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Kila, J.D.

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Cultural Property Protection in the Context of Military Operations: The Case of Uruk, Iraq

Joris D. Kila University of Amsterdam

Joris Kila is a researcher at the University of Amsterdam's Institute for Culture and History. He is also a reserve Lieutenant Colonel in the Dutch army and holds degrees in art history and classical archaeology from Leiden University in the Netherlands and has almost finished a PhD thesis for the University of Amsterdam. He was network manager and acting chairman of the cultural affairs dept. at the Civil-Military Co-operation (CIMIC) Group North in the Netherlands and in that capacity he undertook several cultural rescue missions during the conflicts in Iraq and in FYROM (Macedonia). Last February 2011 during the Egyptian revolution, he carried out, together with Karl von Habsburg an emergency assessment mission in Egypt. In addition, Joris Kila is a board member for civil-military relations with the World Association for the Protection of Tangible and Intangible Cultural Heritage in Times of Armed Conflict (WATCH) in Rome and a community fellow of the Cultural Policy Center at the University of Chicago. He is also a member of the US Commands Cultural Historical Action Group (CCHAG) and Chair of the International Cultural Resources Working Group (IMCURWG). Joris Kila is author and co-author of several publications on the subject of cultural property protection in times of armed conflict utilizing militarized experts. Currently he is working on a book called *Heritage under Siege* that will be published towards the end of 2011. He is series editor of a new series on *Heritage and Identity: Issues in Cultural Heritage Protection*, with Brill publishers.

Contact data : J.D.Kila@uva.nl , jkila@ziggo.nl phone +31(0)703504840 website: <http://home.medewerker.uva.nl/j.d.kila/>

Abstract

This paper deals with actual use of military or militarized experts for cultural property protection (CPP) during times of conflict. CPP activities generally take place within a juridical framework that gives obligations for all parties involved, namely the Hague Convention for the protection of cultural property in times of conflict of 1954. Attention is paid to various implications and challenges that occur when implementing military CPP obligations following the Hague 1954. To illustrate matters the paper details a specific case study from my own field experience as a cultural property protection officer, the safe guarding of the archaeological site of Uruk in Iraq. The events described were initiated at the end of 2003. Aspects presented in the case are especially of relevance since they can apply (to an extent) to other situations. In this context one can think of recent cultural disasters that happened in Egypt and most probably take place now in Libya and Syria.¹ Examples of such aspects are economic, legal, financial and educational implications. The Uruk case study is used to extract a number of key elements that are vital for the implementation of an effective CPP strategy in the context of military operations in the event of conflict. Overall the importance of international cooperation, training and education and the assistance of so-called civil reach-back capabilities is emphasized. The paper argues that an effective way to protect Cultural Property during armed conflicts is through military channels and with military logistics and tools. This is especially necessary when the safety situation does not allow civil

¹ An example from Libya: Several distinguishable sites have been affected by destruction in the Nafusa region. e.g. Saffet (Saffet Tower), Al-Gala'a, Yefren, Chasro n Majar (Gasr Ben Niran) Yefren, Ghasro n Tkuit Nalut. Source: <<http://shabablibya.org/news/press-release/an-appeal-to-the-internatio...gently-to-stop-destruction-of-archaeological-world-heritage-in-libya>> [10 August 2011]. Press release, 30 May 2011.

experts to be deployed and civil entities as the police are no longer capable. To fulfill CPP in agreement with International Humanitarian Law (IHL) joint preparations in peacetime are necessary. This is clearly stipulated in The Hague 1954 for instance in Article 7 Military measures paragraphs 1 and 2.

It goes without saying that handover of military initiated CPP projects to civil authorities has to take place as soon as the situation permits it.

The paper ends with a set of recommendations for all players on the CPP playing field.

Introduction

Currently most CPP case studies are found in juridical literature and to a lesser extent in historical or cultural policy related publications. Often these sources present situations dating from World War II that include stories about snipers in Church bell towers and theft of paintings from European museums and collections.² The nature of conflict has however changed since World War II. Modern land conflict involves another type of warfare. As opposed to the symmetric warfare from the past, the number of asymmetric conflicts is increasing.³ Contemporary conflicts often take into account cultural motives that directly relate to matters of identity. Warring parties are aware of this cultural dimension and some aim for destroying (part of) their opponent's cultural heritage thus erasing or at least damaging his identity.⁴

Apart from cultural property's value as a means of distinction and (national) identity cultural resources such as archaeological heritage can be a driving force behind economy for example in Egypt.⁵ It can be expected that this will also be the case in Iraq and Libya when the conflicts that currently take place have ended.

All good reasons for CPP to be of strategic importance for belligerents. This was acknowledged during World War II and to a lesser degree in the former Yugoslavia conflict and in the 1st Gulf War. At the time, preventing cultural property from being damaged by military actions like bombardments and by the building of military installations was of a higher priority. Nevertheless CPP expertise and capabilities developed during and immediately after the Second World War have been allowed to disappear. As a result some State Parties to the 1954 Hague Convention and its Protocols are currently not meeting the obligations to safe guard cultural property as stated in these instruments. Consequently in conflict areas where local police is no longer present we are confronted with military inaction in the face of looting by civilians.

In the light of current risks for international cultural heritage, identification of effective strategies for protection is vital. It should be taken into account that this can be hindered by the fact that, especially in times of crisis, some cultural objects are looked upon as national or group-related symbols causing extra sensitivity and creating targets for opposing forces.⁶ Such targets can be important for purposes of identity protection or destruction and can be of

² Nicholas 1994, Feliciano 1997.

³ Symmetric warfare can be described as the clash of two conventional adversaries in forceful battles and operations that involve the engagement of similar military forces in force-on-force warfare. Asymmetric, intrastate (often non-international and ethnic) conflict and warfare describes military actions against an adversary to which he may have no effective response and which pit strength against weakness, sometimes in a non-traditional and unconventional manner. Source: Colin S. Gray in the Australian Land Warfare Doctrine, chapter 1, The Nature of Land Warfare. <<http://www.defence.org.au/aspnet/vip-usa/UploadFiles/2008-05/chapter1.pdf>> (2005).[10 August 2011].

⁴ Nelson and Olin 2003, Bevan 2006.

⁵ Kila 2010b.

⁶ Military term that indicates the opponent or the enemy used especially when the opponents are no official army but for instance insurgents.

strategic value due to their geographical position. A recent example of what can happen is the situation around the Preah Vihear complex in Cambodia near Thailand.⁷

One of the arguments presented in this paper entails that the protection of cultural property in times of conflict is not possible without the involvement of the military. There is a practical reason for this: the military tends to be the only group with access to a conflict area. Moreover, they are usually the first present in situ. Since damage to cultural property is in most instances sustained during the early phases of a conflict, their role is of critical importance.

