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Kila, J.D.

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Cultural Property Protection in the Event of Armed Conflict: Deploying Military Experts or Can White Men Sing the Blues?

JORIS D KILA

INTRODUCTION

• Why on earth should the military be involved in Cultural Property Protection (CPP)?
• Aren’t they in the business of destroying cultural property?
• Is it ethical to cooperate with the military where CPP is concerned?
• Protection of culture is not a priority; saving lives and providing water and food is more important.
• Military units do not have the necessary expertise to handle artefacts.
• Should social scientists cooperate with the military at all?
• We are already doing something with culture!

The above are just a few of the questions and statements raised by the legal requirement to protect cultural property during conflict for those countries that have ratified the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict; and archaeologists who have worked with the military to enable the latter to fulfil these legal requirements (or, in the case of those countries that have not ratified the Hague Convention, to work within the spirit of the Convention) have been criticised by colleagues (see, for example, Hamilakis 2003; 2009).

This criticism came to a head during the sixth World Archaeological Congress (WAC-6) in Dublin in 2008 (Rothfield 2008b; and see Gerstenblith 2009; Hamilakis 2009; Stone 2009). The discussion was driven by strongly held ethical beliefs, and archaeologists who had chosen to partner with the military were labelled as ‘part of the problem’ and were accused of losing their impartiality. These arguments echo the debates of the 1960s, when similar allegations were made about individuals partnering in various capacities with the military. However, the situation then was completely different. At that time the majority of protestors were young intellectuals, often students, demonstrating against major powers and wars of, at least perceived, colonialism. Since then the political climate and world order have changed considerably, and the majority of conflicts are no longer ‘symmetric’ – the clashing of two, usually international, conventional adversaries in intense and violent battles – but tend to be ‘asymmetric’, in which combatants are unequally matched and therefore frequently use non-conventional methods of warfare intended to exploit their opponents’ weaknesses, thereby offsetting their own quantitative or qualitative deficiencies. As a result, the mindset of military planners in relation to the tasks they have to undertake is (slowly) changing. This chapter discusses the changing military
context within which Cultural Property Protection (CPP) takes (or should take) place in the 21st century. I hope to provide those who criticise their colleagues for working with the military with an insight into new approaches and strategies within European and NATO forces aimed at countering problems concerning the implementation of CPP in times of conflict.

THE CONTEXT OF CONFLICT

Lessons learned from the early KFOR deployment stage showed that Cultural Property very often turns out to be the ultimate backing and identity-founding symbol, the last expression of self assertion of people who lost almost everything in a perpetuated act of violence and ethnic cleansing. (Brigadier General Wolfgang Peischel 2002, 139)

Modern conflicts can be culturally motivated, related to ethnicity, education, religion, differences in perception of culture and, last but not least, national identity, as was demonstrated in the former Yugoslavia, where numerous acts of iconoclasm occurred. These elements are not only present individually but also interact between and influence the conflicting parties as well as parties attempting to resolve a conflict. While the military have a common goal – winning the conflict and restoring peace or reaching the end state in a peacekeeping or stabilisation mission – they are not used to nor yet equipped to deal with such complex non-military scenarios. The situation can be further complicated by the different cultures and sub-cultures that exist within military organisations, such as, for example, the differences between the navy and the army. This combination of military and non-military cultures, both domestic and international, contributes to the complex range of factors that influence and shape or even seriously restrain the development of a policy concerning CPP within the military.

While there is an increasing, but by no means universal, acceptance within the military of the need for CPP, anyone trying to implement an effective CPP strategy should be aware that ‘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’ (Wilson 1989, 101). In other words, if the military is not used to or intrinsically inclined to tackle CPP it will give it a lower priority than other tasks that it is used to carrying out. This reluctance may, on occasion, reveal internal and inter-agency rivalries, as Rothfield noted with respect to the failure to plan for CPP in the build-up to the 2003 invasion of Iraq: ‘Bureaucratic stove piping and inter-agency rivalry prevented information from reaching the appropriate decision-makers at both the top and in the field’ (Rothfield 2008a; also see Kila 2008b). The issue is not confined within the military, however; some NGOs see military activities that are not related to the military core-business, including CPP, as ‘false competition’ and, to make their case stronger, add that they can do such things more cheaply than the military. In addition, there is the low priority argument: ‘of course CPP is important but you must admit that housing and water have greater priority’ is often the answer when attention is sought for CPP.

