

Sir John Chilcot
Chair,
The Iraq Inquiry,
35 Great Smith Street,
London, SW1P 3BQ

17 February 2010

By email only secretariat@iraqinquiry.org.uk

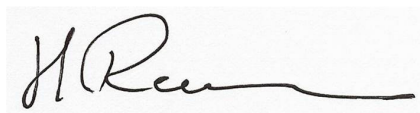
Dear Sir John,

Written submission to the Iraq Inquiry

Thank you for your letter of 20 October 2009 (ref I0013) inviting us to submit written evidence to the Iraq Inquiry regarding the problems faced by British forces with respect to safeguarding the cultural heritage in Iraq. Under cover of this letter we enclose herewith a joint submission signed by 13 heritage and culture organisations. We are available to provide oral evidence to the Inquiry if required.

Correspondence can be sent to UK National Commission for UNESCO, 3 Whitehall Court, London, SW1A 2EL/abreivik@unesco.org.uk.

Yours sincerely,



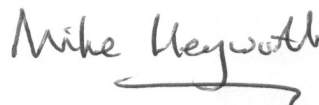
Harry Reeves OBE
Secretary General
UK National Commission for UNESCO



Sir Adam Roberts
President,
British Academy



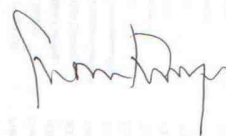
Professor Roger Matthews
Chairman of Council,
British Institute for the Study of Iraq



Dr Mike Heyworth MBE
Director,
Council for British Archaeology



Professor Friedrich Lüth
President,
European Association of Archaeologists



Susan Denyer
Secretary,
International Council on Monuments and
Sites, UK



Peter Hinton
Director,
Institute for Archaeologists



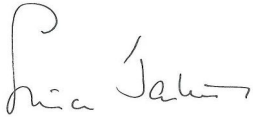
Michael Houlihan
Chairman,
International Council of Museums UK



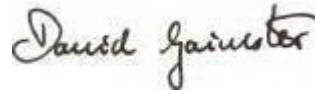
Mark Taylor
Director,
Museums Association



Dame Fiona Reynolds
Director General,
National Trust



Simon Jenkins
Chairman,
National Trust



Dr David Gaimster FSA FMA
General Secretary and CEO,
Society of Antiquaries of London



George Lambrick
Chair,
Nautical Archaeology Society



Sue Cole
Secretary,
UK & Ireland Committee of the Blue Shield

Written Submission to the Iraq Inquiry

The problems faced by British forces with respect to safeguarding the cultural heritage in Iraq

Evidence submitted by the UK National Commission for UNESCO on behalf of:

British Academy
British Institute for the Study of Iraq
Council for British Archaeology
European Association of Archaeologists
Institute for Archaeologists
International Council on Monuments and Sites UK
International Council of Museums UK
Museums Association
National Trust
Nautical Archaeology Society
Society of Antiquaries of London
UK & Ireland Committee of the Blue Shield
UK National Commission for UNESCO

