

CULTURAL PROPERTY IN THE OPERATIONAL ENVIRONMENT
CPP Training for Army ROTC

Target Audience: Army ROTC cadets (especially third- and fourth-year cadets)

Format: PowerPoint presentation delivered by SME guest lecturer

Total length: 50 minutes.

The primer material takes ~25-30 minutes. We recommend that SMEs add 10-15 minutes of their own material, followed by a 5-10 minute Q&A. This is at the SMEs discretion, and ROTC programs may allot more time if asked.

For our guest lecturer: if you have any questions, please contact

Dr. Laurie Rush laurie.rush.civ@mail.mil 315-7724165

Dr. James Zeidler james.zeidler@colostate.edu 970-491-5646

John Valainis john.valainis@gmail.com 970-491-5646

SLIDE 1: Title

SLIDE 2: Content

SLIDE 3: End State

SLIDE 4: What is cultural heritage?

Cultural heritage is any representation of significant human events, beliefs, and values. This not only includes the monumental remains of culture, such as ancient buildings, but also intangible heritage such as language, music, and belief systems.

(click screen: word 'Identity' appears)

In a nutshell, heritage creates and reinforces a group's identity. This is important to remember when you are operating in a foreign nation: disrespect or damage to cultural heritage creates a deep sense of loss, and could be interpreted as personal offense. In such cases, this will undermine your ability to connect with local key leaders and build host nation partnerships.

SLIDE 5: What is cultural heritage?

As I said, cultural heritage can be intangible: language, traditional music, dramatic arts, and the spiritual or philosophical systems upon which cultural property is based are all considered cultural heritage. Here is an Afghan musician in Kabul, playing the dombura at a Nowruz celebration. Nowruz is the Persian New Year, celebrated in several countries including Iran, Afghanistan, Iraq, and Turkey. The traditions behind these celebrations are thousands of years old.

SLIDE 6: What is cultural property?

Cultural property specifically refers to the physical aspect of cultural heritage: anything that physically represents a group's identity- its history, values, and beliefs. Cultural property is a nonrenewable resource: once it's destroyed, it's gone forever.

Examples of cultural property include historic or ancient buildings, or their ruins. The pyramids of Egypt pictured here are an obvious example.

Archaeological sites and individual artifacts such as potsherds or bone fragments are also cultural property. Such ancient artifacts, or even entire ancient cities, may be visible on the ground but also may be hidden just underneath it. Soldiers need to be aware of this when digging trenches or firing positions, and when operating heavy equipment such as tanks or earth-movers. Here we see potsherds from Kirkuk Regional Airbase in Iraq, uncovered by an Air Force heavy equipment operator in 2008 while he was grading a taxiway.

SLIDE 7: What is cultural property?

Works of art are also cultural property, as are manuscripts or books that have artistic, historical, scientific, or archaeological interest. So as you might expect, any site that houses collections of any of these objects is itself considered cultural property. Examples include museums, archives, libraries, and storage depots. These structures and the objects in them must be protected. Pictured here is the National Museum of Iraq in Baghdad in 2003, guarded by a tank from the 2nd Brigade, 3rd Infantry Division.

Cultural property also includes sacred places such as shrines, churches, mosques, or cemeteries. Landscapes, environmental features, or otherwise unremarkable structures such as a village well might also carry profound local significance, if local people associate them with stories about culture heroes, religious figures, or foundational events. Remember, what matters is *local* beliefs and values. For example, you might not think much of the rock formation pictured here, located in Afghanistan. But for the Hazara people living in the area, this is the tooth of a giant dragon that their culture hero, Hazrat Ali, slew in the valley, making it safe for their ancestors to settle there. Damaging this and other natural features associated with the dragon would be tantamount to destroying the Hazaras' connection to their folk history.

SLIDE 8: Why does cultural property matter?

