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EUROPEAN EXTERNAL ACTION SERVICE



*CSDPCR.PRISM - Conflict Prevention, RoL/SSR, Integrated Approach, Stabilisation and Mediation*

**Working document of the European External Action Service**

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*CSDPCR.PRISM - Conflict Prevention, RoL/SSR, Integrated Approach, Stabilisation and Mediation*

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### **I – Introduction**

Over the last decades, the destruction of cultural heritage has become an integral part of a cultural cleansing strategy that seeks to eliminate all forms of diversity, as an attack on cultural sites is a way of attacking a civilisation's values.

Recent conflicts in Afghanistan, Mali, Libya, Yemen, Iraq and Syria have demonstrated that the protection of heritage is inseparable from the management of the overall conflict. Culture has hence become a new front for a number of ongoing conflicts, both as collateral damage and as a direct target for belligerents who use the destruction of culture as a means to foster violence and hatred, and fund their criminal or terrorist activities.

The destruction of the Buddhas of Bamiyan in Afghanistan in 2001, the levelling of ancient mausoleums in Timbuktu, Mali in 2012, the damaging of Palmyra in Syria in 2015, the destruction of Orthodox churches in parts of the Western Balkans and the recent destruction of the Great Mosque of al-Nuri in Mosul, Iraq are potent reminders of this and of the importance of protecting world's cultural heritage.

This destruction of cultural heritage strikes at societies over the longer term, undermining its historical references and national identity and weakening the foundations for peace. Cultural heritage can contribute to healing the scars of war and rebuilding society, as culture is a visible expression of common ground and can be a tool for reconciliation. Cultural heritage also provides for economic livelihoods, and thereby supports sustainable development.

In the wake of World War II and the widespread destruction and looting of cultural property despite of pre-existing protective provisions, States, the United Nations (UN) and in particular, the UN Educational, Scientific and Cultural Organisation (UNESCO) have adopted a series of instruments and policies to address these issues<sup>1</sup>.

Most recently, on 24 March 2017, the Security Council unanimously adopted Resolution 2347 (2017), condemning Destruction and Smuggling of Cultural Heritage by Terrorist Groups. By this resolution, the Security Council deplored the unlawful destruction of cultural heritage, religious sites and artefacts, and the smuggling of cultural property by terrorist groups during armed conflict, affirming that such attacks constitute a war crime and must be brought to justice.

Ultimately, the resolution aims at strengthening international cooperation in protecting cultural heritage and depriving terrorists of funding through illicit trafficking of cultural goods. It further *inter alia* encouraged UN Member states to ratify and include The Hague Convention and its

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<sup>1</sup> The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (supplemented by the adoption of the Second Protocol in March 1999, enhancing the level of protection of cultural property) ; The UNESCO 1970 Convention and UNIDROIT 1995 Convention to fight against illicit trafficking of cultural goods; the UNESCO 1972 World Heritage Convention. The 2015 UNESCO fully-fledged strategy for the reinforcement of UNESCO's action for the protection of culture, including the rebuilding of the mausoleums in Timbuktu (Mali) and the training of military personnel for the United Nations peacekeeping operation (MINUSMA);

Protocols in their related activities to promote, disseminate and implement international humanitarian law<sup>2</sup>.

Hence, safeguarding heritage is not only about protecting historical evidence of civilisations, it is also vital for security and for restoring peace and resolving conflicts.

The first G7 Ministers meeting on culture, held in Florence on the 30 March 2017, marked an important step forward for the international community to promote the protection of cultural heritage.

Against this background, and taking into consideration the current EU framework on the issue of cultural heritage as described hereafter, this issues paper focuses on the actions that could be undertaken within the CSDP framework.

## **II - EU recent initiatives**

Noting the willingness of EU Member states to act in this field, the EU launched a reflection process to assist its Member States and partners to take into account preservation and protection of cultural heritage as an integral part of the EU's and partners' strategies to build peace and security.

At this stage, at EU level, the protection of cultural heritage has been given a central role in the implementation of the Joint Communication "Towards an EU strategy in international cultural relations" of June 2016.

Combating the trafficking of cultural property is an important part of this strategy in the context of the EU's fight against organised crime as emphasised in the *European Agenda on Security*<sup>3</sup>, the *Action Plan for strengthening the fight against terrorist financing* and the Foreign Affairs Council Conclusions of June 2017 on the fight against terrorism. In this respect, the Commission has also recently proposed legislation on the import of cultural goods into the EU (COM (2017) 375 final).

