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Heritage under siege: military implementation of the 1954 Convention for the Protection of Cultural Property

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Part I

The playing field of Cultural Property Protection

Setting the stage

In descriptions of business concepts and market models that include competitors and suppliers, the term "playing field" or level playing field is often used. Those that have a position or stake in an organization or project are usually called stakeholders while those that want to enter a market become a player or party. In a business context, the playing field is leveled in the sense that all participants play according to the same rules.⁹⁴ The use of the playing field metaphor seems appropriate in this study because CPP parties or players (e.g. NGOs, museums, and universities) are in constant competition with each other while stakeholders (e.g. IOs and Ministries) tend to defend their positions. Still all compete, not for victory but for control of the CPP market and to substantiate their identities. In fact analogue to behaviors of parties using and abusing Cultural Property in the event of conflict. One could say there is a CPP market/playing field and a CP battlefield whereas the first arena has to solve the problems created on the latter. This comparison is just used here in an attempt to clarify matters and does not pretend to be appropriate in another context. Actually using these two fields together would make matters more complicated since some players described in this research as being part of the CPP playing field can also be placed in the CPP battlefield as opposite forces e.g. illicit traffickers, opposing military forces and certain antique dealers. Finally, there are (potential) stakeholders e.g. the military of some countries that want to get out of the playing/battle field or do not want to enter it because they consider CPP not part of their core business or competence. These stakeholders can also have financial motives for not entering or staying in the market e.g. financial cutbacks at MODs. From a pure technical point of view, a playing field gives indications of parties, their respective positions, and the way they are interrelated so in fact networks are described. The parties addressed here are the military, the media, governmental organizations, non-governmental organizations, international organizations, workgroups and advisory groups and stakeholders related to commerce, crime, law, religion, and science.

Before giving an account of these parties and their networks some issues have to be addressed that directly relate to the setting of the stage. This is necessary to put CPP as a relative new subject in perspective. If needed contextual explanations and practical cases will be given of the respective stakeholders and players. This includes giving cases of good and bad practice while mentioning opposing sometimes-conflicting interests or implications. The playing field cannot only be described in terms of international and multinational dimensions since it contains interagency and interdisciplinary elements too. Apart from this, the playing field comprises more than conflict areas. Art and antique auction rooms as well as high-class antique dealers in major western cities, museums, universities and criminal courts and international tribunals set the scenery too. The information in this paragraph does not pretend to be complete but merely aims at giving an impression in which the main players, beneficiaries, as well as legal obligations are identified, described, and explained. In addition, experiences in theatre and peacetime preparations as well as procedures and events taking place after conflicts if concerning Cultural Property protection by civilian and military parties are taken into account.⁹⁵ One important party that will not be addressed extensively is local and national populations sometimes referred to as local communities.

⁹⁴ <<http://www.businessdictionary.com/definition/level-playing-field.html>> [17 July 2011].

⁹⁵ Not to be confused with national risk-preparedness for natural and manmade disasters.

These have a variety of interests ranging from economic to identity and safety issues and are just like the military always in situ in times of conflict.

It is a basic assumption that in peacetime the military focus on training and the creation of networks. These should provide for so-called reach back capabilities to be used in times of conflict, military exercises, and natural disaster. Examples of reach back resources are curators, restorers, universities, cultural NGOs and international organizations.

Civil parties in countries that ratified The Hague 1954 are legally expected to work on risk preparedness in the event of conflict as well as in the event of natural disasters. The latter demonstrates that the number and type of parties involved in preparations can differ from those taking part during military operations. Consequently, not in all possible situations actors mentioned participate at the same time or to the same extent. This depends on whether the activities happen before or during an operation but also on the types of action. A peace support operation for instance can differ from a counter insurgency or combat operation. Apart from this, it is questionable if for example scientific reach back capabilities, needed by the military for expert advice, want to engage with secret military operations. The military apparatus as a whole consists of a collection of acronyms; it is a matter of culture. The use of acronyms in this book is therefore inescapable not only to make matters more readable but also to open up the information for military officers used to reading and using acronyms. At the end this publication contains a glossary explaining the abbreviations used.

As touched upon the identity aspect of cultural heritage is vital. Identity is not only one of the three key elements (identity, authenticity, and uniqueness) in the civil heritage debate but is also a driver for many contemporary conflicts and disputes. In Bevan's *the Destruction of Memory*, the connections of Cultural Property with identity and conflict, and potential openings for strategic use by military or opposing forces are analyzed.⁹⁶ As an example of denying a people its past as well as its future, he discusses the so-called Kristallnacht of 1938 that caused the destruction of German Synagogues. Bevan labels the activity of destroying identity markers such as certain buildings as 'forced forgetting'. It all sounds logical it has to be noted however that historians will argue Bevan's claim that the Kristallnacht was a preconceived goal of the Nazis to delete Jewish identity from the memory of humankind.⁹⁷ A historical correct example would be the 1993 destruction of the Mostar Bridge in former Yugoslavia. Seen from Bevan's perspective, and when applied to conflict there is a military interest, to be exact the defeat of the enemy, that can lead to 'exterminate this enemy by obliterating its culture'. The scope is relatively wide since the threat to common objects especially buildings is considered a threat to identity moreover to the collective memory maintaining a group's consciousness. Here we are at a no man's land between cultural 'scapes' that are in Bevan's context probably typical neighborhoods and autonomous cultural objects including monuments that are actually free standing buildings.⁹⁸ If such typical neighborhoods are considered part of cultural identity CPP will be even more complex than it is now and extra expertise, to assess the presence of sensitive areas in case of military operations, will be needed.

The current scientific discourse is expanded with a debate about the link between heritage sites and cultural/natural landscapes, or to be more precise the cultural and natural aspects of heritage.⁹⁹ When one takes a closer look at cultural and natural characteristics, a specific military link becomes apparent, namely the connection of cultural resources with natural resources within

⁹⁶ Bevan 2006.

⁹⁷ The attack came as a reaction to the killing of a member of the German Embassy staff in Paris by a young Jew in retaliation for the poor treatment his family suffered at the hands of the Nazis in Germany. Source: <<http://www.historyplace.com/worldwar2/timeline/knacht.htm>> [17 July 2011].

⁹⁸ The term "scapes" is currently used as an indicator for different environments e.g. landscapes, cityscapes, sound-scapes, nature scapes, trauma scapes etc.

⁹⁹ See Luengo 2009 and the Convention concerning the Protection of World Cultural and Natural Heritage, <<http://whc.unesco.org/archive/convention-en.pdf>> [17 July 2011].

the environmental approach towards operations. The environmental connection aims at protecting and safeguarding the milieu including implications but provides for opportunities to introduce and consequently embed CPP capabilities in military organizations.

As established groups of people, tend to identify themselves with certain (cultural) objects. In addition, they want to appropriate these objects for themselves or their group as heritage. Via this process the objects reflect and represent certain identities thus receive (added) intrinsic values.¹⁰⁰ This quality is not evident at first glance but gives the property significance for opposing parties in a conflict. For instance a mosque is not simply a mosque but it can represent to an opponent the presence of a community marked for erasure. In the same token, a library or even an art gallery can be a cache of historical memory. A memory legitimizes a community in the present and in the future but it also gives an opponent room for selecting objects and places carrying meaning such as cultural landscapes, battlefields and memory/memorial sites, for intentional destruction with the aim of oblivion or to put it in other words, erasing from memory. These mechanisms are interesting from a military point of view but have to be controlled from a CPP perspective. National and international legislation applies to prevent misuse both from military and civilian stakeholders like politicians. Practical cases, to be presented later, will show that identity can also influence the position and actions of CPP stakeholders on a micro level. Identity on this level can be hidden in different phenomena such as traditions, corporate cultures, and bureaucratic behavior.

The contemporary scholarly debate on Cultural Heritage is of vital importance but also of a more profound level compared to the military driven discussion and connected issues that are addressed in this study. The main reason for this difference is that issues on military CPP form a new debate about a new discipline that in its current phase is still underdeveloped. In addition it should be noted that there is a civil scientific trend that tends to value methodology over contents or let's say to have function follows form instead of vice versa resulting in highly abstract approaches that appear not in concurrence with today's issues concerning heritage in conflict and disaster. Of course, everything is open for debate and the all perspectives need to be in balance with each other nevertheless transferring knowledge and raising awareness among the military concerning CPP should start on a functional level where it can gradually grow to the more sophisticated level. Albeit the strong need for scientific research that equals the necessity to raise awareness and stimulate participation of the military cannot be ignored.

There are multiple angles for a categorization of CPP stakeholders, so choices were made that best fit the current situation. An interesting approach comes from US Civil Affairs Colonel and archaeologist Mark Yanaway¹⁰¹. He distills the CPP stakeholders from what he calls the Paradoxical Trinity, the Government, the Army, and the People or in fact the Clausewitz's Trinity.¹⁰² He uses the site of Babylon as an example.¹⁰³ Babylon is perceived as an important Cultural Property and demonstrates through discussing the situation during and after its occupation until December 2004, that many stakeholders can be classified under Government. In this case the US Government and its institutions that were in charge during the US occupation, ORHA, OCPA and CPA, the Federal Government of Iraq and the Provincial Government of Babil Province. The example shows how different Governmental segments can have conflicting and complementing interests. Implicitly this is an acknowledgement from a military expert of paradoxes and contradictions within the CPP field, and as such a military recognition of the importance of Cultural Property. Yanaway compares his trinity with Clausewitz's original trinity:

¹⁰⁰ Bevan 2006.

¹⁰¹ A presentation at the AIA conference military panel January 2011 in San Antonio TX see: <http://aiamilitarypanel.org/events/aia-2011-workshop/> [17 July 2011].

¹⁰² Clausewitz 1968. (Original published in 1832).

¹⁰³ Babylon (Iraq) was the capital of a city state in Mesopotamia, located on the eastern bank of the Euphrates River. Babylon was founded at the end of the 3rd millennium BC, and lasted through the 2nd century AD.

emotion, chance, and reason. Opinions will differ on this sort of classifying or actually comparing parties with emotion, chance, or reason. Besides, a government is of course not always present in today's asymmetric non-state conflicts, and governments can also be substituted by ruling parties. Still the point is proven that mutual discussions between civil and military experts that might also lead to combined research can be fruitful and constructive.

A first and basic classification of stakeholders, sometimes also opponents in protection of cultural belongings, is military and civil parties, although certain entities can belong to both groups e.g. juridical experts, trainers and military and civil archaeologists. A second categorization concerns parties according to their interests. These can for example be classified as groups, factions, nations, tribes etc. that foster their identity while protecting and preserving objects representing these identities. Examples are the Copts, the Roma but also freemasons and the like. When referring directly to CPP stakeholders, distinctive entities like archaeologists, government officials, architects, and antique dealers come in the picture.

When economic and financial interests are at stake entities like the tourism industry, restorers and antique dealers can be distinguished. A third possible classification is mentioning and describing all relevant stakeholders by their professional or group's name. To obtain a detailed insight this appears to be the most functional method. In the following section a choice of seven key players will be discussed while explaining how they relate to each other within the field of heritage protection. Practical examples will show that some parties look upon CPP as a subject that is presented to the world as being invented by them. Consequently, it is a challenge that parties not only need to cooperate in raising their awareness on the relevance of the subject but also have to acknowledge that CPP should only and necessarily be implemented in a multidisciplinary fashion. Parties addressed are the military the media; politics including governmental institutions; non-governmental organizations (NGOs); international organizations (IOs); science including universities and working- or advisory groups. Finally, a number of parties are addressed under their own name since they are not classified within the groups mentioned.

The Military

Sometimes addressed as the Armed Forces, MoD or DoD. Within the framework of this study, they comprise paramilitary police like the Carabinieri and the Guardia Civil. Therefore when referring to the military as the armed forces it is more effective to speak about Ministries of Defense (MoD) or in the US Departments of Defense (DoD). The official entity containing the armed forces is normally a country's Ministry of Defense. Cultural Property protection resources can be embedded in defense ministries in different ways e.g. in CIMIC or Civil Affairs (CA) units, or environmental departments. It can even occur that they exist as separate capabilities within one or more services like the Air Force or Army. Let us first look into the international definition used to describe and specify the military as a party to a conflict. They consist of all organized armed forces or armed services, groups and units under a command responsible to that party for the conduct or its subordinates. This includes parties represented by a government or an authority not recognized by an adverse party. Such armed forces shall be subject to an internal disciplinary system imposed in compliance with the rules of international law applicable in armed conflict.¹⁰⁴ In the field of Cultural Property protection, the military are a major player. They not only have the state monopoly on the use of force when operating in their national territory, but also in certain cases through mandates and joint missions, restricted by rules of engagement, in areas outside their country of origin.

Soldiers operate during all phases of a conflict including those in which civil experts are not allowed or unable to function. In fact, they form both part of the problem and of the solution.

¹⁰⁴ Source: Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977.

