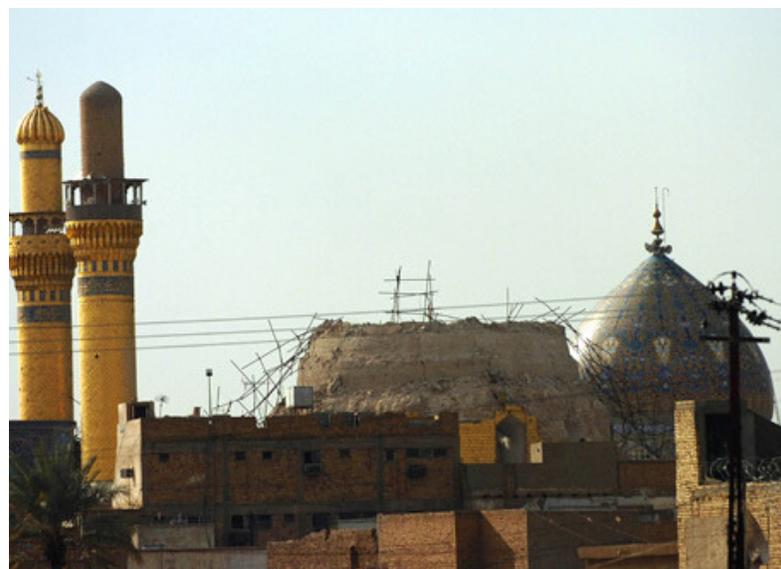


THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT: UNNECESSARY DISTRACTION OR MISSION-RELEVANT PRIORITY?

OPEN Publications

Volume 2 | Number 4 | Summer 2018



DISCLAIMER: OPEN publications are produced by Allied Command Transformation Operational Experimentation; however OPEN publications are not formal NATO documents and do not represent the official opinions or positions of NATO or individual nations. OPEN is an information and knowledge management network, focused on improving the understanding of complex issues, facilitating information sharing and enhancing situational awareness. OPEN products are based upon and link to open-source information from a wide variety of organisations, research centres, and media sources. However, OPEN does not endorse and cannot guarantee the accuracy or objectivity of these sources. The intellectual property rights reside with NATO and absent specific permission OPEN publications cannot be sold or reproduced for commercial purposes. Neither NATO or any NATO command, organisation, or agency nor any person acting on their behalf may be held responsible for the use, which may be made of the information contained therein.

Let us know your thoughts on this report by emailing open@openpublications.org.

The Protection of Cultural Property in the Event of Armed Conflict: Unnecessary Distraction or Mission-Relevant Priority?

NATO OPEN Publications, July 2018

Editorial Team

Open Contributing Author(s): Emma Cunliffe, Newcastle University / the Blue Shield ¹
Paul Fox, Newcastle University / the Blue Shield ²
Peter Stone, Newcastle University / the Blue Shield ³

OPEN Managing Editor: Robin Barnett

OPEN Editorial Review Board: David Beckwith
Sera Gaeta
Tracy Cheasley

¹ A Middle Eastern / Syrian archaeologist by background, Dr Emma Cunliffe is a member of the Cultural Property Protection and Peace team at Newcastle University, where she works to support the Blue Shield network. Their work focuses on the protection and destruction of cultural heritage during armed conflict, examining the reasons for damage and, and developing proactive solutions to protect it, with focus on the role of the armed forces, and the implementation of national and international law. Within this, she specialises in satellite imagery analysis of damage, and in geo-spatial data analysis, developing data capture methods for heritage protection, and in researching heritage destruction and extremism. After receiving her doctorate from Durham University, she has worked on a number of large scale damage assessment projects, and as an imagery consultant for UNOSAT-UNITAR. She is the Secretary for UK Blue Shield, and the Secretariat for Blue Shield International.

² Dr Paul Fox is a member of the Cultural Property Protection and Peace team at Newcastle University, and a member of the UK Committee of the Blue Shield, and Blue Shield International, delivering external education and training in cultural property protection in armed conflict to global audiences. He received his doctorate at University College London and is a historian of visual culture specialising in the representation of armed conflict. His current research centres on issues relating to the global protection of cultural property in the event of armed conflict. Previous research included visual representation of battlefield behaviour in German illustrated histories, 1871-1933; and British imperial cultures of looting and trophy taking (University of York), on the British Military Encounters with Egypt, 1798—1918 project. He has taught at University College London on the representation of violence and destruction; the construction of national and gendered identities at war; and the militarisation of social and geographical landscapes.

³ Professor Peter Stone is the UNESCO Chair in Cultural Property Protection and Peace at Newcastle University, and former Head of School, as well as serving as Vice President of Blue Shield International, and Chair of the UK Committee of the Blue Shield. In 2003, Peter was advisor to the UK's Ministry of Defence regarding the identification and protection of the archaeological cultural heritage in Iraq. He has remained active in working with the military to develop processes for the better protection of cultural property in times of conflict. He has written extensively on this topic including co-editing, with Joanne Farchakh Bajjaly, *The Destruction of Cultural Heritage in Iraq* (2008) and editing *Cultural Heritage, Ethics and the Military* (2011). His article 'The 4 Tier approach' led directly to the establishment of a Joint Service Cultural Property Protection Unit in UK forces - to become operational in 2019/20. Peter was awarded an OBE in the 2011 Queen's Birthday Honours List for services to heritage education.

