

NATO AND CULTURAL PROPERTY

Embracing New Challenges in the Era of Identity Wars

Report of the NATO Science for Peace and Security
Project: **Best Practices for Cultural Property
Protection in NATO-led Military Operations**



Frontpage:

Combat engineers of the Russian Armed Forces
clearing Palmyra's historic areas.

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Peace and Security Project:
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ABBREVIATIONS

ACO	NATO Allied Command Operations
AJEPP	Allied Joint Environment Protection Publications
AJOD WG	NATO Allied Joint Doctrine Working Group
AU	African Union
CCOE	NATO CIMIC Center of Excellence
CCOMC	Comprehensive Crisis and Operations Management Centre (NATO SHAPE)
CIMIC	Civil-Military Co-operation
CJOP	Joint Common Operational Picture
CONOPS	Concept of Operations
CP	Cultural Property
CPC	Cultural Property in Conflict
CPOE	Comprehensive Preparation of the Operational Environment
CULAD	Cultural Advisor
DIA	United States Defence Intelligence Agency
EU	European Union
GIS	Geospatial Information System
ICC	International Criminal Court
IHRL	International Human Rights Law
IL	International Law
JALLC	NATO Joint Analysis and Lessons Learned Centre
JHQ	Joint Headquarters
JTCB	Joint Targeting Coordination Board
JTS	Joint Targeting System
KFOR	NATO Kosovo Force

LOAC	Laws of Armed Conflict
MC	NATO Military Committee
MCJSB	NATO Military Committee Joint Standardisation Board
MOUT	Military Operations in Urban Terrain
NATO	North Atlantic Treaty Organisation
NATO SPS	NATO Science for Peace and Security Program
NATO SPS CPP	NATO SPS Cultural Property Protection project
NGO	Non-Government Organisation
NIFC	NATO Intelligence Fusion Centre
OECD	Organisation for Economic Co-operation and Development
OPPLAN	Operational Plan
OUP	NATO Operation Unified Protector (Libya)
PfP	NATO Partnership-for-Peace
SACEUR	NATO Supreme Allied Commander Europe
SACT	NATO Supreme Allied Command Transformation
SHAPE	NATO Supreme Headquarters Allied Powers Europe
SITCEN	NATO Situation Centre (HQ Brussels)
SOCOM	United States Special Operations Command
STANAG	NATO Standardization Agreements
UN	United Nations
UNGA	United Nations General Assembly
UNSC	United Nations Security Council
WG	Working Group

1. ACKNOWLEDGEMENT

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In their role as co-directors, Dr. Laurie Rush, Mr. Hadzim Hodžić and Dr. Richard Osgood have provided ceaseless professional brilliance, genuine dedication and comradery.

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While this report is the outcome of collective efforts and joint initiative, as the main author and editor I bear the sole responsibility for the views and opinions expressed in this document as well as any remaining errors.

The content of the report is not endorsed by NATO and the information provided therein may not reflect an agreed opinion or policy of NATO or of NATO bodies and member states.

Dr. Frederik Rosén

Project director, NATO SSP CPP

2. EXECUTIVE SUMMARY

In 2014 allied nations approved a two-year NATO Science for Peace and Security project called “Best Practices for Cultural Property Protection in NATO-led Military Operations” (NATO SPS CPP). The stated aim of the NATO SPS CPP project includes developing recommendations on how NATO should approach the question of policy and doctrine related to CPP.

To this aim, this report evaluates a) the role of cultural property (CP) in the wars of the 21st century and the rationale for NATO to consider CPP; b) existing work on CPP in NATO; c) lessons identified from NATO-led and non-NATO-led military operations and allied nations; and d) the way forward for CPP in NATO.

Methodology

The NATO SPS CPP project revolved around a series of Advanced Research Workshop events (see Annex 1), which brought together a global stakeholder community (see Annex 2) to identify and discuss various perspectives on the role of CP in NATO-led military operations. In the course of the project, the project team conducted numerous consultations with academic experts and stakeholders within and outside NATO, as well as reviewed a range of sources including academic literature, military doctrine, policy reports, and media coverage. The project also endeavored to incorporate new and unpublished research.

Limitations

The report refrains from examining the laws of armed conflict (LOAC) applicable to CP. This topic enjoys exhaustive coverage in the academic literature. In 2016, UNESCO published a detailed manual on how to translate the 1954 Convention for the Protection of CP in the Event of Armed Conflict into practical considerations during military operations. NATO SPS CPP refers to this report as the authoritative guideline for military implementation of the 1954 Convention.¹ It is also beyond the scope of this report to detail a NATO action plan for practical requirements for CPP across NATO’s functional areas.

Key findings

In addition to the moral and legal obligations to protect CP during operations, the report draws attention to some mutually reinforcing developments, which together rewrite the strategic environment for CP in 21st century wars.

These developments include new norms related to CP; the new role of identity politics as a key driver of armed conflicts; the globalization of conflict; the urbanization of conflict; the rise of so-called hybrid warfare; and the rapidly evolving transnational market for illicit antiquities enabling armed groups to more easily make an income out of looting and trafficking antiquities.

As a result, CP has increasingly become a topic considered by the defense sector.

The NATO SPS CPP project’s review of NATO CPP activities and doctrinal elements, combined with lessons identified from NATO-led operations, hence also reveals that CPP is far from an alien element for NATO. A framework for mainstreaming CPP across the NATO organizations in order to integrate, consolidate and develop existing work would be easily attainable and provide an advantage for NATO, its member states and its partnership for peace countries.

Key recommendations

The report recommends that NATO establish a NATO CPP framework by 1) developing a bi-command CPP directive to establish operational guidelines; 2) commencing the development of a NATO standardization agreement to ensure the incorporation of CPP into operational planning and execution of military operations; 3) developing NATO CPP terminology; 4) inserting CPP elements when updating NATO policy and allied joint doctrine publications; 5) completing ongoing NATO initiatives to create a geospatial information (GIS) CPP data layer for NATO maps; 6) sustaining a dialogue with relevant non-NATO associates; and 7) considering the relevance of developing a NATO policy on CPP.

¹ Roger O’Keefe, Camille Péron, Tofiq Musayev & Gianluca Ferrari (2016): Protection of CP. Military Manual. Paris: UNESCO. In addition, NATO SPS CPP refers to NATO Legal Gazette, Issue 38, September 2017, Special issue on “Cultural Property Protection: NATO and other Perspectives”.

3. INTRODUCTION

The 2012 NATO Joint Analysis and Lessons Learned Center's (JALLC) report on "Cultural Property Protection in the Operations Planning Process" stressed the good publicity NATO received after performing effectively to avoid damage to CP in Libya during Operation Unified Protector (OUP). The report focused primarily on member states' responsibility under LOAC to protect CP.

The NATO SPS CPP project pursues a wider perspective than the JALLC report in its analysis of the changing strategic environment and the requirements for standardizing approaches across a range of functional areas within NATO. It advances the concept and requirements for CPP in NATO further by suggesting that today, more than ever before, CP in its various forms and with its ethical, political, strategic and tactical value, constitutes an integral and prominent part of the military environment. The construction of comprehensive international norms, laws and institutions related to 'CP in conflict' (CPC) since the mid-twentieth century, combined with new conflict trends, have placed CP to the forefront as a critical symbolic marker of security communities. The rise of identity politics and transnational conflicts further fuels the focus on CP.

The new significance of CP leads belligerents ranging from state-based militaries to asymmetric armed groups to consider its strategic and tactical value during campaigns and operations. Such consideration may take the form of adhering to LOAC. It may also take the form of deliberate destruction of CP to hurt opponents and undermine their cultural roots, or the utilization of the normative power and social media "effectiveness" of CP for strategic communication purposes.

As concerns about CP recently started to migrate from the cultural sector to the defense sector, military commanders have often found themselves lacking the tools for including CP in the planning, conduct and after-action review of operations. Initiatives and capacities emerge on an ad hoc basis and typically hinge on personal interests and aspirations rather than organizational outlooks.

This developing situation has drawn attention in NATO as elsewhere. The aim of the NATO SPS CPP project has been to assist NATO with understanding the challenges of the increasingly demanding CPP and cultural heritage environment and the implications for NATO-led military operations. Furthermore, the project offers NATO and its

"There remains nothing, therefore, where an absolute superiority is not attainable, but to produce a relative one at the decisive point, by making skilful use of what we have."

— Carl von Clausewitz, *On War*.

member states research-based policy recommendations for adjusting policy, doctrine and capabilities to embrace these challenges during NATO-led military operations.²

The NATO SPS CPP and derived initiatives at NATO Headquarters have established NATO as the most progressive defense organization when it comes to developing military approaches for handling the complex challenges related to CP in armed conflict. As military organizations including allied nations and NATO PfP countries often lack doctrine and capacities for addressing CPP, the work on CPP undertaken and commenced by NATO may provide impetus for a global adjustment and development of military approaches to CPP broadly viewed. NATO member states and commands should embrace this opportunity and make sure that NATO takes the necessary steps to consolidate current developments.

This report sums up the main findings of the NATO SPS CPP. It first outlines key terminology before moving on to describe the various rationales for NATO to consider CPP. It then identifies CPP lessons learned from recent NATO-led military operations as well as non-NATO-led operations. Building on the identified rationales for considering CPP and lessons identified, the report puts forward a set of recommendations for the continued work of NATO on CPP.

Background NATO SPS CPP project

In 2014 NATO member states approved a NATO SPS series of advanced research workshops (ARWs) entitled "Best Practice for CP Protection in NATO-led Military Operations" (NATO SPS CPP) that were to be held in 2015–2016. The NATO SPS Program is a NATO policy tool that aims at increasing the cooperation and dialogue between NATO member states and partners based on scientific research and knowledge exchange. NATO SPS projects are independent research projects subject to the usual codes of conduct for integrity in academic research.

The NATO SPS CPP can be seen as a follow-up to NATO's role in Kosovo (where KFOR provides security for designated religious and cultural heritage sites), to the lessons identified from Operation Unified Protector to protect Libya's cultural heritage³, and as a response to the general heightened international focus on CPC.⁴

The NATO SPS CPP offered an academic and analytical approach for NATO to consider further integrating and institutionalizing CPP in its operational planning. The stated aim of the NATO SPS CPP includes developing recommendations on how NATO should approach the question of policy, doctrine and training related to CPP. Furthermore, it aimed to stimulate NATO Headquarters and allied nations into thinking about the challenges posed by the increasingly complex role of CP in armed conflict.

The NATO SPS award for the NATO SPS CPP was EURO 110,000, earmarked for the operational costs of running workshops and containing no overhead for institutions, or salaries for co-directors or assistants. The NATO SPS committee approved the NATO SSP CPP with co-directors from Bosnia-Herzegovina and Denmark, while co-directors from the UK and US were added immediately after project launch.

The co-directors were: Dr. Laurie W. Rush, Cultural Resources Manager and Army Archaeologist stationed at Fort Drum, New York, USA; LTC Hadzim Hodsic, Chief of Planning Section, Peace Support Operations Training Center, Bosnia-Herzegovina; Richard Osgood, Senior Archaeologist, Defence Infrastructure Organisation, UK Ministry of Defence; and project director, Dr. Frederik Rosén, Senior Researcher, The Danish Institute for International Studies, Denmark. The project was hosted by the Danish Institute for International Studies (DIIS) and The Nordic Center for Cultural Heritage and Armed Conflict (CHAC).

The NATO SPS CPP project stands as the only international initiative that seeks to advance a conceptual and practical military approach to CPP in close cooperation with key stakeholders. As such, the project came to play a role in connecting allied nations who are in the process of developing CPP mechanisms, as well as building ties between key initiatives in international organizations. A series of "advanced research workshops" constituted the core activity of the project (see Annex 2). Terminology: CP and CPP

Terminology: CP and CPP

The NATO SPS CPP project employs the concept of "CP" in order to follow the language of the 1954 Convention for the Protection of CP in Armed Conflict. The convention defines CP as "any movable or immovable property of great importance to the cultural heritage of a people, such as monuments of architecture or history, archaeological sites, works of art, books or any building whose main and effective purpose is to contain CP."⁵

All NATO member states apart from one are signed up to the 1954 convention, and many nations to its two protocols. The concept of "CP" thus fits into the LOAC framework and terminology already adopted by allied nations. The use of the term "CP" rather than "cultural heritage" was thus a deliberate choice to circumnavigate the tricky debate about the relationship between CP and cultural heritage.

Yet, today, international organizations use the term "cultural heritage" more commonly than CP. The concept of heritage covers a wider area than CP, including intangible heritage, but no clear demarcation separates the concepts. It is beyond this report to elaborate on the various uses of the concepts of CP and of cultural heritage in international law. It suffices to say that the identification of CP presupposes the identification of which community the property in question belongs to, viz. a notion of cultural heritage. In other words, the identification of CP contains an image of heritage. Upon closer inspection, the concepts appear inseparable.

³ NATO Joint Analysis and Lessons Learned Centre and Lessons (2012): "Cultural Property Protection in the Operations Planning Process", 20 December 2012, JALLC/CG/ 12/285.

