

r a s h í d

Research Assessment & Safeguarding of the Heritage of Iraq in Danger



Cultural Rights and Public Spaces in Iraq

Submission for the United Nations Special Rapporteur
in the field of cultural rights

About us

RASHID International e.V. is a worldwide network of archaeologists, cultural heritage experts and professionals dedicated to safeguarding and promoting the cultural heritage of Iraq, ancient Mesopotamia. We are committed to developing the history and archaeology of Iraqi cultures, for we believe that understanding the past is key to addressing the present and to building a prosperous future.

Much of Iraq's heritage has been lost forever. Militant groups have destroyed mosques, churches and shrines, smashed artifacts, bulldozed archaeological sites and illegally trafficked antiquities on an almost industrial scale. Iraqi cultural heritage has suffered grievous and in many cases irreversible harm.

To assist our Iraqi colleagues, we collect and share information, research and expert knowledge, work to raise public awareness, and both develop and execute strategies to protect heritage sites and other cultural property through international cooperation, advocacy and technical assistance.

RASHID International e.V.
Postfach 118
Institute for Ancient Near Eastern Archeology
Ludwig-Maximilians-University of Munich
Geschwister-Scholl-Platz 1
D-80539 Munich
Germany

<https://www.rashid-international.org>

info@rashid-international.org

Copyright

Published by RASHID International (May 2019)

This document is distributed under a **Creative Commons Attribution 4.0 International** license.

You are free to copy and redistribute the material in any medium or format, remix, transform, and build upon the material for any purpose, even commercially. RASHID International e.V. cannot revoke these freedoms as long as you follow the license terms. You must give appropriate credit, provide a link to the license, and indicate if changes were made. You may do so in any reasonable manner, but not in any way that suggests RASHID International e.V. endorses you or your use. You may not apply legal terms or technological measures that legally restrict others from doing anything the license permits.

Please see <https://creativecommons.org/licenses/by/4.0/legalcode> for the full terms of the license.

Legal notice

Every effort has been made to ensure the accuracy and reliability of the information presented in this publication. RASHID International e.V. does not guarantee and accepts no legal liability whatsoever arising from the use of any information contained in this document. This is without prejudice to cases where gross negligence on behalf of RASHID International e.V. can be proven and/or loss of life or limb is at stake and the extent of liability may not be limited under the applicable law. Any disputes shall be subject to the law of the Federal Republic of Germany.

Cover image

Photo: View of the fire walk for the Newroz festival in Akre in 2018

By: Levy Clancy – Copyright status: Public Domain

Contributors

Dr. Rozhen Kamal Mohammed-Amin

Member of the Board of Directors of RASHID International e.V.

Head of Digital Cultural Heritage Research Group

Sulaimani Polytechnic University

Seán Fobbe

Chief Legal Officer

RASHID international e.V.

Mónica Palmero Fernández

Researcher

University of Reading

Professor Dr. Karel Nováček

Associate Professor of Archaeology

Palacký University Olomouc

Table of Contents

I. What are Public Spaces?.....	5
II. Public Spaces and Politics.....	5
1. Public spaces and Dominant Ideology.....	5
2. Public Spaces and Dissatisfaction.....	6
3. Public Spaces as Targets.....	7
III. Public Spaces and Accessibility.....	7
1. Persons with Disabilities.....	7
2. Women and Children.....	8
3. Green Zone.....	8
4. Private Business and Public Spaces.....	8
5. Permit Requirements in Public Spaces.....	9
IV. Cultural Facilities as Public Spaces.....	9
1. Museums in Iraq.....	10
2. Amedi.....	10
V. Internet and Social Media as Public Spaces.....	11
1. Facebook as a Platform.....	11
2. Shadow Pages.....	11
3. Internet Blackouts to Quell Riots.....	11
4. Online Game Bans.....	12
5. Sharing of Archival Photos.....	12
VI. Recommendations.....	13

Cultural Rights and Public Spaces

I. What are Public Spaces?

Public spaces are inclusive spaces that can be accessed, used, and enjoyed by all the members of the general public, including the marginalized.¹ They include public plazas, squares, parks, and even streets. Some urban planners and designers describe these public realms as the living rooms of cities.² They have important roles in “fostering integration between different socio-economic groups”.³ The increasing integration of Information and Communication Technologies (ICT) in people’s daily activities and interactions in the current information age have extended the boundaries of rigid physical public spaces to dynamic virtual spaces within the internet, computers, handheld devices, and wearable technologies.⁴

Despite this definition, not all public spaces everywhere and at every time are created and/or accessed, used, and enjoyed equally. The same applies to Iraq’s public spaces across different areas and times. The rapid sociopolitical changes in the history of this volatile country can be observed in the access, use, and enjoyment of these spaces.

