

The Protection of Cultural Property in the Event of Armed Conflict: the Cultural Property Protection Officer as a Liaison Between the Military and the Civil Sector

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ماية الممتلكات الثقافية في حالة النزاع المسلح: موظف حماية الممتلكات الثقافية كهزمة وصل بين الجيش والقطاع المدني.

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This paper deals with the implementation of the *Convention for the Protection of Cultural Property in the Event of Armed Conflict* and its Protocols in armed forces focusing on the Austrian Armed Forces as a best-practice example thereof. It argues for: **a.** the importance of cultural property protection being an integral element of any military doctrine drafted by political authorities, of a special military directive for cultural property protection, and of cultural property protection being an element in all rules of engagement; **b.** for the concept of a *Cultural Property Protection Officer* or *Liaison Officer: Military Cultural Property Protection* as the professional military staff member responsible for ensuring cultural property protection is considered by their commanders in any situation in times of peace as well as during the conduct of missions; **c.** for also taking cultural property protection into account for multinational missions such as peace support operations, as well as for military disaster relief missions; **d.** for the cooperation of the military with non-governmental organizations for developing, implementing, and improving principles of military cultural property protection.¹

تتناول هذه المقالة تنفيذ الاتفاقية المتعلقة بحماية الممتلكات الثقافية في حالة نشوب نزاع مسلح وبروتوكولاتها في القوات المسلحة مع التركيز على القوات المسلحة النمساوية مثالا لأفضل الممارسات منه. وتناقش: (أ) أهمية حماية الملكية الثقافية كجزء لا يتجزأ من أي عقيدة عسكرية وضعتها السلطات السياسية كتوجه عسكري خاص لحماية الممتلكات الثقافية ، وان حماية الممتلكات الثقافية هي عنصر في كل قواعد الاشتباك. (ب) لمفهوم موظف حماية الملكية الثقافية أو ضابط الاتصال : حماية الملكية الثقافية عسكريا كمجموعة عسكرية متخصصة و مسؤولية عن ضمان حماية الملكية الثقافية. يعينون من قبل قادتهم في أي حالة في أوقات السلم وكذلك أثناء سير البعثات. (ج). أخذ حماية الملكية الثقافية في الاعتبار للبعثات متعددة الجنسيات مثل عمليات دعم السلام ، و البعثات العسكرية الاغاثية في حالات الكوارث؛ (د). التعاون العسكري مع المنظمات غير الحكومية لتطوير وتنفيذ وتحسين المبادئ العسكرية لحماية الملكية الثقافية.

The international legal basis of all measures concerning cultural property protection in times of war is the *Convention for the Protection of Cultural Property in the Event of Armed Conflict*, adopted at The Hague on 14 May 1954, and its two Protocols, the first one adopted together with the *Convention* and the second one adopted at The Hague on 26 March 1999. In the wake of the massive destruction of cultural heritage in World War II it was the first international treaty with a worldwide coverage focusing exclusively on the protection of cultural heritage in the event of armed conflict. It covers immovable and movable property, including monuments of architecture, art or history, archaeological sites, works of art, manuscripts, books and other objects of artistic, historical or archaeological interest, as well as scientific collections of all kinds regardless of their origin or ownership (Boylan, 1995; Chamberlain, 2004; Hladik, 2000; O'Keefe, 2006; Toman, 1994, 1996 and 2009). The *Convention* was in a way preceded by an international treaty known as the *Roerich Pact* that was signed on 15 April 1935 by the United States of America and 20 Latin American nations, agreeing that historic monuments, museums, scientific, artistic, educational and cultural institutions should be protected both in times of peace and war (Strobl and Schipper, 2010). The *Convention* is also rooted in the relevant portions of the *Hague Convention* of 1899 and of 1907.