⁴ For a description of the NATO SPS CPP project, see also Frederik Rosén (2017): "NATO-led Military Operations and Cultural Property Protection. An overview of the NATO Science for Peace and Security project 'Best Practice for Cultural Property Protection in NATO-led Military Operations'," NATO Legal Gazette, Issue 38.

The NATO SPS CPP project considered legal protection as merely one aspect of a wider set of issues and military challenges related to the present role of CP in conflicts. To be sure, objects, sites and buildings of cultural value that do not enjoy protection under LOAC may play a critical role in conflicts. CP is drawn into conflicts due to its emotional power and political importance, that is, its heritage value. Not because of its legal status.

The perspective the NATO SPS CPP advises military organizations including NATO to adopt when it comes to CP builds on the observation that the value of cultural heritage cannot be reduced to physical objects or places. Rather the objects and places we identify as CP achieve their nomination (and thus their legal status under LOAC) because they give tangibility to the value and belief systems that constitute community as a collective entity with a shared outlook. Therefore, CP tends to be enmeshed in political struggles to legitimize or delegitimize cultures, also in connection with armed conflicts. From a military perspective, this places the question of CP at the heart of current debates about special operations (see Chapter 11 in this report).

Therefore, while employing the concept of CP, the NATO SPS CPP project casts its net beyond LOAC and considers the broader set of CP-related issues of relevance to military operations. This includes tactical and strategic considerations as well as the links between the safeguarding of CP and human rights, including the protection of civilians (POC) agenda. By focusing on the

multiple functions and roles of CP in conflict, the concept of CP as employed in this report resonates closely with the concept of cultural heritage.

Similarly, the NATO SPS CPP did not employ the concept of “CP protection” (CPP) as a legal term. Rather, the concept is used as a descriptive label for a cross-cutting range of practices aiming towards respecting, safeguarding and generally handling the various challenges related to objects and sites of significant cultural relevance during armed conflicts. Some of these practices are obligatory as a matter of international law, whilst others are not. Some of them may aim at protecting CP, whilst others may include tactical and strategic considerations.⁶

For a preliminary NATO operational concept of CP, it is recommended to employ the concept of CP as defined in the 1954 convention because it is already NATO LOAC terminology. Enhancing this concept by understanding the relationship of CP to its sociocultural environment will enable the NATO organizations to understand better the civil environment in planning and executing operations to achieve a commander’s intent and objectives. A detailed NATO concept and terminology spelling out the strategic and tactical implications of the relationship between CP and cultural heritage can be elaborated in connection with NATO doctrinal developments on CPP and possible policy endorsement.

⁵ The 1954 Convention for the Protection of CP in the Event of Armed Conflict, Art. 1.

⁶ See outcome report NATO SPS CPP ARW Sarajevo: “Best Practices for CP Protection in NATO-led Missions”, Sarajevo, Bosnia-Herzegovina, 15–18 June 2015.

4. RATIONALE FOR NATO TO CONSIDER CPP

This chapter outlines the key rationales for NATO to consider CPP. The argument is that the role of CP in contemporary armed conflict and its military implications differ significantly from previous times due to a number of mutually enforcing factors and developments.

NATO core values and LOAC

Political. The preamble to the North Atlantic Treaty states that the alliance is "...determined to safeguard the freedom, common heritage and civilization of their peoples..."⁷ The protection of CP, as a part of safeguarding common heritage, thus forms part of the collective value of NATO as a political alliance.

Moral. There is a clear moral imperative to safeguard CP during military operations: to respect one's own and other people's values and preserve CP for future generations.

Legal. The outlawing of attacking or destroying CP during times of war can be traced back to the Lieber Code (1863),⁸ which formed the basis of the development of the Hague Conventions of 1899 and 1907. The international legal protection of CPC, which preceded the human rights regime, expanded throughout the 20th century. The 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict and its protocols provides the key regulatory instrument, complemented by human rights law and international criminal law, and UNESCO conventions such as the 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage and the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. Taken together, the current laws applicable to armed conflict and situations related to armed conflict (i.e. looting and trafficking) contain extensive rules for protecting CP.⁹

Changing strategic environment

The core political, legal and moral rationalities must be considered in the light of the changing strategic environment of CPC. Certainly, objects that we today categorize as CP have historically played a significant role in armed conflicts since the dawn of warfare. But in recent years CP has increasingly become an object of both armed attack and intentional destruction by belligerents, and at the same time a political focus of the international community's attention and elaborate protection initiatives.

Recent armed conflicts, from the Balkans to Iraq, Afghanistan, Mali, Libya and now against Daesh in Syria and Iraq, as well as high-level policy responses by key international organizations evidence how the role of CP in armed conflict has grown increasingly prominent and complex. To be sure, we have seen a historically unprecedented international focus on CP in armed conflict.

This "rise of CP" in conflicts as well as in international politics stands on a number of mutually reinforcing contemporary developments, which together alter the strategic environment for CP in the 21st century's wars.

These developments include:

- a) a new international regime of norms related to CP;
- b) the new role of identity politics as a key driver of armed conflicts;
- c) the globalization of conflict;
- d) the urbanization of conflict;
- e) the rise of hybrid warfare; and
- f) the emergence and maturing of a transnational market for illicit antiquities, enabling armed groups to make an income out of looting and trafficking antiquities.

⁷ The North Atlantic Treaty, Washington DC, 4 April 1949.

⁸ The Lieber Code of 24 April 1863, also known as "Instructions for the Government of Armies of the United States in the Field," General Order N° 100.

⁹ See Roger O'Keefe (2006): *The Protection of Cultural Property in Armed Conflict*. Cambridge: Cambridge University Press.

New regime of norms

What we today call “CP” has played a critical role in war since ancient times. Recent developments in global norms, laws and the nature of conflict and war add new dimensions to the old patterns. The construction of international norms, laws and institutions related to CPC since the mid-twentieth century today provide a comprehensive framework for appreciating and communicating about CPC.

The escalating focus at national levels on heritage more broadly and its importance to collective memory and community identity, and also the vast amounts of money funnelled into the cultural sector in many NATO countries, further underpin this regime of norms. As one scholar puts it: “Heritage is increasingly promoted as a force of good. Preservation policies are firmly integrated into the bureaucracies of many modern states, but as local, national and international activities are seen as building upon each other they are also linked through a plethora of international and non-governmental institutions.”¹⁰ We thus see – spanning from Europe to Russia to China – how heritage has come to encompass large national and international sectors that emphasize the extraordinary value of heritage/CP to identity and belonging and therefore the importance of protecting it. Moreover, a number of high-level bodies have recently addressed CPC. In 2015 the UN Security Council addressed looting and illicit trafficking of antiquities as a source of terrorist financing in three Chapter VII resolutions binding on all nations.¹¹ In the same year, the UN General Assembly (UNGA) passed a resolution entitled “Saving the Cultural Heritage of Iraq,” which emphasized a concern for “the increasing number of intentional attacks against and threats to the cultural heritage of countries affected by armed conflict as

well as the organized looting of and trafficking in cultural objects, which occurs on an unprecedented scale today.”¹² Later in 2015 the UNGA adopted a related resolution on the “Return or Restitution of Cultural Property to the Countries of Origin,” emphasizing a “deep concern also that cultural property, including religious sites and objects, is increasingly targeted by terrorist attacks, often resulting in damage, theft or complete destruction.”¹³

In March 2017 the UN Security Council (UNSC) adopted the first-ever resolution solely on the protection of CP under the heading “Maintenance of International Peace and Security” (Res. 2347). The UNSC has also authorized the UN peace operation in Mali (MINUSMA) to use all necessary means to protect CP. The inclusion in the UN peacekeeping mandate of requirements to protect CP therefore had to be factored into the military planning and execution for MINUSMA.

In 2016, the International Criminal Court (ICC), for the first time, delivered a conviction for the war crime of intentionally destroying CP (Prosecutor v. Al Mahdi). The ICC chief prosecutor argued that the charges against the defendant Ahmad Al Faqi Al Mahdi, who destroyed cultural property in connection with “the battle of Timbuktu” in 2012, involved “the most serious crime; they are about the destruction of irreplaceable historic monuments and they are about a callous assault on the dignity and identity of entire populations and their religion and historical roots.” In August 2017 the ICC issued a reparation order holding Al Mahdi “liable for 2.7 million euros in expenses for individual and collective reparations for the community of Timbuktu for intentionally directing attacks against religious and historic buildings in that city.”¹⁶

¹⁰ Astrid Swenson (2013): *The Rise of Heritage*. Cambridge: Cambridge University Press, p. 1f.

¹¹ UNSCR 2199 (12 Feb 2015), UNSC 2249 (20 Nov 2015), and UNSC 2253 (17 Dec 2015).

See also The Analytical Support and Sanctions Monitoring Team of the UN Security Council Report S/2014/815 (14 Nov 2014).

¹² United Nations General Assembly Resolution, A/RES/69/281, 9 June 2015.

¹³ United Nations General Assembly, A/RES/70/76 General Assembly, 17 December 2015.

¹⁵ ICC chief prosecutor, Fatou Bensouda, cited in Owen Bowcut (2016): “ICC’s first cultural destruction trial to open in The Hague”, *Guardian*, 28 February 2016.

¹⁶ “Al Mahdi case: ICC Trial Chamber VIII issues reparations order,” International Criminal Court press release, 17 August 2017.

In 2017 the Council of Europe adopted a new convention to fight terrorism and organized crime, “Convention on Offences relating to Cultural Property.”¹⁷ The convention is “designed to be an open, globally-oriented Convention to protect the common cultural heritage of humanity”¹⁸ and will be open for signature by the EU member states and those non-member states which have participated in its elaboration, and for accession by other non-member states.

CPC is also a relatively new topic for UNESCO, which in recent years has been increasingly active in promoting the case of CPC through numerous high-level consultations and conferences, as well as advocacy and partnership building with other organizations.¹⁹ The activities organized around the UNESCO platform have, among other things, led to the construction of a new international trust fund for CPC with a pledge of 70 million US dollars (2017).²⁰

Altogether, the new regime of norms and the developing global consciousness surrounding CP, including the potent idea and international legal principle of a “cultural heritage of all mankind”, assign strong normative and affective power to CP. Its destruction sometimes causes more indignation even than atrocities committed against civilians, and its effects may be experienced as a direct attack by persons and groups located remote from the actual destruction.

The rise of identity politics and armed conflict

The rise of identity politics represents a most significant political development in the 21st century. Narratives of identity also run through the formation of national and transnational security communities. Political leaders and non-state movements including militias and terrorist organizations invoke narratives

of historical, religious and ethnic belonging to solidify legitimacy and justify their agency. CP here emerges as a material reference for such narratives of shared heritage. The nexus between identity politics, heritage and CP elevates CP to being a security-related issue and hence, as we have seen, sucks CP into the heart of conflicts.

The globalization of conflict

CP connects the global and the local through emotions related to nationality, ethnicity, religion, and similar identity-related aspects of the individual and the collective lives of people. People around the world tend to feel emotionally attached to ancient sites and ruins or historical monuments they may never have visited, and their destruction receives global attention. The transnational and global character of security communities and conflicts in the 21st century draws attention to CP as a frame of reference for identity and belonging that may speak more directly to the identity politics of security communities than do nation-state borders.

Global media, particularly social media, here plays a critical role given that armed conflicts to a large degree are taking place “online” and are accompanied by a constant stream of real-time media of films, images and written accounts, typically pitched to serve specific political purposes – from NGO advocacy to online radicalization to superpower propaganda and disinformation campaigns. Today, global media constitutes a real-time dimension of armed conflicts. In this context, we have seen how images of destruction of CP travel far more easily on social media than do those of human atrocities, which the custodians of social media often filter out. Images are produced and put into circulation both by perpetrators and by international organizations and NGOs.

¹⁷ Council of Europe Convention on Offences relating to Cultural Property, 127th Session of the Committee of Ministers (Nicosia, 19 May 2017).

¹⁸ Council of Europe Convention on Offences relating to Cultural Property, Explanatory Report, Art. 1.b.13.

¹⁹ Historically, UNESCO has not been very active in this area.

²⁰ UNESCO Office of the Director General (2017): “UNESCO, France and the Emirates launch an International Alliance for the Protection of Heritage,” press statement 20 March 2017 – ODG.

The cheap availability of remote sensing technology also means that even smallish organizations and private persons such as academics possess the capacity to obtain and put into circulation satellite images of, for instance, destroyed or looted CP sites.

The urbanization of warfare

The concept of urban warfare not only denotes military operations on urbanized terrain (MOUT); it also refers to a military environment of concentrated civilian habitation, where civilian and military infrastructure appear inseparable, and where the civilians carry on their daily activities to the extent possible. Counterinsurgency warfare mostly plays out in such environments. The complexity of urban environments stems from numerous factors, including the history and the culture(s) of their inhabitants.

Most analysis and doctrinal explanations of urban warfare/MOUT emphasize the pivotal role of culture in shaping the strategic and tactical landscape of urban warfare scenarios. Objects, buildings and sites representing significant cultural value here emerge as cultural reference points that define and organize this landscape. It must be noticed also how terrorists tend to select urban targets that hold symbolic, viz. cultural, value – from the World Trade Center in New York in 2001 to the Bataclan in Paris in 2015 and the attack on the Ariana Grande concert in the UK in June 2017.

