A group of invited experts from Europe and its Mediterranean partners’ (MEDA) countries including partners of the Euromed Heritage programme and representatives from the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM), the International Committee of the Red Cross (ICRC), the International Committee of Museums (ICOM) and the International Council on Monuments and Sites (ICOMOS) and in the presence of representatives of the United Nations Educational, Scientific and Cultural Organization (UNESCO) met in Amman, Jordan on 15 and 16 April 2005, at the Al Hussein Cultural Centre for the international workshop on “Cultural Heritage Management in Times of Armed Conflict”. The workshop was organized by the EC - EuropeAid through the Regional Management and Support Unit of the Euromed Heritage programme. The programme aims at strengthening relations between the EU and Mediterranean partners by supporting Mediterranean countries in their efforts to promote and care for their heritage.

The participants expressed their concern over the escalation of tensions in the Euro Mediterranean region during the last two decades, and the resulting risk, and in some cases actual damage, to the cultural heritage of a region of the greatest importance in the history of humanity. They believe that this situation calls upon all concerned parties, including military institutions, governmental and non-governmental cultural heritage institutions and organisations, and the civil society at large, to respond with a realistic and effective action to protect the cultural heritage within areas of actual and potential conflict.

In 1954, following the extensive destruction of cultural property during the Second World War despite the provisions of the existing international law of armed conflict, a Diplomatic Conference in The Hague adopted the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, its Protocol (now the First Protocol) and three Resolutions. To date, 113 States are parties to that Convention and 91 of them to the 1954 Protocol in addition.

On 9 March, 2004 the 1999 Second Protocol to the Hague Convention entered into force, and already 28 countries have become parties to it, while quite a number of States have started the often lengthy process of making the changes in national legislation prior to planned ratification or accession to the Second Protocol. However, to date, of the countries involved in Euromed Heritage programme, only Austria, Cyprus and Spain have completed these national measures and are party to the Second Protocol. The importance of the Second Protocol is nonetheless crucial for the implementation of a shared policy in the region.
After two days of active dialogue in plenary sessions and working groups the participants in the Amman Workshop endorsed the conclusions, recommendations and action plan developed in the plenary and working group sessions and presented by the groups’ moderators. More specifically the participants agreed on the following message:

....“The participants strongly support the widest achievable ratification of the Second Protocol to Hague Convention and they commit themselves to promote any possible initiative towards achieving this result in the Euro Mediterranean region”....

Specific topics discussed at the workshop:

Divided in three workgroups, participants focused on critical issues concerning the application of the Convention in times of armed conflicts respectively:

Workgroup 1 - Military intervention in cultural heritage measures for protection in war operations areas

Workgroup 2 - Selection and dispatch of Cultural Heritage experts for areas of conflict.

Workgroup 3 – Cultural Heritage conservation and protection before and during armed conflicts. Logistics and practical measures.

Workgroup 1: Military intervention in CHM protection on war operations areas  (Coordinated by Col. Mag. Dr. Franz Schuller)

Specific aspects considered:

• Role of the warring parties in the protection of cultural heritage

• Engagement of “non-warring” Military Forces in international peace operations to prevent war and post war damage on Cultural Heritage

Important issues identified in the general discussion

• Lack of knowledge of the Hague Convention and its two 1954 and 1999 Protocols within the military, law-enforcement personnel, other target groups as well as the general public;

• Insufficient national implementation mainly at the level of national legislation, administrative, technical and military measures; and

• Lack of national implementation at administrative, legal and military level.
Recommendations (addressed to States party to the Hague Convention and its two Protocols)

The military

- The 1954 Hague Convention and its two 1954 and 1999 Protocols must be properly disseminated within the military, law-enforcement personnel, other special target groups as well as the general public. The dissemination within the military must be carried out at legal, strategic and tactical levels as well as in conformity with the level of military responsibility and rank. The army personnel must be made aware of the culture of its own country as well as cultures of other peoples, particularly those of regions of actual or likely military or peacekeeping operations. All army personnel must be aware of moral and ethic obligations in general.

- General military training must include basic principles for the protection of cultural property and specific training must be focused on particular cultural aspects;

- Specific military units for the protection of cultural property or their equivalent should be created;

- When preparing for participation in peacekeeping operations, be they under United Nations or regional organization auspices (e.g. NATO or the European Union), training should include subjects related to the country of peacekeeping mission such as culture, monuments and history;

- During the actual peacekeeping operation the contingents must include specialists in the protection of cultural property of the country concerned. Following the spirit and rationale of the Hague Convention principles these should co-operate with the national or local authorities responsible for the protection of cultural property, if possible; and

- For each peacekeeping operation the mandate and plans must include contingency measures for the protection of cultural property.