Cultural property protection is a task that has to be fulfilled in times of peace. Starting cultural property protection measures once armed conflict has begun is too late, since other problems then have higher priority. The states which are party to the *Convention* have agreed to lessen the consequences of armed conflict for cultural heritage and to take the following preventive measures for such protection:

- to safeguard and respect cultural property during both international and non-international armed conflicts
- to consider registering a limited number of refuges, monumental centres and other immovable cultural property of very great importance in the International Register of Cultural Property under Special Protection and obtain special protection for such property
- to consider marking of certain important buildings and monuments with the special protective emblem of the Convention, the Blue Shield
- to set up special units within the military forces to be responsible for the protection of cultural heritage
- to penalize violations of the *Convention* and to widely promote the *Convention* within the general public and target groups such as cultural heritage professionals, the military or law-enforcement agencies

The protection of cultural property in the event of armed conflict has to be a part of the military doctrine drafted by political authorities. It can then be transferred into military 'Rules of Engagement', in general or for particular missions. On the basis of these 'Rules of Engagement', orders can be developed and carried out. Cultural property protection has to be integrated into general military training as well as into planning and execution of military missions. And to enable this taking place specialized personnel such as Cultural Property Protection Officers have to be deployed in all branches of the armed forces. Therefore, in Austria military cultural property protection is based on the assignment of Cultural Property Protection Officers.

The current Austrian situation concerning the standard and level of implementation of the *Convention*, especially within the Austrian Armed Forces, is not the product of concentrated

and well organised activity, but rather the result of a number of individuals' efforts while working in a variety positions in civil and military service at the right time. A long time passed between Austria's 1964 ratification of the *Convention* and its implementation and dissemination within the Austrian Armed Forces.

The first Austrian 'military mission' in which cultural property protection played a minor, although unofficial role, occurred in 1968 in the context of the 'Prague Spring' (cf. Navrátil *et al.*, 2006; Bischof *et al.*, 2010; Valenta, 1991). The Austrian government and military leaders expected Soviet troops to cross Austrian territory on their way to Prague, violating the country's sovereignty and neutrality. Knowing that the Soviet troops could not be stopped by military force, Austria prepared for invasion. On the initiative of the Federal Bureau for Monuments and Sites and under the supervision of its provincial departments, hundreds of copies of the Blue Shield, the emblem of the *Convention*, were distributed in several districts of eastern and northern Austria and, through the active participation of gendarmerie and army officers, these were attached to historical or cultural monuments along the predicted Soviet route through Austria. It was greatly feared that Soviet troops would not respect the country's rich cultural heritage, which had already suffered so badly during World War II – the traces of this damage and destruction still being visible at many cultural sites. The idea was that this time the enemy would at least be made aware of the fact that with every single destructive step they took they were likely to be violating international law. This form of resistance without force at the climax of the Cold War signalled the birth of a kind of 'Blue Shield Movement' in Austria, which finally resulted in the foundation of the Austrian Society for the Protection of Cultural Property in 1980. This civil organisation is still characterised by a membership including many regular and militia army officers who are entrusted with most of the positions on its steering board. The Society also played an initial and decisive role in setting up the Austrian National Committee of the Blue Shield in 2008. Therefore, both organisations – forming an interface between civil and military expertise as well as providing an unrivalled pool of experts within Austria – consequently have an interest and high competence in all issues of military cultural property protection.

Meanwhile, the *Convention* and its Protocols have developed into one of Austria's 'favourite aspects' of international law and the Austrian government has made a serious effort in, and commitment to, this special field. At the international level, this is manifest in Austria's contribution to the development of the *Second Protocol* to the *Convention*. Since 1954, warfare and conflict scenarios had changed dramatically. As a consequence, against the backdrop of the experiences of many "Post WW II" conflicts, and in particular of the first three Yugoslav wars (1991-1995), the *Second Protocol* was drafted in 1999. Austria was not only host to one of the revision conferences but it took a decisive role in the revision of the original document, entering this diplomatic arena at the right point in time.