The rise of hybrid warfare

Hybrid warfare remains a contested concept. In a NATO context, the concept has been used to describe a combination of threats, including conventional forces, subversion of legitimate governments, cyber-attacks, and sophisticated disinformation and radicalization campaigns. CP here emerges as an element of a certain symbolic power that adversaries may “play” to provoke new, or escalate existing, conflicts, or utilize for strategic communication purposes, including social media campaigns. This can include making claims to CP in territories belonging to other nations.

Looting and the financing of terrorism

Deash’ and other terrorist groups’ systematic looting of antiquities as a source of financing stands at the core of recent international concerns about CPC, including in the UN Security Council. As concluded by a US Strategic Studies Institute report from April 2017, “[b]y both destroying and selling antiquities, ISIS is seeking to meet some of its most important goals for organizational survival.” The military perspective on looting and illicit trade of antiquities needs to consider how it forms a part of a conflict economy and thus has bearing on mission outcome. Furthermore, the UN’s cultural agency, UNESCO, has labelled ISIS’ looting campaign as an element of a strategy of “cultural cleansing,” thereby framing it as an atrocity against civilians.

The looting and illicit antiquities trade does not, however, come from nothing. It grows out of a weakly regulated international art market, driven by collectors. Who would have thought that art aficionados in, say, New York City would be a factor to consider in NATO military operations? According to dominant analysis the link is there, emphasizing further the convolutedness of the 21st century’s conflict economics.

Protection of civilians

The reappearance²¹ of the discussion about whether intended systematic destruction of CP to eradicate the cultural references and customs of a group should be viewed as “cultural cleansing” or even “cultural genocide” epitomizes the link between CP protection and the human rights agenda. The human rights-based approach to CP emphasizes the right to enjoy and benefit from culture as enshrined in international human rights law (IHRL).²²

In that regard, the significance of CP for individuals and groups, and for their identity and development processes, stands as the shared ground between CP and IHRL,²³ recognizing how CP not only constitutes the material references for cultural and spiritual life (including religion) but also functions as infrastructure

²¹ The early drafts of The 1948 Convention on the Prevention and Punishment of the Crime of Genocide contained a prohibition of cultural genocide based on the concept that a group could be destroyed by destroying its cultural institutions. This prohibition was taken out in the final convention but the debate has been ongoing. See Elisa Novic (2017): *The Concept of Cultural Genocide: An International Law Perspective*. Oxford: Oxford University Press.

²² See article 27 of the International Covenant on Civil and Political Rights (ICCPR) and article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

²³ Report of the United Nations Special Rapporteur in the field of cultural rights, United Nations General Assembly, A/HRC/31/59 (3 February 2016).

for cultural practices in society. The aim of what is called “cultural cleansing” is to eradicate these material anchors of cultural memory that constitute the infrastructure of everyday cultural life.

Combined perspective

Together, these contemporary developments generate an altered strategic environment for considering CP in armed conflicts.

Former UN Secretary General Ban Ki-Moon’s statement that “the large-scale, systematic destruction and looting of cultural sites (...) highlights the strong connection between the cultural, humanitarian and security dimensions of conflicts and terrorism,”²⁴ captures well how concerns about CP are now migrating from the cultural sector to the security domain. In order to protect the CP of the states affected, the UN Secretary General urged the UN Security Council “to incorporate such protection into United Nations humanitarian action; security strategies, including action to counter terrorism; and peacebuilding processes.”²⁵

CP has emerged as a key topic of international security, mobilizing resources, initiatives and cooperation among states and international organizations. It is becoming increasingly prominent as a part of the military environment, and plays a role in tactical and strategic considerations of belligerents on all levels. Accordingly, some defense organizations, including NATO, have started to build doctrine and capacity to accommodate CP challenges during operations including post-conflict stabilization.

The dark side of CPP

The alternative perspective on the increasing international concern for CP and its destruction is that it promotes CP as a subject of specific interest for belligerents – be it as objects of destruction or of protection.

We have three recent key examples where international attention may well have triggered belligerents’ interest in destroying CP, namely the Bamiyan Buddhas (Afghanistan, 2001); Palmyra (Syria, 2015/2016); and the

shrines in Timbuktu (Mali, 2012). The rationales underpinning the Taliban, Daesh, and Ansar-Dine acts of destruction in these cases all include a clear aspiration to provoke the international community rather than mere sectarian iconoclasm. In all three cases militias succeeded in drawing enormous international attention by acts staged largely as media performances.

It needs to be asked if not whether, then at least how, these attacks would have been carried out if it hadn’t been for the reaction of the international community. It took several weeks and a great effort for the Taliban to tear down the solid statues in Bamiyan. And Palmyra was an ancient site that did not really represent any contemporary religious or political power. Research also indicates that Daesh press/propaganda material released up to their invasion of Palmyra did not mention the ancient sites there before the international community and namely UNESCO started to raise concerns about them.²⁶

The Taliban, Daesh and Ansar Dine did not alone invent the idea that they can target the international community by targeting CP. While several rationalities can co-exist, the extent to which international concerns contribute to popularizing CP as “a weapon of war”²⁷ needs to be considered carefully. To what point do international concerns inspire precisely the destruction they aim to prevent? To what extent does the international discourse on CP contribute to the construction of CP as an object of security?

The dark side of the increasing international focus on CP in armed conflicts transpires as this focus at the same time produces an image of CP as precious sites and buildings, the “cultural heritage of humanity”, that can be targeted to launch a blow to the international community. In that way, the global politics of CP presents the international community, including NATO, with a true paradox: the more we speak about the value of CP and the importance of protecting it, the more strategically and tactically interesting it can become for armed groups, terrorists and states to target it.

²⁴ United Nations Security Council (2016): “Report of the Secretary-General on the threat posed by ISIL (Da’esh) to international peace and security and the range of United Nations efforts in support of Member States in countering the threat”, 29 January 2016 / S/2016/92, p. 4.

²⁵ Ibid. p. 4f

²⁶ Frederik Rosén & Andrea Aasgaard, unpublished research, The Danish Institute for International Studies, 2016.

²⁷ Ibid. p. 23.

5. CPP CAPACITY AND COORDINATION IN NATO AND AMONG NATO MEMBER STATES.

While destruction of CP always has taken center stage in armed conflicts, practical initiatives at the state level to embrace the challenges of CP in armed conflict appear surprisingly scarce.²⁸

Most of the 177 parties to the 1954 convention for the protection of CP in the event of armed conflict have still not implemented central aspects of the convention, namely those of relevance for the defense sector. The important 1999 protocol to the 1954 convention is yet to be ratified by many Western states.

Furthermore, key international organizations for coordinating international military and police operations, including the EU, UN, OECD and AU, all lack dedicated policy, doctrine and capacity. Even UNESCO, often portrayed as the key international organization in the area, holds limited capacity, as UNESCO member states hesitate to extend the work of UNESCO to areas affected by armed conflict. At the secretariat level UNESCO has no operative division dedicated to the CPC agenda,²⁹ and compared to the magnitude of the problem, UNESCO practical activities in the field remain, notwithstanding, scarce and uncoordinated.

This indicates a general institutional gap on the international level that affects both the vertical (operations) and the horizontal (cooperation and alignment) dimensions of CPP. It also points to a need for comparing CPP challenges with state initiatives and capacities, noticing also how states' implementation reports to UNESCO on

the implementation of the 1954 convention remain fairly uneven.³⁰

As of May 2017, twenty-seven of the twenty-eight NATO member states are signatories to the 1954 convention and its first protocol, and many to its second protocol, as well as other relevant UNESCO conventions. NATO itself is not (and as an international organization, cannot be) a signatory to these conventions, and, as a general rule, individual member states bear the full responsibility to comply with their international legal obligations.

According to the 1954 convention and its protocols, NATO member states are under an obligation to take all feasible care during military operations to avoid harming CP, including avoiding causing damage as a result of base and infrastructure construction. More specifically, the 1954 convention obligates member states to "plan or establish in peace-time, within their armed forces, services or specialist personnel whose purpose will be to secure respect for CP and to co-operate with the civilian authorities responsible for safeguarding it."³¹

Among NATO member states there also seems to be a lack of attention to the 1954 convention conducted by the NATO SPS CPP in collaboration with SHAPE, combined with information collected by the NATO SPS CPP throughout the project, indicates that few states have taken steps to plan or set up a CPP capacity in their military forces, and CPP remains a somewhat overlooked topic in training.³²

²⁸ Hugh Eakin: "Ancient Syrian Sites: A Different Story of Destruction", New York Review of Books, September 2016.

²⁹ Protection of heritage during armed conflict lies with the Emergency Preparedness and Response Unit (CLT/EPR), a subdivision of the UNESCO Culture Sector. The Cultural Heritage Protection Treaties Section (CLT/HER/CHP) under UNESCO's World Heritage Centre oversees the implementation of conventions including the 1954 convention and its protocols, but plays no operational role.

³⁰ Frederik Rosén & Anne Østrup (2013): "War and Cultural Heritage", Danish Institute for International Studies Report 2014:22.

³¹ Convention for the Protection of CP in the Event of Armed Conflict with Regulations for the Execution of the Convention 1954, Art. 7(2).

³¹ Convention for the Protection of CP in the Event of Armed Conflict with Regulations for the Execution of the Convention 1954, Art. 7(2).

³² There might be a historical reason for this as the 1954 convention often is considered a "cultural convention" which falls within the domain of the ministry of cultures and the work of UNESCO, and not within the ministries of defense and defense organizations. The confusion about which authority has responsibility for implementing the 1954 convention may have contributed to the convention's lack of effect on military organizations.

Considerations are most often limited to general principles of IHL.³³

However, triggered by recent events, some states have taken such steps. Italy demonstrates the most active commitment in the area and today holds readily deployable capacities in the form of the Carabinieri special unit for the protection of cultural heritage.³⁴ Poland has broad doctrine in place. The UK recently took steps to build a dedicated CPP capability in their defense forces. The US army hosts a world famous CPP program and training facilities at Fort Drum in New York. Training and sensitizing activities regularly take place; and the US Defense Intelligence Agency applies CPP in decision-making support activities, including for the Global Coalition against Daesh. The Danish Defense Academy hosts an entity tasked to train CPP within the Danish armed forces. Austria has for some years hosted military training courses on CPP. Hence, the lack of formal institutionalization does not per se mean that military organizations do not consider CPP. On the other hand, strategic considerations of CPP may not always trickle down to the operational level.

In the context of NATO, surveys conducted in 2016 by the NATO SPS CPP and HQ SACT found plenty of CPP-relevant elements in NATO lower-level doctrines, and CPP is indeed considered by NATO military headquarters and NATO COEs during planning, execution and assessment of operations. For instance, during planning, the Comprehensive Preparation of

the Operational Environment (CPOE),³⁵ which supports the planning process with comprehensive knowledge of the engagement space, identifies cultural property and heritage, which will later be assessed by the Civil-Military Co-operation (CIMIC) planner and added to the CIMIC concept, contributing to the overall CONOPS. Later on during execution, in the Joint Operations Center (JOC), the CIMIC layer to the Joint Common Operational Picture (JCOP) will depict cultural property and heritage, utilizing UN OCHA-approved symbolism. Furthermore, within the JHQ Battle Rhythm, the Cultural Advisor (CULAD) to the JHQ Commander is a member of the Joint Targeting Coordination Board (JTCB), and as such responsible for adherence to CPP during the targeting process.

Altogether, CPP is not an alien element to NATO, even if NATO lacks an overview of and a framework for mainstreaming CPP across the NATO work strands.³⁶

Yet, the lack of institutional framework and coordinated capacities on both the national and international levels means that CPP initiatives and expertise tend to follow personal passions and enterprises rather than policy and organizational functions. This renders the CPP capacities vulnerable to ebbs and flows in the tide of human resources, including rotation of personnel and internal affairs of the organizations, and may leave the commands and allied nations at a disadvantage when it comes to managing CP challenges.

³³ The 1954 convention has historically received little attention from its member states and the convention is generally viewed as an ineffective international legal instrument. In 2012, the Danish Institute for International Studies conducted a thorough study of the Danish implementation of the 1954 convention. The research found that all work on ministerial level with the implementation not only ceased shortly after Denmark ratified the convention in 2003 but also that the working file containing the core document had simply disappeared. (Frederik Rosén & Anne Østrup [2013]: "War and Cultural Heritage", Danish Institute for International Studies Report, 2014:22). This indicates a general inattention to the convention and lack of importance ascribed to it. The study and the subsequent NATO SPS CPP project found that information about implementation of the 1954 convention in other countries also remains scarce.

³⁴ See Laurie Rush and Luisa Benedettini Millington (2015): *The Carabinieri Command for the Protection of Cultural Property: Saving the World's Cultural Heritage* Woodbridge: Boydell Press.

³⁵ Comprehensive Preparation of the Operational Environment (CPOE) is a coordinated analytical process to develop an integrated understanding of the main characteristics of the operational environment including its land, air/space and maritime dimensions, as well as the PMESII (Political, Military, Economic, Social, Infrastructure, Information) systems of adversaries, friends and neutral actors that may influence joint operations.