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Date: 17 February 2010

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1.0 Executive summary

- 1.1 The identification and protection of cultural property was not a formal, structured component of the planning for the 2003 invasion of Iraq at either Coalition or national level despite various cultural organisations alerting the UK Government to this deficiency.
- 1.2 This omission allowed extensive looting of the exceptionally important cultural heritage in Iraq as not enough troops were deployed to protect museums, libraries, archives, archaeological sites, and other cultural institutions and places such as art galleries and historic buildings and monuments.
- 1.3 The omission also contributed to the problems faced by UK and Coalition forces as the looting contributed to the general breakdown of normal social order and to the alienation of much of the Iraqi population. By failing to provide for the protection of cultural property, Coalition planners made it considerably more difficult for troops on the ground to 'win hearts and minds'.
- 1.4 The looting of museum collections and of archaeological sites that developed in Iraq immediately following the 2003 invasion not only made the transition to a stable society more difficult but also directly helped fund the insurgency. Evidence for this has been provided by the head of the US investigation into the looting of the National Museum in Baghdad in April 2003.
- 1.5 The failure to protect the cultural property contributed to the widespread international condemnation of the invasion that, it has been suggested, in turn made it more difficult to obtain international consensus for post-conflict political resolution in Iraq.
- 1.6 The UK Ministry of Defence (MoD) has become increasingly aware of the importance of the protection of cultural property as part of the 'Comprehensive Approach' – which may be defined as a combined effort to assist the rebuilding of a state after a war or state collapse, through the use of all appropriate national agencies, instruments and expertise as well as those of international partners.
- 1.7 The *1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict*, along with its two protocols, is the principal international instrument concerning the protection of cultural property in times of armed conflict and military occupation. The UK signed this Convention itself (but not the first Protocol) in December 1954, but has yet to take the key step of ratification, by which it would accept that it is legally bound to observe the provisions of the Convention.
- 1.8 The Government's Draft Cultural Property (Armed Conflicts) Bill scrutinised by the Department for Culture Media and Sport Committee in the summer of 2008 would have enabled the UK Government to ratify the *1954 Hague Convention*. Unfortunately no Parliamentary time has been found for the Draft Bill.
- 1.9 The MoD was supportive of the Government's draft Cultural Property (Armed Conflicts) Bill. To avoid the repetition of past failures it is essential that the UK takes protection of cultural property into serious consideration in all future deployments.
- 1.10 Although some beginnings have been made to improve cultural property planning and awareness building within MoD and internationally, the lack of any statutory requirement has left this a low priority that is under-resourced and too limited in scope, both in terms of the breadth of cultural issues covered by the *Hague Convention* and the range of military and civilian personnel whose activities impinge on cultural heritage protection.

- 1.11 One important step to be taken is for the UK to ratify the *1954 Hague Convention* and its two Protocols of 1954 and 1999. Ratification would require political and military planners to ensure [a] the embedding of cultural property protection and awareness training for military personnel at all levels and [b] the identification and protection of the cultural property in theatres of conflict as a matter of general military practice.
- 1.12 It is accepted that ratification would have a distinct but limited impact on national heritage agencies in the UK, primarily as it would require the production of a list of property in the UK to be protected under the Convention.
- 1.13 The USA ratified the *1954 Hague Convention* in March 2009. The UK is now arguably the most significant military power (and the only one with extensive military involvements abroad) not to have ratified the *1954 Hague Convention*.
- 1.14 We believe that ratification of the *1954 Hague Convention* would have strong cross party support.
- 1.15 Despite enactment of the Dealing in Cultural Objects (Offences) Act in 2003 and the Iraq (Sanctions) Order 2003, it is suspected the UK remains a centre for the trade in illicit antiquities from overseas territories, including Iraq, and is the actual end location for a not inconsiderable number of such illicit goods. The current legislative framework needs to be reviewed and our civilian organisations responsible for dealing with this criminal activity need training, resources, and support.

2.0 Recommendations

- 2.1 Regarding the protection of cultural property, the UK should recognise failings in the planning and execution of the 2003 military operation, and in particular of the subsequent occupation. These failings were coalition-wide, but also affected the area of southern Iraq under UK control from April 2003 onwards.
- 2.2 The UK should ratify as a matter of urgency the *1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict* and its two Protocols of 1954 and 1999. To achieve this, the Draft Cultural Property (Armed Conflicts) Bill should be revived as stand-alone legislation, modified as necessary, and placed before Parliament at the earliest opportunity.
- 2.3 The UK Government should give greater priority to the protection of cultural property during armed conflict and occupation and take immediate practical steps to ensure that these issues are handled more effectively in a future conflict. These steps should include:
- [a] The UK Government should establish and publicise a comprehensive policy supporting the protection of cultural property, ensuring that cultural heritage plays a role in the UK's approach to conflict and post-conflict situations. The lead department should be clearly identified, and be receptive to working with appropriate non-governmental agencies.
 - [b] The MoD should work with cultural heritage experts to ensure that appropriate training programmes and resources are developed for all levels of the armed forces, and that similar support is provided where necessary to the Crown Prosecution Service, HM Revenue & Customs, and the police so that they may deal competently with the protection of cultural property in the event of armed conflict and the almost inevitable concurrent increase in the trade in illicit antiquities. Wherever possible, the planning and delivery of such programmes should include heritage advisors and practitioners/experts from all sections of society (including migrants/settlers from countries with which Britain is in conflict). This should be part of a cross-government approach.
 - [c] There should be provision for public education, outreach and recognition of the UK Government's commitment to international humanitarian and cultural duties under the *1954 Hague Convention* and other cultural property instruments. This could, and should, be provided by an enhanced UK and Ireland Committee for the Blue Shield.
 - [d] Proportionate and reasonable funding should be made available to deliver such training and develop necessary resources.
- 2.4 The regulatory regime established post-2003 to curb the illicit trade in cultural goods from overseas (including the Dealing in Cultural Objects (Offences) Act 2003 (DCO(O) Act) and the Iraq (Sanctions) Order 2003) should be reviewed to ensure that it is working as effectively as possible to prevent the UK from becoming a market place for dealing in such illicit goods.

