World Heritage and Reconstruction: An Overview and Lessons Learnt for the *Bamiyan Valley*



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Abstract UNESCO was established after the World War II at a time of major reconstruction efforts. In the overall context of growing conflicts and intentional destruction in the twenty-first century, new debates and actions by the international community on "reconstruction" of cultural heritage in different contexts emerged. The paper reviews international doctrine and debates by the intergovernmental World Heritage Committee of the 1972 World Heritage Convention following the destruction of the Buddhas of Bamiyan (Afghanistan). The intentional destruction of this important heritage site let also to actions by the international community and to the development of new legal instruments. The paper further retraces the history of the inscription of the site, which was at the time of the destruction not included on UNESCO's World Heritage List. In 2003 the World Heritage Committee inscribed the valley on both the World Heritage List and the List of World Heritage in Danger as a World Heritage cultural landscape: the "Cultural Landscape and Archaeological Remains of the Bamiyan Valley." Finally, new and emerging debates around rehabilitation and reconstruction are highlighted.

Keywords World Heritage site · World Heritage Convention · Intentional destruction · Reconstruction · Warsaw Recommendation

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1 Introduction

The origins of UNESCO go back to the International Committee on Intellectual Cooperation (CICI), Geneva, in the 1920s, and its International Institute on Intellectual Cooperation in Paris, but the need for a specialized UN agency emerged from the ashes of World War II. A United Nations Conference for the establishment of an educational and cultural organization was convened in London in November 1945, which founded the United Nations Educational, Scientific and Cultural Organization (UNESCO). The Constitution of UNESCO, signed on 16 November 1945, came into force on 4 November 1946. The Constitution clearly defines the purpose of the Organization "to contribute to peace and security by promoting collaboration among nations through education, science and culture...."

The emergence of UNESCO is also a direct response to the huge destruction of cultural heritage during World War II and the reconstruction efforts and rebuilding of democratic societies afterwards. In the twenty-first century, we saw the evolution of a new role of culture in security and peace discussions with unprecedented international actions, following the intentional destruction of heritage by armed groups in a number of conflicts in Syria, Iraq, Mali, and others. For the first time in history, Resolution 2347 of the United Nations Security Council, of 24 March 2017, covers exclusively culture and deals with the threats to cultural heritage. This was preceded by the International Criminal Court's first conviction, in September 2016, of a war crime involving the deliberate destruction of cultural heritage.

In this overall context of growing conflicts and intentional destruction, new debates and actions by the international community on "reconstruction" of cultural heritage in different contexts emerged.

1.1 The Destruction of the Buddhas of Bamiyan and the Inscription of the Bamiyan Valley on UNESCO's World Heritage List

The intentional destruction of the Bamiyan Buddhas in 2001 was clearly a turning point and resulted not only in a worldwide outcry. At the same time, it confirmed the importance of cultural heritage at both the local and the global level. It also resulted in joint actions by the international community, including the development of new legal instruments: The UNESCO Declaration Concerning the Intentional Destruction of Cultural Heritage, adopted on 17 October 2003, is a clear illustration of this development. This declaration uses for the first time the term "intentional destruction,"¹ which became later even more relevant with the determined destructions by Daesh in Syria and Iraq of a number of World Heritage sites.

¹ von Schorlemmer 2016, p.46.

While the Bamiyan Buddhas were at the time not included on UNESCO's World Heritage List, they were already included in the national Tentative List of Afghanistan. The site had been nominated in 1982 and evaluated by ICOMOS in 1983, but ICOMOS recommended "That the proposed cultural property be inscribed on the World Heritage List after the definition of a sufficiently broad zone of protection."² Subsequently, the site was nominated not as a monument or an archaeological area but as the "Cultural Landscape and Archaeological Remains of the Bamiyan Valley," in the category of cultural landscapes. This was done in direct response to the destruction, with the help of the international community and the technical assistance by the UNESCO World Heritage Centre. The ICOMOS evaluation of 2003–20 years after the first one also recommended "that the property be inscribed on the World Heritage in Danger List considering that it is threatened by the imminent danger of further deterioration, and considering that major operations are necessary for its conservation."³ The World Heritage Committee inscribed the site on both the World Heritage List and the List of World Heritage in Danger and added: "Further urges the international community and various organizations active in the field of heritage protection in the Bamiyan Valley to continue its cooperation and assistance to the Afghan authorities to enhance the conservation and protection of the property."⁴