Table of Contents

Table of Contents.....	1
Introduction	2
The Historical Background to CPP.....	2
The Blue Shield.....	5
Why Cultural Heritage Matters.....	6
The Importance of Cultural Heritage	6
CPP in the Military Mission	8
Recent Military Activity.....	10
CPP: Moving Forward – A New Agenda?	11
Safeguarding	12
Special and Enhanced Protection	12
The Mission of Control.....	13
Training	14
Inventories	15
Conclusion.....	18
References	19

Introduction

It is inevitable that during armed conflict cultural heritage will be damaged and destroyed. Whilst there has been widespread consideration of how to protect communities, their heritage has not received the same consideration. Although their advice was largely ignored, for over 2,500 years military theorists – from Sun Tzu in 6th century BC China (Sun Tzu 1998) to von Clausewitz in 19th century Europe (von Clausewitz 1997) – have argued that damaging and destroying the cultural heritage of vanquished enemies is bad military practice (O’Keefe 2006), highlighting how its destruction and/or pillage can make occupied communities less easy to control, and can provide justification for the next conflict.

Cultural heritage includes tangible places (such as historic sites and buildings), and moveable artefacts (like archives, libraries, art, and museum collections). These are collectively often referred to as cultural property. It also includes intangible remains of the past such as song, dance, and oral traditions remembered and ‘carried’ by individuals and communities. Intangible cultural heritage can be considered as part of the wider framework of protecting civilians. However, tangible manifestations of culture, here "cultural property" (CP)¹ are frequently dismissed. This paper questions whether damage and destruction of cultural property really are inevitable, or whether at least some might be mitigated and avoided if appropriate action were taken. It begins with the historical background to cultural property protection (CPP), before introducing the Blue Shield (an NGO that works with the armed forces to protect CP). It demonstrates why CPP is important to the military, reflects on recent CPP activity, and concludes with some recommendations.

The Historical Background to CPP

Despite theorists’ advice, CP has been pillaged and destroyed for millennia. The responsibility of victors to ensure the eventual return of CP to the vanquished was established in the post-Napoleonic settlements in Europe. The first time intentional damage of CP was specifically prohibited was in the so-called ‘Lieber Code’ of 1863, during the American Civil War (Miles 2011). Several international treaties followed that

¹Although the concept of cultural heritage contains elements of intangible heritage, which is also important to protect, this article uses cultural property (CP) when referring to military activity, after the definition in the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954HC), and cultural heritage for theoretical discussions.

also prohibited such damage wherever possible², and some armies tried to follow these new rules. Despite devastating cultural destruction on the Western Front, the First World War saw some positive CPP. The Germans created the first specialist CPP team, the Kunstschutz (O’Keefe *et al.* 2016). In 1917, after the British Empire’s Egyptian Expeditionary Force occupied Jerusalem, its commander, Allenby, announced that “every sacred building, monument, holy spot, shrine, traditional site ... of the three religions will be maintained and protected” (FirstWorldWar.com 2009). In a thoughtful consideration of how best to ensure a smooth occupation, Muslim troops from the Indian Army protected the mosques. This is an excellent example of CPP as good military practice: it took no additional forces (Allenby’s troops all needed something to do), and the outcome would be successful whether it was Indian Army troops carrying out this duty or their British counterparts. However, the adroit choice showed sensitivity to the beliefs and values of a large section of the local population and helped in ‘disarming’ those speaking out against the occupation.



Figure 1: Protection of the Mosque of Omar in Jerusalem in 1917. Photo: Courtesy of The Northumberland Gazette.

². For example, the Regulations Annexed to the 1907 Hague Conventions IV & IX stipulate some protection for historic monuments. These regulations underpin customary international law.

In World War II, elements of Axis forces conducted CPP, and the Allies created the Monuments, Fine Arts, and Archives Commission (MFAA). The so-called 'Monuments Men' (and women) of the MFAA protected thousands of historic buildings, artworks, and artefacts, but sadly the unit was disbanded after the war. At a political level, however, the international community reacted to the unprecedented destruction by drafting the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954HC). This expected ratifying States to create their equivalent to the MFAA and set out responsibilities and practical measures that States and their armed forces should carry out to protect CP. Although the Convention received 49 State signatures, little was done after the War to continue the MFAA's work (although elements were retained within US Civil Affairs units and some European militaries' J9 capabilities, for example).



Figure 2: Looted artwork stored in Altausse Salt Mine, discovered by the MFAA. Photo by Lieutenants Kern & Sieber (Lukas Web; Art in Flanders VZW) Public domain via Wikimedia Commons.

However, the Convention only applied to States. Following the deliberate targeting of CP during the internal fighting in the former Yugoslavia in the 1990s (Walasek 2015), a Second Protocol was drafted in 1999, which tightened perceived flaws in the original Convention and updated it to deal with Non-International Armed Conflict (NIAC). Destruction of CP was also prosecuted at the International Criminal

Tribunal on the Former Yugoslavia and included as a war crime in the 1998 Rome Statute for the International Criminal Court.

Unfortunately, when the USA and UK led the 2003 Coalition invasion of Iraq, neither had ratified the 1954HC or its Protocols: CPP was perceived as an extremely low priority. Fortunately, very little CP was damaged during the combat phase of the invasion - due more to the lack of resistance from Iraqi forces than to Coalition forethought. The real damage, however, occurred over the following months and years, when museums, libraries, archives, galleries, and hundreds of archaeological sites were heavily looted (Emberling et al. 2008; Stone & Farchakh Bajjaly 2008). The money from the ensuing sales was used, among other things, to buy weapons³. This failure in CPP planning can be linked to the Coalition's wider failure to understand the importance of CP to the social fabric and stability of Iraq, and the key role it might play in mission success, but also to the apparent disinterest shown by the leading politicians of the time, and even the wider heritage community, who were largely unprepared.