From the time the USA ratified the 1954 Hague Convention on the Protection of Cultural Property in the event of Armed Conflict in September 2008 or in fact officially on March 13, 2009 when its instrument of ratification was deposited with UNESCO.⁸ The international debate on considerations of cultural property protection has intensified. The same goes for the related discussion on the extent to which measures should be implemented to preserve cultural heritage in conflict situations. More and more parties are currently being made aware of the situation concerning cultural property protection in instances of manmade and natural disasters. There are many stakeholders examples are universities, libraries and archives, antique traders, environmental experts, looters, smugglers, customs, police, diplomats, tour operators, governmental institutions, military organizations, IOs and NGOs. In fact there is a whole fabric of interests, cultural backgrounds, and even military rankings that can affect attempts to protect Cultural Property in the event of, and under the threat of armed conflict. Different perceptions concerning deployment of military experts influenced by geographical and cultural origins play a role. National political strategies, often not unambiguous, and corporate cultures as well as military traditions are critical. On the whole, communication problems deriving from differences in perception and appreciation linked to cultural backgrounds are a challenge for implementing the military version of Cultural Property Protection. It raises the question whether Cultural Property experts, while safeguarding cultural heritage according to obligations deriving from international humanitarian law (or their own national law), should have a status like the Red Cross, or when they are military or militarized, at least like military medical personnel. In other words within existing legal frameworks they should be able to operate more independently from direct military command structures. This of course can only happen if commanders and politicians first see the significance of military CPP consequently ethical or technical judgments can only be made after a period of practical implementation that is at present not existing.

It is important to be specific about ethical issues at stake here. The current ethical debate is, for a large part, based on a lack of background knowledge of military matters and legal expertise as well as incorrect use of concepts linked to the word 'culture'. Mainly four terms and one related subject are used by those discussing this issue: 'cultural property', 'cultural heritage', 'cultural resources', 'cultural awareness' and the according to some related counterinsurgency (COIN). The legal term for what this paper discusses in accordance with the 1954 Hague Convention is 'cultural property'. This term refers to physical entities and is defined in Article 1 of the 1954 Convention. It is not an ideal name because 'property' suggests a form of ownership and as we know especially during conflict ownerships are contested. 'Cultural heritage' on the other hand has a broader meaning that includes intangible cultural heritage: aspects of human expression beyond physical objects. 'Cultural awareness' is merely the awareness of specific traditions and customs. It is not of direct relevance to the protection of cultural property (nor is it mandatory under international law). Then there is the term 'cultural resources'. It is already used in military contexts but is currently not explicitly

⁷ Sovereignty over the 11th century Preah Vihear Temple complex is disputed by Thailand and Cambodia. Regularly there are standoffs between military of the two countries.

⁸ The US did not ratify the First nor the Second Protocol of The Hague 1954.

used in legal contexts. In addition, as it is at times paired with natural resources in military environmental guidance documents, the military mindset is receptive to the protection of 'resources'. In conclusion it is vital to mention the European civilian perception of the term Counter Insurgency or COIN. The latter needs clarification, European civilian social scientists and for that matter the general public tend to perceive COIN as secret operations aimed at destroying opponents. The Americans, including the US general public, use a wider construct of the term and recognize all activities that are in support of a military mission as COIN.

Following these semantic clarifications, a clear distinction must be made between programs such as the 'Human Terrain System' (HTS) in the USA and (military) archaeologists and other cultural heritage specialists working to support the protection of cultural property.⁹ As stipulated, an international discussion has developed on the ethical issues focusing on the cooperation of certain anthropologists, archaeologists and art historians with the military. The problem is that opponents of scholarly engagement with the military use the anthropologists' or other cultural awareness experts' involvement in Human Terrain Systems (HTS) as a reason to reject on ethical grounds all cooperation by social scientists with the military, including those working for the protection of cultural property. De facto a justified and much needed ethical discussion is mixed up with a not (yet) needed discussion. It must be stressed that anthropologists working for HTS teams should not be confused with cultural property protection experts working with the military in accordance with the Hague Convention. This undermines the already difficult process of making the military aware of their obligations under the 1954 Hague Convention and, when applicable, the 1999 Second Protocol. Academics working with HTS engage with military intelligence-related operations by providing cultural information to commanders that is used to defeat the enemy. International Humanitarian Law (and sometimes national caveats) applies to this type of operations. Cultural property protection, though implemented by experts in accordance with International Humanitarian Law is not aimed at supporting the type of counterinsurgency operations that are especially in the European COIN perception associated with undercover missions, spying and commando operations. This distinction is ignored at cultural property's peril; those who repudiate academics working with the military to save cultural property must bring more nuance to their judgments.¹⁰ Furthermore, all parties must be aware that the civil-scientific discourse that presents and debates theory and concepts is on a different more reflective level than the civil-military cultural protection debate. The latter is new and still less profound and actually in an embryonic phase. At this stage there is no logic in comparing and using segments of both discourses for offensive purposes. To put it more direct, criticizing the ethics of engaging with the military to safe guard cultural property is useless since there currently is no substantial nor sustainable cooperation on this with most military. If the international community succeeds in establishing military cultural property protection capabilities and they start to function for a number of years than there can be reason for reflective thinking and for ethical considerations. For now it is a waste of time to argue about things that are not happening. Of course any incidental misuse will be dealt with according to

⁹ HTS is a programme that embeds anthropologists and other social scientists with combat brigades (currently in Iraq and Afghanistan) to help tacticians in the field understand local cultures using Human Terrain Mapping (HTM). HTS is heavily criticized by members of the scientific community see also: Dahr Jamail, 'Engineering 'Trust of the Local Population': How Some Anthropologists Have Learned to Stop Worrying and Start Loving the Army', 16 May 2009, <www.truthout.org/051609Z> <http://www.google.nl/search?hl=nl&q=www.truthout.org%2F051609Z&rlz=117ADFA_nl> [17 July 2011].

See also David Price, 'The Leaky Ship of Human Terrain Systems', Counterpunch Weekend Edition, 12/14 December 2008.

¹⁰ Hamilakis 2009, Kila 2010a, Kila 2010b.