Now, the key question was what to do in this situation? Not just the Buddhas of Bamiyan were inscribed on the World Heritage List, but the whole valley:

The cultural landscape and archaeological remains of the Bamiyan Valley represent the artistic and religious developments which from the 1st to the 13th centuries characterized ancient Bakhtria, integrating various cultural influences into the Gandhara school of Buddhist art. The area contains numerous Buddhist monastic ensembles and sanctuaries, as well as fortified edifices from the Islamic period. The site is also testimony to the tragic destruction by the Taliban of the two standing Buddha statues, which shook the world in March 2001.⁵

The site became not only a World Heritage Cultural Landscape but also a "site of memory" due to the intentional destruction of the Bamiyan Buddhas, which is another aspect, which will need to be taken into account in any recovery processes.

2 Decision-Making on Reconstruction by the World Heritage Statutory Bodies

The request for reconstruction often comes immediately after (intentional) destruction. Cameron states: "*The question remains: to construct or not to reconstruct. Heritage conservation professionals have traditionally been opposed*

²ICOMOS Evaluation, June 1983, see http://whc.unesco.org/en/list/208/documents/

³ICOMOS Evaluation, June 2003, http://whc.unesco.org/en/list/208/documents/

⁴Decision 27 COM 8C.43, available at http://whc.unesco.org/en/decisions/628

⁵Brief Description, http://whc.unesco.org/en/list/208

to reconstruction because this approach can falsify history and create fictional places that never existed in that form. This opposition began in the nineteenth century and gathered momentum following the oft-repeated guidance from French art historian and archaeologist Adolphe Napoléon Didron that "for ancient monuments, it is better to consolidate than repair, better to repair than to restore, better to restore than to reconstruct."⁶

Taking the complexity of the questions of destruction and reconstruction into account, this paper focuses specifically on the notion of reconstruction and reconstruction actions in the framework of the 1972 World Heritage Convention and the practice by the World Heritage Committee in its decision-making.

Since the first sessions of the World Heritage Committee, the discussions on reconstruction have played an important role. The first major debate was in relation to one of the first nominations ever presented to the Committee, the Historic Centre of Warsaw (Poland), totally destroyed during World War II and reconstructed as a symbol of recreation of identity in the fight against National Socialism. At the time, major conceptual debates on the topic emerged as documented by Cameron and Rössler (2013a, b). Based on the experience and discussions related to the inscription of Warsaw, discussions on authenticity issues related to reconstruction led to a paragraph in the Operational Guidelines (UNESCO 2019), which remains until today. Paragraph 86, states: *"In relation to authenticity, the reconstruction of archaeological remains or historic buildings or districts is justifiable only in exceptional circumstances. Reconstruction is acceptable only on the basis of complete and detailed documentation and to no extent on conjecture."*

In parallel, a body of doctrinal texts evolved including by ICOMOS, such as:

- International Charter for the Conservation and Restoration of Monuments and Sites (The Venice Charter), 1964
- Declaration of Dresden on the "Reconstruction of Monuments Destroyed by War", 1982
- Charter for the Conservation of Historic Towns and Urban Areas (The Washington Charter), 1987
- Charter for the Protection and Management of the Archaeological Heritage, 1990
- The Nara Document on Authenticity, 1994
- ICOMOS Charter Principles for the Analysis, Conservation and Structural Restoration of Architectural Heritage, 2003
- The Valletta Principles for the Safeguarding and Management of Historic Cities, Towns and Urban Areas, 2011
- Riga Charter on authenticity and historical reconstruction in relationship to cultural heritage, 2000

⁶Cameron 2017, p. 57.

⁷Operational Guidelines for the Implementation of the World Heritage Convention https://whc. unesco.org/en/guidelines/, paragraph 86

In some cases, these debates and resulting texts progressed in direct relation and discussions with the World Heritage Committee, such as the Nara Document on Authenticity (1994), which was added to the Operational Guidelines for the Implementation of the World Heritage Convention. For others, they emerged by national entities such as ICOMOS Committees and in relation to broader debates, such as the Declaration of Dresden on the "Reconstruction of Monuments Destroyed by War" (1982).

