

The Soldier and the Curator: The Challenges of Defending Cultural Property in Conflict Areas

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Contents

About the Authors	2
Executive Summary	3
Introduction	4
1. The Origins of Cultural Property Protection	6
2. The Defence of Cultural Property as a Stabilisation Effort: the Emergence of ALIPH	9
3. The Policy Ramifications of Protecting Cultural Artefacts in Conflict Zones	11
The Issue of International Governance	11
The Cultural Clash Between Soldiers and Curators	13
The Legal Conundrum	15
The Operational Implications	16
Preventive Asylum for Cultural Property?	17
Conclusion	19



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Executive Summary

- Over recent years, the wave of terrorist attacks against cultural artefacts in Mali, Iraq, and Syria has put the defence of cultural heritage on the diplomatic agenda. These destructions demonstrated that heritage was not a collateral damage of war but one of its ostentatious targets. As a result, on 24 March 2017, the UN Security Council released its first-ever resolution dedicated to the protection of cultural heritage.
- These developments triggered a momentum on the international stage to launch new policy initiatives. In particular, France and the United Arab Emirates jointly pushed in 2017 for the creation of an International Alliance for the Protection of Heritage in Conflict Areas – known by the acronym ALIPH.
- If the contemporary policy agenda has shed light on the necessity to prevent cultural destruction, the phenomenon is by no means unprecedented as monuments have been targeted throughout history. The notion of protecting cultural property appeared in the eighteenth century in the fallout of the French Revolution, with political thinkers considering this mission a collective moral duty.
- International norms emerged in the early twentieth century with the second Hague Convention of 1907 on Laws and Customs of War on Land mentioning, for the first time, the importance of protecting cultural property.
- The years following the Second World War brought a new momentum with the creation of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) in 1946 and the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, in 1954.
- In the current environment, ALIPH was conceived as a small entity to avoid the traditional problems plaguing international organisations. The fund aims to support programmes that cover the “entire heritage chain”: prevention by training and implementing emergency safeguarding plans; emergency protection during the conflicts; and conservation and rehabilitation of artworks following conflicts.
- Despite this contemporary momentum, major challenges remain such as the issue of governance between all the stakeholders, the cultural clash between curatorial and military communities, the applicability of the legal framework in the current security environment, and finally the operational complexity of defending artefacts in conflict zones.
- At the governance level, UNESCO may play a central coordinating role but its resources remain modest. Numerous non-governmental organisations such as the International Committee of the Blue Shield and Geneva Call are active in the domain but the existence of several parallel initiatives at the level of fundraising bring into question the risk of unnecessary redundancies and financial waste.
- Partnership with armed forces is critical but remains difficult due to profound cultural differences between these two professional worlds. Initiatives to train and raise awareness among the curatorial and military communities have proved to be effective but need to be reinforced.
- At the normative level, international laws to protect heritage are numerous but tend to be designed for scenarios that are not entirely relevant in today's environment. As the contemporary conflicts in Mali, Iraq and Syria evidence, today's biggest threats actually come from non-state actors, terrorist organisations that simply dismiss international norms.
- As a result, to be efficient, the protection of cultural heritage has to be factored in at the three main phases of the stabilisation efforts: before, during, and after the conflict. Establishing a process of governance that facilitates the coordination between armed forces, local authorities and museums, UN agencies, and NGOs should be the first priority. Additionally, training soldiers and local security forces to consider the protection of cultural heritage before, during, and after conflict, should become a norm ensured by national armed forces with the support of stakeholders such as curators.

Introduction

In late 2012, Islamist insurgents in Mali seized control of huge parts of the northern regions of the country. Along with their territorial conquest, terrorist organisations such as Ansar al Din, started targeting monuments such as mausoleums, mosques and cemeteries in Timbuktu – a centre of Islamic civilisation from the 13th to the 17th centuries. The leader of the group, Abu Dardar, then declared “not a single mausoleum will remain in Timbuktu”.¹

A year later, Daesh launched its own campaign of devastation across Iraq and Syria. In the Iraqi city of Mosul, the mosque of Nabi Yunus and the shrine of Imam Awn al Din were destroyed among many other monuments. Similarly, churches and Sufi shrines were systemically targeted by militants. In Syria, soon the ancient city of Palmyra became the victim of Daesh attacks, with the demolition of many statues and temples.

The destruction of Palmyra, the “irreplaceable treasure” as French historian Paul Veyne called it, provoked awe and uproar in the international community.² Timbuktu, Mosul, Palmyra had been part of our universal heritage, relics of a distant past that in some cases are now gone. UNESCO’s then Director-General Irina Bokova depicted Daesh destructions as “a form of cultural cleansing”. These waves of attacks raised the level of awareness within the international diplomatic community and as a result, on 24 March 2017, the UN Security Council released its first-ever resolution dedicated to the protection of cultural heritage.³

This latest wave of terrorist attacks against cultural artefacts, or “tangible heritage” to use UNESCO’s terminology⁴, put the defence of cultural heritage decisively on the diplomatic agenda. In the eyes of decision-makers, these destructions demonstrated that heritage was not a collateral damage of war but one of its ostentatious targets. Furthermore, these attacks were perpetrated by non-state armed groups, which posed a new challenge for policy and law makers as the efforts conducted until then had primarily focused on cases involving states or state-backed actors.

This triggered a momentum on the international stage to launch new policy initiatives. In particular, France and the United Arab Emirates jointly pushed in 2017 for the creation of an International Alliance for the Protection of Heritage in Conflict Areas – summarised by the acronym ALIPH. As a result, the protection of cultural property was now to be considered as a factor in the planning of both stabilisation operations and post-stabilisation efforts.

It follows the logic of the concept of stabilisation itself understood as an approach blending military means with humanitarian and developmental tools. In its “Stability” Manual, the US military looks at stabilisation as a “process by which military and non-military actors collectively apply various instruments of national power (...) to create conditions that enable sustainable peace and security”.⁵

Over the last decade, the stabilisation debate that derived from the Iraqi and the Afghan experiences has tended to look primarily at the reconstruction of infrastructure and national institutions to restore security

1 BBC, “Timbuktu mausoleums ‘destroyed’”, 23 December 2012. Accessed at <http://www.bbc.com/news/world-africa-20833010> on 10 April 2017.

2 Paul Veyne, *Palmyre, l’irremplaçable trésor* (Paris : Albin Michel, 2015).

3 United Nations Security Council, Resolution 2347, 24 March 2017. Document available at: https://www.securitycouncilreport.org/atf/cf/%7b65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7d/s_res_2347.pdf.