IHL an example is the Pavle Strugar case in which a Croatia general was sentenced for the destruction of cultural property.¹¹

The looting of the Baghdad museum in April 2003 triggered international attention. This ‘new’ interest¹² in cultural property protection calls for a more coordinated approach to the implementation of CPP. Even in the best case scenario, the protection of cultural property by military has been regarded as a low priority. The new military ambition, in military terms considered as the end state of a mission, is the establishment of a sustainable, safe and secure environment¹³ that includes safeguarded cultural property. In such an environment, functioning economic, juridical and political systems are indispensable elements. One of the military tools available for achieving this environment is via Civil Military Cooperation or Civil Affairs units (CIMIC or CA) that (should) contain cultural property specialists. In order to achieve the end state¹⁴, the military mindset must be willing to adapt to a split task that includes both fighting as well as winning hearts and minds or in the US, COIN, through development-related activities. The Dutch military call this the 3D approach: Defence, Diplomacy and Development. Given these dynamic processes and developments that are relatively new there is no real debate as to whether military should protect and conserve cultural property and consequently whether they should do this under all circumstances. The latter could be subject for debate when there are more experiences with military involvement in CPP. So far there are only a few cases of practical military cultural heritage safe guarding. The civil-scientific heritage discourse deals more profoundly with fundamental questions in their own sphere, so there is a difference in quality of intellectual reflection between civil and military oriented debates.¹⁵ This makes continuous research necessary. Nevertheless it should always be taken into account that Cultural property can be volatile and potentially explosive – because of its relation with identity it is often disputed and available for manipulation. Moreover, perceptions as to what constitutes cultural heritage vary: some cultures place more emphasis on the process of creation than on the finished product; others use artifacts until they are deteriorated before disposing of them. On top of that the status of cultural properties tends to shift in time and is influenced by socio-political as well as geographical conditions. These are complex issues, not the least for the military who lack formal training on the subject. A good start to raise awareness and initiate training and education is the publication of new case studies.

¹¹ Strugar is a former Yugoslav People's Army (JNA) General charged with crimes in the Croatian city of Dubrovnik in 1991. On 31 January 2005, He was found guilty and sentenced to eight years by a Trial Chamber for attacks on civilians; destruction or willful damage done to institutions dedicated to religion, charity and education, the arts and sciences, historic monuments and works of art and science, all in relation to JNA's attack on Dubrovnik in 1991. According to the judgment, Strugar had both legal and effective control of the JNA forces who conducted the military action at Dubrovnik, including the shelling of the Old Town of Dubrovnik.

¹² Earlier CPP expertise within the Armed Forces as developed by the Allies during the Second World War has been allowed to disappear. Rush 2010, Kila 2010a.

¹³ The NATO AJP-9 doctrine states: CIMIC activities form an integral part of the Joint Force Commander's plan, are conducted in support of his mission and are related to implementing the overall strategy and achieving a stable and sustainable end-state. <<http://www.nato.int/ims/docu/ajp-9.pdf>> [10 August 2011].

¹⁴ The end state of a conflict is a military term.

¹⁵ The civil heritage debate includes questions of authenticity, uniqueness and identity.

A Case Study: Saving Uruk from Looting

Map of Iraq¹⁶



This section deals with the case of the Iraqi archaeological site of Uruk (today Warka) and its safeguarding from looters. I will start with an introduction followed by a narrative part based on my own experiences in theatre. The case study gives an impression of the variety of parties involved in an attempt to safeguard cultural property in a conflict situation and reveals a number of key elements. Following the case a more in-depth analysis of these elements is presented. A number of basic challenges to be met when trying to protect cultural property in times of conflict is presented. These dilemma's will be more closely studied while making comparisons where possible using sources from field research, existing literature, historical parallels and implications of a legal, social, military, political, economical and anthropological nature. Although I am no legal expert (my background is in archaeology and art history), it is important to make a contribution that can help legal and cultural experts join forces in the debate that will hopefully result in a permanent dialogue. Having said this, I wish to emphasize that further research on this subject as well as training should be financially supported. At this moment this is regrettably not happening enough. The Netherlands MoD for instance stays far behind using financial cutbacks as an excuse.

¹⁶ source: <<http://www.atlastours.net/iraq/sites.html>> [10 August 2011].

The Cultural Importance of Uruk¹⁷

‘This is the wall of Uruk, which no city on earth can equal. See its ramparts gleam like copper in the Sun. Climb the stone staircase more ancient than the mind can imagine, approach the Eanna Temple, sacred to Ishtar, a temple that no king has equalled in size or beauty’ Epic of Gilgamesh.¹⁸

Uruk (today known as Warka) is one of the oldest cities of southern Mesopotamia, situated at a branch of the Euphrates River, approximately half-way between Baghdad and Basra in Iraq. The largest tell in this area, the site measures approx 400 hectares. Excavations have exposed part of the city. The most important period in Uruk’s history was without any doubt the era of so-called ‘high civilization’ between c.3400 and c.2800 BC. This period saw the construction of major buildings that could only be realized within a highly organized administrative system, and the invention of cuneiform – humanity’s earliest known writing system. The city remained important throughout the twenty-seventh and twenty-sixth centuries BC. This was the time of the great kings such as Enmerkar, Lugalbanda and, most famously, Gilgamesh. During the Parthian era (second and third centuries AC) the city flourished again but was probably deserted shortly after its inhabitation came to an end sometime during the Sassanian period (224 to 633 AD).

History of Excavating Uruk

Sir William Loftus executed some minor explorations between 1850 and 1854 on the most prominent mounds, finding clay-tablets, clay-coffins and uncovering the famous coloured clay mosaic cone wall. It was not until 1856 that Sir Henry Rawlinson, famous as the decipherer of Assyrian cuneiform, visited the site. He became convinced that he had found the biblical site of Erech, in his words, ‘the mother of all cities’. However it took more than 50 years before the first systematic excavation of Uruk was conducted, between 1912 and 1914, by a German team led by Julius Jordan for the Deutsches Orientgesellschaft. After the First World War the excavations resumed from 1928 to 1939. They were stopped by the Second World War and started again from 1953 to 1989 under the aegis of the ‘Deutsches Archaeologisches Institut’ of Berlin (DAI). The political situation followed by the First Gulf War prevented continuation. Therefore the 39 campaigns of German excavations came to a halt in 1989. Only in 2001 and 2002 did a team, directed by M. van Ess, return to Uruk to begin mapping the site using subsurface magnetometry, a method used to see what is under the surface without digging.

Military Cultural Intervention

When a Battle Group from the Dutch Army (Marines) took over Al Muthanna province from the Americans in the summer of 2003, I learned through information obtained from Professor MacGuire Gibson of the Oriental Institute of the University of Chicago that Uruk was situated in the Dutch area of responsibility. During a Civil Theatre Assessment mission on behalf of the Dutch Ministry of Defence (MoD) that addressed the key Civil Military Coordination functional areas (including Cultural Affairs), I was in a position to visit the site (see pictures 1

¹⁷ Sources used : Information from dr. M. van Ess DAI institute Berlin + DAI website <<http://www.dainst.org/>>, Information from Prof. dr. Wilfred van Soldt, University of Leiden, Gockel2001., Leick 2002., Roux 1992. The Oxford Encyclopedia of Archaeology in the Near East vol. 5, New York 1997., Kila 2008a., Alle Hens, magazine from the Royal Netherlands Navy Marine Corps, March 2004.