II. Public Spaces and Politics

1. Public spaces and Dominant Ideology

In Iraq, as in many other developing countries, important public spaces are often politicized or polarized with representations or symbols of current rulers, prominent political and religious figures and events, and/or dominant ideologies. The placement of the statue of Saddam Hussein in the middle of Firdous Square in central Baghdad during the peak of his rule and the celebration of Iraq’s supposed ‘victory’ over Iran by building a 40 meter ‘Victory Arch’ (also known as the ‘Hands of Victory’ or the ‘Crossed Swords’ monument) at the entrance of Zawra park testify to this trend of politicization and polarization.⁵ While the demolition of the Hussein statue in a public space by Iraqis with the help of US military forces depicted the end of a regime era in Iraq, the fate of

¹ Carr, S., Stephen, C., Francis, M., Rivlin, L. G., & Stone, A. M. (1992). *Public Space*. Cambridge University Press; see also: <http://www.urbanoctober.org/downloads/UrbanOctoberBackgroundPaper.pdf>

² <http://www.urbandesign.org/publicspace.html>

³ <http://www.urbanoctober.org/downloads/UrbanOctoberBackgroundPaper.pdf>

⁴ <http://alumni.media.mit.edu/~flavia/Papers/NarrativeSpaces.pdf>

⁵ For further information on the Victory Arch, see Makiya, K. (2004), *The Monument: Art and Vulgarity in Saddam Hussein's Iraq*, I.B. Tauris.

the Hands of Victory remains uncertain.⁶ Standing on a base populated with the helmets of Iranian soldiers who fell during the war, the monument has divided public opinion. Some see it as a symbol of provocation and hostility towards a neighboring country and the Shia majority in Iraq, others view it as an inclusive symbol honoring Iraqis who fell in the country's wars throughout history.

The ancient city of Babylon took center stage as a public politicized space during Saddam Hussein's regime when he portrayed himself as the reincarnation of the ancient Neo-Babylonian king Nebuchadnezzar II and carried out his 'Archaeological Restoration of Babylon Project'. The project included a new palace built over the ruins of an ancient one and a small reproduction of the famous Ishtar gate, as the original was dismantled and is currently displayed in the Pergamon museum in Berlin. He attempted to emulate the Neo-Babylonian Kings by having his name inscribed on many of the bricks used during construction. The initiative was criticized for its disruption of the archaeological remains, as well as its propagandistic nature. Saddam Hussein's cultural propaganda is viewed by some scholars as a factor in Daesh's iconoclastic campaign against cultural heritage between 2014 and 2017, which greatly affected cultural public spaces in the northern regions of the country.⁷

Babylon was once again opened to tourists in 2009 and Saddam's looted palace has become part of the experience of visiting the site. Management of the site remains controversial.⁸ Emerging tourism businesses in Iraq who organize visits to Babylon and other sites, such as Bil Weekend, highlight the role that cultural heritage sites play as public spaces in Iraq.⁹

2. Public Spaces and Dissatisfaction

Public spaces are also used for expressing dissatisfaction and holding demonstrations, (even starting revolutions¹⁰) against the government, political parties, unemployment, corruption and/or poor services.¹¹

⁶ <https://www.nytimes.com/2011/09/21/arts/design/mohammed-ghani-hikmat-iraqi-sculptor-dies-at-82.html>
<https://www.nytimes.com/2011/02/06/world/middleeast/06iraq.html?ref=stevenleemyers>

⁷ Isakhan, B., and J.A. González Zarandona. 2018. "Layers of religious and political iconoclasm under the Islamic State: symbolic sectarianism and pre-monotheistic iconoclasm." *International Journal of Heritage Studies* 24(1): 1-16.