It has to be remembered that military actions are predominantly aimed at reaching their so-called mission ‘end state’. For CPP to be taken seriously by the military,
commanders, especially those in the field, have to see the relevance of CPP within the context of reaching the end state of a mission as soon as is reasonably possible. This view includes fitting CPP into the military planning process as either a risk or a potential force multiplier. It is in helping mission commanders see this relevance that cultural heritage specialists can play a critical role by partnering with the military or by accepting military commissions.

It should be stressed that CPP is not only about protecting, for example, archaeological sites for archaeologists, but that it frequently has an impact on the post-conflict economy (e.g., tourism), national identity or ethical aspects of a conflict—preventing, for example, the profits of illicit traffic of artefacts being used to buy weapons, or belligerent attempts to deprive ethnic groups of their cultural identity by the destruction of cultural property that is not a military target, thus intensifying a conflict (Pesendorfer and Speckner 2006). From this perspective, related subjects are propaganda, manipulation of history and sociological aspects such as the urge for distinction and the creation of new, or revitalisation of old, symbols and icons.

As there appears to be widespread misunderstanding about how culture is defined within the context of armed conflict two general, linked, points need to be clarified. First, four terms are used, frequently interchangeably, by those discussing this issue: ‘cultural property’, ‘cultural heritage’, ‘cultural awareness’ and ‘cultural resources’. The legal term for the subject discussed by this chapter, according to the 1954 Hague Convention and other treaties, is cultural property. This term refers to physical entities and is defined quite precisely in Article 1 of the Convention. It is not an ideal term, however, because the term ‘property’ suggests a form of ownership, and it should be noted that professionals use the term ‘cultural property’ only because it is the legal term used in the Convention. ‘Cultural heritage’, on the other hand, represents a wider construct and now includes aspects of human expression beyond physical objects—for example, intangible cultural heritage, although in the past the term referred only to monumental remains of cultures. ‘Cultural awareness’ is a different concept, and includes awareness of local traditions and customs—essential if unintentional offence is not to be given, but not of direct relevance to the protection of cultural property; nor is cultural awareness mandatory under international law. Cultural awareness training is normally provided to military personnel by experts other than CPP specialists, many of whom have no knowledge of, or experience with, cultural property protection. Last but not least there is the term ‘cultural resources’. This term is already used in military contexts, especially in the United States, but currently has no explicit juridical connotations which make it more usable than the other terms. Apart from this, it is sometimes paired with ‘natural resources’ in military environmental guidance documents, the military mindset being receptive to the protection of ‘resources’. As the terms are not interchangeable, the legal term cultural property is used in this chapter.

Second, and following from this, the distinction between programmes such as the US ‘Human Terrain System’ (HTS) and archaeologists and other cultural heritage specialists working to support CPP must be made clear. Part of the anger expressed towards the military and other archaeologists who spoke at WAC-6 appeared to stem from the fact that many anthropologists and archaeologists do not distinguish
between an archaeologist who is working with the military within the context of CPP and anthropologists involved with cultural awareness or human terrain teams (see, for example, Albarella 2009). Social scientists working for the US HTS teams should not be confused with cultural property experts who work with the military in accordance with the 1954 Hague Convention, and especially the 1999 Second Protocol, or other international legal instruments concerning CPP. Having made this distinction I have to acknowledge the possibility that, on occasion, military intelligence and human terrain work may touch on CPP. For example, when artefacts are looted and smuggled out of a country onto the international antiques market, the revenue generated may be used by insurgents to buy weapons. In this case, an archaeologist or art historian involved in CPP could find themselves at the very centre of a counter-insurgency operation. The distinction is still valid, however, as the key factor is that the focus of any such operation is cultural property as defined by the Hague Convention. The main factor contributing to the confusion outlined above is, as stated above, that the term cultural awareness (local customs, tribal behaviours etc) is often confused with Cultural Property Protection. Again, I reiterate that cultural awareness is not mandatory under international law, and it is implemented, and troops trained, by social scientists who are not cultural property experts.

I hope that the following discussion of new and developing military planning will raise the debate to another level. To put matters in perspective, and to illustrate the possibility that military or militarised experts can be useful in protection of cultural property, I want to use a metaphor to describe the core of the ethical problem.

CAN WHITE MEN SING THE BLUES?

This metaphor generates questions such as:

- Should white men sing the blues?
- Can black and white men play the blues together?
- Do all men want to sing the blues?
- Who gets the royalties?
- Can we all join in playing instrumental blues?
- Will it be slow or up-tempo blues?
- Who decides what’s in tune or out of tune?