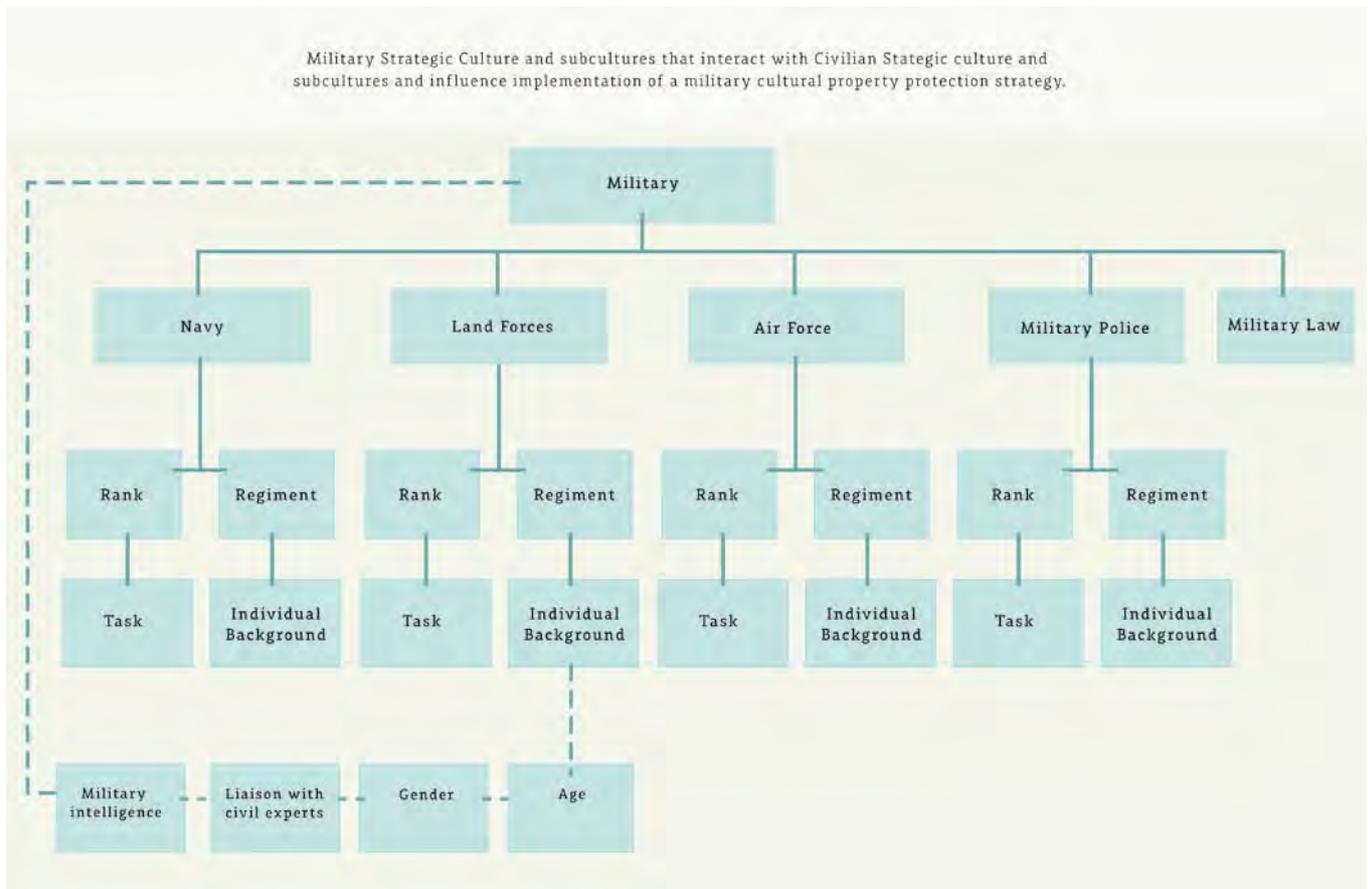
That is why armed forces are mentioned in legal documents about heritage protection like the Hague Convention of 1954. In a democratic system, the military only act when ordered by their governments. Therefore, it can be assumed that in most cases they are not ordered to implement CPP as described in the Hague Convention of 1954. For that, reason issues like impediments have to be considered while examining mechanisms and situations regarding implementing and embedding CPP capacity in armed forces. This paragraph provides an insight in the norms, ideals, and expertise within military organizations to facilitate further analysis.

It is a simplification to look upon "the military" as one solid entity since "the military" are in fact a collection of parts, e.g. Military academies, alliances like NATO, military juridical experts, military archaeologists, Ministries, and Departments of Defense and Civil Military Cooperation units. Within the components different cultures connected with ranks, blood groups, regiments, and services can be distinguished all with distinct characteristics. Yet seen from the outside the military have their own rather isolated milieu. At the risk of being blunt, it can be said that traditionally they form an almost tribal society predominantly interested in themselves and loyal to their traditions and values. The military hierarchy, the envisaged career path, possible qualification for staff positions and cultural aspects stimulate risk, or uncertainty avoidance resulting in the situation that military society is more risk avoiding than the civil society and subsequently has more problems with changes and influx of new tasks.¹⁰⁵ These special conditions also create a feeling of superiority, which makes it for outsiders difficult to raise awareness of topics like cultural heritage. Soldiers look upon these matters as representations of civil and not military society. Nonetheless, it can be said that today's military appear less afraid of change and more than before open to tasks concerning development and environmental issues. Still it will take a while until all genetic characteristics that used to be typical for the military have transformed into new attitudes and finally will become part of the military collective identity. Cultural and geographical backgrounds of the various armed forces as well as education are of influence to this process.

The picture below shows military strategic cultures influencing the degree of receptiveness to be educated about, and work with new expertise and subjects like CPP.¹⁰⁶

¹⁰⁵ Hofstede and Hofstede 2003.

¹⁰⁶ Strategic Culture is that set of shared beliefs, assumptions, and modes of behavior, derived from common experiences and accepted narratives (both oral and written), that shape collective identity and relationships to other groups, and which determine appropriate ends and means for achieving security objectives. Source: Comparative Strategic Culture Syllabus, Johnson and Larsen, 2006.



3. An example of the military social tissue. © J Kila

Potential incentives for paying attention to Cultural Property and related civil-military aspects plus activities do exist as common denominators. Like most civilians, also military are interested in cultural property especially when there is a relation to their business. In this context, we can think of war monuments and museums containing warplanes, weapons, uniforms and the like, not to forget, for some, famous battlefields. Historical sources describing military history and the art of war are appreciated too, combined with a potential receptivity for codes, traditions, and iconography as is stimulated during military education. There is such a thing as a military mind-set or the ways in which personnel not only relate to one another but also the manner in which they contribute to decision making processes, exercise leadership roles, and interpret significant world events. Concerns range from an examination of honor codes at the service academies to consideration of topics like nuclear deterrence, the use of biological and chemical warfare, the development of 'just war' doctrine, and the ethics of intervention.¹⁰⁷ Recently this repertoire is expanded with issues like sustaining military readiness in which attention is paid to the environment in the form of natural and cultural resources.¹⁰⁸ Organizational aspects can hinder implementation of matters like CPP. Apart from the already identified trend of personal risk avoidance, military organizations as a whole tend to avoid change and risks too. Ministries of Defense are in most cases large complex organizations. Their staff members have a tendency to value means over ends, they worry more about following the right rule than about achieving the ultimate goal.¹⁰⁹ In the Dutch Defense organization, this is especially apparent in the behavior of

¹⁰⁷ Source: ETHICS AND THE ARMED FORCES Naval War College Library Notes, May 1997 (revised August 1997) Vol. 25, no. 4.

¹⁰⁸ See: <<http://smrconference.com/Agenda/index.cfm>> [17 July 2011].

¹⁰⁹ Wilson 1989.

those that are destined for higher positions, the so-called staff qualified to be recognized by a special emblem on their uniform shaped as the sun. De facto, this qualifying system is a recipe to create unnecessary risk avoidance, thus suppressing creative and visionary ideas.

Having acknowledged this, it has to be taken into account that in a military organization more than in civil organizations, it is customary for people to follow orders from their superiors. This is extremely relevant in wartime but in peacetime it contributes to restraining development and implementation of new ideas and strategies. Moreover, the military hold many cultures and all of these see different tasks as most relevant. As a result, different individuals are active in the same field, often working against- or in the best case supplementing each other. In this respect, they do not differ from actors in the civil playing field. In both arenas multiple interests, groups, competences, and political power structures compete. There is one unwritten rule 'tasks that are not part of the culture will not be attended to with the same energy and resources as tasks that are part of a certain culture'.¹¹⁰ This became apparent in many cases examined for this study. A good pars pro toto was the organization of the Dutch military seminar on the Protection of Cultural Property in times of Conflict and its connection with the Comprehensive Approach during military operations, that took place in The Hague in 2009. For instance, the funding for the event was quite limited. In fact too limited to offer the right quality, fortunately external funding was offered from the city council, financial support from non-military partners was however not accepted by the MoD. Other challenges concerned freedom of information about military CPP. At the last minute the press was not allowed to attend the seminar, this was ordered by the MoD head of communication, no reason was given. After the seminar, attempts were made to get clarification from the responsible official without result. In addition, there was an issue concerning the use, in a power point presentation, of apparently classified materials. These experiences seem to support the, already presented suppositions that the military have, and want to keep their own isolated milieu and that protection of cultural heritage is a topic connected to competence struggles and angst for the media, often combined with the urge for distinction. The effects of contradictive rules and competence struggles within the military organization can have on CPP might be illustrated by two examples: number one is Civil-Military Cooperation as an example of conflicting strategic cultures and number two concerns the issue of ranking functional specialists.

NATO defines CIMIC, the acronym for Civil-Military Cooperation, as 'the co-ordination and co-operation, in support of the mission, between the NATO commander and civil actors, including national populations and local authorities, as well as international, national, and non-governmental organizations and agencies'.¹¹¹

The basic format of CIMIC comprises five branches; Civil Administration, Humanitarian Aid, Civil Infrastructure, Economy and Commerce and Cultural Affairs.¹¹² The latter designation however creates confusion. Some countries attempt to implement Cultural issues through Civil Military Cooperation; others address cultural matters through Civil Affairs (CA) units. The use of the adjacent word cultural gives room for multiple interpretations. If a country is well aware of its

¹¹⁰ Wilson 1989, p. 101.

¹¹¹ There is a difference with Civil Affairs (UK and US) and British CIMIC. Whereas NATO, as an organization, considers civil-military cooperation as "observation, interposition, and transition assistance," the British perceive CIMIC as "direct assistance by conventional troops," and Americans recognize it as force protection, liaison, and limited direct support (Celik 2005). Force protection is a term used by the US military to describe preventive measures taken to mitigate hostile actions against Department of Defense personnel (including family members), resources, facilities, and critical information. Force protection does not include actions to defeat the enemy or protect against accidents, weather, or disease. Source: Department of Defense Dictionary of Military and Associated Terms 8 November 2010 (As Amended Through 15 May 2011). <http://www.dtic.mil/doctrine/new_pubs/jp1_02.pdf> [17 July 2011].

¹¹² Cultural Affairs is the name according to NATO's CIMIC Doctrine.

legal obligations concerning CPP, of course depending on the treaties it ratified or signed, there is more chance for an interpretation towards 'concerning cultural heritage protection'. However if there is no special familiarity with this topic confusion can occur in case of a mix-up with cultural awareness. The latter means information on cultural backgrounds, it uses the wide anthropological connotation of culture or better said all cultural issues thrown together.

Since the early 1990s, CIMIC appeared on the political and military agenda's. In fact, it is related to the much older concept of Civil Affairs that is still in use in the UK and USA. In line with NATO directives, a number of countries started creating CIMIC capabilities within their Armed Forces. Yet, most countries did not have the necessary resources such as cultural specialists within their armed forces. Experts had to be found in civil society, painted green, the military expression for militarizing civilians, and deployed as reserve officers, in CIMIC known as functional specialists. So far so good, except it became clear that in practice cultural experts were never sent on missions to conflict areas. The only initiated Dutch CPP project in the Former Yugoslav Republic of Macedonia was even stopped because the Dutch Ministry of Development Aid opposed to the fact that military experts would do work that NGOs could do.¹¹³ In fact, Dutch CIMIC projects executed in conflict areas primarily concerned water sanitation, construction of bridges, and commerce. It is probably not a coincidence that these represent typical Dutch export specialties that mainly involved the CIMIC Civil Infrastructure and Economy and Commerce departments and were not seldom supported by funding from other ministries than just the MoD. In this study, however only CIMIC matters linked with CIMIC Cultural Affairs will be discussed. With respect to Cultural Property protection, in CIMIC known as Cultural Affairs, the AJP-9 or CIMIC doctrine has led to poor results in practice because it was written with more common public policy issues in mind, such as providing humanitarian aid, repairing electricity and sewage systems and supplying drinking water.¹¹⁴ In addition, there is certain reluctance since the military does not want to be accused of spending tax money where it is not necessary. They neither they want to be labeled as being in competition with civilian players like NGOs, or be accused of devoting resources to objectives beyond the scope of their mission.

Still there is more to consider, such as all kinds of rules and directives that appear to be contradicting each other and are set out and described in the annexes of operation plans or Oplans to achieve the end state of a mission. All of these aspects primarily serve military goals. Seen from this perspective by a commander CIMIC is in the first place a tool to reach the end state of a mission faster and easier by creating and keeping good relations with the civil environment in fact the local population. A real show stopper for CPP projects is the directive deriving from the AJP-9 doctrine stating that all CIMIC activities in a certain area have to meet a basic military criteria, namely to be in support of the commander's mission.¹¹⁵ Military commanders are rarely spontaneously interested in cultural property and cultural property advisers who could point out the relevance to them are hardly ever deployed nor employed for that matter. Therefore, the subject is almost never chosen or implemented as a CIMIC activity. If it was, still a legal contradiction may arise between a military decision implicating low priority to cultural affairs in the context of the military goals, and an action for instance to protect an object as mandatory under the Hague Convention of 1954 and protocols. Since the CIMIC (cultural) activity is judged and started through an order of a military commander, CIMIC does not appear to be the right platform or institution to house Cultural Property protection officers who by nature feel compelled to follow the Hague Convention of 1954 and other relevant legal instruments. This does not mean that CIMIC cannot employ Cultural Property specialists; they

¹¹³ Kila 2008 a, and b.

