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Protecting cultural property in the event of armed
conflict: the work of the Blue Shield

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Some background

Cultural property is always a victim during armed conflict. There is nothing that can be done about such damage and destruction and humanitarian issues – saving people – is a far greater priority than saving old buildings, libraries, archives, and archaeological sites. So speaks conventional wisdom. While I fully support the primacy of humanitarian work during armed conflict I am not convinced there is nothing that can be done to mitigate damage to and destruction of cultural property. Nor that the two are easily separated. It is clear however, that since the Second World War, until relatively recently, little attention had been paid to such protection.

This is slightly surprising given the perceived success during the Second World War of the Allies' 'Monuments, Fine Arts, and Archives' unit (MFAA). During the War the protection of cultural property was seen clearly as part of the responsibility of the combatants and the Allies, and some elements of Axis forces, took this responsibility seriously (see e.g. Woolley 1947; Nicholas, 1995; Edsel 2009; Edsel 2013). Fully supported by Eisenhower, the Supreme Allied Commander, the MFAA was a team of cultural heritage experts fully integrated into the Allied forces who made enormous and successful efforts to protect cultural property in all theatres of the war. Despite the efforts of the MFAA there was massive damage to cultural property during the War and following the end of the war the international community came together to develop the 1954 Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict and its first (1954) Protocol. A Second Protocol was added in 1999. Together the Convention and its Protocols remain the primary (but not only) international humanitarian law concerning the protection of cultural property during conflict (see O'Keefe 2006; O'Keefe *et al* 2016).

Unfortunately, despite the 1954 Convention, little was done after the War to continue the work of the MFAA conscript-soldiers (although elements of their work were retained with US Civil Affairs units) and by the civil war in the former Yugoslavia in the 1990s and the invasion of Iraq in 2003 few military forces retained anything other than a superficial expertise, or commitment to, the protection of cultural property; as demonstrated depressingly by the debacle in Iraq (and see, e.g. Stone & Farchakh Bajjaly 2008). When they led the coalition invasion of Iraq in 2003 neither the USA nor the UK had ratified the Convention – although the militaries of both argued that they operated within 'the spirit of' the Convention.

The Blue Shield

Article 16.1 of the 1954 Convention identifies a Blue Shield as the emblem of the Convention and the emblem to be used to identify property protected under the Convention. The 1999 2nd Protocol to the Convention established a 12 member Intergovernmental Committee to oversee its implementation and Article 27.3 of the 2nd Protocol, picking up the Emblem identified in 1954, recognised The International Committee of the Blue Shield (ICBS) as an advisory body to the intergovernmental committee. The ICBS had been created in 1996, in anticipation of the 2nd Protocol, by the International Council of Archives (ICA), the International Council of Museums (ICOM), the International Council on Monuments and Sites (ICOMOS), and the International Federation of Library Associations and Institutions (IFLA). The Association of National Committees of the Blue Shield (ANCBS) was established in 2006. Since 1999 a number of national committees of the Blue Shield have been created with various degrees of activity and success. These two organisations amalgamated in 2016 to become simply 'The Blue Shield' and the acronyms ICBS and ANCBS are no longer used.

The Blue Shield is referred to frequently as the 'cultural equivalent' of the Red Cross. There are, however, three key differences: First, the Red Cross has had some 150 years to establish a world-wide reputation; the Blue Shield has been in existence for less than 20 years and is virtually unknown outside those involved in its community and some armed forces. Second, the Red Cross has a multi-million pound budget; save for a time-limited, short-term, subvention for an office from the municipality of The Hague, the Blue Shield has no income at all except for limited travel funding for the author provide by Newcastle University. Third, the Red Cross has a paid staff of some 12,000 people usually working in approximately 80 countries; the Blue Shield has no paid staff. Despite these obvious disadvantages the Blue Shield is slowly developing a capacity to act with respect to cultural property protection during armed conflict that compliments, but does not overlap, the work of others in the field. The Blue Shield organises its work under five general headings of: policy development; coordination; proactive protection; training; emergency response; and long term support.

Policy Development: The new Statutes, signed by the Blue Shield President in April 2016, which created the blue Shield and essentially 'closed-down' the ICBS and ANCBS, provide the overall framework for future Blue Shield activity. Article 2.1 of the Statutes sets-out that Blue Shield:

"...is committed to the protection of the world's cultural property, and is concerned with the protection of cultural and natural heritage, tangible and intangible, in the event of armed conflict, natural- or human-made disaster."

With respect to armed conflict (the focus of this article), the Blue Shield accepts fully that the primary focus of the military during any conflict is to win the conflict. However, it does not subscribe to the belief that nothing can be done to mitigate damage to and destruction of cultural property during armed conflict. We have to start from the understanding that the relationship between the heritage community and the military was, for whatever reasons, effectively lost following the Second World War, but that damage-mitigation cannot happen without an effective relationship. A critical first step was/is to convince the military that protecting cultural property is not only their *responsibility* but can be seen as a *significant contribution* to their mission. A key to this, whether a palatable course of action for heritage experts or not (and a number have argued strongly that it is not – see, for example Hamilakis 2009), is to understand the needs and requirements of the 'end-user' – the military.

There are numerous reasons why the protection of cultural property is important. These include academic; cultural/social; medical; political; international humanitarian law/law of armed conflict (IHL/LOAC); international human rights law (IHRL); international customary law (ICL); economic; and, crucially, military (see Stone *in prep*). While all are important, the key issues *from a military point of view* are first: that the protection of cultural property is a military *responsibility* under IHL/LOAC, IHRL, and ICL; second, that cultural property is frequently used by (the military's master) politicians to legitimate a conflict; third, that an increasingly important part of modern conflict is the establishment of a stable post-conflict economy – and that cultural property can be a critical aspect of such economic stability through tourism; fourth, that the looting of cultural property during conflict can provide significant funding for the enemy; and finally, that protection of cultural property can be regarded as 'soft power', a so-called 'force-multiplier', where protection, if it does not win friends, does not create the enemies that lack of protection can do.