The metaphor implies that, in relation to CPP, there are problems concerning communication, composition (eg which disciplines are represented in an emergency response team), perception, status, coordination, education and competence in terms of the ‘players’ – in this case individuals representing the academic, cultural, bureaucratic and military worlds.

A DISSONANCE: CAN BLACK AND WHITE MEN PLAY THE BLUES TOGETHER?

One of the main challenges is to create a discourse where archaeology and cultural property subject matter experts can find a way to work effectively in partnership with
members of the military. As Feil explains (2008), the intrinsic community, composed of academics, cultural experts and the like who have the knowledge but lack the funds and decision-making power, has to convince the instrumental community – people such as diplomats, military, development experts and governmental institutions, who have the resources and decision-making power – to deal with CPP. The latter will consider CPP only when it is clear that it fits its strategy to achieve a safe, sustainable and secure environment in conflict areas. When the players from the intrinsic community are not in tune with each other it is more difficult to interact and negotiate with the instrumental community. In addition, the military and other members of the instrumental community to a large extent still remain to be convinced about the relevance of CPP. Negotiations can only succeed if the civil stakeholders have a communis opinio. In addition, if archaeologists partner with the military they are able to introduce an extra factor to the military situation that can, in fact, be an incentive for cooperation. That incentive is the fact that knowledge of, and respect for, cultural property facilitates and supports the military mission in an asymmetric conflict environment – a point to which I shall return.

While the intrinsic community debates the sensibilities of working in CPP, and while the instrumental community remains to be convinced about its relevance, it must be stressed that CPP, as already mentioned, is actually required under International Humanitarian Law (IHL) (and see Gerstenblith, this volume). In other words, regardless of whether it sees its value or not, the instrumental community is compelled to take CPP seriously as soon as its government ratifies the relevant IHL. The argument that archaeologists working for or with the military could misuse their position is not valid since they are restricted by IHL that provides the legal context for their work in the first place. It should also be emphasised that, while there are no explicit references in any of the international conventions, as a general rule and where they exist, military cultural experts are not allowed to carry out relevant tasks when civil experts are still available in the area, and nor are they allowed to continue their activities when civil experts are able to return and take full responsibility. In addition, excavations in conflict areas, other than emergency excavations, are not permitted.

There are also, obviously, economic benefits for assonance both in cultural heritage experts and the military working together in CPP and in musicians playing the blues well together. There is no question that intact cultural property can contribute to economic benefits when a conflict is over; there are hundreds of examples of tourism based around cultural property forming a basis for economic – and in turn political – stability post-conflict. In the following case study of the Orthodox Monastery of Matejce I identify a number of key issues concerning CPP operations that were important in this particular case but that are also of general value. Of course, there are other issues relating to CPP in times of conflict not discussed here; these include civil/military cooperation, cultural property officers, handover procedures for CPP activities to succeeding military or civil experts, further legal obligations and implications concerning military law, such as the principles of military necessity and proportionality, economical implications, military incentives for implementing CPP, looting, illicit traffic and the link to military intelligence and security, financing of CPP activities, training and education of military and other
stakeholders (see many of the other contributions to this book), clashing cultures and iconoclasm. I have discussed a number of these elements in other publications using different cases (Kila 2008a; 2008b; forthcoming). The Matejce case study focuses on the aspect of cultural identity and its manipulation within the context of CPP. This illustrates the complexity of the challenge when a multidimensional set of stakeholders becomes involved. NATO involvement offers an opportunity to discuss its role and the challenges to international cooperation when developing more broad-based solutions for the challenges of CPP using IHL as a framework.

