

THE BLUE SHIELD APPROACH

1.0 APPROACH OVERVIEW

1.1 The Blue Shield is an international non-governmental organisation established under Dutch Law in its 2016 Articles of Association. This document presents our work under the following sections:

- 1.0 Approach overview
- 2.0 Mission, Context, and Goals
- 3.0 Ethics and Principles
- 4.0 Delivery of Mission and Goals
- 5.0 Threats to cultural property
- 6.0 The importance of cultural property protection
- 7.0 Blue Shield's remit
- 8.0 Legal context

1.2 A Member of the Blue Shield is defined in the 2016 Articles of Association as the Founding Organisations¹ and all national committees. Members have specific rights and obligations under the 2016 Articles of Association. This term is capitalised to distinguish it from individual members of national committees. National committees under construction are considered prospective Members and may take part in Blue Shield meetings but may not vote.

1.3 Set within an international context, the Blue Shield Approach is intended to provide an overall framework for the activities of the Blue Shield International Board, the Secretariat, and national committees. The Approach is not intended to be restrictive, but rather as a helpful framework for the Board, Secretariat, and national committees, providing a common, shared agenda. Such a common approach is essential if the Blue Shield is to be accepted as a key organisation and partner with respect to the protection of cultural property (CPP) in the event of armed conflict and following natural/human-made disaster. National committees will, of course, need to react to their individual specific circumstances within this overall framework.

1.4 This document uses the term cultural property (CP) as defined in Article 1 of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two Protocols of 1954 and 1999 (hereafter the 1954 HC)². However, the Blue Shield also acknowledges the importance of natural and intangible cultural heritage and, for simplicity, in this document includes these within the term CP.

2.0 MISSION, CONTEXT, AND GOALS

2.1 The Blue Shield is a neutral, non-governmental, non-profit, international organization whose **Mission** is *the protection of the world's cultural property, and is concerned with the protection of cultural and natural heritage, tangible and intangible, in the event of armed conflict, natural- or human-made disaster.*" (Article 2.1, 2016 Articles of Association).

¹ The International Council of Archives, the International Council of Museums, the International Council on Monuments and Sites, and the International Federation of Library Associations and Institutions.

² <http://www.unesco.org/new/en/culture/themes/armed-conflict-and-heritage/convention-and-protocols/1954-hague-convention/>

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- 2.2 The organisation's primary **context** is the 1954 HC and its two Protocols of 1954 and 1999, which relate to the preparations for CPP before armed conflict, and actions during, and after, armed conflict.
- 2.3 This primary context is also informed by a number of other international legal instruments and by the international cultural protection agenda as set by the United Nations and UNESCO (see Section 8.0).
- 2.4 The Blue Shield is recognised in the 1999 Second Protocol to the 1954 HC³ as an advisory body to the Committee for the Protection of Cultural Property in the Event of Armed Conflict.
- 2.5 The Blue Shield comprises an international Board⁴, Secretariat (together known as Blue Shield International or BSI) and national committees. The BSI Board is composed of a President and four individual members elected by all Members at triennial General Assemblies and four representatives appointed by the Founding Organisations.
- 2.6 The Blue Shield exists to champion the importance of cultural property and CPP, raising awareness of its importance and that it should be given full consideration in line with its place in international law. The Blue Shield's **Goals** are to (2016 Articles of Association, Art. 2):
- *protect cultural and natural heritage – tangible and intangible – from the effects of conflict and environmental disaster;*
 - *promote the ratification of, respect for, and implementation of, the 1954 Hague Convention and its two Protocols;*
 - *raise awareness of the importance of protecting heritage in emergency situations;*
 - *promote and provide relevant training (to heritage professionals, the armed forces, other emergency responders, and those involved in preventing the illicit trafficking of looted objects);*
 - *promote community engagement with and participation in protecting cultural property;*
 - *encourage co-operation with, and between, other relevant entities involved in emergency situations.*

3.0 ETHICS AND PRINCIPLES

- 3.1 The Blue Shield set out its ethical principles in the 2001 Strasbourg Charter⁵:
- Joint action
 - Independence
 - Neutrality
 - Professionalism
 - Respect for cultural identity
 - Work on a not-for-profit basis
- 3.2 The Blue Shield believes unequivocally that people should be protected during armed conflict before CP. However, CP is inextricably interrelated with people and its protection is fundamental to human rights, community and social identity, a sense of place, and wellbeing. The protection of people and their CP, manifested in sites, buildings objects, and intangible heritage, are intertwined and completely indivisible.
- 3.3 The Blue Shield understands that our commitment to the protection of human life *and* CP may *in extremis* require the loss of CP in order to end a conflict as quickly as possible whilst minimising the loss of lives of both civilians and combatants. In this context, the Blue Shield acknowledges the

³ The Second Protocol refers to the International Committee of the Blue Shield (ICBS): ICBS legally changed its name to the Blue Shield in 2016.