¹¹⁴ Kila 2008a.

¹¹⁵ NATO CIMIC Doctrine AJP-9 states: "The co-ordination and co-operation, in support of the mission, between the NATO Commander and civil actors, including national population and local authorities, as well as international, national and non-governmental organizations and agencies."

can always be lent out to MoD embedded Cultural Property capabilities. In this way Cultural Property protection as a MoD dedicated capability will not only solve the problems described, but expertise will at the same time be available for all military services (Army, Navy, Air Force and Military Police). This means that preparations and training can be imitated in peacetime as well as during operations, and the same goes for research on the subject and the building of networks. Such a solution demands for making a choice and for allocating funding. In practice, this is more complicated than one should expect. When no provisions are made in advance following for instance the legal obligations, the military tend to leave such matters to be initiated by civil policy and decision makers. This brings an extra complication since the latter often confuse cultural aid with the highly politicized humanitarian aid that is in general implemented by NGOs to avoid false competition accusations.

Adding to this is the fact that CIMIC commanders and planners are likely to give priority to so-called high visible quick impact projects, like refurbishing schools and digging water wells in order to win the hearts and minds of a local population.¹¹⁶ This supports the thesis that the urge for, in this case individual distinction, to be precise the upgrading of a personal status and in second instance a military objective, stand in the way of protecting cultural belongings that represent the identity of a larger entity, in a conflict situation. Taking this into account, CIMIC and Cultural Property protection appear no easy mix. The fact remains that when a Commander wants to get a complete inventory of civilian needs, professional advice from experts representing all civil military functional areas including Cultural Property protection is necessary. The best way to get this information is through assessments that have to take place before an actual operation. Concerning the cultural heritage situation in a mission area assessments are not only desired but also mandatory.¹¹⁷ When Cultural Property protection capabilities are embedded in a Ministry of Defense such assessments can be scheduled, prepared and executed as a regular activity within the military planning process. In most current situations in which the military are not convinced of the importance of CPP this will remain a challenge.

The military organization houses more potential constraints for the implementation of CPP by (CIMIC) Functional Specialists and for that matter for reservists in general. A tough issue is ranking, in the sense of employing individuals in a certain military rank. It is a subject of discussion within the military, because of (as perceived by professional military) the relative high rankings reserve functional specialists, such as Cultural Property experts, get. Since there are not enough qualified experts within the Armed Forces that can be deployed in the CIMIC functional areas, they have to be recruited from civil society. In general, these experts want to earn at least the income they are used to. This is a human resources challenge for most MoDs. In the Dutch Ministry of Defense, for example, two major grounds are used to determine the ranking level. First within the military, pay is directly connected with rank. As established, in order to be able to recruit highly qualified civilian experts they must be paid a reasonable salary. Average incomes that MoDs have to offer are considerably less than civilian salaries that are paid to highly qualified expert personnel. Because of the connection between rank and salary, ranks offered to specialist personnel recruited from civil society are relatively high. Secondly, to be able to properly negotiate in the field with governmental officials, higher foreign military officers, and international organizations the specialist officer should have a representative (high) rank to be taken seriously.

Opposition against the level of ranking occasionally comes from professional military. They frequently argue that foreign military cannot see that a certain high-ranking officer is a functional specialist who is not equally equipped and trained to act in military emergencies, while the

¹¹⁶ This problem is less obvious with US Civil Affairs (CA) commanders who on the average stay longer in theatre.

¹¹⁷ See for instance Chapter 2 of the Second Protocol to the Hague Convention of 1954.

(foreign) military of lower rank expect the same officer to act and take command. This can be avoided by having high ranking specialists, when they are send out in the field, accompanied by at least one professional colleague, probably of lower rank, acting (by mutual agreement) as a so-called functional superior during such a field assignment, as was tested during deployment in Iraq.¹¹⁸ Nevertheless it is curious that the troubles described do not seem to exist for military medical, religious and legal staff, perhaps because these militarized experts have long proven to be necessary in the armed forces, whereas cultural officers and their expertise are seen as something new and, in the eyes of some, unnecessary. Last but not least, the arguments above, as well as field experiences show, and confirm, that ranking is connected with status and therefore identity. Once more this supports the argument that proper implementation of CPP is restraint because entities that have to solve Cultural Property problems in practice are facing strategic cultural, often identity related problems within their own circles. Having said this, it is time to look at external factors that can be of influence to the whole CPP picture. Today's most critical factor to consider is the media.

The Media

Within the range of this research, and taking into account that due to technical advancements their relevance is rapidly increasing, it became clear that the media can play a significant role in CPP. When discussing the media it is important to consider that there is currently a big variety of vehicles to spread and exchange information. In the past newspapers, magazines, radio and television were ruling but times have changed. New media, that often cover the whole world, will be addressed in this paragraph and it goes without saying that they all have a potential influence on the behaviors of political and military CPP stakeholders. To give an example; the media input regarding the Baghdad Museum looting made the already low international support from within society for the Iraq war almost disappear.¹¹⁹ In spite of the fact that the United States (too late) tried to limit the damage they got the image of a destroyer of culture that remains intact until today as is confirmed in the paragraph on training in the Egypt/Bright Star case. Today even the public, through social networks can affect a military mission and a country's reputation. More than ever information and communication play key roles since they are capable of provoking negative international reactions or triggering positive media coverage, whereas the latter can generate military force multipliers. One should not underestimate the influence of bloggers and websites that can be either individually driven or by specific interest groups and have a big potential to influence opinions. The same goes to certain extents for the, already mentioned, social networks or social media like LinkedIn, Facebook and You Tube. A derivative of this is called Viral Marketing also named "going viral" referring to marketing techniques that use pre-existing social networks to produce increases in awareness concerning brands or certain topics. Viral in this context is used to point at the self-replicating spreading process of viruses. CCHAG's Paul Kunkel gives an impression of possibilities to use these techniques and media for CPP in a presentation under the title: 'Going Viral: A Web Portal Concept for CHCAG and beyond'.¹²⁰ Effectively the media can help in getting CPP obligations fulfilled. From this perspective, the 'uncertainty avoiding attitudes' of military and governmental decision makers can work positively because they fear 'a bad press' in fact meaning bad reports from old and new media. This gives them enough reason to, where possible, exclude unnecessary (personal) risks, and to especially aim at fulfilling legally imposed obligations. Then again, this can also lead to

¹¹⁸ For instance during my deployment in al Muthanna see the Uruk casus.

¹¹⁹ Especially the CNN images of looters and museum staff in the shambles of the museum.

¹²⁰ Paul Kunkel, SAFE/Saving Antiquities for Everyone, Inc., New York, NY. Paper for presentation at the 112th Annual Meeting of the Archaeological Institute of America, Workshop 4A: Collaboration Between Cultural Heritage by AIA-Military Panel (CHAMP) and CENTCOM Historical /Cultural Action Group (CHCAG). San Antonio, TX, 6-9 December 2011, <<http://aiamilitarypanel.org/events/aia-2011-workshop/>> [17 July 2011].

exclusion of the press as happened in the earlier addressed Dutch MoD seminar in The Hague that took place in 2009. The head of the Press and Information department of the Dutch MoD personally banned all press and interviews.¹²¹

Publications can have impact too as can be seen in a number of book titles used in reference with the damaging of Cultural Property. Some publications dealing with the subject make use of the term rape in their titles e.g. *the Rape of Europa*, *the Rape of Mesopotamia* and *the Rape of the Nile*.¹²² Apart from the section with case studies that constitute a separate part in this book, two cultural heritage cases will be addressed here showing the media's influence and weight for bringing issues out in the open. First, a discussion initiated by both the press as well as internet bloggers about the Human Terrain Systems (HTS) and secondly the case of the Jewish Archives from Iraq.¹²³

The HTS discussion contains ethical concerns probably by accident connected with Military Cultural Property protection and as such represent a challenge for implementing CPP. The issue is the current, international, media driven discussion about ethical issues concerning social scientists who work with the military. Opponents of scholarly engagement with the military use this anthropological involvement in the Human Terrain Systems as a justification to react against all cooperation from social scientists including the realm of military Cultural Property protection. Their actions restrain the process of making the military aware of the obligations in the 1954 Hague Convention and Protocols. The core of the problem is that social scientists, working for the American HTS-teams, are mistaken for cultural property experts working with the military within the framework of the 1954 Hague Convention and its two protocols or other international legal instruments. Due to this confusion a, relatively small, number of archaeologists and anthropologists spread confusion. During the World Archaeological Congress (WAC 2008) in Dublin, this led to a confrontation.¹²⁴ CPP experts working with the military gave papers, participated in panels, and had to face fierce opposition. Intense ethical issues drove remarks and arguments from opponents. During discussions archaeologists who had chosen to partner with the military were labeled as 'part of the problem' and accused of having lost their impartiality. This reminded me of the nineteen-sixties when similar allegations were made to individuals partnering in various capacities with the military. These accusations were often true but the political global situation and the type of conflicts were completely different at the time. Several articles discuss the ethical problem.¹²⁵ A statement that illustrates the ruling opinion as well as the degree of confusion comes from the American journalist Dahr Jamail who spent eight months in Iraq, from 2003 to 2005, and at the time, was one of the few reporters not military embedded. He writes that 'Social scientists in the Human Terrain System teams embed with the military, ostensibly to improve cultural awareness of the populations in Afghanistan and Iraq. However, this cultural awareness is used to formulate strategies for killing and destruction'.¹²⁶ The fact that in the US the hearts and minds strategy of counter-insurgency was stressed did not make things

¹²¹ An explanation was not given but risk avoidance and lack of knowledge on the subject were most certain driving his behavior. At the time the author who was also the organizer tried repeatedly to get an explanation but no answer was given. All contacts with the head of the department were refused.

¹²² Nicholas 1994, Fagan 2004 and Rothfield 2009.

¹²³ HTS is a new proof-of-concept program, run by the U.S. Army Training and Doctrine Command (TRADOC), and serving the joint community. The near-term focus of the HTS program is to improve the military's ability to understand the highly complex local socio-cultural environment in the areas where they are deployed; however, in the long-term, HTS hopes to assist the US government in understanding foreign countries and regions prior to an engagement within that region, source: <<http://humanterrainsystem.army.mil/>> [17 July 2011]. HTS embeds anthropologists and other social scientists with combat brigades (currently in Iraq and Afghanistan) to help tacticians in the field understand local cultures using Human Terrain Mapping.

¹²⁴ 6th World Archaeological Congress (WAC) held at University College Dublin, 29 June – 4 July 2008.

¹²⁵ See for instance Price 2008 and Jamail 2009.

¹²⁶ Quote: Dahr Jamail, May 17th, 2009 | T r u t h o u t.

<<http://declarationofpeace.org/published/may-17-2009-engineering-trust-of-the-indigenous-popula>> [July 17th 2011].

better but triggered even more opposition from experts. The link between counter-insurgency and hearts and minds and subsequently CPP is explained in detail in the paragraph about the sociology of CPP and the Military. Nevertheless to quote American anthropologist David Price: "The problem with anthropology used in counterinsurgency isn't just anthropologists helping the military to wear different cultural skins; the problem is that it finds anthropologists using bio power and basic infrastructure as bargaining chips to force occupied cultures to surrender".¹²⁷ The above clearly describes the problem namely confusion about the word Cultural Awareness, a term often mistakenly seen as (part of) CPP.

Already introduced, to explain the concrete relevance of CPP are 1, common denominators to illustrate the significance of cultural property for civil and military players and 2, deliverables, that can be of tactical and strategic relevance for the military.¹²⁸ Military planners and senior leadership, currently largely uninformed, have to be made aware of their existence. If they realize the significance of the deliverables, this will be taken into account when missions are planned. There is however, no guarantee that things automatically go well. How matters can develop in practice, especially when cultural objects are handled inconsiderately, is illustrated through the case of the "Jewish archive". The story includes several parties that behave as contestants disputing Cultural Property which is literally illustrated by the way they react in the media (used as the battlefield).

On 17 January 2010 an article was published in The Washington Post with the header 'Iraq reclaims a Jewish history it once shunned'.¹²⁹ During the last war in Iraq in May 2003 US military found in the flooded basement of a deserted building once belonging to the Mukhabarat - Saddam's secret police a collection of old Jewish books, photo's and manuscripts. The former Iraqi secret police are believed to have confiscated the items from the small Iraqi Jewish community. These objects, addressed as the Jewish archive looked heavily damaged. At the time the US had only one arts, monuments and archives officer working in Iraq. She was asked to examine the objects from the basement and found that they were damp and invested with mold. The only way to stabilize them for the time being was freezing, so a refrigerator truck was found and parked in a warehouse in the back of Saddam's former Palace located in the so-called Green zone. The truck's motor was kept running to sustain the electricity until September 2003. In the meantime apparently an agreement was reached, later approved by the Iraqi Ministry of Culture to move the objects to the U.S. for preservation.¹³⁰ The archive was flown to Ft. Worth, Texas with a military cargo plane and finally ended up in the National Archives and Records Administration NARA in Maryland. It was supposed to return to Iraq after two years, but the Iraqis have never pushed for its return since they were more focused on surviving the violence in their country. Yet, now (2010) they want it back! The problem is that apparently more parties feel entitled to get possession of the collection. This triggers a lot of different, sometimes opposing statements and opinions that will influence public opinions. Media quotes show how the Cultural Property at stake is claimed and which arguments are used.