ICONOCLASM IN THE ORTHODOX MONASTERY OF MATEJCE IN MACEDONIA

The ‘creative’ use of damaged CP

The monastery of St Bogorodica Matejce is situated near the village of Matejce, approximately 40 kilometres north of the Macedonian capital, Skopje. The monastery was founded by the Serbian Emperor Dusan and completed in 1355 by Empress Jelena and her son, the Serbian Emperor Uros. Forming part of the monastery is the Church of St Bogorodica. Armed conflict in the Republic of Macedonia commenced at the beginning of 2001 and the monastery was occupied by the Ushtria Çlirimtare Kombëtare (UCK – National Liberation Army), who operated in the Republic of Macedonia in 2000 and 2001, who used it as their headquarters and arsenal. The Macedonian civil and religious authorities feared that the monastery had suffered damage. Early action to assess and possibly restore the suspected damage was financially supported by the Dutch Embassy in Skopje. The first report (6–7 July 2001) included a photographic record of the Church of St Bogorodica provided by staff of the EU Monitoring Mission. The pictures indicated damage to the roof and UCK graffiti on some of the church mural paintings, but not on the fresco paintings. The report recommended that no one be permitted to touch or remove the graffiti from the mural paintings since that would cause more extensive and irreparable damage to the 14th-century Byzantine murals. The report also recommended that any treatments should be undertaken only by Macedonian and international experts. Later it became apparent that the frescos had in fact suffered damage. A fact-finding mission by experts from the Republic’s Institute for The Protection of Cultural Monuments, undertaken in September 2001, when members of the UCK were still in situ (Nicolik-Novakovic 2004), discovered not only that damage had been inflicted on the mural paintings, but that owing to ‘cleaning’ work being carried out, contrary to the earlier recommendations, some paintings had been destroyed. The report of this second mission also noted the urgent need for the temporary repair of the damaged roof in the south-eastern corner to prevent further damage to the interior, which contained valuable 14th-century mural paintings, and, as a high priority, the cleaning of the church and the repair of damaged mural paintings.¹

¹ When reading the ICOMOS Macedonian Committee report one gets the distinct impression that matters were considerably delayed by the highly bureaucratic procedures followed. Numerous institutions were involved, such as ICBS, ICOMOS, UNESCO and the State Institute for the Protection of Cultural Monuments (RZZSK).
One of the first projects to be undertaken by the newly formed Cultural Affairs functional specialists’ network from CIMIC (Civil Military Cooperation) Group North (CGN) was an assessment mission to Macedonia, where the Dutch army led the NATO operation ‘Amber Fox’. CGN is a dedicated CIMIC capability based in The Netherlands affiliated to NATO and consisting of a framework of six participating nations: the Czech Republic, Denmark, Germany, Norway and Poland. It contributes CIMIC support units and, where possible, functional specialists to be active in the areas of Civil Administration, Humanitarian Aid, Civil Infrastructure, Economy and Commerce and Cultural Affairs. As CGN’s network manager for cultural affairs, I went to Matejce in the last week of August 2002 as part of this assessment mission. I arrived at the monastery accompanied by two Macedonian colleagues from the National Museum in Skopje. The monastery and surroundings were apparently not yet completely cleared of mines and the complex was still in use by the UCK, which presented some difficulties, but we found several instances of damage as described above. I saw murals completely destroyed because someone had tried to remove the graffiti using steel wool scouring pads impregnated with soap normally used for cleaning dishes.

On closer inspection of the graffiti, we saw that some murals had been sprayed with green paint, whereas others had been drawn upon with what looked like a black felt-tip marker. I took samples of very tiny fragments lying on the floor which came from parts of the mural-free wall. Undecorated areas of the wall had also been
sprayed and written upon, so I was able to take samples of this wall surface covered with the green paint and black ink. The paint in most readily available spray cans is based on two types of binding agents, acrylics and alkyd. Subsequent laboratory tests revealed that by using acetone and wadding it was easy to remove the paint, implying that acrylic paint had been used for the green graffiti in Matejce. After testing the samples of the black marker ink, as used on the painting of St Peter, we discovered that we had to be careful here: the difference between the green paint and the black marker ink is that the black ink used colour pigments that directly dissolved in the basic acetone liquid. Therefore, their application was more deeply intrusive. In addition to the challenge of dissolved pigments, other chemical processes could take place during attempts at removal, such as the chromatographic reaction that causes the separation of colour pigments. Tests showed that alcohol was not effective in removing the ink. However, acetone and ethyl acetate did the job, at least in the laboratory. It was therefore decided that the best way to operate would probably be to use a gel instead of a liquid to prevent the cleaning agents from damaging additional layers.