4 UNESCO designates cultural artefacts as part of the tangible heritage of societies. They include “buildings and historical places, monuments, artifacts which are considered worthy of preservation for the future (...) objects significant to the archaeology, architecture, science or technology of a specific culture”. Accessed at: <http://www.unesco.org/new/en/cairo/culture/tangible-cultural-heritage/>.

and revive the economy.⁶ These are essential components of state-building but they address only the technical functioning of a society, not its cultural cohesion.

Cultural property plays a direct role in cementing ties between individuals belonging to the same community: in other words, monuments are the physical translation of an “imagined community”, to use Benedict Anderson’s concept.⁷ This is why practitioners should not underestimate the importance of defending, or restoring, cultural property, as it is these monuments that shape the identity of the local population, and by extension pave the way for the stabilisation of that society.

But adding the defence of cultural property to the stabilisation enterprise has several implications for policy-makers: the need for third parties to undertake intervention to directly protect property in situ; the need for guidance for militaries undertaking stabilisation operations to avoid unintentional destruction of cultural property; non-military engagement to guide armed fighters in achieving their aims without harming cultural property; intervention to remove property from the state; and finally, rebuilding or rehousing cultural property in a post-conflict context.

In this perspective, this paper aims to bring to light these numerous initiatives of international actors to defend cultural property before, during or after conflicts. It starts by retracing the issue of protecting cultural property in times of war in modern history. The review demonstrates how the topic is not entirely new, as evidenced by the relocation of Spanish artworks to Switzerland during the civil war and the famous task force of the Monuments Men during the Second World War.⁸

If protecting cultural property predated the contemporary stabilisation agenda, we underline that the threat posed by extremist non-state actors such as Boko Haram and Daesh has jeopardised much of the framework provided by international humanitarian law and therefore call for a new policy response.

The second part of the paper analyses more closely these recent developments, and more specifically how they paved the way for the creation in 2017 of an International Alliance for the Protection of Heritage in Conflict Areas. This Alliance constitutes a valuable case study to reflect on the diplomatic instruments that can be deployed against the destruction of cultural heritage in conflict zones. We then discuss the priorities, and challenges, of this new initiative.

Finally, the third part highlights some of the most significant issues policy-makers will need to address in the near future: the governance of multiple initiatives involving intergovernmental organisations as well as NGOs; the traditional clash between armed forces and cultural communities; the uncertainties regarding the legal framework relating to the ongoing conflicts; and finally the practical challenge of establishing “safe havens” for cultural property.

5 US Department of Defense, “Stability”, Joint Publication 3-07, August 2016, p.IX.

6 For a comprehensive look at the stabilisation debate, see Saskia van Genugten, “Stabilisation in the Contemporary Middle East and North Africa: Different Dimensions of an Elusive Concept”, EDA Working Paper, Emirates Diplomatic Academy, April 2018; Victor Gervais, “Variations on a Common Theme: Contemporary Approaches to International Stabilisation Efforts”, EDA Working Paper, Emirates Diplomatic Academy, October 2018; Philippe Rotmann, “Toward a Realistic and Responsible Idea of Stabilisation”, *Stability: International Journal of Security and Development*, Vol. 5, No.1, 2016, p.5.

7 Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, New York, Verso, 1983.

8 Robert Edsel, Brett Witter, *The Monuments Men: Allied Heroes, Nazi Thieves and the Greatest Treasure Hunt in History* (New York: Center Street, 2010).

1. The Origins of Cultural Property Protection

If the contemporary policy agenda has shed light on the necessity to prevent cultural destruction, the phenomenon is by no means unprecedented as monuments have been targeted throughout history: Erostrate set on fire Artemis's temple in Ephesus in 356 BC and more recently, the infamous book burning ceremonies organised by the Nazi regime in the 1930s served a similar purpose as Daesh's tactics.

To understand how protecting cultural heritage has become an important policy consideration when it comes to stabilisation efforts in conflict areas, we need to go back to the origins of the concept of cultural heritage itself, and how cultural property protection turned into a parameter of a return to social order. In fact, the issue of defending monuments and sacred sites preceded the contemporary debate on stabilisation efforts in conflict areas.

It can be traced back to the aftermath of the French revolution, when intellectuals and politicians emphasised the importance of preventing the destruction of monuments and the looting of libraries by the revolutionary crowds.

In that respect, the famous paper by Abbé Grégoire, the "Report on the destructions perpetrated by vandalism and the means to suppress it" (*Rapport sur les destructions opérées par le vandalisme, et sur les moyens de le réprimer*)⁹, issued in 1794, constitutes the conceptual blueprint of public policies for the protection of cultural heritage. The author called on the parliament to pass and implement laws protecting cultural heritage. Protecting the artefacts while punishing the offenders was his core message. Victor Hugo's *War on demolishers!* (1825) used the same pattern of opposition to denounce the impunity of those demolishing monuments and the lack of enforcement of laws protecting heritage. Altogether, these writings coined the concept of protection of cultural property as a collective moral duty.

This sense of moral duty eventually resurfaced at the level of the international community in 1907, when the second Hague Convention of 1907 on Laws and Customs of War on Land was issued. For the first time, an international agreement mentioned the protection of cultural property during wartime and forbade the destruction of the enemy's cultural property.¹⁰ Specifically, article 56 stated that "all seizure of, destruction or wilful damage done to institutions of [historical, charitable, educational, artistic, scientific] character, historic monuments, works of arts and science, is forbidden, and should be made a matter of legal proceedings."¹¹

The first half of the twentieth century saw an increasing demand for preserving cultural property during wartime. In 1935, another treaty on the "protection of artistic and scientific institutions and historical monuments" was adopted in Washington by the USA and Pan American states only. But as the international system of the interwar period was on the brink of collapse, the treaty had barely any chance to become embedded in practice. The absence of concrete measures made impossible the implementation of these texts.¹²

9 An electronic copy of the original document is available on the website of the French National Library: <https://gallica.bnf.fr/ark:/12148/bpt6k48495b>

10 Article 27, Annex to the Convention (IV) Laws and Customs on War on Land, The Hague, 1907. Accessed at: <https://www.loc.gov/law/help/us-treaties/bevans/m-ust000001-0631.pdf>

11 Ibid.

12 The Washington Pact is the only international legal instrument for the protection of cultural heritage in armed conflict ratified by the United States of America (USA). To date, the US have not ratified the 1954 Hague Convention.