¹⁸ Mitchell 2006.

and 4.) with a patrol of the Dutch Military Police (Marechaussee) and thus discovered that Uruk was one of few Iraqi sites that had not yet been looted.¹⁹



Picture 1. Uruk at the time of the Dutch Military patrol's visit. Picture Joris Kila

According to information from the German archaeological experts Uruk was formerly guarded by a local Bedouin tribe acting as guards for the German Archaeological Institute, the concession holders for excavating the site. It had been necessary for the German scientists to stop their work when the situation in Iraq had deteriorated. After the start of the war the payments to these Bedouins guards initially staggered, and finally ceased in the spring of 2003. The German Archaeological Institute (DAI) provided me with the name of the head of the tribe, Muhhar Romain, and gave me a letter of introduction in Arabic. Before involving members of certain tribes in guarding archaeological sites or monuments, extensive research and the checking of credentials should take place as existing or potential conflicts between different tribes can create big problems. The same goes for the involvement of tribes or clans that are not originally from the area where the monuments or sites are located. At the site I met Muhhar Romain's son. He explained that Uruk belonged to his clan, the Bedouin at-Tobe, by virtue of an agreement with the tribes who ruled over other parts of Al-Muthanna. I was told that they still wanted to safeguard the site, but after the German payments had stopped, their capabilities were limited due to lack of means of transport and money to buy food and water. It was arranged that the Dutch Army and the DAI should pay a modest sum of money (approx. US\$ 200) to the tribe every three months through Dutch military channels allowing them to continue their work. Following an agreement with the Dutch MoD these payments continued until the Dutch forces withdrew from Iraq.

At the end of January 2004 a patrol from the Dutch Marines visited Uruk. While receiving a guided tour from Muhhair Romain himself they saw people digging in the far distance.

¹⁹ Iraq Civil Assessment Al- Muthanna, Internal report October 2003 Dutch MoD.

Muhhair told them that these were plunderers. The patrol and the Bedouin guard rushed to the area, arrested the thieves and returned the stolen goods that had been taken from an illegally opened grave (see picture 5). Only minor damages were reported. As far as we know this was the only incident involving looters that took place at Uruk. The Dutch troops left Al Muthanna and Iraq in March 2005. As I received no permission from the Dutch MoD to revisit Uruk there was no handover of the military cultural property protection activity to either a succeeding force or a civilian party. According to the DAI in Berlin contact was made in May 2007 with the Bedouin guard and everything appeared to be in order in Uruk at that time. Also some recent pictures of the expedition house, taken by members of the Iraqi State Board of Antiquities, became available. Except for some foreseeable erosion in the expedition house and in the ruins themselves, everything seemed fine. Nevertheless, the bad condition of some ancient buildings in Uruk will become a major problem in the near future and is currently the biggest danger to the site. In June 2008, a field trip was made by John Curtis (British Museum), Elizabeth Stone (Stony Brook University) and Margarete Van Ess (DAI). This resulted in the report 'An Assessment of Archaeological Sites in June 2008: An Iraqi British Project'. According to this report, the on-site guards (now joined by 15 Special Protection Force members) were still present in Uruk and there were no signs of looting. The fence that surrounded the site was renewed in 2006 with Japanese funding. The DAI still manages to make payments for the on-site guard. US Army archeologist Laurie Rush was able to visit Uruk in April 2009. This visit enabled her to set straight an example of a potentially good activity, based on inaccurate information. It concerns a replica of a fragment of a stone cone mosaic tower from Uruk. Such replicas are used as avoidance targets on Fort Drum's Adirondack Aerial Gunnery Range 48. The idea is utilizing mock ups to train pilots on avoiding cultural objects and sites that vary from mosques and cemeteries to archaeological remains. Nevertheless the mock up is modelled after the picture of the original cone temple wall fragment that, as the picture shows is still in situ in Uruk.



Picture 2. by Ian Warden, US Army.

At the time the replica was made nobody checked, or was able to check, the real measurements in situ probably because of safety concerns due to the unrest in Iraq at the time.

In April 2009 Laurie Rush Fort Drum's archaeologist was able to visit Uruk and found that the scale was completely wrong as the pictures (see pictures 2 and 3) demonstrate. Anyhow it is an excellent lesson learned emphasizing the argument that specialists, in this case academics have to be consulted whenever possible.



Picture 3. by Diane Siebrandt for Laurie Rush, US Army.

Key Elements for an Effective Cultural Property Protection Strategy Found in this Case

The Uruk case study contains several important elements that play a role when implementing cultural property protection in the context of military operations. These elements apply for preparations in peacetime as well as when the troops are in theatre. I will mention them and explain their role in the case study as well as their relevance for the military implementation of cultural property protection in general. The essentials identified are: civil military cooperation; cultural property officers; handover procedures; legal obligations and implications that include military necessity; economic implications; military incentives when implementing cultural property protection; looting, illicit traffic and the link with security; financing and training and education.

CPP and Civil Military Cooperation

In theatre cultural property protection and cultural emergency response in times of conflict (and sometimes disaster) take, for the larger part, place in a civil-military context. In Uruk the military worked together with local civilians – a form of civil-military cooperation (CIMIC). However there are legal implications when combatants work together with non-combatants since they both differ in status under the Geneva Conventions. More research by both civil and military legal experts is desired on this matter. In general countries attempt to implement cultural property protection through civil-military co-operation or civil affairs branches, which both traditionally operate mainly on a tactical and operational level.

So-called 'functional specialists' can be deployed when expertise that is not available within the standing armed forces is needed, as in the case of cultural property protection. In Uruk CIMIC functional specialists were used by the Dutch armed forces. Both Iraq and the Netherlands are parties to the Hague Convention of 1954 so there was a legal obligation for cultural property protection in line with International Humanitarian Law (IHL).



Picture 4. Dutch CIMIC Cultural Property Officers in Uruk, at the top of the big Ziggurat, picture Joris Kila.

Cultural Property Officers

Implementation of cultural property protection through Civil Military Co-operation (CIMIC) brings restraints. Due to the NATO AJP-9 CIMIC doctrine, any implementation must be in support of the (field) Commander's mission. However, cultural property protection is always mandatory under IHL. This discrepancy can give rise to conflicts of interest: some Commanders tend to use the military necessity excuse for not paying attention to cultural property protection or consider it a good career move to only make high-visibility quick-impact project statements (painting schools) instead of implementing measures for the protection of cultural property. Such conflicts of interest can be avoided by giving cultural property protection a permanent, dedicated position within the Ministry of Defence. Personnel that fill such positions should be involved, or give at least advice, in planning procedures and be an integrated capability linked to operations and coordination with civilian institutions. A good example of Ministry-wide implementation of cultural property protection by 'official cultural property' officers is found within the Austrian Federal Army 'Bundesheer': the Cultural Property Protection Officer (CPPO). The Austrians describe the CPPO as being in accordance with a provision in their Ministry of Defence for experts and services referring to articles 7 and 25 of the 1954 Hague Convention.