The civilian sphere

- The national legislation must include a provision (provisions) penalizing offences against cultural property, as required by the Hague Convention and its Second Protocol. Such legislation must be strictly enforced;

- A national advisory committee on the implementation of the Hague Convention should be created. This Committee should cooperate with the National Commission for UNESCO, the national advisory committee on the implementation of international humanitarian law recommended under the Geneva Conventions, and professional organizations of cultural heritage professionals, both governmental and non-governmental, such as a National Committee of the Blue Shield (if available) and its constituent national organisations for archives, libraries, museums, and monuments and sites;
Where one does not exist, a National Committee of the Blue Shield should be established.

**International co-operation**

The States concerned should exchange among themselves the relevant national experience. Such exchange should be carried out either directly or through the relevant intergovernmental or non-governmental organizations such as UNESCO, ICCROM, the European Union, the International Council on Archives (ICA), International Federation of Library Associations and Institutions (IFLA), the International Council of Museums (ICOM), the International Council on Museums and Sites (ICOMOS) and/or others.

**Recommendation to States not party to the Convention and/or its two 1954 and 1999 Protocols**

It is recommended that States not parties to the Convention and/or its two 1954 and 1999 Protocols should join them.

**Action required**

**National level**

- Each State Party to the Convention and/or its two Protocols should carry out an assessment of the situation both in the military and the civilian sphere, in order to evaluate how the Convention and/or its two Protocols are currently being implemented at the national level. Following this assessment, the necessary military and civilian measures such as those described above and other relevant ones should be taken or updated; and

- the appropriate national authorities responsible for the protection of cultural property should be identified and provided with the necessary human and financial resources. Intergovernmental and non-governmental organizations should assist, as appropriate in accordance with their programmes and resources, in particular in exchanging experience and serving as a clearing house.

**International level**

The mandate of peacekeeping operations, whether under the United Nations auspices or regional organization auspices (e.g. the European Union or NATO), should specifically include the protection of cultural property. In consequence, it is recommended that as a result of this meeting, the EU should take the necessary action to this end and the Euromed Heritage programme can support it in this endeavour.
Workgroup 2: Selection and dispatch of Cultural Heritage experts to areas of conflict - Criteria and practice. Coordinated by L. Col. Dr. Joris D. Kila

Specific aspects reviewed

Engagement of civilians and “militarised” civilians in (compliance with) the implementation of the Hague Convention and its Protocols

**Personnel engaged in the protection of cultural property**

*Local*

- Locals protected *inter alia* under Art. 15 of the 1954 Hague Convention (state employees, civil servants, etc. engaged in the protection of cultural property).
- Locals engaged in Cultural Heritage protection and civil society in general.

*International*

- Experts appointed under the Hague Convention and Protocols mechanisms
- International experts operating on behalf of a cultural heritage NGO.

**General discussion**

Current practice in the assignment of civil and/or militarised experts in areas interested by military operations

There seems to be no uniform practice in this area. Intervention strategies have changed and adapted according to individual scenarios. Current examples which might serve as examples of best practice include:

- Dutch CIMIC military Cultural Heritage experts operating in Iraq and Afghanistan. (CIMIC follows the NATO doctrine that militarised civilian experts can be assigned in support of the mission of the Commander of the area of responsibility where their country’s army is deployed for example as peacekeeping force. In such cases, they are under military rule. Second modus is case of militarised experts being sent out (and lent out) as “complementary” personnel on bilateral requests by other countries when in theatre complying with the rules of the military and/or country they will be active with.)

- Italian Carabinieri & Italian civilians CH experts in Iraq, Bosnia, Albania, etc. (The Nucleo Tutela Patrimonio Culturale of the Italian Carabinieri is a military unit that specializes in the protection of Cultural Heritage and it is assigned by the Italian Ministry of Defence to the Italian Ministry of Culture.)

- German military personnel assisting civilian experts in Bamiyan, Afghanistan.
US Special Forces Command Civil Affairs Reservists who have been training Afghans in the protection of local arts & crafts

Another practical problem is sometimes created by NGOs, International Intergovernmental Organisations and Ministries of Development Aid active in the field of Humanitarian aid. Such institutions frequently do not make the distinction between cultural emergency response and humanitarian emergency aid. Therefore their conception of Militarised cultural aid is the same as in case of Militarised humanitarian aid which is in an “overcrowded market” perceived as false competition to NGO’s and so called “Mission Creep” within the military. However Cultural Heritage military response almost always takes place when no other of the few existing civil Cultural Heritage organisations is in the area and on request and in communication with such organisations and local authorities.