In 2009, the USA ratified the 1954 Hague Convention (but neither Protocol); and in 2017 the UK ratified it all. As of Summer 2018, all NATO Member States bar Iceland have ratified the 1954HC; all bar two the First Protocol (1954); and 23 have signed the Second Protocol (1999), making it applicable in NIAC. Internationally, the Convention has been ratified by 133 State Parties, and together with its Protocols (ratified by 111 and 80 State Parties, respectively), it remains the primary international legislation concerning CPP in the event of armed conflict.

The Blue Shield

The Hague Convention Second Protocol (1999) identifies the Blue Shield as an advisory body to UNESCO on CPP⁴. Created in 1996, the Blue Shield is an international NGO working to protect cultural property in the event of armed conflict and natural disaster⁵. Its work is focussed primarily on the 1954HC and its Protocols but sits within the wider context of UN Security Council Resolutions and UNESCO's strategic

³ According to Col Matthew Bogdanos, a former marine, US Central Command (2003), now head of the Manhattan District Attorney's Antiquities Unit.

⁴ Article 11(3), and 27(3)

⁵ A new website is expected in August 2018: www.theblueshield.org

agenda⁶. The Blue Shield sits at the intersection of the heritage community and the armed forces, bringing the expertise of one to support and enrich the decision making of the other.

This essentially voluntary organisation has nearly 30 national committees, overseen by the Blue Shield International Board (BSI), and has divided its work into six areas of activity: policy development; proactive protection and risk preparedness; education, training, and capacity building; supporting emergency response and armed conflict activity; post-disaster recovery and long-term support; underpinned by co-ordination (*of* Blue Shield and *with* other relevant organisations), all aimed at CPP.

Why Cultural Heritage Matters

The Importance of Cultural Heritage

The Blue Shield's work is founded on the belief that cultural heritage – tangible and intangible – is a vital expression of the culture that makes up unique communities, and its loss during conflict and disaster can be catastrophic. The Preamble to the 1954HC reflected the experiences of World War II:

“The High Contracting Parties, [...] Being convinced that damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of all mankind since each people makes its contribution to the culture of the world;

Considering that the preservation of the cultural heritage is of great importance for all peoples of the world and that it is important that this heritage should receive international protection;”

We value and study culture, particularly the past, to help us understand the present and to help create the future. Once lost, it is often impossible to replace, denying communities their societal memory by removing their physical links to a place or idea. This is not to say that such memories are always positive: memorials and remembered heritage are frequently contested, which can be problematic (Stone & MacKenzie 1990; Viejo-Rose 2013). However, if important sites are destroyed, problems can follow (Isakhan 2013; 2018). If the heritage of displaced communities is removed, they are less likely to return (see examples in Lostal & Cunliffe 2016), thereby cementing the loss of diversity that began when they

⁶, e.g., UNESCO's [cultural conventions](#), the 2003 UNESCO [Declaration Concerning the Intentional Destruction of Cultural Heritage](#) and 2016 [Strategy for the Reinforcement of UNESCO's Action for the Protection of Culture and the Promotion of Cultural Pluralism in the Event of Armed Conflict](#).

fled. Destruction of CP also has extensive proven links to genocide (Bevan 2016), both prefiguring it and as an essential component of it.

Heritage can be so important to communities that attacks can result in increased violence. The Al-Askari Mosque, Samarra, is one of the holiest shrines in Iraq: it was bombed in 2006. A significant rise in violence, deaths, and reprisal attacks on heritage followed: the event is credited with moving the conflict in Iraq from one responding to an international invasion to a largely religious-based civil war (Isakhan 2013). However, the Blue Shield believes this damage was not inevitable. The mosque left essentially unprotected reflected a lack of planning and cultural understanding of the significance of the site, the impact of which ultimately contributed to Coalition forces remaining in Iraq far longer than anticipated. Conversely, in 2014, Da'esh announced their intent to attack the shrine again: the Iraqi army and Shia militias mobilised to protect the shrine, pushing ISIS out the city (Isakhan 2018).



Figure 3: the Al-Askari mosque, bombed in 2006. Photo: U.S. Army, via Wikimedia Commons.

Such a lack of planning is one of seven causal factors that contribute to the destruction of CP during conflict: military lack of awareness; lack of planning; collateral damage; specific targeting / deliberate damage; spoils of war/pillage; looting; and enforced neglect (Stone 2016). If addressed as part of mission

planning, mitigating these risks can not only lower the overall threat but can contribute significantly to eventual mission success.

CPP in the Military Mission

Given this, the Blue Shield believes there are six reasons why CPP should be fully integrated into NATO's 360-degree awareness approach and planning. First, mission planners, deploying forces and their commanders must be fully aware of their legal CPP responsibilities: the 1954 Hague Convention and its Protocols, grounded in the wider Laws of Armed Conflict; the 1977 Additional Protocols to the Geneva Conventions and the 1998 Rome Statute; international human rights law⁷; and international customary law. Without such awareness, there is a clear risk of armed forces acting illegally.

Second, military planners and commanders need awareness of how CP may be used before or during a conflict as an integral part of political strategy or tactics. Numerous conflicts have demonstrated CP can be used to target the opposition, from deliberate destruction of CP by all sides fighting in the former Yugoslavia (Walasek 2015) to the targeted destruction of ancient sites, religious buildings and religious minorities by Da'esh (Danti *et al.* 2017; Isakhan & Gonzalez Zarandona 2018; Melc ˇÁk & ˇEj Beránek 2017). Such destruction can be used to widen sectarian divisions and increase recruitment for extremist groups and the militias fighting against them, prolonging conflict (Cunliffe and Curini in press; Isakhan 2018). In addition, groups like Da'esh deliberately use cultural property to shield activities, hoping to utilise its protected status to discourage attacks against them (e.g., Danti *et al.* 2016, p107). CP clearly has significant potential to impinge on military operations, and its destruction may count as prosecutable war crimes (e.g., Walasek 2015; Bokova 2015).