The tasks of this CPPO include securing and keeping respect for Cultural Property among the military, acting as a commander's cultural property protection advisor and expert, providing training for troops and commanders and liaising with civilian institutions and experts that deal with cultural property. Furthermore the CPPO gives advice during planning and is in control of the tactical measures concerning cultural property protection in critical areas. The CPPO is also an advisor and consultant to civil authorities and gives a situation report as a member of staff.²⁰ In the Austrian example an overall incentive is the fact that all information and recommendations produced are meant to raise awareness and start debates among military planners, post-war planners, policymakers, military lawyers, academia and governmental officials.

Handover Procedures

After a military mission, or following the end of a mandate, cultural property protection activities must be properly handed over to local authorities, NGOs or succeeding military forces, as appropriate. The military from a certain country may be redeployed to a different area before the situation is stable enough to hand over to proper civilian bodies and agencies. This has been the case in Iraq. A political decision brought about the redeployment of the Dutch Battle Group from Iraq's Al Muthanna province. As a result all personnel had to leave but Dutch military cultural experts who set out the cultural strategies were not allowed by their MoD to return for a proper handover. Procedures must be developed to hand over cultural rescue activities when such events occur.

Legal Obligations and Implications

Manches Herrliche der Welt ist in krieg und Streit zerronnen. Wer beschützet und erhält, hat das grösste Los gewonnen.

- Johann Wolfgang Goethe (1749-1832)

As the Goethe example shows, there is a long history of awareness of the need for the protection of cultural property. The first universal convention dealing exclusively with cultural property protection was the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict, in The Hague. A number of obligations and protocols with direct relevance for the armed forces derived from The Hague Convention. For example in Chapter 1, Article 7 of the Convention it is stated as mandatory for the military forces of states-parties to employ specialist personnel such as art historians or archaeologists.

Yet integrating elements of international treaties in the respective national laws brings challenges. Many states-parties have no policy designed nor special provisions made to enforce the legal obligations the convention requires concerning the military aspects. This gives room for half solutions that are not in accordance with the spirit of the treaty. But there are also examples of good practice. In the USA, for instance, it was to a certain extent possible to integrate the 1954 Hague Convention in national law by following appropriate national legislation. An example: the US Defense Department (DoD) has obligations under the 1966 National Historic Preservation Act to take cultural property into consideration.²¹

²⁰ Information from a brochure made in cooperation with the National Defense Academy of the Austrian Armed Forces in Vienna and the Austrian Society of Cultural Property <www.kulturgueterschutz.at> 2006.

²¹ Section 402 of the National Historic Preservation Act of 1966 (as amended through 1992).

Prior to the approval of any Federal undertaking outside the United States which may directly and adversely affect a property which is on the World Heritage List or on the applicable country's equivalent of the National Register, the head of a Federal agency having direct or indirect jurisdiction over such undertaking shall take into

Furthermore, the Ninth District Court of the USA has found that Section 402 of the National Historic Preservation Act applies to any area in the world under the responsibility of the US DoD. Failure to take into consideration heritage property could easily result in the department being sued by US citizens²². Having said this it should be noted that the US became a state-party of a 1954 treaty in 2008! nevertheless the US did not ratify any of the two protocols to the 1954 convention so there is still room for improvement.

Military Necessity

We are bound to respect monuments as far as war allows. If we have to choose between destroying a famous building and sacrificing our men, then our men's lives count infinitely more and the buildings must go. But the choice is not always so clear cut as that. In many cases the monuments can be spared without detriment to operational needs. Nothing can stand against the argument of military necessity but the phrase is sometimes used where it would be more truthful to speak of military- or even personal convenience.
- General Eisenhower, 29 December 1943.²³

Military necessity as outlined by General Eisenhower, above, is often cited as a reason, or excuse, for cultural destruction. Although Eisenhower's remark is 70 years old and somewhat outdated Military Necessity is in fact a legal concept that is used in different modes often with adjectives like unavoidable or imperative to express it as a high or higher test. Nevertheless the concept should be interpreted as a limitation rather than as a justification and is normally used within a legal framework such as a certain treaty or a Law of Armed Conflict codification. The Second Protocol of the 1954 Hague Convention (Article 11 – 2) states that immunity granted to cultural property can be lifted in 'exceptional cases of unavoidable military necessity'. While such military necessity did not play a role in Uruk, it is still useful to mention it here for the more general role it played in Iraq. For instance: Minarets such as those in Samarra were used by snipers, and monuments were utilized to store weapons and keep hostages.²⁴ The vibrations caused by demolition of Saddam-era ammunition by US soldiers had dramatic effects on the temple complex of Al-Hatra; although in a later stage

account the effect of the undertaking on such property for purposes of avoiding or mitigating any adverse effect. This article has been tested in court in the *Dugong vs Rumsfeld*, and as of early 2011, the ruling of the Ninth District Court of California that the Navy in Okinawa must respect the Dugong as a cultural icon under Section 402 and must take the potential impacts of the proposed expansion of the Naval Base in Okinawa on the Dugong into consideration for any future action. This legal determination in US will serve as the precedent for application of Section 402 until such point as a legal challenge and contrary finding would change the status. Source: Bellew, Serena. Legal Background and Policy Framework for Consideration of Cultural Property Protection during US Military Global Operations, in: A Technical Report for the Legacy Resource Management Program Project 10-324 by Luisa B. Millington and Laurie W. Rush (unpublished) May 15th 2011.

²² Section 402 has been tested in court in the *Dugong vs Rumsfeld*, and as of early 2011, the ruling of the Ninth District Court of California that the Navy when operating in Okinawa Japan must respect the Dugong (a sort of Dolphin) as a cultural icon under Section 402 and must take the potential impacts of the proposed expansion of the Naval Base in Okinawa on the Dugong into consideration for any future action. This legal determination in US will serve as the precedent for application of Section 402 until such point as a legal challenge and contrary finding would change the status. The fact that international, or in this case Japanese cultural properties law is substituted by national (US) law brings opportunities for US citizens to sue the DoD when cultural heritage responsibilities are ignored.

²³ Nicholas 1994. p.237.

²⁴ The pinnacle of the minaret was damaged April 1, 2005 by a bomb reportedly placed by insurgents in response to U.S. forces prior use of the minaret as a sniper's nest as from September, 2004; March, 2005, Iraq State Board of Antiquities ordered U.S. forces to vacate the Minaret.

<<http://www.cemml.colostate.edu/cultural/09476/iraq05-060.html>> [10 August 2011].

expert advice helped to lessen the impact of these explosions.²⁵ Hescos were unnecessary filled with archaeological soil, apparently out of ignorance.²⁶ Obviously the problem as to how military necessity is defined or rather interpreted remains.