3 Assessment of Conservation Decisions on "Reconstruction"

Since 1990, when more systematic monitoring emerged within the World Heritage statutory and decision-making bodies, more than 300 reports presented to the Committee related to the term "reconstruction," which demonstrates that this issue was high on the agenda. However, one can distinguish three different phases and approaches:

- A few discussions took place in the initial phase, when putting into practice the World Heritage Convention.
- A considerable increase was noted after the systematic presentation of state of conservation reports (starting in the 1990s).
- Systematic and intentional destruction of cultural heritage in recent years, which made "Deliberate destruction of heritage" a distinct and specific threat identified in the database of the reports on World Heritage sites.

Although deliberate or intentional destruction is not in the first ranks of threats, it may quickly rise in the years to come. The question of reconstruction becomes critical in the recovery phase, especially for cities and urban ensembles, and in relation to explicit demands by local communities.

If one analyzes the situation of the properties concerned, a number of topics emerge: direct terrorist attacks, damage during conflicts, natural or human-made disasters, and reconstruction policies for cities and sites.

A high number of direct attacks have been carried out against World Heritage sites, namely, in Syria, Iraq, and Mali. Deliberations and decisions by the Committee concerning Timbuktu (Mali) increased since the attacks in 2012, especially due to the fact that the reconstruction was seen as a positive measure by the State Party, local authorities and communities, as well as the international community. The Committee viewed a comprehensive process of reconstruction embedded in an overall action plan, such as the UNESCO-Mali Action Plan, as a positive development. It also requested specifically for a rehabilitation and reconstruction strategy for damaged cultural heritage of North Mali, including the rehabilitation of the World Heritage site of the Tomb of Askia. The June 2015 UNESCO publication "La Sauvegarde des Biens du Patrimoine Mondial. Un Enjeu Majeur Pour le Mali" provides further details concerning the complexity of the overall project of the safe-guarding, reconstruction and rehabilitation, and restoration and revitalization of

Mali's World Heritage. It also seems that the Committee is more in favor of "reconstruction" when an overall strategy and action plan has been devised, which guides specific actions at individual properties.

In the case of Iraq, a more cautioned approach was taken in the decision-making, such as for Ashur (Qal'at Sherqat), awaiting an improvement of the security situation to allow for rapid assessment of the state of conservation of the sites prior to any further action on the ground. This now fundamentally changed since the International Conference for Reconstruction of Iraq (Kuwait, 12–14 February 2018). The event mobilized nearly USD 30 billion of additional international support bringing together UN bodies, donors, and the international community, united to address the recovery of the country. One of the outcomes is UNESCO's initiative "Revive the spirit of Mosul" to recover and reconstruct the city.

Reconstruction was often interpreted as a positive action requiring global support, which must be considered together with theoretical, methodological, and practical recommendations and guidance developed by the World Heritage Centre, ICOMOS, and ICCROM. In some cases, the Committee urged the State Party to refrain from any rapid interventions, such as in the General Decision on the World Heritage properties in the Syrian Arab Republic (39 COM 7A.36). "Further urges the State Party to safeguard damaged properties through minimal first aid interventions, to prevent theft, further collapse and natural degradation, and refrain from undertaking conservation and reconstruction work until the situation allows, for the development of comprehensive conservation strategies and actions that respond to international standards in full consultation with the World Heritage Centre and the Advisory Bodies."⁸

The Committee made it clear in nearly all instances that it would not approve plans for rapid reconstruction but only such actions based on thorough conservation strategies, which adhere to international standards and doctrines, as well as overall action plans and strategies. In the meantime, and until such strategies are developed, minimal first-aid interventions are recommended.