⁸ <https://www.nytimes.com/2009/05/03/world/middleeast/03babylon.html>

⁹ <https://www.facebook.com/BilWeekend/>

¹⁰ <https://www.themaydan.com/2017/10/creating-independent-kurdistan-history-hundred-year-long-dream/>

¹¹ <https://www.dw.com/en/protests-spread-from-oil-rich-basra-across-southern-iraq/a-44678926>
<https://www.nytimes.com/2015/09/01/world/middleeast/protests-in-iraq-bring-fast-promises-but-slower-changes.html>
<http://edition.cnn.com/2011/WORLD/meast/02/17/iraq.protests/index.html>

3. Public Spaces as Targets

Crowded public spaces and events in Iraq have become the target of terrorist attacks and (sometimes) military operations, especially after the 2003 war.¹² The association of public space and public events with politics, terrorism, and other crises has (in many cases) led to restricted access, use, and enjoyment of these spaces. The presence of concrete barriers, police, and armed personnel are some of the tangible barriers and restrictions in public spaces. In many major public spaces across Iraq even harmless activities such as taking pictures or students surveying members of the general public for academic purposes are perceived as a threat or suspicious activity by both federal and local authorities.¹³ Such activities often require official approval from security authorities of the cities. Also, past terrorism activities in crowded public spaces are a significant reason for citizens refraining from attending major public events and celebrations in public spaces.

III. Public Spaces and Accessibility

Despite recent progress, public spaces remain difficult to access or even inaccessible for specific groups, for example women, persons with disabilities and citizens who wish to express and/or promote ideologies that do not comply with mainstream political opinion.

1. Persons with Disabilities

Many public spaces across Iraq are not designed or built with the needs of persons with disabilities in mind. Lack of walking facilities, inconsistent sidewalk heights, lack of crossing signs, slippery sidewalk materials, and non-compliance with street speed limits are among the many challenges that limit public space access and enjoyment by disabled people. Experts have observed these issues in local architecture, urban design, and planning pilot studies and projects.¹⁴ Absence of uniform design and planning principles and policies, as well as haphazard implementation are key contributing factors.

¹² <https://www.researchgate.net/publication/329557573>
<https://www.usatoday.com/story/news/world/2016/03/25/suicide-bomb-blast-kills-25-soccer-stadium-south-baghdad/82259240/>

¹³ This assessment is based on first-hand experience by RASHID International personnel working in their respective academic occupations and many researchers known to RASHID International.

¹⁴ Jamal, M., Khasraw, W., Khabat, S., & Mohammed-Amin, R. K. (2017). Investigating and boosting walkability in Sulaimani's mixed-use streets: Jamal Irfan street as a case study. *Kurdistan Journal of Applied Research*, 2(3), 397-409.

2. Women and Children

The nature of the activities in or around many public spaces make them inaccessible for women and children, especially during evening and night hours. Even in the most liberal cities and areas of Iraq, the use and enjoyment of public spaces remains limited. For example, women are still at the risk of harassment by strangers in public spaces, especially if they are dressed less conservatively or are on their own. The male-dominated nature of many public spaces and activities therein, including in city centres, dissuade families from accessing and/or enjoying those spaces. General lack of public spaces in the middle and south of Iraq since 2003 and limited access and enjoyment by families is believed to be contributing to lower quality of life and social interaction in those areas/cities.¹⁵

3. Green Zone

The re-opening of the fortified 'Green Zone' in Baghdad after 15 years not only demonstrates security progress in the city but also opens up long-restricted public access to public spaces and institutions in a large area of the country's capital.¹⁶

4. Private Business and Public Spaces

While cultural and religious events like Nawroz,¹⁷ Eid-al-Fitr,¹⁸ and Ashura¹⁹ have attracted different segments of Iraq society into public spaces for a long time, the recent construction of big malls, large numbers of cafés, day and night street and other public space activities, and other inclusive recreational activities are bringing out more people to different kinds of public spaces.²⁰ The transformation of streets dominated by male pedestrians into inclusive streets offering activities and services such as those served by a small café²¹ are creating interesting examples of how public spaces may enhance cultural rights. The “# no for the closure of Jan Coffee” campaign

¹⁵ <http://www.ep.liu.se/ecp/146/043/ecp18146043.pdf>

¹⁶ <https://www.nytimes.com/2018/12/10/world/middleeast/green-zone-baghdad-open.html>

¹⁷ Nawroz is celebrated by the Kurds at the beginning of the New Year.

¹⁸ Eid-al-Fitr marks the end of the holy month of Ramadan in Islam and is one of the highest holidays in the Muslim faith.