In Austria military service is obligatory for every male citizen when he reaches 18 and there is an annual general draft split into four enlistment points per year. Women are not conscripted but may volunteer. Over and above this obligatory service, all citizens having finished 12 grades of school (usually at age 18) are free to volunteer for a career as Army or Army Militia officers. However, unlike the armed forces of many other countries, Austrian Armed Forces officers have to undertake a complete basic training and serve as a basic recruit for half a year and as a Private and Corporal for a further six months. Aspiring officers finish their first year of training as a Sergeant followed by another three years of training and service as Officer Cadets – either full-time at the military academy or part-time in the militia. On completion of their training they are given the rank of Lieutenant and are trans-

ferred to regular regimental service where they continue their career. Officers may start a higher military specialist career – e.g. as Cultural Property Protection Officers – only after having been promoted to Captain which takes at least 14 years of service in the Austrian Armed Forces. That means that higher military specialist officers, such as Cultural Property Protection Officers, usually have a good record and extensive experience as army officers in either the infantry, artillery, tank or pioneer (engineer) regiments, before they start their scientific education.

In compliance with Article 7 (Military Measures) and Article 25 (Dissemination) of the *Convention*, and Article 30/2 and 3 (Dissemination) of the *Second Protocol* the Austrian Armed Forces select appropriate personnel and organise a programme of training for Cultural Property Protection Officers. Only militia (reserve) officers are trained as cultural property protection officers; no regular officers are trained for this role. Staff selected are usually high achieving personnel with experience in education and teaching, frequently with a knowledge of history, law (especially international law), art, and cultural affairs. However those with specialist skills such as structural engineering are also selected. Crucially, all potential Cultural Property Protection Officers must have an aptitude for tact and diplomacy in their dealings with other people – especially those colleagues in other ministries and organisations.

In 1981 the Austrian Federal Ministry of Defence issued, for the first time, a special directive concerning the Convention for the Austrian Armed Forces ('Richtlinien für den Kulturgüterschutz'), which was replaced by a new and more detailed directive in 1993. Referring to Articles 7 and 25 of the *Convention* it focused on three main functions/tasks of a Cultural Property Protection Officer:

- Ensuring and maintaining respect for cultural property as assistants, advisers and specialists of their command and commanders (e.g. to give information about property in the area, distance of troops and weapons to cultural property)
- Providing for and delivering training and instruction programmes for troops and their commanders
- Maintaining contact with civilian authorities (such as the department for monuments, churches, monasteries, provinces and district authorities) and with various individual persons

After at least 14 years of service with the Austrian Armed Forces and having attained the rank of Captain, an officer selected to become a Cultural Property Protection Officer will undertake a basic one-week course in cultural property protection. During subsequent years of service a Cultural Property Protection Officer will complete an annual one-week course as part of their continuing education and training. After at least four years of service as a Cultural Property Protection Officer and finally after having completed a five-week staff course, they will be promoted to the rank of Major. They must then pursue a specialised military academic curriculum in a relevant discipline and write a thesis. On completing the curriculum and thesis and after at least ten further years of service they are then promoted to Colonel. While pursuing their career Cultural Property Protection Officers will hold training seminars for civil experts and soldiers and develop expertise in special functions (e.g. languages). The highest ranked Cultural Property Protection Officer in the Austrian Armed Forces is a Brigadier General in the Federal Ministry of Defence.

Since 1995, and running parallel to the above national training programmes for Cultural Property Protection Officers, a number of international training seminars have taken place in cooperation with the NATO-PfP (Partnership for Peace) programme. Austrian Cultural Property Protection Officers and civil experts from relevant NGOs (the Austrian Society for the Protection of Cultural Property and the Austrian National Committee of the Blue Shield) have joined international seminars of ICRC and UNESCO around the globe as special cultural property protection advisers.

Since 1981, the Austrian Federal Ministry of Defence has assigned two Cultural Property Protection Officers to each territorial and provincial command, one of whom is of academic level (i.e. Colonel) and the other at a lower rank. Beginning in 1989, a gradual process of reform and reorganisation has led to an increase in the number of Cultural Property Protection Officers and their focus has extended to include more international activity. There are now one or two Cultural Property Protection Officers deployed at each provincial/territorial command; four in the Austrian International Operations Command (AUTINT); two in Air Force Command; and five in the Federal Ministry of Defence (Defence Staff Bureau/expert pool and Joint Command and Control Staff).