The peace treaties of that era usually included clauses on reparations for the destruction or plunder of cultural property. Noticeably, the Treaty of Versailles in 1919 stated that “Germany undertakes to furnish to the University of Louvain, within three months after a request made by it and transmitted through the intervention of the Reparation Commission, manuscripts, incunabula, printed books, maps and objects of collection corresponding in number and value to those destroyed in the burning by Germany of the Library of Louvain”.¹³ In the aftermath of the Second World War, the International Military Tribunal at Nuremberg convicted several German officials for their implication in the destruction of cultural heritage.¹⁴

The years following the Second World War brought a new momentum. Specifically, the United Nations Educational, Scientific and Cultural Organization (UNESCO) was created in 1946. UNESCO’s core mission was to promote peace through the protection and cultivation of cultural property. It was meant to build a dialogue among different civilisations in this specific field. The organisation quickly promoted an intergovernmental conference that paved the way for the drafting of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, 1954.

The 1954 Hague Convention was the first universal treaty protecting cultural heritage in the context of armed conflicts. Until today, it remains the bedrock of all actions in this regard. The preamble of the document states that “damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of all mankind, since each people makes its contribution to the culture of the world”.¹⁵

For the first time, an international document with legal implications provided a detailed, extensive list of cultural property, both immovable (building, sites, and monuments) and movable (works of art, artefacts, and books). According to the document, the parties were requested to safeguard heritage in time of peace “against the foreseeable effects of an armed conflict” (art. 3). This implied taking all measures to efficiently protect heritage, such as preparing inventories, documentation, and protected storage facilities. In the event of a conflict, State parties were requested to refrain from exposing cultural property to damage and destruction and must stop looting and theft in their country and in other states.

A new step was reached in the 1970s, first with the Convention for the Protection of Cultural Property and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property. The document complemented the 1954 Convention by enjoining the states to create infrastructure dedicated to the conservation of heritage. Then, in 1972, a Convention Concerning the Protection of World Cultural Heritage and Natural Heritage was adopted. The document substantially reinforced the responsibility of the international community with regards to the protection of cultural heritage. It established a World Heritage List that bound member states to implement and provide means for the protection of international cultural property.

The geopolitical context mattered: the 1972 Convention was a direct result of the International Campaign to Save the Monuments of Nubia, launched by UNESCO in 1960. The campaign had succeeded in raising

13 Peace Treaty of Versailles, Article 247. Accessed at: <http://net.lib.byu.edu/~rdh7/www/versailles.html>.

14 UNESCO, Military Manual, op. cit., p.2.

15 Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention 1954, The Hague, 14 May 1954. Accessed at: http://portal.unesco.org/en/ev.php-URL_ID=13637&URL_DO=DO_TOPIC&URL_SECTION=201.html.

the awareness of governments regarding the necessity to formally include cultural property as elements to defend against the risk of war. Unfortunately, all these conventions faced immense challenges when it came to their application.

Taken together, the 1954 Hague Convention and its two Protocols established a comprehensive set of rules governing armed conflict and ensuring the safety of cultural property during a war. As pointed out by the International Committee of the Blue Shield¹⁶, these legal instruments have built an international regime for cultural property that serve two functions: first, they are prohibitive, as in the case of International Humanitarian Law, by setting out prohibitions that parties are obliged not to violate, and by criminalising such violations.¹⁷ Second, they are “protective and pre-emptive, by obliging States Parties to take measures which protect cultural property during times of peace, in order to ensure its safety from attack, looting, and other damaging effects of war”.¹⁸

In parallel, the success of the World Heritage List stimulated a global interest in cultural heritage in the 1980s and 1990s. Cultural property was assigned social and economic values and became a tool for peace-making and economic development, contributing to the reconstruction of social fabric and economic structures.

But ultimately, it is only in the 1990s that the defence of cultural property became a component of what would be called today the stabilisation agenda. If until then culture had been largely seen as a victim of conventional conflicts between two states, the international community came to the realisation that state collapse and civil war could equally lead cultural heritage to be targeted by one group with the clear intent to destroy a population and its identity.

The breakup of Yugoslavia during that period and the multiple conflicts between its ethnic communities triggered this realisation. Following the Balkan wars, the first protocol of the 1954 Convention corresponding to conventional warfare was amended with a second protocol in 1999, adapted to the scenarios of non-conventional conflicts i.e. intrastate conflicts or conflicts involving non-state belligerents. However, these provisions would soon prove insufficient, as revealed by the multiple assaults on cultural property in the subsequent years.

16 The International Committee of the Blue Shield is composed of five professional associations ranging from museums, archives, audio-visual supports, and libraries to monuments and sites. The five organizations are the International Council on Archives, the International Council of Museums, the International Federation of Library Associations and Institutions, the International Council on Monuments and Sites, and the Coordinating Council of Audiovisual Archives Associations.

17 UNESCO, “Report of the Blue Shield on the situations where cultural property is at risk in the context of an armed conflict, including occupation”, 2017. Accessed at: <http://unesdoc.unesco.org/images/0026/002601/260141E.pdf>.

18 Ibid.

2. The Defence of Cultural Property as a Stabilisation Effort: the Emergence of ALIPH

In the last decade, a shift occurred in the way policy-makers looked at the issue of protecting cultural property. For terrorist organisations, destroying the traces of cultural heritage progressively became a very powerful means of communication to seek international exposure. In the 2000s and 2010s, a pattern emerged where such attacks were turned into a systematic tactic of these groups in conflict zones. The destruction of the Buddha statues in Bamiyan, Afghanistan in 2001, the bombing of al-Askari Mosque in Iraq in 2006, and the wave of destructions caused by armed groups in Mali in 2012, Iraq or Syria in 2014 and 2015, all exposed the weakness of legal instruments and the incapacity of international organisations to prevent those destructions.

Mass media coverage of these destructions led the international community to react. As a result, the UN Security Council adopted on 24 March 2017 Resolution 2347.¹⁹ Pushed by France and Italy, the document was heavily influenced by the events in Syria and Iraq. It was the first UN Security Council resolution to focus exclusively on cultural heritage, condemning the destruction of cultural property as well as its looting and illegal trafficking, particularly by non-state armed groups. The wording of the document is worth considering: the resolution stated that the destructions were an “attempt to deny historical roots and cultural diversity in this context can fuel and exacerbate conflict and hamper post-conflict national reconciliation, thereby undermining the security, stability, governance, social, economic and cultural development of affected States”.

