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## Heritage under Siege

### Military Implementation of the 1954 Convention for the Protection of Cultural Property

#### Introduction:

Personal reflections of a Dutch Cultural Property protection Officer

It was 17 February 2004 when I arrived at Baghdad Military airport dressed in a Dutch military uniform with the rank of Lieutenant Colonel and armed with a Glock 9 mm pistol. My mission was to assess the needs of the Iraqi and Coalition Forces in relation to Cultural Property Protection (CPP). At this time, public attention was drawn to Iraq mainly through the Dutch media and triggered by an incident that happened 27 December 2003 in the area of responsibility of the Dutch Stabilization Force Iraq (SFIR) Battalion in South Iraq's Al Muthanna province. The incident involved a Dutch Marine Sgt. Major who apparently fired two warning shots when Iraqis wanted to loot a container that had fallen off a truck. One of the shots fired killed an Iraqi. The Dutch Military Police arrested the Sgt. Major and he had to stand trial in the Netherlands. This event caused a public discussion focused on the rules of engagement (ROE) for Dutch Military when on a mission restricted by mandates. It became clear that public opinion did not give much room for the military to use their weapons in cases where they felt threatened. Because of this, I wanted to behave as correctly as possible and comply with any rules of engagement.

At the airport, a US military convoy that would escort me to the so-called Green Zone met me. We had to take the dangerous road from the airport leading through the Red Zone. I asked one of the officers in charge of the convoy what the rules of engagement were. He answered, while pointing at a suburban car with a driver that had his M16 positioned over the steering wheel, "Colonel, you go sit in the back of this vehicle with your pistol, next to you there will be a sniper, the driver has his own fire power, and next to him there is another guy with a gun. Now for the rules of engagement if something happens you have to start firing immediately, there is no time to aim so don't bother, there is also no point in opening the window just shoot right through it as many times as possible. How much ammunition do you have sir?" I answered that I had five bullets in one clip. In fact, I had to sign for the receipt of these bullets handed over by a Dutch officer in Kuwait where I switched planes; I had to give back the five bullets on my return. The American officer started to laugh and gave me some 500 bullets "that will keep you going for a few days." This personal experience is symptomatic of the practical behavior of the interwoven fabric of interests, cultural backgrounds, and in this case, rankings that can affect attempts to protect Cultural Property in the event of, and under the threat of armed conflict.

In the anecdote, different perceptions concerning deployment of military experts influenced by geographical and cultural origins play a role. National political strategies, often not unambiguous, and corporate cultures as well as military traditions are critical. Overall, communication problems deriving from differences in perception and appreciation linked to cultural backgrounds are a challenge for implementing the military version of Cultural Property Protection. It raises the question whether Cultural Property experts, while safeguarding cultural heritage according to obligations deriving from international humanitarian law (or their own national law), should have a status like the Red Cross, or when they are military or militarized, at least like military medical personnel. In other words within existing legal frameworks they should be able to operate more independently from direct military command structures. This of course can only happen if commanders and politicians first see the significance of military CPP. I hope that this study will help to raise their awareness on the subject. Having said this it seems important to stress that the added value of this investigation is that the subject is approached and measured from a military perspective. The core topic is an inquiry into the military attitude towards CPP driven by the initial observation that most military organizations seem not very eager to implement CPP in

accordance with International Humanitarian Law (IHL). Nevertheless during the course of the research it was questioned and debated by civil colleagues whether abstract, contemplative and reflective dimensions from the civilian cultural heritage debate as conducted by the scientific establishment should have a more prominent position. To put it first bluntly the answer is no. This needs clarification, of course the picture, generated by this research is to a degree supplemented or influenced by civilian perspectives deriving from the realms of law, politics, sociology, conflict studies, ethics, archaeology and philosophy, to mention a few. Nevertheless when concepts are mentioned it is from a military point of view, if for instance reference is made to asymmetric conflict the context is more legal and practical than the wider civilian scientific contemplation on post modern conflict. To make a comparison, when conflict is addressed the issue is more 'who's it between' than a reflection on the emergence of another, alternative system of profit and power.<sup>2</sup> Still within the scope of this study certain asymmetric elements will be taken into consideration such as intrastate aspects of conflict since these are directly connected to practical and legal implications that are of importance for safe-guarding cultural property. The military scope does not mean that abstract reflections can not be of value to this inquiry. Some examples, when Zygmunt Bauman in *Society under siege* mentions asymmetric war in the context of Global insecurity he notices that an important feature of this type of war is that 'it will not be waged by a grand alliance united to defeat hostile powers but will involve floating coalitions of countries which may change and evolve'.<sup>3</sup> Later this aspect is fine tuned into 'Shifting Coalitions'. This type of information is extremely relevant for both the military and CPP experts because shifting coalitions contain shifting military cultures as well as changing perceptions and notions of cultural property especially in case such property is connected to identity or has political connotations. The influence of shifting coalitions is visible in the anecdote above about my arrival in Baghdad. On the other hand a lot of ethical considerations and abstract reflections are totally or partly beside the case because at this time there is too little field experience and consequently caseload to trigger more profound thoughts as are discussed in the international heritage debate. When for instance the term "urbicide" meaning literally the killing of a city is used we touch upon matters that have military strategic and tactic connotations and relevance as well as theoretical, ethical, sociological and architectural implications. In the context of this book there is a risk that bringing in such a concept will create confusion amongst parties that should deal with both elements (civil and military). This needs more clarification: Bevan mentions in *the Destruction of Memory* urbicide in connection with Carthage's destruction in antiquity, the English bombardments of Dresden and the destruction of Hiroshima.<sup>4</sup> His book makes a connection or at least a comparison between material destruction and genocide. This is already a natural connection one would make when reading or hearing the term urbicide, when labelling the Carthage case an example of urbicide he justifies this by mentioning that the city was demilitarized when destructed. This is not clearly proven in the other cases, at least not from a military (scientific, historical) perspective. This is the point where for instance military scientists and legal experts drop out or get confused since matters are not additionally argued from legal (IHL especially law of armed conflict) perspectives not to mention arguments about supposedly decreasing casualties by certain military actions that involve damaging or destroying the urban fabric. Nevertheless the topic of urbicide should be (and is) researched further and will enter the CPP discourse referring to newer situations like Beirut, the Twin Towers destruction and the current situation in Libya.<sup>5</sup> As for now we are first and foremost facing unnecessary and illegal destruction of cultural property in the world's oldest cultural spheres. The conflict situations that comprise cultural property in Egypt, Libya, Syria and Cambodia speak for themselves. For now,

<sup>2</sup> Duffield 1998, p. 66.

<sup>3</sup> Bauman 2002, pp. 90-91.

<sup>4</sup> Bevan 2006, pp. 18 and 82.

<sup>5</sup> Verhaert 2006, Coward 2009, Sandes 2010.

pro-active strategies to tackle protection and cooperation problems should have priority over reflections. Experiences gained in such strategies should co-determine my position in the debate which will hopefully emerge and mature in the reactions, critique and with a bit of luck, expanding investigations triggered by this dissertation.

Let me begin to tell how I became affiliated with the military and what led me to start scientific research on military responsibilities regarding Cultural Property protection. Being educated as an art historian and classical archaeologist, I got involved in an attempt to create a unit of militarized cultural specialists for the Dutch Ministry of Defense (MoD). In 1999, NATO asked the Netherlands to establish a framework for a CIMIC (Civil- Military Cooperation) Group and to invite other nations of the northern region to participate. Initially a CIMIC officer invited me. The idea was to assist in establishing a cultural affairs network within a newly found multinational CIMIC organization called CIMIC Group North (CGN), a no longer existing, multinational military organization at the time based in the Netherlands under Dutch/German command. After accepting the invitation, I was offered the reserve military rank of Lieutenant Colonel and the positions of network manager for Cultural Affairs and advisor to the Commander of CGN for all five CIMIC areas.<sup>6</sup>

In the beginning, there was much enthusiasm to get the CIMIC organization including the section cultural affairs on the map. To achieve this goal the CIMIC staff organized courses and seminars in which I participated as both student and lecturer. Initially the focus was to get understanding of the CIMIC concept. After a while I tried to specialize on possibilities and challenges connected with implementing CPP. At the same time, I had to study in order to become acquainted with the military culture and fundamental issues that included basic military training. Understanding of such matters is essential before being able to work in a military environment. At first glance, CIMIC looked like a perfect structure to house military Cultural Property protection. As will be argued later this is a subject for debate. It became clear in an early stage that the only military connection with Cultural Property in the Netherlands, apart from a number of legal rules, consists of older and historic real estate such as bunkers and fortifications, military terrains and military museums. Apart from this there was (and still is) wide spread confusion about the meaning of the term culture as well as a mix-up between CPP and Cultural Awareness and what these terms stand for.

These complicated but interesting circumstances provided a stimulus to work on developing educational materials. In particular, there is a need for CPP training tools containing examples from contemporary conflict situations. Contributing to the shortage is the fact that organizations that normally should provide training materials are not quite able to do so due to insufficient experience in working with the military and lack of expertise regarding civil military cooperation.<sup>7</sup> However, it should be said that there is no shortage of juridical studies and educational materials suitable for use by military legal advisors as provided for instance by the ICRC and UNESCO.<sup>8</sup> Still the juridical interpretations, for the biggest part based on The Hague Convention of 1954 and protocols use older case studies. Only a few examples from contemporary asymmetric conflicts were available. Consequently all new materials and studies should as much as possible focus or be adapted to the still changing types of modern conflict. Issues were first analyzed from a military angle and then as far as possible compared to a wider civil scientific construct.

To summarize matters: there was a need for research to gain knowledge fit to serve as a basis for improvement and adaptation of current practices while at the same time creating educational materials. To distinguish and analyze outcomes in a qualitative, sustainable, and credible manner

<sup>6</sup> These are Civil Administration, Humanitarian Aid, Civil Infrastructure, Economy and Commerce and Cultural Affairs.

