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Armed conflict

# Scenario configurations for the EU as a cultural heritage protection actor in armed conflicts

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## ARTICLE INFO

### Article history:

Received 27 July 2017  
Accepted 18 May 2018  
Available online xxx

### Keywords:

Protection  
European Union  
Middle East  
Conflict  
Scenarios

## ABSTRACT

This article aims to identify under which circumstances the European Union, in the next ten years, would be able to become an influential actor in the field of cultural heritage protection in the context of armed conflicts and the Middle East in particular. The wider rationale of this research is to engage policy-makers and experts in the field of international cultural relations in debates on scenario configurations, with a first specific focus on the 2018 European Year for cultural heritage. The article first reviews the existing literature on heritage protection in the context of recent armed conflicts in the Middle East (Syria and Iraq in particular), emphasising recent legal, practical and theoretical debates. It then provides with an overview of EU actions in the field of heritage protection, from prevention to crisis management and the fight against terrorism, both within the EU and abroad. The third part consists of building up a scenario framework made of key necessary factors, trends or determinants affecting the evolution of the EU as an actor in the field of cultural heritage protection in the context of armed conflicts. The article finally tentatively identifies three main scenario configurations to be further explored in participatory scenario-building workshops: Bamiyanisation, leadership, crisis-focused approach.

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## 1. Introduction

The spectacular destruction of “global icons” has become a communications and media phenomenon [1]. Some authors, drawing lessons from the repeated destruction of cultural heritage in Afghanistan, Syria and the Sahel speak of a “Bamiyanisation” trend: a process in which international community representatives denounce destructions without taking any decisive policy or legal action regarding individual criminal responsibility [2].

What is at stake in the protection of cultural heritage and property is the ability of human beings to respect themselves, by making sense of their past and their future. It is a universal dignity question addressed by International law (Table 1) that has taken the shape of fundamental rights [3].

Illegal trade in cultural property is allegedly considered as the third largest illegal trade market, after international arms and drug trafficking [4]. Heritage destruction is a security threat undermining peaceful mutual cultural understanding [5]. It jeopardises knowledge enhancement opportunities while digitalisation techniques are transforming cultural heritage protection (Table 1).

This article aims to answer the following question: Can the European Union become a global leader in cultural heritage protection? The article first reviews the existing literature on heritage protection in the context of recent armed conflicts in the Middle East. Section 2 is an overview of EU actions in the field of heritage protection. The third part consists of building up a scenario framework and identifies three main scenario configurations: Bamiyanisation, EU leadership, crisis-focused approach.

## 2. Research aim

This article aims to identify scenario configurations in which the European Union, in the next ten years, would be able to become an influential actor in the field of cultural heritage protection in the context of armed conflicts and the Middle East in particular. The wider rationale of this research is to engage policy-makers and experts in participatory workshops on scenario configurations, with a first specific focus on the 2018 European Year for cultural heritage.

## 3. Material and method

The subject of this article looks like what some authors describe as a “social mess” [6,7]: many variables are intertwined. It is almost impossible to isolate them or to identify clearly quantified indi-

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<https://doi.org/10.1016/j.culher.2018.05.010>

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**Table 1**  
Overview of legal instruments for heritage protection.

Legal reference	Highlights in reviewed literature
1954 The Hague Convention & 1999 protocols	The 1999 second protocol of the 1954 convention: widens the scope of the protocol to non-international armed conflicts (article 22); includes “enhanced protection” for cultural property; provides more details on the definition of “military necessity” and the conditions of this waiver by conflict parties; includes criminal sanctions (articles 15 and 16) against the violations of the protocol (article 6 [3]) Contains provisions on obligations during armed conflict; focuses on the duty of ensuring protection; conservation and transmission
1972 World Heritage Convention	Also applies to non-listed but also tentatively proposed heritage sites
1970 UNESCO Convention	In theory more effective than the 1970 convention but gathered less ratifications
1995 UNIDROIT Convention	Failed to specify the obligations of states to introduce criminal sanctions in case of cultural heritage destruction and damage ([2]: 12)
UNESCO 2003 Declaration	(article 8) The court recognised its jurisdiction over crime against cultural property [9]
ICC Statute – ICC in the case of Mali	The court recognised its jurisdiction over attacks against cultural property [10]
International Criminal Tribunal of the Former Yugoslavia	

cators pointing at them. In such cases, the advantage of scenario exercise is to provide some simplified versions of possible futures, focusing on a limited number of assumedly determining factors.