Following the implementation of the *Second Protocol* and the ongoing reform of the Austrian Armed Forces (known as 'Reform 2010') a significant amount of cultural property protection policy is still under review. It is currently planned to introduce a Cultural Property Protection Officer within each of the recently established mobile regional brigades, and to transfer the cultural property protection conception and education unit to the National Defence Academy. These developments build on the success of the previous 20 years that have seen the production of a number of special instructions and a manual for Cultural Property Protection Officers.

The Manual identifies the Responsibilities of a Cultural Property Protection Officer as follows:

- The Cultural Property Protection Officer is a member of the staff at the level of a territorial command (Federal Province), division and higher.
- The Cultural Property Protection Officer is an adviser to his commander in all matters relating to the respect for cultural property within a commander's responsibilities in training, preparing for and executing military actions as well as in cases of military assistance in times of natural disasters (in conjunction with the law and constitution of the country).
- The Cultural Property Protection Officer prepares lists and information about the amount and priority of cultural property in the operational area. He contributes to the operational assessment of the military situation, which ultimately results in the production of a military report. He gives information to his commander, the liaison officers and to the district and province authorities. He drafts orders guaranteeing respect for cultural property, taking into consideration the tactical decisions of the commander. By order of his commander he controls the tactical measures concerning respect for, and protection of, cultural property in critical areas.

- The Cultural Property Protection Officer remains in contact with the Head of the Department of Monuments and Sites of the Federal Province and with his senior military colleagues.
- The Cultural Property Protection Officer is adviser and consultant for civil authorities concerning the effects and results of military operations on cultural property and he gives instructions about the possibility of safeguarding cultural property when and where civil authorities do not, or cannot, do this.
- As a member of senior staff one of the main and most important functions of the Cultural Property Protection Officer is to provide situation reports.

Cultural Property Protection Officer situation reports should include an overview presentation of cultural property in the operational area, a short presentation of the essence of the *Convention* and its Protocols, a short presentation of the content of the Instructions of the Ministry of Defence concerning the *Convention*, consequences of military actions for cultural property in the operational area, and suggestions and provisions for protecting cultural property during military operational planning. In order to produce such a report Cultural Property Protection Officers have to collect special material and equipment over the years, which form their basic documents. This set of basic material – the ‘mobile office box’ – is expected to include:

- Copies of the:
 - *Convention* and its Protocols
 - Convention Concerning the Protection of the World Cultural and Natural Heritage
 - Geneva Conventions (and additional Protocols)
 - International Red Cross Handbook
- Guides to libraries and documentation archives, museums, private and public collections
- A workbook with a collection of papers, documents and information material concerning the protection of cultural property
- A set of special cultural property maps of the area (today replaced by GIS tools)
- A general map of the country (today replaced by GIS tools)
- Records (address books and telephone numbers of offices and authorities with names of contact persons) to secure contact (already in times of peace) with:
 - the superior command
 - the territorial organisation and authorities (e.g. provincial government)
 - the head of cultural departments (e.g. monument section) in the ministry
 - fire brigade, private aid organisations
- Office material (typewriter or computer, paper, writing and drawing utensils)

Last but not least, Cultural Property Protection Officers should have their own designated transport.

In summary the main functions and tasks of the Cultural Property Protection Officer are to be an adviser and consultant for his commander, a teacher and trainer for officers and troops, and a contact person and liaison officer to civil authorities and civilians.

In accordance with the *Convention*, as a requirement for flexibility and with the responsibility of providing the military command with all necessary information in the shortest time available, an EDP-supported cultural property databank was developed in the late 1980s (in the Military Command of Lower Austria or Federal Province of Austria). This model has been based on the regional code system of the Austrian Office for Statistics in conjunction with a special object code. Owing to the huge number of objects to be processed, for the initial general identification we used the district and community codes of the Office for Statistics. For exact military/operational identification, the local Cultural Property Protection Officer added the military grid code used in military maps.