With this understanding as a starting point we had to work out when, and how, heritage experts should interact with the military. The 4 Tier Approach identified these times as long-term (rank-relevant general awareness training); immediate pre-deployment (specific information about the

cultural property in the country to which they are being deployed); during conflict (an in-uniform 'conscience role' – is this action military necessity... or only convenience?); and post-conflict/stabilisation (when the military may be the only organisation capable of assisting with the protection of cultural property) (see Stone 2013). This 4 Tier Approach led directly in 2014 to the establishment in the UK of a Cultural Property Protection Working Group (CPP WG) within the British Army (Purbrick 2016) which is now a Joint Service CPP WG that is in the process of facilitating the creation of a new CPP capability with UK Forces.

A third aspect of Blue Shield policy development has been to unpick the risks to cultural property during armed conflict. Cultural property is not just at risk from so-called 'collateral damage' as commonly suggested. When picked-apart, there are at least seven risks that need to be taken into account and for all of which there are things that can be done to reduce their impact. These are: lack of planning; spoils of war; lack of military awareness; collateral damage; looting; enforced neglect; and specific targeting (see Stone 2016). Action taken to mitigate the impact of any of these will, by implication, reduce the overall risk. Space precludes any detailed analysis of the seven risks but all can be seen to contribute to a more effective military mission. This is crucial. The military are not going to protect an archaeological site just because its excavation has been Professor Smith's life work. They will, if resources allow, protect it if by doing so they stop its looting and therefore stop a source of funding for the enemy.

Coordination: The Blue Shield's second area of activity is 'coordination' and in particular the coordination of our nearly 30 national committees. As the Blue Shield has no funding it has never been able to establish a staffed central office or, until now, a specifically Blue Shield 'approach' or set of agreed activities. The above policy development is helping to formulate the context within which all Blue Shield national committees will work – and through which they will be supported as and when a central office can be established. Such coordination should unlock the full potential of hundreds of willing, specialised volunteers. At the same time, we need to coordinate with other related bodies – for example UNESCO, and the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM) – so as not to overlap with their existing activities. The protection of cultural property is so important that, in a resource-limited environment, it would be madness to replicate the activities of others.

Proactive protection: Since the civil war in the former Yugoslavia the cultural heritage community has been *reacting* to crises and conflicts. An aspiration is to move the emphasis of the Blue Shield's work from 'reactive' to 'proactive' protection. This means helping heritage organisations, in particular those in countries where the threat of armed conflict is high, to ensure that they are as prepared as possible for the worst. Are all library and archive catalogues digitised and up-to-date? Have archives and rare books been scanned? Do those responsible for heritage assets even know where all important libraries and archives are located? Have all museum objects been photographed to the highest standards and collections catalogued? Do libraries, archives, and museums have disaster and, *in extremis*, evacuation plans? Who has the responsibility and authority to order such plans to be implemented? Are there detailed, digitised inventories of historic buildings and archaeological sites? And so on. Such information would be of enormous value for most heritage organisations in peacetime as well as in conflict. The salutary answers to most of these and similar questions, in perhaps most countries in the world, are negative. The main reason for this is lack of resources – both financial and specialised staff. If we are to avoid the disasters of recent conflicts we need to find these resources as quickly as possible.

Training: Training courses for staff of heritage organisations are available in many parts of the world and excellent specialist courses, such as ICCROM's 'First Aid to Cultural Heritage in Times of Crisis' and 'Disaster Risk Management of Cultural Heritage', are available. While all could probably benefit

from additional funding, there is no value in the Blue Shield establishing similar courses. Where there is a significant gap in provision is in training for the military and other uniformed organisations relating to their responsibilities regarding cultural property protection during armed conflict and following natural disaster. The Blue Shield has carried out basic courses for a number of military organisations and has worked recently with UNESCO to develop some generic training materials. We are currently working with a number of armed forces to integrate these materials into their existing training and to develop new, specialised courses. These courses are based on the Blue Shield approach described briefly under 'policy development' above.

Emergency response: The Blue Shield has carried out a number of emergency missions to countries (Egypt, Libya, and Mali) where conflict has just finished or where it continued. Such missions are, by their very nature dangerous, but are essential if important information is to be collected for future use. For example, photographs taken by a Blue Shield team at Ras Almagreb in Libya in 2011 were instrumental in NATO setting up its internal review *Cultural Property Protection in the Operations Planning Process* that recommended in 2012 that NATO develop its own "CPP policy featuring the commitment of the Alliance to protect cultural property" (NATO 2012, p.5). We need to do much more regarding the deployment of such missions and be clearer in their aims and objectives.

Long term support: We need to acknowledge that the need for cultural property protection is not going to disappear and that the heritage community should - must - not lose the critical relationship with the military in the future as happened following the Second World War. Such long term support includes the development of policy, support for national committees, and training mentioned above, but also, for example, the development and maintenance of a useful website, the hosting of regular General Assemblies, academic, professional and less specialised publications, and a constant programme of raising awareness within the general public of the importance of cultural property and its protection during armed conflict and following natural disaster. Training the media in the importance of cultural property is also of paramount importance.

Sadly armed conflict appears to be a constant element of the human condition. The heritage community is never going to stop armed conflict; we can perhaps help to mitigate its impact on the remnants of our common past that may just be used to forge a safer, more peaceful future. One thing is certain: if we do not try, we will never know what we might have achieved.

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