

Civil-Military Cooperation Centre of Excellence

The Hague



Cultural Property Protection (CPP): A CCOE Fact Sheet

Introduction:

Cultural property (CP) is an important part of a peoples` identity. It can reflect their heritage, their values, and their religion. At the same time it is very fragile and if damaged might be irreparable. Therefore, it requires constant and careful consideration during a mission.

CP entails: “movable or immovable property of great importance to the cultural heritage of every people, [...] buildings whose main and effective purpose is to preserve or exhibit the movable cultural property [...] centre’s containing a large amount of cultural property” and “places of worship which constitute the cultural or spiritual heritage of peoples.” This includes also works of art, manuscripts, books and other objects of artistic, historical or archeological interest.

International law defines CPP as “the safeguarding of and respect for such property.”

In the military context Cultural Property Protection (CPP) is the identification of cultural property and the safeguarding of and respect for it.

Mission Implications

- Identifying and protecting CP in your Joint Operation Area (JOA) is a force multiplier. Firstly, protecting and respecting CP can increase acceptance of the local population, while (accidental) destruction can cause the reverse.
- Secondly, CPP is important to retain legitimacy for the mission, and acceptance of the operation back home.
- Thirdly, prevention of looting of CP and by extension the prevention of trade in CP helps in cutting off funding for armed groups. This can diminish their effectiveness and prevent prolongation of the conflict.
- Finally, CPP is important to preserve the identity of a culture and to serve as a source of income in post-conflict reconstruction. Because of the above, mentioned commanders should always consider CP in the planning process (e.g. “No Strike” lists, construction of military facilities such as forward Operating Bases, et alia).

“Bound by international law, and its positive contribution to a safe and secure environment, the military, and especially CIMIC, must take both a support position and a proactive stand regarding CPP.”

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Legal Implications:

Protection of CP is the responsibility of all state parties to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict. This was later added into the 1977 “Additional Protocols” to the Geneva Convention.

It is also a requirement of customary international laws of war and therefore a responsibility for all parties to an armed conflict. Host nations themselves will have some form of heritage protection legislation, which can apply to occupying forces. In addition, some NATO member states have domestic laws requiring military personnel to respect CP when deployed.

Military commanders can be and have been prosecuted by the International Criminal Court (ICC) for deliberate destruction of CP. Reports of instances of CP destruction can be used as evidence, and are therefore of vital importance. An exception is “military necessity” which is today best defined as the requirement, in any given set of circumstances, for the application of armed force. The principle of military necessity permits the use of armed force only to a degree and of a kind necessary to accomplish a legitimate military purpose and where not otherwise prohibited by international humanitarian law. Military necessity has a direct relation to humanity and proportionality and should be applied with restraint.



Responsibilities in CMI:

Different branches outside of J9 have a responsibility regarding CPP.

J2 provides analysis and a No-Strike list, **J5** has to include CPP considerations into planning and **J3** in operations.

J1 is responsible for producing a Code of Conduct on how to deal with CP. **J7** has to provide training on issues regarding CPP, like legal obligations and mission-specific information.

J-ENG has to make sure that military facility construction does not damage or destroy CP in the JOA.

MP is active in the prevention of looting.

Theatre Civil Assessment (TCA) Implications:

During the different assessments, it is imperative that CIMIC personnel is in contact with the civil community (local and or international heritage institutes) in order to contribute with CP information into the TCA. An example of this contributions is the “No-Strike” list.

When compiling the TCA, presence of any CP in the JOA and their importance and fragility should be addressed.

Be aware that the TCA is a ‘living document’, thus continue updating it when acquiring new information on CP. CP should also be included in phase 2 of the Comprehensive Operational Planning Directive (COPD), Initial CIMIC Analysis and in phase 3, Full CIMIC Analysis.

Leading Organizations:

The most important International Organization with regards to CPP is UNESCO, which seeks to encourage the identification, protection and preservation of cultural heritage. UNESCO maintains the World Heritage List, which should be the basis of a No-Strike list and CPP in the TCA.

The most important NGO on CP is the International Committee of the Blue Shield (ICBS), which provides training, advice, and consultation on CPP. ICBS can provide important information on CP in the area, the local authorities responsible, and the protection activities in progress before deployment.



Leading Organizations:

Cross-Cutting Topics

CPP has some strong overlaps with several other CCTs. The most important one is Rule of Law (RoL). RoL in the host nation is vital to provide legal protection of CP. In addition it is important for future prosecution of violations.

A working RoL and effective security force in the host nation is required to stop looting and dealing of stolen CP. This is also linked to building integrity initiatives.

Finally CPP partly fits under the Responsibility to Protect, as destruction of CP is considered a war crime and can be a means to destroy a peoples identity.

Point of Contact during the Mission

Coordinate with the host nation ministries and responsible officials whenever possible. Often local authorities may be responsible for the cultural sites.

Liaise with UNOCHA (as entry point), UNESCO, Blue Shield and officials to gain links to local experts, receive information on CCP in the area, and learn about their needs.

Work through nationally and internationally recognized academic and cultural organisations of subject matter experts such as museums and universities.

References

- 1954** - The Hague Convention for the Protection of Cultural Property
- 1977** - Additional Protocols to the Geneva Convention
- 2015** - Civil-Military Cooperation Centre of Excellence, "Cultural Property Protection Makes Sense publication"

Sources of Additional Information:

- UNESCO:** <http://whc.unesco.org/>: United Nations Educational, Scientific and Cultural Organization.
- Blue Shield:** <http://www.ancbs.org/cms/en/home>: International committee of the Blue Shield (ICBS) & Association of National Committees of the Blue Shield (ANCBS).
- CCHAG:** www.cchag.org: Combatant commands Cultural Heritage Action Group (US). Text on CPP law in most host nations, and a provider of training and education materials.
- ICCROM:** <http://www.iccrom.org/>: International Centre for the Study of the Preservation and Restoration of Cultural Property.



The “Do’s” and “Don’ts”:

These Do’s, Don’t’s and CIMIC tasks are not comprehensive lists and should not be treated as a final checklist. These lists should never replace common sense.

Do’s

- Gain overview on CP within the JOA
- Ask questions when you encounter a site with CP and establish who has the local responsibility.
- Inform your commander of the possibilities of illegal use of CP as a cover and prepare proportionate response.
- Consider that oddly shaped hills surrounded by flat ground may well be archaeological sites.
- Attempt to recover, document and secure as many significant architectural elements only when a site is irreparable damaged.
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Don’ts

- Do not assume you are an expert on CP nor attempt to perform restoration activities.
- Do not use CP as cover.
- Do not hover over, land on, drive over or park in cultural heritage sites.
- Do not pick up, disturb, or take any artefact in CP sites other than under clear guidance.
- Do not bed down on or make use of CP unless there exists imperative military necessity.
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CIMIC Tasks:

- Learning about the culture and archaeological past of the country of deployment and familiarizing with the material expressions of culture and cultural sites in your JOA.
- Establishing liaison with the important IOs and NGOs working with CP and exchange information on each other’s mandate, mission, possibilities and limitations.
- Providing extensive documentation of the conditions of CP under your responsibility. Document, Inventory, and secure all moveable objects within the structure and protect decorative architectural features.
- Assisting IOs and NGOs by providing safe access to CP when possible.
- Notify the commander when witnessing, receiving reports or seeing obvious signs of looting.
- Workout a proper handover/takeover of responsibilities for CPP to local authorities as soon as safely possible.
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