Selected NATO lead activities

In 2014, when the NATO SPS CPP commenced, the Environment Protection Working Group (EPWG) provided the lead forum for CPP in the NATO working group structure. The role of the EPWG was, however, limited to monitoring CPP developments in NATO and keeping the Military Committee Joint Standardization Board (MCJSB) informed without initiating any work on CPP.³⁷

While EP naturally needs to consider CPP as one of its many elements³⁸, it was also clear that EP for various reasons should not be the primary “home” in NATO for CPP.³⁹ EP and CPP simply are very difficult thematic areas. CP has a solid IHL framework, whilst IHL texts did not even mention the environment prior to the 1970s. Moreover, the normative power of CP and its connection to identity politics and transnational conflicts (as mapped out in chapter 6 of this report) further differentiates the cross-cutting nature of the challenges of CPC and their respective implications for military operations.

Lately, a number of activities and developments in NATO have contributed to the current NATO readiness to address CPP.

- In spring 2015, ACO leadership established a CPP focal point in SHAPE J9. The purpose was to give CPP a preliminary home in ACO, to enable integration alongside other emerging areas (including protection of civilians), to anchor the processes initiated by NATO SPS, to liaise with relevant stakeholders across NATO and outside NATO, and explore the possible further role of CPP in NATO.
- In 2016 an annex on CPP was added to NATO standard AJEPP-2 (STANAG 2582) Environmental Protection Best Practices and Standards for Military Camps in NATO Operations, which outlines best practice for considering CP while building camps and other military infrastructure in areas of operation (see Annex 5). Evidence from ISAF in Afghanistan substantiates the need for NATO to have such standards in place.⁴⁰
- Some NATO training and exercises have included CPP. NATO exercise Trident Juncture 2016 experimented with including CPP.⁴¹ At the NATO School Oberammergau, the Environmental Management for Military Forces course includes a CPP lecture and integrates CPP considerations into other aspects of the course, and the 5–9 December 2016 NATO Operational Law course at Oberammergau included the new UNESCO

³⁷ It can be mentioned that in the context of UN peacekeeping, CPP still resides with the EP desk of the Office of Field Support.

³⁸ For an overview over how CPP integrates with EP, see David J. Burbridge (2017): ‘The Integration of Cultural Property Protection into NATO Environmental Protection Policy: An Example of Good Practice’, NATO Legal Gazette, 38, pp. 8–18.

³⁹ For a discussion on the relationship between EP and CPP within NATO see: Lieutenant-Colonel David J. Burbridge (2017): “The Integration of Cultural Property Protection into NATO Environmental Protection Policy: An Example of Good Practice”, NATO Legal Gazette, Issue 38.

⁴⁰ Leoni, Elena (2017): “Geospatial accuracy matters! A preliminary study about the impact on CP in Afghanistan.” CERL Conference, Penn University (2017).

⁴¹ J9 CIMIC staff integrated CPP into the Trident Juncture Exercise scenarios. The inventory list of CP was compiled with the assistance of the NATO SPS CPP and US Military Fort Drum. The reporting back from TJE16 was that “The Execution Phase of Trident Juncture Exercise provided a rich experience as the Joint Task Force Head Quarters and the Component Commands worked through the various scenarios. The play highlighted a strong will to prevent and repair any damage done if the CP was not being used by the adversary. But the use of CP by the adversary for military purpose provided much discussion and debate, not only on the legal and military aspect, but also on the strategic consequence. This ‘Hybrid’ use of CP lent itself to the development of Non-Lethal activity plan, which included the use of media, social media and a deception plan. We were able to identify what went well and what did not go quite so well and present these Lessons Identified to the conference. This, in turn, continued to display the commitment of the Alliance to a Comprehensive Approach in its planning and conduct of operations and exercises as well as to strive to first consider non-lethal action when manoeuvring in a civilian environment.” NATO Allied Joint Command Naples (2016): “Staffs from J9 JFC Naples attend the final NATO International Conference on CP Protection in NATO-Led Military Operations,” News, 16 Dec. 2016.

manual on the 1954 Hague Convention. On the NATO Military Environmental Protection Practices and Procedures course that is convened at the NATO Military Engineering Centre of Excellence, identification of and respect for cultural property is covered in the class providing instruction on the conduct of an Environmental Baseline Study (EBS), and successful identification and documentation of a cultural site is also one aspect of the outdoor, practical EBS exercise.

- The strategic guidance on training priorities from the Supreme Commander Allied Powers Europe (SACEUR) that was promulgated in 2016 for implementation by 2018 (SACEUR's Annual Guidance on Education, Training, Exercises and Evaluation 2018 [SAGE 18]), has now included direction related to enhancing understanding in cross-cutting areas such as CPP.
- Key stakeholders in HQ have been updated on the CPP agenda. A network of stakeholders has been created across NATO HQs. NATO LEGADs from ACT, SHAPE and Brussels have been updated on recent developments in international law with regard to CPP.
- The NATO Civil–Military Cooperation Center of Excellence (CCOE) has recently cultivated a focus on CPP that includes developing a report on CPP in NATO.⁴²
- The 2017 issue of the NATO Legal Gazette has been dedicated to the topic of CPP.
- NATO's Geospatial Section HQ (SITCEN) has developed concepts, technical solutions and organizational structure for a NATO CPP GIS data layer for NATO maps.
- The work of the NATO SPS CPP project has cultivated a network of stakeholders across the commands that improves internal coordination and communication with external subject matter experts (SMEs) and stakeholders.
- The link between CP and human rights has been recognized in the action plan for the implementation of the NATO policy for the protection of civilians, which sets out a goal to “Establish cultural awareness within strategic and operational level training, planning and execution of operations” – thus leaving room for interpreting elements of CPP as an “implied” task in the operationalization of POC. ACT will take the lead on the further development towards integration between POC and CPP, primarily on how CPP may enable more effective POC.⁴³
- In 2017 the strategic commands started to develop a bi-strategic command (bi-SC) directive (ACT-SHAPE) for CPP, which will insert guidelines into the NATO command structure. The cross-cutting directive will insure the consideration of CPP in all phases of military operations across all branches, and weave together a more coordinated approach to CPP across ACT and SHAPE.

Except for the CCOE initiatives, the NATO SPS CPP project has been the key driver of these developments.

⁴² “Cultural Property Protection Makes Sense. A Way to Improve Your Mission,” Civil-Military Cooperation Centre of Excellence (CCOE) 2015.

⁴³ NATO's recognition of CPP as an element of POC reflects the recent emphasis on the interlinkage between these two thematic areas.

6. LESSONS IDENTIFIED FROM NATO-LED MILITARY OPERATIONS

The 2012 JALLC report addressed CPP during Operation Unified Protector in Libya. It did not consider NATO-led operations with “boots on the ground.” SPS projects lack the financial capacity to launch large-scale research to build complete lessons identified. However, throughout the project, NATO SPS CPP co-directors, affiliated experts and NATO stakeholders collected information from experts, stakeholders from NATO, other relevant IOs, as well as open source material.

This information shows that NATO and allied nations seldom consider CPP effectively during planning processes, with Libya as a possible exception. It appears that actions taken during operations with respect to CPP happen in an ad hoc fashion as responses to local challenges, and typically spring from individual initiatives rather than from institutional procedures.

Apart from the JALLC report, NATO SPS CPP found no evidence in NATO of efforts to establish lessons identified and lessons learned with respect to CP.

NATO Kosovo Force

When the NATO Kosovo Force (KFOR) deployed in June 1999, CP was not on the agenda, even though the mission was focused on protecting populations. Subsequent analysis substantiated the link between atrocities to populations and the destruction of CP. Yet as the destruction of CP escalated during Operation Allied Force between March and June of 1999, the destruction of CP only started to draw attention as the NATO Kosovo Force deployed.⁴⁴

The attention to CP arose not from elements of NATO Operational Planning but through requests from non-NATO institutions, namely the Serbian Orthodox Church. Later, the Kosovo Force was tasked with the

protection of patrimonial sites. Under this task, the Italian Carabinieri deployed to KFOR during October 2002–May 2003. They monitored churches and mosques to avoid further looting and damage and to prevent deterioration of architectural elements and frescos. They documented conditions and stored data in the Carabinieri TPC database.⁴⁵ Also, national CIMIC contributions did register CP but only on a very tentative basis.⁴⁶ In 2004, a relapse of violence included systematic targeting of cultural heritage sites, drawing further attention to this aspect of the conflict.

Given the intricate role of cultural heritage in the Kosovo Status Settlement as well as in the tense, post-conflict, Kosovo society, cultural heritage continues to play a critical role for the reconciliation process, and also for the KFOR mission. Up until 2013 KFOR secured nine properties with designated special status: the Gazimestan Monument, Gračanica Monastery, Zociste Monastery, Budisavci Monastery, Gorioc Monastery, the Archangel site, Devic Monastery, the Pec Patriarchate and the Decani Monastery. On 19th August 2015, KFOR performed a joint crowd riot control (CRC) exercise in the area of Camp Sparta, close to Decani Monastery. The simulated scenario demonstrated the commitment of MNBG-W forces to protect Decani Monastery, which is a UNESCO World Heritage Site.

As of Autumn 2017, KFOR still guards the Decani Monastery, but KFOR's role is primarily that of third responder, providing support as needed when the Kosovo authorities and EULEX require it.⁴⁷ The KFOR command communicates with both the Kosovo authorities and the Decani Monastery/Serbian Orthodox Church on this matter, to which a solution stands as one of the key requirements for NATO's withdrawal from Kosovo.

⁴⁴ Yet the vast intentional destruction of cultural and religious property in Bosnia-Herzegovina during 1992–95 could have triggered planners to forecast the same fate for cultural heritage as the Kosovo crisis escalated.

⁴⁵ Lieutenant Colonel Antonio Coppola, Commander of the Operational Department Carabinieri for the Protection of Cultural Heritage, briefing United Nations Headquarters, New York (USA), 3 June 2015.

⁴⁶ Rainer Kobe (2002): “CIMIC Activities Regarding the Protection of CP in the Balkans: German Experiences in KFOR”, in Edwin R. Micewski and Gerhard Sladek: Protection of CP in the Event of Armed conflict – a Challenge in Peace Support Operations, Vienna 2002.

⁴⁷ NATO Secretary General, Annual Report 2015, p. 50.

Afghanistan

The findings regarding Afghanistan indicate that ISAF did not apply CPP considerations in any methodological or institutional way. A NATO policy was not issued before 2014, at the end of ISAF involvement in Afghanistan. This took the form of part of an agreement between NATO and the Islamic Republic of Afghanistan on the status of NATO forces and NATO personnel conducting mutually agreed-upon NATO-led activities in Afghanistan,⁴⁸ which included two paragraphs on cultural heritage:

- **NATO Forces operations and activities on Agreed Facilities and Areas shall be conducted with full respect for Afghan laws and regulations for the protection of sites or artifacts of historic and cultural heritage. NATO Forces Authorities shall notify and consult immediately with appropriate Afghan authorities through the Afghanistan–NATO Implementation Commission when sites or artifacts of historic and cultural heritage are discovered on an agreed facility or area. (Art. 5[7])**
- **NATO Forces Authorities, working with relevant Afghan authorities, shall take appropriate measures to ensure that no items or material of cultural or historic significance to Afghanistan are being exported. (Art. 14[3])**
- **NATO Forces Authorities, working with relevant Afghan authorities, shall take appropriate measures to ensure that no items or material of cultural or historic significance to Afghanistan are being exported. (Art. 14[3])**

The NATO SPS CPP has not been able to identify information indicating earlier guidelines or directives issued by ISAF, nor practical initiatives taken by ISAF.

However, ISAF forces regularly participated in minor initiatives and projects on an ad hoc basis. For instance, the French Institute in Afghanistan organized courses in cultural heritage for ISAF forces (mainly French) and, from 2010, established rather close ties with commanders (General Petraeus, then General Allen). Thanks to an environmental mission from US Central Command, they also received ISAF support and funding to build temporary facilities to store archaeological finds.⁴⁹ Among other things, ISAF contributed to the rebuilding of the National Museum of Afghanistan with substantial support from the US Department of State in cooperation with the University of Chicago. In 2011 the Polish Military Contingent started activities for protecting cultural heritage in Ghazni with a view to the city's forthcoming 2013 status as "Cultural Capital of the Islamic World."⁵⁰

ISAF's involvement in CP-related activities seems, furthermore, mainly to have formed part of CIMIC activities including Provincial Reconstruction Teams (PRTs). These activities appear to have been separate from activities related to operations, including the construction of camps and infrastructure.

The SPS project has not been able to identify CPP guidelines or awareness of CPP in the comprehensive infrastructure construction rolled out in connection with capacity building of Afghan security forces. Nor has the SPS project been able to identify NATO lessons learned that assess the implications of CP to ISAF operations in Afghanistan.

⁴⁸ Agreement between the North Atlantic Treaty Organization and the Islamic Republic of Afghanistan on the Status of NATO Forces and NATO personnel conducting mutually agreed NATO-led activities in Afghanistan, 30 Sep. 2014.

⁴⁹ Interview: former director of French Institute in Afghanistan: For instance: the funding to build the storage facility at Mes Aynek was a direct result of Laurie Rush's meetings in Kabul with officers from USACE and the introductions she facilitated between Afghan stakeholders and military leadership.