⁴ Meet the Board on our website: <https://theblueshield.org/about-us/international-committee/>

⁵ Our ethical principles are detailed on our website: <https://theblueshield.org/about-us/ethics-approach-principles/>

principles of necessity, proportionality, and humanity, which lie at the heart of IHL.

- 3.4 We also acknowledge the work of the “heritage heroes”⁶ who have willingly chosen to risk their lives to protect CP, and the risks taken by armed forces around the world, who may do likewise in line with their Rules of Engagement.
- 3.5 The Blue Shield understands that armed conflict is inherently political. If the country of a national committee is engaged in an armed conflict, the complexities of the situation may hinder adherence to the principle of neutrality expressed above. The protection of Blue Shield members is paramount in such circumstances. In cases where armed conflict affects a national committee and prevents adherence to the goals, activities, and ethical principles of the Blue Shield, then an affected national committee should work with the Blue Shield International Board to attempt to protect CP to the best of their combined abilities.
- 3.6 Blue Shield will assist any genuine initiative by any nation state or warring faction to work towards the goal of protecting CP. It is not the place of the Blue Shield to assess the status of the conflict or pass judgement on its conduct: the same principle applies during complex or other emergencies. Blue Shield representatives will, in principle, meet with appointed representatives of any nation state or warring faction that declares its sincere intent to work positively to protect CP. Any such meeting would, of course, only address CPP. The Blue Shield respects the principles of international humanitarian law under which we operate, and we encourage others to do likewise.

4.0 DELIVERY OF MISSION AND GOALS

- 4.1 The Blue Shield delivers its Mission and Goals through six, overlapping and intertwined, ‘Areas of Activity’⁷:
- Proactive protection and risk preparedness;
 - Emergency response;
 - Stabilisation, post-disaster recovery, and long-term/ongoing support activities;
 - Legal compliance, policy, and their implementation;
 - Capacity building activities, and education and training in support of the Blue Shield’s Areas of Activity;
 - Co-ordination – *of* Blue Shield members and *with* partner organisations.
- 4.2 Members of the Blue Shield should:
- i. Promote the Mission and Goals of the Blue Shield to raise national and international awareness of the threats to CP, and methods of protection;
 - ii. Conduct activities in line with the above six areas of activity, building towards the delivery of their Mission and Goals through the development of realistic annual, and triannual Strategic, Plans and short, medium, and long-term targets;
 - iii. Conform to the ethics, approach, and principles of the Blue Shield;
 - iv. Conform to national legislation (although it is not a formal requirement for a committee to be registered under national legislation);
 - v. Work closely with Blue Shield International.

⁶ Bennoune, K. 2016. Report of the Special Rapporteur in the field of cultural rights A/71/317, submitted to the Seventy-first session of the United Nations General Assembly, Item 69 (b) of the provisional agenda. Available at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/71/317 [accessed 24/05/2018]

⁷ BSI realises these Areas of Activity in international contexts (<https://theblueshield.org/what-we-do/blue-shield-international/>) whilst national committees work at the national level (<https://theblueshield.org/what-we-do/the-national-committees/>)

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- 4.3 CPP needs close collaboration between the cultural heritage community, international and national governmental organisations; non-governmental organisations (NGOs); Civil Society Organisations (CSOs); heritage organisations; disaster risk reduction teams; humanitarian organisations; other relevant authorities and emergency services; local communities and volunteer groups; universities and other research centres; relevant private institutions; and supra-national and national armed forces, fire services, police, and customs (hereafter ‘all potential partners’).
- 4.4 To be effective, these partnerships have to be established long before any emergency, complex or otherwise, begins. Therefore, a key area of the Blue Shield’s activity is the need to develop partnerships with all potential partners to foster an effective CPP programme *during peacetime*.
- 4.5 In order to structure thinking about when and how CP experts must develop partnerships and provide support for potential partners to prepare for, and conduct, operations during and after conflict, or when responding to natural/human-made disaster, it is helpful to consider at which points CP experts can best engage with potential partners. Some armed forces have adopted a Six-Phase Crisis Management Process for deployment of their armed forces⁸, which detail the steps in responding to a crisis. However, the Blue Shield operates outside a crisis, as well as during one. We believe that there are four times⁹ CP experts need to work with the military (and equally applicable to the humanitarian sector):
- [a] Long-term general education/ongoing activity, such as awareness training, provision of CP geospatial data, and preparation and practice of appropriate emergency measures for protecting cultural heritage;
 - [b] Specific pre-deployment activity, such as provision of specific training and information for the area of operations;
 - [c] Support during conflict, for example offering advice on providing emergency conservation for damaged heritage, or identifying potentially looted objects;
 - [d] Post conflict/stabilisation, for example, supporting local authorities in returning to, or enhancing, pre-conflict/disaster norms of CPP with local communities, and, when requested, provision of emergency aid, repair, and conservation required to mitigate any damage inflicted by the conflict.

