

EU CSDP Missions and the Protection of Cultural Heritage

by Tobias Pietz and Maximilian Schmidtke

Violent conflicts during the 21st century have led to the loss or damage of many cultural assets, including a number that appeared on the UNESCO World Heritage List. Images of these destructions – be it the Buddha statues of Bamiyan in 2001 Afghanistan, the tombs in Timbuktu in 2012 Mali or the ancient oasis city of Palmyra in 2015 Syria – have left deep scars in our collective memory.

The destruction of cultural heritage by the Islamic State in Iraq and Syria (ISIS), which is also known to have financed its operations through the smuggling of artefacts, have brought new momentum to international efforts. In March 2017, the UN Security Council adopted resolution 2347, which builds on previous actions and calls on member states to put more emphasis on the protection of cultural heritage, explicitly mentioning the possibility of mandating peacekeeping operations to carry out such tasks.

In the EU's Common Security and Defence Policy (CSDP) missions, the "Protection of Cultural Heritage" first emerged in 2017, during discussions on the Civilian CSDP Compact. Later, in 2018, it was officially endorsed as one of the new "lines of operation" for these missions,¹ with the EU Advisory Mission in Iraq (EUAM Iraq) representing the first mission to be mandated with this task. While far less controversial than other newly adopted Civilian CSDP roles,² including most notably migration control, counter-terrorism or border management, much uncertainty surrounds what exactly CSDP missions

¹ Council of the European Union, *Council Conclusions on Strengthening Civilian CSDP*, Brussels, 28 May 2018 (9288/18), para. 4, <http://data.consilium.europa.eu/doc/document/ST-9288-2018-INIT/en/pdf>. Civilian CSDP missions can comprise civil and police units as well as gendarmerie forces.

² Tobias Pietz, "The Civilian CSDP Compact: Strengthening or Repurposing EU Civilian Crisis Management?", in *IAI Commentaries*, No. 18|57 (October 2018), <https://www.iai.it/en/node/9588>.

Tobias Pietz is Deputy Head of the Analysis Division at the Center for International Peace Operations (ZIF), Berlin. Maximilian Schmidtke works for the Executive Director of ZIF.

in this field can or should achieve.

The obligation to respect cultural heritage is deeply rooted in customary international law. The 1954 Hague Convention, as well as UNESCO Resolution 38C/48, which adopted a strategy to effectively protect cultural assets during war, are particularly important today. Cultural heritage is defined by UNESCO's World Heritage Convention of 1972 as monuments, groups of buildings or sites of particular universal value.³ Today, cultural heritage is divided into tangible and intangible heritage, the former being sub-divided into moveable, immovable and underwater artefacts.

Integrating the protection of cultural heritage in peace operations is unthinkable without emphasising the pioneering role of Italy. The idea of equipping CSDP missions with a mandate to protect cultural heritage is – to quote High Representative Federica Mogherini – “an Italian idea adopted by the EU”.⁴

Italy has its own gendarmerie-like unit for the protection of its cultural heritage since 1969: the Carabinieri Command for the Protection of Cultural Heritage (*Tutela Patrimonio Culturale* – TPC). This unit consists of civilian, police

and military components and can take on physical protection tasks, training and comprehensive registration/archiving of cultural assets. In addition to its domestic tasks, the unit has been deployed to Kosovo (2002–03), Iraq (2003–06) and Libya.⁵

The Italian engagement in Iraq, in particular, demonstrated the benefits of adopting a holistic approach combining both capacity building with physical protection against looting. This hybrid character makes the Carabinieri TPC the “most effective military policing force in the world for protecting works of art and archaeological property”.⁶

Italy's pioneering role is also reflected in a 2016 agreement with UNESCO, which officially established the Italian National “Task Force in the framework of UNESCO's Global Coalition Unite4Heritage”⁷ – the first of its kind. UNESCO's coalition was established in June 2015 in the wake of ISIS's destruction of Palmyra and was designed to “strengthen the

³ United Nations Educational, Scientific and Cultural Organization (UNESCO), *Convention Concerning the Protection of the World Cultural and Natural Heritage*, 16 November 1972, <https://whc.unesco.org/en/conventiontext>.

⁴ Alessandra Baldini, “Iraq: Mogherini, a New EU Civil Mission Will Include a Specialist in Cultural Heritage”, in *OnuItalia*, 30 October 2017, <https://www.onuitalia.com/iraq-mogherini-new-eu-civil-mission-will-include-specialist-cultural-heritage>.

⁵ Elena Franchi, “Il patrimonio culturale nelle missioni di peacekeeping. Intervista al Generale di Brigata Mariano Mossa, Comandante del Comando Carabinieri per la Tutela del Patrimonio Culturale”, in *Predella*, No. 32 (December 2012), p. 149-154, <http://www.predella.it/index.php/45->.

⁶ Laurie Rush and Luisa Benedettini Millington, *The Carabinieri Command for the Protection of Cultural Property: Saving the World's Heritage*, Woodbridge, Boydell Press, 2015, p. 1.

⁷ Italy and UNESCO, *Memorandum of Understanding on the Italian National “Task Force in the framework of UNESCO's Global Coalition Unite4Heritage” for initiatives in favor of Countries facing emergencies that may affect the protection and safeguarding of culture and the promotion of cultural pluralism*, Rome, 16 February 2016, <http://itra.esteri.it/vwPdf/wfrmRenderPdf.aspx?ID=50858>.

mobilization of governments and all heritage stakeholders in the face of deliberate damage to cultural heritage”.⁸

It has since conducted various initiatives, the “Blue Helmets of Culture” (the more colloquial name of the task force) being the most ambitious. While their mandate is rather wide, including tasks like “fighting against the looting and the illicit trafficking of cultural properties” and “providing technical supervision and training in order to assist national authorities”,⁹ ongoing negotiations still need to clarify the capabilities of the task force. Another agreement between UNESCO and Italy established an “International Training and Research Centre on the Economics of Culture and World Heritage” in Turin¹⁰ to create synergy in the training of experts (both military and civilian).