Third, whilst the looting of CP has almost certainly occurred since war was first waged, it appears to have become a more organised and important aspect of modern warfare. Several UN Security Council resolutions⁸ identify looting as an important contributory element to the funding of armed non-state actors (ANSAs). Claims vary; no-one knows how much funding looting raises – but it is almost certainly in the millions of US dollars and is widely considered to contribute to the purchase of weapons. Although

⁷ Access to cultural heritage is a universal human right according to the UN Human Rights Office of the High Commissioner (UNHROHC 2018).

⁸ 1483 [2003]; 2199 [2015]; 2347 [2017]; and 2368 [2017].

most reports highlight the ANSA organised nature of such looting (e.g., Fanusie & Joffe 2015), others highlight the poverty of many looters, and the underlying “coping economy” (Brodie & Sabrine 2017). As such, armed forces should take the issue seriously, but also tread with care.

Fourth, armed forces now frequently find themselves tasked to help deliver an economically viable and stable post-conflict country before they can withdraw—in other words, the victor(s) must also win the peace (Hammes 2004). Cultural tourism can be an important element of post-conflict economies: it creates jobs and businesses, diversifies local economies, attracts high-spending visitors, and generates local investment in historic resources. A recent World Bank report noted the “*highly valuable cultural endowments in all the [the Middle East and North Africa] region’s countries*” opened up “*major opportunities for development, providing a major source of employment, and thereby contributing to the reduction of poverty and the decrease of chronic joblessness*” (World Bank 2001, p vii). CP is perceived to be at the heart of the region’s economic development. Allowing its destruction can undermine economic recovery, potentially contributing to longer military deployments.

Lastly, CPP can be deployed as soft power or a ‘force-multiplier.’ There are recent examples where Western troops failed to conduct CPP effectively and antagonised local populations, in some instances leading to an escalation of hostilities and casualties (e.g., Corn 2005; Curtis 2004; Phillips 2009). However, there are also excellent examples. For example, the Kandahar Airport Rose Garden in Afghanistan was proposed as an airport expansion site. “*Had NATO personnel failed to listen to representatives of the local population and destroyed the rose garden at Kandahar Airfield, it would have created extreme hard feelings, and possibly compromised their own force protection*” (Rush nd, p18). Proactive action during missions is also possible. In Libya in 2011, the Blue Shield facilitated a CP list for NATO to protect if possible (Kane 2013). Loyalists of President Gadhafi parked six communications and radar vehicles at a listed Roman building (Ras Almargeb) and identified as a target. As the site was on the no-strike list, weaponeering options were reviewed, and precision weapons rather than a large weapon was chosen thereby destroying the vehicles whilst protecting the site.



Figure 4: Ras Almageb, where forces loyal to President Gadhafi stationed vehicles hoping they would not be targeted because of the proximity to the site. All six were destroyed leaving the building virtually untouched. Photo: Karl Habsburg

Recent Military Activity

Recent widespread media coverage of heritage destruction has brought CPP back to the forefront of politics and policy, leading to a surge in ratifications of the 1954 Hague Convention and its Protocols⁹, and many armed forces have begun to consider their CPP responsibilities. CPP now features in military conferences in, for example, Germany, the UK, the USA, Australia, the Pacific islands, and elsewhere. Although these have provided useful explorations of the issue, arguably they have had little practical impact on military doctrine, strategy, or tactics. Reflecting the international interest in CP, there have also been several CPP publications for – and by – the Armed Forces (Foliant & CCOE 2015; CDEF Division of Doctrine 2015; O’ Keefe et al. 2016).

⁹ In 2017-2018, 6 more countries signed the Convention, 7 signed the First Protocol, and 11 signed the Second Protocol.

The positive CPP media coverage in Operation Unified Protector in Libya (2011) led NATO to conduct an internal review of practice, which recommended the development of a NATO CPP doctrine (NATO 2012). NATO has completed a two-year project examining CPP best practice in NATO operations (Rosén 2017) and dedicated a special issue of the NATO Legal Gazette to CPP (NATO 2017). As of yet, doctrine has not materialised, but a Centre of Excellence is now under consideration that would include CPP, and a draft CPP Directive is in review at strategic levels within NATO.

At the national level, some forces have taken more proactive steps (Rush 2010). In some countries, like the USA, heritage professionals work with the Department of Defense (DoD) to support troops and the military mission by developing reference, education, and training tools. The USA and Switzerland both conduct regular CPP training for military personnel but have no dedicated CP staff. Austria maintains reservist CPP Officers. The MINMUSA peacekeeping mandate for Mali includes “support for cultural preservation”: soldiers are tasked to protect Mali’s World Heritage mosques. In Lebanon, the national armed forces set-up a CPP unit following discussions with local archaeologists. An initial training workshop was carried out in June 2013 in association with UNESCO and the Blue Shield, with a second organised for the UN Interim Force in Lebanon. Following ratification of the 1954HC, the UK is establishing a new joint service reservist unit (operational by 2020) – a 21st-century version of the MFAA.

Perhaps the most impressive practical response has been Italy’s creation of the Carabinieri Tutela Patrimonio Culturale (TPC) (Carabinieri Command for the Protection of Cultural Property), a military/police organisation created in 1969 and dedicated to CPP (Rush & Millington 2015). The Carabinieri work primarily in Italy, but have also deployed overseas during armed conflict (e.g., Parapetti 2008; Russell 2008) and have trained other nations’ armed forces in CPP. The Carabinieri showcases the way forward: a partnership between the military and heritage community supported by politicians aware of the importance of CP to the economy and community well-being. There is a case for such a partnership in NATO to deliver CPP in missions in the future.

CPP: Moving Forward – A New Agenda?