Carved and scratched murals such as the painting of Georgios Okrites (see Fig 5.3) are best treated by carefully filling and retouching them. Following the laboratory tests, CIMIC Group North’s specialists offered to restore the damaged mural of St Peter by removing the graffiti and applying a non-intrusive protective layer that would facilitate the removal of future graffiti should it be targeted again. However, to our surprise, the party responsible for the mural saw its defaced state as excellent public relations and asked us not to restore it until a peace agreement was signed. For the moment they were quite happy with their ‘treated’ mural, which made a powerful statement. Later, the whole project involving the specialists of CIMIC Group North was stopped by the Dutch MoD owing to the withdrawal of Dutch troops.
FIG 5.3
GEORGIOS OKRITES, PROBABLY AN ARCHBISHOP OR ST GEORGE: DAMAGED MURAL IN THE MATEJCE MONASTERY.
This Macedonian example raises a question over how situations like these should be interpreted. Is this example a misuse of damaged cultural property as propaganda? Is someone trying to create a win–win situation? Of course, art historians, politicians and all the concerned parties should consider these issues. However, in the meantime, it remains a rather confusing matter for the military, who have to distinguish between CP and damaged CP. By means of comparison, one can consider what the difference is between the damaged St Peter (the Maradona) and a conceptual piece of art like Marcel Duchamp’s L.H.O.O.Q.? To an outsider they both look like vandalised paintings; however, Duchamp’s picture is actually in itself a creation of Marcel Duchamp, rather than Da Vinci’s Mona Lisa, damaged. His aim was to attack the eternal values of Western culture. Note the fact that the UCK members, who were unlikely to be trained in art, used graffiti symbols derived from Western mass culture such as Ray Ban sunglasses, soccer trophies and Diego Maradona, while at the same time attacking Christianity, which they perceived as equivalent to Western culture. How, therefore, can the military recognise cultural objects, and damage to them, and ask for advice on the basis of a basic iconographic description to be judged by so-called ‘reach-back capabilities’ (scholars, research institutes etc) who are not present and may be thousands of miles away? What is damage in this context: is it the destruction of art or of identity, and who is the vandal?

A number of key issues and dilemmas can be identified, including:

- The military perspective on conflict: changing military approaches to current types of conflict and changing military attitudes toward issues such as cultural property
- The role of parties involved, such as functional specialists and NATO; international cooperation
- Legal obligations, international humanitarian law
- Status and definition of CP as perceived by the military
- Changing aspects such as the international political environment
- CP as a means of identity and distinction
- CP and propaganda, manipulation of CP
- Religion
- Who is the vandal?

There is insufficient space to deal with all of these issues in this chapter. Rather, it should be noted that they all exist and that the immediate task is to open a discussion with military planners as to how to best address them.

The Military Context

The aim of a military operation is to reach the so-called ‘end state’. In most cases this means the establishment of a sustainably safe and secure environment. It is reasonable to expect that at the beginning of this process a conflict’s root causes are addressed.

2 L.H.O.O.Q.: a cheap postcard-sized reproduction of the Mona Lisa, upon which Duchamp drew a moustache and a goatee. This ‘readymade’ (1919) is one of the most well-known acts of degrading a famous work of art. The title, when pronounced in French, is a pun on the phrase ‘elle a chaud au cul’, which translates colloquially as ‘she has a hot ass’.
FIG 5.4
L.H.O.O.Q FROM BOX IN A VALISE (BÔÎTE-EN-VALISE) BY OR OF MARCEL DUCHAMP OR ROSE SELAVY (DE OU PAR MARCEL DUCHAMP OU ROSE SELAVY). MARCEL DUCHAMP, AMERICAN (BORN FRANCE), 1887–1968
In such an environment, indispensable elements such as the economic system, a juridical system (including a police force) and other relevant aspects of civil infrastructure are re-installed and set up to function in an independent manner so that the foreign military can go home. To save and protect CP, as part of this process, there are basic requirements. The military must have CP experts and civil reach-back capabilities at their disposal throughout all of the phases of a conflict, including the planning and assessment phases.

CONFLICT

The International Committee of the Red Cross (ICRC 2008) identifies two types of conflict: ‘international armed conflict’, involving two or more States, and ‘non-international armed conflict’, between governmental forces and non-governmental armed groups, or between the latter groups only. IHL also makes a distinction between non-international armed conflicts in the meaning of common Article 3 of the Geneva Conventions of 1949 (‘Armed conflict not of an international character occurring in the territory of one of the High Contracting Parties’) and non-international armed conflicts falling within the definition provided in Article 1 of Additional Protocol II (‘armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination, as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations’). Legally speaking, no other type of armed conflict exists. One type of armed conflict can evolve into another type.