The resolution reinforced the 1954 Convention and the two protocols by encouraging states to ratify the legal instruments and implement them by training, inventorying, documenting cultural property, and taking protective measures in time of peace and enforcing them by further criminalising offenses to cultural property. In addition, the resolution encouraged member states “to provide financial contributions to support preventive and emergency operations, fight against the illicit trafficking of cultural property, as well as undertake all appropriate efforts for the recovery of cultural heritage”.²⁰

The fight against the illicit trafficking of cultural property constitutes another illustration of how protecting cultural heritage has become a component of stabilisation efforts. This campaign involves local law enforcement organisations as well as international organisations such as the International Council of Museums (ICOM). For instance, in July 2017, UNESCO launched in Dakar a programme dedicated to this mission for the Sahel region. Along with police forces, border control agencies, representatives of Interpol, and UN agencies, the UNESCO initiative also involves the directors of national museums of Mali, Mauritania, Niger and Senegal.²¹

But even prior to the UN Security Council resolution, a new organisation was born out of the moral shock triggered by Daesh’s destructions in Syria and Iraq. In early 2015, a new initiative to tackle this challenge emerged. The story of this initiative is revealing as it sheds light on the major issues surrounding the topic of protecting cultural property.

¹⁹ UN Security Council Resolution no.2347, 24 March 2017. UN Document S/RES/2347. Accessed at : <https://www.un.org/sc/suborg/en/s/res/2347-%282017%29>

²⁰ Ibid.

²¹ UNESCO Office in Dakar, “A road map to fight against the illicit trafficking of cultural property in the Sahel”, 24 August 2017. Document available at: http://www.unesco.org/new/en/dakar/about-this-office/single-view/news/a_road_map_to_fight_against_the_illicit_trafficking_of_cultu/.

It started with two countries at its forefront: the United Arab Emirates and France. Both countries had been active for years in the two separate fields of cultural diplomacy and counterterrorism and they were now joining forces to raise the global awareness on the defence of cultural heritage across the world. This initiative is a revealing case study to help better comprehend the policy implications of protecting cultural heritage in conflict zones.

At the Ise-Shima G7 Summit in Japan in May 2016, the principles of the French-Emirati initiative were announced by the president-director of the Musée du Louvre, Jean-Luc Martinez. Martinez had been mandated by the then president of France, Francois Hollande, to propose 50 initiatives to protect world heritage, among which was an international conference on safeguarding endangered cultural heritage.²² The conference was convened before the end of the same year and the creation of an international fund to sponsor specific programs was also announced.²³ These two objectives were driving the efforts of Paris and Abu Dhabi: better safeguarding cultural property under the threat from belligerents and preserving the cultural diversity which is systematically targeted by terrorist groups.

The initiative positioned the protection of cultural heritage at the intersection between post-conflict reconstruction and the struggle against extremism. In that perspective, it served a coherent goal for a country such as the UAE that was already playing a key role in the field of countering the ideological support to terrorist propaganda as it hosts the headquarters of Hedayah, an international centre for expertise to counter violent extremism. Similarly, the location of Abu Dhabi for the French-Emirati conference was emblematic: the city that was hosting the Louvre-Abu Dhabi – a universal museum dedicated to the exchange between artworks and sculptures from around the globe – was an obvious symbol of the spirit of the conference.

France and the UAE appointed two personal representatives of their Heads of State to prepare the coming conference: Jack Lang, president of the Paris-based Institut du Monde Arabe and Mohamed Al Mubarak, chairman of Abu Dhabi Department of Culture and Tourism. The first phase of the project was conducted at a fast pace: in only a few months, the team organised what became the Abu Dhabi Conference on Safeguarding Endangered Cultural Heritage that took place on the 2nd and 3rd of December 2016 with 40 participating states. In the Abu Dhabi Declaration signed at the end of the conference, all heads of states declared their “common determination to safeguard the endangered cultural heritage of all peoples, against its destruction and illicit trafficking”.²⁴

Following the conference, the second phase, involving an effort to create a new international entity, was more complicated. The new organisation was named the International Alliance for the Protection of Heritage in Conflict Areas (ALIPH). Geneva was soon selected as the location for its headquarters.²⁵ As the drivers of the initiative, France and the UAE were the biggest donors: in the donors’ conference at the Louvre in March 2017, they respectively pledged donations of US\$30 million and US\$15 million dollars. Additionally, Saudi Arabia offered US\$20 million, Kuwait US\$5million, Luxembourg US€3million, Morocco US\$1.5 million and the American entrepreneur and philanthropist Thomas Kaplan US\$1 million.²⁶ Kaplan was later appointed as

22 Jean-Luc Martinez, *Cinquante propositions françaises pour protéger le patrimoine de l’humanité, Rapport sur la protection du patrimoine en situation de conflit armé, remis au Président de la République*, November 2015. Accessed at: <http://www.culture.gouv.fr/content/download/128740/1406550/version/2/file/Cinquante-propositions-francaises-pour-protoger-le-patrimoine-de-lhumanite.pdf>

23 G7 Ise-Shima Summit Side-event on “Terrorism and Cultural Property – Countermesssage against destruction and illicit trade of cultural property by terrorists”. Accessed at: https://www.mofa.go.jp/fp/is_sc/page3e_000497.html.

24 Abu Dhabi Declaration, Conference on Safeguarding Endangered Cultural Heritage, 3 December 2016.

25 Sophie Roselli, “Genève devient la capitale du patrimoine en péril”, Tribune de Genève, 1 Mai 2017.

26 Emirates News Agency, “UAE and France reunite for the establishment of the international alliance for protection of heritage in conflict areas”, 20 March 2017. Accessed at: <http://wam.ae/en/details/1395302604067> on 10 April 2017.

the first president of ALIPH. In November 2018, ALIPH announced US\$77.5 million in pledges.²⁷

The fund aims to support programmes that cover the “entire heritage chain”: prevention by training and implementing emergency safeguarding plans; emergency protection during the conflicts; and conservation and restoration of artworks following conflicts. Italy has also offered its expertise to train police, curators and restorers.²⁸ At the same time, the French-Emirati initiative sees itself as creating a complex and ambitious international network of safe havens for endangered cultural property. The idea is to build temporary safe havens for emergency transfers of cultural goods if a country considers that it is under immediate threat. Such actions already occurred in past conflicts.²⁹ China later announced in response to the Abu Dhabi Declaration that it would be the first Asian country to offer its support by making the China National Museum a safe haven, able to host temporarily material culture threatened by an ongoing conflict.

In November 2018, ALIPH started operating and funding its first rehabilitation projects, for instance with the Mosul Museum, a project carried out by a consortium of international museums led by the Louvre and the Smithsonian Institution. Other initiatives include the rehabilitation of the Tomb of Askia in Gao (Mali), as well as the rehabilitation of Mar Behnam monastery in Khidr (Niniveh plain, Iraq). ALIPH also funded a capacity building programme, Earthen Architecture Conservation Course (Getty Conservation Institute) and supported the Institut du Monde Arabe’s exhibition *Cités Millénaires*, raising public awareness on the conservation of endangered cultural heritage.