Ratification of the 1954HC does not equal implementation, and the operational implications of the Convention and Protocols – and its interaction with LOAC, which underpins it – have yet to be thoroughly tested; nor is there widespread awareness of CPP responsibility at all levels. Although usually considered

a wartime Convention for the armed forces, it also contains measures directed at States, and peacetime activities for both. The Convention (and Protocols) are dependent on three pillars: the implementation of safeguarding measures in peacetime; the use of the regimes of Special and Enhanced Protection; and the Mission of Control. These all require appropriate training and enduring awareness. To this, we can add inventories, which underpin CPP.

Safeguarding

Article 3 of the 1954HC directs States to “*prepare in time of peace for the safeguarding of cultural property [...] against the foreseeable effects of an armed conflict.*” Article 5 (Second Protocol) clarifies this obligation to include “*the preparation of inventories, the planning of emergency measures for protection against fire or structural collapse, the preparation for the removal of movable cultural property or the provision for adequate in situ protection of such property, and the designation of competent authorities.*”

Although many state-run cultural institutions require disaster planning, many privately-run institutions (and some national state-run institutions in some parts of the world) lack such plans. For example, although the Syrian Directorate General of Antiquities and Museums instituted numerous new security measures when the current conflict broke out, few of their regional staff had any formal training in disaster planning, and few of their institutions had disaster plans, necessitating emergency workshops organised by international heritage organisations.

Such planning is best conducted in partnership with security and emergency services, who can advise on threats and corresponding mitigation measures. For example, the Discovery Museum in Newcastle-Upon-Tyne, UK, exhibits a working Challenger II tank by the entrance. A training exercise by the UK Committee of the Blue Shield with the UK’s Defence Cultural Specialist Unit identified the tank as a legitimate target, something not previously considered by the museum. Partnerships are essential to appropriate threat identification and mitigation.

Special and Enhanced Protection

The 1954HC applies to “movable or immovable property of great importance to the cultural heritage of every people” (article 1). There is an excellent debate about what this constitutes (Chamberlain 2013; Stone 2003; Toman 1996), with some nations’ inventories containing less than 100 sites, ranging to the

UK's list which is estimated at more than 15,000 sites¹⁰. However, prioritisation is an inherent part of conflict: sometimes choices must be made. The Convention directly equates value to the level of command required to authorise a strike against CP: targeting sites under general protection requires authorisation by a Battalion commander. However, the Convention also recommends that a limited number of locations of very great importance be placed under Special Protection (subject to certain conditions, such as military non-use). These sites require a Divisional commander to authorise targeting. The Second Protocol (1999) brought in an additional regime, for sites of the most vital importance to humanity, which require authorisation from the Force Commander. For many reasons (see Chamberlain 2013) few sites have been placed on the International Register of Cultural Property under Special Protection, and there has been little uptake of Enhanced Protection¹¹. However, prioritisation is fundamental to the successful operation of the Convention in conflict and requires high-level awareness of command responsibility. Partnership between the military and the heritage community is again essential: military commanders are not able to assess value but are authorised and required to act based on these distinctions to ensure mission success, so understanding CPP is on the critical path of commanders.

The Mission of Control

The third pillar of the Convention is the Mission of Control. This lays out a system to supervise the application of the Convention and to ensure the protection of CP by nominating national and international personnel who then act within a designated framework of responsibilities. The system has been little used: Chamberlain notes potential reasons but indicates the role of the personnel in "*securing observance of the Convention should not be underestimated*" (2013, p75). BSI recently tested the system during

¹⁰ In 2017, the UK Department for Culture, Media & Sport issued implementation guidance (Available <https://www.gov.uk/government/publications/protection-of-cultural-property-in-the-event-of-armed-conflict>). The categories of sites included are on Page 6. Although the list is not available, using open source data UK Blue Shield estimates more than 15,000 sites are included.

¹¹ International Register of Cultural Property under Special Protection: <http://www.unesco.org/new/en/culture/themes/armed-conflict-and-heritage/protection/special-protection/>
International List of Cultural Property Under Enhanced Protection: <http://www.unesco.org/new/en/culture/themes/armed-conflict-and-heritage/protection/enhanced-protection/>

NATO's Exercise Trident Jaguar (2018). It was considered highly successful, and extremely useful. To continue this applicability in NIAC, the Second Protocol emphasises the role of the Intergovernmental Committee in monitoring compliance.



Figure 5: BSI staff on NATO Exercise Trident Jaguar, 2018, roleplaying as the 1954HC-mandated Commissioner General for CPP, meeting the Commanding General. Photo: Blue Shield International

Training

During peace, the armed forces should also introduce military regulations or instructions to ensure observance of the Convention, and “*foster [...] a spirit of respect for the culture and cultural property of all peoples*” (1954HC Article 7). CPP training is essential regardless of command level, or role, or mission phase. General CPP awareness should be ongoing (before NATO Crisis Management Process Phase 1) but should be bolstered by mission-specific training pre-deployment (Phase 3 Response Options Development) (Rush 2010; Stone 2013). Practical exercises, written into scenarios at the outset, are key to the generation of realistic CP challenges requiring detailed planning by the training audience in line with the core imperatives of the 1954HC.

CPP training should address the fact that CP poses a significant information operations challenge (the failure of which was witnessed in Iraq in 2003, and successfully addressed in Libya in 2011), and that CPP

goes far beyond the integration of a received CP inventory into the ‘no-strike’ list. BSI involvement in Exercise TRIDENT JAGUAR 18 (TRJR18) indicated that to enable best practice in operational planning requires a depth of knowledge and experience that goes beyond annual awareness training. Proactive training is needed to understand operational implications, legal compliance in practice, and the ramifications of CP exploitation in armed conflict to ensure effective CPP implementation during operations.