The Committee also reviewed the situations following natural disasters. For example, in Kathmandu Valley (Nepal), the "reconstruction issues" did not start with the recent earthquake but long beforehand, as outlined in 2012: "*Further requests the State Party to submit to the World Heritage Centre detailed information, including independently prepared heritage impact assessments, for proposed developments for the revised new road, the airport extension or any other major scheme of development, conservation or reconstruction, in particular for the Bhaidegah Temple in accordance with Paragraph 172 of the Operational Guidelines, for review by the Advisory Bodies."⁹*

After the devastating earthquake that affected the Kathmandu Valley, reconstruction was not mentioned specifically, even though the recovery phase was already in full swing. "Takes note of the information provided by the State Party, the World

⁸Decision 39 COM 7A.36, https://whc.unesco.org/en/sessions/39COM

⁹ Decision 36 COM 7B.66.

Heritage Centre and the Advisory Bodies concerning the actions undertaken in response to the devastating earthquake and acknowledges the efforts made by the Department of Archaeology of Nepal to ensure the safeguarding of the property in spite of the difficulties being experienced....¹⁰

One of the questions that the Committee has to address is the approach to take considering the type of site, such as historic cities, archaeological sites, or earthen architecture. In fact, the question emerges – is there a different approach or policy related to "reconstruction" when dealing with different categories or types of sites? In addition, are there diverse approaches in different regions of the world? This addresses an issue especially important for monuments and cities in Eastern Europe, a topic that was already covered by the Riga Charter (2000). The experts drafting the Riga Charter were well aware of attempts to not only reconstruct buildings but to "reconstruct" certain periods of history and national identity.

The most radical approach was taken by the Committee, when considering the Bagrati Cathedral and Gelati Monastery in Georgia. It led to the delisting or removal of a part of the property (Bagrati Cathedral), in 2017, which was reconstructed against experts' advice, ICOMOS, ICCROM, and World Heritage Centre missions, and a number of Committee deliberations and decisions.

4 New Approaches to Reconstruction and Recovery

With the increasing number of decisions directly referring to reconstruction issues, the World Heritage Committee also looked into this question in general terms and requested more in-depth reflections in its decisions, in 2016 (40 COM 7) and in 2017 (41 COM 7). A global conference on *"The challenges of World Heritage recovery. International conference on reconstruction"* was therefore organized from 6 to 8 May 2018, in Warsaw, Poland. The purpose of this meeting was to review previous discussions and conclusions on recovery and reconstruction at UNESCO World Heritage properties. The event also attempted to develop the most appropriate and universal guidelines that would enable addressing properties of outstanding universal value and the consequences of destruction.

The conference proposed an integrative approach to recovery, highlighting both challenges and opportunities and reviewing theoretical approaches and methodologies. In many case studies, the processes of recovery were analyzed, and experts took stock of past experiences, including from Warsaw (Poland), Dubrovnik (Croatia), Timbuktu (Mali), Kathmandu (Nepal), or Haiti, also looking into questions of history and memory as well as communities and cultural rights. Considering the situations of Mosul (Iraq) or Aleppo (Syria), the challenges of urban heritage recovery were among the most urgent, and these were addressed by UNESCO and other agencies including UN Habitat and the World Bank.

¹⁰https://whc.unesco.org/en/soc/119/

The outcome of the meeting "*Warsaw Recommendation on Recovery and Reconstruction of Cultural Heritage*"¹¹ was subsequently presented to the World Heritage Committee at its 42nd session (Bahrain 2018) as a critical tool for all stakeholders in the recovery and reconstruction of their cultural heritage. The meeting proposed a non-exhaustive set of principles including terminology, values, conservation doctrine, communities, allowing time for reflection, resilience, capacities and sustainability, memory and reconciliation, documentation, governance, planning, and education. It also addressed recommendations to the World Heritage Committee, the World Heritage Centre and its Advisory Bodies, States Parties, and other bodies including the UN.

The World Heritage Committee welcomed the results of the International Conference on Reconstruction "*The Challenges of World Heritage Recovery*" and the Warsaw Recommendation, which provided clear principles on reconstruction and recovery and requested the World Heritage Centre and the Advisory Bodies to broadly disseminate it among States Parties, World Heritage stakeholders, and partner organizations. It also encouraged the ongoing cooperation with the World Bank and with United Nations agencies in addressing the challenges of World Heritage recovery and reconstruction.¹² The case studies presented at the Warsaw Conference and the deliberations were subsequently published by the Polish Heritage Board.¹³

5 Lessons Learnt for the Bamiyan Valley Case?

Among the most discussed cases by the international community are evidently the cultural landscape and archaeological remains of the Bamiyan Valley, in Afghanistan. This case is different from the Mostar Bridge, which was reconstructed and later inscribed as the Old Bridge Area of the Old City of Mostar (Bosnia and Herzegovina) by the World Heritage Committee, using only criterion (vi) for its associated values and none of the remaining criteria for its architectural value. As the Bamiyan Valley was inscribed after the destruction, any reconstruction poses specific issues.