⁵⁰ "Governance for Afghan administration," http://isaf.wp.mil.pl/en/10_1299.html

A pilot survey conducted in 2016 by an independent researcher in the context of the NATO SPS CPP work cycles found that the construction of military bases sometimes affected archeological sites.⁵¹ Of the military sites known from open sources or direct research, nine are located on or immediately adjacent to archaeological sites. Among them, four inflicted heavy damage on the site, which means heavy equipment made trenches, pits, roads or infrastructure improvements,⁵² and five inflicted light damage or danger of future damage.

The pilot survey indicated a need for further inspections and clearly defined guidelines for future site survey, selection, or expansion with regard to base construction. The pilot survey focused only on ISAF military bases and not the broader international military-driven infrastructure projects, including ANA and ANP training sites.

Looting and selling of antiquities reportedly played a role in financing Taliban activities. Experts assess that almost all known major sites in Afghanistan have been looted, although many small sites appear to be intact and protected at the local level.⁵³ Typically, locals do the actual digging, but the trade happens through criminal gangs, former warlords and the Taliban.⁵⁴ In 2009 the UK returned more than 1,500 artifacts to Afghanistan weighing 3.4 tons, which had been seized

at Heathrow since 2003, and which most likely came from illegal excavations in Afghanistan.⁵⁵ The actual value of this illicit trade remains unknown as does the role of looting on the Afghan conflict economy, but its effect on Afghanistan's cultural heritage is evident.

Libya

Operation Unified Protector in Libya stands as the only NATO-led operation for which specific lessons identified on CPP have been developed.⁵⁶ In 2012 ACT tasked the NATO Joint Analysis and Lessons Learned Center to review the CPP element of OUP. The requirement for the study originated "as a consequence of international media crediting NATO for performing well in this regard during Operation Unified Protector."⁵⁷

The report found that NATO received CPP data for Libya through two channels: 1) through coalition members, namely the US Defense Intelligence Agency, which again received its data from independent academics and the US Committee of the Blue Shield; and 2) from UNESCO, which sent a data-set directly to the NATO secretary general after full responsibility for operations in Libya had been transferred to NATO by the Operation Odyssey Down coalition. NATO Intelligence Fusion Centre (NIFC) "checked and trimmed" the data

⁵¹ The survey was conducted by the Italian reserve officer and GIS specialist, Elena Leoni, and findings presented in the paper "Geospatial Accuracy Matters! A preliminary study about the impact on CP in Afghanistan," Penn Cultural Heritage Conference (2017).

⁵² FOB Sperwan Ghar/The archaeological site of Spirwan, Panjwayi District of Kandahar Province; MOB Lashkari Bazar / Lashkari Bazar, Lashkar Gah District of Helmand Province; Faizabad airport / Argo District of Badakhshan Province; COP Khan Neshin Castle / castle of Khan Neshin, Reg-e Khan Neshin District of Helmand province.

⁵³ Philippe Marquis, the director of DAFA, the French archaeological delegation in Afghanistan, interviewed for John Wendle (2013): "Who's Stealing Afghanistan's Cultural Treasures? The plunder of antiquities will leave the country's history in the dark." National Geographic, 3 August 2013; Antoinette Egitto (2013): "Remote Sensing Assessment of Karez Irrigation Systems and Archeological Resources in Maywand District, Kandahar Province, Afghanistan." University of Kansas (PhD Thesis).

⁵⁴ Rene Teigelar (2015): "The Role of International and National Institutions in Addressing the Illicit Trafficking of Cultural Property," in Brendan Cassar and Sara Noshadi: *Keeping History Alive. Safeguarding Cultural Heritage in Post-Conflict Afghanistan*. Paris: UNESCO, p. 54ff.

⁵⁵ G. Peters, "More than 1,500 stolen Afghan artifacts return to Kabul", nationalgeographic.com, 6 March 2009.

⁵⁶ NATO Joint Analysis and Lessons Learned Center (2012): "Cultural Property Protection in the Operations Planning Process," JALLC/CG/12/285 20 December 2012.

⁵⁷ Ibid. Foreword, Peter Sonneby, Commander JALLC.

⁵⁸ NATO Joint Analysis and Lessons Learned Center (2012): "Cultural Property Protection in the Operations Planning Process," JALLC/CG/12/285 20 December 2012, p. 9.

and inserted it into the NATO joint targeting system (JTS) as a “no-strike list.”⁵⁸

The report concluded, “the success in OUP was largely based on national sources and NNE [non-NATO entities] providing the data” and adds that “there is no guarantee that an externally generated list could be provided in a timely fashion for future operations as there is, currently, no set NATO process in place to achieve this.”⁵⁹

The report does not provide information about how NATO applied the no-strike list, or whether the CPP data layer triggered, for instance, targeting dilemmas or choices of weapons systems. NATO SPS CPP has not been able to identify further information about this

aspect. Hence the lessons identified provided by the JALLC report remain limited to: a) NATO-adopted CPP data collected by external actors to its joint targeting system (JTS) as a “no-strike list”, b) OUP succeeded in not harming CP, and c) this became a success story for NATO.

The JALLC report recommended that NATO institutionalize NATO’s ability to protect cultural property in future crises by establishing NATO CPP policy and doctrine; defining a process for CPP planning and execution; and ensuring the concept of CPP is reflected in training. However, the report was too narrow in its scope (by not looking beyond the OUP mission and focusing only on a no-strike list) to instigate these processes in NATO.

⁵⁹ Ibid. p. 8

7. LESSONS FROM NON-NATO-LED MILITARY OPERATIONS

Iraq

Apart from the NATO training mission in Iraq (NTM-I) (2004–2011), NATO did not lead missions in Iraq. However, lessons learned from allied nations are worth considering.

The looting of Baghdad museum in 2003 exposed the lack of military forces to handle another dimension of CP than targeting, namely: site protection. The well-described looting of the museum stands as a decisive event for military focus on CP for the US military as well as for academics and public media. Another decisive event occurred at the ancient city of Babylon, where US marines deployed to protect the site from looting, but where the damage they caused resulted in bad international press and resentment among Iraqis and potential coalition partners across the Arab world.⁶⁰

Another lesson that came out of Iraq was “the sniper in the minaret-dilemma”. On the one hand, returning incoming enemy fire from a minaret with destructive power may turn the locals against you for destroying their patrimonial site. This reaction could escalate violence or even compromise the entire mission. On the other hand, placing one’s own snipers or even spotters in a minaret, even if it offers a tactical advantage, is against LOAC. It may also attract enemy fire with the resulting damage and local resentment.⁶¹

We also saw, similar to Afghanistan, how irregular combatants often use ancient constructions to shoot from, as these typically are placed on strategic locations in the landscape and offer protection. And we saw how sites of worship constituted flashpoints for sectarian fighting. In conclusion: while patrimonial sites may offer

expedient tactical positions, their use involves legal, moral and military tactical dilemmas.

These lessons illustrate the tactical value of paying attention to the normative power of CP, viz. its ability to stir up strong emotions, and its role in military geography. Attention to CP may thus provide a perspective on the tactical landscape that could play a role in force protection.

The overall conclusion is that the US military arrived in Iraq, a country known for having some of the most revered archeological sites in the world, with little preparation for handling the CP dimension of the military geography they entered.⁶² The sensitizing of commanders and US forces was first performed by private initiatives.

Furthermore, most of the damage to Iraqi CP occurred not as collateral damage from the invasion phase, but took place during the subsequent nine years of post-conflict establishment and expansion of military infrastructure, and the failure to secure sites from looting.⁶³ The accelerating sectarian conflict also spurred sweeping targeted damage to churches, mosques, shrines and cemeteries.

As the situation drew international attention, coalition members started to respond to the situation. Hence, the branch of the Italian Carabinieri specialized in cultural heritage protection deployed to Iraq in autumn 2003 to guard archeological sites in the south. The Carabinieri also formed part of the NATO training mission-Iraq (NTM-I), which was established in 2004 at the request of the Iraqi interim government under the provisions of the UN Security Council. In 2016 Italy used them

⁶⁰ Laurie Rush (2012): “Working with the military to protect archaeological sites and other forms of CP,” *World Archeology*, Vol. 44(3), pp. 359–377.

⁶¹ An example is when US snipers used a ninth-century spiral minaret in Samarra that offered a vital vantage point from which to observe and shoot insurgents. The US presence in the tower made it a target for rebels, who damaged its brickwork with rockets and gunfire. <http://www.telegraph.co.uk/news/worldnews/middleeast/iraq/1508506/US-snipers-make-minaret-a-rebel-target.html>.

⁶² Laurie Rush (2012): “Working with the military to protect archaeological sites and other forms of CP,” *World Archeology*, Vol. 44(3), pp. 359–377. See also Matthew D. Thurlow (2014): “Protecting CP in Iraq: How American Military Policy Comports with International Law,” *Yale Human Rights and Development Journal*, Vol 8(1), pp. 153–187. Benjamin Isakhan (2015): “Heritage under Fire: lessons from Iraq for CP Protection,” in William Logan, Máiréad Nic Craith, and Ullrich Kockel: *A Companion to Heritage Studies*, Hoboken: Wiley-Blackwell, pp. 268–280.

⁶³ *Ibid.* p. 362.

⁶⁴ <http://www.unite4heritage.org/>

to launch a cultural heritage protection course in Iraq under the umbrella of UNESCO's Unite for Heritage campaign.⁶⁴

The military challenges of CP and hard-learned lessons in Iraq are well described in the literature. The media attention has been enormous,⁶⁵ pointing also to the value of CPP considerations for reputational purposes.

The events in Iraq influenced the US ratification process for the 1954 Hague Convention and generally raised awareness of CPP within the US military without, however, leading to actual institutionalization.

Global Coalition Against Daesh

The Global Coalition Against Daesh mentions in their mission statement that "In the wake of the plundering of antiquities and destruction of historic sites in Syria and Iraq, the Coalition, UNESCO and the private sector are working together to prevent Daesh profiting from the illicit trafficking of antiquities. Under United Nations Security Council Resolution 2199, the international community has also adopted legally-binding measures to combat the illicit trafficking of antiquities and cultural objects from Iraq and Syria."⁶⁶

The US Defense Intelligence Agency (DIA) effectively applies CPP as decision-making support for targeting in Syria and Iraq. The DIA presently manages a database with GIS information on more than 100,000 places worldwide to support military decision making, assist crisis response efforts, and avoid collateral damage during armed conflict. The US military's "Mosul pass-

port" was a US military/NGO partnership initiative where archeologists at the conservation center in Irbil worked with the US military staff at the coalition training center there to develop and distribute a guideline booklet for CPP.⁶⁷

It has however been beyond the research capacity of this report to examine further the military components of CPP in the context of the Global Coalition Against Daesh.

Looting and the financing of terrorism

Conflict-ridden countries experience organized looting of archeological sites with devastating effects. The link between illicit trading of antiquities and terrorism is not new. After the 2001 attack on the World Trade Center, rumors circulated that Mohammed Atta, one of the hijackers, had tried to sell antiquities to finance his misdeeds.⁶⁸ Debris from the Bamyian Buddhas was sold in Pakistan soon after the Taliban destroyed them.⁶⁹

However, it was not before 2014 and the rise of Daesh that the international community started to raise serious concerns about how armed groups and terrorists looted and trafficked artifacts to finance their activities. The dollar estimate has gone up and down. From a June 2014 estimate of 36 million US dollars,⁷⁰ an April 2015 estimate at "more than \$100 million a year"⁷¹ to October 2015, when the US government assessed that Daesh "has probably earned several million dollars from antiquities sales since mid-2014, but the precise amount is unknown."⁷²

⁶⁵ It can be observed that a google search of "CP"+Iraq+military' results in more than 100,000 hits and a search of "'cultural heritage"+Iraq+military' results in some 400,000 hits. (23 Nov 2016)

⁶⁶ <http://theglobalcoalition.org/en/tackling-daeshs-financing-and-funding/>

⁶⁷ Since 2016 NATO has supported the coalition with AWACS surveillance aircraft. In May 2017 NATO's support function was transferred into that of official member of the coalition. The support remains limited to handling the airspace, viz. NATO is not involved in operations as such.

⁶⁸ Gerben Bruinsma, *Histories of Transnational Crime*, 2015, 130, <http://search.ebscohost.com/login.aspx?direct=true&scope=site&db=nlebk&db=nlabk&AN=992645>.

⁶⁹ Christina Lamb, "Taliban's Blown-up Buddhas 'on Sale in Pakistan,'" 31 March 2001, <http://www.telegraph.co.uk/news/worldnews/asia/afghanistan/1314969/Talibans-blown-up-Buddhas-on-sale-in-Pakistan.html>.

⁷⁰ Martin Chulov, "How an Arrest in Iraq Revealed Isis's \$2bn Jihadist Network," *Guardian*, 15 June 2014, <http://www.theguardian.com/world/2014/jun/15/iraq-isis-arrest-jihadists-wealth-power>.

⁷¹ US Congressional Research Service Report (2015): "Islamic State Financing and US Policy Approaches," 7-5700, p. 7.

⁷² Andrew Keller, "Documenting ISIL's Antiquities Trafficking," *New York*, 29 September 2015, <http://m.state.gov/md247610.htm>.