[*image: touching the Western Wall in Jerusalem*]

Cultural property matters because it allows us to take abstract ideas such as national or local identity, social values, and religious beliefs, and make them *real* and *accessible*. It gives us a physical place or a tangible object to help us feel an immediate connection with our history, or with the ideas that describe who we are. There are strong emotions connected with this.

SLIDE 9: Why does cultural property matter?

Cultural property is a powerful force in our lives, though we often don't recognize this. A whole range of problems can arise if military leaders don't pay attention to it in the operational environment. Host Nation populations will not believe we're there to help if we neglect, insult, or damage cultural property. They will call our troops an occupation force instead of an assistance force, and this will make it harder for you to do your job. Our Armed Forces lose *legitimacy* when this happens, and so does the mission.

SLIDE 10: Identifying cultural heritage

Sometimes cultural property is easy to identify. This is the case with obviously ancient structures or museums, etc, especially when the United Nations Educational, Scientific, and

Cultural Organization – or, UNESCO – formally recognizes a site as protected and marks it. The Blue Shield emblem, pictured here, is the internationally recognized symbol for protected heritage sites, just as the Red Cross and Red Crescent are the internationally recognized symbols for humanitarian and medical sites and vehicles.

SLIDE 11: Identifying cultural heritage

But more often than not during military operations, you will come across cultural property without even knowing it – the ‘dragon tooth’ we discussed earlier is a great example. So it is important to be aware of the various forms cultural heritage might take, and make sure that figuring out the heritage landscape is one of your objectives when engaging with key leaders in local communities. This will allow you to identify any cultural property of value to the people in the area, and avoid causing accidental damage or destruction.

SLIDE 12: Identifying cultural heritage

Think of Gettysburg National Military Park. This historic battlefield is a physical reminder of a pivotal moment in American history, when during the Civil War the Confederate Army came its closest to breaking the Union lines and capturing Washington D.C., nearly shattering the United States we know today. It is a place where almost 8,000 men sacrificed their lives for what they believed in, allowing the values and identity of a unified America to be purged from conflict and re-forged for future generations.

SLIDE 13: Identifying cultural heritage

Yet, look at the upper left photo here: most of the park consists simply of open fields or hills. If it weren’t for the occasional signage, a foreigner passing through would not even recognize it as a place of cultural significance! It would be very difficult to distinguish the battlefield from the rest of the countryside [[click for animation 1](#)]... but failing to recognize such heritage sites in an operational environment, and causing damage to them, would be disastrous for the mission. Imagine a foreign military digging up Gettysburg to build a forward operating base, simply because they didn’t recognize that it was important. [[click for animation 2.](#)] How would you react?

SLIDE 14: CPP during combat ops: FOB Wolverine

We have a similar example from Afghanistan in 2009, involving a karez system at FOB (*forward operating base*) Wolverine. A karez is an ancient underground water system, and the ones running under FOB Wolverine were over a thousand years old, but still in use. In the aerial photo on screen, you can see the maintenance shafts following the karez.

As archaeological sites, they provide important information for understanding the nature of traditional agricultural landscapes and resource systems. And since they are also functional water systems, damaging them can completely disrupt the water supply as well as the social fabric of an entire community: access to water in arid environments is a vital aspect of community life, and can become a source of tension. The family that controls the water distribution linked to the karez may well be the most important family in a village or a group of villages. Damaging the karez could alienate your most important local contact and turn the whole community against you.

SLIDE 15: CPP during combat ops: FOB Wolverine

This is what happened at FOB Wolverine when planners began expanding the base without understanding the significance of the karez systems. The expansion came ahead of the 2009 troop surge, the purpose of which was to target provinces with a strong Taliban presence, clear out insurgents, and allow Afghan authorities to earn local allegiance through improvements in education, health care, security, and other infrastructure. In this case, military leaders at FOB Wolverine confiscated some surrounding fields and expanded the base perimeter over the karez. This created hardship by disrupting the water supply for all of the villages in the area, which, ironically, the FOB had been established to protect from insurgents. The incident compromised the ISAF (*International Security Assistance Forces, i.e. NATO and partners*) mission in the entire region of Karezgay. In this photo you see villagers and soldiers uncovering a vertical maintenance shaft for canals near FOB Wolverine. Matters were made worse because before the base expansion, the Taliban had been running an intense PR campaign in the villages, telling the farmers that the Americans were going to steal their land and destroy their way of life; the karez incident fed into this propaganda.