<sup>7</sup> Examples are ICOMOS, ICOM, and IFLA these are all introduced in the section on taxonomy.

<sup>8</sup> ICRC is the International Committee of the Red Cross based in Geneva. UNESCO is the United Nations Educational, Scientific, and Cultural Organization. See also the Glossary.

an appropriate scientific approach was required. Throughout the entire research and especially while exploring suitable methods choices had to be made concerning spending more time on theoretical or practical issues. Consequently, a scientifically accepted but still practice-based research method would suit best which led me to participant research. Participant research necessitates working from the inside, in this case as a reservist within the Netherlands armed forces. This brought the challenge that in the armed forces cultural activities are not considered part of the military core business. What's more, individuals, normally reserve officers, not really belonging to the military community, practice CPP in the Dutch military perception.

Reservists share no common past like friendships and networks built during studying at military academies and schools. As a result, the status of a relative outsider makes it difficult to get access to information, which was a challenge for the research. In other countries, e.g. the US, the military community is more receptive to participant research by militarized individuals since the status of a reserve officer is perceived higher than in the Netherlands making it easier for reservists to function as was confirmed during my contacts with foreign military in the field. The described challenges were a first indication of problems encountered during the entire research process about military involvement in Cultural Property protection. Overall, many of these nuisances seem triggered by lack of awareness of the subject among parties involved such as the different military services and military personnel of dissimilar ranks and various departments. There were cases in which unawareness even led to some degree of antipathy for the topic. Strong opposition comes for instance from the (civilian) head of the Dutch MoD section responsible for cultural historical backgrounds and information.<sup>9</sup> Resistance against CPP is apparently not only rooted in cultural differences but correlates with diverse phenomena typically found in corporate cultures. Most apparent are matters of distinction culminating in identity and competence issues combined with bureaucratic inspired and career driven risk avoidance.<sup>10</sup> Such issues are often disguised as being part of financial cutback measures. Strange as it may seem all these challenges for a part, inspired me to explore matters from a scientific point of view. The research should focus on the handling and protection of cultural heritage in all its aspects e.g. heritage as a cultural resource, as cultural property and seen from both practical as well as theoretical perspectives. Finally yet importantly, it had to include a description of parties, processes, and mechanisms involved.

Early evaluation included art historical and archaeological points of view but showed that more dimensions needed exploration to get a complete picture. The full picture required a multidisciplinary approach. For instance sociological and military aspects like identity, security, operational planning and law of war had to be analyzed while looking for correlations and interactions. Seen from a methodical perspective the multidisciplinary approach contained participant research evolving into what I would like to call initiating research or the instigation of opportunities to observe and test CPP in practice. In other words, participation in real missions was essential to identify capabilities, specialists, and players. This resulted in field research using observation and interviews. Sometimes exchange of ideas also took place via correspondence, during conferences, panels, and paper discussions. Apart from this investigating the practical functioning of structures and mechanisms that either proved to facilitate or restrain implementation of the Hague Convention of 1954 in contemporary conflicts turned out to be quite essential.

<sup>9</sup> CAI is an acronym for Cultuurhistorische Achtergronden en Informatie, a section predominantly occupied with cultural awareness and Human Terrain. This department's management is highly risk avoidant, no research or pro-active measures concerning CPP are undertaken. On several occasions the management blocked CPP initiatives coming from other departments. In my case the head of the department made attempts to block foreign presentations I gave on personal title. Sources i.e. internal and external correspondence dated December 7th 2006, February 28th 2008.

<sup>10</sup> Another term used is avoidance of uncertainty, Hofstede & Hofstede 2003.

When my research started in 2003, no cultural property projects were under execution in military mission areas so the only way to go out in theatre was to begin cultural property assessments. This was not easy to realize, first I had to get the topic on the military and political agendas.<sup>11</sup> To achieve this goal, creative solutions were vital as well as exploiting opportunities. A first opportunity was seized when I managed to do research in theatre during a Dutch military mission in Macedonia or as it is officially called FYROM.<sup>12</sup> An even bigger opportunity was to participate in a Dutch CIMIC assessment mission that included indentifying cultural needs in Iraq's Al Muthanna province. The section of the mission report that deals with cultural affairs is included as an appendix.<sup>13</sup> A second mission followed to Baghdad in 2004, which enabled me to make international military contacts in this case with the Americans. As from 2005, I more or less forced CPP education on the curricula of different military courses from the Netherlands Defense Academy's *Instituut Defensie Leergangen* (IDL) and advised the MoD on CPP matters.

In the course of time and while being repeatedly confronted with opposition that slowed down proper implementation of CPP in the Dutch military organization I began to be invited and to speak at international seminars and conferences in New York, Chicago, Baeza (Spain), Jordan, Cairo, Anaheim (California), Tangiers and Tallinn, to mention a few. From 2008, the number of conferences and seminars on Cultural Property protection and conflict increased faster indicating growing international interest in the subject. This brought opportunities to present papers and meet colleagues (including opponents) and to initiate interviews with experts. Crucial was the Pocantico Hills seminar which I attended, organized by the University of Chicago in August 2006.<sup>14</sup> For the first time military and civil officials and specialists met and discussed matters.<sup>15</sup> This event led to an important multidisciplinary publication *Antiquities under Siege*.<sup>16</sup> At this stage, I was no longer part of the Dutch CIMIC because the head of the MoD embedded cultural awareness department claimed my position and managed to get me sidetracked. Later through cooperation with the Dutch MoD's operational readiness department, I could organize a seminar about CPP and the military. The event took place 25 March 2009 in the Peace palace in The Hague.<sup>17</sup> Part of the activity was the creation of an educational deck of cards about CPP for the military. The deck was developed together with the Dutch State Inspectorate for cultural heritage and the Ministry of Culture and was based on the original initiative of the United States Department of Defense (DoD).<sup>18</sup>

As a follow-up to the MoD seminar in The Hague, I wrote a report on its outcomes that included a description of the status of CPP in the Dutch Armed Forces as well as recommendations for the way ahead. Professor Peter Stone from Newcastle University made some valuable contributions to this document. The report was meant for the Dutch Chief of Defense. The most significant conclusions were the need for international cooperation and the creation of a small team embedded in the Dutch MoD to assess and implement CPP policies. Regrettably, the document ended up in a drawer. Recent enquiries with the Dutch MoD confirm

<sup>11</sup> Later I found that the Carabinieri and the Polish CIMIC implemented CPP in Iraq.

<sup>12</sup> The Amber Fox mission that included Task Force Fox (TFF) took place in 2002 in the Former Yugoslav Republic of Macedonia (FYROM). As from June until the end of the mission in December TFF was under Dutch Command.

<sup>13</sup> Kila 2003.

<sup>14</sup> Rothfield 2008.

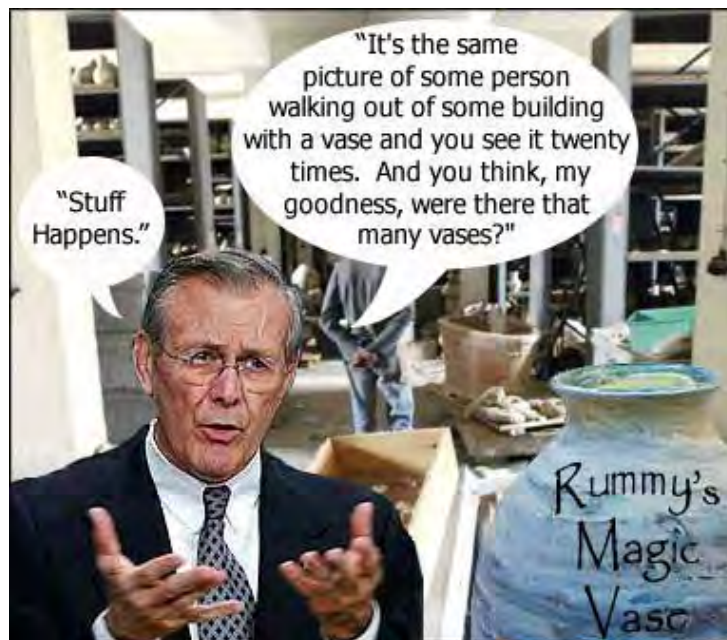
<sup>15</sup> This event was followed by a conference called Protecting Cultural Heritage, International Law after the War in Iraq in February 2006 organized by the University of Chicago Law School focusing on juridical matters.

<sup>16</sup> Kila 2008.

<sup>17</sup> The Seminar was called Cultural Property Protection in Times of Conflict and included several international speakers.

<sup>18</sup> Made possible by the DoD Legacy Resource Management Program and Laurie Rush (DoD), Jim Zeidler and Tracy Wager (CEMML Colorado state University).

that CPP still has low priority in the Netherlands and no funds will be made available to support CPP activities. This research will show if this also the case in other countries.



1. [http://www.internetweekly.org/iwr/cartoons/cartoon\\_rummys\\_vase.html](http://www.internetweekly.org/iwr/cartoons/cartoon_rummys_vase.html)

"STUFF HAPPENS" said Secretary of Defense Donald Rumsfeld in a news briefing on 11 April 11 2003 following the looting and violence that broke out in the aftermath of Baghdad's fall in 2003. Actually, Rumsfeld paraphrased on the expression "shit" happens and used a so-called minced oath to diminish the offensive character of the original to appear politically correct.<sup>19</sup> He added, "Freedom's untidy and free people are free to make mistakes and commit crimes and do bad things, looting is not uncommon during significant social upheaval".<sup>20</sup> Secretary Rumsfeld was not the first to play down the subject of destructing and looting of cultural belongings he stands in a long tradition. Two years before the leader of the Taliban Mullah Omar said about the destruction of the Bamiyan Buddha's in Afghanistan "all that we are breaking are stones".<sup>21</sup> Rumsfeld's statement suggests that in certain situations people are justified to loot. On this occasion individuals removed objects they did not rightfully own. Normally national or subsidiary international legislation applies. In this case, at least for Iraq, the Convention for the Protection of Cultural Property in the Event of Armed Conflict also referred to as The Hague Convention of 1954 applies.<sup>22</sup> However in the event of a foreign invasion an occupying force i.e. the United States is 'not completely responsible for every looting in the territory it controls but should exercise due diligence to avoid such looting'.<sup>23</sup> Still one can wonder if proper diligence was

<sup>19</sup> Minced oath is a pseudo-profanity.