¹⁹ Ashura is a high holiday in the Sh'ia faith, commemorating the death of Husayn ibn Ali, the grandson of Muhammad; its celebration was strongly repressed during the rule of Saddam Hussein, see https://govinfo.library.unt.edu/cpa-iraq/pressreleases/20040227_ashura.html

²⁰ <https://adventure.com/iraq-by-night-erbil-kurdistan/>

²¹ <https://www.facebook.com/yallakurdi/photos/a.746764432092215/1718475251587790/?type=3&theater>
<https://www.facebook.com/JanCoffee2017/>

initiated by local youth, artists, journalists, writers, and cultural rights advocates of the city of Sulaimani challenged local urban planners and designers on the importance of social principles and participatory planning over traditional planning thinking based on standards and bylaws. The campaign increased in momentum when it gained the support of the deputy prime minister of the Government of the Kurdistan Region of Iraq.²²

However, the unplanned or unauthorized use of public space by adjacent businesses or residents is not uncommon in Iraq. Even areas dedicated to public use, such as riversides, are sometimes monopolized by businesses. Unlike planning departments in the cities of western countries, as far as we are aware, the planning departments in Iraqi cities barely have, impose, and/or monitor key urban design regulations.

In addition to the changing demography, there has been a change in the use of public spaces and the types of activities they host. The controversial color festival in Erbil has marked a bold departure from the traditional way a conservative city uses a public park and encouraged interaction among people from different age groups and genders.²³ The event sparked a polarized discussion between conservatives and liberals in traditional and social media in the Kurdistan Region of Iraq. The event organizers had to defend and justify the event on regional TV channels.

5. Permit Requirements in Public Spaces

Hard to obtain security permissions are required in order to organize public events in public spaces. In some cases, permission is never given, and activities motivated by or linked to politically or popularly undesirable ideologies are completely unable to access the country's public spaces.²⁴

IV. Cultural Facilities as Public Spaces

Public cultural heritage facilities like heritage complexes and monuments, libraries, galleries, and museums are 'cultural hubs' for public cultural activities. Limited access to cultural activities within these facilities can effectively restrict cultural practices and rights. Heritage buildings and areas are used as public spaces even in smaller towns (e.g. citadel at Akre, Mosul Gate at Amedi, Ottoman Qishla at Koya).

²² <https://www.facebook.com/JanCoffee2017/photos/pcb.2124771754266060/2124771447599424/?type=3&theater>

²³ <http://www.rudaw.net/english/lifestyle/23032018>
<http://www.rudaw.net/english/people-places/05042019>
<https://www.youtube.com/watch?v=0YreEAT4jOk>

²⁴ <http://www.rudaw.net/english/kurdistan/120120191>

1. Museums in Iraq

The long closure²⁵ of the Iraqi National Museum and the Slemani Museum (the two largest museums in the country) and limited public engagement activities are prime factors for low visitor numbers and limited cultural heritage awareness in the population at large. Most recently, with the support of international funders and local and international universities, cultural heritage organizations have begun to upgrade the museums' facilities and services and launch new public outreach initiatives. The completion of the new Basrah Museum,²⁶ the development of the "In Writing: Objects from the collections of the Sulaymaniyah Museum" exhibition,²⁷ the (ongoing) pre-history gallery refurbishment²⁸ at Slemani Museum and the MENTICA²⁹ and Cultural Heritage Network³⁰ projects are some of the growing number of examples.

In Erbil, a complicated situation persists in this regard, as the museum is not located in the city centre and has very limited opening hours. Public access to Erbil Citadel, the UNESCO World Heritage site situated in the natural centre of the city, is still very restricted due to ongoing reconstruction. Its museum, including a historical-archaeological exhibition, was prepared in 2017 and has not been opened to the public so far.

2. Amedi

In addition to being included on the World Heritage Tentative List since 2011, Amedi was also included on the 2016 World Monuments Watch, thus highlighting the need for urgent urban planning to better integrate conservation needs with those of the living community. Inclusion on the Watch allowed for focused action to be taken by local heritage experts and students from the University of Duhok, as well as incentivising efforts by the Duhok Governorate to incorporate a monthly expenditure for the documentation of Amedi's historical architecture.³¹ In August 2018, the British Council's Cultural Protection Fund

²⁵ <https://www.bbc.com/news/world-middle-east-31672857>
<https://www.worldbulletin.net/art-culture/iraq-museum-hopes-to-reopen-after-decade-of-closure-h133799.html>

²⁶ <http://www.iraq-businessnews.com/2019/03/18/basrah-museum-opens-new-galleries/>
<https://www.britishcouncil.org/arts/culture-development/cultural-protection-fund/projects/basrah-museum>

²⁷ <http://www.unesco.org/new/en/iraq-office/about-this-office/single-view/news/sulaymaniyah-museum-opens-its-first-renovated-halls-to-publi/>

²⁸ <https://research.reading.ac.uk/mentica/supporting-heritage-in-iraq/>
<http://www.nrttv.com/News.aspx?id=10363&MapID=1>

²⁹ <https://www.reading.ac.uk/news-and-events/releases/PR767183.aspx>

³⁰ <https://www.ucl.ac.uk/history/news/2018/aug/nahrein-network-announces-first-funded-research-projects>

³¹ <https://www.wmf.org/project/amedy>

awarded the World Monuments Fund Britain further funding to enhance and document built heritage in the historic town.³² These initiatives demonstrate the importance of historic building complexes to the local population and highlight the threats posed by uncontrolled urban sprawl.