While the link between looting and trafficking of artifacts and financing of terrorist and armed groups is established, and while looted antiquities have, on several occasions, been found in the possession of Daesh leaders and militants, it remains to be established exactly what kind of income Daesh and other terrorist groups can derive from looting and trafficking artifacts.⁷³

What is sure, however, is that the international structures and conditions for looting and trafficking have matured and the field has become more professionalized. As a leading researcher in the field concludes, “(...) there is good reason to suspect that the illicit antiquities trade is going through a reconfiguration that involves the integration of organized criminal networks and terrorist

groups.”⁷⁴ We may therefore assume that looting and trafficking of artifacts will play a role in future conflicts or militia stronghold areas.

To assess the relevance for various stages of NATO-led military operations, there is a need for better research on and analysis of the existing and possible future influence of looting and trafficking of artifacts on conflict economies. This need should also be seen in the light of the recent resolutions from United Nations Security Council and the Council of Europe addressing this aspect of the cultural heritage and armed conflict agenda (see above section “New Regime of Norms page 14-15).

⁷³ Jesse Casana (2015): “Satellite Imagery-Based Analysis of Archaeological Looting in Syria,” *Near Eastern Archaeology*, Vol. 78(3), pp. 142–15.

⁷⁴ Brian I. Daniels, Director of Research and Programs at Penn Cultural Heritage Center, University of Pennsylvania, statement at the hearing entitled “The Exploitation of Cultural Property: Examining Illegal Activity in the Antiquities and Art Trade”, the US House of Representatives Committee on Financial Services Subcommittee on Terrorism and Illicit Finance, 23 June 2017, Washington DC. At the same hearing, the Immigration and Customs Enforcement (ICE) division of the US Department of Homeland Security reported that “ICE Intel conducted an analysis of trends in cultural property and antiquities trafficking observed between FY 2015 and FY 2016. Reporting identified Middle Eastern countries– including Iraq, Syria, Egypt, and Turkey–as countries of origin in slightly more than ten percent of CPAA program investigations opened during that time frame. A body of reporting identified several of these countries as source and transit countries of illicit cultural property and antiquities looted and trafficked by terrorist groups, such as ISIS, to finance their activities.” Raymond Villanueva, Assistant Director International Operations, Homeland Security Investigations, statement at the hearing entitled “The Exploitation of Cultural Property: Examining Illegal Activity in the Antiquities and Art Trade”, the US House of Representatives Committee on Financial Services Subcommittee on Terrorism and Illicit Finance, 23 June 2017, Washington DC.

8. GENERAL LESSONS: MILITARY OPERATIONS AND THE CHALLENGE OF CULTURE

The role of culture and identity politics stands central to contemporary analysis of conflicts.⁷⁵ The drawn-out nature of these conflicts, the long-term interaction and, sometimes, institutional interfaces between military organizations and the society in the area of operations, and the aim of societal stabilization as ultimate mission success are some of the issues that drive the calls for better military tools for engaging with the cultural dimensions of conflicts and operations.

The military utility of understanding adversary cultures and the cultural dynamics of their societal contexts has been put at the forefront as a requirement of mission success. Accordingly, “cultural awareness”, that is, the capacity of military organizations and their staff to identify, observe, analyze and act on the cultural dimension of area of operations, finds increased footing in military doctrine.

Taken by surprise by the fact that culture and emotions matter in armed conflict, the counterinsurgency warfare agenda elaborated doctrinal concepts such as cultural awareness, cultural intelligence, human terrain, and “hearts and minds.” Military organizations started to provide cultural training to their troops or even embedded anthropologists at the sharp end of operations to decode the cultural dimension.

Hence, the NATO COIN joint doctrine stresses the need for including the cultural aspects of the human environment in the planning of operations.⁷⁶ The doctrine emphasizes the capacity, on the organizational and individual levels, to understand and interact with local milieus and cultures in the areas of operation.⁷⁷

A leading idea is that the success of military operations is dependent upon understanding the population. Theories and analysis as well as strategic and tactical approaches to cultural awareness, cultural intelligence and the “human terrain” focus predominantly on the

nonmaterial dimensions of culture such as belief systems, sectarian organizations, discourse, and language.

With some overlap with the COIN agenda, the hybrid warfare/multi-domain warfare agenda kicked in, also emphasizing culture and identity politics as a core factor of strategy and tactics. It has been argued that “The grand objective behind every Hybrid War is to disrupt multipolar transnational connective projects through externally provoked identity conflicts (ethnic, religious, regional, political, etc.) within a targeted transit state.”⁷⁸

Certainly, the concept of hybrid warfare remains contested. Whatever concept we use to describe what military analysts label hybrid warfare/multi-domain warfare, the dominant analysis is that overt or subtle propaganda and information campaigns, including well-orchestrated disinformation campaigns, stand central to current armed conflicts and aggressions, for instance to mobilize separatist tendencies or other anti-government sentiments. Such campaigns require a great deal of cultural knowledge.

The concept of the “human domain”⁷⁹ stands as the latest doctrinal offshoot with its emphasis on the military objective to “influence to affect behavior of a target population better than the adversary.”⁸⁰ United States Special Operations Command (SOCOM) defines the “human domain” as “the totality of the physical, cultural, psychological, and social environments that influence human behavior to the extent that the success of any military operation or campaign depends on the application of unique capabilities that are designed to influence, fight, and win in the population-centric conflicts.”⁸¹

SOCOM furthermore emphasizes that “Success in the Human Domain depends on an understanding of, and competency in, the social, cultural, physical, informational, and psychological elements that influence human behavior,”⁸² and furthermore that “While SOF is designed to contribute to or support efforts in every domain

⁷⁵ Kaldor, M., (2013). “In Defence of New Wars.” *Stability: International Journal of Security and Development*. 2(1).

⁷⁶ NATO, AJP-3.4.4, NATO Joint Doctrine for Counterinsurgency (COIN), February 2011, 2–7.

⁷⁷ International Security Assistance Force (ISAF) Commander’s Counterinsurgency Guidance (Kabul 2009); AJP-3.4.9 Allied Joint Doctrine For Civil-Military Cooperation; the US Army and Marine Corps developed and released the Counterinsurgency Field Manual in 2006 and a revised Intelligence Preparation of the Battlefield I Battlespace (IP B) Field Manual in October 2009.

⁷⁸ Andrew Korybko (2016): “Hybrid Wars. Triggering Ethnic, Religious, Regional and Political Conflicts. The Law Of Hybrid Warfare,” Global Research, 5 March 2016, <http://www.globalresearch.ca/hybrid-wars-triggering-ethnic-religious-regional-and-political-conflicts/5512099>

of warfare, the vast majority of SOF expertise lies in the human domain of competition, conflict and war.”⁸³

The argument for including the human domain approach builds on lessons identified as well as realism by predicting that “Warfare in 2050 will be predominantly urban, utilizing advanced technologies and robotics, but remain an inherently human and political endeavor.”⁸⁴ While geopolitics, national borders, critical infrastructure and military installations constitute the physical geography of conventional warfare, CP constitutes critical elements of the human domain of its geography.

If this holds true, and if culture and identity politics do remain at the center of armed conflicts, we can expect CP to play an increasing role in conflict geographies.

A strong argument can thus be made for placing CP broadly viewed – including historical buildings, sites of worships, monuments – at the heart of the human domain concept, and thus the Special Operations doctrine.

A major finding of the NATO Urbanization Conceptual Study (report delivered to the Military Committee [MC] on 31 March 2016) was that “NATO must consider cities as units of analysis for intelligence purposes

as opposed to the current practice of using states.”⁸⁵ Furthermore, that “[t]o succeed in an urban environment, NATO may need to interact with traditional and/or non-traditional groups using ‘hybrid-diplomacy’—diplomacy at all levels of interaction.”⁸⁶ These findings, as well as the Urbanization Project’s scenario broadly viewed, place great emphasis on how warfare will be formed by new technology but that sociocultural analysis will remain at the heart of planning, assessment, and situational awareness.

However, the installation of “social science” into military doctrine in order to accommodate sociocultural analysis that we have witnessed in the past decade predominantly employs an approach that focuses on cultural practices and traditions and religious beliefs and customs: everything that has to do with discourse, language and ‘lived’ culture, viz. what UNESCO addresses as “intangible heritage”.

The material dimension of culture remains largely absent from the analysis and doctrinal developments. An important tool for understanding and efficiently interacting with the human domain of the urban environment thereby gets lost. In that view, CPP offers an opportunity for NATO to bring in the material dimension of culture and the human domain.

⁷⁹ Heather S. Gregg (2016): “The Human Domain and Influence Operations in the 21st Century,” *Special Operations Journal*, Vol. 2, pp. 92–105, p. 92; Patricia DeGennaro (2017): “Does the Human Domain Matter?” *Small Wars Journal*, 23 February 2017; Colin D. Wood (2016): “The Human Domain and the Future of Army Warfare: Present as Prelude to 2050,” *Small Wars Journal*, August 2.

⁸⁰ Ibid. p. 92.

⁸¹ United States Special Operations Command (SOCOM) (2014): “SOCOM 2020: Forging the Tip of the Spear,” MacDill Air Force Base, FL: USSOCOM, p. 1.

⁸² US Special Forces Command (2015): “Operating In The Human Domain,” Version 1.0, 3 August 2015, p. 4.

⁸³ Ibid. p. 2.

⁸⁴ Colin D. Wood (2017): “The Human Domain and the Future of Army Warfare: Present as Prelude to 2050,” *Small Wars Journal*, 2 August 2016. <http://smallwarsjournal.com/jrnl/art/the-human-domain-and-the-future-of-army-warfare-present-as-prelude-to-2050>

⁸⁵ Gordon Pendleton & Jozsef Bodnár (2017): “Update on Joint Urban Operations and the NATO Urbanisation Project. Part II,” *The Three Swords Magazine* 31/2017, p. 57.

⁸⁶ Ibid. p. 58.

9. WAY FORWARD FOR CPP IN NATO

Despite member states' varying degrees of implementation of the 1954 convention and (if applicable) its two protocols, and despite the lack of a NATO overview of and a framework for mainstreaming CPP across the NATO structure, CPP is not an alien element to NATO and allied nations. Consolidating and mainstreaming an effective NATO CPP approach is, therefore, first of all about developing and connecting already existing doctrinal elements and capacity of relevance to CPP rather than about building something new.

Engaging CPP more effectively should thus be neither a complicated process, nor a large expense or 'resource driven' requirement for NATO member states. This is an important finding, as nations tend to push back initiatives that entail financial costs. While such concerns are understandable, the fear that introducing CPP in NATO would be a costly affair stands unsubstantiated. Rather, it seems like a low-cost high-gain step to take.

The crosscutting nature of CPP requires attention from a range of branches and functions. To this end, NATO may not need a stand-alone policy. Rather, what NATO needs is a set of NATO standards, and a function to mainstream these standards across relevant stakeholders so that CPP becomes a natural consideration of the organization during all phases of an operation.

Such a process would easily pave the way for adopting the more proactive outlook needed to deal with the increasingly complex CPP challenges in contemporary armed conflicts. In the course of this process, the question of NATO policy on CPP could be raised and pursued if necessary to develop and consolidate CPP in NATO.

NATO SPS CPP advises a number of steps to be taken by NATO to improve CPP broadly viewed: 1) Develop command CPP directive; 2) Develop STANAG on CPP; 3) Insert CPP in NATO Crisis Management Process; 4) Develop NATO CPP terminology; 5) Develop geospatial information (GIS) CPP data layer for NATO maps; 6) insert CPP elements when updating NATO policy and allied joint doctrine publications; 7) Sustain the dialogue

with non-NATO associates; 8) consider the relevance of pursuing NATO policy on CPP.

1. Command CPP directive

A bi-strategic command (bi-SC) CPP directive would take around 12 months to develop and offers a swift mechanism for establishing operational guidelines in the NATO command structure. It can be used to promulgate policy, state roles and responsibilities, outline procedures, and to harmonize concepts and approaches across internationally-funded military headquarters (HQs) and the organizations of Allied Command Operations (ACO) and Allied Command Transformation (ACT).

In 2016, ACT and ACO approved the development of a bi-SC CPP directive, which is currently under development. The cross-cutting directive will embrace IHL obligations as well as wider strategic and tactical considerations of relevance to CPP in the context of NATO-led operations. It will cover areas such as:

- Internal coordination and authority responsibilities for setting requirements.
- Capability development
- Guidance for LEGAD
- Guidance for planning and execution of operations
- Guidance for doctrine
- Guidance for training and education (both collective and individual)
- Changes to structures and organizations
- Processes for lessons identified and lessons learned
- Establishment, development and integration with non-NATO entities and non-military actors to enable effective civil – military liaison
- Evaluation and reporting mechanisms

2. STANAG

In order to ensure that CPP remains prominently addressed and incorporated into the operational planning and execution of operations, the NATO SPS CPP advises NATO to develop a NATO STANAG (standardization agreement) on CPP. A STANAG is the covering document for all NATO standards that relate to interoperability whatever the level. It is “a normative document that records an agreement among several or all NATO member states – ratified at the authorized national level – to implement a standard, in whole or in part, with or without reservation.”⁸⁷

A STANAG is voluntary in its ratification and adoption, and, as a level three doctrine, a CPP STANAG only requires support from a certain number of member states to become a NATO document. The threshold for agreement/endorsement is thus low, and nations can record their own recommendations and comments.