In addition, specific training, such as emergency evacuation procedures, can be beneficial. The Syrian army gave real emergency assistance evacuating the Palmyra museum just hours before Da’esh overran the site. The Smithsonian Institution recently ran disaster emergency evacuation training: *“The [...] organizers did not make it easy: The museum’s collection was scattered and uncatalogued, the staff were largely absent, [a] reporter was snooping around for dirt, and the museum’s director was [engaged in personal looting]. To successfully evacuate the museum, the team would have to navigate egos, bureaucracies, and public opinion—plus move dozens of fragile objects”* (Zhang 2017). Similarly, in a recent UK Blue Shield exercise for their Defence Cultural Specialist Unit, syndicates had to conduct a CP estimate, reconnoitre the situation (a briefed museum), establish threats, work their way through possible courses of action, and recommend one in a commander’s decision brief. Such training is best done during peacetime while building partnerships with the heritage community.

Inventories

*“The most fundamental preconditions to protecting cultural property during hostilities are to identify **what** and **where** the cultural property to be protected is and to communicate this information effectively to those engaged in the planning and execution of military operations.”* (O’ Keefe et al. 2016, p23). Likewise, the 2017 NATO and Cultural Property report¹² *“recommends that NATO establish a NATO CPP framework”* (Rosén 2017: 9) and that a *“CPP data layer [i]s a critical decision support tool and precondition for engaging [...] on a strategic and tactical level”* (Rosén 2017: 33).

¹² The *NATO and Cultural Property* report (Rosén 2017) is the final report from the ‘Best Practices for Cultural Property Protection in NATO-led Military Operations’ Project, NATO Science for Peace and Security.

However, few States have prepared site inventories, some from disinterest, and some out of concern that they will be used for targeting (as happened in Bosnia-Herzegovina). Some States lack the underlying data to populate inventories. New work by NATO staff in partnership with BSI has identified globally applicable standards for data, for example highlighting the importance of polygon extents as a best practice, rather than more traditional centre points¹³. In addition, they note the distinction between legal protection and community significance: experience shows that State-listed CP may miss sites of community significance which can still have significant effects in theatre. Such lists are inherently based on value judgments of what is "*of great importance to the cultural heritage of every people,*" a determination the armed forces are rarely if ever, equipped to make. This work is best conducted when supported by heritage professionals in a format suited for military need. However, the practical task of inventory data capture and validation – which experience from Syria, Iraq, Libya, and Yemen has shown to be extremely time-consuming – remains unaddressed. Despite the pressing need for inventory data, few States have dedicated resources to its collection.

¹³ A single centre point is frequently used to identify an entire site. A polygon is a shape that is drawn to indicate a boundary. This can encompass the outside edges of a site, but additional polygons can be drawn within that to identify the extent of features within the site – for example, drawing the boundary of the Tentative World Heritage site *Babylon - Cultural Landscape and Archaeological City* (which would encompass all the buried remains), and then additional polygons can be drawn delineate individual features such as temples.



Figure 6: Babylon archaeological site, Iraq. Red indicates approximate site extent, and the visible (above ground) archaeological and reconstructed areas. Large parts are still buried and may not be identified without expert input. Digital Globe satellite image, 10/08/2004, via Google Earth.

Conclusion

The destruction of cultural heritage, once considered inevitable and unavoidable, has now come to the forefront of issues of concern to contemporary armed forces. The importance of heritage to communities is becoming more clearly understood, as are the consequences of destruction. CPP then is not a luxury, but an essential part of a modern mission, underpinned by moral, strategic, and legal imperatives. By identifying the risks to CP, they can be mitigated to aid in the achievement of mission success.

The 1954 Hague Convention is a focussed legal framework, based on real military experience after World War II, which identifies measures for the armed forces to protect CP within the laws of armed conflict and the bounds of military necessity. The Convention has received such widespread uptake that many parts are now viewed as customary international law. However, challenges remain in moving implementation beyond the creation of no-strike lists. Even in such lists, questions of what should be included, who gets to choose, and where the data comes from remain to be addressed. However, proactive CPP requires comprehensive, cross-cutting approaches that address the nuances of the Convention and its Protocols, and developing a practical understanding of its application, supported by a high-level awareness of CP responsibility. This is best achieved through close teamwork with governments, heritage professionals, and NGOs like the Blue Shield, established and developed during peace, to prepare for the event of armed conflict and emergency disaster response.

“Why do we feel more pain looking at the image of the destroyed bridge than the image of massacred people? Perhaps because we see our own mortality in the collapse of the bridge. We expect people to die; we count on our lives to end. The destruction of a monument to civilisation is something else. The bridge in all its beauty and grace was built to outlive us; it was an attempt to grasp eternity ... A dead woman is one of us – but the bridge is all of us forever.”

- Croatian writer Slavenka Draulić in Bevan (2006, p26).