Section 1 and 2 rely on multi-disciplinary synthesising methods used in social sciences (political science and international law, political sociology, international relations and foreign policy analysis). Section 3 follows scenario-building methodologies used in a 2008 study by Hannah Kosow and Robert Gaßner [6]. This consists of identifying potential scenario trajectories (or hypotheses, configurations) in multi-variable contexts. It is not a full-fledged morphological method supported by computerised system [7]. Our approach, as rough as it can appear at first glance, proved best fitted to combine scenarios already identified in the literature (conflicts in the Middle East, EU heritage protection policies and EU security crisis management policies). As a result, we have three scenarios configurations that can be tested in participatory scenario-building workshops (Fig. 1).

#### 4. Heritage protection in the context of armed conflict in the Middle East

This article adopts a wide definition of the terms “cultural heritage” and “cultural property” and thus uses them interchangeably, acknowledging though that it is evident that the concept of cultural heritage, if compared to that of cultural property, is broader in scope, as it expresses a “form of inheritance to be kept in safekeeping and handed down to future generations” ([8]: 369). Heritage protection is understood as a continuum of various actions taken at different junctures of the conflict cycle, from prevention to crisis management, conflict resolution and post-conflict reconstruction. In terms of cultural heritage activities, it includes mapping and listing, protection and safeguard, trade and loaning regulation (including restitution), reconstruction, rehabilitation, enhancement of cultural heritage.

Prevention starts with archaeological studies curricula on cultural heritage protection as well as with awareness raising and basic education on the value of cultural heritage. Protection can take the shape of emergency interventions. Post-conflict actions include all reconstruction and preservation measures taken in peaceful times.

##### 4.1. Conflicts in the Middle East and implications for cultural heritage

This article focuses mostly on recent trends in Syria and Iraq, with sporadic references to other conflicts in the Middle East and North Africa region<sup>1</sup> [9]. “As the nature of conflicts in the Middle

East has changed; the duty to protect the cultural property in the region has only increased. From the First Gulf War to the present, nations involved in Iraq have recognised a shift from the duty to not target heritage sites to an affirmative duty to protect such sites.” ([10]: 179) This shift is witnessed beyond Iraq. Terrorism, internal conflicts and asymmetric warfare have transformed the nature of threats against cultural property.

In any conflict context, the role of local authorities and armed groups, however formal they are, remains essential in cultural heritage protection [11,12]. It might though be limited, if not ambiguous. Kila [13] reports that in Libya the Department of Antiquities in Tripoli was still active in January 2016 and was asking for international assistance. In the case of Syria, working with official national authorities and/or non-recognised army commanders has raised political and ethical questions for some cultural experts [4,14].

During the second Gulf war, Iraqi authorities prepared an emergency plan for the rehabilitation of cultural institutions. Local and international experts got involved in “cataloguing the damage” and in “issuing recommendations” ([15]: 144). The Iraqi Institute for the Conservation of Antiquities and Heritage (IICAH) in Erbil “has established itself as the leader in Iraq for cultural heritage education and training” since the conflict started ([14]: 156). Despite the 2003 EU regulation 1210 and UN Security Council Resolution 1483 on the protection of Iraq’s cultural property, experts reported in 2014 that illegal trade of cultural objects was still booming [4].

In the context of the Israeli-Palestinian conflict, issues are slightly different. Jerusalem as “one of the most thoroughly excavated cities in the world” [16] is regularly at the centre of diplomatic tensions, revived by the entry of Palestine in UNESCO in 2011. Heritage protection in Jerusalem is a complex multi-layered governance system involving a variety of stakeholders (Israel, Jordan, religious organisations and institutions, international organisations). Israel has ratified the 1954 Hague convention and is party to its first protocol (relevant regarding occupation) but not to the second one [17]. In Palestine, there are very few government resources to regulate the heritage sector and international cooperation, despite some interest expressed for it [16]. Palestine accessed and ratified UN conventions in 2011 and 2012 and is party to the second protocol of the 1954 Hague convention [18].

This brief overview of conflict contexts in the Middle East leads us to identify five main implications for cultural heritage protection.

<https://eeas.europa.eu/diplomatic-network/middle-east-and-north-africa-mena.en>. Its purpose is not to discuss or judge the use of one definition or another, while acknowledging definitions are socially, culturally and historically constructed. Since Middle Eastern conflicts are to a large extent linked to trends in Arab countries, this article also uses the latest EUJISS scenario exercise on the Arab region as a starting off point. See [8].

<sup>1</sup> The definition of Middle East and North Africa followed here is the one used by EU institutions.

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