<sup>20</sup> Source: <<http://www.defense.gov/transcripts/transcript.aspx?transcriptid=2367>>[1 September 2011].

<sup>21</sup> Ghaidan, Usam. Damage to Iraq's Wider Heritage, in Stone, P.G. and Farkhach Bajjaly, J. (eds.) *The Destruction of Cultural Heritage in Iraq*. Woodbridge 2008, p. 93.

<sup>22</sup> A legal pact stating that Cultural Property must be safeguarded and respected in times of conflict. See Article 2 of the convention. Iraq is a signatory to the Convention and its first Protocol since 1967 at the time of Rumsfeld's statement the US was not an official signatory; they became a States Party in 2008. Before that, the US acted in the spirit of the Hague Convention.

<sup>23</sup> Maintenance of Law and Order is a key aspect of IHL occupation law. Source: International Humanitarian Law and International Organizations in Iraq. Presentation, The Program on Humanitarian Policy and Conflict Research, Harvard University April 2003 <[http://www.ihlresearch.org/iraq/pdfs/IHL\\_IO\\_Iraq.pdf](http://www.ihlresearch.org/iraq/pdfs/IHL_IO_Iraq.pdf)> [10 October 2010]. The ICRC sees destruction of civilian property and looting as violations of international humanitarian

exercised to prevent or restrain the Baghdad pillaging especially in the case of the Iraq National Museum looting on 10 April 2003.<sup>24</sup> In general looting is considered a violation of International Humanitarian Law and is eligible for punishment.<sup>25</sup> However when setting aside legal implications Rumsfeld's words are, in a strange way true for my research as will become clear in this dissertation.

In today's society, many military still see protection of Cultural Heritage as a new and unnecessary responsibility that has nothing to do with their core-business. Occasionally terms like mission-creep are used however; it seems more likely that 'tasks not part of a specific culture are not attended to with the same energy and resources as tasks that are part of such a culture'.<sup>26</sup> In this book, several aspects of military CPP involvement will be investigated. One of them is CPP implementation within the context of the so-called 3 D, or comprehensive, approach as practiced by the Dutch Military. The 3 D's (Dimensions) stand for defense, development, and diplomacy. Curiously, I found that my research necessarily turned out to be multi-dimensional too. Actual field implementation of Cultural Property protection and development of training tools as well as coordination of international cooperation to conduct research had to be initiated. Seen from this perspective the 3 D's in my research stood for disputed, dare and doing things as will be argued.

Cultural Property Protection as a relevant topic vanished after World War II, but reappeared on the international agendas triggered by cultural heritage disasters in former Yugoslavia, Iraq, and Afghanistan. This did not automatically mean that CPP returned to military curricula and operational planning schemes. Lack of interest and limited expertise concerning CPP prevented this. In that light, it came as no surprise that start-up issues and implementation problems as experienced in the past by military predecessors e.g. the US Monuments, Fine Arts, and Archives (MFAA) officers from World War II re-appeared.<sup>27</sup> Examples of such problems are scarcity of (assigned) transportation means for CPP officers, low priority of CPP within military organizations, souvenir hunting or theft of artifacts by own troops and shortage of funding for CPP implementation in the field and for research and education. All these old challenges recurred during my missions in Iraq: *L'Histoire se répète*. Nevertheless with the start of my investigations a remarkable exploration began that included encounters with a variety of characters who are nearly caricatures such as the Indiana Jones explorer type including their typical hats, warriors of different categories and anti-military demonstrators at conferences.<sup>28</sup> Within this turmoil core

law. Source: Keynote address by Dr. Jakob Kellenberger, President of the International Committee of the Red Cross. San Remo, 2 September 2004, <<http://www.icrc.org/Web/eng/siteeng0.nsf/html/64SJR4>> [17 July 2011]. Four basic principles of international law underlie an occupation:

- 1) The occupying power does not gain sovereignty over the occupied territory through occupation.
- 2) Occupation is considered a transitory phase in which the rights of the population must be respected by the occupying power until formal authority is restored.
- 3) When exercising authority, the occupying power must take into account the interests of the inhabitants as well as military necessity.
- 4) The occupying power must not use its authority to exploit the population or local resources for the benefit of its own population and territory. Source: The War in Iraq and International Humanitarian Law, <<http://www.hrw.org/campaigns/iraq/ihlfaqoccupation.htm>> Last updated May 16, 2003. [17 July 2011].

<sup>24</sup> The Iraq National Museum in Baghdad was looted in April 2003; see Bogdanos 2006 and Rothfield 2008 and 2009.

<sup>25</sup> This applies when the courts of the occupied territory shall continue to function. Where this is not possible, the occupying power may set up "properly constituted, non-political military courts" with local or foreign judges to sit in the occupied country; such courts must apply international fair trial standards. Source: The War in Iraq and International Humanitarian Law <<http://www.hrw.org/campaigns/iraq/ihlfaqoccupation.htm>> Last updated May 16, 2003. [17 July 2011].

<sup>26</sup> Wilson 1989, p.101.

<sup>27</sup> Nicholas 1994.

<sup>28</sup> Dr. Zahi Hawass was, at the time, the Egyptian Minister (of state) of Antiquities. He and some of his staff members literally wear Indiana Jones hats that are marketed and sold under the name Zahi Hawass Explorer Hat.



issues of the investigation became manifest through a number of recurring questions or better reservations that are identified and addressed in this dissertation. These more or less continual challenges were of direct influence to both the research process and the practical implementation of CPP. Originating from all parties, they appear to be triggered by the central question whether the military have to be involved at all in Cultural Property protection. As will be demonstrated this compares to asking if the fire brigade should be involved when planning capacity and strategies for fire fighting.

The title *Heritage under Siege* was especially chosen for this dissertation because it contains key aspects of the subject and the processes and strains surrounding it. The key concepts are cultural heritage and the notions siege, conflict and military implementation of international legal obligations. In fact there are three clusters that need further clarification by taking a closer look at their connotations within the framework of this research. It has to be specified though that the third cluster is de facto The Hague Convention of 1954. The impact of this treaty, either weak or strong, on all parties involved positions the subject of this study in a polemic perspective asking to what extent parties implement the convention. As will be described I found myself in a position to pose this question because I actually worked in the field and was therefore able to experience and test whether directives and tools that IHL gives for CPP land on fertile ground.

The expressions heritage, cultural heritage, or Cultural Property, when used in the context of CPP, contain juridical and material aspects. In the legal sense, cultural heritage is often referred to as Cultural Property in which case cultural heritage should be seen as a *specialis* under a *generalis*. This is important to consider within the context of rules and legislation like environmental law. Cases and problems addressed in this study involve cultural properties such as monuments, archaeological sites, artifacts, archives and libraries.<sup>29</sup> As will be explained later, the terms property and heritage can indicate the presence of matters like ownership, disputes and claims of individuals or certain groups or in a wider more reflective perspective the legacy of humankind. These associations can play a role in a legal and, especially in case of conflicts, a political sense. A different, more conceptual approach emphasizes what is called by some the idea of heritage.<sup>30</sup> In this context, the idea is constructed so to the same extent subject to change as related or connected, also constructed notions of identity, status, social values, philosophical significance, and economic exploitation. Perception, appreciation, and sometimes even the appearance of specific cultural property fluctuate in time, space, and social political environment. This book refers to the international situation about CPP and the research about CPP in the wider sphere of heritage studies. Nevertheless, it is useful to elucidate on the Dutch heritage studies research perspective. In The Netherlands, the already mentioned conceptual perspective includes the study of tangible and intangible heritage and the meaning of heritage in relation to both national and supranational identities. Furthermore, the new media that preserve and/or visualize heritage and the memory of war for instance concentration camps, as sites of memory, trauma, and remembrance for various groups are subject of research of different Dutch scholars.<sup>31</sup> For CPP the influence of the especially new media is important because information on looting and destruction are currently widely spread in relatively short time, while GIS techniques contribute to obtaining information or evidence that is more reliable. Concerning the memory of war, it was especially the German occupation of The Netherlands during World War II that contributed to

They can be bought at:

<[http://store.exhibitmerchandising.com/emllc/product.asp?s\\_id=0&pf\\_id=PAAAIAHILPMLCFEA](http://store.exhibitmerchandising.com/emllc/product.asp?s_id=0&pf_id=PAAAIAHILPMLCFEA)> [17 July 2011]. The strange thing is that after the Egyptian regime change the hats are still advertised with a statement that the profits go to the Susan Mubarak children's hospital. Demonstrations against military cultural property specialists during 6th World Archaeological Congress (WAC) held at University College Dublin, 29 June – 4 July 2008.

<sup>29</sup> Emberling, Hanson 2008 and Kila 2008a and b.

<sup>30</sup> Gillman 2010.