But if this French-Emirati initiative evidenced a new momentum on the international stage, it did not solve several key challenges with regards to the concrete implementation of a policy to protect cultural property during armed conflicts. The following section looks specifically at the most salient ones.

3. The Policy Ramifications of Protecting Cultural Artefacts in Conflict Zones

This final section looks at four of the most pressing issues facing policymakers and stakeholders: the governance issue, the cultural clash between curatorial and military communities, the applicability of the legal framework in the current security environment, and finally the operational complexity of defending artefacts in conflict zones.

The Issue of International Governance

Over recent decades, numerous actors have emerged, with sometimes a rather similar mandate. The primary organisation remains until today UNESCO. The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict posits that the UN agency is mandated to provide “technical assistance in organizing the protection of their cultural property, or in connection with any other problem arising out of

²⁷ ALIPH, *Protecting Heritage to Build Peace*, Paris Peace Forum, 12 November 2018

²⁸ French Presidency, Press Kit Visit by the President of the French Republic to Abu Dhabi, 2-3 December 2016. Accessed at: http://www.diplomatie.gouv.fr/IMG/pdf/16-3362-2_12_dossier_de_presse_abou_dabi_v5_2__ang_cle0954aa.pdf on 10 April 2017.

²⁹ In early 1939, as the civil war escalated in Spain, artworks from the famous Prado Museum were moved to Switzerland where they stayed until the conflict reached its conclusion. Likewise, Switzerland also provided safe haven to the Afghanistan “Museum-in-Exile” from 1999 to 2007.

³⁰ The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two (1954 and 1999) Protocols, p.18. Available at: <http://unesdoc.unesco.org/images/0018/001875/187580e.pdf>.

the application of the present Convention or the Regulations for its execution”.³⁰ UNESCO’s work in the field goes beyond the Hague Convention and includes other initiatives. It operates an Emergency Preparedness and Response Unit which monitors ongoing conflicts – like typical crisis management cells in ministries of foreign affairs or defence.

In 2015, UNESCO also launched the Heritage Emergency Fund that aims to provide financial assistance in immediate crises. In addition to these programmes, the organisation also initiated in 1999 the establishment of a Committee for the Protection of Cultural Property in the Event of Armed Conflict. Composed of twelve States Parties that adhered to the Hague Convention and its second protocol, the committee offers guidance at political level in all major matters – for instance international assistance to Mali or Libya.

Nevertheless, UNESCO’s role during crises is a modest one that concentrates on advocacy and public awareness campaigns rather than practical intervention.³¹ Its Emergency Preparedness and Response Unit has very limited resources: with only five permanent members, it does not play an operational role but focuses instead on the coordination of UNESCO’s relations with other organisations involved in a crisis. Likewise, its Committee for the Protection of Cultural Property in the Event of Armed Conflict allows the organisation to maintain its centrality in the governance of issues related to the protection of cultural property but like other initiatives, it has limited capacities of its own and relies mostly on coordination with other entities.

This leads us to consider the significant role played by non-governmental organisations. In 2016, the International Committee of the Red Cross (ICRC) signed a memorandum of understanding with UNESCO which states that the ICRC “may assist in rescuing specific cultural property at imminent risk, for example by facilitating the evacuation of collections and/or providing supplies and equipment needed to undertake emergency safeguarding measures”.³² Among other NGOs, we discussed above the role of the International Committee of the Blue Shield (ICBS) which may be one of the most active ones. Whereas the ICRC mostly plays an operation role, the ICBS focuses on education and training programmes in order to prepare the personnel of cultural organisations to respond to emergency situations or to plan post-crisis reconstruction.

It is also worth mentioning that the NGO Geneva Call, which specialises in the protection of civilians in the event of armed conflict, has put cultural heritage on the list of its priorities.³³ In contrast to other actors, Geneva Call has historically maintained dialogues with non-state actors involved in wars, in order to prevent the destruction of monuments.

This overview underlines the myriad entities involved in the protection of cultural sites. However, there is no clear governing principle behind the mandates of each of them. Although UNESCO seems an obvious centralising body, it remains a UN agency that can only coordinate between all other stakeholders without commanding them.

It is also worth remembering the diplomatic context behind UNESCO. The organisation has been under tremendous financial pressures following its decision in 2011 to admit the Palestinian territories as an

31 UNESCO, UNESCO’s Response to Protect Culture in Crises, 2016, p.3. Accessed at: <http://unesdoc.unesco.org/images/0024/002449/244984e.pdf>.

32 Quoted in UNESCO, Protection of Cultural Property: Military Manual, 2016, p.73. Accessed at: <http://unesdoc.unesco.org/images/0024/002466/246633e.pdf>.

33 Geneva Call, “Culture under fire: armed non-state actors and cultural heritage in wartime”, Report, October 2018.

34 Klaus Hufner, “The financial crisis of UNESCO after 2011: Political Reactions and Organizational Consequences”, Global Policy, Vol. 8, no.5 (August 2017): 96-101. Heather Nauert, “The United States Withdraws From UNESCO”, US Department of State, Press Statement, 12 October 2017.

independent member-state. This led to the decision from the US government to cut off American funding for its annual budget – which amounted to 22%, followed ultimately by the announcement by the Trump administration of the US withdrawal from UNESCO in 2018.³⁴ In other words, UNESCO has today neither the political capital nor the financial resources to act as the centralising body.

Furthermore, the existence of several parallel initiatives at the level of fundraising – such as ALIPH – call into question the risk of unnecessary redundancies and financial waste. As mentioned above, ALIPH was conceived as a small entity to avoid the traditional problems plaguing international organisations. This directly reflected the underlying concerns regarding the capacity of UNESCO to fulfil this part of its mission and the explicit intent of ALIPH founders not to follow that path. Nevertheless, the decision to add a new actor to the international landscape did not prevent unwarranted competition between these stakeholders.

Finally, this complex landscape may reflect the many efforts and initiatives launched by international organisations and NGOs but a contrario, it shows a rather limited role for military organisations. At the national level, armed forces usually do not dedicate a specific team or unit to these matters. Concretely, legal departments of ministries of defence may be asked to address the issue while preparing the framework for an imminent intervention and reviewing the details of the rules of engagement – which indirectly will contain elements on the protection of cultural property. The legal advisors (the “legad” in the military jargon) will then coordinate with the operations unit, the J-2, which is responsible for the conduct of the war effort.

At the regional level, there is no specific process for organisations such as NATO or the EU to deal with the issue of protecting cultural property during a military intervention. More specifically, NATO standards posit that establishing measures to protect cultural property such as a no-strike list is the responsibility of its member states. In 2011, during the planning process of operation Odyssey Dawn and Unified Protector in Libya, it was indeed the allies, rather than NATO as a whole, that assembled that list, to preserve cultural sites.³⁵ More generally, this quasi-absence of military organisations from the governance environment epitomises a more profound issue here: the one of a cultural clash.