CHANGING MILITARY MINDSETS AND ATTITUDES

Continuing changes and developments concerning the character of conflicts, and related strategies to end these conflicts, reveal that today’s military operate in an increasingly complex setting: that of asymmetric conflict, as noted above. In this regard the military has had to learn to adapt to new situations; and the increasing complexity of war creates situations that are especially challenging for activities involving Civil Affairs and Civil Military Coordination (CIMIC) units trying to work with and engage the local population during missions. From this perspective CPP is one of the many ‘new’ specialities required by the military, taking its place alongside other forms of expertise such as civil administration, economic development, humanitarian affairs and civil infrastructure. The armed forces did not traditionally have these now essential capabilities within their organisation, so reacted by outsourcing some tasks to contractors and introducing so-called ‘functional specialists’ or ‘reservist special tasks’ – individuals who have expertise, including archaeology and art history, unavailable in the standing army and who normally work in civil society, who were ‘painted green’ – the European military expression for being temporarily militarised or, after training, enlisted as a reservist to be called into active duty when needed. The deployment of these reserve officers created tensions:
commissioning functional specialists caused practical problems such as issues of rank, difficulties over operating in the field with professional soldiers who were better trained, and a lack of understanding of, and experience with, military customs and traditions. These challenges call for additional research on CPP, not only from a theoretical but also from a practical perspective, to gain knowledge that can serve as a basis for the improvement and adaptation of current practices. For cultural experts, including archaeologists and art historians, it is difficult to grasp the military mindset, just as it is difficult for some academics to ‘cross the bridge’ and work with the military or militarised cultural experts. By the same token, many military professionals find it challenging to work with academics.

Parties Involved in the Case
Though Matejce is a unique case, the range of parties involved gives an indication of the complexity implicit in the implementation of CPP and the frequent involvement of many different stakeholders in CPP activities. All of the following took some part in, or had a view on, the Matejce case study:

- Military: CIMIC Group North, Functional Specialists, Netherlands Armed Forces
- Militant armed forces from the UCK
- International organisations: NATO, UNESCO, ICBS, ICOMOS
- Religious institutions in Macedonia
- Individual art historians and restorers

International Cooperation – NATO Position Regarding CPP and a Possible Way Ahead

In the Matejce case, for the most part, implementation of CPP was through CIMIC, with some participation from the wider Netherlands Armed Forces. Had the US been involved, their implementation might have been through Army Civil Affairs. The former NATO Secretary General has summed up the challenge involved in factoring in the international organisations:

For NATO a comprehensive approach is one that fosters cooperation and coordination between international organisations, individual states, agencies and NGOs, as well as the private sector. Developing such a culture of cooperation is not going to be easy. We are all attached to our own ways. (NATO Secretary General de Hoop Scheffer, 2007)

Even though the Secretary General was not referring specifically to CPP, but to interagency coordination, when he made this statement, most would agree that his concern about developing a culture of cooperation would apply to CPP. In this regard I will first introduce what is called the Comprehensive Approach and then explain the
link with CPP. In addition, it is useful to outline how cooperation at the NATO level could work to implement powerful CPP programmes while defining the obstacles that would need to be addressed.

**THE ‘COMPREHENSIVE APPROACH’**

Since the origins of conflicts are of a non-military nature, the use of different, non-military agencies and powers to end conflict is necessary. As development and security are strongly interconnected it is necessary to approach safety, reconstruction and good governance in a comprehensive manner – hence the ‘Comprehensive Approach’. In this approach, development cooperation and military and diplomatic activities should be integrated. This means that the military contribution to crisis management operations must be combined with diplomatic efforts and development cooperation – the so-called ‘3D strategy’: Development, Defence and Diplomacy. The Dutch armed forces are currently using a second generation of this 3D concept, based on four areas of concern: security, politics, and social and economic well-being. CPP fits into this concept as it is positive for the public image of a country, internationally as well as nationally. By actively demonstrating a CPP policy and at the same time meeting treaties and obligations mandatory under IHL, the support from a country’s inhabitants for national and international military operations can be strengthened.

As a practical example of this strategy, Coalition forces in Afghanistan and Iraq have developed Provincial Reconstruction Teams (PRTs) that are designed to help improve stability by increasing the host nation’s capacity to govern; enhancing economic viability; and strengthening local government’s ability to deliver public services such as security and health care. Staffed by military, militarised and civilian experts, PRTs are a means of coordinating interagency diplomatic, economic, reconstruction and counter-insurgency efforts among various agencies in Afghanistan and Iraq. PRTs are intended to be interim structures; after a PRT has achieved its goal of improving stability, it will be dismantled to allow traditional development efforts to occur (http://www.gao.gov/new.items/d0986r.pdf (accessed 25 April 2010)). The Dutch Joint Doctrine Bulletin on PRTs states that the essence of a comprehensive approach is the fact that conflicts cannot be solved by military means only.