As many years have passed since the last directive for the protection of cultural property was issued by the Austrian Federal Ministry of Defence in 1993, and since the *Second Protocol* to the *Convention* was drafted in 1999, a new military directive on cultural property protection was overdue and was recently released in January 2010. Due to the fact that a national system will be not very efficient during future international activities it is being designed as a system compatible with international cooperation. Therefore, the new directive, besides all necessary references to the *Second Protocol*, also contains a chapter on CIMIC (civil-military cooperation) as well as on the peculiarities of peace support operations. These new horizons of internationalisation also affect the personnel structure and management, which is reflected by the new special term 'Liaison Officer: Military Cultural Property Protection' (officially replacing the term Cultural Property Protection Officer) and by the establishment of an additional expert pool as a widened personnel basis for military cultural property protection in Austria in general and for international missions in particular.

A further development is taking place with respect to cultural property protection in the context of military disaster relief missions. Natural disaster relief has always played a special and crucial role for the Austrian Armed Forces, since the drafting of the National Defence Law in 1920. This aspect of the Austrian Armed Forces' spectrum of duties was also stressed when they were being re-established after World War II in 1955. Cultural property protection has always played an important role within Austrian Armed Forces disaster relief due to the history and geography of the country and the kind of natural disasters, e.g. regular floods in the Danube river valley, where important historic cities are situated. This has also affected the Austrian Armed Forces' international missions under UN mandate since they took part in the Congo mission in 1960. Nevertheless, it was not until the disaster relief mission to Calabritto (Southern Italy) in 1980 that cultural property protection became a crucial aspect of such an Austrian disaster relief mission. Against the backdrop of these experiences the Austrian Armed Forces Disaster Relief Unit (AFDRU) was established in 1990 – designed exclusively for disaster relief abroad – and cultural property protection has been an integral aspect of planning ever since. Today, cultural property protection is about to become an explicit component within AFDRU and the creation of the position of cultural property protection officer within the unit is planned.

Notes

- 1 This paper was delivered at the WAC IC in Ramallah on 10 August 2009 and deals exclusively with the Austrian situation as an example of good practice of cultural property protection in armed forces. An extended chapter on a related topic will be published as Friedrich T. Schipper, Franz Schuller, Karl von Habsburg-Lothringen, Holger Eichberger, Erich Frank and Norbert Fürstenhofer: Cultural property protection in the event of armed conflict – Austrian experiences, in: L Rush (ed) 2010 *Archaeology, Cultural Property, and the Military*, The Boydell Press: Woodbridge.

References

- Bischof, G, S Karner and P Ruggenthaler** (eds.) 2010 *The Prague Spring and the Warsaw Pact Invasion of Czechoslovakia in 1968*. Lanham, MD: Lexington Books.
- Boylan, P J** 1995 *Review of the Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague Convention 1954)*. UNESCO doc. CLT-93/WS/12, Paris.
- Chamberlain, K** 2004 *War and Cultural Heritage: An Analysis of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two Protocols*. Leicester: Institute of Art and Law.
- Hladik J** 2000 Reporting System under the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict. In: *International Review of the Red Cross* 840:1001-1016.
- Navrátil, J, A Bencik, V Kural and M Michalkova** (eds.) 2006 *The Prague spring 1968*, Budapest and New York: CEU Press.
- O'Keefe, R** 2006 *The Protection of Cultural Property in Armed Conflict*. Cambridge: Cambridge University Press.
- Strobl, L and F Schipper** (eds.) 2010 *Пакт Рериха. 75 лет защиты культуры и миротворчества. Der Roerich Pakt. 75 Jahre für Kulturgüterschutz und Frieden. The Roerich Pact. 75 Years for Protection of Culture and Peace-Building*. Vienna: Blue Shield.
- Toman, J** 1994 *La protection des biens culturels en cas de conflit armé*, Paris: Éditions Unesco.
- Toman, J** 1996 *The Protection of Cultural Property in the Event of Armed Conflict*. Aldershot: Dartmouth Publishing Company.
- Toman, J** 2009 *Cultural property in war: improvement in protection. Commentary on the 1999 second protocol to the Hague Convention of 1954 for the protection of cultural property in the event of armed conflict*. Paris: UNESCO Pub.
- Valenta, J** 1991 *Soviet Intervention in Czechoslovakia, 1968: Anatomy of a Decision*. Baltimore and London: Johns Hopkins University Press.