<sup>31</sup> Van der Laarse 2005 and Van Vree 2010.

the need to put matters in perspective by paying attention to heritage studies. Directly after the World War II all attention went to reconstruction efforts and bad memories were suppressed while in the sixties attention was focused on anti authoritarian and anti war matters. A reaction came in the mid seventies accompanied by a renewed interest for history.<sup>32</sup> Significant for the Dutch research is to investigate to what extent World War II influenced today's Dutch identity and to determine what expressions and objects represent such an identity. Consequently, related cultural properties have to be maintained and preserved while taking into account that they are at risk of being appropriated by groups or entities that want to enforce their own identities. Further research explores and analyzes the idea and developments behind different expressions of memento or "lieux de memoires" and the impact of (new) media. In performing the past the authors present the perspective that the past is first framed and made usable and than performed sometimes in different stages and via various media including cinema, documentaries and museums.<sup>33</sup> It bears a resemblance to the Sound and Light Spectacles still to be found for instance in Egypt. Here the public is directed or guided through history actually walking in the monuments and stops at different stages where a presentation with light, music, and narration takes place in situ.<sup>34</sup> This touches upon the extending experience, theme-parking or disneyfication, and 'scaping' aspects of history and the consuming of heritage as framed in a statement of Rob van der Laarse "Instead of the presence of the past, heritage might better be understood as the present presented as the past".<sup>35</sup> It certainly applies to the type of cultural heritage that is subject to damage and looting in conflict areas but there is one difference those cultural properties under siege often do not function as such due to the war or internal conflict situation. This makes it difficult for the military that are not too familiar with civil cultural heritage to appreciate value, enjoy, consequently protect, and safeguard objects and sites.

There is a tendency to attach different meanings to the term culture. "The term culture creates immediate difficulties. It is notoriously vague and slippery possessing several different meanings".<sup>36</sup> Nevertheless, the vagueness of the term culture combined with lack of awareness of the relevance of CPP can sometimes be advantageous. A few years ago, working as a coordinator for the Dutch CIMIC Group North I got permission to send a reserve officer who was a cultural specialist to Iraq because there was an official request from the Coalition to send an expert for the Iraqi Ministry of Culture. Later it turned out that the request was actually for an engineer to help fix construction damage in the Ministry of Culture (the building). All the same, this 'mistake' opened the door to do something to protect Cultural Property in Iraq.

A more than relevant aspect is the current perspective that Cultural Heritage cannot be seen separately from Natural Heritage. Following this, it is seen as an integral part of its environment. The Italians call this *Beni Culturali*. The term stands for archaeological patrimony, archive keeping and librarianship, historical-artistic, landscape and environmental heritage.<sup>37</sup> The link between cultural-natural heritage and environmental considerations, that will be explained more in detail later, opens new possibilities to embed CPP capabilities in the Armed Forces. Consequently, CPP will be more likely taken into account for military operations.

Siege is a comparatively small part of warfare. In this case, siege refers to armed conflict. Generally spoken this can be either "classical" symmetric warfare or what is called asymmetric

<sup>32</sup> Den Boer 2005. pp. 40-41.

<sup>33</sup> Tilmans, Van Vree and Winter 2010.

<sup>34</sup> The author of this study was Artistical Director of the Sound and Light Spectacle in Karnak Temples , Luxor Egypt where still (automated) shows telling the history of Egypt, in different languages are performed for tourists. <<http://www.soundandlight.com.eg/Shows/KarnakHome.aspx>> [5 September 2011].

<sup>35</sup> Rob van der Laarse, Packaging the Past. The Commodification of Heritage, Seminar at Cambridge 19 April, 2008. <<http://www.arch.cam.ac.uk/heritage-seminar/chs08/rob08.html>>[5 September 2011].

<sup>36</sup> Gunn 2006, p.54.

<sup>37</sup> Source: Home page of the Faculty of Arts and Philosophy University of Verona.

warfare within a state even without formal combatants.<sup>38</sup> All juridical and military concepts mentioned will be addressed in detail in other paragraphs. Of importance however is to consider that armed conflict is not automatically war in the classic sense. Nevertheless all conflict cases used in this study, are a form of warfare, but cannot automatically be classified as siege.<sup>39</sup>

The international community, through treaties as the Hague Convention of 1954 attempts to balance the interests that cause the friction between parties involved in conflict and cultural heritage. I have to be clearer about the term "conflict". In fact armed conflict is meant, the successor of war, a term more associated with the old type of symmetric conflict besides war has to be officially declared, and that is not happening anymore. The two aspects heritage and conflict, are in a constant tension with each other. To more or less control or in the best cases resolve the strains, the international community came up with legal solutions. The most relevant one for this study is the Convention for the Protection of Cultural Property in the Event of Armed Conflict, to be referred to as The Hague Convention of 1954 and its two protocols.<sup>40</sup> This book will show that the legal rules provide good ways and possibilities for the protection of cultural heritage during various types of conflict situations. The problem however is that only few parties, players and stakeholders put in practice what IHL prescribes. This study presents and analyzes a number of reasons and circumstances that contribute to the current situation.

Apart from existing tensions and challenges among stakeholders involved in military implementation of Cultural Property protection new issues are generated by the Hague Convention of 1954. In spite of the fact that this convention aims at providing solutions for challenges and tensions, the process of adapting existing courses of action and stimulating efforts to implement the convention creates extra tensions among all stakeholders. Where possible these strains will be described from different perspectives. In addition, a number of possible solutions are discussed. As mentioned, the research is of a multi-disciplinary nature and necessarily a number of cases were initiated as well as executed by the investigator. This, plus the fact that outcomes are not only of a scientific but also of a practical use can give opponents of combined approaches reason to criticize the, in their eyes, less methodological or unorthodox execution of investigations. I consider this not only a result of the project but also a necessary first step in bringing the subject in a more abstract discourse that has to take place but until now could not be realized due to a variety of reasons. Obviously, CPP cannot be dealt with unless the complexity of all involved interests, regulations and parties is disentangled, resulting in a coherent account that includes obligations and incentives for all constituents. Such a description must consider the sensitivity of Cultural Property in relation to identity, authenticity, uniqueness, and dispute. These connotations cause strong sentiments among parties expected to deal with the protection of Cultural Property.<sup>41</sup>

Considering the above, it is possible to compare cultural heritage with explosives as will be substantiated in the case studies. In line with CPP's explosive tendency are certain dilemmas that arise in the process of investigating CPP implementation procedures and strategies. Examples are issues of delegation of authority to handle Cultural Property in times of conflict and prepare for this in peacetime and balancing interests of stakeholders to create an effective and sustainable operational model for protection. Any disclaimer to go with Cultural Property should be the same as warnings that accompany explosives "If not handled with care and by experts damage and problems leading to conflicts might occur". Likewise, Cultural Property's fragile and unstable nature can be established in its mix of ingredients and conditions of use. Therefore, a good recipe for a balanced mix is difficult to find since cultures are not based on coherent logical patterns.

<sup>38</sup> Formal has to be understood as, in the juridical context.

<sup>39</sup> In Naval terms Siege is a blockade, it can also refer to surrounding a fortress or city and cutting off supplies and communications or attack. It can also be used to indicate juridical implications.

<sup>40</sup> O'Keefe 2006.

<sup>41</sup> Touchiness for instance related to competence, identity, and distinction issues.

One finds layers of different religions and traditions covering or overlapping each other.<sup>42</sup> In all such layers, tensions appear between pragmatic, methodological perspectives and philosophical or contemplative points of view. It seems fair to conclude that both perspectives are needed to present a comprehensive description. In order to create such a complete account it might be arguable to give different parties, after analyzing their positions, the opportunity for an equal start. For example, social science contributes to the production of knowledge and buildup of expertise while initiating reflective thinking on the subject; the latter is especially relevant for its military perspective. This way the topic can gradually enter the scientific discourse where heritage issues are debated and analyzed. Consequently, there is an opening for academics, decision makers, as well as experts on military theoretical sciences to join the debate. It does however create a risk of producing knowledge fit for undesired or unethical misuse for military tactical purposes. This threat is real, taking into account that the nature of conflicts changed in the course of time and so are military strategies and weaponry. The established narrative of the classical battle plan is replaced by Foucault's intellectual toolbox approach, according to which units receive the tools they need to deal with several given situations and scenarios but cannot predict the order in which these events would actually occur.<sup>43</sup> Nevertheless, adding expertise and conceptual thinking to CPP and its military dimension can bring the subject into the realm of modern military operational theory.

The development of theoretic approaches specifically for CPP also implies that certain concepts are fit for use in purely military matters. Here too, there is danger of misuse of conceptual and reflective thinking. To give an example: some consider urban warfare the postmodern form of conflict. Contributing is the fact that in modern conflicts traditional battle-plans do not function since there is no clear understanding about the opponent and the environment in which the fighting takes place. Often it is not possible to distinguish fighting groups by for instance specific uniforms. Civilians can change into combatants, and vice versa. Identities can change and genders can be feigned. Apparently, this atmosphere inspired certain people to start experiments imposing theoretical reflections on operational strategies. This use of social science, more specifically theoretical postmodern philosophy e.g. Deleuze and Guattari can result in out of context contributions to modern military techniques and concepts that are certainly not aimed at protecting cultural heritage but more to facilitate state terrorism as is described by Weizman.<sup>44</sup> Potential misuse of scientific concepts and data can however not be a reason to stop examinations thus neglecting obligations to protect Cultural Property under IHL. Further debate and research might bring more specific regulations or ethical codes.

This book is designed as a triptych. First, there is a preface containing personal experiences and opinions followed by an introduction explaining research methods, sources and different scientific disciplines used. Finally, a number of characteristics referring to cultural property such as its military relevance and volatility are addressed. The main section begins with a First part that presents a picture of the CPP playing field and its users, all parties and stakeholders involved in CPP are introduced in different paragraphs. The Second part contains a corpus of already published peer-reviewed scientific articles and two new case studies. The Third part of the book holds conclusions and suggestions for future directions. Overall cases of different size are presented to demonstrate a number of suppositions that concern the behaviors of CPP stakeholders. The same method is used to show implications e.g. legal and sociological consequences as they happen in practice. In this approach, the cases speak for themselves.

<sup>42</sup> Johnson 2009, p. xii.

