

## Highlight: Cultural Heritage and Armed Conflict

By Cecilia Brothers, Legacy's CR Specialist

On 23 October 2009, the Lawyers' Committee for Cultural Heritage Preservation (LCCHP) and the US Committee of the Blue Shield presented the conference *Culture and Conflict: The US & the 1954 Hague Convention*, which took place at the National Trust for Historic Preservation headquarters in Washington D.C. The conference aimed to consider the domestic and international ramifications of the US ratification of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and to foster dialogue among representatives from federal agencies, other government organizations and NGOs, as well as interested parties and subject matter experts. Key agencies and organizations, such as DoI, NPS and DoD, took part in the speaking panels. Department of Defense attendees and presenters included: General Counsel, International Policy for Installations and Environment, Army Judge Advocate General for Law of War Matters, US Army Civil Affairs and Psychological Operations Command, the Legacy Resource Management Program and the Army, Marine Corps and DoD Deputy Federal Preservation Officers.

Despite playing an integral role in the drafting of the 1954 Hague Convention following WWII, the US was not party to the Convention until September of 2008 when it was ratified by the US Senate. (The instrument of ratification was officially deposited with UNESCO on 13 March 2009.) The US now joins 121 other nations who officially recognize the importance of cultural heritage preservation during times of armed conflict.

Corine Wegener, President of the US Committee of the Blue Shield, highlighted that US ratification is significant to domestic and international cultural heritage policy. US overseas operations since 2003, particularly in Iraq, have led interested parties to assess the state of cultural heritage in the current wartime context, which facilitated the progression towards US ratification of the 1954 Hague Convention. Various organizations came together to draft a statement in support of ratification, which was presented to the US Senate at the time of their legislative review in the Spring of 2008. US ratification of the 1954 Hague Convention has been a goal for many in the international preservation community, as it signifies the US's commitment to cultural property protection during armed conflict.

The American Anthropological Association (AAA) sums up the Convention perfectly as it relates to military operations. "The Convention establishes terms meant to ensure the continued preservation of archaeological sites, historical structures... and other forms of cultural property. These terms compel nations to curtail the theft and vandalism of artifacts, help preserve cultural property when occupying foreign territory, and avoid the targeting and use of cultural sites for military purposes."

Continued on the next page...

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### Continued from Page 3...

According to AAA, US ratification of the Convention provides further guidance related to the responsibilities of the US military as it “reinforces our nation’s commitment to cultural preservation, encourages the identification of cultural property, and improves our foreign relations”. It was this concept that led the LCCHP and the US Committee of the Blue Shield to convene the Conference on Culture and Conflict. The Conference program included a focus on “what government organizations, particularly the US military, are doing to ensure compliance with the Hague Convention and to avert or mitigate cultural damage in future conflicts”.

Though not party to the 1954 Hague Convention until 2008, the US has incorporated themes of cultural heritage preservation and cultural property interests in military training and rules of engagement since the time of the original drafting of the Convention following WWII. Conference presenter W. Hays Parks, Senior Associate Deputy General Counsel, International Affairs, DoD stated that, “the US has been engaged in these efforts prior to ratification”. He also noted that “respect for cultural property is a Command responsibility” and it is from the Command level that cultural heritage safeguarding initiatives have been derived since post WWII. Conference presenter Richard Jackson, Special Assistant to the Army Judge Advocate General for Law of War Matters, further noted that many counterinsurgency operations (COIN) that have been in use for some time facilitate cultural heritage awareness. Wegener’s presentation underscored this by pointing out that since 2006, more than 1000 civil affairs military personnel individuals have been trained in cultural property awareness before their deployment.

Many substantive remarks and presentations were made throughout the course of the Conference. W. Hays Parks reiterated the importance of influencing the Command structure with regard to cultural property training, specifically noting that cultural heritage intelligence relies on Command awareness, collection and dissemination of information and map making. Richard Jackson noted that stability operations (which include cultural heritage awareness) are no longer an afterthought of wartime. He said that doctrinal changes have been made to further enhance “an integrated military response”. Karl Habsburg, President of the Association of the National Committees of the Blue Shield, noted that the addition of Cultural Property Protection Officers among the service personnel within the Austrian Armed Forces has been an extraordinary success. Patty Gerstenblith, President of the LCCHP, noted that more needs to be done in peacetime; the focus of cultural heritage preservation as it relates to armed conflict need not be only during wartime.

To conclude, Patty Gerstenblith posed the following questions: How has this ratification of the 1954 Hague Convention affected the work of those in the governmental agencies and the NGOs whose work deals with cultural property protection? Are we, in fact, currently in compliance with the Convention? Are we doing all we can towards compliance? What can we do better? What questions can we expect to be posed in the future regarding cultural heritage during armed conflict?

W. Hays Parks may have summed it up best when he said, “We’ve been [working toward cultural property preservation awareness] all along, but now we need to do it better”.

(Photos by Corine Wegener and Major James Ahern)

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