In addition to the PRT strategy, discussions are turning to the possibilities of multinational cooperation with organisations such as NATO, which potentially has capabilities for Civil Emergency Planning. I have argued elsewhere (Kila 2008a) that, in theory, NATO would be the ideal organisation to house and support a militarised cultural emergency team. This task would fall naturally to the department of Civil Emergency Planning (CEP), and in particular to the Senior Civil Emergency Planning Committee (SCEPC). Of course, there is also a related military intelligence element, especially in the case of the illicit traffic of artefacts. In addition, NATO’s Allied Command Transformation (ACT), which includes in its mission statement the goals of ‘improv[ing] military effectiveness and interoperability’ and ‘support[ing] Alliance operations’, should include cultural heritage protection in its programme. CPP could also be taught at NATO’s educational institutions. Since many countries are members of NATO, the possibility of locating and recruiting militarised experts is potentially significant.
However, at present, responsibility for providing advice on cultural heritage issues to military planners and commanders of NATO forces lies not with CEP but with CIMIC/Civil Affairs. This situation complicates matters for, while the NATO CIMIC AJP-9 doctrine seems designed to enhance the implementation of, in this case, CPP, different NATO member countries have very different concepts and perceptions of CIMIC generally. For example, whereas NATO as an organisation considers CIMIC as ‘observation, interposition, and transition assistance’, the UK perceives CIMIC as ‘direct assistance by conventional troops’ and the US recognises it as ‘force protection, liaison, and limited direct support’ (Celik 2005). The EU’s definition of CIMIC in EU-led crisis-management operations is similar to NATO’s: ‘the coordination and cooperation, in support of the mission, between military components and civil actors which are external to the EU, including national populations and local authorities, as well as international, national, and non-governmental organisations and agencies’. Canada has two definitions, one for the domestic environment and one for international environments.

Consequently, it is not easy at present to use CEP as perceived by NATO for a cultural (property) emergency planning strategy. Apart from the conditional political intention, or political will, needed to create a multinational cultural emergency capability (CERC), a number of other issues are raised: does NATO have the same obligations as State Parties that ratified the Hague Convention? If so, how does this relate in practice to the support of the Commander’s mission doctrine? Can a CERC act only when military forces are called upon by a civil authority to conduct a particular mission? In the case of a natural disaster the military has a finite mission for a finite time period. Can they operate under civil direction throughout? Articulating the legal obligations that would drive these efforts would provide guidelines for addressing these questions, complications and obstacles.

As a further complication, within NATO itself, the so-called STANAGs (NATO Standardization Agreements for procedures and systems and equipment components) are developed and promulgated by the NATO Standardization Agency in conjunction with the Conference of National Armaments Directors and other related authorities. According to NATO’s STANAG 7141 EP, CPP falls under environmental issues, being the handling of natural and cultural resources. NATO members’ defence ministries normally follow such STANAGs by issuing national directives or orders. A number of countries, as well as NATO, have Environmental Policy Working groups that provide an opportunity to incorporate expertise on cultural resources including CPP.

THE (CHANGING) STATUS AND DEFINITION OF CULTURAL HERITAGE OR PROPERTY

Different viewpoints and arguments exist among experts and scholars over the question of whether cultural property should be protected at all or in all circumstances. I leave this discussion to others and assume that it is important to protect cultural property in the event of armed conflict, touching subsequently on the notion of protecting and saving cultural property in the event of natural disasters. Furthermore, over the course of time, the definition of cultural property has changed. For example, statues of Lenin and Stalin from the Soviet period were not considered to be cultural property in the
immediate aftermath of the disintegration of the Soviet Union. In addition, a geographical location or an associated regime can influence the appreciation of, or status awarded to, cultural property. For example, the Taliban considers all pre-Islamic cultural property as pagan and therefore saw that it was perfectly within their rights to destroy it – resulting in the loss of the Bamiyan Buddhas. In the same way, certain property within a country, as, for example, in Iraq, can be seen as important Islamic heritage (eg the Golden Mosque), whereas other property (eg Babylon, Ur) in the same country is seen as less important Christian biblical heritage.

The Link with Religion

Religion has always been, and still remains, one of the elements that can cause and drive conflicts, and the deliberate destruction of cultural property has been a recurring thread throughout history. For example, a religious conflict between Calvinists and Catholics which took place in the Netherlands in 1566, the so-called ‘Beeldenstorm’, led to the damage and destruction of churches, monasteries and their contents, including paintings, murals and books. This targeting of religious buildings was echoed in the conflict in the former Yugoslavia, where churches and mosques were specifically targeted by the warring factions. In another example, the link between religion and cultural property was made explicit by the actions of the (then) Israeli opposition leader, Ariel Sharon, who, together with a Likud party delegation surrounded by riot police, visited the Temple Mount compound, widely considered the third holiest site in Islam, on 28 September 2000. The purpose of the visit was to demonstrate that under a Likud government the Temple Mount would remain under Israeli sovereignty. His visit was condemned by the Palestinians as provocation and an incursion, particularly given the presence of his armed bodyguards, who arrived with him. Critics claim that Sharon knew that the visit could trigger violence; it is widely credited with leading to the second Palestine Intifada.