<sup>43</sup> Source: Why the Israeli Army Loves Deleuze. In the blog "I cite".  
<[http://jdeanicite.typepad.com/i\\_cite/2006/09/why\\_the\\_israeli.html](http://jdeanicite.typepad.com/i_cite/2006/09/why_the_israeli.html)> [17 July 2011].

<sup>44</sup> Post-Structuralism as "Operational Theory" was used by the Israeli Armed Forces who in Nablus understood urban fighting as a spatial problem. [...] Travelling through walls is a simple mechanical solution that connects theory and practice (Weizman 2006). See also Hollow Land (Weizman 2007).

## **Research methods, sources, and disciplines**

As mentioned, multiple methods were essential to conduct my investigation. Overall, qualitative research and field research including participant observation were used. Furthermore, the use of different sources e.g. literary sources, interviews and a multi-disciplinary approach were needed. Important disciplines for this approach were for instance cultural policy studies, archaeology, and law. All methods used are, as far as possible, clarified using practical examples. Qualitative research took place on different levels to analyze and consequently understand the behaviors of the CPP stakeholders as well as their relations and interactions. Field research, which included working inside the military organization served to bring together original data. Participant observation was especially required to watch situations during exercises, planning and during missions in theatre. Part of the empirical research had to be initiated to test solutions and safeguarding strategies. For the whole investigation, observation was a significant technique to study military practices and for that matter the behavior of all stakeholders.

Much empirical, or in fact participant research, inevitably took place in conflict areas where disputes, linked to cultural differences with as side effects looting, illicit traffic and iconoclasm, are fought out. To be exact I was in Macedonia in August 2002 as network manager of CIMIC Cultural Affairs and in Iraq August -September 2003 as acting Chairman of CIMIC Cultural Affairs and in February 2004 as a Cultural Military Specialist and CIMIC Chairman in Baghdad. In potential this provided for a rich data source, however it should be noted that the military tendency to keep things secret or at a distance particularly when referring to new, in their view complicated issues proved to be a challenge. Participant research in theatre did not come naturally; the only possible way to initiate it was through getting Cultural Property protection actually implemented. Real situations and projects were vital in order to observe the dynamics and courses of action involved. Even though at the time I started my investigations a small network of militarized cultural specialists was already created as will be described in the CIMIC paragraph this did not mean that these experts were automatically deployed. Therefore the challenge remained. Initiating access to conflicts asked for a pro-active acquisition strategy.<sup>45</sup> First and foremost military consciousness on the subject had to be increased since, within the Armed Forces, appreciation of the relevance of Cultural Property protection determines the extend and quality of implementation and research. This strategy paid off as described in the cases from FYROM (Macedonia) and Iraq.

There were also other reasons for the described modus operandi. It is for instance nearly impossible to get or extract information from military sources or environments without being considered more or less an insider. Second, it is normally not feasible to travel to conflict areas as a civilian. A complicating factor was that military CPP projects in conflict areas were virtually non-existing at the time the work started so not only on site observation but also the processes leading to CPP projects had to be initiated (while also observed). All of this had to happen within an organization that was not interested in the subject. Undoubtedly, field research opportunities could only derive from new military tasks in the context of peace keeping and reconstruction missions. CPP fits in these types of missions because it has the potential to generate jobs, a feeling of security and strengthen identity and therefore unity within a population. To get permission for cultural assessments that could lead to projects, common denominators and deliverables for different parties had to be identified. A win-win situation had to be created. This strategy looked to be the right way to convince commanders to send me out to conflict areas. It worked; I managed to carry out participant, in theatre, research in Macedonia and Iraq.

<sup>45</sup> Asymmetrical warfare (conflict) is a term that appears to date from the early 1990s. In this type of warfare, a relatively small and lightly equipped force attacks points of weakness in an otherwise stronger opponent by unorthodox means. All guerrilla activity, especially urban terrorism, falls within this definition. Source: World Wide Words © Michael Quinion, 20 October 2001. <<http://www.worldwidewords.org/turnsofphrase/tp-asy2.htm>>[24 July 2011].

Describing and testing actual Military Cultural Property protection implementation in times of contemporary conflict was not only relevant from a research perspective but also to generate new lessons learned and case studies. New caseload obtained in theatre lead to the discovery of opportunities to establish CPP capabilities. A good example that surfaced this way is the potential for organizational embedding and implementing of military CPP through obligations deriving from environmental concerns codified by the North Atlantic Treaty Organization (NATO). The NATO Standardization Agreement or STANAG on this topic includes cultural resources management. A recent case in which the relevance of following such doctrines is clearly proven is the Forward Operating Base (FOB) Wolverine case that is addressed in Part I of this book. The good news is that, compared to Cultural Property responsibilities, environmental obligations are more appealing to, and acceptable for military. Especially the engineers, in the Netherlands called the *Genie*, are already involved in environmental issues and dealing with environmental aspects. These departments see natural and cultural resources management as a structured, organized, and embedded military activity. Therefore, broader chances for military CPP appear to be connected with natural resources protection. To be more specific about NATO's standpoint, CPP is referred to in environmental doctrines such as the earlier mentioned STANAG 7141 EP, a policy document regarding environmental protection during NATO led military activities. The US uses elements from this STANAG in its CENTCOM rule 200-2, see Appendix A 4. Nevertheless, in Europe, the cultural heritage components of this NATO doctrine are not particularly recognized because the content of 7141 EP is not well known. Raising awareness is not encouraged because a number of countries including the Netherlands do not want to allocate financial resources for CPP since it is considered to be of low priority. As the Dutch MoD in a letter put it "the world is constantly changing and priorities shift".<sup>46</sup> In fact, this statement appears to be the Dutch version of Rumsfeld's credo 'Stuff Happens'.

Sources used for this investigation included both published and unpublished materials. Military sources were indispensable but asked for a special approach or in fact preparation. No thorough research on military sources such as training manuals, operation plans, doctrines, and policy notes could be done without basic military training in order to obtain fundamental understanding of military cultures, codes, structures, and abbreviations. This training is only available for military personnel so I had to enlist in the army. Nevertheless, this proved to be vital too for interpreting the information collected through observation. The literary sources can be roughly divided into military and scientific materials. Access to military sources was gained through my position within the Dutch Ministry of Defense and via various international contacts. It seems appropriate to split military data like doctrines, orders, documents, and classified or unclassified papers some not meant to be (openly) published from scientific publications generated by military academies and research institutes. The latter should be categorized with civil scientific sources. Apart from studying military and other documents reading literature was an important part of the research.

At the start of the investigations, suitable empirical studies on the subject were scarce. Contemporary publications on military involvement in protecting civil Cultural Property were even rarer. However, *Thieves of Baghdad* from the US Marine Colonel Matthew Bogdanos was a source for current information from a practical military perspective.<sup>47</sup> His book also gives an insight in the modern American military mindset; Bogdanos personifies the proto-type of the conservative (US republican) warrior, however with a deviation. The Colonel is very interested in cultural heritage and the arts and has a Master's degree in Classics. Consequently, his publications

<sup>46</sup> This letter was an answer to the Chairman of the Hague Peace Palace Seminar on CPP sent one year after the seminar explaining why the recommendations of this seminar were completely disregarded, source: letter of the Dutch MoD dated 28 April 2010 reference BS 20104157.

<sup>47</sup> Bogdanos 2006, Reserve US Marines Colonel Matthew Bogdanos is in civil life an Assistant District Attorney in New York.

and especially his lectures proved to be an important instrument to communicate to the international military community the importance of cultural heritage and demonstrated to them that it was not just a hobby for sissies. Later in the research process more literature was found containing information from European military perspectives like a publication from the Austrian Defense Academy titled *Protection of Cultural Property in the event of Armed Conflict - A challenge in Peace Support Operations* edited by, now retired, Generals Edwin R. Micewski and Gerhard Sladek. This publication is especially important because it is a rare example of military that write about CPP.<sup>48</sup> An article from Polish, military embedded, archaeologist Miroslav Olbrys gave a European view, as opposed to the American perspective, on what happened in Babylon and other parts of Iraq. It should be noted that perspectives and examples discussed in these publications are not representative for all military organizations nor can they be adapted to be of general use. Missing in most literature were so-called lessons learned meaning the incorporation of practical knowledge gained by experience. Normally in the military system field experiences about topics like cultural protection are processed into case studies and educational tools based on lessons learned. Apparently, this did not happen in the case of cultural heritage experiences. As for now, the processing of such military experiences in theatre into lessons learned comes for the bigger part from civil scientists or in the best case from military reserve experts and civilians working for the military.<sup>49</sup>

Literature written by these experts tends to deal with cultural heritage in a general context either from practical or conceptual perspectives. Sometimes such sources contain small sections that give a vision on military implementation or criticize destructive actions. However normally they are not underpinned by adequate military background knowledge nor analyzed from military perspectives.<sup>50</sup> This is all good reason to initiate production of more comprehensive knowledge on the subject by exploring literature from different perspectives like (art) history, military history, and sociology while considering all the relevant aspects of military establishment.<sup>51</sup> Art historical sources opened the door for me to a better understanding of intrinsic, often iconographic, characteristics of cultural objects plus their potential relation with, and influence on, military and social codes and meanings in the context of conflict. A good source referring to these aspects is Robert Bevan's *the Destruction of Memory* while an excellent historical source dealing with CPP in the Second World War is Lynn Nicholas' *the Rape of Europa*.<sup>52</sup> Her book gives valuable information on the first, more or less contemporary military involvement in CPP during armed conflict. Also worthwhile to mention are the proceedings of the symposium *The Spoils of War* that took place in New York in 1995. This was the first major international gathering that drew attention to the subject of looting and theft in times of conflict though it focused on World War II, and the event did not yet include military experts.<sup>53</sup> Indispensable sociological sources that were critical to explore aspects of distinction, identity, and conflict are Bourdieu's *Distinction* and Mac Ginty's article on the concept of looting: Looting in the context of violent conflict.<sup>54</sup>

While looking into the characteristics of today's military and studying structural features of military organizations more links and parallels connected with military sociology and strategy became apparent e.g. the features of the military mindset and its evolution. By the same token, explorations for possibilities to build a conceptual framework to mark CPP's position in the contentious area of heritage related activities and studies led to identification of extra sources.