Criteria set for the selection, training and assignment of civil and/or militarised Cultural Heritage experts to areas of armed conflict

The following aspects and steps should be taken into consideration regardless of the expert’s status:

- Medical checks, acknowledged cultural expertise, flexibility, psychological condition, does the home front approve? Working experience in foreign countries, training in military rules and conditions, medical emergency training, mine awareness, handling of weapons, availability of bullet-proof vests and helmets, minimum and maximum time of availability, if applicable agreement with civilian employer, insurances, logistics, salaries and allowances, mission oriented training including social and cultural background of mission area, knowledge of the international legal framework relevant to the protection of cultural property in times of armed conflict.

Behavioural protocols for CH experts in militarised areas (the following can also be read as recommendations)

Different factors have to be considered: ethical, legal and practical. The following considerations specifically apply to CH Experts and do not pretend to be exhaustive:

- **Ethical issues**: Deployed Cultural Heritage experts should not encourage or contribute to illicit trafficking in cultural property or carry out excavation nor unnecessarily modify archaeological sites, and should ensure through the normal systems of military or civilian law that these, and unnecessary restoration works, are also prohibited. The misappropriation or relocation (not required by urgent military necessity) of movable cultural property should be forbidden.

- **Practical issues**: local cultural heritage officials and other national experts should be involved whenever possible. Training should be provided for local experts if necessary. Exit strategies should be envisaged: e.g. before leaving the area, Cultural Heritage experts should try and identify local if possible institutional actors able to take over and sustain the protection of local cultural property).
The tasks entrusted to Cultural Heritage personnel (local or international) should always take into consideration safety and security concerns, and they should at all times remain in communication with military authorities.

- **Legal issues:** Cultural Heritage experts deployed should comply with military rules (when applicable), national law if still applicable and relevant international legal standards.

**Logistics and other organizational issues concerned with the expert’s assignment to areas of armed conflict**

- **Common practice**
  The appropriate authorities should assist such deployed Cultural Heritage experts in all appropriate ways, such as the provision of flights: either civilian or when needed military flights, force protection during travelling and field trips (guards, military), insurances, means of communication (e.g. satellite phones, maps & aerial pictures), rotations of personnel, interpreters, medical provisions, transportation of specialised equipment, tools and materials needed for restoration etc., vaccinations, permits and other legal documents, weapons and ammunition.

N.B. logistical constraints may vary considerably according to the Cultural Heritage Expert’s status (e.g. if "militarised" they would automatically qualify for military logistics support and privileges).

**Current level of engagement of civil and/or militarised experts in the protection of the Cultural Heritage in areas of armed conflict subject to the Hague Convention.**

**Conclusions**

The scope of application of the Convention depends on the character of the conflict (e.g. international or non-international).

Examples of current known levels of engagements include: Pristina: the Cultural Heritage Without Borders Sweden NGO (civilian); West Bank: (civilian); Iraq (military and civilians); Afghanistan – general: (military experts), Afghanistan - Bamiyan (civilians, military).

**Recommendations (addressed to those States Party to the 1954 Hague Convention)**

- Establish programmes for cultural heritage experts to become acquainted with military procedures and customs and military emergency training for civilian experts e.g. mines awareness. It is especially important that such programmes should be carried out in time of peace (in accordance with the provisions of the Hague Convention).

- The regular and reserve military and other stakeholders should have training on matters concerning cultural heritage and social/cultural awareness as well as the principles of the Hague Convention and its Protocols. Training should also include modules aimed at strengthening the interaction with civilian players (e.g. NGOs, Intergovernmental Organisations, etc.) operating in the conflict areas.
• Setting up a civil co-ordination entity and team for cultural emergency response that maintains working contacts with militaries and NGO’s also in peacetime and can send out international CH experts especially trained in taking over from militaries and making assessments. In this context the possibility of enhancing the capabilities of the ICBS or The International League for the Protection of Cultural Property (ILPCP) should be explored.

• Structural funding for such an entity for an initial period of for example 3 years should be provided through organisations such as UNESCO within the limits fixed by its programme and by its resources, the Fund for the Protection of Cultural Property in the Event of Armed Conflict (to be created under Article 29 of the Second Protocol to the Hague Convention), if the Committee for the Protection of Cultural Property in the Event of Armed Conflict decides on the use of the resources of the Funds for such purposes.

• States should consider the possibility of also engaging this entity for natural disaster cases involving Cultural Heritage risks.

• The Committee for the Protection of Cultural Property established under the Second Hague Protocol should assign a prominent role to the ICBS in the Guidelines for the implementation of the Protocol it will draft according to Art. 27.1(a).

• Civilian experts, National Societies and NGOs having objectives similar to those of the Convention, its First Protocol and this Protocol should be actively involved by States Parties in the adoption of preparatory measures envisaged by Art. 3 of the Convention and Art. 5 of the Second Protocol.

• Security Council resolutions adopted under Chapter VII of the UN Charter and authorizing peace-keeping or peace-enforcement operations should explicitly mention respect for the 1954 Hague Convention and its Protocols by the intervening forces in their mandate.