References

- Bevan, R. (2016). *The Destruction of Memory: Architecture at War*. Reaktion Books.
- Bokova, I. (2015). UNESCO Director General condemns destruction of Nimrud in Iraq. *UNESCO World Heritage Centre News*, 6 March 2015. Available at: <http://whc.unesco.org/en/news/1244> [accessed 29/6/18]
- Brodie, N., & Sabrine, I. (2017) The Illegal Excavation and Trade of Syrian Cultural Objects: A View from the Ground, *Journal of Field Archaeology*, DOI: 10.1080/00934690.2017.1410919
- CDEF Division of Doctrine. (2015) Handbook on the Protection of Cultural Property in the Event of Armed Conflict. PFT 5.3.2 (EMP 50.655). Available at: <http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/EMP-EN-Edition2015.pdf>
- Chamberlain, K. (2013). War and Cultural Heritage. A commentary on the Hague Convention 1954 and its Two Protocols. Institute of Art and Law.
- Corn, G. (2005). "Snipers in the Minaret: What is the rule?" The law of war and the protection of cultural property: a complex equation, *The Army Lawyer*, July 2005, 28-40
- Cunliffe, E., & Curini, L. (forthcoming 2018). ISIS and heritage destruction: A sentiment analysis, *Antiquity*
- Curtis, J. (2004) Report on Meeting at Babylon 11th – 13th December 2004. Available at: <https://www.britishmuseum.org/PDF/BabylonReport04.pdf> [accessed 29/6/2018]
- Danti, M, Cuneo, A., Penahco, Gabriel, M., Kaercher, K., O'Connell, J., Zettler, R., & Jabuuri, A. (2016). ASOR Cultural Heritage Initiatives (CHI): Planning for Safeguarding Heritage Sites in Syria and Iraq. NEA-PSHSS-14-001. Weekly Report 117–118 — November 1-15, 2016. Available at: http://www.asor-syrianheritage.org/wp-content/uploads/2016/12/ASOR_CHI_Weekly_Report_117%E2%80%93118r.pdf [accessed 29/06/2018]
- Danti, M., Branting, S., & Penacho, S. (2017). The American Schools of Oriental Research Cultural Heritage Initiatives: Monitoring Cultural Heritage in Syria and Northern Iraq by Geospatial Imagery. *Geosciences* 7 (95), DOI: 10.3390/geosciences7040095
- Emberling, G., Hanson, K., & Gibson, M. (2008). *Catastrophe! The Looting and Destruction of Iraq's Past*. Chicago: Oriental Institute of the University of Chicago. Available at: <https://oi.uchicago.edu/sites/oi.uchicago.edu/files/uploads/shared/docs/oimp28.pdf>
- Fanusie, Y. J., & Joffe, A. (2015). Monumental Fight Countering the Islamic State's Antiquities Trafficking. Centre for Sanctions and Illicit Finance: Foundation for Defense of Democracies. Available at: <http://www.defenddemocracy.org/media-hit/yaya-j-fanusie-monumental-fight-countering-the-islamic-states-antiquities-trafficking/>
- Firstworldwar.com. 2009. Primary Documents - Sir Edmund Allenby on the Fall of Jerusalem, 9 December 1917. Available at: http://firstworldwar.com/source/jerusalem_allenbyprocl.htm [accessed 29/05/2018]

- Foliant, Y, & Civil-Military Cooperation Centre of Excellence. (CCOE). 2015. Cultural Property Protection Makes Sense: A Way to Improve Your Mission. Civil-Military Cooperation Centre of Excellence. Available at: https://www.cimic-coe.org/wp-content/uploads/2015/11/_CPP-Makes-Sense-final-version-29-10-15.pdf
- Kane, S. (2013). Lessons Learned from Libya. SAA Archaeological Record 13(3), 9-14. Available at: http://onlinedigeditions.com/publication/?i=160407&article_id=1409619&view=articleBrowser&ver=html5#{%22issue_id%22:160407,%22view%22:%22articleBrowser%22,%22article_id%22:%221409619%22}
- Hammes, T. X. (2004). *The Sling and The Stone: On War in the 21st Century*. Zenith Press, St Paul, MN.
- Isakhan, B. (2013). Heritage destruction and spikes in violence: the Case of Iraq. In Kila, J. and Zeidler, J (eds). *Cultural Heritage in the Crosshairs*. Brill, 237-238
- Isakhan, B. (2018). The Islamic State attacks on Shia holy sites and the "shrine protection narrative": threats to sacred space as a mobilization frame. *Terrorism and Political Violence*, 1-25
DOI: [10.1080/09546553.2017.1398741](https://doi.org/10.1080/09546553.2017.1398741)
- Isakhan, B., & Gonzalez Zarandona, J. (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. DOI: [10.1080/13527258.2017.1325769](https://doi.org/10.1080/13527258.2017.1325769)
- Lostal, M & Cunliffe, E. (2016) Cultural heritage that heals: factoring in cultural heritage discourses in the Syrian peacebuilding process, *The Historic Environment: Policy & Practice*, 7(2-3), 248-259. DOI: [10.1080/17567505.2016.1172781](https://doi.org/10.1080/17567505.2016.1172781)
- Melc Āk, M., & Āej Berānek, O. (2017) ISIS's Destruction of Mosul's Historical Monuments: Between Media Spectacle and Religious Doctrine, *International Journal of Islamic Architecture* 6(2), 389-415. DOI: [10.1386/ijia.6.2.389_1](https://doi.org/10.1386/ijia.6.2.389_1)
- Miles, M. (2011) Still in the aftermath of Waterloo: a brief history of decisions about restitution. In: Stone, P.G. (ed.) *Cultural heritage, ethics and the military*. Woodbridge: Boydell, 29–42.
- NATO. (2012). Cultural property protection in the Operations Planning Process. Unclassified Report. NATO's Joint Analysis and Lessons Learned Centre, Lisbon, Portugal.
- NATO. (2017). Cultural Property Protection: NATO and other Perspectives, *NATO Legal Gazette* 38 (September 2017). Available at: http://www.act.nato.int/images/stories/media/doclibrary/legal_gazette_38.pdf
- O'Keefe, R. (2006). *The Protection of Cultural Property in Armed Conflict*. Cambridge: Cambridge University Press
- O'Keefe, R., Péron, C., Musayev, T., & Ferrari, G. (2016) *Protection of Cultural Property Military Manual*. UNESCO and the International Institute of Humanitarian Law. Available at: <http://unesdoc.unesco.org/images/0024/002466/246633e.pdf>
- Parapetti, R. (2008) The contribution of the Centro Scavi di Torino to the reconstruction of Iraqi antiquities. In: Stone, P. G. & Farchakh Bajjaly, J. *The Destruction of Cultural Heritage in Iraq*. Woodbridge, Boydell, 229-234.