SLIDE 16: CPP during combat ops: FOB Wolverine

To regain the confidence of the local population, ISAF forces paid compensation for appropriated land and redrew the expansion plan to avoid damaging the karez, and FOB leaders also hired local villagers to repair damaged access shafts, clean out the rest of the karez, and cap the holes on the base to ensure security and prevent debris from clogging up the tunnels. This created local jobs, and helped rebuild trust. FOB leadership met often with local village leaders to discuss the base expansion, the karez issue, and the plan to conduct repairs. In this photo, Colonel Jody Prescott (rear, center) consults with State Department political officer Elizabeth Horst (wearing green hijab) over damage claims from elders. Fortunately, this effort had the desired effect, and relations with locals improved.

After the incident, the lead engineer for the FOB expansion, Lieutenant Colonel William Schaper, perfectly summed up why it is so important to take cultural heritage into consideration during planning *before* military operations:

"If before we put the first U.S. soldier on the ground, we alienate the closest village to the...base, we're putting the thing in reverse before we even get started."

Failing to account for cultural heritage can undermine the mission before it even gets started.

SLIDE 17: The heritage landscape

Another important thing for the military leader to consider is that, within a single Host Nation, different groups might place different value on the same cultural property.

Think of the Alamo: this building was the site of a battle in 1836 that was pivotal in Texas' war of independence from Mexico, before it became part of the United States a decade later. The Alamo holds much greater value for Texans than for other Americans. As historian Paul Andrew Hutton notes, "while most Americans embrace the Alamo as part of our national story... it is even more vital to Texans as a creation myth. Texans have long embraced a rather exceptional nativistic vision of themselves as distinct from the rest of America." The Alamo is strongly connected to Texan, more so than American, identity.

This relative difference in the value given to cultural property by different groups can have important consequences for military operations. Such heritage sites can become flashpoints for ethnic violence, or can even be deliberately targeted by an enemy to undermine security, instigate violence between different groups, or embarrass U.S. forces through bad PR.

Leaders must therefore be aware of the *heritage landscape* in their area of operations, by which I mean the interactions between the various groups in an area – with their different histories, values, and beliefs – and the various places, objects, and traditional practices that each group values.

SLIDE 18: The heritage landscape

For example, let's look at an incident that occurred during Operation Iraqi Freedom in 2006, in the city of Samarra, located about 80 miles north of Baghdad. Here you see the al-Askari shrine and mosque. It was built in 944 AD, and houses the remains of Imam al-Hadi and Imam al-Askari, the 10th and 11th imams in Shi'a religious history. Sunnis do not recognize Shi'a imams as legitimate religious leaders, although they often regard them as holy men and great scholars. For Muslims in general, then, this shrine has some value as a heritage site. But for Shi'a Muslims, it is extremely important, among their holiest sites.

There had long been tensions in Iraq between Sunnis and Shi'a, the latter being the ethnic majority in the country. This was exacerbated by Saddam Hussein's ruthless 25-year rule, during which he favored his own Sunni sect while authorizing mass killings of Shi'a and Kurds. This changed after he was deposed in 2003, when the Shi'a majority came into power through democratic elections. Ethnic tension mounted as certain Sunni groups tried to cling to power, while certain Shi'a groups attempted to impose the sort of repression on Sunnis that they had experienced under Hussein's Ba'ath party.