3.0 UK actions with regard to Iraqi cultural heritage before and during the invasion

- 3.1 At the end of 2002 and in early 2003 archaeological and cultural heritage experts and organisations on both sides of the Atlantic made numerous, essentially fruitless, attempts to alert political and military personnel engaged in planning the anticipated invasion of Iraq of the importance and vulnerability of archaeological sites, monuments, museums, archives and libraries (see Appendix 1).
- 3.2 Because no UK Government department had taken responsibility for cultural heritage matters, most such letters and media reports were met with little or no response. Although there were official statements recognising the obligation to protect cultural property, there appears to be little evidence of detailed planning for this, especially as regards the occupation phase.
- 3.3 On Sunday 2 February 2003, some six weeks before Coalition forces invaded Iraq, Professor (then Dr) Peter Stone of Newcastle University was approached informally by a friend, a serving officer in the Royal Navy working in the UK Ministry of Defence, to help identify archaeological sites in Iraq that required protection if there was to be a conflict. Professor Stone noted that he was the wrong person to ask as he was not an expert in the archaeology of that region but it was made clear by the MoD that, given the timescale and as someone known personally and therefore trusted, the invitation was offered to him and no-one else. If it had not been for this personal contact it seems clear that UK forces would have been deployed in Iraq with little or no consideration for the archaeological cultural heritage of one of the most important areas in the world for understanding the development of human society. (A fuller version of these events has been published as chapter 8 in Stone and Farchakh Bajjaly 2008. A copy of this book has been submitted to the Inquiry under separate cover.)
- 3.4 The request for advice was restricted to archaeological sites. Professor Stone expanded his remit by including reference to archaeological museums. However, the limitation of the request effectively left libraries, archives, and historic monuments with no champion at all and entirely at risk.
- 3.5 In the House of Commons on 19 March 2003, on the eve of major hostilities, the Prime Minister was asked by Tam Dalyell MP: 'What precautions are being taken about Kerbala, Najaf, Ur, Hatra and the other great sites?' The Prime Minister replied: 'I assure him that we are fully committed to the protection of cultural property. That is not merely the Government's position: we are also committed to that under the Geneva conventions. I understand that the Foreign Secretary has talked to him about that, and we will do everything that we can to make sure that sites of cultural or religious significance are properly and fully protected.' (*Hansard*, 19 March 2003, col. 940.) Both the question and the response appeared to relate primarily to the protection of cultural property during war and did not refer specifically to the occupation phase.
- 3.6 On 21 March the Secretary of State for Defence, in a letter to the President of ICOMOS-UK, confirmed that 'notwithstanding the fact that the [*Hague*] *Convention* is yet to be ratified the UK remains fully committed to the protection of cultural property in times of armed conflict in accordance with international law'.
- 3.7 After the armed conflict began and during the initial stages of fighting the measures to protect the archaeological cultural heritage appeared to be working. Much of this was ascribed to the speed of the Coalition's advance, the failure of the Iraqi military to offer any significant defence, and the remoteness of many sites. Then it became clear that the National Museum in Baghdad had been ransacked and looted, as well as the National Library and Archive and all provincial museums. This devastation was followed by the news that many archaeological sites had been clandestinely excavated and looted.