<sup>48</sup> Micewski and Sladek 2002.

<sup>49</sup> See for instance Kila 2008, 2010, Rothfield 2008, 2009 and Rush 2010.

<sup>50</sup> An example of an art historical approach: Nelson and Olin 2003.

<sup>51</sup> History: Nicholas 1994; Lowenthal 1996, Akinsja and Koslov 1996, Bevan 2006. Sociology: Bourdieu 1984, Mac Ginty 2004.

<sup>52</sup> Nicholas 1994 and Bevan 2006.

<sup>53</sup> Simpson 1997.

<sup>54</sup> Bourdieu 1984 and Mac Ginty 2004.

They came from the realms of theoretical art history and cultural theory such as *Monuments and Memory, Made and Unmade* by Nelson and Olin and Simon Gunn's theoretical perspectives as described in *History and Cultural Theory*.<sup>55</sup> The domain of cultural policy provided for sources that give an insight into the current academic Cultural Heritage debate.<sup>56</sup> The first steps for a dialogue between military and civil CPP parties were initiated in 2006 by the Cultural Policy Center of the University of Chicago by a series of seminars and meetings. Of course within cultural policy studies also new trends and mechanisms related to art and culture such as the arts market including illicit traffic, are studied.<sup>57</sup> Furthermore, possible protection strategies are researched via, in this case, the Chicago Center that I am affiliated with as a community fellow. Finally, cultural policy is the domain where implementations of national and international obligations that are subject to governmental and private compliance are studied. To put it simply how do respective governments, organizations, and individuals deal with obligations to safeguard and protect Cultural Property.

Recent events and cases focusing on Iraq were described by Bogdanos, Stone, Farchakh and Rothfield.<sup>58</sup> It has to be noted that during the time span of the whole research and thanks to an increasing number of conferences and seminars new publications started to become available. As noticed before, in some of them, I could publish results of my work that form part of Part II of this triptych.<sup>59</sup> Rothfield's *Antiquities under Siege* included my first major account on Cultural Property protection and the military. This publication that focuses on the war in Iraq was the result of a seminar following a juridical conference that took place in February 2006 at the University of Chicago Law School, aimed at legal issues involving wartime heritage looting. The related seminar in Pocantico Hills (the former Rockefeller Mansion near New York) was organized by The University of Chicago's Cultural Policy Center and, for the first time, brought together a wide range of stakeholders that included the military. The most significant result was the dialogue between civil and military experts and a set of recommendations that paved the way for more international debates. My contributions to and participation in both the *Antiquities under Siege* publication and its two seminars inspired me to name this dissertation *Heritage under Siege* since heritage comprises more dimensions that are addressed in this study than just antiquities. A source already briefly mentioned indicating contemporary misuse of architectural theory by the military is *Hollow Lands* by Eyal Weizman.<sup>60</sup> The book describes among other the military maneuvers by Israeli Armed Forces that took place in the West Bank City of Nablus. The Commander in charge, the Israeli Brigadier General Aviv Kochavi characterized them at the time as 'inverse geometry' meaning changing the urban syntax. Soldiers avoided roads, streets, courtyards, doors and windows that normally define logic movement. In fact, it was destroying people's houses by literally going through walls by first punching holes.

Contemporary technical developments like utilizing Geographic Information Systems (GIS) and archaeological remote sensing technologies are introduced and discussed in a publication by Egyptologist Sarah Parcak.<sup>61</sup> GIS and Remote Sensing are of special interest for the Military, this type of data can help military to avoid targeting and damaging cultural sites but it can also convince commanders to start implementing CPP since they get access to GIS data as a perk. It

<sup>55</sup> E.g. Nelson and Olin 2003, Gunn 2006.

<sup>56</sup> Cultural Policy: Rothfield 2008 and 2009. Cultural heritage debate: van der Laarse 2005, Grijzenhout 2007, Tilmans, van Vree, and Winter 2010, especially van Vree pp. 275-283..

<sup>57</sup> A good example is the work of Dr. Neil Brodie, one of the world's foremost experts on the illicit antiquities trade and the impact that looting-for-profit and artifact smuggling has on our knowledge of the past and the future of archaeology. He is currently Director of Cultural Heritage Resource at Stanford Archaeology Center, Stanford University US.

<sup>58</sup> Bogdanos 2006, Rothfield, 2008, 2009, Stone and Farchakh 2008.

<sup>59</sup> E.g. Rush 2010 and Kila 2010b.

<sup>60</sup> Weizman 2007 pp. 185-218.

<sup>61</sup> Parcak 2009.



goes without saying that misuse of GIS or Satellite data has to be prevented and the military can contribute to CPP by sharing their own GIS information and aerial pictures with CPP experts. A last type of written sources, suitable as research material and at the same time a potential outcome of this study are educational materials. Currently appropriate education tools not only derive from practical experiences in the field but also from existing CPP training programs for the armed forces. Especially worthwhile to mention are products of the DoD Legacy Resource Management Program and the Cultural Resources Program at Fort Drum both from the US. Cultural Heritage Training Websites for Iraq, Afghanistan, and Egypt are developed for the military in cooperation with the Center for Environmental Management of Military Lands (CEMML) from Colorado State University.<sup>62</sup> The same source was responsible for the first ever modern military training in situ in Saqqara (Egypt) that included new tools like special field and playing cards, historical timelines and innovative insights on training methods.<sup>63</sup> More publications on CPP are to be expected in 2011 while in 2008, 2009 and 2010 multiple publications were published co-written by the author of this study.<sup>64</sup> A number of articles, papers, and publications used are from conferences and seminars in which the author participated, is quoted, or acted as a referee.<sup>65</sup> Other resources comprise materials such as various CPP decks of cards from the US and from the Netherlands. There are several military CPP dedicated websites that either started recently or are about to be launched, worthwhile to mention are: <<http://aiamilitarypanel.org/>>, a site affiliated with the Archaeological Institute of America and a forthcoming site of the Combat Commands Cultural Historical Action Group (CCHAG) that will be launched soon.

A third research technique used were interviews, some of them conducted more or less informally using opportunities provided while exchanging information with military peers at work. Furthermore, I interviewed a number of civil experts and key players during conferences and seminars especially in relation to the Iraq conflict. Through these interviews carried out not within a survey structure but as dialogues important first hand, information was obtained such as consultations with Colonel Matthew Bogdanos who lead the investigations following the looting of the Baghdad Museum and US Major Cori Wegener who, at the time was the only serving military Cultural Property expert of the American forces. Other important informers were Professor McGuire Gibson who provided me with the coordinates of Uruk and the late Professor Donny George the former director of the Baghdad museum.<sup>66</sup> An initial supportive exchange of thoughts with Dr. John Curtis of the British Museum later evolved in a debate about ethical considerations that involved more scientists about working with military. It was reason for Dr. Curtis to withdraw from the *Antiquities under Siege* publication. Several discussions and exchanges of thoughts took place with acknowledged international experts and key players such as W. Hays Parks and Dick Jackson both from the Pentagon, Professor Charles Garraway formerly United Kingdom Army Legal Services and the Red Cross, Professor Peter Stone formerly Cultural Adviser to the UK MoD during the Iraq conflict, Professor Patrick Boylan who designed the 2nd Protocol to The 1954 Hague Convention, Professor Jiri Toman formerly ICRC, Dr. Laurie Rush, archaeologist and cultural resources manager for 10th Mountain Division, Fort Drum, New York and Jan Hladik from UNESCO. Last but not least, I want to mention Karl von Habsburg who is a great source of expertise concerning intangible cultural heritage. All interviews are listed in this dissertation. Two issues that are intermingled were vital for both the research

<sup>62</sup> See: : <<http://www.cemml.colostate.edu/cultural/cptraining.html>> [17 July 2011].

<sup>63</sup> In 1943 the British reserve Lt- Col. and archaeologist Sir Leonard Woolley was involved in training the military in situ in Cyrene (Libya). Source: interview with Laurie Rush July 2010. See also the paragraph on Libya.

<sup>64</sup> Kila 2008a, Kila 2008b, Kila 2009, Kila 2010a, and Kila 2010b.

<sup>65</sup> Olbrys 2007, Rothfield 2008 and Rush 2010.

<sup>66</sup> See Bogdanos 2006. Major Cori Wegener is now retired from the army and became the president of the American Blue Shield Committee.

process and outcomes namely the production of knowledge about CPP and raising awareness on the subject. The outcomes of this study are produced and presented within the context of a systematic framework that comprises case studies intermingled with new research results. These results are meant as contributions to the production of knowledge on the subject. Incorporated are findings that can be used as educational materials but can also help raise awareness among stakeholders. Where possible cases are used, the preference to use case examples needs explanation. Considerations are threefold. First, if presented in the right fashion experiences from reality will be very effective to paint a picture showing the complexity of Military Cultural Property protection to all parties involved. Second, at the same time the groundwork is laid for a theoretical structure plus an in depth analysis of related dilemmas and challenges is given. Third, is that through identifying problems, recurring processes and challenges it is possible to recommend solutions and strategies to protect Cultural Property in times of conflict.