SLIDE 19: The heritage landscape

The al-Askari shrine became the physical representation of these tensions on 22 February 2006, when its golden dome and much of the underlying structure was destroyed in a targeted bombing attack. The attack was carried out by affiliates of al Qaeda in Iraq, a Sunni terrorist group. It triggered dozens of reprisal attacks, sectarian killings of hundreds of Iraqi civilians across the country, and bombings of dozens of Sunni and Shi'a mosques, particularly in Baghdad. An estimated 20,000 families were displaced because of the violence. Fifteen months after the first bombing, the two minarets in front of the ruined shrine were toppled in a second bomb attack, on 13 June 2007. That same month, one of the bombers, Yusri Fakhir Muhammad Ali, a member of al-Qaeda, was arrested. He said that the reason for the February 2006 and June 2007 attacks on the Samarra shrine was to instigate violence between Shi'a and Sunnis:

"The shrines of the Al-Askari Imams were chosen because of their religious importance and their geographical location, and the choice was meant to cause sectarian division among the people."

SLIDE 20: The heritage landscape

The strategy worked. Ethnic tension had been mounting in Iraq, and just needed a spark to ignite. The destruction of a cultural heritage site that held particular value for Shi'a provided that spark, and set the groups violently against each other. Mixed neighborhoods

had been segregating into solely Shi'a or Sunni neighborhoods, and beginning in February 2006 this trend accelerated rapidly. Neighbors from one group began murdering those from the other on a horrific scale. These maps show the changes in ethnic make-up of Baghdad neighborhoods, pre-2006 and in February 2007. Mixed neighborhoods are in yellow. The monthly death toll in the city, having previously only topped 1,000 only once, now spiked above 1,000 dead every month for all of the next year.¹ Of course, the bombing of the shrine wasn't the root cause of the sectarian tension: but it absolutely was the spark that set off this violence.

The take-home message from this example is that cultural property protection can be a security concern. Understanding the heritage landscape – what physical structures or objects hold value for which groups – not only helps U.S. personnel avoid causing accidental damage or offense, but, through proactive measures, can help prevent the escalation of ethnic or political tension into outright violence.

SLIDE 21: Laws and regulations

In addition to being an ethical, tactical, and strategic concern, protecting cultural property is a legal obligation.

In 2009, the United States ratified the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict. Because of this, the articles of this convention are now U.S. Federal Code. The convention mandates that belligerents make no use of cultural property that might expose it to damage or destruction, and direct no military force against it unless required by military necessity. It also forbids theft, pillaging, requisitioning, or even moving cultural property.

At the federal level, the U.S. National Historic Preservation Act mandates the protection of cultural heritage during federal undertakings. Legally, military operations outside the continental United States are considered federal undertakings, and so this and other environmental and cultural protection acts apply to deployed military units. This fact was upheld after a challenge in January 2008, when a U.S. District Court stopped the expansion of a U.S. military base in Okinawa when the local population sued for fear of destruction of endangered wildlife.

SLIDE 22: Laws and regulations

At the Department of Defense level, several regulations and guidance documents, including the Overseas Environmental Baseline Guidance Document, have been published to reinforce environmental and cultural heritage stewardship on federal installations abroad. Note that in the DoD, cultural heritage regulations routinely fall under the category of environmental protection.

Also note that various staff channels and military units are given explicit heritage-related oversight. At lower echelons, G5 or civil-military staff channels, JAG officers, the Army Corp of Engineers, and Civil Affairs units have specified oversight of cultural heritage issues. Environmental and heritage considerations are also given a separate annex in the joint OPLAN, and other major commands and military alliances such as CENTCOM and NATO have published regulations and agreements that reinforce or add to the Hague Convention, U.S. Code, and the DoD OEBGD.

¹ Source: http://news.bbc.co.uk/2/shared/spl/hi/in_depth/baghdad_navigator/

SLIDE 23: Looting

Under the 1954 Hague Convention, U.S. soldiers must prevent or stop looting of cultural property, and must not participate in any sort of looting or removal of cultural property. Such restrictions are also usually issued for a given theater at the COCOM level, for example Central Command's General Order 1B during Operations Iraqi Freedom and Enduring Freedom. Preventing looting is important for a couple of reasons.