5.0 THREATS TO CULTURAL PROPERTY

- 5.1 Damage to, and destruction of, CP has multiple causes, whether in peace or conflict. It is only by understanding the threats, and the risk they pose, that we can begin to develop mitigation and protection strategies. Many threats that are prevalent during peacetime can go on to become a greater threat during armed conflict and/or decreased security and following natural/human-made disaster. Article 3 of the 1954 HC calls on States to prepare safeguarding measures for CP in peacetime against the foreseeable effects of an armed conflict, and article 5 of the Second Protocol (1999) gives exemplar measures.
- 5.2 Proactive risk preparedness activity can also help the management of CP during peacetime, whilst at the same time, it can address or mitigate many of the threats to CP identified below¹⁰:

⁸ NATO’s *assessment of a crisis and development of response strategies*⁸(2011), and *An Introduction to Operations Planning at the Operational Level*, (2013)⁸, have heavily informed the publication: *Cultural Property Protection as a Force Multiplier: Implementation For All Phases of a Military Operation* by Laurie Rush, available: <https://theblueshield.org/download/military-cpp-reports-and-documents/>.

⁹ Stone, P.G. 2013. A four-tier approach to the protection of cultural property in the event of armed conflict, *Antiquity* 87, p166-177; and in *British Army Review*, available: https://eprints.ncl.ac.uk/file_store/production/242795/256CEE3B-C0B7-434B-B392-1C22819DC7C2.pdf

¹⁰ More information is available here: <https://theblueshield.org/why-we-do-it/threats-to-heritage/>

- Lack of planning
- Lack of military awareness
- Collateral and accidental damage
- Specific (or deliberate) targeting
- Looting, pillage and spoils of war
- Deliberate reuse of sites
- Enforced neglect
- Development

5.3 These key threats relate primarily to tangible CP. However, it is important to also consider threats to the cultural rights of people affected by a conflict or a major natural/human-made disaster, in terms of limited or denied access to, participation in and freedom to choose one's culture. This issue relates to both tangible and intangible CP and is particularly important when there is displacement/migration of population following conflicts and disasters¹¹.

6.0 THE IMPORTANCE OF CULTURAL PROPERTY PROTECTION

6.1 Together, tangible and intangible CP help to shape us, it helps identify us as members of communities or groups with which we are identified by others and with which we electively self-identify. As such, if protection of people allows them to survive, protection of their CP and culture helps them to live. In addition, CPP during or following armed conflict or natural/human-made disaster can help maintain and build a community's resilience and can help address economic stability, poverty, displacement, and social upheaval.

6.2 Blue Shield strives to prevent the loss of heritage to communities, recognising that it is a fundamental part of their wellbeing. CP is important: it has 'value' for multiple reasons¹² (in no order of importance):

- Cultural/Social
- Political
- Security
- Medical/Wellbeing
- Economic and sustainable development
- International Humanitarian Law (often referred to as Laws of Armed conflict or LOAC)
- Humanitarian/Human Rights Law
- Academic

6.3 In addition to its value to communities and academics, CPP also carries specific military responsibilities and offers opportunities and can affect the operational success of a mission¹³:

- Security
- International law
- Political use of CP
- Funding for opposition
- Post-conflict stabilisation
- Economic value of CP

¹¹ For example, the UN appointed Dr Karima Bennouna as a Special Rapporteur in Cultural Rights. One of her first reports examined the impact of heritage destruction on affected peoples' cultural rights, available:

<https://www.ohchr.org/EN/Issues/CulturalRights/Pages/IntentionalDestruction.aspx>

¹² For more information, see <https://theblueshield.org/why-we-do-it/the-importance-of-cultural-heritage/> OR:

Stone, P. G. 2016. The Challenge of Protecting Heritage in Times of Armed Conflict. *Museums International* 67 (1-4), p.40-54, available: <https://eprints.ncl.ac.uk/227191>.