There are (at least) four good reasons for commencing this process.

First, to establish agreed NATO best practice on CPP as a cross-functional topic. As STANAGs can be cross-functional in their approach to a topic, they can elaborate links and synergies to other STANAGs and other policy areas.

Second, STANAGs may reside in the public domain (depending on their content and classification) and are thus a useful tool for working with member states and PfP Nations as well as IOs and NGOs.

Third, STANAGs are updated or revisited on a regular basis, something that allows for future adjustments.

Fourth, to establish a process that keeps the discussion of CPP alive in NATO (a STANAG takes around two years to complete) through the process related to developing a STANAG, including member states' and PfP nations' engagement. The process also offers an opportunity to liaise with academic experts, IO's and NGO's. It thus offers a way to synchronize the thinking

in NATO on CPP with that of other actors, and to establish topic-specific networks that may also be used during operations.

STANAG development requires setting up of structures to develop the STANAG, with some lead nations taking responsibility. As the NATO SPS CPP project has already formed the knowledge and conceptual basis for CPP in NATO, and as the bi-SC CPP directive will offer further guidance, this should not be difficult, or costly.

The development of a STANAG on CPP can use the upcoming bi-SC command CPP directive as a departure and should embrace IHL obligations as well as wider strategic and tactical considerations of relevance to CPP in the context of NATO-led operations.

Furthermore, at the national level, NATO member states and partner nations may benefit from such an initiative when pursuing implementation of national IHL obligations as well as when thinking through broader CPP challenges and developing national capacities.

The crosscutting nature of CPP requires a STANAG WG to consider functions across the entire spectrum of operations, including the NATO maritime groups. CP discussions typically focus on land military activities, yet underwater heritage also requires attention during operations, specifically in coastal areas. Few allied nations have acceded to the UNESCO Convention on the Protection of the Underwater Cultural Heritage.⁸⁸ Still, the convention and the related academic discussions offer a natural guideline for a STANAG WG for considering the maritime dimension of CPP.

The STANAG WG would also need to consider functions at the margins of military organizations. One such task is crime investigation. Criminal elements including terrorism stand at the core of today's armed conflicts, including with regard to destruction of CP, which may constitute an international crime. Criminal investigations depend on the support of the military (as first responders and security providers) to carry out forensic enquiries before unrest ruins the evidence.

⁸⁷ <http://www.nato.int/cps/en/natolive/publications.htm>

⁸⁸ Convention on the Protection of the Underwater Cultural Heritage. Paris, 2 November 2001.

Therefore, a STANAG on CPP should include procedures for accommodating NATO collaboration with prosecutors including the International Criminal Court.

Nations should consider sustaining the funding for the NATO SPS CPP project for academic support for these activities.

3. Planning and execution

NATO assesses a crisis and develops responses along a six-phase crisis management process. Phases one and two include identification and assessment of indications and warnings of a potential crisis and its implications for alliance security, and if deemed necessary, phase three covers the development of a response strategy. This leads to phase four that includes the development of a Concept of Operations (CONOPS) and subsequently an Operations Plan (OPLAN), which will be forwarded to the Military Committee for endorsement and to the North Atlantic Council for consideration and approval. A positive decision from NAC moves OPLAN into phase 5 of mission execution, which involves assessments of the operation. In the final phase 6, NATO plans for completion and withdrawal and, if needed, handover to appropriate authorities.

Inserting the concept of CPP into the NATO crisis management cycle necessitates consideration in each phase as well as at each of the NATO HQ branches.⁸⁹ The upcoming bi-command directive will specify responsibilities and tasks in the HQ structure to insert CPP across branches and crisis phases. In that regard, SHAPE's Comprehensive Crisis and Operations Management Centre (CCOMC) provides a key hub for bringing into line considerations and responses to crosscutting issues including CPP.

4. NATO terminology

In a multilingual and multi-professional organization such as NATO, shared terminology is critical to ensure

clear and unambiguous communication among its members and partners. The NATO Policy for Standardization thus emphasizes that "NATO documents must contain NATO agreed terminology." NATO terminology is stored and managed by the NATO terminology database, called NATOTerm, which contains more than ten thousand definitions of NATO terms, helping to promote common understanding. As part of the process of developing STANAG on CPP, NATO terminology on CPP should be developed in cooperation with the NATO Terminology Office.

5. NATO maps

While not doctrinal in character, adding CPP information to NATO operational maps deserves consideration on a par with a bi-SC directive and STANAG. Maps form an integral part of military capability and are key to the planning and conduct of military operations. Geospatial Information (GIS) is a foundation layer of the NATO Common Operational Picture (COP).

Throughout the NATO SPS CPP project, experts and NATO stakeholders identified a CPP data layer as a critical decision support tool and precondition for engaging with this dimension of military geography on a strategic and tactical level, including for training and exercises as well as for sensitizing activities across NATO HQs and member states.

NATO's HQ Geospatial Section (SITCEN) has developed a concept, technical solutions and organizational structure for a CPP data layer for NATO maps. Current NATO technical geospatial capabilities, standards and policy enable the provision and management of CPP information as GIS data. Once NATO HQ Geospatial Section completes the process of incorporating data and releases a data layer to the SHAPE/J2/Geo that will be designated for use on most of NATO C2 systems across the NATO command structure, there will be an official CPP GIS layer commonly shared and synchronized across NATO.

⁸⁹ J1 Civilian Personnel; J2 Intelligence Division; J3 Planning and Operations; J4 Engineering; J5 Strategic Plans and Policy; J6 CIS and DE; J7 Training, Exercises & Evaluation; J8 Acquisition Management Branch; and J9 CMI/CIMIC.

While the technical platform for launching a NATO “CPP viewer” is simple and available, the building of CP inventories appears to be far more difficult. On several occasions, NATO and member states have benefitted from receiving CPP data sets from independent experts and NGOs before and during operations as well as for exercises. Yet to transform such material into NATO material requires a formal quality assessment. The challenge is to find an applicable model for sourcing, verifying, organizing, formatting, storing and sharing data.

Due to political issues related to sharing and using GIS data in NATO, it is worth considering an independent custodian for the database, for instance in the context of a research organization. This would allow for a dynamic interaction with the international expert milieu necessary for assembling data sets.

CPP GIS data sets for use by NATO and allied nations could be unclassified. In fact, unclassified data would enable swifter sharing among nations.⁹⁰ A secured storage and sharing model would however be required to secure the aggregated data against misuse.

To realize a CPP dataset for NATO and allied nations, some nation state or international organization need to step in with financial support to sort out these matters and establish and manage the dataset. Again, the costs associated with these tasks in terms of manpower, office space and a hard drive are relatively low compared to the value of having such a dataset available.

6. Updating NATO policy and allied joint doctrine publications with CPP

Updating NATO policy and allied joint doctrine publications with CPP offers an expedient tool for mainstreaming CPP across functional areas. Annex I to the NATO standard AJEPP-2 (STANAG 2582) Environmental Protection Best Practices and Standards for Military Camps in NATO Operations provides a good example (see Annex 5 below).

For instance, it is expected that during 2018 a review of MC 469/1, NATO Military Principles and Policies for Environmental Protection (13 October 2011) will be completed. It would here be natural to recognize EP’s contribution to NATO CPP objectives in order to underscore NATO commanders’ authority to establish CPP procedures and standards and include CPP in the work of the NATO environment protection working group.⁹¹

It can in this regard be mentioned that NATO Military Committee Joint Standardization Board (MCJSB) and Allied Joint Doctrine Working Group (AJOD WG) have tasked the Civil–Military Cooperation Centre of Excellence, as the custodian of AJP-3.4.9. CIMIC doctrine, to integrate civil–military integration (CMI) into the existing doctrine in the next review phase.⁹² This offers an opportunity to insert CPP into the CIMIC doctrine as an integrated part of the cross-cutting topics belonging to CMI.

⁹⁰ The US Defense Intelligence Agency (DIA) reports that it populates a worldwide database of CP sites in order to support military decision-making, assist crisis response efforts, and avoid collateral damage during armed conflict. The DIA presently manages GIS information on more than 100,000 places worldwide. They have dedicated capacity to handle information, which is sourced through open source, civil society, and unilateral efforts. The bulk of this information is unclassified. Where appropriate, DIA would be willing to share with national military organizations as well as international organizations including the United Nations for data validation and engagement. See “outcome document,” NATO SPS CPP ARW GIS Technical Workshop, 1–2 September 2016, New York University, New York, USA.

⁹¹ For an elaboration of CPP in EP policy, see David J. Burbridge (2017): ‘The Integration of Cultural Property Protection into NATO Environmental Protection Policy: An Example of Good Practice’, NATO Legal Gazette, 38, pp. 8–18, pp. 13–16.

⁹² AJP 3.4.9. “Allied Joint Doctrine for Civil–Military Cooperation” will be replaced by the new AJP 3.19(current status study draft 2) that will contain a CPP paragraph.

7. Sustaining dialogue with non-NATO associates

CPP readiness in defense organizations relies in many instances on civil–military integration (CMI). As mentioned above, a prime example is the consolidation of CPP data sets to incorporate in no-strike lists, a task where NATO and allied nations have often benefitted from receiving data from NGOs and individual experts.

The NATO SPS CPP also offers an example of partnerships with academic research institutions, which also functioned as convening platforms for NATO, allied nations and non-NATO stakeholders (see Annex 2). NATO would benefit from sustaining the dialogue on CPP with external stakeholders, including the "GLAM community" (Galleries, Libraries, Archives and Museums). A key tool in this regard could be to sustain the NATO SPS CPP project for a second round.

8. The relevance of pursuing NATO policy on CPP

The question of whether NATO needs a NATO CPP policy ratified by the MC (Military Committee) or NAC (the North Atlantic Council) was discussed throughout the NATO SPS CPP project. The general conclusion of these debates was that, at this stage, it suffices to initiate the development of operational elements through the development of a bi-SC command CPP directive and a NATO CPP STANAG, and to use these processes to reflect further on the need for a NATO policy on CPP. The adoption of a NATO policy on the protection of civilians in 2016 offered an opportunity for nations to include CPP wording that could provide a policy hook for doctrinal developments. The choice not to do so indicates that NATO member states currently find that CPP does not require a NATO policy.

10. ANNEXES

Annex 1: NATO SPS CPP Advanced Research Workshops

Kick-off workshop: NATO HQ, Brussels, 7–8 October 2014

ARW Sarajevo: “Best Practices for CP Protection in NATO-led Missions”, Sarajevo, Bosnia-Herzegovina, 15–18 June 2015.

Deep Dive: NATO SHAPE, Mons, Belgium, 19 September 2015.

ARW Turin: Best Practices for CP Protection in NATO-led Missions, Turin, Italy, 12–15 April 2016.

ARW Krems: Workshop on Education and Training, Donau University, Krems, Austria, 17–19 August 2016.

ARW New York City: Geospatial Imaging Technical Workshop, New York University, New York City, USA, 1–2 September 2016.

ARW Sanremo: Best Practices for CP Protection in NATO-led Missions, Sanremo Institute for Humanitarian Law, Sanremo, Italy, 6–8 December 2016.

Annex 2: Organizations/institutions that have participated in the NATO SPS CPP ARWs

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Aoyama Gakuin University, Japan, Tokyo

Austria Ministry of Defence

Blue Shield, US

British Army, Land Warfare Development Centre

CIMIC Plans and Ops, Multinational Division South East G9 division, Bucharest

Danish Ministry of Defence, Denmark

Defence Infrastructure Organisation, Ministry of Defence, UK.

Délégation Archéologique Française en Afghanistan.

Department für Bauen und Umwelt, Donau-Universität Krems Zentrum für Kulturgüterschutz

Faculty of Law, University College London

Faculty of Law, University of Copenhagen, Denmark.

German Archaeological Institute (DAI)

International Criminal Court (ICC)

International Tribunal for Former Yugoslavia (ICTY)

INTERPOL

Italian Carabinieri, CPP detachment of Turin.

Ministry of Defence, Bosnia and Herzegovina

Multinational CIMIC Group (ROU ARMY)

National Center for Remote Sensing, University of Mississippi, USA.

National Defence Academy, Austria.

NATO Allied Joint Force Command Naples

NATO Allied Rapid Reaction Force HQ

NATO Civil–Military Cooperation Centre of Excellence (CCOE), The Hague, Netherlands

NATO Defence College

NATO Headquarters, Allied Command Operations (ACO at SHAPE).

NATO HQ, Geospatial Section

NATO Joint Force Command Brunssum

NATO Joint Force Command Naples

NATO Stability Police Center of Excellence (SPCOE), Vicenza, Italy

New York University Institute for the Study of the Ancient World (NYU)

Office of the Secretary General, NATO HQ

Peace Support Operation Training Center, Sarajevo, Bosnia-Herzegovina

Penn Heritage Center, University of Pennsylvania, USA.

Sanremo Institute for Humanitarian Law, Sanremo Italy

Smithsonian Institute (US)

Supreme Allied Command Transformation (ACT), Virginia US

Swedish Armed Forces HQ, Sweden.