Case examples presented vary in size. The smaller ones show how aspects like media exposure and ethical considerations become manifest and can be of influence. Big case studies from Iraq, Afghanistan, Egypt and FYROM (Macedonia) in Part II that contains mostly published articles demonstrate in full the complexity, multiple layers and different implications of military Cultural Property protection.<sup>67</sup> Nevertheless, it is of vital importance to continuously identify and, if appropriate, incorporate new factors that shape operational planning, strategy, and tactics. Especially the newer case studies like the Uruk, Egypt, and Matejce accounts can be of use as educational materials while raising general awareness on CPP.<sup>68</sup> The thought behind this is that when an adequate degree of understanding and appreciation is reached among militaries and policy makers more field research and teaching programs will be possible. Last but not least, the creation of military CPP capabilities embedded in the whole military organization so in fact the MoD's can only take off if the relevance of the subject is acknowledged. To obtain a full picture and get a grasp of the multidisciplinary context it is necessary to look into the past before addressing the present situation and introducing its actors. History is described in the paragraph containing historical trends until 1954. The future is introduced in the section on the current state of affairs regarding the implementation of CPP and by giving an insight into new approaches and strategies within US, European, and NATO forces. Different methods and tactics are described aimed at solving military CPP implementation problems. Finally yet importantly, a possible way ahead is presented as the valorization of this research in a set of recommendations in Part III of the book.

### **The Relevance of Military Cultural Property Protection**

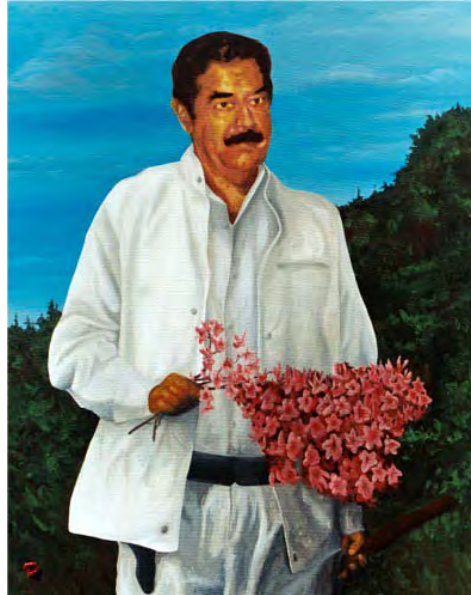
Cultural aspects of conflicts can give reason for a party to destroy an opponent's cultural heritage thus damaging their identity and consequently their presence or position in the historical memory of humankind. Side effects like looting, stealing and illicit traffic of cultural artifacts during or directly after conflict re-emerged in Iraq, former Yugoslavia and Afghanistan. Good reasons for Cultural Property to be considered of strategic importance for belligerents as well as for military peace keeping, stabilization and reconstruction operations. This relevance is underlined by the fact that monuments 'do not reflect their past so much as they work to create memory in the present'.<sup>69</sup> This is without doubt an interesting aspect for today's military that have to deal with memory and identity issues during peacekeeping operations. It is already good reason for more research and debate by military and civil parties dealing with this type of military mission. To create a perspective and starting point, a variety of aspects and challenges plus intermingled topics and concerns as they occur in different contexts need to be addressed. Most relevant is for

<sup>67</sup> It is possible to work with military or temporarily militarized experts.

<sup>68</sup> Kila 2008a, b, 2009, 2010a, and b.

<sup>69</sup> Quote from art historian Professor Michael Ann Holly in a comment about Nelson and Olin 2003. This comment is on the back flap of Nelson and Olin 2003.

instance the possible intrinsic iconic value or symbolic power of objects. When representing an identity, objects are often inherently charged with the past, or most likely an idealized reconstruction of the past that is found in the present. Clearly, this historical reconstruction is not taking place according to set rules, but depends on constantly shifting local, political, and social circumstances.



2. What is it communicating?

Saddam Hussein gathering flowers Oil on canvas 100 x 80 cm 2nd half of the 20th century

In lectures for the military, I demonstrate this concept by comparing Duchamp's Mona Lisa with the damaged mural of Saint Peter in the Matejce Monastery.<sup>70</sup> Both look like paintings damaged by graffiti whereas one is actually a creation of Marcel Duchamp.<sup>71</sup> This example triggers rather fundamental questions raised by military students such as: How can military personnel recognize cultural objects; What are the methods for making basic or in fact iconographic descriptions and assessing possible damages; Is the damage in this context the destruction of art or of identity; and the ever returning question what is art that can be followed by; what is heritage and last but not least whose heritage is represented in art? When written down, these issues look quite sophisticated and therefore difficult to communicate to soldiers but they should actually pop-up during a lesson following an anecdote or pictures. If so these questions essentially illustrate the level, on which cultural objects are perceived by the common soldier and for that matter the average government official. Government institutions that normally make decisions about whether military operations take place at all should be more aware of, and concerned about political and juridical claims over territory and identity. Political claims are often linked to contested memory or notions of the past often created or intensified by the same CPP stakeholders that are described in this study. In these cases cultural belongings that are charged with memory and identity are not only of scientific value but also politically empowered. Consequently, players seeking to appropriate and defend memory for political purposes characterize the playing field. For example state narratives are increasingly contested or supplemented by a growing number of "counter histories" from "below" (e.g. ethnic minority

<sup>70</sup> Kila 2010b.

<sup>71</sup> L.H.O.O.Q., a cheap postcard-sized reproduction of the Mona Lisa, upon which Duchamp drew a mustache and a goatee. The "readymade" done in 1919, is one of the most well known act of degrading a famous work of art. The title when pronounced in French, puns the phrase "Elle a chaud au cul", translating colloquially in "She has a hot ass".

groups) and "above" (e.g. trans-national memory practices, including UNESCO's cultural heritage program).<sup>72</sup>

Having established that identity is a crucial ingredient in the mix of Cultural Property protection, conflicts and reconstruction, it is time to see how identities themselves are distinct. There are several kinds of identities including social, personal, racial, religious, gender, and overlapping or collective identities. Different types are of relevance for CPP.<sup>73</sup> Examples from social identities are actually meanings attributed to others in order to place them in social space like 'teacher' or 'mother'. They also include personal identities or meanings attributed to oneself like names. There are collective identities overlapping with social and personal identities, therefore constructed, and not biologically determined.<sup>74</sup> This last category is clearly invested with constructed meanings regarding Cultural Property. Collective identities often have unambiguous connections to cultural objects and to intangible cultural heritage.<sup>75</sup> Collectively claimed objects including works of art, can be empowered with meaning deriving from an identity or can be still in the process of being attributed to a certain identity. This quality of cultural objects makes them a potential driving force behind, history, progress, and economy. The protection of Cultural Property for that reason forms an integral part of the entire composite of mechanisms linked to conflict and conflict resolution that is taken into account in planning and implementing peace keeping and stabilization operations. From this perspective, protection of archaeological sites and premises like museums, archives, libraries, and monuments is essential as well as preparing for such protection in peacetime.

An effective and often sole mechanism to protect cultural heritage in the event of conflict is by utilizing military logistics, tools, and personnel. Military cultural assistance is especially needed when the safety situation does not allow national and international civil experts to be deployed and when local entities like the police are not functioning. Although many of them do not realize this, the military have a strategic interest too in the careful handling of Cultural Property. They want to achieve military goals as quickly as possible and complications deriving from damaging cultural belongings can harm their mission. To demonstrate military interests to commanders and policy makers examples are needed that will be acknowledged as deliverables. In other words outcomes helping commanders to end a mission as soon as is possible and successfully considering circumstances. These incentives can persuade military commanders to pay attention to protection of cultural belongings during all phases of a conflict including the planning and post conflict or reconstruction phases. This reasoning is in accordance with the thought that in today's situation the concept of armed conflict stretches out from the pre to post conflict phases. A basic problem in this context is that military technicalities and force multipliers seem quite abstract to civilian stakeholders while at the same time the military certainly understand the jargon but do not see the connection with Cultural Property. Here again case examples, later to be processed into lessons learned are useful to demonstrate the existence of military deliverables linked to CPP in any discussion with military leadership.

An important military deliverable is that CPP contributes to an overall atmosphere of general security.<sup>76</sup> Another crucial matter to consider is that regional or worldwide negative press backlash can be unleashed when Cultural Property is removed or destroyed. This consequence can be avoided by protecting and safeguarding measures. Examples are the bad press the US suffered after the Baghdad museum looting and the mishandling by coalition forces of the important archaeological site of Babylon that was damaged because it was used as a military

<sup>72</sup> Thomassen 2010.

<sup>73</sup> Snow 2001.

<sup>74</sup> Of course there are exceptions think for instance of the Jews.

<sup>75</sup> E.g. freemasons, soccer teams, military regiments, social organizations, religions. Intangible heritage can be rituals, music, poetry, languages and music, to mention a few.

<sup>76</sup> Feil 2008.

camp. An understanding of heritage combined with respectful behavior is a "Force Multiplier" for any global operation.<sup>77</sup> This leads us in the military vocabulary where multipliers and force acceptance are important military arguments to engage in cultural activities.<sup>78</sup> To give a specific example of a culturally related Force Multiplier: Cultural Property protection can disturb the illicit antiquities market thus reducing a possible source of funding for the opposing forces such as insurgents. It has the potential to mitigate the tactical value exploited by non-state actors.<sup>79</sup> Apart from this the reduction of negative cultural heritage incidents will improve the operational environment for another type of non-state players namely contractors in military operational zones. Finally, its protection reduces chances for collateral damage during targeting decisions. This will improve the public relations environment and reduce the vulnerability to litigation.<sup>80</sup> Still it is clear that caution is required when linking knowledge, in this case CP knowledge, to intelligence. There is not only a communication challenge deriving from the gap between military and civil jargon but there is also a gap concerning use of military terms between US and European military as well. This difference in understanding plus connotations causes extra and unnecessary challenges in the communication and interpretations about the subject between international civil stakeholders. A case in point is the use of the sensitive term counter insurgency. The US military speak in this context of a force multiplier or more simply winning hearts and minds, while in the European approach and for that matter the language of civilian parties, it has connotations of espionage, commando raids and the ill conceived Human Terrain System.