¹³ For more information on these, see: https://theblueshield.org/why-we-do-it/blue_shield_armed_forces/

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- Soft Power, which may lead to a Force Multiplier¹⁴ effect (or not)

- 6.4 It is essential for the CP community and armed forces to develop a partnership based on mutual understand of both military and CPP imperatives during armed conflict, peacekeeping operations, and natural/human-made disaster, in order to protect CP.
- 6.5 Many countries' armed forces are increasingly aware of, and open to discussing, these issues. Many are taking steps to enhance their ability to uphold CPP in the context of armed conflict, peacekeeping, and following natural/human-made disaster; to educate themselves about CPP; and are coming to regard CPP as offering positive opportunities in their strategic communications and for (overall) mission success. Armed forces, no less than the heritage community, need to educate and train for their role in CPP in relation to armed conflict and peacekeeping operations (where they have particular legal responsibilities) and natural/human-made disasters (when they are called frequently to help as first responders). It is part of Blue Shield's mission to provide support for armed forces to deliver their responsibilities under the 1954 HC and other relevant international law.

7.0 BLUE SHIELD'S REMIT

- 7.1 The Blue Shield works to protect heritage during conflict and following natural/human-made disasters, which includes proactive work during peacetime that may mitigate damage if a conflict or disaster occurs.
- 7.2 The Blue Shield also offers support and assistance after conflict, when armed forces may still be deployed, and during peacekeeping and/or stabilisation operations. Blue Shield also notes that many incidents of CP destruction by armed groups – such as the destruction of the Bamiyan Buddhas – occur outside official armed conflicts, when the 1954 HC and LOAC may not apply.
- 7.3 In addition, many of the organisations involved in reacting to natural/human-made disasters (hereafter 'disasters') are the same as those involved in armed conflict. The Blue Shield also tries to mitigate the impact of such disasters through awareness raising and training. Lastly, armed conflicts and situations of decreased security following disasters often lead to increased opportunities for the looting of CP. Blue Shield therefore also works to address the illegal trade in CP.
- 7.4 Although Blue Shield does not usually incorporate the destruction of natural heritage in its remit, there are three circumstances under which it may be included:
- a) if that heritage has historic value, such as historic parks and gardens¹⁵;
 - b) UNESCO World Heritage sites, which may be of cultural or natural value, or both¹⁶;
 - c) if it is associated with intangible cultural values, such as UNESCO biospheres¹⁷.
- 7.5 The circumstances under which natural heritage is damaged and those who respond are frequently the same as those affecting CP, and so much of the protection work the Blue Shield conducts may

¹⁴ A force multiplier is a factor, or combination of factors, that may all armed forces to achieve greater success than they would without it.

¹⁵ For example, the UK has designated "All historic parks and gardens of Grade I status in England and Wales" as being of "of great importance to the cultural heritage of every people" under its implementation of the 1954HC. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/661733/Guidance_on_implementation_of_the_Convention_-_final.pdf

¹⁶ Convention Concerning the Protection of the World Cultural and Natural Heritage: <https://whc.unesco.org/en/conventiontext/>

¹⁷ "The main characteristics of biosphere reserves are: [...] Integrating cultural and biological diversity, especially the role of traditional knowledge" <http://www.unesco.org/new/en/natural-sciences/environment/ecological-sciences/biosphere-reserves/main-characteristics/>

still result in increased protection for natural heritage.