The World Heritage Committee followed closely on all works at the site and Decision 39 COM 7A.39, from 2015, is quite straightforward in terms of reconstruction: "Takes note of the need to consider future reconstruction policies for the Buddha niches, and reiterates its request to the State Party, when considering options for the treatment of the Buddha niches, to ensure that proposals are based on feasibility studies which include: an agreed overall approach to conservation

¹¹ http://whc.unesco.org/en/news/1826

¹²See Decision 42 COM 7, paragraphs 25–28, see http://whc.unesco.org/en/decisions/7112/

¹³The challenges of World Heritage Recovery, International Conference on Reconstruction: the Challenges of World Heritage Recovery, Warsaw, 2018, by M. Marcinkowska and K. Zalasińska (Eds.), National Heritage Board of Poland, Warsaw 2019.

and presentation of the property, an appropriate conservation philosophy based on the OUV of the property, [...]."¹⁴

The intentional destruction of the Bamiyan Buddhas was not the first and may not be the last in the history of attacks against the heritage of humanity as a whole. It was an announced destruction against the diversity of cultures and against shared heritage, to which the world and the international community as a whole had to react. This was explicitly recognized in the UNESCO Declaration Concerning the Intentional Destruction of Cultural Heritage, adopted on 17 October 2003 at UNESCO's General Conference, and its Preamble states:

- Recalling the tragic destruction of the Buddhas of Bamiyan that affected the international community as a whole,
- Expressing serious concern about the growing number of acts of intentional destruction of cultural heritage,
- Referring to Article I(2)(c) of the Constitution of UNESCO that entrusts UNESCO with the task of maintaining, increasing and diffusing knowledge by "assuring the conservation and protection of the world's inheritance of books, works of art and monuments of history and science, and recommending to the nations concerned the necessary international conventions",

Recalling the principles of all UNESCO's conventions (...).15

The Declaration then proclaimed, "*The international community recognizes the importance of the protection of cultural heritage and reaffirms its commitment to fight against its intentional destruction in any form so that such cultural heritage may be transmitted to the succeeding generations*."¹⁶

It needs to be considered together with all six UNESCO Cultural Conventions and the most recent UN Security Council Resolutions on cultural heritage.

The Bamiyan Buddhas Symposium (Tokyo, 2017) provided an excellent opportunity to review all available possibilities and options. The meeting considered a wide range of different conservation and treatment proposals for the recovery of the site, ranging from no reconstruction at all (while conserving all remaining elements in the niches) to technical solutions including anastylosis, using all the original elements to the greatest degree possible, or totally rebuilding the Buddhas at another location.

As there are intense ongoing debates globally, further reflections may be needed. This was also recognized by the World Heritage Committee at its session in 2018, when it welcomed:

...the organization of the International Symposium "The Future of the Bamiyan Buddha Statues: Technical Considerations and Potential Effects on Authenticity and Outstanding Universal Value" (OUV), held in Tokyo in September 2017 as part of the UNESCO/Japan FiT project, acknowledges the Symposium's recommendations, which notably invite the State Party and international partners to deepen the reflection on the possible reconstruction

¹⁴Decision 39 COM 7A.39.

¹⁵UNESCO Declaration Concerning the Intentional Destruction of Cultural Heritage, adopted on 17 October 2003, Preamble, http://portal.unesco.org/en/ev.php-URL_ID=17718&URL_DO=DO_TOPIC&URL_SECTION=201.html

¹⁶See Footnote 15 above.

of the Bamiyan Buddha statues; and further requests the State Party to conduct extensive consultation with local communities, civil society, as well as spiritual leaders and other stakeholders and to submit any selected proposals or options for review by the Advisory Bodies before any irreversible decision is made;¹⁷

6 Conclusions

The current intense debate on reconstruction and recovery is closely related to intentional destruction of heritage. Rapid "reconstruction" is often requested in these instances by local communities, diverse stakeholders, and national authorities. Nevertheless, we have to avoid fast decision-making and encourage in-depth reflection on the best methodology, approaches, and practices in post-conflict recovery plans.