In its conclusions of 23 May 2017, the Education, Youth, Culture and Sports Council endorsed the Joint Communication and established a Friends of the Presidency group, to mainstream cultural issues in different EU policies and Council formations. These reflect the ambition of developing a fully-fledged strategy for culture in external relations of which cultural heritage is a key element.

In addition, the recent adoption of the Decision (EU) 2017/864 of the European Parliament and of the Council of 17 May 2017 on a European Year of Cultural Heritage (2018), offers an opportunity for promoting new actions, in particular in the area of protection and conservation of cultural heritage as part of an integrated approach, including development, tourism and creative industries as new perspectives for the revalorisation of cultural heritage.

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<sup>2</sup> - "The destruction of cultural heritage constitutes a war crime and tactic of war, preserving and protecting heritage is a security imperative. From Palmyra to the Shrine of Mosul, cultural heritage sites are symbols of unity, bearing witness to the dialogue of cultures that had always existed. Violent extremists know this, and that is why they seek to destroy it." Irina Bokova -Director-General of UNESCO

<sup>3</sup> COM (2015) 185 final

Among the actions that the Year will highlight are: new good practice guidelines on sustainable cultural tourism, forthcoming recommendations on heritage-related skills, and a document setting out options for possible future EU funding for preservation and conservation of cultural heritage, developed by experts in this field. These actions, while developed in the EU context, have a clear global value.

This decision underlines the need to highlight the benefits of effective cooperation at international level, both with non-EU countries and with relevant international organisations, for encouraging intercultural dialogue, post-conflict reconciliation, the consolidation of fragile societies, the fight against religious extremism and conflict prevention.

It also encourages synergies between the EU and its Member States, including by strengthening initiatives to prevent illicit trafficking of cultural goods in cooperation with competent international organisations.

Creating an environment for promoting these objectives simultaneously at the EU, national, regional and local levels will contribute to achieving a better use of resources.

In that regard, the expertise of Member States is instrumental to ensure complementarity and synergies between the various actions.

### **III - State of Play**

The challenge has become even more urgent now that culture is increasingly instrumentalised in conflicts. While recognising that the preservation and protection of cultural heritage situated on its territory belongs primarily to that state, in some cases it requires international cooperation to ensure effective protection.

A response at EU level calling for a more comprehensive approach recognising that the protection of cultural heritage has a central and multidimensional role for all societies, for intercultural dialogue among peoples, for social cohesion, and for sustainable development, could contribute to reinforcing and enhancing EU capacities in the context of the CSDP.

The issue of protection of cultural heritage needs to be addressed in a comprehensive manner and with an integrated approach. This response could include mobilising conflict prevention, stabilisation and crisis management and development instruments in the context of countries affected by crisis situations. In this context, CSDP missions and operations could play a particular role.

So far, EULEX Kosovo supported the establishment of the Kosovo Police Cultural Heritage Unit, provided technical assistance to the Unit and contributed to the rehabilitation and restoration of cultural sites. Also, EULEX judges continue to adjudicate on sensitive property claims, including where the property claims of the Orthodox monasteries are contested. At one stage, EULEX had a mandate for the protection of the Orthodox monasteries as 2<sup>nd</sup> responder (transferred to KFOR).

The EU also assisted in rebuilding the **Sarajevo** City Hall, demolished by the war; in the restoration of the **Timbuktu** mausoleums etc., and in the heritage restoration and environmental protection in

the **Lake Ohrid** region in the Balkans. Furthermore, the EU will soon sign an agreement with **UNESCO** for a next stage of the 2014 project in support of the recovery and reconstruction of **Syria's** cultural heritage.

The operational planning documents for the new mission in Iraq include the provision of support to the Iraqi MOI "in establishing priorities in combatting organised crime in all its forms, including illicit trafficking and/or destruction of cultural goods".

In addition to these on-going EU interventions to prevent or mitigate the loss or destruction of cultural heritage in Mali and Syria, further assessments and possible safeguarding measures for cultural assets targeted by conflict or disaster will be envisaged in the near future also in Iraq, Libya, Syria and Yemen with the support of the Instrument contributing to Stability and Peace.