¹²⁷ Ibid.

¹²⁸ Tactical level is the Level at which activities, battles and engagements are planned and executed to accomplish military objectives assigned to tactical formations and units. The operational level is the level at which campaigns and major operations are planned, conducted and sustained to accomplish strategic objectives within theatres or areas of operations. The strategic level is the level at which a nation or group of nations determines national or multinational security objectives and deploys national, including military resources to achieve them.

¹²⁹ Sources: 'Iraq reclaims a Jewish history it once shunned', by Rebecca Santana, The Associated Press, Sunday, January 17, 2010; e mail correspondence dated January 22, 2010 from the author of this dissertation with Major (ret.) Corine Wegener the CPP officer involved at the time.

¹³⁰ Effectively Iraq was during this period governed by the US led Coalition Provisional Authority (CPA.)

Saad Eskander, the director of the Iraq National Library and Archives said Iraqis must know that we are a diverse people, with different traditions, different religions, and we need to accept this diversity ..." To show it to our people that Baghdad was always multi-ethnic" .

Abdullah Hamid, the head of Iraq's National Center for Manuscripts and Documents adds: "I am afraid that there is pressure from some groups, both inside and outside the United States, in order to prevent the return of these Iraqi manuscripts to their original country".

Doris Hamburg, who directs preservation projects at NARA denies any pressures and stresses "Iraq can have the archive back whenever it wants", Iraqi officials at the National Library said they have no indication the Americans are trying to hold onto the archive.

Dov S. Zakheim, an Orthodox Jew who was a senior Department of Defense official under President George W. Bush warned that if the Iraqis were to claim the archive as their own, it would anger the Jewish community. "It's not theirs. It's just not theirs," he said. "Jews feel very strongly about their heritage".

Mordechai Ben-Porat, who helped Jews leaving Iraq after Israel's establishment in 1948, says the archive should be in the museum dedicated to Iraqi Jews which he runs in Israel. "The books belong to the majority of the Iraqi Jews, and they are not in Iraq. The books should be given to us, as the representatives of the Jews of Iraq".

According to Saad Eskander the archive's long absence from Iraq has made it politically sensitive. It much annoyed Iraqis that the Americans who failed to protect Iraqi cultural treasures were devoting such care to the Jewish archive. "The American national archive did a great job, and we are grateful for their help. ... now we will do it here in Baghdad. It is our Cultural Heritage".

Iraqi officials will go to the US on short notice, to assess the materials found by U.S. troops and plan for their return. Obviously publicity concerning this case will not stop for the present. It shows how unpredictable Cultural Property protection can work out when not treated with the utmost care.

In this one incident different interests, distinctive identities, legal dilemmas and media exposure, all triggered by military implementation of CPP become visible. It should be clarified for the legal context that, at the time the "archive" was shipped to Texas, the US was not a party to the 1954 Hague Convention but Iraq was, therefore Chapter III, article 18 of the Hague Convention of 1954 applies and it seems mandatory to return the objects to the country of origin after the hostilities ended. Nevertheless this example can illustrate to military leadership that inconsiderate actions regarding handling of Cultural Property can harm both a military operation as well as the reputation of a country involved.

To conclude, both cases demonstrate that media exposure can draw attention to ethical concerns thus forcing parties to reconsider certain cultural activities. The second example confirms the mechanism described earlier that media coverage can trigger groups or individuals from different geographical descent to identify themselves with certain objects and consequently claim them as heritage or in this case objects are claimed that are considered part of their (existing) heritage in order to strengthen their present identity. It can also happen that claims are made for financial reasons, or get a new value but this seems not to be the case here.

A last example of media influence involving the new social media in particular Twitter and Facebook is the revolt in Egypt (end of January 2011) to be discussed more in detail in a case study in Part II. Social media not only played a big role in mobilizing demonstrators and informing the international news media but also spread news to the world about the looting of Cultural Property. Some quotes from an email that was sent to me by a US Archaeologist with direct contacts in the field illustrate this: "I just received this information directly (on Facebook) from Egyptologists and members of the Supreme Council for Antiquities (SCA) who are witnessing the situation".

"Verified by Mohammad Megahed: Immense damages to Abusir and Saqqara, all magazines and tombs which were sealed were entered last night. Only Imhotep Museum and adjacent central

magazines protected by the military. In Abusir all tombs opened. Large gangs digging day and night everywhere".¹³¹

These reports, that were all quite timely, compared to the situations years earlier in Baghdad demonstrate that the social media are not only faster than the older media but the reporters, that are often the Cultural Property experts themselves, are less vulnerable for potential censors like Governmental and Political entities.

Governmental institutions and political organizations

Governmental parties are antiquities services, ministries of culture, Foreign Affairs and development aid¹³². Ministries of Defense are discussed separately in the section about the Military.

'Foreign Affairs has good ideas and a feel for the political landscape, but they are bad at implementing anything. Defense, on the other hand is excellent at logistical stuff, but has blinders on when it comes to policy".¹³³

This quote shows one of the core problems that affect cooperation in this case concerning CPP within governmental institutions and political entities: all governmental institutions have different interests and areas of expertise. Nevertheless, a multi agency approach is always needed because of the variety of CPP stakeholders. In order for assets to be used in support of CPP the institutions involved need to be aware of incentives that can be generated and of common interests they have as part of the government as a whole. To give an example, many governmental institutions own, and use monuments like historical buildings, a common interest is conservation and preservation of these cultural properties. Again practice shows that in order to stimulate departmental attention CPP's value as an incentive or as a subject that can trigger synergy has to be demonstrated and explained thoroughly. Potential synergy can for instance be found in the domain of Foreign Affairs especially in the actual ministries, departments and embassies. Seen from a wider perspective Foreign Affairs has a relation with CPP via cultural diplomacy that in its turn plays a role in national politics as well as in reconstruction processes during foreign missions. Diplomacy has always been linked to culture and cultural diplomacy as such has existed since ancient times.¹³⁴ The Pharaonic Egyptians for instance already practiced diplomacy with the inclusion of cultural ceremonies in which objects and artists often served as gifts. Throughout time explorers, musicians and antique travelers like Marco Polo played a role as informal cultural ambassadors. Cultural diplomacy is defined as "the exchange of ideas, information, art, and other aspects of culture among nations and their peoples in order to foster mutual understanding".¹³⁵ Today's military operations abroad can involve diplomatic experts from either State departments or embassies that cooperate with the military and cultural experts. Important contacts with opposing governments or foreign dissidents, in times of conflict often start with attempts to connect with intellectuals, artists, and foreign cultural institutions. De facto, any cultural diplomacy policy will not be taken seriously if the implementing country has a reputation to destroy Cultural Property during military operations or has reputation for not following the directives of The Hague convention of 1954. Unfortunately, cultural diplomacy as such, is declining since it suffers, to a certain extent from the same lack of funding as CPP. Nonetheless as former cultural diplomat Richard Arndt says "the loss could be repaired. A decent Cultural diplomacy (of which CPP takes part) costs amazingly little, a shadow of the cost of one wing of fighter aircraft."¹³⁶

¹³¹ Email to the author from Dr. Sarah Parcak University of Alabama at Birmingham Jan 30th 2011.

¹³² Such ministries can have different names e.g. foreign affairs can be called State Dept. this differs per country.

¹³³ Wilkie 2008.

¹³⁴ See also Asgard 2010.

¹³⁵ Source: Cummings, 2003. p.1.

¹³⁶ Arndt 2005, p. xxi.

Like with CPP there are also incentives for Defense, as indicated the troops could be supported by cultural diplomats during missions, including peacekeeping operations. The exact role of cultural diplomacy in CPP or vice versa has not been examined yet, but further research should be undertaken soon. CPP and cultural diplomacy encourage other peoples to give the implementing country the benefit of the doubt on specific policy issues or requests for collaboration, since there is a presumption of shared interests.¹³⁷

Governmental institutions are naturally affiliated with politics. From all parties involved in CPP the government, or in reality politics is potentially decisive when it comes to the implementation of CPP. When the government allocates funding and orders the military to implement CPP in their organization and provides for coordination and, even more essential, cooperation with civil entities preferably also on the international level, more energy and intellectual input can be spend on the contents of CPP instead of how to get permission and funding to get things implemented. Of course, Governmental institutions comprise Governments. Important for the purpose of this study are especially those governments that are party to the Hague Convention of 1954 and other relevant legislation. To get an overview of their current behaviors and practices regarding CPP implementation by military organizations, a paragraph at the end of Part III will present some examples.

Non-Governmental organizations (NGOs)

The average non-governmental organization is legally constituted and works independently from any government. One can distinguish international and community or national NGOs. Some NGOs have a consultative status with UN's Economic and Social Council (ECOSOC), others are affiliated to another UN organization or institutions like the World Bank. Currently, UNESCO has official relations with 348 international NGOs and 20 foundations and similar institutions, which are working in the fields of competence of the Organization.¹³⁸ Of course, one can also find numerous small NGOs with a formal or even informal legal status. Three categories are relevant to be distinguished for the purpose of this book. First NGOs that, according to their statutes, deal with Cultural Property such as the World Monuments Fund, Getty Foundation, WATCH and SAFE.¹³⁹ Secondly, there are NGOs not involved with cultural heritage related matters, such as Doctors without Borders, Oxfam, and Greenpeace. There is good reason to make this distinction, because there is a lack of knowledge within NGO circles about cultural heritage issues since most Non Governmental Organizations concentrate predominantly on humanitarian aid. Fact is also that the NGO market is highly competitive and therefore organizations tend to protect their market shares while sometimes not relying on accurate information. This can lead to the situation that organizations without cultural heritage expertise do not want to miss chances concerning a CPP topic often driven by the argument that they consider it no military issue. The motto is everything that is no military core business has to be done by NGOs. This slogan, when combined with the multi interpretable dictum 'as civilian as possible, as military as necessary' that some NATO partners CIMIC departments use is a recipe for trouble and miscommunication. Thirdly, there are NGOs that deal with cultural issues but these activities concern intangible art forms like dance and music or the modern visual arts like painting and sculpture. These regularly aim at organizing exhibitions and supporting artists.

¹³⁷ Source: Cultural Diplomacy The Linchpin of Public Diplomacy. Report of the Advisory Committee on Cultural Diplomacy. U.S. Department of State. September 2005.

<<http://www.state.gov/documents/organization/54374.pdf>> [20 July 2011].

¹³⁸ <http://portal.unesco.org/en/ev.php-URL_ID=32906&URL_DO=DO_TOPIC&URL_SECTION=201.html> [17 July 2011].

¹³⁹ WATCH: World Association for the protection of Tangible and Intangible Cultural Heritage in times of armed conflicts. SAFE/Saving Antiquities for Everyone. <<http://safecorner.savingantiquities.org/>> [17 July 2011].

Good reason for the distinction made between cultural (in the sense of CPP) and non-cultural NGOs is the fact that in the Netherlands some NGOs confuse cultural activities undertaken by military experts with humanitarian aid. They tend to react strongly against utilizing military experts for everything not directly related to what is their perception of the military core-business. Generally spoken and seen from the NGO perspective, there seems to be little room for cooperation with organizations not part of the NGO culture, including the military. Motives seem ethically and politically inspired. Although an important reason could also be that NGOs are judged and subsequently subsidized and funded according to their market positions therefore they will fiercely defend these positions. Additionally there is an international debate, often fed by NGOs and civil policy makers, about the argument that Non Governmental Organizations can work cheaper than the military. It is difficult to determine what costs less, because one has to study comparable projects, and gain access to all financial data including matters like overhead, depreciation etc. Contributing to the situation is that not many NGOs deal with Cultural Property protection (nor is information on their field experiences easily accessible).

Consequently, it is hard to compare the value and sustainability of projects either undertaken by military or civil parties. The discussion is extra complicated because some claim that funds that could be used for Military CPP were originally meant to be spent on NGO activities.

Nevertheless, there are known cases of civil organizations undertaking cultural emergency rescue missions. Examples are the recent ANCBS/IMCURWG missions to Egypt and Libya and Blue Shield (ANCBS) initiated salvation projects that were undertaken after a severe flooding in Poland and quite recent in Cologne Germany in support of rescue work regarding the collection of the collapsed City Archives. These activities are usually (co)funded by Governmental institutions. Some projects in Iraq however were also funded by NGOs like the Dutch based Prince Claus Fund and Italian organizations.¹⁴⁰ Only Italian NGOs were actually on the ground with Cultural Property projects in Iraq during more violent phase of the conflict.¹⁴¹

There is a debate whether military logistics and CP experts could be deployed for natural disasters. This is of course the domain of NGOs. However, it would be useful to exchange lessons learned from the military context with civil organizations and vice versa so they can be of benefit for cultural emergency situations in times of manmade and natural disasters.¹⁴² Military engagement in natural disasters can be very useful when conditions demand for special types of transportation and logistics. A recent example in which (US) military helped in the aftermath of a natural disaster is the earthquake in Haiti. Of course, military cooperation should always be on special request and there might be juridical implications and other aspects that have to be considered. There are organizations that left and are still leaving their CPP footmarks in war stricken countries such as Iraq. Worthwhile mentioning is an initiative created in 2004 when the Getty Conservation Institute (CGI) and the World Monuments Fund (WMF) joint forces to help Iraq rebuilding its capacity to manage monuments and sites. Another organization that is running a program in Erbil is International Relief and Development (IRD). They are establishing a Conservation and Historic Preservation Institute in Erbil focusing on technical and professional training while aiming at improving the professional environment in the Iraq National Museum in Baghdad.¹⁴³ Then there is SAFE - Saving Antiquities for Everyone a US based non-profit organization dedicated to preserving cultural heritage worldwide.