- 3.8 Detailed studies (e.g. E. Stone 2008) indicate that looting of sites in south Iraq was already well underway prior to the 2003 invasion probably due to the impact of UN sanctions and increasing local poverty.
- 3.9 The UK cultural heritage sector had grave concerns about the situation in Iraq and again several bodies wrote to the Prime Minister, MoD, DIFID and DCMS and to the press (see Appendix 1). UNESCO's then Director-General Koïchiro Matsuura wrote to British and American authorities on 11 April 2003 and emphasised the urgent need to preserve collections and a heritage considered to be one of the richest in the world. Mr Matsuura particularly insisted to the Americans on the necessity of assuring military protection for the Archaeological Museum of Baghdad and the Mosul Museum. The same request was formulated to the British authorities concerning in particular the Basra region.
- 3.10 After a meeting at the British Museum in April 2003 Professor Stone was able to go back to the MoD and, he believes as a result of this intervention, three things happened:
- [a] plans were developed to ensure all UK military personnel leaving Iraq were searched for antiquities;
 - [b] that UK troops with border responsibilities were briefed to be vigilant for the smuggling of illicit antiquities; and
 - [c] that all troops and other UK personnel going to Iraq were provided with a short briefing note about the extent and importance of the archaeology of the area. It is unclear if these activities continue.
- 3.11 In late April 2003, directly after news of the looting of the National Museum and the National Library and Archive in Baghdad received international attention, the Department for Culture, Media and Sport (DCMS) established a small team of Departmental officials to respond to concern about these events from the UK cultural heritage sector. DCMS sent two officials to Baghdad who were deployed alongside the Cultural Adviser appointed by the Coalition Provisional Authority. Initial plans were for instance drawn up for protection from looting of key archaeological sites, though these were not able to be implemented. The British Museum and the British Institute for the Study of Iraq also seconded staff to the CPA to carry out work documenting losses in the National Museum. In the summer of 2003 a team from the British Museum inspected the Baghdad and Mosul museums as well as a number of archaeological sites. However the rapid deterioration in the security situation made it increasingly difficult for the individuals in Iraq to operate effectively and in August 2003 DCMS withdrew its personnel from the country; its involvement thereafter was minimal. The British Museum withdrew its own staff member at the same time, though its close involvement in supporting cultural heritage organisations in the country (particularly the National Museum) continued.
- 3.12.1 The extent of looting, and the fact of its continuation throughout the period in question, meant that the work described in the previous paragraph had little impact. Almost seven years after the invasion it is still impossible to establish the presence or absence of most artefacts in the National Museum. No final catalogue of what has been missing has ever been published. For the most current position regarding the known antiquities stolen and still unrecovered see <http://oi.uchicago.edu/OI/IRAQ/dbfiles/Iraqdatabasehome.htm>
- 3.13 Following a May 2003 assessment of the damage to the libraries and archives in Iraq, highlighting the extensive and severe damage to the National Library of Iraq and the National Archive, the British Library concentrated its efforts on providing conservation training for Iraqi staff in the form of placements and/or internships with the British Library and participation in an internationally co-ordinated programme to produce surrogate copies of cultural heritage items of significance held in the British Library's collections.

- 3.14 Professor Stone made representations, in July 2003, in a presentation to civil servants from a number of UK Government departments and military personnel, for DFID to provide funds for the purchase of crops to alleviate rural poverty that was driving looting. He emphasised that there was a real danger of a systematic trade in illicit antiquities developing. That trade developed and heralded destruction on an unprecedented scale. Damage was also caused by the insensitive use of major archaeological sites by Coalition forces - although British forces have not been involved in the latter (fuller references are available on request).
- 3.15 Even more alarming is that evidence has been provided that profits from the sale of illicit antiquities looted from the archaeological sites in Iraq have been used to fund the insurgency (Bogdanos 2008a, 124; 2008b, 57-62; Russell 2003).
- 3.16 The failure of Coalition forces to protect the cultural property in Iraq has had a hugely negative impact on what future generations will be able to understand about the development of human society in what is widely regarded as the cradle of civilisation and more generally the development of many modern day cultures and societies in the region. The full extent of damage and losses is still emerging, but there is no doubt that this is a major loss of physical heritage that is a tangible legacy of shared cultural roots, and that this can never be fully corrected.
- 3.17 Of particular relevance to this Inquiry is the growing evidence that the failure to protect cultural property has resulted in the Iraqi people becoming increasingly agitated by the lack of respect shown to their heritage. It is understood that this has caused significant problems for Coalition forces and the new Iraqi security forces and Government. The breakdown of law and order as a result of the invasion and the lack of support for existing Iraqi government structures facilitated looting of the cultural heritage and this has made it much more difficult to rebuild civilian heritage organisations so that they have a long term sustainable future.
- 3.18 In recent discussions with the American military it is clear that not enough troops were deployed to allow for the protection of cultural property in Iraq. This was also Professor Stone's understanding from conversations with members of the UK MoD in 2003. We cannot expect our armed forces to deliver to the high level expected of them without the necessary means at their disposal.
- 3.19 It is clear that UK forces were deployed without

- [a] adequate training either in the practice of protection of cultural property or in the underlying rationale for the importance of the protection of such property either from a military or cultural perspective; or
- [b] sufficient troops in theatre to effectively protect cultural property in Iraq.