In September 2017, High Representative Mogherini spoke publicly for the first time about the role that CSDP missions should play in the protection of cultural heritage.¹¹ Until then, activities in this area had mainly been implemented

through the European Commission. Mogherini explained that protection of cultural heritage should be part of the mandates of all EU military and civilian missions – through the addition of Cultural Property Protection (CPP) Advisers within these missions.

An internal working paper authored by the European External Action Service (EEAS) on “Preservation and Protection of Cultural Heritage in CSDP Missions and Operations” was published the same month.¹² The document, however, does not elaborate on the physical protection of cultural assets. Instead, it defines the tasks as reconstruction, strengthening of local actors, prevention of smuggling as well as better coordination of EU instruments and other actors.

What is missing, therefore, is a clear conceptual basis for what civilian CSDP missions should achieve in this domain. A so-called “mini concept” is in progress at the EEAS, but not yet published. It is likely that it will refer to the recent experiences of EUAM Iraq as setting the tone for the future.

Established in October 2017, the main tasks of EUAM Iraq revolve around security sector reform (SSR) and capacity building. The protection of cultural assets was only indirectly mentioned in the official mission mandate: “EUAM Iraq shall ensure that [...] actions to combat organised crime include the fight against illegal migration, trafficking in weapons and drugs, cybercrime and illicit trafficking

⁸ United Nations, “UNESCO Unveils Global Campaign to Counter Deliberate Destruction of Cultural Heritage”, in *UN NEWS*, 29 June 2015, <https://news.un.org/en/node/503022>.

⁹ Italy and UNESCO, *Memorandum of Understanding*, cit.

¹⁰ Italy and UNESCO, *Agreement regarding the establishment of an International Training and Research Centre on the Economics of Culture and World Heritage – ITRECH as a centre under the auspices of UNESCO (category 2)*, Rome, 16 February 2016, <https://whc.unesco.org/document/148967>.

¹¹ European External Action Service (EEAS), *Remarks by the HR/VP on Protecting Cultural Heritage from Terrorism and Mass Atrocities: Links and Common Responsibilities*, New York, 21 September 2017, <https://europa.eu/!tY76WJ>.

¹² EEAS, *Revised Issues Paper - Preservation and Protection of Cultural Heritage in CSDP Missions and Operations* (11930/1/17 REV 1), 7 September 2017.

and destruction of cultural goods. The latter will be closely coordinated with all relevant actors on the ground, in particular with UNESCO and the Global [anti-ISIS] Coalition.”¹³

The new mandate of October 2018 described the mission’s cultural heritage tasks as supporting “a comprehensive strategy [for] countering organised crime with specific reference to border management, financial crime in particular corruption, money laundering and trafficking of cultural heritage goods”.¹⁴ Thus, in operational terms, the protection of cultural heritage is primarily seen in the context of efforts against organised crime and the financing of terrorist groups such as ISIS.

After two years, and notwithstanding the personal commitment by the Head of Mission of EUAM Iraq, it is difficult to measure the concrete impact of the mission. This is a problem that EUAM Iraq shares with many other EU advisory and training missions. Moreover, since the issue was mainly pushed for by Italy and High Representative Mogherini, it remains to be seen how her successor will pursue these initiatives.

¹³ Council of the European Union, *Council Decision (CFSP) 2017/1869 of 16 October 2017 on the European Union Advisory Mission in support of Security Sector Reform in Iraq (EUAM Iraq)*, Art. 3(5), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32017D1869>.

¹⁴ Council of the European Union, *Council Decision (CFSP) 2018/1545 of 15 October 2018 amending Decision (CFSP) 2017/1869 on the European Union Advisory Mission in support of Security Sector Reform in Iraq (EUAM Iraq)*, Art. 3(1d), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32018D1545>.

That said, the importance of rising awareness about the protection of cultural heritage in Baghdad, Brussels and European capitals should not be underestimated. However, a degree of caution is also required.

Expectations regarding the protection of cultural heritage – both in host countries and in Brussels – seem excessively high and somewhat detached from capabilities. Since CSDP missions are now almost exclusively small to medium-sized training and advisory missions and no longer major military operations, their focus will likely have to prioritise prevention and anti-smuggling rather than physical protection.

Bearing that in mind, a CSDP mission – whether civilian or military – will probably not be given a single mandate on the protection of cultural heritage but rather feature this as a sub-issue implemented through smaller projects and activities.

Moreover, the protection of cultural heritage could play a cross-cutting role in CSDP missions working on SSR, organised crime and anti-terrorism. CPP Advisers, who are embedded in all CSDP missions, seem adequate for these approaches. The EEAS’s new Directorate for the Integrated Approach for Security and Peace (ISP) might be the right place to tackle this as a cross-cutting issue for future planning of civilian and military CSDP missions. The EU should however work to align its activities with what UNESCO and UN Peace Operations as well as NATO are implementing to avoid duplications and waste time.

Overall, the protection of cultural heritage will not play a key role in ongoing discussions on the need to strengthen CSDP missions as a component of the EU's external action. Yet, such tasks remain important and the new commission should not abandon the effort, continuing discussion and planning in a pragmatic and cooperative way in order to ensure that expectations tied to the EU's ability to protect and prevent the destruction or smuggling of cultural heritage are met with appropriate capabilities and competences at the operational level.

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Via Angelo Brunetti, 9 - I-00186 Rome, Italy

T +39 06 3224360

F + 39 06 3224363

iai@iai.it

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