¹⁴⁰ The fund funded emergency aid for the Central Library of the University of Baghdad; unfortunately, Baghdad's national library that suffered more damage was not helped.

¹⁴¹ Example: Un Ponte Per Baghdad, a volunteer based association established in 1991 working in humanitarian aid mainly in Iraq, and recently in Jordan, Lebanon, Turkish Kurdistan, and the Balkans. In September 2004 a number of their workers, including Italians Simona Pari and Simona Torretta, were kidnapped. UPP was for instance active in trying to save and help Iraqi libraries.

¹⁴² See also Euromed Heritage Cultural Heritage Management in times of Conflict, recommendations of the Workgroups, p. 8 Amman April 2005.

¹⁴³ See <<http://www.ird.org/index.php>> [17 July 2011].

SAFE concentrates on raising public awareness about damages that result from looting, smuggling, and trading illicit antiquities. They focus on media campaigns in partnership with academia and the communications, legal and law enforcement communities.¹⁴⁴

International Organizations (IOs)

A variety of International Organizations is active in the field of cultural heritage. The most prominent one is the United Nations Educational, Scientific and Cultural Organization (UNESCO) based in Paris. Other examples are the International Centre for the Study of the Conservation and Restoration of Cultural Heritage (ICCROM), the International Council of Museums (ICOM) that has a Disaster Relief Task Force, the International Council on Archives (ICA), the International Federation of Library Associations and Institutions (IFLA), the International Council on Monuments and Sites (ICOMOS), the International Committee of the Red Cross (ICRC) and the International Committee of the Blue Shield (ICBS).

In this book, only the cultural heritage protection and safe guarding activities of UNESCO are addressed. The organization has other activities like for instance education matters but these UNESCO activities are not at stake here.

To give an impression of processes and mechanisms that influence the way international organizations operate it is useful to take a closer look at the cultural heritage activities of UNESCO. In the years, 1959-1960 UNESCO made a good impression by mobilizing the international community for an international rescue plan concerning the safeguarding of Nubia's (Egypt) cultural treasures. The cultural heritage of Nubia was threatened with total vanishing because of the construction of a high dam in the river Nile. The story is well known, many monuments were rescued, some rebuilt, on higher grounds in an international effort. The most famous example are the Abu Simbel Temples. Nevertheless today, the organization is perceived as being not very pro-active especially in times of conflict. Fact is that for the duration of my missions in Iraq during the last conflict I never met or heard about any UNESCO representative being in the country. When the looting started in Egypt in February 2011 UNESCO again did not act timely by sending an assessment mission. A direct request was made to the Assistant-Director General for Culture and Director of the World Heritage Centre of UNESCO and no reaction was given nor action undertaken.¹⁴⁵

When the name UNESCO is mentioned in conversations and meetings about CPP there are often questions raised about the organization's reputation for not (enough) meeting demands and challenges. Issues include, for instance, that UNESCO has no permanent liaison with the military and is often absent in conflict areas, and in general too passive when cultural property is looted or damaged e.g. Iraq, Egypt. There are a number of possible reasons for this 'alleged' behavior. We know that Cultural Property is by nature disputed, thus potentially able to cause political and identity related power struggles. The same phenomenon, but on a micro level, makes entities that have to do with safeguarding cultural property disagree and compete with each other. Given these mechanisms, it can be dangerous for the career orientated in UNESCO's organization to handle CPP in a pro-active manner. Besides UNESCO is as an organization framed in a highly bureaucratic structure that is controlled by diplomats and officials. This type of leadership tends towards risk avoidance, which in its turn leads to a non pro-active attitude. Also from a more practical or technical perspective the organization has limitations, for instance, UNESCO is unable to take action in cases of illicit traffic of looted goods. UNESCO itself has no mandate either to act in case a crime is detected or to take the custody of cultural materials. "Its mandate is assisting its Member States in the conservation of cultural heritage.

¹⁴⁴ See <<http://www.savingantiquities.org/index.php>> [17 July 2011].

¹⁴⁵ A request was made by IMCURWG and the ANCBS in a message of which receipt was confirmed dated 4 February 2011. After this appeal without result IMCURWG and ANCBS set out a mission themselves that took place in Egypt 12 to 16th of February 2011.

The organization is without sufficient specialists, e.g. security, collections and conservation experts, to undertake detection or custody function".¹⁴⁶ Finally, UNESCO is not a rich organization, as it depends on funding, which stimulates a cautious attitude. On the positive side it should be said that UNESCO did provide for The Hague Convention of 1954 and other treaties like the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, and the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (Rome, 1995) that was, as a study, requested by UNESCO from UNIDROIT in 1986, but there is little in their power to implement or enforce implementation of these legal instruments. To underpin the suppositions presented here two examples that concern respectively UNESCO and ICOMOS will be addressed.

UNESCO: the Commissioner General for the Protection of Cultural Property and the Committee for the Protection of Cultural Property in the Event of Armed Conflict.

The 1999 Second Protocol to the 1954 Hague Convention and the Constitution of UNESCO give possibilities for practical cultural heritage safeguarding actions. The constitution provides UNESCO's director general with a general mandate for the protection of Cultural Heritage.¹⁴⁷ The control system under the convention is composed of three elements: representatives of parties to the conflict, commissioners general for Cultural Property, and protecting powers. Protecting Power means a neutral or other State not a Party to the conflict which has been designated by a Party to the conflict and accepted by the adverse Party.¹⁴⁸ Here reference is made to the possibility of nominating one or more commissioners general for Cultural Property. This option interlinked with the system of the protecting powers has only worked once—following the Middle East conflict. When the mandates of the two commissioners general accredited in 1967, one to Israel and the other to Egypt, Jordan, Lebanon, and the Syrian Arab Republic, were terminated in 1977, no new commissioner general to be accredited to the Arab governments concerned was appointed. De facto, an end was put to further implementation of this institution. Nonetheless, the system is still intact for Parties to the 1954 Hague Convention, but is no longer used. Consequently, the international list of experts mentioned in Chapter I, Article 1 from the Regulations for the Execution of the Convention from which commissioner generals could be appointed is most probably not updated since 1977. This implies that UNESCO has no official oversight on (current) international Cultural Property experts.

A Fund for the Protection of Cultural Property in the event of armed conflict is established for parties to the Second Protocol of the 1954 Hague Convention. This Fund aims to provide financial or other assistance in support of preparatory or other measures to be taken in peacetime. It is managed by the newly found Committee for the Protection of Cultural Property in the Event of Armed Conflict, in which member countries, not individuals, are represented as well as the UNESCO Secretariat. The resources of the Fund shall consist, inter alia, of voluntary contributions made by States parties to the Second Protocol. According to a source within the Committee, the situation in February 2010 was as follows: the fund has 100.000 Euro as a result of a voluntary contribution from the Netherlands.¹⁴⁹ Currently there are no projects undertaken. An appeal has been made to State Parties to nominate Cultural Property for enhanced protection. Nothing happened so far. Contributing to this is the fact that the section of the UNESCO

¹⁴⁶ Prot 2006.

¹⁴⁷ Article I(2)(c) of the UNESCO Constitution stating that the organization will maintain, increase and diffuse knowledge "by assuring the conservation and protection of the world's inheritance of books, works of art and monuments of history and science, and recommending to the nations concerned the necessary international conventions . . ." is illustrative in this respect . United Nations Educational, Scientific and Cultural Organization, Basic Texts, 2006 edition, (Paris: UNESCO, 2006) 6.

¹⁴⁸ Source: Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I). Art. 2 (c).

¹⁴⁹ Source: the vice-chairman acting on behalf of the Netherlands.

Secretariat dealing with The Hague 1954 is understaffed and has not enough financial resources to manage matters in a pro-active manner.¹⁵⁰

The ICOMOS Venice Charter from 1964 is also known as the International Charter for the Conservation and Restoration of Monuments and Sites. It is a document that defines the common responsibility of nations to safeguard cultural heritage and cultural landscapes. In its preamble is stated that the historic monuments of generations of people remain to the present day as living witnesses of their age-old traditions. In this perspective, people regard ancient monuments as a common heritage. The common responsibility to safeguard Cultural Property for future generations is recognized and it is regarded as a duty to maintain their authenticity. The latter is of course still subject of an international debate among scholars that includes questions of uniqueness and identity. Nevertheless, it is essential that principles guiding preservation and restoration of ancient buildings should be agreed and laid down on an international basis, with each country being responsible for applying the plan within the framework of its own culture and traditions. Therefore Article 1 of the charter states that 'the concept of an historic monument embraces not only the single architectural work but also the urban or rural setting in which is found the evidence of a particular civilization, a significant development or an historic event' and specified that this does not only apply to great works of art but also to more modest works of the past that have acquired cultural significance with the passing of time.

All of this is not only in complete accordance with the new recognition of cultural heritage as part of the *Beni Culturali* that was explained in the introduction of this book but it also makes more scenes and objects vulnerable for military activities. On the other hand any military effort to avoid destruction or stop pillaging of heritage can be seen as a form of preventive conservation. Not only can this feed the scholarly debate by demonstrating a new perspective for military involvement but it also fits the principles of the so-called holistic approach often applied in (integrated) conservation strategies. In its turn, this integral concept also plays a role in the debate on development and peacekeeping missions and their military components. The name used in that context is the Comprehensive Approach. The idea behind this is the creation of strategic partnerships, in the case of Cultural Property protection between military and civil parties. Consequently, the system as a whole co-determines for a major part how its components behave. This can create new forms of synergy and help solve the problem of the lack of cooperation and communication on Cultural Property protection between potential strategic partners as NATO, EU, and UNESCO. Both examples show that, though positive elements can be distinguished from it, e.g. the Venice Charter, the system and the bureaucratic approach combined with for instance under staffing of the UNESCO department dealing with The 1954 Hague Convention restrains proper handling of cultural disasters case of armed conflict¹⁵¹. Furthermore, the lack of voluntary contributions for the UNESCO Committee for the Protection of Cultural Property causes available financial means to be merely used for the overhead costs of this committee and not for practical activities.

Work(ing), and advisory groups

Sometimes subjects are difficult to get on agendas of (potential) stakeholders, as is surely the case with CPP especially when it involves the military. A solution not suitable for the faint hearted and bureaucratic orientated is the creation of initial, not formal institutionalized, entities like working groups or advisory groups.¹⁵² To realize a more pro-active approach a number of these informal networks and groups were created aimed at military cooperating with civil CPP stakeholders.

¹⁵⁰ During the meeting of the Parties on 24 November 2009. The situation in December 2010 was that only the Netherlands and Finland (the chair of the committee was Finnish now Dutch) paid their contributions.

¹⁵¹ According to an undisclosed source only one staff member and a part-time secretary.

¹⁵² A term also used is workgroups.

Some of them even started without formal consent of military and political institutions.¹⁵³ Their value for starting a dialogue between dissimilar parties, and stimulating international cooperation as well as exchange and dissemination of information is huge. Some have, or are, in the process of creating web sites, that give access to new information. It is fair to say that they fill a gap that many NGOs and international Organizations leave open.

A new initiative in which military and civil experts join forces in order to share expertise as well as resources is The US Central Command for the Middle East, better known as CENTCOM, Historical/Cultural Advisory Group (CHCAG). Quite recently in August 2010, the group's name changed it is now called Combatant Command Historical/Cultural Action Group.



4. Logo CHCAG

Founded in the beginning of 2008 its mission is to enhance military capacity by promoting Historical/Cultural Property protection during US Combatant Commands spectrum operations¹⁵⁴. Objectives are to develop and implement education and training materials for all Combatant Commands and its personnel in the field for history, Cultural Property protection, and preservation. Further aims include the development of policies for protection and preservation, to provide CPP planning information, maps, and tools, to coordinate with stakeholders to share information and protect historical and cultural heritage, support coalition partners through information exchange, seminars, and training exercises. Last but not least, a network of subject matter experts and reach-back capabilities is under development and the Command of CENTCOM is advised on relevant obligations under federal laws, international laws, treaties and agreements as well as Department of Defense and service regulations'. CENTCOM hopes that the initiative serves as a model to the other American Combatant Commands¹⁵⁵. The group has one international member namely the chair of the International working group that is addressed in the next section¹⁵⁶. The International Military Cultural Resources Working Group (IMCURWG), founded in August 2008, involves cultural heritage professionals working in the military context in order to enhance military capacity to

¹⁵³ One potential military member of the international military cultural resources working group was already threatened with loosing his job.

¹⁵⁴ CENTCOMS Area of Responsibility is 27 nations that stretch from the Horn of Africa through the Arabian Gulf region, into Central Asia.