V. Internet and Social Media as Public Spaces

Social media channels, especially Facebook, have become accessible and influential non-physical public spaces across Iraq. Almost half of the population uses Facebook.³³

1. Facebook as a Platform

Facebook has become an uncensored platform for oppressed and non-oppressed Iraqi citizens to privately (on their own page) or publicly (on public pages) express their views on matters ranging from the social to the political. The invitation of a controversial singer³⁴ (Enca from Albania) for a live concert by a local company in Erbil during Nawroz celebrations polarized many local Facebook users, some ridiculing her invitation and some supporting it. Many public Facebook pages held campaigns and conducted polls to assess public opinion on the matter.

2. Shadow Pages

Fake Facebook pages, so-called 'shadow social media pages' in local parlance, are often used by individuals and groups for anonymized attacks on their opponents or smear campaigns.

3. Internet Blackouts to Quell Riots

Given Internet and social media page's vast influence, one of the federal authorities' methods in controlling riots and protests consists of disabling the entire internet, as seen in July 2018. The measure was taken in order to stop the uncensored sharing of information and images concerning the security forces' violent reaction to uncontrolled protests.³⁵

³² <https://www.britishcouncil.org/arts/culture-development/cultural-protection-fund/planning-future-amedi>

³³ <https://www.internetworldstats.com/stats5.htm>

³⁴ <https://www.youtube.com/watch?v=K7dHvXHVts0>
<http://www.rudaw.net/turkish/culture/11032019>

³⁵ <https://www.amnesty.org.uk/press-releases/iraq-internet-cut-stop-protesters-posting-images-security-force-attacks>

4. Online Game Bans

The recent ban of several popular online games, such as 'Player Unknown's Battlegrounds' (PUBG) has been viewed by many local users as a cultural rights restriction.³⁶

5. Sharing of Archival Photos

Another development in the use of social media is the growing crowdsourcing pages and groups that revise the history, culture, and memories of a group or city through collecting and sharing archival photos between locals.³⁷ These pages often spark (occasionally negative) discussions and debates among locals who often are strangers to one another.

³⁶ <https://www.aljazeera.com/news/2019/05/iraq-government-bans-computer-games-including-pubg-190505093722737.html>

³⁷ https://www.facebook.com/Slemani.Photos/?ref=br_rs
<https://www.facebook.com/groups/historyyy/>
<https://www.facebook.com/aliraqhistory/>
<https://www.facebook.com/Mouheyddine.Ossman/>
<https://www.facebook.com/jile.altwne/>

VI. Recommendations

1. Adopt uniform and inclusive design principles in the planning and refurbishment processes of public and private actors to make public spaces safely accessible to and enjoyable by persons with disabilities.
2. Develop strict planning regulations and bylaws to counteract the negative impact of private actors on public spaces; ensure the effective application of such regulations with regards to construction companies and businesses located in or near public spaces.
3. Install necessary, comfortable, and attractive elements in public spaces, such as adequate lighting, signage, landscaping, water elements, and seating.
4. Depoliticize and depolarize public spaces to make them inclusive and approachable by people from different religious, ethnic, cultural, and political backgrounds.
5. Diversify the uses of public spaces and integrate them with family-oriented activities to invite and attract women and children to use and enjoy public spaces.
6. Support the revitalization of heritage areas and buildings and open them to public cultural activities, which is the optimal choice for the sustainable use of monuments.
7. Organize regular artistic, educational, and cultural events and festivals in Iraqi public spaces to attract larger segments of the public into public spaces and increase social interaction.
8. Improve private and public access to public spaces by increasing the availability and quality of public transportation.
9. Consider addressing security challenges through less invasive surveillance measures, such as CCTV, instead of a constant presence of armed police forces.
10. Allow greater freedom of expression and freedom of movement in public spaces to make them cities' hubs for cultural freedom, rights, and expressions.
11. Encourage peace and reconciliation activities in urban and virtual public spaces. Municipalities can lead such activities (physically and virtually) and integrate on- and offline campaigns. Participatory planning and community engagement activities should be the foundation of any such effort.