First, it protects your troops. There have been cases in the past in which U.S. Customs found soldiers on their way home from deployment in possession of illicit antiquities: the last thing you want as a leader is for your soldiers to be arrested at the airport after a long tour away from home.

Second, there are strategic implications. Over the last 50 years, the U.S. Department of Justice has ranked art and cultural property theft behind only narcotics and arms in terms of highest-grossing criminal trades. Many insurgent and terrorist groups fund their operations in part through the sales and trade of stolen works of art and cultural property. This was noted by Colonel Matthew Bogdanos as you see on screen, who was appointed by CENTCOM to investigate the looting of the Iraq National Museum in 2003. Preventing looting encourages stability and security by curbing lawlessness, and it also denies resources to insurgents.

SLIDE 24: Military necessity

The 1954 Hague Convention also discusses 'military necessity.' You may have heard this term if you've already covered Law of War / Rules of Engagement in class. It refers to the fact that protected cultural heritage sites can become legitimate targets if the enemy misuses them and the mission absolutely demands opening fire. The same goes for hospitals and schools, as you may have learned already.

For example, minarets on mosques are often the highest structures in a given area, and command panoramic views - they are great locations for sniper nests. The photo on the left is of the minaret at the Abu Hanifa Shrine in downtown Baghdad, before 2001. It was used as a sniper nest by Iraqi forces during the final days of combat before Baghdad fell in 2003: firing from that position continued during the evening of 9-10 April. The next day, U.S. forces took out the sniper with rocket fire, damaging the Minaret. The image on the right is from September 2003, and shows repairs after the incident. The decision to fire on the minaret was in this case valid under international law, under the imperative military necessity waiver found in Article 4, paragraph 2 of the 1954 Hague Convention. Furthermore, damage was minimized. The soldiers reacted correctly here.

SLIDE 25: Military necessity

So, to be clear: if you are taking fire from a protected site, you return fire! Follow the Rules of Engagement. Sometimes you must direct military force against cultural property as a military necessity, which is reinforced in military regulations such as CENTCOM regulation 200-2 (remember that cultural property protection falls under environmental considerations in most military regulations). But this is not a loophole or an excuse to outright ignore the protections afforded to cultural property. Let's turn to General Dwight D. Eisenhower for some well-articulated guidance concerning military necessity <next slide>.

SLIDE 26: Military necessity

Just before the invasion of Italy, in December 1943, General Eisenhower issued a general order to protect the country's cultural heritage, which said in part:

"If we have to choose between destroying a famous building and sacrificing our own men, then our men's lives count infinitely more and the buildings must go. But the choice is not always so clear-cut as that. In many cases the monuments can be spared without any detriment to operational needs. Nothing can stand against the argument of military necessity. That is an accepted principle. But the phrase 'military necessity' is sometimes used where it would be more truthful to speak of military convenience or even of personal convenience. I don't want it to cloak slackness or indifference."

So even if it's inconvenient, you must avoid or mitigate damage to cultural property if possible, causing destruction and damage only when lives or the mission are in danger.

SLIDE 27: Laws and regulations

So cultural property protection is *<quote on screen>* "mandated by federal and international law. Violators will be prosecuted in court and in the blaze of media attention." Not only can the destruction of cultural property cause anger, violence, and a loss of legitimacy for U.S. forces both locally and in the international community... but you could also be prosecuted.

Here you see former Yugoslav army general Pavle Strugar enter the courtroom of the Yugoslav war crimes tribunal in The Hague in 2005. General Strugar had additional time added to his prison sentences for war crimes, for his role in shelling the ancient city of Dubrovnik, Croatia, a World Heritage Site, in 1991.

SLIDE 28: Cultural property protection

So the bottom line is: protecting cultural property is consistent with ethical and professional behavior, international law, military regulations, military history and values, and operational goals, both tactical and strategic. It's up to you, as an officer, to do the right thing with respect to cultural property, even if it seems inconvenient.

SLIDES 29-30: Summary and thanks