Economic Implications

Uruk is an important site of global significance. Sitting at the heart of the Mesopotamian 'cradle of civilization', Uruk is considered the birthplace of writing, and of the Epic of Gilgamesh, found on clay tablets in the city. Potentially, Uruk is capable of attracting tourism. The current inhabitants have a different appreciation. For them Uruk is a plot of land that is 'owned' by a certain Bedouin tribe that has successfully claimed it through an agreement with other local tribes. Though the head of the tribe realizes the historic importance of his land, it is predominantly seen as a home to the tribe and for small scale agriculture and cattle-breeding. In Al Muthanna most of the inhabitants are Shiia, and the population consists of a mix between Bedouins and farmers and some city folk. Every inhabitant is linked to a tribe (approx. 14 in total) and every Iraqi owes loyalty to his clan or family before the tribe and the local government. Tourism is not yet seen as a source of income due to the length of Saddam's regime resulting in reluctance among tourists to visit Iraq and political isolation. However, through the German excavators the Bedouins in Uruk/Warka for many years had a regular income working as excavation assistants during the excavation season and site guards throughout the year.

This economic incentive illustrates to a local population the relevance of protecting the site for future excavations and thus keeping options open to generate a more or less stable source of income. Apart from ethical considerations implying that it is wrong to damage national cultural heritage (linked to a national or regional identity) it became clear in my talks with the inhabitants that they were aware that financial rewards for looting were quite meagre and unsustainable. In general locals normally get very low prices for antiquities.²⁷ In this context it was a good decision to continue paying "salaries" for the protection of the site through military channels. In fact this way a win-win situation was created, the locals experienced sustainable income including future perspectives concerning jobs when the excavations are resumed in the future. For civilian military cooperation, the (project based) financing was legitimized because funds were provided to be spend on food and water and earned by locals guarding cultural property. Last, but not least, the military followed the 1954 Hague Convention since Iraq is a State Party to the Convention and its First Protocol both were ratified by Iraq in December 1967.

Military Incentives when Implementing Cultural Property Protection

The military have a strategic interest in handling cultural property carefully. They want to achieve military goals as quickly as possible and complications deriving from damaging cultural belongings can harm a mission. In order to demonstrate such incentives to the military and to policy-makers examples are needed. These have to be perceived as realistic for them and should demonstrate outcomes that help to end a military mission successfully. In fact these are deliverables that can persuade military commanders to pay attention to the protection of cultural belongings during all phases of a conflict. This includes every stage

²⁵ Stone, Farchakh 2008.

²⁶ Hescos are large bags filled with sand or rubble to serve as barriers for military camps and fortifications. They are also known as Concertainer™ Barriers and made by the UK Company Hercules Engineering Solutions Consortium in short HESCO.

²⁷ Stone, Farchakh 2008. pp. 135-141.

from planning to post-conflict or reconstruction phases. A challenge is that these incentives seem abstract to civilian cultural property experts while at the same time the military understand the jargon but misunderstand the connection to cultural property.

An understanding of heritage combined with respectful behaviour is a 'force multiplier' for any global operation. A force multiplier is a capability that, when added to a combat force, significantly increases the combat potential of that force and thus enhances the probability of successful mission accomplishment. Force multipliers and also force acceptance (the acceptance by the local population of the presence of armed forces from another power) are important arguments for the military to realize cultural safe guarding activities.²⁸ But there are also more direct military aspects; Cultural property protection can for instance constitute a force multiplier because it can disturb or hinder the illicit antiquities market while reducing a possible source of funding (to buy weapons) for the opposing forces. It has the potential to mitigate the tactical value exploited by non-State actors.²⁹ Such deliverables are of tactical and strategic relevance. Yet military planners and senior leadership are currently to a large extent unaware.

Academics have noted that cultural property protection contributes to an overall atmosphere of general security while promoting the rule of law and respect for property.³⁰ In addition, as already touched upon, potential sources of income for opposing forces are diminished. Last but not least cultural property protection policy gives a sense of legitimacy to a government as it demonstrates its ability to protect the national cultural identity. Archaeological sites matter to indigenous populations.³¹ Local communities understand their ties to the civilizations of the past. When military blunders demonstrate ignorance, the respect of the local community is lost. Damage to sites out of ignorance can delay a military mission by generating worldwide negative publicity. Examples include the US occupation at Babylon that caused severe damages to the site and the Camp Wolverine disaster in Kabul, where an ancient underground irrigation system was unintentionally damaged. Today risks for a countries reputation are even higher because of the influence of new media like the social networks (Facebook, Twitter, etc.). This influence became very apparent during the revolution in Egypt and also plays a role in the current upheavals in Syria.

Looting, Illicit Traffic and the link with Security

Antiquities are the most precious relics the Iraqis possess, showing the world that our country . . . is the legitimate offspring of previous civilizations that offered a great contribution to humanity.

- Saddam Hussein in a 1979 speech³²

Dealing with looting, stealing and trafficking of cultural objects and subsequently the protection of sites and monuments including preparations in peacetime has to be looked at from multiple angles.³³ Given most recent cases, protection seems only possible through the use of armed civil or military guards combined with technical solutions such as cameras or even satellite observation. Most solutions rely heavily on the military not the least because of military logistics, tools and access to conflict areas plus (classified) data such as aerial

²⁸ Source: US Department of Defense Dictionary of Military and Associated Words. <<http://www.answers.com/library/Military%20Dictionary-cid-2779810>> [10 August 2011].

²⁹ Nemeth 2010.

³⁰ Feil 2008. p 221.

³¹ Source: an email message from Dr. Laurie W. Rush (US Army) to the author on 30 April 2008.

³² Eakin, Hugh. The Devastation of Iraq's past. July 27, 2008. <<http://www.internationalnews.fr/article-21591970.html>> [10 August 2011].

³³ Mac Ginty 2004.

photography. The idea of involving contractors (in this case, mercenaries) as guards has been discussed in a number of expert panels like the yearly military CPP panel at the AIA conferences. However this idea is rejected by many for legal and financial reasons. Legal refers to matters of authority in conflict areas and financial refers to the fact that many MoD's and other stakeholders like UNESCO do not have the financial resources to hire contractors. Identification of effective strategies for protection can be hindered by the fact that, especially in troubled times, specific cultural objects are looked upon as national or group related and become targets for opposing forces. Here the subject touches the realms of military intelligence and security because as established trading of looted artefacts in war-stricken areas is not seldom practiced by opposing forces. Large numbers of artefacts originating from war areas are looted often commissioned by insurgents.³⁴ Smuggling routes can be the same as those used for trafficking insurgents, weapons, drugs and for the export of stolen artefacts. The link with criminality and opposing military forces is good reason to inform all military personnel involved in missions in sensitive areas that buying artefacts is strictly forbidden. At present, the US uses small illustrated pocket cards with instructions on how to recognize such objects; there are also Cultural Property playing cards both in the US and The Netherlands and an Arts Monuments and Archives guide created by the US Civil Affairs.³⁵ As a general rule, military personnel entering or leaving a mission area are checked by military police.³⁶