The Cultural Clash Between Soldiers and Curators

Defending cultural property requires a dialogue between armed forces and cultural communities in the planning of military intervention (to prevent destruction), stabilisation operations (to relocate artefacts) or post-stabilisation efforts (to ensure their long-term safety). But although a dialogue is needed, it would be an understatement to say that soldiers and curators live in two different worlds. They come from contrasting educational and professional backgrounds that rarely, if ever, cross. When facing crises, both will behave differently.

35 NATO Joint Analysis and Lessons Center, “Cultural Property Protection in the Operations Planning Process”, December 2012, p.2.

Officers and their troops assess a conflict environment in terms of threats and challenges. They then define a strategy of ways and means to degrade or destroy these identified dangers. As a result, they may look at cultural sites as topographical details of a battlefield – potentially obstacles or outposts – but not as a direct priority. Because armed forces follow very strict procedures with regards to the chain of command and the conduct of operations, they usually perceive the intervention of civilians such as UN personnel or NGOs as unnecessary interference that may confuse the prioritisation of objectives and eventually compromise the military strategy.

On the other side, the personnel of cultural sites have a different background and different priorities. They may want to coordinate and exchange information with armed forces to prevent the destruction of historical monuments but at the same time, they may fear that this consultation may turn into collusion, if not complicity. Curators on the battlefield merely try to survive and protect the artefacts on their site. To that aim, they may desire to remain neutral and avoid getting trapped into the political logic of the ongoing conflict. Again, the cultural community is rarely at ease when talking with the armed forces about the abovementioned “no-target list” which details a number of cultural sites (and their GPS coordinates) to be protected from military strikes.

In some ways, the cultural clash between these two communities may echo the clash between the armed forces and humanitarian NGOs but the rift in the former case is even deeper. Humanitarian workers and soldiers may not share the same culture but they are both accustomed to see each other on a conflict zone. Years of peacekeeping and peace-making operations have helped to build a sense of understanding between them and although the humanitarian-military relations are far from perfect, there is at least a legacy of exchanges that has grown over the last decades.³⁶

This link simply does not exist in the field of protecting cultural property. One way to address this issue could be to reinforce the dialogue between organisations in charge of protecting cultural heritage sites and armed forces through common preparatory training initiatives, rather than only during emergency situations.

When the UK ratified the 1954 Convention in 2017, a Military Cultural Property Protection Unit within the Armed Forces was created to better educate British armed forces about this dimension of stabilisation operations. Along with the creation of the unit, the Cultural Protection Fund, a £30 million fund was established for the period 2016–2020. The fund administered by the British Council in partnership with the Department for Digital, Culture, Media & Sport, is financed from the UK Government’s Official Development Assistance. It is dedicated to the safeguard and promotion of cultural property in conflict-affected areas by providing financial support to organisations on the ground (grants below £100,000 for emergency relief and, large grants up to £2 million). Its initial focus is on the Middle East and North Africa where 12 target countries (Egypt, Jordan, Lebanon, Libya, Iraq, the Palestinian Territories, Syria, Tunisia, Turkey, Yemen, Sudan and Afghanistan) are expected to be the primary recipients.³⁷ In August 2018, the Fund had been or was engaged in 34 projects for £17.7 million. The organisation might be contemplating the possibility to continue

36 Sarah Collinson, Samir Elhawary, Robert Muggah, “States of fragility: stabilization and its implications for humanitarian action”, HPG Working Paper, Humanitarian Policy Group, May 2010; Radha Iyengar Plumb, Jacob N. Shapiro, Stephen Hegarty, “Lessons Learned from Stabilization Initiatives in Afghanistan: A Systematic Review of Existing Research”, Working Paper, RAND Corporation, June 2017.

37 UK Parliament, “Written evidence submitted by Historic England”, 2016. Accessed at: <https://publications.parliament.uk/pa/cm201617/cmpublic/CulturalProperty/memo/CPB14.pdf>

38 Cultural Protection Fund, *Annual Report 2017 — 2018*, 2018. Accessed at: https://www.britishcouncil.org/sites/default/files/cultural_protection_fund_annual_report_1718.pdf.

operating after 2020 with a prospect of adapting its scope to needs on the ground and to the priorities of the UK international political agenda.³⁸

Institutions such as the Smithsonian Institution in Washington DC, a US federal cultural body, contribute to training armed forces in the preservation of cultural property prior to being deployed on the ground. Bridges between the army and curatorship exist as evidenced by some cases such as the one of Corine Wegener, the director of the Smithsonian Cultural Rescue Initiative, a programme dedicated to the preservation of cultural heritage in crisis situations. Wegener served in the US Army Reserve for 21 years. In that capacity, she was deployed in 2003 to Iraq and assigned to assist after the looting of the Iraqi National Museum.³⁹ Such a combination of training and education in both military affairs and art history is obviously rare but should be encouraged. Both communities could exchange past experiences and define “lessons learned” to build a framework of understanding. Ultimately, raising awareness on both sides with regards to their respective missions and common goals could help overcome this cultural clash.

More broadly, this cultural clash between soldiers and curators relates to one of the fundamental challenges of today’s stabilisation agenda. The contemporary philosophy of stability operations relies on the principle of a whole-of-government approach. In this view, stabilisation involves the mobilisation of a combination of military, political, development and humanitarian resources and actors. Like for the soldier and the curator, the key challenge of this holistic approach is therefore to manage different, sometimes contradictory, rationales for intervention in fragile states which inevitably generate tensions between the proponents of provision of humanitarian assistance – a neutral endeavour by its nature – and those that support political and military objectives.

The Legal Conundrum

As discussed in the first section of this paper, there are plenty of legal documents applicable for the protection of cultural property. They include the 1949 Geneva Conventions, the 1954 Hague Convention, the World Heritage Convention, the 1970 UNESCO Convention as well as international human rights law that directly applies to this situation.

In other words, the sources of international rules to protect heritage are numerous but unfortunately, they tend to be designed for scenarios that are not entirely relevant in today’s environment. Based on the history of the Spanish civil war and the Second World War, this international legal framework was designed to cover conventional conflicts between two or more states. The list of criminal cases on the protection of cultural property in armed conflict reflects this phenomenon: most of the cases have in fact been prosecuted by the International Criminal Tribunal for the former Yugoslavia.⁴⁰ But as the contemporary conflicts in Mali and Syria evidence, today’s biggest threats actually come from non-state actors, terrorist organisations that simply dismiss international norms, which limits the deterrence effect of international law.