Experts in cultural heritage increasingly participate in joint Post Disaster Needs Assessments and Recovery and Peace-Building Assessments missions of the EU, the UN and the World Bank to help assess damages and risks to cultural heritage.

Furthermore, various other initiatives are being launched by the EU relating to cultural heritage, e.g. to reinforce the fight against illicit trade in cultural goods<sup>4</sup>.

In this regard, the EEAS and Commission services are considering the possibility to organise a High-Level Event on Protection of Cultural Heritage and the fight against the trafficking of cultural goods in the sides of UNGA in September 2017. The proposed High-level event aims to raise awareness on the need to build a global alliance in order to fight illicit trafficking in cultural goods by taking common actions and ensuring the complementarity and synergies between actions taken at international, regional and national levels.

#### **IV – Way Ahead**

As a first step, the EEAS has initiated in cooperation with relevant Commission services a reflection in order to identify, *inter alia*, how the EU could contribute in the most efficient way with its CSDP missions and operations to the preservation and protection of cultural heritage taking into consideration the international humanitarian law<sup>5</sup>, building on the interest and needs in partner countries and on Europe's expertise in cultural heritage.

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<sup>4</sup> An EU-UNESCO pilot project for 2017-18 to design training modules on the trafficking of cultural goods for the relevant professional groups; A project to be implemented in 2018 under the Creative Europe programme, to reinforce due diligence conduct in the European art trade; the proposed inclusion in the 2018-2020 work programme of the Horizon 2020 programme to establish a Social platform on cultural heritage in danger and on illicit trafficking of cultural goods; an anti-money laundering and counter-terrorist programme for building capacity to develop specific expertise and increase international police cooperation in the MENA and South-East Asia Regions funded by the Instrument contributing to Stability and Peace; Several capacity building of law enforcement authorities workshops on combating the illicit trade in cultural provided through TAIEX; etc.

<sup>5</sup> 7660/2/13 REV 2 document "Suggestions for crisis management procedures for CSDP crisis management operations", paragraph n.26: "The CMC will analyse and propose political strategic CSDP option(s). In this process the CMPD analyses the situation and proposes the option(s) and objectives, supported by the CPCC for civilian aspects and the EUMS for military aspects, and other instruments and services as required. CMPD will analyse and exploit available information from the mission area, in particular fresh information from EEAS Services that have recently deployed to the area. CMPD will, in addition, ensure coherency with the EU's other lines of activity throughout the whole planning process. The CMC will include, whilst describing the EU Action(s), the proposed exit strategy, and possible related follow on EU actions. This will be coordinated with the Commission and other

In this context, a number of actions have been identified aiming at addressing these issues in the context of CSDP missions and operations, to strengthen the tools and skills at their disposal, without prejudice to the development of a broader approach at a later stage. The suggested actions are the following:

### **A. At HQ level:**

- Include adequate references in the relevant CSDP mission's mandates, planning documents, EU concepts and third country arrangements, to allow the missions and operations to undertake, within means and capabilities, activities in the field of the protection of cultural heritage (identification, monitoring, mentoring, exchange of good practices and -within the framework of external financing instruments- building capacity of local partners for the protection of cultural heritage).
- Appoint a Cultural Property Protection advisor (CPP Ad) at Operational Head Quarters (OHQ) level in CPCC and MPCC (to address this matter at the level of the Joint Support and Coordination Cell), when a high risk to cultural heritage is feared; he/she would advise the Operation Commander and the director of the MPCC on protection of cultural heritage issues and ensure that relevant cultural protection issues are adequately addressed and staffed in the planning process of both OHQ and Field HQ, in coordination with Operation and Strategic Communication Activities.
- Coordinate with Commission services and EU Delegations to identify joint heritage protection strategies with possible complementarities and sequencing between CSDP and other external financing instruments.
- Increase coordination and cooperation with relevant international organisations and notably the UN and NATO, including in the domain of mediation support, to better respond to the possible needs of relevant local authorities, and ensure consistency and coherence of the EU contribution to the broader global effort, to benefit from the expertise and possible presence of other actors in a given theatre of operations. Overall and regular coordination with the host nation, where appropriate, and other relevant actors, in particular at the earliest stage of preparations of CSDP missions, would be essential.
- Develop a specific training module on awareness of protection of cultural sites to be included in the pre-deployment training programmes of CSDP mission's and operation's personnel, when mission statement so requires. To this end, expertise from Member States would be instrumental as well as the recourse to existing and recognised centres of excellence in these matters.
- Establish synergies between CSDP missions and operations and actions related to the fight against illicit trafficking of cultural goods including by facilitating cooperation with relevant