¹⁵⁵ CENTCOM is just one of the (Unified) Combatant Commands US there are also (US) EUCOM for Europe, (US) AFRICOM for Africa, PACOM for the Pacific, SOUTHCOM for South America and NORTHCOM for North America.

¹⁵⁶ Currently the chair of IMCURWG is the author of this study.

implement protection across the full range of operations. At the same time, the aim is to provide a forum for international co-operation and networking, raise awareness, identify areas of common interest and share best practice and lessons learnt, and initiate research on CPP and military involvement. Membership is restricted to cultural heritage experts working within the military context. Recognizing that the effectiveness of this group will be its ability to work in a liaison capacity the group may invite advisors, for example from NGOs and universities. IMCURWG works within the context of the 1954 Hague Convention addressing archaeological sites, historic buildings, museums, libraries, galleries, and archives. In the first instance, its focus was on immovable cultural heritage: archaeological sites, cultural and memorial landscapes, historic buildings and sacred sites but currently the whole spectrum of cultural property is taken into account. Envisaged outcomes of this initiative are first, a website that will explain the role of the working group and provide a vehicle for hosting training materials and other information; secondly the development and testing of international on-site training modules and programs for senior leadership, and, thirdly the collection and sharing of data for Geographic Information System (GIS) databases of immovable cultural heritage for the purpose of supporting military environmental planning.¹⁵⁷ To achieve this, sub-committees on matters like GIS, illicit traffic, training, operational planning and environmental aspects will be created. Finally the support of efforts to establish international military and civilian rapid reaction teams for the protection of Cultural Property during and immediately following armed conflict. In addition, it will be researched if and to what extent such teams can be deployed for natural disasters. At this time initial members and advisors come from Austria, UK, Netherlands, USA, Jordan, Egypt, Iraq and Canada. A first emergency assessment mission to Egypt took place in February 2011. The mission was carried out in cooperation with the Association of the National Committees of the Blue Shield (ANCBS). A quite recently created group is CHAMP that stands for Cultural Heritage by AIA-Military Panel. AIA is the Archaeological Institute of America. Some of the aims of CHAMP are: to build collaborative groups between military personnel and professional archaeologists, to promote understanding of military needs, cultural site preservation, and sensitivities of local populations, to offer chances for AIA professionals and members to participate in Department Of Defense, initiatives to enhance global heritage stewardship. CHAMP's webpage aired in January 2011.¹⁵⁸

Commerce, Crime, Law and order and Religion

All parties discussed in this paragraph are in different ways, and to certain extents, connected to each other. Another common denominator is that they attach or add different values to cultural objects. Since this study is devoted to balance different interests in favor of CPP it will come as no surprise that this also is a challenge when economical interests are concerned. Naturally, there are tensions between the commercial market values of cultural property and the values cultural objects have for identity, science, and art. Various mechanisms, serving dissimilar interests, apply such as power mechanisms in case of conflict where the strongest party wins, the urge for profit in the world's trade and business arena, the aim for social progress and the desire to preserve and protect historical properties. All these mechanisms have to be brought in line with each other and synchronized to an extent that makes effective implementation of CPP also in times of conflict feasible. Within the context of this study, the contradiction of military interests versus scientific and commercial value is a key issue. This brings us back to the basic dilemma between military necessity that is used as a reason to solve (or end) a conflict as soon as possible and civil interests that look ahead and consider post conflict conditions. The commercial stakeholders in CPP play

¹⁵⁷ Military defense uses GIS for intelligence, terrain analysis, mission planning, and facilities management. Geographic analysis is critical in military operations, tactical or logistical planning, and infrastructure management. Source: <www.gis.com/content/government> [17 July 2011].

¹⁵⁸ See: <<http://aiamilitarypanel.org>> [25 July 2011].

a vital role in conflict and peacetime; they are responsible for many of the movements and dynamics that define CPP in both contexts including the relation with crime. The role of collectors and consequently dealers is especially criticized since it is believed that they feed the demand for cultural objects of which there is only a finite supply.¹⁵⁹ This results in attempts to increase the worldwide supply through theft and looting while especially seizing opportunities in conflict areas. Sometimes matters are even worsened by thieves who intentionally break up objects in pieces to be sold separately, the so-called orphans.¹⁶⁰ It can be concluded that collectors, art dealers, antique dealers, and auction houses are in the chain of buying and selling cultural objects whereas travel agents, tourist guides and antiquities services are exploiting cultural sites and have an interest in keeping them in good condition. Museums, to a certain extent are commercial parties too since many sell tickets for admission or make profits via museum shops, mail orders and by managing author rights on certain cultural objects.

Bourdieu refers to the reservoir of cultural assets as cultural capital, to be compared to cultural resources as in natural resources.¹⁶¹ However, the definition or concept of Bourdieu aims at cultural capital in what he calls its "transformed form or scholastic capital" and he acknowledges a historical opposition between cultural and economical capital in which the latter dominates the first, his concept lends itself for a wider interpretation.¹⁶² To put it simply, cultural capital shares many of the properties characteristic of economic capital, it can be invested and exploited thus generate added value that can, for a certain timeframe and situation, be expressed in monetary figures. Some stakeholders from the commercial segment see this as an extra reason to protect and safeguard heritage. Protection creates more commercial stakeholders like guards, security companies and manufacturers of surveillance equipment. Interrelated to the interests of collectors and dealers are stakeholders such as auction houses, lawyers, insurance companies and affiliated organizations like for instance, the Art Loss Register.¹⁶³ Antique dealers can play dubious roles when it comes to matters of provenance (illicit traffic) and authenticity. It is even said that some do try to restrain the implementation of international legislation e.g. the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (Rome, 1995) using lobbyists.¹⁶⁴ A recent example of demand driven theft and traffic are the looted and stolen objects from Afghanistan, often commissioned by the Taliban, smuggled out through the Kandahar Military airport and ending up in expensive antique shops in Brussels, Belgium. In this example parties addressed, like military, opposing forces, commerce and law are involved.¹⁶⁵

The tourism industry as a CPP stakeholder is potentially capable of creating strong economic incentives. Certainly after a period of conflict or turmoil, earnings, often hard currencies, generated through tourism e.g. souvenir factories, tourist guides, hotels etc. can make a difference in restoring economy thus society. In this context, there are direct interests for restoration architects, restorers, security personnel, contractors and certainly the military that see restoration of a safe society as the end state of their mission. For the same token it is true that tourism decreases or even stops when a country is suffering from conflict, turmoil or natural disaster e.g. Egypt. Criminal parties can be found within the whole spectrum of CPP stakeholders however for the context of this study the most interesting are looters, insurgents and in some circumstances even dealers and curators (when they sell or buy objects without provenance) and scholars that authenticate objects that lack provenance. If there is crime there are also parties that are involved in imposing sanctions and the returning of stolen objects such as customs, the

¹⁵⁹ O'Keefe, Patrick J. Trade in Antiquities, UNESCO, Paris 1997.

¹⁶⁰ See for instance Watson 2006.

¹⁶¹ Bourdieu and Passeron 1990.

¹⁶² Bourdieu and Passeron 1990, pp. vii, xi, xvi, 93 and 157. Swartz 1997, p.79.

¹⁶³ <<http://www.artloss.com/>> [17 July 2011].

¹⁶⁴ see <<http://www.unidroit.org/english/conventions/1995culturalproperty/main.htm>> [17 July 2011].

¹⁶⁵ see <<http://www.deredactie.be/cm/vrtnieuws.english/news/1.592370>> [22 July 2011].

police, lawyers, prosecutors, insurance companies and also the military. Parties in the juridical sphere comprise lawyers, police and forensic accountants. They are relating to criminal stakeholders. This study deals with parties involved in conflict situations so for the sake of argument opposing forces in the military sense and insurgents will be classified amongst them. As described such opposing forces can intentionally damage cultural objects as part of actions against their opponents also they can exploit Cultural Property to gain revenues by selling for instance products of "illegal" excavations or lootings to obtain financial resources to fund their operations. Looters and smugglers fit in this picture as intermediaries that perform certain activities commissioned by the opposing forces or get rewarded through civil criminal players. It speaks for itself that here the relation occurs with law and order e.g. Customs and Police including organizations as Europol and Interpol as well as national and international courts of justice. The latter will make use of independent or institutionalized specialists for advice and to perform as expert witnesses at trials. Legal and other art crime experts can be organized as well. Some random examples are the Lawyers' Committee for Cultural Heritage Preservation, a non-profit association based in Washington DC and the Association for Research into Crimes against Art (ARCA). ARCA is an international interdisciplinary research group on contemporary issues in art crime and cultural property protection and is based in Amelia in Italy.

The last large stakeholder to be discussed here is religion, a party that traditionally used to commission the production of cultural objects and still owns many cultural properties. To be exact, and in concurrence with defining the military, when speaking about religion we mean e.g. church leaders, Islamic religious leaders, religious or civil personnel in charge of managing churches, mosques, temples and other religious institutions. Their relationship, or the absence of a relation with the military, depends on the degree of religiousness of a country. In Austria for example there are strong connections between armed forces and the church while religion has a strong connection with art thus to an extent to cultural objects. This is demonstrated by the Austrian expression *Kunst als Ausdruck des Glaubens*, or art as an expression of faith. In most North European countries like the Netherlands official connections between the church and the armed forces are almost absent. Having mentioned this, it has to be taken into account that in this dissertation religious property will be considered part of cultural heritage. However there is a debate among scholars if objects of a religious nature should not be regarded as a separate category based on the argument that religion is not culture but something intermingled with culture. Regardless of this discussion, there are valid arguments to involve religious property within this research. One is the fact that it is mentioned as such in the Hague Convention of 1954, for instance in Article 53 of Protocol I, (applicable to international armed conflict) that prohibits use in support of the military effort of all places of worship which constitute the cultural or spiritual heritage of a population. Seen from the art-historical perspective it is obvious that, certainly in history, the larger parts of Cultural Property are religious objects and monuments. Last but not least, religious objects play an important role in many contemporary conflicts such as in the Middle East e.g. the Al Aqsa Mosque in Jerusalem and Asia e.g. Preah Vihear temples in Cambodia and Thailand. It would be rather unwise to separate them from other categories while raising awareness and facilitating training and education about CPP amongst the military. There is however a problem with some religious Cultural Property. Certain objects have significance for more religions. Those beliefs can be in conflict with each other. For instance, the Christians see Iraqi Cultural Property in Babylon and Ur as biblical heritage. Another clear example is the Temple mount in Jerusalem that is a constant source of political unrest and violence.¹⁶⁶ Religious connotations are not always making things worse for CPP.

¹⁶⁶ The Waqf, the religious Muslim endowment that rules the Temple Mount, decided to banish archaeological supervision after the 'Tunnel Riots' in September 1996, during the government of Benjamin Netanyahu. These riots were about the opening of a tunnel along the Temple Complex' Western Wall, to Muslim Quarter. During the fierce fight around 70 Palestinians were killed and 17 Israeli soldiers.

A remarkable but positive development involving religion and CPP is an attempt to utilize Fatwa's as a means to prevent looting of Cultural Property.¹⁶⁷ This casus is described in my chapter "Can White men sing the Blues?" in *Archaeology, Cultural Property and the Military*.¹⁶⁸ The case shows how a Fatwa normally associated with negative matters such as spells e.g. the Salman Rushdie Fatwa, can be used as a tool to save Cultural Property.¹⁶⁹

Science

The scientific arena consists of various players that can have, or do already have interests in CPP. Obvious are think tanks and university based research institutes as well as faculties that provide teaching curricula. They can be either civilian institutes or military academies.

A crucial element needed for implementing, developing, and sustaining CPP expertise is empirical scientific research though reflections and explorations are also essential to get CPP's military aspects into the scientific discourse. As established in the introduction of this book, there is an existing civil academic cultural heritage debate. Enough reason for military scientific institutions and civil academia to scientifically examine military aspects in CPP to be able to participate in and compare to the civil discourse. Although for military based scientists this will not happen if the subject is not first added to the curricula of military schools, academies and universities.

Because of its multi-disciplinary character, choices have to be considered and made for approaching the subject. Research can be initiated from cultural heritage related disciplines like archaeology and art history, or from a wider construct of social sciences. The latter will make it easier to introduce CPP as a topic for further research at military educational institutions. In the Netherlands some attempts were made though they proved not to be sustainable.

Lectures were for instance given by the author of this dissertation at the so-called *Instituut Defensie Leergangen* though they were discontinued due to financial reasons and opposition from Dutch MoD cultural awareness experts. In addition, the NATO School in Oberammergau started to incorporate lectures in their environmental course but stopped for financial reasons.¹⁷⁰

Currently there are contacts with the NATO's Allied Command Transformation (ACT) with the aim to add the subject to their organization thus creating an institutionalized opportunity to get the subject on NATO educational curricula including training in situ on archaeological sites. The last result is the possibility for an introduction course initiated by ACT in cooperation with IMCURWG. Plans and proposals are prepared for pilot courses in Vienna and Turkey, the Vienna course in cooperation with the Austrian MoD will take place from November 29th to December 2nd 2011. In addition possibilities for a cultural heritage assessment mission in Libya were seriously being studied by ACT in collaboration with IMCURWG.¹⁷¹ This was however still a bridge too far nevertheless assessments in Lybia were carried out by IMCURWG and ANCBS.¹⁷² There are encouraging signs that NATO sees the relevance of CPP CPP's value as a force multiplier and a primary strategic communication tool.