39 Leah Binkovitz, “Q+A: How to Save the Arts in Times of War”, Smithsonian Magazine, 24 January 2013. Accessed at: <https://www.smithsonianmag.com/smithsonian-institution/qa-how-to-save-the-arts-in-times-of-war-5506188/>.

40 Ibid., pp.89-90.

There is however one important case, the Al Mahdi case, that may pave the way for change. In August 2017, the International Criminal Court (ICC) found Ahmad Al Faqi Al Mahdi responsible for “intentionally attacking protected cultural and religious sites”.⁴¹ Al Mahdi was a commander of Ansar al Din who conducted the destruction of ten religious and historic monuments in Timbuktu in 2012. Noticeably, the ICC charged Al Mahdi only with this count and no mention was made of civilian casualties, making it the first case ever of an individual being prosecuted by the ICC for a war crime against cultural property.⁴²

The Al Mahdi case provoked a significant controversy among legal experts. Some have praised the short and effective prosecution as a way to restore the credibility of the ICC. In the context of global outrage regarding the atrocities perpetrated in Mali, it underlined the ability of international law to make non-state actors such as terrorist or insurgent groups accountable for the destruction of cultural property.

Others have been more sceptical and argued that the case was merely political scenery and reflected an improper use of the ICC. The scale of the attack – targeting ten monuments – was obviously insignificant when compared to the human victims of armed groups in Mali during that same period. Moreover, it has been suggested that Al Mahdi was unlikely to be the sole person responsible for the attacks and therefore was only one individual in a loose chain of command that organised these crimes.

As this discussion evolves among experts, the future legal implications of the Al Mahdi case remain to be seen. But even if it was to lead to a strengthening of the ICC and the ability of the international community to hold insurgents and terrorists accountable for such acts, it is still doubtful that this could effectively deter radicalised individuals in future scenarios.

The Operational Implications

The most complex challenge of protecting cultural artefacts during conflicts is undoubtedly the operational translation of this goal. For years now, armed forces engaged in humanitarian interventions have been incorporating this parameter in their operations planning process. This follows one of the provisions of the 1954 Hague Convention which stipulates that states should “plan or establish in peace-time, within their armed forces, services or specialist personnel whose purpose will be to secure respect for cultural property and to co-operate with the civilian authorities responsible for safeguarding it”.⁴³

This starts in the ministries of defence with education and training programs for soldiers. Several countries such as France, Austria, Belgium, Netherlands, the US or Italy, have designed specific handbooks and courses for their officers to raise their awareness of the importance of defending cultural property during operations.⁴⁴

The publication in 2016 of the UNESCO Military Manual demonstrated the growing importance of formalising standards in this field. The document was meant to “serve as a practical guide to the implementation by military forces of the rules of international law for the protection of cultural property in armed conflict”.⁴⁵

41 International Legal Materials, *Prosecutor v. Ahmad Al Faqi Al Mahdi: Judgment and Sentence & Reparations Order* (Int'l Crim. Ct.), 57 no.1. Accessed at: <https://www.cambridge.org/core/journals/international-legal-materials/article/prosecutor-v-ahmad-al-faqi-al-mahdi-judgment-and-sentence-reparations-order-intl-crim-ct/E47EB6D000A07CAE48F47DFA0DDA201C/core-reader>.

42 For a detailed overview of the case, see Milena Sterio, “Individual Criminal Responsibility for the Destruction of Religious and Historic Buildings: The Al Mahdi Case”, *Case Western Reserve Journal of International Law*, Vol.49, no.1 (2017): 63–73.

43 Hague Convention, Art. 7 (2), p.11. Accessed at: <http://unesdoc.unesco.org/images/0018/001875/187580e.pdf>

44 UNESCO, *Military Manual*, op. cit., pp.20–21.

45 *Ibid.*, p.1.

Before entering a battlefield, military commanders need to gather a comprehensive list of objects and sites considered as “cultural property”, a qualification that is left to each state to define. In 2012, the Malian government provided a document containing maps and geographical coordinates of its historical and religious sites.

But in practice, this cooperation between a state and a foreign military may not occur, especially when the foreign military is perceived as a potential invader. For instance, in the spring of 2011, it was the International Council of Museums that provided a list of cultural sites in Libya not to be destroyed. The Ghaddafi regime obviously did not cooperate with Western armed forces to protect the sites. Likewise, in 2013, two NGOs, the Spanish Heritage for Peace and UK’s National Committee Blue Shield released a public “no-strike” list of archaeological sites in Aleppo. The two-page list of 20 sites was established with “Syrian colleagues” and included geographical coordinates.⁴⁶ Notwithstanding the previous caveats, this information can help armed forces when they prepare their target planning process which defines a selection of objects and sites considered to have military significance.

In other cases, the distinction between a military site and a cultural site might become uncertain. For instance, in 2012, Syrian rebels used the Krak des Chevaliers – a castle from the medieval crusades recognised by UNESCO as a World Heritage Site – to fight against the regime of Bashar al Assad.⁴⁷ However, according to international law, armed forces should exercise restraint in order, as much as possible, not to damage the site. A perfect example illustrating this obligation is the case of Malian insurgents in 2013 who used a house nearing the Djinguereber mosque in Timbuktu, another UNESCO world heritage site. As a result, the Malian government and French forces ruled out the option of an airstrike and opted for artillery that allowed firing against the terrorists without harming the mosque.⁴⁸

Recent operations such as the French intervention in Mali or the NATO air campaign in Libya seem to evidence positive developments in the integration of the defence of cultural heritage into the planning process. But this does not remove the challenge posed by non-state armed groups that are likely to keep targeting monuments which they see as obvious symbols of their opponents’ culture or to use monuments as strategic locations. The rationale behind these destructions is not only extremist ideology that categorically denies the possibility of other cultures. It also sometimes follows a strategic logic: destroying historical and religious symbols can directly weaken the morale of the other side.

Preventive Asylum for Cultural Property?

Because of this enduring threat, one of the responses discussed by the international community is transferring cultural artefacts from a country in war to so-called “safe havens” abroad. Although there is not yet a legal definition of “safe havens” in this context, it is understood to be a refuge zone where movable cultural property can be stored, maintained, and restored if needed.⁴⁹ The concept derives from the concept of “right

46 UK National Committee of the Blue Shield, Heritage for Peace, “No-strike list”, 2 June 2013. Accessed at: http://www.ancbs.org/cms/images/Aleppo_site_list_full_description.pdf

47 Georges Malbrunot, “Syrie : le régime reprend le Krak des Chevaliers aux rebelles”, *Le Figaro*, 20 March 2014.

48 UNESCO, *Military Manual*, op. cit., p.37.

49 Peter Hellyer, “The UAE could become a safe haven for antiquities”, *The National*, 5 December 2016; UNESCO, “Federal Act on the Protection of Cultural Property in the Event of Armed Conflict, Disaster or Emergency Situations”, June 2014, p.2.

of asylum". The transfer of artefacts has to be considered when a country is in a situation of armed conflict or political tension that could lead to war. The transfer can only be temporary and a way to prevent damage or destruction. In fact, the idea appeared for the first time in the 1954 Hague Convention (article 18).