### **The volatile characteristics of Cultural Property and the interrelation between looting and poverty**

Cultural Property is potentially available for manipulation just because it is there and either physically, or as an idea accessible. A well-tryed method for manipulation was to take property representing cultural identity to add to your own group e.g. just before World War II the Nazi's defined paintings from Rembrandt as being "Nordic and/or Germanic" thus part of the German culture.<sup>81</sup> Cultural heritage can be potentially explosive in relation to conflict when poorly handled by the military. The Jewish archive case (see described in the paragraph about the media) illustrates this. Taking this into account Cultural Property is a potential source of conflict. Within the military certain parties or individuals who tend to avoid risks (often for career reasons) or want to cut on financial spending might use this potential as an excuse not to implement Cultural Property protection however this is not in compliance with international law. Apart from its manipulative and explosive characteristics, the notion that Cultural Heritage can be a source of dispute including claims is in itself good reason for the military to pay attention since conflict is their core business.<sup>82</sup> Modern devastations, including the destruction of Bosnia's national library in 1992, the shelling in 1993 of the Mostar's Stari Most Bridge in Bosnia-Herzegovina and the demolition of the Bamiyan Buddha's in 2001, show that the perception of heritage is changing.<sup>83</sup>

<sup>77</sup> With Force Multiplier is meant a capability that, when added to and employed by a combat force, significantly increases the combat potential of that force and thus enhances the probability of successful mission accomplishment.

<sup>78</sup> Acceptance by the local population of the presence of armed forces from another power.

<sup>79</sup> Non-state actors exploit the symbolic significance and financial value of cultural property to tactical advantage. Nemeth 2010.

<sup>80</sup> Personal correspondence of the author with Colonel Michael Welch of the Inter-American Defense Board. Organization of American States. dd. 24 December 2010.

<sup>81</sup> See Nicholas 1994.

<sup>82</sup> Van der Laarse 2005, Grijzenhout 2007 and Van Vree 2010 pp. 257-283.

<sup>83</sup> On 25 August 1992, Bosnia's National and University Library, a Moorish-revival building built in the 1890s on the Sarajevo riverfront, was shelled and burned. 1.5 million volumes, including over 155,000 rare books and

It looks like Cultural Heritage was in the past not perceived in the same fashion as it is today. Ownership was not particularly disputed and cultural objects were no regular source of conflict. Apparently, there used to be a dissimilar or less strong connection with identity unless religious identity was at stake. This changed perception and appreciation of Cultural Property has a military parallel too as can be seen in the continued adjustment of military ways of thinking. The military mindset is not only influenced by the factor time but also by cultural, socio-political, and geographical circumstances as is well illustrated in the already mentioned phenomenon of looting. Soldiers used to loot objects including cultural belongings as a form of pay but have today transformed into protectors of Cultural Property. This change suggests the existence of an interaction between history and the social conditions to which the military approach adapts, in this case looting. If this premise is true military-civilian interaction will, to a certain extent, also apply to other phenomena like iconoclasm and the military implementation of development aid. Assuming we want to explore looting as a phenomenon that is associated with other aspects of the military relationships with civilian populations it is essential to understand more about looting of cultural objects from a conceptual point of view.

The terms 'looting' and 'looters' are generally considered depreciative.<sup>84</sup> The negative label prevails over an objective description of looting as a certain activity. Many looters choose not to interpret their activities in a negative way but see these activities as justifiable and legitimate. Some point at the fact that they are unemployed and need to feed themselves and their families. Others justify looting as an act of taking back items that were in possession of a regime by entering its former facilities. From another perspective, looting is regarded as a by-product of violent protest and riots especially in the so-called flash or mob lootings happening through sudden outbursts. A clear example is the situation with the looters in the UK that pillaged stores during the recent (August 2011) sudden mob lootings in London and other cities in the UK.<sup>85</sup> Looting can take place being commissioned or at least triggered by collectors and the international antiquities market. Finally yet importantly looting can be organized by the own government to serve as a motive to take tough action against protesters. It is obvious that looting has several perspectives that have to be considered specifically in relation to military cultural intervention. One of the aspects of looting that can restrain or, just the opposite, urge Cultural Property protection by military is its interaction with poverty.

New techniques like satellite imagery gave way to methodical innovative research demonstrating amongst others Cultural Property's connection with poverty. Elizabeth Stone, Professor of Mesopotamian Archaeology at Stony Brook University US, started to study the commercially available high-resolution satellite imagery taken by the Digital Globe Corporation from Colorado.<sup>86</sup> Shortly before the 2003 invasion, Digital Globe began taking satellite photographs of southern Iraq for the Pentagon. Stone started buying the images and examined approximately two thousand sites using reference materials dating from before the sites were possibly damaged. Intervals of one month between photos of looted sites were used to develop a perspective on the chronology of looting.<sup>87</sup> This way it was possible to answer questions like: are specific type of sites preferred for targeting, is the size of a site relevant, how selective is the looting, are certain archaeological periods more favored by looters than others (thus indicating what type of finds to expect), how deep are the holes - to be distinguished by their blackness on

manuscripts; the national archives; deposit copies of newspapers, periodicals and books published in Bosnia; and collections of the University of Sarajevo were lost. Source: Riedlmayer 1995.

<sup>84</sup> Mac Ginty 2004, pp. 857–870.

<sup>85</sup> See for instance London riots: Looting and violence spreads <<http://www.telegraph.co.uk/news/uknews/crime/8687978/London-riots-Looting-and-violence-spreads.html>> [1 September 2011].

<sup>86</sup> See the company's homepage <<http://www.digitalglobe.com>> [17 July 2011].

<sup>87</sup> As described in Stone 2008.

the imagery indicating deep trenches that reach down to the earliest stratum of human history in the specific area?

The link between looting and poverty, in its turn part of development (aid) issues, brings a potential challenge for the implementation of military Cultural Property protection. Through the apparent interaction with poverty, looting becomes politicized and fit for manipulation. Consequently, attempts to get military Cultural Property protection implemented can be hindered. Prevention of looting is an essential task within military Cultural Property protection. Nevertheless, when certain NGOs that consider poverty fighting their core business notice the link with poverty they might take the opportunity to oppose to military involvement. It can even go further; several NGOs argue that they can operate cheaper than the military and therefore automatically claim all activities that in their opinion are not part of the military tasks, including Cultural Property protection. Not unlike commercial companies, NGOs tend to defend their market shares. This is not just theory; there are examples of military cultural activities that had to stop for this reason.<sup>88</sup>

Currently discussions take place about the idea to consider outsourcing of certain military tasks that are normally executed under the threat of violence to contractors, often-private companies like Blackwater.<sup>89</sup> Fortunately, in the case of CPP any outsourcing seems unlikely since there is a purely military motive legitimizing the military to fight looting and illicit traffic as described in the paragraph on the relevance of Military Cultural Property protection. One can assume that the military will not outsource such tasks. Guarding sites is nevertheless an activity that can be outsourced to private security companies. Another aspect to take into account is the gradual shift in the military mindset culminating in today's double military role of warrior and peacekeeper. The latter is a contemporary phenomenon that appears to be a *contradictio in terminus*. It is in sheer contrast with the time that looting was not always regarded as being illegal and abject. Already the Romans allowed their soldiers to plunder as a form of wages.<sup>90</sup> Even today, the traditional tribal militia in Afghanistan and Pakistan the Lashkar are not paid salaries but share in loot captured from the enemy.<sup>91</sup> Fortunately, they are an exception since in most countries modern operations and legislation forbid this form of pay.

It seems that the military mindset is not only subject to gradual changes in time but that more sudden changes can be triggered through social, political and cultural circumstances. In the context of this examination and while anticipating on future developments in the protection of Cultural Property, it seems relevant to take a closer look at possible reasons for global changes in the military mindset. Of influence are the development of international legislation on the subject and the slowly increasing awareness about Cultural Property protection's value as a military deliverable. In addition, Cultural Property is often important for the identity of (local) populations involved. Samuel Huntington already predicted in *Clash of Civilizations* that in the 21st century and then especially the post-Cold War world the primary source of conflict would be people's cultural and religious identities.<sup>92</sup> Furthermore, there is the fact that nowadays the state normally has the monopoly on violence and pays the soldiers so the necessity and permission granted to loot as a form of payment is no longer there. Finally, the increase of tourism causing Cultural Property to gain value as a means to generate jobs and income is a valid motive to

<sup>88</sup> Kila 2008a, pp. 177-178.

<sup>89</sup> A private military company founded as Blackwater USA in 1997. It has a wide range of divisions, subsidiaries, and spin-off corporations. The organization as a whole has stirred much controversy. It is currently renamed Xe Services LLC.

<sup>90</sup> Nicolet 1980, p.118.

<sup>91</sup> There was a clear understanding with the Lashkar that when they captured Srinagar they would be allowed to loot the treasury and the palace in lieu of payment. This was the accepted mode of warfare. Source: Lashkar invasion of Kashmir: the truth by Prof Farakh A Khan (19. 8. 07) posted on several blogs and forums.

<sup>92</sup> Huntington 1993 and Huntington 1997.

refrain from looting.<sup>93</sup> Considering that, the military mindset is part of the military identity and assuming that identities not only shift in time but are also influenced by socio-political circumstances it seems fair to conclude there is a causal link with the change in motivation to protect Cultural Property. Whether this assumption is supported by events will be explored in the section on historical trends in Part I hereafter.

<sup>93</sup> Towards the end of the 15<sup>th</sup> century, group travel already started to take place on a modest scale. As early as 1650 the first known primitive travel agency started operations in Paris while in the 18<sup>th</sup> century in England excursions to the mainland were offered. The big breakthrough came in 1841 when Thomas Cook (1808-1892) started organized cheap excursions helped by the development of faster means of transportation. All of this lead to today's Mass Tourism in which CP plays an important role.