the distinctive stylistic design of each of its wings, and the craftsmanship of the walls and interior decoration had inspired generations of art and architecture enthusiasts¹⁶.

According to the Ministry of Culture and Information Policy of Ukraine, from February 24 2022 to June 25 2023, a total of 664 cultural heritage objects were damaged or destroyed. These include 211 architectural monuments, 186 urban planning and architectural sites, 179 historical monuments, 18 monuments of monumental art, 17 sites combining urban planning and monumental art, 16 archaeological sites, and 33 community centres, 6 theatres, libraries, and other historically valuable buildings. On July 23 2023, the Spaso-Preobrazhensky Cathedral in Odesa, a UNESCO World Heritage site, was also destroyed in yet another attack.

Significant steps toward safeguarding cultural heritage include the support and assistance of European countries through the creation of international funds and organisations to restore the most valuable architectural monuments. Among these is the recently established international fund “Lublin Triangle,” whose participants include EU member states such as Lithuania and Poland. This fund actively supports Ukraine in countering Russian aggression, cooperating with Ukrainian scholars, cultural experts, and art historians on the digitisation of Ukraine's tangible and immovable cultural heritage, and developing digital platforms to preserve, protect, and promote these sites. It assists our society in implementing European standards for the preservation of cultural heritage¹⁷.

International cooperation between Ukraine and states that have experienced similar conflicts is also notable. Croatia, for example, possesses extensive experience in preserving and restoring cultural heritage sites. Its expertise and assistance in restoring, reconstructing, and conserving heritage damaged during the war with the Russian Federation is highly valuable. The Croatian Ministry provides guidelines and specialists for inventorying and digitising heritage objects and assessing damages caused by Russian forces¹⁸.

An analysis of these events allows us to conclude that the Russian Federation, through its deliberate destruction of Ukraine's architectural heritage, has violated a range of international norms and legal instruments. In particular, the Protocol to the 1954 Hague Convention addresses issues concerning the illegal exportation and restitution of cultural property, obligating each

¹⁶ Чорна, І 2022, ‘В Одесі внаслідок ракетної атаки зазнав пошкоджень Воронцовський палац’, Суспільне мовлення України, АТ «НСТУ», 12 травня 2022. <https://suspilne.media/odesa/238856-v-odesi-vnaslidok-raketnoi-ataki-zaznav-poskodzen-vorontsovskij-palac/>

¹⁷ Новосад М. Г., Білоус С. І., Терешкун О. Ф., Борисевич Л. В. Руйнування культурної спадщини України в умовах війни як проблема: філософсько-культурологічний аспект. Освітній дискурс: збірник наукових праць 39(1-3), 2022. DOI 10.33930/ed.2019.5007.39(1-3)-5

¹⁸ Бакальчук В. О. Культурний геноцид як складова частина міжнародного злочину Російської Федерації в Україні. Стратегічна панорама спеціальний випуск 2022 с. 76 <https://doi.org/10.53679/2616-9460.specialissue.2022.07>

State Party to prevent the unlawful removal of cultural assets. Furthermore, each State Party is required to protect and safeguard cultural property brought into its territory from occupied areas, per Article 2 of the Protocol. These actions have also breached domestic and international law, including Part 1 of Article 438 of the Criminal Code of Ukraine and Articles 9 and 15 of the Second Protocol to the Hague Convention on the Protection of Cultural Property in Armed Conflict. Under international criminal law, individuals who commit such acts, deliberately destroying or unlawfully appropriating cultural property, are subject to personal criminal liability for crimes against the international order.

Conclusions. Ukraine's cultural heritage constitutes a fundamental source for the formation of national consciousness and the spiritual development of its people. It shapes the nation's self-identification in subsequent stages of Ukraine's development and represents one of its core value assets. Accordingly, the treatment of immovable cultural heritage monuments indicates a state's level of development, the spiritual maturity of its citizens, and, from the perspective of the international community, the degree of respect accorded to the cultural achievements of a given people. It has been demonstrated that, on territories occupied by the Russian Federation since 2014 (including the Autonomous Republic of Crimea, Donetsk, and Luhansk regions) and during the full-scale war beginning on February 22 2022, the aggressors have caused extensive losses and destruction of historical monuments, cultural assets, and entire cities in Ukraine.

The international community has expressed concern and is taking all possible measures to assist in preserving what remains and restoring the most valuable architectural monuments for the Ukrainian people.

It has been established that addressing cultural heritage challenges, which have become particularly acute during wartime, requires a differentiated approach that combines rigorous problem analysis with expert evaluation of destroyed structures, incorporating the best global practices accumulated by the international community in the protection of historical and cultural monuments.

The issue of cultural heritage loss in Ukraine necessitates not only Ukraine's victory over the aggressor but also the active participation of conscientious Ukrainian citizens in restoring lost architectural structures and collaborating with international partners on spiritual and cultural projects, grounded in the overarching principle of cultural heritage revival.

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