Positive is the attitude of the Austrian MoD. A large contribution has been made through their *Institut für Human- und Sozialwissenschaften* that is part of the Landesverteidigungsakademie in Vienna. Currently they have one officer, a Colonel occupied with research on CPP and seminars and publications on the subject are initiated on a regular basis.

¹⁶⁷ A fatwa is issued by a recognized religious authority in Islam. Since there is no hierarchical priesthood or anything similar in Islam, a fatwa is not necessarily "binding" on the faithful.

Source: <<http://islam.about.com/sitesearch.htm?q=Fatwa&SUName=islam>> [17 July 2011].

¹⁶⁸ Kila 2010b, pp. 41-59.

¹⁶⁹ Eakin 2008.

¹⁷⁰ See the section on Opportunities for effective implementation of Military Cultural Property Protection.

¹⁷¹ This was the situation following talks of IMCURW with ACT's Strategic Plans and Policy Department end of August 2011.

¹⁷² The first one to Tripolitania in September 2011 and the second one to the Benghazi area in November 2011, UNESCO asked the IMCURWG representant to join the High level expert committee for Lybia.

At the present, apart from the Austrian example, no special research is undertaken by military academic institutions but there is some outsourcing done by the military. The Center for Environmental Management of Military Lands (CEMML) is a research and service unit within the College of Natural Resources at Colorado State University (CSU).¹⁷³ Professional services and technical support are provided to the US DoD in conservation, environmental planning, and natural and cultural resources management. CEMML assists military planners, trainers, and land managers in the maintenance of diverse ecosystems to support sustained, realistic training and testing exercises. Part of this assistance involves management planning and technical support for the full range of installation cultural resources to ensure that diverse non-renewable resources are adequately protected and managed in compliance with applicable Federal and state legislation without impeding the military training mission. CEMML also supports and produces web pages, military Cultural Property playing cards and publications on Cultural Property protection.

The US DoD and the American Academy in Rome granted a fellowship to one of their army archaeologists to spend a year's research in to develop a cultural heritage curriculum that can be used to educate military personnel. The research includes interviewing members of the Carabinieri about how to set up effective police forces for archaeological site protection and the use of management models from archaeological sites in Italy to develop military site management handbooks for fragile Middle Eastern and South Asian cultural properties.¹⁷⁴ Also other university - based research institutions like the Illicit Antiquities Research Centre (IARC) at the University of Cambridge UK (IARC is no longer in existence) and the Cultural Policy Center at the University of Chicago played a role in research. In 2006, this center first organized a juridical seminar about the protection of cultural heritage after the war in Iraq, followed later by the previous addressed multi-disciplinary conference of August 2006 that for the first time brought together science and the military. A number of Archaeological faculties, Juridical faculties and Cultural sciences faculties work on the subject most of them restrained by lack of funding. In the Netherlands Leiden University's Archaeological Faculty paid attention to the subject through a number of guest lectures and a seminar called Legacy and Legislation that took place in April 2010. The author of this dissertation gave several lectures and presentations.¹⁷⁵ The University of Amsterdam supported by the SNS Reaal Fund appointed Joris Kila to research CPP at least for one year. PhD research on the subject in one case from a juridical perspective takes place at the University of Antwerp (Belgium) and the University College Dublin. Apart from their important role in research and the scientific discourse academic institutions can (and some are already) serve as reach back capabilities for military experts in theatre and participate in training and development of education materials. Academic institutions are potentially vital for CPP research in general and for the research concerning heritage, culture, siege, and conflict in particular. As we have seen, there are tensions between the players and stakeholders involved in CPP while the situation and awareness of CPP with external parties leaves much to be desired. Science houses all disciplines that are involved in the CPP reflections and the sociology of CPP and the military. Since the subject is multidisciplinary, synergy can be created and as a result of the first reflections presented in this book, more research from the contexts of other disciplines can be triggered. There are for instance legal and environmental aspects that need research but also the situations in Asian countries especially China and the South Americas concerning military CPP are never assessed or researched. It is therefore that the subject of CPP in relation to conflict and identity deserves a place within the field of heritage studies and should be on the curricula and research programs of universities including military academic institutions.

¹⁷³ <www.cemml.colostate.edu> [17 July 2011].

¹⁷⁴ Source: correspondence with the researcher Dr. Laurie Rush.

¹⁷⁵ See for a list: <<http://home.medewerker.uva.nl/j.d.kila/>> [22 July 2011].

Network of CPP stakeholders



5. Network of CPP parties and stakeholders © Joris Kila.

Trends in Cultural Property Protection until 1954

History shows that CPP, or for that matter cultural property destruction, is not a new phenomenon. This paragraph gives examples and trends from the past. It becomes clear that many of the CPP parties and stakeholders presented in this book were also involved with the subject in the past. The past is produced in the present as is demonstrated by the variable status of cultural heritage throughout time.¹⁷⁶ Still for every here and now, history provides examples. As said, the military captured loot during conflicts since this was the right of the victor and common practice in antiquity.¹⁷⁷ Apart from this, damaging of cultural objects was sometimes part of erasing the identity of opposing parties or other cultures. Early examples are found in Pharaonic Egypt. Numerous bas-reliefs and statues still in situ bear witness as can be seen in

¹⁷⁶ Bourdieu 2000.

¹⁷⁷ Source: Szemethy 2010.

Cartouches in which names have been removed e.g. the names from Queen Hatshepsut and King Akhenaten who both fell from grace. The Romans knew this phenomenon under the name *damnatio memoriae*, a posthumous dishonor.¹⁷⁸ In fact, this is early evidence of governmental involvement in a cultural property issue. More incidents took place throughout history, a plain example is what has become known as the first Byzantine iconoclastic outbreak. Sometimes in between 726-730, the Byzantine Emperor Leo III who was against the worship of images, began this iconoclast campaign ordering removal of an image of Jesus prominently placed over the main ceremonial entrance to the Great Palace of Constantinople, also known as the Chalke gate. This is an example of the involvement of religion as a stakeholder in cultural property issues. Another case from the Netherlands is the big iconoclastic outbreak of 1566 the so-called, *Beeldenstorm* caused by a religious conflict between Calvinists and Catholics resulting in large scale damaging of church interiors and monasteries. Because of this historical trend from time to time, initiatives were taken to promote protection of cultural objects. The Dutch scholar Grotius addressed the protection of heritage in 1625. In "On the law of war and peace" he states *reason compelled the sparing of those things which, if destroyed do not weaken the enemy nor bring gain to the one who destroys them, such as colonnades, statues and the like.*¹⁷⁹ This is an early example of science as a CPP stakeholder. A phenomenon that turned out to be vital for a development leading to the transformation of certain cultural objects into bearers of (national) identities was the so-called Grand Tour. Beginning in the late sixteenth century, it lasted approximately 300 years. The idea was to introduce Englishmen, Germans, Scandinavians, and Americans to the art and culture of France and Italy by visiting Paris, Venice, Florence, and especially Rome. Travel, at the time and throughout the period was difficult and expensive so the Grand Tourists were a privileged class consisting of mostly aristocrats. The Grand Tour shaped Northern Europeans' ideas about the Greco-Roman world and helped foster neoclassical ideals. Ambitious tourists visited excavations at such sites as Pompeii, Herculaneum, and Tivoli, and purchased antiquities to decorate their homes.¹⁸⁰ Van der Laarse opens in *Bezetten van Vroeger* an interesting perspective to this, what he calls 'multiplier experience'.¹⁸¹ He notes that the touristic transfer of people that, as described, started in the 16th century was accompanied by a displacement or relocation of cultural objects (art and souvenirs) and perceptions of landscape settings. These were literary appropriated by the travellers in such a successful way that in their respective native countries these objects and perspectives became part of national identities. Here one can see a parallel with the military throughout the ages, soldiers took objects from mission areas to strengthen their status (or their regiment's honor) and as a memento.

In France, decrees and rules on the protection of certain 'condemned treasures and monuments' were made as early as in 1791.¹⁸² This did not prevent Napoleon to take antiquities from Egypt after concluding his Egypt expedition in 1801. The British confiscated antiquities collected by the French as trophies of war after the final defeat of Napoleon's troops. Among these was the famous Rosetta stone, still at the British Museum an object often at issue when the subject of looting is discussed since Egypt wants it back from the British Museum.

¹⁷⁸ 'Condemnation of the memory' ancient Roman processes dealing with individuals judged unfit to be members of a community. This posthumous dishonor was the worst that could be done to a former senator. Tacitus describes in Tacitus Annals 3.17 what was done to condemn the memory of Piso. Acts included scratching names and titles from inscriptions, defacing likenesses, confiscation, and destruction of the condemned man or woman's writing, annulling of wills, mutilation of corpses, and more. The senate, the emperor, or the army could start the condemnations. Source: <<http://ancienthistory.about.com/b/2010/01/14/thursdays-term-to-learn-damnatio-memoriae.htm>> [14 January 2010].

¹⁷⁹ Grotius- Hugo de Groot 1573 – 1654, *De iuri belle ac pacis* Paris 1625.

¹⁸⁰ Sorabella 2000.

¹⁸¹ Van der Laarse 2005, p. 59.

¹⁸² O'Keefe 2006.

Looting or Elginism, a term created by the actions of Lord Elgin who between 1801 and 1805 "illegally" transported the Parthenon Marbles from Greece to London, as it is often referred to is considered an act of (cultural) vandalism. It should be said that there is a debate about whether the activities of lord Elgin were illegal. Some (especially the Greek) strongly disapprove of Elgin's actions while others give arguments that justify his deeds. Currently the appropriation of artifacts taken from poorer nations to richer ones is especially referred to as Elginism.¹⁸³

Safeguarding of cultural belongings giving protected status to libraries, scientific collections and works of art was first explicitly referred to in the Lieber Code of the US Federal Army in 1863 that is still part of the US military law and indicates when the military became a CPP stakeholder. The 'Lieber Instructions' represent the first attempt to codify the laws of war. They were prepared during the American Civil War by Francis Lieber, a professor of Columbia College in New York, revised by a board of officers, and promulgated by President Lincoln. Although they were binding only on the forces of the United States, they correspond to a great extent to the laws and customs of war existing at that time. They strongly influenced the further codification of the laws of war and the adoption of similar regulations by other states. They formed the origin of the project of an international convention on the laws of war presented to the Brussels Conference in 1874 and stimulated the adoption of the Hague Conventions on land warfare of 1899 and 1907.¹⁸⁴ The Declaration of Brussels of 1874 and the Oxford Code of 1880 mentioned cultural property but were not ratified by a large enough number of countries to be considered official international treaties.¹⁸⁵ In 1907, The Hague Convention on Land Warfare required parties to spare, as far as possible, buildings dedicated to religion, art or science, and historic monuments.¹⁸⁶ The 1907 Convention also indicated the different parties that still form part of today's CPP stakeholders.¹⁸⁷ Yet, iconoclasm remained in practice for intentional oblivion of certain group's identities. Examples are the defacement and dismantling of monuments from Soviet-era Eastern Europe, many of which were destroyed in mass-participation spectacles and the destruction of the Bamiyan Buddha statues in Afghanistan.¹⁸⁸

Destruction of cultural objects became extra devastating with the introduction of aerial bombing and long-distance weapons. World War I resulted in the destruction of many cultural objects in Belgium and eastern France.¹⁸⁹

World War II was even more traumatic, due to systematic aerial bombardments and export of Cultural Property from occupied territories.¹⁹⁰ After an appeal to President Roosevelt made by Pope Pius VII on 19 May 1943 to spare what was called heritage of human civilization the allies decided to avoid damage to religious and cultural buildings in Rome while liberating it from the Nazis. After the allied landing in Italy in early 1944, the Italian cities were divided into 3 categories to be taken into account by aerial bombardments.¹⁹¹ Category A (including Rome, Florence and Venice) meaning in no circumstances (parts of) cities in category A could be

¹⁸³ <<http://www.elginism.com/definition/>> [17 July 2011].

¹⁸⁴ Source: Schindler and Toman 1988 pp. 3-23. Webpage ICRC, International Humanitarian Law treaties and documents. <<http://www.icrc.org/ihl.nsf/>> [17 July 2011]. See also for Brussels and Oxford declarations.

¹⁸⁵ Source: Boylan, Patrick pp. 43-108 in: Brodie N, and Tubb, K.W. (eds.) 2002, *Illicit Antiquities, The theft of culture and the extension of archaeology*.

¹⁸⁶ Hague Convention on Land Warfare Convention (IV) Respecting the Laws and Customs of War on Land 1907, Art. 27. <http://avalon.law.yale.edu/20th_century/hague04.asp#art27> [23 July 2011].

¹⁸⁷ E.g. Governmental organizations, political organizations, religion and science.

¹⁸⁸ <<http://csm.uchicago.edu/glossary2004/iconoclasm.htm>> [20 July 2011].

¹⁸⁹ During World War I, the cathedral of Reims in France was damaged by aerial bombs and the library at the University of Louvain in Belgium was destroyed by fire. See also Pesendorfer and Specker 2006. p. 81.

¹⁹⁰ Source: Threats to Cultural Heritage in situations of international and non-international armed conflict- Real world and fictitious case studies, Michael Pesendorfer in *Protection of CP in Peace Support Operations*, international workshop Bregenz June 2006, <<http://www.bundesheer.at/cms/artikel.php?ID=2922>> [17 July 2011].