Taking these and other factors into account, aspects of the UK deployment must be regarded as having failed to meet the international standards of care for cultural heritage that were reflected and further developed in the *1954 Hague Convention* and its Protocols.

- 3.20 Recommendation:** Regarding the protection of cultural property, the UK should recognise failings in the planning and execution of the 2003 military operation, and in particular of the subsequent occupation. These failings were coalition-wide, but also affected the area of southern Iraq under UK control from April 2003 onwards.

4.0 **Treaties and legislation regarding the protection of cultural property during armed conflict**

- 4.1 The protection of cultural property in times of war and military occupation has for centuries been a recognised part of the law of armed conflict (See Williams 1978, Toman 1996, Roberts and Guelff 2000). It was recognised in Articles 27 and 56 of both the 1899 and 1907 Hague Regulations. In addition, Article 43 of the 1899/1907 Hague Regulations – by recognising the general duty of an occupant ‘to restore, and ensure, as far as possible, public order and safety’ - has implications regarding such matters as the prevention of looting.
- 4.2 As a direct result of the destruction and plunder of cultural property during the Second World War the international community drafted the *1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict* and its first Protocol of 1954. A Second Protocol was agreed in 1999. To date some 123 countries have ratified the *1954 Hague Convention*.
- 4.3 The *1954 Hague Convention*, along with its two protocols is the principal international instrument concerning the protection of cultural property in times of armed conflict and military occupation. The principle of protecting cultural property in war is very briefly addressed in a number of other international treaties. These include the 1907 Hague Regulations, mentioned above; the 1977 Additional Protocol I to the 1949 Geneva Conventions, Articles 53 and 85(4)(d); and also the 1998 Rome Statute of the International Criminal Court, Articles 8(2)(b)(ix) and 8(2)(e)(iv). The UK is a party to all of these agreements apart from the *1954 Hague Convention* and its protocols.
- 4.4 The UK has still to pass domestic legislation to enable the Government to ratify the *1954 Hague Convention* or either of its protocols. However, the UK has long recognised in principle the importance of the protection of cultural property, indeed this is emphasised in the Ministry of Defence’s official manual on the law of armed conflict, which had been in an advanced state of preparation long before its official publication in 2004. (*The Manual of the Law of Armed Conflict*, 2004, pp. 70–73, 303, 391–2 and 424).
- 4.5 As early as the day of commencement of major hostilities (20 March 2003) the Secretary of State for Defence and his Under Secretary, responding to concerns expressed by ICOMOS UK and the Council for British Archaeology, had acknowledged that despite the UK not ratifying the 1954 Hague Convention, the Government was ‘fully committed to protecting cultural property in times of armed conflict in accordance with international law’. The Government’s willingness to consider ratification was later confirmed by the Secretary of State for Culture Media and Sport in a Commons written answer (Hansard 9 June 2003: Column 610W).
- 4.6 Meanwhile concern about the UK’s place in the international art market dealing in illicit antiquities in 2002-3 was addressed in a Private Member’s Bill being promoted by Richard Allen MP, and in the light of the looting in Iraq, this was adopted by the Government and enacted as the Dealing in Cultural Objects (Offences) Act in October 2003 (and see Gaimster 2004). The legislation had the full support of the British Art Market Federation, the umbrella body for dealers and auction houses.¹
- 4.7 The UK passed the Iraq (UN Sanctions) Order in June 2003, enacting the UN Security Council Resolution 1483, with a maximum penalty of 7 years’ imprisonment for dealing in Iraq cultural property illegally removed after August 1990.