Countries with devastating conflicts require strong support to build reconciliation and peace. Cultural heritage has suffered collateral damage and has been the target of deliberate and dramatic destruction. It is our shared responsibility to do everything in our power to mitigate the risks of the destruction of cultural heritage, prevent its looting, and keep alive its traditions and practices. When recovery time comes, cultural heritage often becomes a strong symbol and a tool for the rebuilding of communities, helping them to actively break the cycle of violence and restore peaceful living. Culture, understood in the broadest sense of the term, is essential for building peace, dialogue, and sustainable development.

Symbolic acts such as the rebuilding of the Old Mostar Bridge (Bosnia and Herzegovina), as well as the reconstruction of the Old Town of Warsaw (Poland), and the inscription of these two properties on the World Heritage List contributed in a way to reconciliation and helped communities to come to terms with collective trauma. Initiatives to safeguard, protect, and rebuild Mali's cultural heritage are a more recent example of the potential of culture to deal with the collective sufferings in conflict situations.

In the midst of conflicts, we know that plans for rehabilitation and reconstruction are on the horizon. We cannot get there unprepared: we need a joint-vision, based on theoretical and practical guidance, methodologies, and operational frameworks. Rebuilding plans are likely to start quickly, and paradoxically, reconstruction can have advert effects on cultural heritage. It requires in-depth research, multidisciplinary cooperation, and integrated planning involving many different actors, stakeholders, and communities.

The unprecedented rate of destruction since World War II, and especially intentional destruction, has raised specific questions that need to be addressed in a broader framework. At UNESCO, post-conflict reconstruction by building knowledge through damage assessment and documentation, and by identifying key-needs and priorities with related expertise, is given priority. Since 2014, we have started collecting information on Syrian cultural heritage and organized a specific meeting

¹⁷Decision: 42 COM 7A.1 http://whc.unesco.org/en/decisions/7174

on reconstruction of Aleppo, in 2015. Our longstanding partner ICOMOS organized several Workshops on Post-trauma Reconstruction, in 2016; ICCROM and Louvre Lens, in 2017; and the 2016 Montreal University Roundtable assisted us in addressing fundamental issues and fostered our discussions and understanding. The 2018 Warsaw Conference brought together diverse views and actors and drew up principles, which can be considered by all concerned.

There are still some open questions, which we need to further address in the future:

Is the existing paragraph 86 of the current Operational Guidelines (2019) adequate; is this paragraph satisfactory for today's situation of destruction at an unprecedented global scale? Should the concepts of authenticity and integrity be reviewed, while envisaging changes to the Operational Guidelines?

Shall we revisit existing doctrinal texts, including the "Riga Charter on Authenticity and Historical Reconstruction in Relationship to Cultural Heritage: Riga, Latvia, October 2000" and their relevance today; and do we need to prepare updates or consider new charters on post-conflict reconstruction?

The unprecedented intentional destruction requires also special attention to public debates, including those among experts, authorities, the interested public, as well as communities living in and around World Heritage sites on reconstruction, rehabilitation, rebuilding, restoration and resilience, and other conservation approaches in the context of broader recovery programs. We have to provide the basis for informed discussions, awareness-raising, and decision-making with all available options.

We need to continue debates and ensure further guidance to the World Heritage Committee, to address pressure from governments for rapid rebuilding and reconstruction and establish joint approaches among the advisory bodies and UNESCO on methods, methodologies, and frameworks to assist governments.

Finally, we also need to have broad joint approaches and frameworks among different organizations working on the ground, whether within the UN system (UNDP, UN Mine Action, UN Habitat, UNESCO) and other international organizations and beyond (Aga Khan Foundation, GIZ, KFW, Getty), especially in the treatment of destroyed historic cities. People are coming rapidly into these areas to reclaim their heritage and livelihoods.

We all need to join forces to address the huge challenges of today's heritage destruction and conservation approaches for tomorrow's past and future heritage.

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