¹⁹¹ O'Keefe 2006.

bombed without consent of Supreme Headquarters¹⁹²; category B (included cities as Ravenna, Assisi and Urbino) could be bombed if considered essential, while afterwards full responsibility would be accepted by Supreme Headquarters; category C (including Siena, Pisa and Padua) left cities on their own, since they had important military objects that had to be bombed in their vicinity as a consequence damage was accepted.¹⁹³

Several studies deal with this and other types of destruction in World War II such as *the Rape of Europa* by Lynn H. Nicholas, *the Concept of Cultural Property protection in Times of Armed Conflict* from Patrick Boylan and Hector Feliciano's *the Lost Museum*.¹⁹⁴ They give a clear account of offenses against Cultural Property as systematically committed by Nazi institutions like Hitler's and Goering's art collecting squads as well as the Soviets. Their Russian Trophy Brigades were ordered, to retrieve 'equivalents of the artworks destroyed or removed from Russia during the War as a form of reparation'.¹⁹⁵ The Nazi's were also in the business of stealing identities that were connected with cultural heritage as will be explained in the next paragraph.

Finally, in 1954 developments lead to the creation of the first universal convention dealing exclusively with safeguarding cultural heritage: the Convention for the Protection of Cultural Property in the Event of Armed Conflict better known as The Hague Convention of 1954 including a first protocol also listed as The Hague 14 May 1954. In the late 20th century identity related matters, especially on individual levels, became more manifest because of the development of new social movements (many starting in the sixties) like black power and Women's Lib. This intensifying of identity gave an extra boost to identity related Cultural Property claims, some more of the intangible kind, some deriving from an urge for individual distinction.¹⁹⁶ Concerns started to include the use and ownership in connection with the new information society.¹⁹⁷ On 26 march 1999 the Hague Convention of 1954 was strengthened by a second protocol applying to international and non-international conflicts and giving possibilities and regulations for enhanced protection and Criminal Responsibility as well as Jurisdiction.¹⁹⁸ Apart from these accomplishments that originate from the 1950's little attention was paid to the issue in the period after World War II. Expertise and military capabilities like the Archives and Monuments Men, developed by the Allies during the Second World War were allowed to disappear.¹⁹⁹

The subject had no priority within the respective defense organizations. This lasted until 2001 when the Bamiyan Buddha's were destroyed by the Taliban who considered them irrelevant since

¹⁹² This did not work out as perfect as desired for instance the papal basilica of San Lorenzo was hit and badly damaged.

¹⁹³ Source O'Keefe 2006, pp. 72-73.

¹⁹⁴ Nicholas 1994, Feliciano 1997 and Boylan 2002.

¹⁹⁵ See: Akinsja and Koslov 1996. These equivalents included German state-owned cultural objects, cultural objects taken from churches and synagogues, as well as a great deal of private property that had been looted by the Germans from individuals. The art works taken back to the Soviet Union were held in relative secrecy for years, until the final years of *glastnost* (Гласность). As European countries started to demand their cultural treasures and archives, Russian legislators passed a law that potentially nationalizes all cultural treasures brought to Russia at the end of World War II. In 1999 the Constitutional Court issued an opinion basically upholding the law. How do these actions comport with international law? What are the chances for restitution of these displaced cultural valuables? Source: announcement conference Spoils of War versus Cultural Heritage, Harvard February 2008.

¹⁹⁶ Bourdieu 1984.

¹⁹⁷ Brown 2005.

¹⁹⁸ See for a Commentary on the 1999 Second Protocol, Toman 2009.

¹⁹⁹ See: the webpage of the monuments men foundation that aims to preserve the legacy of the Monuments, Fine Arts, and Archives (MFAA) section <<http://www.monumentsmenfoundation.org/about/>> [17 July2011].

they were pre-Islamic.²⁰⁰ It illustrates how a geographical position and a regime or religion can influence the status and appreciation of Cultural Property.

The Bamiyan demolitions lead the protection of cultural heritage and its legal and ethical drivers to regain international attention.

Though lessons can be learned from history, when it comes to the protection of cultural belongings in conflict research shows that in spite of most efforts to promote the subject as being critical for military missions many challenges remain.²⁰¹ An argument used by (military) opponents range from stuff happens and low priority to mission creep.²⁰² Cultural Property protection was and is to an extent perceived as less significant. At this moment, it seems that cultural disasters trigger renaissances in Cultural Property protection including the military input. However every rebirth appears to last shorter and CPP becomes increasingly dependent on economic circumstances. The wheel has to be reinvented repeatedly; the only firm solution is to make the subject sustainable by pointing out historical connotations, obligations and demonstrating deliverables for all stakeholders.

The sociology of Cultural Property Protection and the Military

One can see throughout history that the perception of Cultural Heritage and its potential to cause or contribute to conflicts appears to change in time. The status of cultural objects tends to follow alterations in society and politics and is therefore subject to continuous adjustments. For example, statues of Lenin and Stalin from the Soviet period were no longer considered relevant cultural heritage just after the disintegration of the Soviet Empire. Likewise, property such as the so-called memorial *scapes* or trauma *scapes* e.g. former concentration camps and certain battlefields, have only recently been co-modified and adapted to be incorporated in today's society thus becoming part of the heritage discourse.²⁰³ Then there are objects and sites formerly not addressed as Cultural Property that are treated in a new fashion. To give examples, identity related values are currently attached to human remains e.g. ritual Indian Burial grounds in the US. Such areas are off limits to, or of restricted use, for military and builders. In addition, biological species, regional landscapes are sometimes claimed as cultural heritage.²⁰⁴ A constant factor remains, to be precise Cultural Property's availability for manipulation an aspect essential for the military. It indicates political and strategic values that can draw military interests. In this context, different gradations of manipulation can be distinguished, in case of mild manipulation; we can speak about creative use. This is for example, the political use of archaeology, when it serves the design and construction of national identities or nationalistic interpretations of the archaeological record.²⁰⁵ As addressed in the preceding paragraph the Nazis practiced political use of archaeology to produce evidence for the evolution of a master race in Europe²⁰⁶. Other mistreat of archaeology took place in the late sixties of the last century by the white settler government of Rhodesia, now Zimbabwe claiming a rather strange and false connection of the country with the Phoenicians.²⁰⁷

²⁰⁰ Different motives are given: the leader of the Taliban referred to a fatwa stating false gods or Idols should be removed and claimed the act was necessary for the implementation of Islamic order. See also <<http://www.hazarapeople.com/buddhas-of-bamyan/>> [17 July 2011].

²⁰¹ Actually, one of the obligations under the 1954 Hague Convention see Article 25 and its Second Protocol see Article 30 Dissemination.

²⁰² Explained as: the expansion of a mission beyond its original goals. The term often implies a disapproval of newly adopted goals by the user of the term. The term was originally applied to military operations.

²⁰³ Rob van der Laarse lecture given during the Cambridge seminar "Packaging the Past. The Commodification of Heritage", April 2008.

²⁰⁴ Brown 2005.

²⁰⁵ Kohl 1998, pp. 223-246.

²⁰⁶ Arnold 1990 and Kohl 1998.

²⁰⁷ Garlake 1973.

The location or even character of objects in art history can be manipulated too. A well-trying method is taking a cultural identity and add it to your own group as did the Nazi's when classifying Rembrandt as being "Nordic and Germanic" thus part of the German culture.²⁰⁸ More recent examples of vital identity aspects of monuments that show what can go wrong if such qualities are not recognized are cases like the (re)moved statue of a soldier of the Red Army in the capital of Estonia Tallinn causing deadly riots in April 2007, the still ongoing temple dispute between Thailand and Cambodia that involves the Preah Vihear site and the case of the Jewish heritage from Iraq addressed in the section dealing with the influence of the Media.²⁰⁹

Motives for destruction of cultural objects are not a constant factor, in other words they are not time resistant. Modern iconoclasm can be seen in former Yugoslavia and Afghanistan e.g. the destruction of Bosnia's national library in 1992, the 1993 shelling of the Mostar Bridge and the demolition of the Bamiyan Buddha's in 2001.²¹⁰ These actions aim at identity destruction as already happened in antiquity. However, in the past e.g. the middle ages cultural objects were rarely a direct source of identity related conflicts unless religion was at stake. Commonly speaking Cultural Property and (national) identity were not considered important enough to be protected and ownership was not particularly disputed.

National identity or nationalism developed in Western Europe after the French and American revolutions where it replaced theology and dynasticism as the primary instrument used by the state to justify its power. In fact, this actual invention of nationalism gave way to development of different types of group related identities linked to cultural heritage and cultural properties.

The observed changing perceptions and appreciations occur throughout military history too but are not so much related to the civil concept of identity as to the military mindset. Adjustment of military mindsets is an ongoing process influenced by circumstances as described in the paragraph about looting and poverty. Soldiers used to loot but have now transformed into protectors of (cultural) Property. This transformation of the military way of thinking from accepting legitimate plunder and destruction of cultural belongings in preserving and protecting heritage was stimulated by different social factors. Important was the development of international legislation, increasing awareness of Cultural Property protection supporting the military missions and the identity aspect of CP that is important for the distinctiveness of (local) populations involved.²¹¹ The element of supporting the mission needs some clarification: CPP provides for better relations with local populations, stimulates economy via tourism, restrains illicit traffic of artifacts, and by doing so diminishes financial resources of opponents. Last but not least the raise of tourism should be mentioned. Thomas Cook started in 1841 cheap, thus affordable for working people, organized excursions in the UK that evolved into the modern (mass) tourism industry. Through tourism, Cultural Property gained value as a means to generate jobs and income.

The facts described support the thesis that in order to improve the quality of the military role within Cultural Property protection, it is indispensable to keep track of military attitude related developments. Such implications can be positive or of an unethical nature.

The latter can occur when CPP, in a military context, engages in- or is perceived as being part of counterinsurgency operations (COIN). Before going into this, it should be explained that in the US counterinsurgency is a wider construct than in Europe. One can say that in Europe COIN has more negative connotations, while in the US winning hearts and minds of local populations

²⁰⁸ See Nicholas 1994.

²⁰⁹ <<http://preahvihear.com/>> [17 July 2011].

²¹⁰ 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 manuscripts; the national archives; deposit copies of newspapers, periodicals and books published in Bosnia; and collections of the University of Sarajevo were lost. Source: András Riedlmayer, Erasing the past 1995.

²¹¹ CPP is in support of the mission because it provides for better relations with local populations, stimulates economy via tourism; restraining illicit traffic of artifacts diminishes financial resources of opponents.

and force acceptance are considered part of COIN. In Europe, it is a subject perceived to be directly related to undercover missions, spying and commando operations.

Therefore, international discussions about military involvement in CPP sometimes create commotions. Still structural relations between military initiated Cultural Property protection and the more drastic COIN applications have to be and can be avoided since CPP officers must act according to international legislation like the Hague Convention of 1954. Having said this, a quote from Charles Garraway comes in mind: 'Counter-terrorism lies on the borderline of differing legal regimes and we need to use all the legal tools in our toolbox'.²¹² To show what happens in practice a case example will be discussed in the section on the Media regarding involvement of social scientists in the COIN related so called Human Terrain Systems.

It must be emphasized that this study is not intended to give an ethical or technical judgment about COIN. It is not my expertise and essentially a subject for publications on Military Science. In itself, COIN is a tool that is in military use already for some time.²¹³ International humanitarian law, and sometimes-national caveats, applies to this type of operations. However, at present, there is a tendency to involve Cultural Awareness and especially Human Terrain Systems, in the 'kill the enemy type of COIN' as opposed to its current position in the more hearts and minds orientated COIN.

Nevertheless keeping track of new insights preferably those in tune with military traditions, codes and cultures, can lead to finding connections and opportunities for the integration of cultural protection activities. To judge all parameters including civil matters an accurate picture of the playing field and the players, such as the media, science, religious institutions, the military, non governmental and governmental organizations, international organizations, restoration and conservation institutions and commercial parties who claim, protect, use and misuse Cultural Property, is needed.

This taxonomy can serve as a starting point for further research and makes matters accessible from an analytical perspective. Therefore Part I contains an oversight of key players involved in CPP. Through examples and observations, a picture is drawn of the respective stakeholders and the ways they experience their input and responsibilities taking into account related problems and challenges from their points of view. Since they are introduced as a key player, emphasis is put on the military. The categorization is meant to be as universal and international as possible however, the author is Dutch therefore where, and when appropriate the situation in the Netherlands is further explained.

In the Netherlands MoD, the state of affairs can be described as problematic. CPP as a phenomenon is too slowly developing in a complicated environment. Behaviors within the complex of parties involved are dominated by a constant struggle between cultures, identities, interest, funding issues and competences as is illustrated in both the cases, and background sections of this study. In the meanwhile, implementation of the subject is personality driven and depends largely on the determination of those pro-actively involved. The quality of Cultural Property protection seems to be in the lap of the stakeholder. There is no pro-active nor even a reactive approach towards CPP. For now, raising awareness on the subject in the Netherlands and the majority of European countries appears to be subjected to the following analysis from Arthur Schopenhauer: 'All truth passes through three stages. First, it is ridiculed. Second, it is violently opposed. Third, it is accepted as being self-evident'.²¹⁴

²¹² Garraway 2010.

²¹³ Counterinsurgency (COIN) warfare. The ultimate goal of COIN warfare is to "build (or rebuild) a political machine from the population upward." Source: Galula 2005.

²¹⁴ Attributed to Arthur Schopenhauer (1788 - 1860), n.p.n.d.