¹ On this legislation, see http://www.culture.gov.uk/what_we_do/cultural_property/3295.aspx; and <http://www.culture.gov.uk/images/publications/Dealincultural.pdf>

- 4.8 While the Dealing in Cultural Objects legislation and the Iraq (UN Sanctions) Order were enacted with commendable speed it was not until January 2008 the UK Government published a Draft Cultural Property (Armed Conflicts) Bill. The Draft Bill would have enabled the UK Government to ratify the *1954 Hague Convention*. The Department for Culture Media and Sport Committee scrutinised the Draft Bill and took written and oral evidence in the summer of 2008 (DCMS 2008). Unfortunately no Parliamentary time was found in either 2008 or 2009 for the Draft Bill (that had been amalgamated in the autumn of 2008 with a Draft Bill dealing with the protection of the historic environment in England and Wales – the Heritage Protection Bill). We suggest these two Draft Bills are decoupled and urge that the Draft Cultural Property (Armed Conflicts) Bill is placed before Parliament at the earliest opportunity. The Draft Cultural Property (Armed Conflicts) Bill will require minor modification given issues raised during Parliamentary scrutiny (on which we would be happy to provide any expert advice required), but is fundamentally non-contentious and enjoys cross-party support.
- 4.9 The UK is now arguably the most significant military power (and the only one with extensive military involvements abroad) not to have ratified the *1954 Hague Convention*. The threat to the preservation of the British military's own good name, identified in the creation of the Monuments and Fine Arts Service to protect cultural property in those areas liberated from Axis occupation in the Second World War, is also real and pressing. Although most of the worst losses in Iraq appear to have been in the US Area of Responsibility, the closeness of the alliance merely strengthens international concern and emphasises again the need for the UK to adopt common international standards.
- 4.10 Despite the Dealing in Cultural Objects legislation and the Iraq (UN Sanctions) Order and significant activity on the part of DCMS (for example the joint, with MLA, sponsorship of new due diligence guidelines for museums and galleries collecting cultural objects, including from overseas,² and the establishment of its website to inform the public, dealers and museums about the cultural property advice issues³) the UK's role in the trade in illicit antiquities remains a matter of concern.
- 4.11 The UK cultural sector used to offer a significant lead in the fight against this illegal trade. However, in 2007 Cambridge University reorganised its internal funding and, as a direct result, its world renowned *Illicit Antiquities Research Centre* closed in September of that year. The Centre had been created in 1996 to monitor and report on the damage caused to cultural heritage by the trade in illicit antiquities. Its loss is a significant blow to the fight against the trade in illicit antiquities.
- 4.12 **Recommendation:** The UK should ratify as a matter of urgency the *1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict* and its two Protocols of 1954 and 1999. To achieve this, the Draft Cultural Property (Armed Conflicts) Bill should be revived as stand-alone legislation, modified as necessary, and placed before Parliament at the earliest opportunity.
- 4.13 **Recommendation:** The Dealing in Cultural Objects (Offences) Act 2003 (DCO(O) Act) and the Iraq (Sanctions) Order 2003 should be reviewed to ensure that the post-2003 regulatory regime is working as effectively as possible to prevent the UK from becoming a market place for dealing in illicit cultural goods from Iraq and elsewhere.
- 4.14 **Recommendation:** The UK Government should give greater priority to the protection of cultural property during armed conflict and occupation and take immediate practical

² http://www.culture.gov.uk/images/publications/Combating_Illicit_Trade05.pdf

³ <http://www.culturalpropertyadvice.gov.uk/>

steps to ensure that these issues are handled more effectively in a future conflict. These steps should include:

- [a] The UK Government should establish and publicise a comprehensive policy supporting the protection of cultural heritage, ensuring that cultural heritage plays a role in the UK's approach to conflict and post-conflict situations. The lead department should be clearly identified, and be receptive to working with appropriate non-governmental agencies.
- [b] The MoD should work with cultural heritage experts to ensure that appropriate training programmes and resources are developed for all levels of the armed forces, and that similar support is provided where necessary to the Crown Prosecution Service, HM Revenue & Customs, and the police so that they may deal competently with the protection of cultural property in the event of armed conflict and the almost inevitable concurrent increase in the trade in illicit antiquities. Wherever possible, the planning and delivery of such programmes should include of heritage advisors and practitioners/experts from all sections of society (including migrants/settlers from countries with which Britain is in conflict). This should be part of a cross-government approach.
- [c] There should be provision for public education, outreach and recognition of the UK Government's commitment to international humanitarian and cultural duties under the *1954 Hague Convention* and other cultural property instruments. This could, and should, be provided by an enhanced UK and Ireland Committee for the Blue Shield.
- [d] Proportionate and reasonable funding should be made available to deliver such training and develop necessary resources.