Looting manifests itself in a variety of guises such as mob looting, systematic looting, flash looting. All have different causes and catalysts. In the case of Uruk the economical incentive was neutralized by offering (minor) payments for local guards. Looting has a military parallel too, already the Romans allowed their soldiers to plunder as a form of wages, even today the traditional tribal militia in Afghanistan and Pakistan the Lashkar are not paid salaries but share in loot captured from the enemy. They are an exception since modern operations and legislation forbid this form of pay. The whole complex of the looting, stealing and smuggling of artefacts is, of course, market-driven and based on the international rising demand for antiquities. Since there is only a finite supply of legal objects that are available for trade, any increase can only come from illegal sources.³⁷

³⁴ A recent example are the looted and stolen objects from Afghanistan, often commissioned by the Taliban, that are smuggled out through the Kandahar Military airport and end up in expensive antique shops in Brussels, Belgium.

³⁵ Heritage Preservation, Pocket Guide for Military personnel, Draft 04-09-07. See also Rush 2010.

³⁶ Olbrys 2007.

³⁷ O'Keefe 1999.



Picture 5. Tools and stolen artifacts from arrested looters in Uruk, January 2004 photo: courtesy Royal Netherlands Navy Marine Corps.

Financing

In peacetime assessments should be made to allocate funding or detect governmental as well as private possibilities to finance training and research as well as preparations in peacetime for military cultural intervention such as building networks and reach back capabilities. In general, it remains to be determined whether or not the military in charge of certain areas of responsibility have funds at their disposal to spend on the protection of cultural property when operations actually take place. The US military have the US Commanders' Emergency Response Program (CERP) funds and Ambassador's funds; other countries might for example use local embassy funds if they have embassies in countries where operations are carried out. A case of good practice dates from 2004 and took place in Baghdad. Several collections of documents from the Iraqi Libraries and Archives had been damaged during the war. When Baghdad was still relatively secure, civilian experts managed to deep-freeze the objects, which had suffered water and mould damage. Freezing is a commonly used protection technique that preserves documents for final conservation under better circumstances. Apparently the collections started to deteriorate at a certain stage due to electricity failures causing the documents to defrost. Cultural property officers, after assessing the situation, asked for support. As a result, the US Army used CERP funds to provide equipment in the form of a generator-powered freezer truck, and the objects were refrozen in this vehicle. However, civilian military cooperation/civilian affairs (CIMIC/CA) officers and cultural property officers are sometimes confronted with serious criticism from NGOs, IOs and governmental decision makers.³⁸ Some NGOs consider military emergency aid to be false competition plus they claim that (already earmarked) money that was originally meant to be spent on NGO activities is used. I do not know if this is true for other CIMIC/CA disciplines,

³⁸ Kila 2008. p.201.

but such arguments carry no weight in the case of cultural property protection. Apart from this there are only a limited number of civilian organizations dealing with cultural heritage protection and on several occasions (Iraq, Afghanistan) security conditions have compelled these organizations to ask for the assistance of militarized experts.

Currently a big challenge for implementing military cultural property protection is the fact that cuts on financial spending appear to be used as an excuse not to implement Cultural Property protection. This is not only against international (customary) law but also demonstrates the low priority the subject has with some MoD's and military organizations.

Training and Education of Military and Others

Tasks that are not part of the culture will not be attended to with the same energy and resources as tasks that are part of a certain culture.

- James, Q. Wilson, 1989.³⁹

Training and teaching military personnel is different from lecturing to for example university students. Backgrounds, language and intellectual levels vary, so methods to transfer knowledge have to be tailor-made for the target group. To make things more complicated cultural property protection expertise is multidisciplinary. Therefore first, awareness on the subject of culture and cultural heritage must be raised to make the students more appreciative of cultural property; for this a basic introduction to art history and archaeology is essential next step is to introduce legal, political and military implications. Important tools for the teacher are the use of practical examples, anecdotes, discussions, working groups such as syndicates, training in situ, guest lecturers, simulation and visits to places like museums and libraries.

Replicas are often used for training. This has the advantages that there is no risk of damage (in case of bigger groups) and there is no need for travel. For example, a stone cone mosaic tower from the ancient City of Uruk is an avoidance target on Fort Drum's Adirondack Aerial Gunnery Range 48 and three mock cemeteries and a number of architectural mock sites were installed to train the troops for their Iraq deployment. Apparently construction of these assets was extremely cost effective since prefabricated standard parts were used, it is important to work as cheap as possible since training on CPP has no high priority and subsequently no or low budgets are made available. Mock-up training is being implemented by the DoD Legacy Resource Management Program and the Cultural Resources Program at Fort Drum in cooperation with the Center for Environmental Management of Military Lands (CEMML) from Colorado State University both in the US. Mock-up training supplements the avoidance target list provided to the US Air Force by Middle Eastern Archaeology subject matter specialists.

Training in Situ

Field training is aimed at planners, higher officers, defence attachés, policymakers etc. and takes place in and on actual monuments or archaeological sites. It is an effective method to raise awareness on cultural property protection with military and other stakeholders in situ. The idea is to have lectures first, as an introduction, and then go to an archaeological site to continue to illustrate lectures with real examples.

The first course in situ took place in June and October 2009 in Saqqara Egypt on the terrain of the Step Pyramid where international military planners were educated.

³⁹ Wilson 1989. p. 101.

In conclusion it is fair to establish that the necessity of training on the subject and the relevance of cultural property protection for military planning has to be demonstrated. Personnel in charge of training should be aware of the fact that ongoing research on the topic including scientific and theoretical approaches is necessary. This can be done in cooperation with military academies or civil educational institutions.

Next Steps: Improving the Role of Military Cultural Property Protection as Part of Cultural Emergency Response within the International Context

International cooperation is conditional for effective and sustainable results this comprises the creation of civil, military and combined networks.

A first step to realize international military cooperation on cultural property protection is the initiative taken in August 2009 to create an International Military Cultural Resources Work Group, (IMCURWG). The Group comprises cultural heritage professionals working in the military context in order to enhance military capacity to implement cultural property protection across the full range of operations. It will thus provide a forum for international cooperation and networking for those working within a military context; raise awareness and publicise military commitment to the protection of tangible and intangible cultural property and heritage; and initiate and stimulate research on cultural property protection and military involvement.

IMCURWG works within the framework of The Hague Convention, addressing archaeological sites, historic buildings, museums, libraries, galleries, cultural landscapes and archives and other relevant legal obligations. IMCURWG is not intended to replace any existing organizations working in this field. Rather, it is in a position to be proactive in developing partnerships and networks between the military and existing non-military organizations and groups.