The Abu Dhabi Conference of 2016 discussed the creation of a network of safe havens for movable cultural heritage as part of ALIPH missions. At the time, this proposal was met with doubt by some country representatives who were supposed to benefit from this initiative. Their cautious reaction highlighted the need for careful guidelines and for the definition of a legal, operational and ethical framework.

Some observers have recommended examining the legal framework to work out ways to adapt national property laws.⁵⁰ For instance, the French law, through a bill passed in 2016⁵¹, enables the provision of safe storage for cultural goods endangered upon request of the state of origin or the UN Security Council. The goods can then be returned upon request of this state of origin. Switzerland had similar legal provisions. Consequently, initiatives promoting such networks of safe havens appeared in Switzerland or France, but without concrete effect or coordination with other organisations.⁵²

Adapting the legal framework does not directly address the uncertainties that relate to the operational requirements of such a complex mission. Organising the transfer of cultural property out of a war zone implies several parameters. First, the appropriate moment to carry out the operation has to be identified. It means that armed forces and curatorial communities would work more closely to build an early warning database. In other words, the stakeholders – whether the UN, NGOs, or armed forces – should be able quickly to respond in case a crisis occurs in order to locate the cultural sites and to select exfiltration routes. This obviously could increase the fear of collusion for the heritage curators. Additionally, removing cultural objects from a war zone is likely to be a complex mission in terms of logistics.

Search and rescue missions remain extremely risky missions to conduct and we can wonder if a political leader from a Western country would bear such a risk for saving artefacts. Moreover, the experience in Mosul proved that the lives of the local members of conservation teams can be threatened by the collusion with external military actors.⁵³ As a result, this issue of collusion prevented measures to transfer the artefacts to a safe location. Similarly, defining the moment to return the precious collections can be as challenging as the transfer out of the war zone.

In sum, heritage experts consider that the implementation of safe havens for cultural property should not be considered "as a primary option but as a last resort, after all recourse to protect cultural property in situ has been exhausted" largely because of the complexity and the risk associated with the transfer of artworks in the context of armed conflict.⁵⁴ The resources of cultural organisations should in general therefore be focused on all other preventive measures to protect cultural property in situ – including the creation of safer storage within the country.

A final element of this discussion involved the fight against illicit trafficking of movable cultural property. In

50 Thomas George Weiss, Nina Connelly, "Cultural Cleansing and Mass Atrocities: Protecting Cultural Heritage in Armed Conflict Zones", J.Paul Getty Trust Occasional Papers in Cultural Heritage Policy, 1, J. Paul Getty Trust, 2017.

51 Loi n° 2016-925 du 7 juillet 2016 relative à la liberté de la création, à l'architecture et au patrimoine, Article 56. Accessed at: <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000032854341&categorieLien=id#JORFARTI000032854604>.

52 "Mayor of Paris proposes turning Paris into a refuge for cultural heritage" Artforum, 9 May 2018. Accessed at: <https://www.artforum.com/news/mayor-of-paris-proposes-turning-city-into-a-refuge-for-cultural-heritage-75349>. See also the network of cities-refuge : "Protection des droits humains et du patrimoine culturel: les villes signent la Déclaration de Genève", Ville de Genève, 28 March 2018

53 Joshua Hammer, "The Salvation of Mosul", *Smithsonian Magazine*, October 2017. Accessed at: <https://www.smithsonianmag.com/history/salvation-mosul-180964772/>.

54 Blue Shield, 2017, op. cit.

the context of security sector reforms, the training of police and customs forces is crucial to enforce national and international laws to prevent artworks from leaving the country. The coordination of international actors involved in fighting illicit trafficking can also prove efficient. The publication of the ICOM Red List has contributed to providing information on stolen and missing artworks. The training of border police, customs and other forces enabled the seizing in Spain, UK and Switzerland of an important amount of looted antiques from Afghanistan, Yemen, Iraq, Syria and Libya.

In case the national institution in charge of the conservation of cultural heritage is not able to ensure their conservation, it is not suitable for these cultural goods to be returned to their country. Partnerships between institutions in the country of origin and the country where artworks would be located need to be initiated or extended to provide temporary storage for these artworks.

Conclusion

The protection of cultural heritage in conflict zones grew in earnest in recent years, primarily as the result of the assaults launched by organisations such as Daesh or Ansar al Din. However, as this paper has demonstrated, the topic itself has a long history. Numerous legal documents and a myriad of international governmental and non-governmental organisations are dedicated to the defence of these artefacts.

In fact, this new sense of urgency reflects the limited ability of the existing framework to tackle the contemporary challenges. As violent extremist organisations are unlikely to be deterred by laws, the strengthening of existing security measures becomes necessary. Initiatives such as ALIPH underline this reality.

But remarkably, this debate has occurred mostly among curators and only marginally involved armed forces. In that perspective, it appears that the priority of the stakeholders should be to bridge this gap between curators and soldiers. Such a gap is not inevitable. If one looks at the experience of stabilisation operations in the last two decades, humanitarian actors and armed forces barely knew each other before the 1990s. But since then, they have been more and more engaged together on the battlefield, as well as in conference rooms.

Putting the defence of cultural property on the stabilisation agenda has an obvious significance: whereas security actors focus on the reconstruction of state institutions, those involved with the preservation of cultural artefacts play a role in the protection of a community's identity. But as the paper demonstrates, this means that cultural heritage has to be factored in at the three main phases of the stabilisation efforts: from the prevention of conflicts, the protection of monuments during conflicts and their restoration after the conflict.

This has numerous policy implications. Establishing a process of governance that facilitates the coordination between armed forces, local museums, UN agencies, and NGOs should be the first priority. Additionally, training soldiers and local security forces to consider the protection of cultural heritage in the three situations should become a norm ensured by national armed forces with the support of stakeholders such as curators.

All in all, the momentum brought about by the contemporary wave of terrorist attacks targeting cultural sites should not peak with the establishment of new entities such as ALIPH. It should be used to turn the policy issue into an integral part – alongside security sector reform and the humanitarian and development efforts – of the stabilisation agenda.