5.0 References

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Appendix 1

Selected list of letters urging the protection of the cultural heritage in Iraq as sent to newspapers and the UK Government in late 2002 and early 2003

(The full text of all letters is available on request)

“Iraq’s history is our history too” *The Art Newspaper*, November 2002

The All-Party Parliamentary Archaeology Group to:

The Prime Minister, 13 February 2003

The British School of Archaeology in Iraq (The British Institute for the Study of Iraq) to:

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The Independent, 5 March 2003

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The Illicit Antiquities Research Centre, University of Cambridge, to:

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The International Committee of the Blue Shield to:

The Prime Minister, 7 March 2003

The UK & Ireland Committee of the Blue Shield to:

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The Secretary of State for International Development, 20 March 2003

The Prime Minister, 20 March 2003

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The Prime Minister, 13 March 2003

The Secretary of State for Defence, 13 March 2003

The Secretary of State for Culture, Media & Sport, 13 March 2003

The Independent, 29 March 2003

Evidence from UK National Commission for UNESCO and others

The Secretary of State for Defence, 1 April 2003

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Council for British Archaeology to:

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'Blown away', *The Guardian*, 25 March 2003

'Antiquities experts guarding treasures', *The Independent*, 27 March 2003

'Call to protect Iraqi heritage', BBC news online, 2 April 2003

'The end of civilisation', *The Guardian*, 2 April 2003

(A fuller listing is at <http://users.ox.ac.uk/~wolf0126/links.html>)

Appendix 2

Parliamentary Questions addressing protection of cultural property in Iraq, 2003

HC Deb 19 March 2003 vol 401 cc930-40

Mr. Tam Dalyell (Linlithgow)

Were cathedrals such as Durham, Lincoln or Wells to be damaged, what would we feel? What precautions are being taken about Kerbala, Najaf, Ur, Hatra and the other great sites? That will be difficult, given that, as at Samarra last time, Saddam may place military objects near the ancient sites.

The Prime Minister

I am glad that my hon. Friend recognises the propensity towards total irresponsibility of Saddam. I assure him that we are fully committed to the protection of cultural property. That is not merely the Government's position: we are also committed to that under the Geneva conventions. I understand that the Foreign Secretary has talked to him about that, and we will do everything that we can to make sure that sites of cultural or religious significance are properly and fully protected.

HC Deb 03 June 2003 vol 406, 121W

Mr. Dalyell: To ask the Secretary of State for Culture, Media and Sport pursuant to her oral answer of 19 May 2003, what action the Coalition is taking to protect the ziggurat-stepped pyramid at Ur; and if she will make a statement. [115106]

Tessa Jowell [holding answer 22 May 2003]: We are in the process of securing reports about the status of significant cultural and historic sites in Iraq. Coalition troops are in place to protect key sites, including the ziggurat-stepped pyramid at Ur. An official from my Department visited and inspected the ziggurat-stepped pyramid at Ur with an archaeologist on 21 May and found it to be in good order. Contrary to reports in the press, there was no evidence of graffiti.

HC Deb 09 June 2003 vol 406 c610W

Bob Russell

To ask the Secretary of State for Culture, Media and Sport what plans the Government has to ratify the 1954 Hague Convention for the Protection of Cultural Property in the event of armed conflict; and if she will make a statement. [116321]

Tessa Jowell

We remain fully committed to the protection of cultural property in time of armed conflict in accordance with international law and are currently giving active consideration, with other interested departments, to the ratification of the 1954 Hague Convention.

HC Deb 01 September 2003 vol 409, 868W

Mr. Dalyell: To ask the Minister of State, Department for International Development what aid the Department is giving towards the refurbishment of Baghdad Museum and its Sumerian collection. [118591]

Hilary Benn: The Department for International Development is not giving any assistance towards the refurbishment of Baghdad Museum. DFID's assistance to Iraq is concentrated on supporting the reconstruction efforts and humanitarian needs of the Iraqi people. DFID has committed just over £177 million to Iraq in 2003–04.