8.0 LEGAL CONTEXT

- 8.1 As noted above, the primary context of the Blue Shield is the 1954 HC and its Protocols (1954/1999), which are part of international humanitarian law or LOAC. Whilst the Convention is frequently considered to operate only in armed conflicts, the recommended safeguarding and risk preparedness activities (1954 HC Article 3, and 1999 Second Protocol Article 5, and Special and Enhanced Protection) must be conducted during peacetime, and can help the management of CP not only during conflict, but during peacetime and other emergencies. Therefore, the Convention should also be seen as a peacetime Convention.
- 8.2 The work of the Blue Shield is also informed by international treaty law and customary international law relating to CPP; the international security and cultural protection agenda set by the United Nations¹⁸; UNESCO's cultural conventions, strategies and declarations¹⁹; the humanitarian/human rights law agenda led by the UN Office for the High Commissioner of Human Rights²⁰; international initiatives regarding natural/human-made disaster such as the Sendai Framework for Disaster Risk Reduction²¹, and other international agendas, such as the UN Sustainable Development Goals²²; and regional legislation, such as regulations instituted by the Council of Europe and the European Union. More information on these can be found on the website of Blue Shield International²³.
- 8.3 Although the majority of the Blue Shield's work deals with CP, as defined in Article 1 of the 1954 HC, we also aim to mitigate damage to intangible heritage, as defined in Article 2 of the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, and to combat illicit trafficking of CP, which is usually defined according to either the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property²⁴ or the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects²⁵. Our work may also contribute to prosecutions, for example by the International Criminal Court, which uses the definition in the 1998 Rome Statute.²⁶
- 8.4 During armed conflicts, armed forces are required to take special care to try and protect CP. However, we acknowledge that this responsibility is interpreted within the wider principles and priorities of IHL/LOAC and that, in some cases, protection may be impossible, in line with these principles and priorities.

¹⁸ For example, Security Council Resolutions 2199, 2347, and 2368 (<https://theblueshield.org/resources/laws/1954-hague-convention-treaty-law/unscrs/>)

¹⁹ For example, the 2003 UNESCO Declaration Concerning the Intentional Destruction of Cultural Heritage; the 2011 UNESCO Universal Declaration on Archives; and its 2016 Strategy for Reinforcing UNESCO's Action for the Protection of Culture and the Promotion of Cultural Pluralism in the Event of Armed Conflict, and others, available: <https://theblueshield.org/resources/laws/1954-hague-convention-treaty-law/#thelaws>.

²⁰ For example, the UN has appointed a Special Rapporteur in the Field of Cultural Rights, available: <https://www.ohchr.org/EN/Issues/CulturalRights/Pages/SRCulturalRightsIndex.aspx>

²¹ United Nations / UNISDR. 2015. Sendai Framework for Disaster Risk Reduction 2015 – 2030. UNISDR: Geneva. Available: https://www.preventionweb.net/files/43291_sendaiframeworkfordrren.pdf

²² Target 11.4 "Strengthen efforts to protect and safeguard the world's cultural and natural heritage", and Target 16.3 "Promote the rule of law at the national and international levels and ensure equal access to justice for all", available: <https://sustainabledevelopment.un.org/sdgs>.

²³ <https://theblueshield.org/resources/laws/>

²⁴ <http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/1970-convention/>

²⁵ <https://www.unidroit.org/instruments/cultural-property/1995-convention>

²⁶ The various definitions of cultural heritage and cultural property can be found here: <https://theblueshield.org/defining-cultural-heritage-and-cultural-property/>

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- 8.5 The 1954HC designates an emblem – the blue shield – which is a protective symbol used in armed conflict to indicate protected CP, and those engaged in its protection²⁷. Its use is legally restricted under IHL, which is given effect under national law. Blue Shield Members abide by the guidance issued by Blue Shield International²⁸ and UNESCO regarding the use of the emblem in conformance to their own national legislation as appropriate.
- 8.6 To distinguish it from the protective emblem, the Blue Shield uses the Blue Shield logo - the cultural property emblem of the 1954 Hague Convention set within a lighter cerulean blue circle, symbolising both Blue Shield’s roots and wider remit. The Blue Shield logo is



The organisation strapline of all Members is *Protecting Heritage in Crisis*, which may be translated as required, but which may not be altered.

- 8.7 The logo is used in line with the Logo Guidance and Conditions of Use issued by the Blue Shield International Board²⁹. Blue Shield is granted the authority to use the emblem in their logo and other materials by relevant national government departments. National Committees should ensure they are familiar with the national legislation in their country. As the emblem is a protective symbol, the Blue Shield logo may not be trademarked or subject to copyright, altered, or revised. Pin badges without the surrounding blue circle, or with the colours of national flags, should no longer be worn.

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²⁷ 1954 HC, Chapter V - <http://www.unesco.org/new/en/culture/themes/armed-conflict-and-heritage/convention-and-protocols/1954-hague-convention/blue-shield-emblem/>

²⁸ Information on the emblems is available on the Blue Shield website: <https://theblueshield.org/download/the-blue-shield-emblems-of-protection/>

²⁹ Information on the logo is available on the Blue Shield website: <https://theblueshield.org/download/the-blue-shield-logo/>