The Danish Institute for International Studies

US Department of State, Humanitarian Information Unit

UNESCO Conflict Response, Emergency Preparedness and Response Unit

United Nations Cartographic Section at United Nations Department of Field Support (OFS)

United Nations Department of Peacekeeping Operations /Department of Field Support (DPKO/DFS)

United States European Command Headquarter, Germany.

UNOSAT/UNITAR, Geneva, Switzerland.

US Army Fort Drum, New York

US Defense Intelligence Agency

Annex 3: NATO SPS CPP ToR (2014)

Best Practices for CP Protection in NATO-led Military Operations

NATO SPS CPP Advanced Research Workshop series

NATO Science for Peace and Security Programme (SPS), Emerging Security Challenges Division / Project #: NATO ARW 984866

The NATO Science for Peace and Security (SPS) Programme is a NATO policy tool that seeks to increase cooperation and dialogue between NATO member countries and partners, based on scientific research, innovation, and knowledge exchange. In 2014, allied nations agreed on SPS support for a series of Advanced Research Workshops (ARW) with the title “Best Practices for CP Protection in NATO-led Military Operations” (NATO SPS CPP).

The series of NATO SPS CPP ARWs and its related consultations with partners and experts explores the past, present and future roles of CP Protection (CPP) in NATO-led military operations. The ultimate goal of NATO SPS CPP is to develop suggestions for NATO policy, doctrine and training concepts on CPP, which will be presented to allied nations in 2016. Furthermore, project objectives include a) stimulate the thinking and discussions in NATO on CPP, b) provide a clearinghouse for synchronizing the CPP discussions and initiatives within NATO; d) Promote CPP initiatives and collaboration among NATO, its partner countries and other international organizations.

The project indicates a heightened focus in NATO on CPP. It can be viewed as a follow up on the 2012 report from NATO Joint Analysis and Lessons Learned Center, “CP Protection in the Operational Planning Process”, which was commissioned by Supreme Allied Commander Transformation to recommend actions to institutionalize CPP in the operational planning process for NATO-led missions.

NATO SPS projects are NATO projects, which have been reviewed and approved by the NATO member states through their delegates in the NATO Science for Peace and Security Committee. They are independent research project and which are subjected to the generally recognized codes of conduct for academic research.

Annex 4: Relevant NATO documents

MC 469/1 NATO Military Principles and Policies for Environmental Protection (EP)

AJ-MedP-6 EDA (Allied Joint Civil-Military Interface Doctrine; 2015)

AJEPP-2 (STANAG 2582) Environmental Protection Best Practices and Standards for Military Camps in NATO Operations, Edition A Version 1

AJEPP-4 (STANAG 7141) Joint NATO Doctrine for Environmental Protection during NATO-led Military Activities, Edition A Version 1

AJEPP-6 (STANAG 6500) NATO Camp Environmental File During NATO-led Operations, Edition B Version 1

AJEPP-7 (STANAG 2594) Best Environmental Protection Practices for Sustainability of Military Training Areas, Edition A Version 2

ALingP-1 – Linguistic Support for Operations; 2011

AJP 3 (B) – Allied Joint Doctrine for conduct of operations

NATO Joint Analysis and Lessons Learned Centre (JALLC): “CP protection in the Operational Planning Process” (2012)

STANAG 2449, LOAC (Training in the Law of Armed Conflict)

STANAG 2597, Training in NATO Rules of Engagement

STANAG 2509 (AJP 3.4.9) Allied Joint Doctrine for Civil-Military Cooperation

STANAG 2526 (AJP 5) Allied Joint Doctrine for Operational Level Planning

STANAG 2528 (AJP 3.14) Allied Joint Doctrine for Force Protection

STANAG 2593 (ATrainP-3) Education and Training for Urban Operations

STANAG 6023 (ATrainP-1) Training and Education for Peace Support Operations

STANAG 2611 (AJP 3.4.4) Allied Joint Doctrine for Counterinsurgency (COIN)

STANAG 2605 (ATP 3.2.1) Allied Land Tactics

NATO training publication ATrainP-4

NATO NATO Policy for the Protection of Civilians, Endorsed by the Heads of State and Government participating in the meeting of the North Atlantic Council in Warsaw 8-9 July 2016.

Annex 5: AJEPP-2 ANNEX I – CP PROTECTION

NATO STANDARD AJEPP-2 ENVIRONMENTAL PROTECTION BEST PRACTICES AND STANDARDS FOR MILITARY CAMPS IN NATO-LED MILITARY OPERATIONS Edition B Version 1

ANNEX I – CP PROTECTION

I.1. DESCRIPTION OF THE SITUATION

1. Military activities including the construction and management of military camps and installations and other infrastructure have a propensity for damaging cultural and historic resources in a number of ways, including:
 - A. damage resulting from acts of hostility or use for military purposes, including combat-related collateral damage;
 - B. damage caused by camp construction, expansion, and other construction activities, including roads and infrastructure improvement;
 - C. deliberate destruction, plundering and looting by civilians and combatants of sacred structures, museums, archaeological sites, and other forms of CP;
 - D. inadvertent damage resulting from military supported projects like engagement exercises, training activities, and/or CIMIC sponsored construction or infrastructure improvements.
2. Damage to CP may be detrimental to the cultural heritage of a nation or even mankind and is often irreversible.
3. Damage to CP will most likely attract negative publicity to the operation, and may therefore give rise to tactical problems or even result in conflict escalation. Damage to CP can thus complicate the attainment of the desired strategic end state and thereby undermine mission success.

4. Paying attention to and, when necessary, protecting CP provides an opportunity for TCNs to demonstrate respect to local customs and traditions.
5. All Allied Nations apart from two (as of 2014) have ratified the 1954 Hague Convention for the Protection of CP in the Event of Armed Conflict (hereafter: 1954 Hague Convention) and its 1954 Protocol 1. Most Allied Nations have also ratified its 1999 Protocol 2. Most of the Partnership for Peace (PfP) nations have also ratified the 1954 Hague Convention and its Protocols. In addition, customary international law protects CP during military operations.
6. In sum, CP protection (CPP) is a mission requirement and also involves strategic and tactical considerations.
7. CPP is a cross-cutting activity during NATO-led operations, involving functions with expertise in environmental protection (EP), intelligence gathering and analysis, civil-military cooperation (CIMIC), Geospatial Imaging, legal advisor (LEGAD), combat support (targeting and fire support, MILENG) and combat support services (logistics), the Committee for Military Planning and Strategy (CMPS), and designation of the Places and Persons Designated for Special Status (PPDSS).

I.2. OBJECTIVES

1. Include measures for identifying and protecting CP in the Operations Planning Process from its early planning stage throughout the operation.
2. Implement measures for identifying and protecting CP throughout the operation.
3. Develop measures for mitigating the risks and consequences of damage to CP caused by accidents or lawful collateral damage, through public diplomacy and information campaigns.
4. Ensure contingency plans are in place for urgent restitution if necessary.

I.3. RESPONSIBILITIES

1. All TCNs shall ensure that their forces receive appropriate training and instructions to fulfil their CPP responsibilities under international law.
2. Commanders and TCNs shall endeavour to ensure that no harm is caused to CP while constructing and managing camps, installations and other infrastructure.
3. In support of the commander, and in coordination with CIMIC, the EP officer should:
 - A. coordinate with NATO CPP Focal Point in J9;
 - B. provide or seek advice on CPP, including the applicability of and responsibility under the 1954 Hague Convention and its two Protocols;
 - C. ensure that CPP aspects are considered during the completion of the environmental baseline study (EBS);
 - D. obtain lists of cultural sites and repositories to be used in locating of camps, installations, infrastructure and preparation of areas for on-the-ground military activity; post off-limit areas; avoid/minimize damage due to mission requirements;
 - E. account for the mission capability to address local concerns about CP and the impact the construction of bases and other installations and infrastructure will have on the area;
2. As part of the operational planning, work to insure that the best possible geo-spatial data information is available concerning the presence of CP within the proposed operational area.
3. Specialist support is required for detailed baseline characterization of CP. To ensure best practice, including compliance with international law, EP officers are to coordinate on CPP related activities with J9 CIMIC staff for verification and reporting.
4. To the extent possible, information about CP should be collected from HN experts and/or locals.
5. The baseline characterization of CP should include, but not necessarily be limited to, the following considerations:
 - A. Is the camp/installation/infrastructure located in an area which is known for CP? Do NATO operational maps identify CP in the designated area?
 - B. In addition to clearly visible CP – included but not limited to places of worship, like churches, mosques, cemeteries and burial grounds; collections of CP, such as museums; ancient buildings and structures; memorials and sites of trauma – the baseline characterization needs to consider also indication of less visible CP, such as archaeological sites, ancient infrastructure, and underground features.

I.4. BEST PRACTICES

I.4.1 Environmental Baseline Study (EBS)

1. For the purpose of identifying CP during operations, the definition of CP in the 1954 Hague Convention is applicable.

I.4.2 Standard Operating Procedures

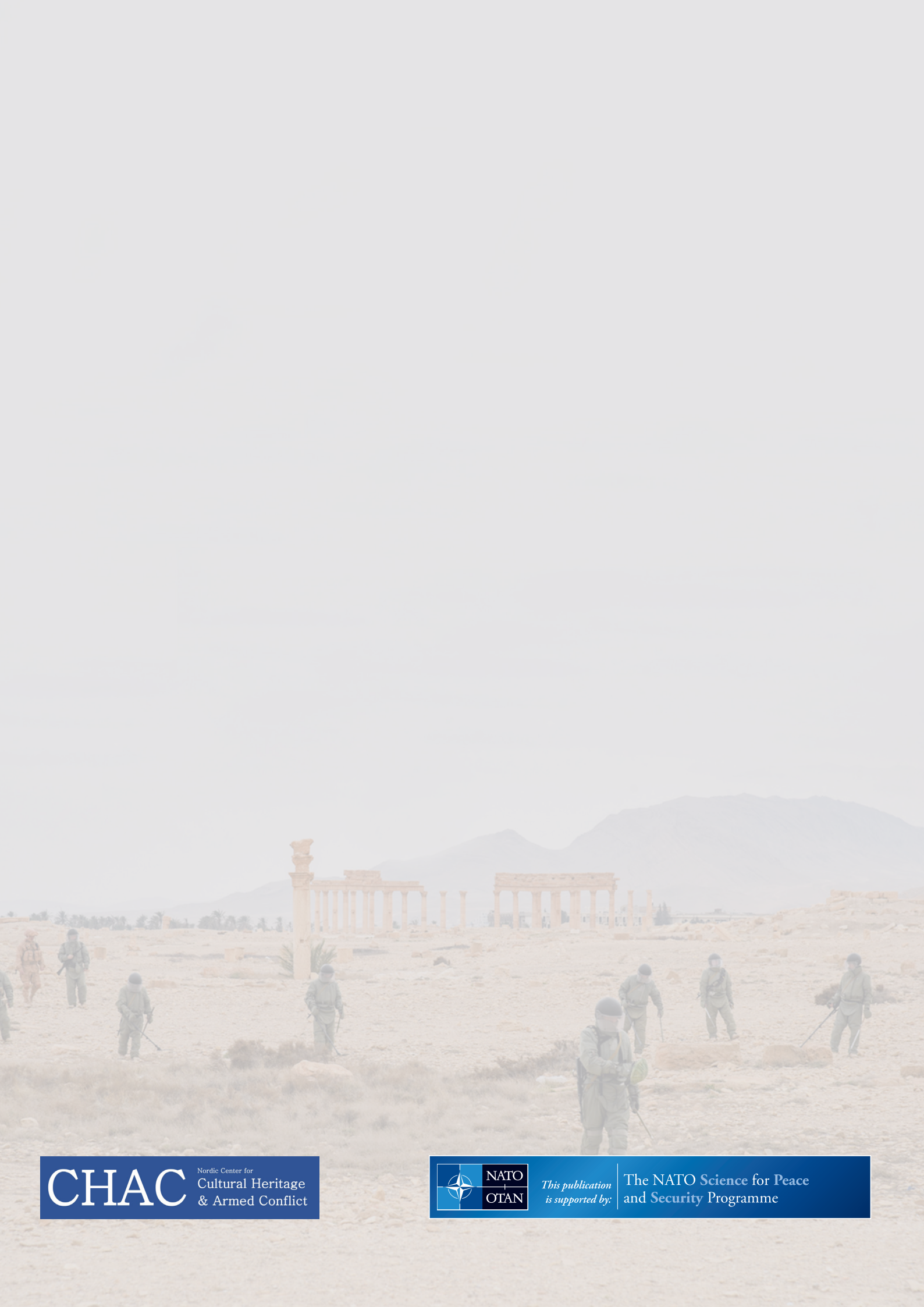
1. Utmost respect is shown when requisitioning or using historic structures;
2. If feasible, activity needs to be suspended if CP is at risk or in play;
3. All damage caused by accident or by military necessity should be documented and reported.



The Science for Peace and Security (SPS) Programme promotes dialogue and practical cooperation between NATO member states and partner nations based on scientific research, technological innovation and knowledge exchange. The SPS Programme offers funding, expert advice and support to tailor-made, security-relevant activities that respond to NATO's strategic objectives.

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