- Phillips, M. (2009). Learning a Hard History Lesson in 'Talibanistan', *The Wall Street Journal* May 13, 2009. Available at:
http://online.wsj.com/article/SB124224652409516525.html#articleTabs_slideshow%26articleTabs%3Darticle [accessed 6 May 2016]
- Rosén, F., & Rush, L. (2017). NATO AND CULTURAL PROPERTY. Embracing New Challenges in the Era of Identity Wars. Nordic Centre for Cultural Heritage and Armed Conflict, and the NATO Science for Peace and Security Programme.
- Rush, L. (Nd). Cultural Property Protection as a Force Multiplier: Implementation For All Phases of a Military Operation.
- Rush, L. (2010). *Archaeology, Cultural Property and the Military*. Boydell and Brewer.
- Rush, L. & Millington, L. B. (2015). *The Carabinieri Command for the Protection of Cultural Property Saving the World's Heritage*. Woodbridge: Boydell.
- Russell, J. (2004) Efforts to Protect Archaeological Sites and Monuments in Iraq, 2003-2004. In: Emberling, G., & Hanson, K. (eds). *CATASTROPHE! The Looting and Destruction of Iraq's Past*. Oriental Institute Museum Publications No. 28. The Oriental Institute, Chicago, 29-44. Available at:
<https://oi.uchicago.edu/sites/oi.uchicago.edu/files/uploads/shared/docs/oimp28.pdf>
- Stone, P.G. (2003). War and Heritage. Using Inventories to Protect Cultural Property. *Conservation Perspectives: the Getty Conservation Institute*. Fall 2013. Available at:
http://www.getty.edu/conservation/publications_resources/newsletters/28_2/war_heritage.html [accessed 28/6/2018]
- Stone, P.G. (2013). A four-tier approach to the protection of cultural property in the event of armed conflict, *Antiquity* 87, 166-177. <https://doi.org/10.1017/S0003598X00048699>
- Stone, P. G. (2016) The challenge of protecting heritage in times of armed conflict, *Museum International* 67(1-4), 1-15. <https://doi.org/10.1111/muse.12079>
- Stone, P. G., & MacKenzie, R. (1990). *The Excluded Past: archaeology in education*. London and New York, Routledge.
- Stone, P.G. & Farchakh-Bajjal J. (2008). *The Destruction of Cultural Heritage in Iraq*, Woodbridge, Suffolk: Boydell Press.
- Sun Tzu, (1998 edn), *The Art of War*, translated by T Cleary, Boston and London, Shambhala
- Toman, J. (1996). *The Protection of Cultural Property in the Event of Armed Conflict*. Dartmouth: UNESCO Publishing. Available at: <https://digitalcommons.law.scu.edu/monographs/11/>
- UNHROHC. (2018). The intentional destruction of cultural heritage as a violation of human rights. United Nations Human Rights Office of the High Commissioner website. Available at:
<https://www.ohchr.org/EN/Issues/CulturalRights/Pages/IntentionalDestruction.aspx> [accessed 29/6/2018]
- Viejo-Rose, D. (2013). Reconstructing Heritage in the Aftermath of Civil War: Re-Visioning the Nation and the Implications of International Involvement. *Journal of Intervention and Statebuilding* 7(2), 125-148. DOI: [10.1080/17502977.2012.714241](https://doi.org/10.1080/17502977.2012.714241)

- von Clausewitz, C. (1997). *On War*, Wordsworth Editions, Ware (first published in 1832 as *Vom Kreige*)
- Walasek, H. (2015). *Bosnia and the Destruction of Cultural Heritage*. Surrey: Ashgate
- World Bank. (2001). *Cultural Heritage and Development: A Framework for Action in the Middle East and North Africa*, Washington, World Bank. Available at:
<http://documents.worldbank.org/curated/en/406981468278943948/Cultural-heritage-and-development-a-framework-for-action-in-the-Middle-East-and-North-Africa>
- Zhang, S. (2017). What It's Like to Evacuate a Museum in a Natural Disaster, *The Atlantic* 14 Dec 2017. Available at: <https://www.theatlantic.com/science/archive/2017/12/museum-evacuation/547514/> [accessed 28/6/2018]

Images:

- Figure 1. Protection of the Mosque of Omar in Jerusalem in 1917
Photo: Courtesy of The Northumberland Gazette
(out of copyright and email from NG agrees use for publication)
- Figure 2: Looted artwork stored in Altausse Salt Mine, discovered by the MFAA. Photo by Lieutenants Kern & Sieber (Lukas Web; Art in Flanders VZW) Public domain [via Wikimedia Commons](#).
- Figure 3: the Al-Askari mosque, bombed in 2006. Photo: U.S. Army, via [Wikimedia Commons](#).
- Figure 4: Ras Almageb, where forces loyal to President Gadhafi stationed vehicles hoping they would not be targeted because of the proximity to the site. All six were destroyed leaving the building virtually untouched.
Photo: Karl Habsburg - General permission for use granted by KH to the authors
- Figure 5: BSI staff on NATO Exercise Trident Jaguar, 2018, roleplaying as the 1954HC-mandated Commissioner General for CPP, meeting the Commanding General.
Photo: Blue Shield International
- Figure 6: Babylon archaeological site, Iraq. Red indicates the visible (above ground) archaeological and reconstructed areas, and site extent. Large parts are still buried, and not always identified without expert input.
Digital Globe image, 10/08/2004, via Google Earth.