The Group is operational and works together with entities like the Combat Commands Cultural Historical Action Group (CCHAG) of the US Department of Defence on in situ training projects. Main goal of initiatives as described above is to be pro-active especially in emergency situations. A recent example is Egypt. When troubles began in Egypt in January 2011 rumors started almost immediately about theft and damage of cultural belongings. The international community including organizations like UNESCO did not react with for instance an on the ground reconnaissance or other pro-active measures but stuck to sending the usual letters of protest. There was a serious risk that the mistakes made in Iraq would repeat themselves. Together with the ANCBS (Association of national committees of the Blue Shield) IMCURWG initiated a cultural emergency assessment mission to Egypt at the height of the turmoil in February 2011. Because of the safety risks the mission team consisted of individuals with a military back ground (Karl von Habsburg and Joris Kila) and a reach back coordinator that worked from Berlin (Thomas Schuler). The team found several cases of looting and damaging in places like Saqqara (tomb of Maya), Dashur (the Morgan storage facility was looted see picture 6) and Abusir. Especially excavation warehouses were broken into by gangs of looters, mostly smaller objects were stolen.



picture 6. The looted Morgana storage facility in Dashur with bricked doors on 15 February 2011. picture Joris Kila.

Several mechanisms, that already became manifest in Iraq such as the (attempted) plundering of the national museum and in the slipstream archaeological sites, reoccurred. Same goes for (alleged) political manipulations of Cultural Property by members of the "regime". Last but not least economic implications of conflict related heritage destruction such as serious decrease of tourism re-occurred in Egypt. In spite of Egypt's obligations under the 1954 Hague convention its military were not trained to protect cultural heritage. The Egyptian police disappeared completely after the unrest started and the military did not act to safeguard Egypt's heritage. As a result gangs of looters, often driven by poverty but also by rage started to loot immediately. The outcomes of the assessment mission confirm a number of suppositions made in this article.⁴⁰

Undoubtedly, the best chance for implementing plans and methods for cultural heritage protection implemented is through international interagency coordination, preferably between and across government institutions, including the military, and NGOs, including international organizations.⁴¹ Due to the scarcity of military cultural experts, it is necessary to establish an international team of such experts to deal with cultural heritage emergency response, assessments, providing advice, and ensuring compliance with existing rules, treaties and military issues.

⁴⁰ The report of the mission can be found on <<http://www.blueshield.at/>> [10 August 2011].

⁴¹ See as an introduction Bogdanos 2005. 'Joint Interagency Cooperation: The First Step,' Joint Force Quarterly 37 (Second Quarter 2005): 10–18. Online. <http://www.dtic.mil/doctrine/jel/jfq_pubs/0437.pdf> [10 January 2011].

Deployment of international militarized experts would be especially beneficial in areas where civilian experts are not yet allowed. Potential civilian team members from universities, museums and other institutions could serve as a reach-back capability for such militarized experts and could take over as soon as the situation permits. An international military team can be formed through multi-lateral agreements between Ministries of Defence or NATO. Organizational activities can be undertaken by a civil entity such as IMCURWG which maintains working relationships with militaries around the world. IMCURWG could advise field commanders and politicians at any time, coordinate and initiate joint training, and act as an intermediary between civilian experts and the military.

Conclusions

The case study shows that international cooperation is important for the safeguarding and protection of cultural property. If the information concerning the exact coordinates of Uruk had not been supplied by a civilian stakeholder in this particular case MacGuire Gibson from the University of Chicago it would not have been possible to convince the military to pay attention to the site. Of course coordinates and even aerial pictures are available to the military, but this material is often treated as classified. An admittedly expensive way out might be data supplied by space organizations. Nevertheless it is expected that in the near future GIS data from the websites of IMCURWG and the US CENTCOM Cultural Historical Advisory Group will be available to selected parties. Utilizing cultural military experts in times of cultural emergency seems also good since they, unlike civil parties are less restrained by security or logistic issues. This was clearly the case in Al Muthanna the province in which Uruk is located. At the time of the case-study the so-called Coalition Provisional Authority had just started. Consequently there was no Iraqi government and no law enforcement (apart from tribal local laws). Civil or even national cultural experts are not able to function in such situations.

In addition the Uruk case shows the need for assessments and desk research prior to launching cultural property protection activities as part of a mission. Also an overview of funding possibilities both external and internal for projects such as Uruk is useful. Financing is currently even more of a problem for Ministries of Defence e.g. the Netherlands MoD regrettably stopped all cultural property protection initiatives including training and education as proposed after a seminar held in The Hague in 2009 under the excuse of financial cutbacks.⁴² Since the costs especially when working together internationally are quite low one can wonder if the real reason is not lack of appreciation and understanding of the subject. Hopefully this paper helps to raise awareness and funds concerning cultural property protection in times of conflict. Recent events where at this moment cultural heritage is in danger show that it is realistic to prepare for emergencies and civil and military aid to safe guard and protect where possible and in accordance with international legislation. Having said this I want to present a number of recommendations for parties involved in CPP:

Recommendations to be considered by military forces, policy- and decision makers, juridical and other academic experts to undertake for the better protection of cultural heritage in future and existing conflicts:

⁴² A report was written on the seminar's outcomes including a description of the status of CPP in the Dutch Armed Forces as well as recommendations for the way ahead. Valuable contributions were given by Professor Peter Stone from Newcastle University. The report was meant for the Dutch Chief of Defence. The most significant conclusions were the need for international cooperation and the creation of a small team embedded in the Dutch MoD to assess and implement CPP policies. There has been no follow-up.

- NATO Member States should request that NATO implements cultural property protection as a multinational asset and part of the comprehensive approach strategy. A cultural property protection department and cultural property protection officers should be appointed. NATO should take into account what is stated in their own STANAG 7141 EP JOINT NATO DOCTRINE FOR ENVIRONMENTAL PROTECTION during NATO led military activities.
- Cultural Property Protection is a military ‘force multiplier’ and should never be regarded as an unnecessary or problematic, but legally imposed, burden.
- Field experience shows that cultural property protection is necessary in all different phases of a conflict, including the early stages.
- In addition to or as part of the International Military Cultural Resources Working Group an inter-agency coordination bureau should be established. It should include an international military cultural emergency response unit.
- Joint field exercises and training, especially for high-ranking officers and planners, are necessary.
- UNESCO stays too passive in the event of cultural property emergencies during conflicts. The organization should support organizing emergency cultural assessments missions in an early stage of conflicts.
- After the military mission, cultural heritage matters should be properly handed over to local authorities, NGOs or follow-on forces, as appropriate.
- More research is needed on multi disciplinary subjects that concern civil and military juridical experts plus cultural experts; research has to be funded.
- Effective strategies for site protection should be developed and implemented.

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