• There is a need of further theoretical research in order to clarify the legal status and the exact mandate under the HC and its Second Protocol of civilians engaged in CH protection.

• There is a need for a flexible approach in the deployment of specialists with different status in areas affected by armed confrontations, (e.g. high level of violence → militarised civilians; low level of violence → civilian experts assisted by the military; post-conflict with virtual absence of violence → civilian experts only)

• Local civilian Cultural Heritage experts and officials should always be involved whenever possible. This will help in restoring confidence, transferring of knowledge and enhance the sustainability of each activity. In many cases local experts will prove invaluable assets because of their experience and specific knowledge of the local cultural patrimony.

Action required

By Euromed

• The programme could assist in organising and/or identifying sources of funding for the training initiatives referred to above.
• A follow-up meeting to review the developments and the level of reception of the Workshop’s recommendations should be held as soon as reasonably possible.

• In cooperation with other appropriate bodies, particularly UNESCO and the International Committee of the Red Cross, initiatives should be promoted to encourage member States to take steps towards the implementation (through national policies and legislation) of the Hague Convention and its two Protocols and the recommendations of the present Workshop.

By participants

All are asked to bring the results of the Workshop to the attention of their respective governments and relevant national authorities, and to disseminate as widely as possible the findings and conclusions of this Workshop.

Workgroup 3: Cultural Heritage conservation and protection before, during and after conflicts. Logistics and measures to secure the Cultural Heritage. Coordinated by Prof. Patrick Boylan

Specific aspects reviewed

• The level of knowledge and understanding of the Hague Convention and its Protocols
• Coordination and cooperation in relation to the Hague Convention preparation
• The implications of internal and irregular conflicts and long term occupation or non-recognition of post-conflict de facto administrations of territories
• Practical assistance in relation to protection of the Cultural Heritage actually or potentially affected by armed conflict

General discussion

It was considered that there is a widespread lack of knowledge of the details of the Hague Convention of 1954 and its Protocols of 1954 and 1999 among all key parties: cultural heritage professionals, the military, civil protection and emergency services, and more generally, even though very good publications and other information is available from several sources, particularly UNESCO, and the Legal Division of the International Committee of the Red Cross (ICRC) as well as national Red Cross/Red Crescent Societies.

These and other national and international bodies should seek to increase the dissemination and effectiveness of reference, teaching and learning materials, including practical exercises for training and emergency simulation events.

Coordination and cooperation in relation to the Hague Convention preparation

• Participants reported on a number of examples of good practice in relation to the coordination of emergency and preparedness and response. These involved cooperation between cultural heritage organisations and professionals, the military and civil protection and emergency services. Such cooperation leads to much better mutual understanding and often to joint practical training exercises.
• Such coordination and cooperation is strongly recommended and should be extended to include religious, ethnic, and other community organisations where such factors are relevant.

Internal and irregular conflicts and long term occupation or non-recognition

• It is clear from many examples of recent decades that there is often a major disagreement between parties and especially on the part of governments, as to whether an armed conflict exists and therefore Hague Convention and the various instruments of international humanitarian law are applicable. It is often argued by States that action by dissidents or others amounts only to criminal behaviour by citizens of that country, and that international humanitarian law such as the Hague Convention does not apply, thus preventing or seriously restricting the application of the Convention’s provisions.

• There can also be serious problems in relation to the application of the Hague Convention in cases of very long periods of occupation or non-recognition of a political or military administration in de facto control of a territory.

Practical assistance in relation to protection of Cultural Heritage in times of armed conflict

• The highest priority should be capacity building within each country.

• During an actual conflict, international intervention by cultural heritage professionals is rarely possible due to access, security and legal problems, and most if not all of the emergency action will fall on nationals of the country, particularly the local cultural heritage professionals and civil protection services.

• During a conflict the international community’s contribution is likely to be limited to action publicising the potential threat to the cultural heritage and preparing to give assistance in the recovery stage of the emergency.

• At the beginning of, and throughout the recovery stage there should be a continuing evaluation of the effectiveness of different measures. Often, necessary materials and staffing may be available within the country or region, so the main need may be for money to buy such materials and services locally rather than expensive and often very difficult attempts to import such materials and services from outside the country and region. As a general principle such outside supplies and services should be focused on e.g. very special conservation and technical resources not available at a national level. Where international personnel and services are required, every effort should be made to include a training and resource development element into the assistance programme.

Action required

Knowledge and understanding of the Hague Convention

• There is an urgent need to develop additional information and learning materials for the region with a special focus on cultural heritage protection during armed conflict.
• Action is needed to develop and document case studies demonstrating good practice

• Translations into a wider range of languages are needed of both existing publications and training resources (e.g. ICCROM Risk Management, UNESCO and ICRC information) and for any new material developed under this Euromed project