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*stakeholders as required. All EU CSDP missions/operations will include relevant considerations on human rights, child protection, protection of civilians, gender equality and international humanitarian law".*

JHA agencies (Europol, FRONTEX, EUROJUST, etc) as well as Interpol. These synergies and actions could be foreseen in particularly in CSDP training missions as well as in border management, fight against terrorism or organised crime missions, as relevant.

- Increase coordination and cooperation with geographic directorates for specific mission areas. The management of these issues will also require the inclusion of the cultural dimension in the broader context of bilateral relations with the country concerned.

### **B. At Field level:**

- Deploy experts in relevant CSDP missions and operations.
- Provide specific information on the protection of cultural heritage to CSDP mission's personnel (booklets etc.), based on preparations at HQ-level. This could be built up on the existing best practices at national and international level.
- Foresee in-mission training of CSDP personnel teams on cultural heritage protection on the specificity of their country/area of intervention in coordination and cooperation with relevant national authorities as appropriate. To this end, the appointment of a focal point within the mission could be envisaged.
- In close coordination with the host nation, where appropriate, and local authorities, set-up of a cultural heritage protection analysis grid in CSDP missions and operations for the identification of relevant sites. Information at a wider spectrum could also be provided by EU SATCEN.
- In order to increase coordination and cooperation with EUDEL at field level, appoint ad hoc Cultural Heritage focal points in the Field/Force Headquarters (Cultural Property Protection, CPP Officer). This post would also coordinate these issues with the missions and operations and with Operational Headquarters, and identify possible complementarities and sequencing with actions under external financing instruments.
- Mission staff to report regularly on their involvement in protection of cultural heritage via CivOpsCdr/Director of MPCC, when such protection is part of the mission. To avoid duplication of effort, planning and reporting should be fully coordinated with EUDEL and the CPP Officer at the FHQ level.
- Increase cooperation and coordination at field level with international organisations, notably UNESCO, in mission's areas to ensure proper coordination and assistance in the theatre of operations.
- Possible actions related to the fight against illicit trafficking of cultural goods in cooperation with relevant JHA agencies (Interpol, Europol, FRONTEX, EUROJUST, etc). This could be factored in particularly in training missions as well as in border management or fight against organised crime missions, as relevant.



- Increased coordination and cooperation with geographic directorates for specific mission areas. The management of these issues will also require the inclusion of the cultural dimension in the broader context of bilateral relations with the country concerned.
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### ANNEX:

#### DEFINITIONS:

For the purpose of this issues paper and using as a basis the applicable international legal framework<sup>6</sup>, the following shall be considered as **'heritage'**:

A set of tangible assets that represent a reflection and expression of their identities, beliefs, knowledge and traditions, and living environments, deserving of protection and enhancement by contemporary generations and transmission to future generations.

The term heritage also refers to the definitions of "**cultural heritage**" (tangible), cultural property and cultural objects as included in the UNESCO relevant culture related conventions, and more concretely:

- monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science;

- groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science;

- sites: works of man or the combined works of nature and of man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological points of view.

- **The "preservation of cultural heritage"**: comprises activities related to acquisition, collection management, including risk analysis and the development of preparedness capacities and emergency plans, in addition to security, preventive and remedial conservation, and the restoration of museum objects, ensuring the integrity of the cultural property when used and stored. A key component of the management of cultural heritage is the creation and maintenance of a professional inventory and regular control of property. An inventory is an essential tool for protecting, preventing and fighting illicit trafficking, and helping such heritage to fulfil its role in society. It also facilitates the sound management of collections mobility.

- **The "protection of cultural heritage"**: comprises activities related to the identification, protection, conservation, presentation, rehabilitation and transmission to future generations of the abovementioned cultural and natural heritage belongs primarily to that State.

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<sup>6</sup> The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (updated by the adoption of the Second Protocol in March 1999, the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage (the World Heritage Convention). References to natural and intangible heritage have not been included because considered outside the scope of this paper.