In May 2003, just after the American invasion of Iraq had begun, Abdulamir Hamdani, the archaeology inspector of Dhi Qar province in southern Iraq, called on the Grand Ayatollah Ali al-Sistani with an urgent request. ‘We needed his help to stop the pillage’, Hamdani recalled. His province covers much of what was once the land of Sumer. In the third millennium BC it was a fertile plain incorporating the cities of Ur, Lagash, Girsu, Larsa and Umma; today, the shifting course of the Euphrates and Saddam’s campaign to drain the marshes have for the most part turned it into an impoverished wasteland. After Saddam’s fall, many poor locals – often backed by armed militia – turned to archaeological looting. As a result, the black market trade in antiquities became a major part of the local economy. Al-Sistani honoured Hamdani’s request to announce a fatwa. He proclaimed that digging for antiquities is illegal; that both Islamic and pre-Islamic artefacts are part of Iraqi heritage; and that people with antiquities in their possession should return them to the museum in Baghdad or Nasiriyah. Copies of the fatwa were distributed widely in the south, and published in the Iraqi press. As a result some of the looters stopped, because they tend to obey the Grand Ayatollah. The fatwa was a small victory for Hamdani in his struggle to save cultural property.
CONCLUSIONS

Cultural property protection is an obligation under international humanitarian law. There seems to be no compelling reason why CPP should or could only be implemented at the expense of humanitarian aid; CPP and humanitarian aid are separate issues implemented by separate institutions and experts. Moreover, aid budgets can be, and usually are, allocated separately and independently of cultural funds. In addition, CPP and cultural awareness are separate issues with different motives and are handled by different experts.

Awareness and appreciation of the value of CPP must be increased in order to change the current situation in which policy planners, government officials and military commanders seem to be reluctant to take effective action, mainly as many are not familiar with the subject. The creation of national, dedicated departments for CPP which benefit all services (navy, air force and army) will contribute to an effective and lasting solution. Under such an arrangement, the CPP officers can slowly integrate and earn an accepted position within the armed forces. Professional deployment is not an unusual outcome, as this happened in the past with medical and juridical personnel who are now fully integrated. Another challenge within the military is the new dual role of warrior and peacekeeper, which requires at least an adaptation of the military mindset, as is also the case for the dual role of culture destroyer and culture protector. If members of the military can adapt to being both warrior and peacekeeper at the same time they must be able to do the same in relation to CPP.

Military involvement in Cultural Property Protection is seriously restricted by people who invent and introduce irrelevant ethical issues around cooperation between civil experts and the military. If all parties adhere to the legal framework provided by the Hague Convention then there should be no ethical problems. It could even be argued that ignoring the resolutions and suggested cooperation as outlined by International Humanitarian Law is in itself unethical.

EPILOGUE

- Should white men sing the blues?
  Yes, if civilian experts provide them with the expertise they need to meet the legal requirements of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.

- Can black and white men play the blues together?
  Absolutely: as I write this article, archaeologists are working successfully in Egypt with an international team to teach archaeology awareness to American and British military personnel. Additional examples include the United States Central Command, which has established a Historical/Cultural Advisory Group and the new International Military Cultural Resources Working Group. Both of these groups include subject matter experts and military officers working together.
• Do all men want to sing the blues?
  Many archaeologists and cultural property experts have strong personal commitments to international archaeological stewardship. Others also recognise their obligations under international law as citizens of countries that have signed the 1954 Hague Convention. Members of both groups have discovered that a very effective way to meet this commitment is to work as partners with the military. The subject matter experts who have chosen to sing the blues have had a tremendous positive response from their military colleagues. The answer is YES!

• Who gets the royalties?
  When we save cultural property, all citizens of the world benefit.

• Can we all join in playing instrumental blues?
  We are already playing the intro.

• Will it be slow or up-tempo blues?
  As you are reading this article, the tempo is increasing.

• Who decides what’s in tune or out of tune?
  History…

Everybody gets the blues, from the White House to the poor house, and singing the blues, playing the blues, or even listening to others sing and play the blues always helps you feel better. (Poet 2008)

Can white men sing the blues? Probably not, but they can do a mighty fine instrumental blues instead.

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