HC Deb 15 September 2003 vol 410, 525W

Mr. Dalyell: To ask the Secretary of State for Culture, Media and Sport what assistance has been provided by her Department in protecting the antiquities of Mesopotamia. [129564]

Tessa Jowell: Officials from my Department were among the first civilians sent to Iraq after the war. They worked within the Coalition Provisional Authority to re-establish the Iraqi Culture Ministry. They also worked on clarifying numbers of items missing from the Iraq museum and on implementing measures, to help prevent on-going looting from archaeological sites.

We have also implemented UNSCR 1483 in reaction to the prohibition of the import of trade in unlawfully removed Iraq cultural property.

HC Deb 14 October 2003 vol 411, 173-4W

Mr. Dalyell: To ask the Secretary of State for Culture, Media and Sport if she will make a statement on her support for training conservation and heritage professionals in Iraq since 15 September. [130812]

Tessa Jowell: The Government are committed to supporting the Iraqi people in securing the long-term well being of Iraqi collections and antiquities. We believe that the most sustainable way of achieving this is to ensure that the museums have Iraqi conservators, curators and restorers who have the necessary and up-to-date skills to look after the collections. The British Museum, English Heritage and other organisations funded through my Department are consequently providing initially six secondment scholarships to help train Iraqi Board of Antiquities staff in the skills which the board most urgently needs. A number of staff have already been identified who will come to the UK to undertake secondments in the British Museum as soon as possible. In addition, my Department has compiled a database of offers for help and support by a number of UK-based heritage bodies and will match these offers with future needs identified by the Board of Antiquities.

Appendix 3: Timeline of events

1954	Drafting of the <i>Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict</i> and its first Protocol.
1991	End of the first Gulf War; economic sanctions against Iraq stimulate uncontrolled looting of archaeological sites; London becomes world hub of trade in illicit antiquities from Iraq throughout 1990s.
1999	Drafting of the Second Protocol to the <i>1954 Hague Convention</i> .
2002	UK ratifies the <i>1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property</i> .
November 2002	Archaeological and cultural heritage experts begin repeated attempts, by letter and news media, to warn US and UK Governments of likely impact of war on Iraqi cultural heritage; few direct responses.
2 February 2003	MoD asks Dr Peter Stone of Newcastle University to help identify archaeological sites in Iraq that required protection if there was to be a conflict despite his protests that he was not an expert in the region; specialists such as those in the British School of Archaeology in Iraq overlooked.
February 2003	Dr Stone lists key archaeological sites to be avoided and protected; stresses vulnerability of museums during and after conflict; reminds MoD of obligations under Geneva Convention. MoD incorporates information on maps, field orders, and no-strike list.
19–20 March 2003	Invasion of Iraq commences.
20 March 2003	Dr Lewis Moonie, Under Secretary of State for Defence, responding to concerns expressed by ICOMOS UK and the Council for British Archaeology, confirms that the Government is 'fully committed to protecting cultural property in times of armed conflict in accordance with international law'.
9 April 2003	Advance to central Baghdad; National Museum, National Library and Archives, and other major cultural heritage sites looted including all 13 provincial museums.
April 2003	Intensive looting of archaeological sites, especially in the southern provinces; continues through the summer. Amnesty notices in Basra-region newspaper apparently provokes return of some looted material to Basra Museum.
mid-April 2003	Dr John Curtis of the British Museum travels to Baghdad to assess damage and looting at Iraq Museum and to help curators plan salvage operation.
29 April 2003	Meeting of concerned cultural heritage organisations and experts at the British Museum; DCMS takes responsibility for British government policy on Iraqi cultural heritage; Dr Stone continues advisory work for MoD.
May 2003	DCMS sent an official to Baghdad (later joined by a colleague and by secondees from the British Museum and the British Institute for the Study

of Iraq) to work with CPA's Cultural Adviser to draw up plans for protecting key archaeological sites.

- 9 June 2003 Secretary of State for Culture Media and Sport confirms UK Government's willingness to consider ratification of the *1954 Hague Convention* (*Hansard* 9 Jun 2003: Column 610W).
- 11 June 2003 The International Council of Museums (ICOM) publishes Emergency Red List of Iraqi Antiquities at Risk (http://icom.museum/redlist/irak/pdf/irag_eng.pdf).
- June 2003 UK Government passes Iraq (UN Sanctions), enacting the UN Security Council Resolution 1483, with a maximum penalty of 7 years' imprisonment for dealing in cultural property illegally removed from Iraq after August 1990.
- July 2003 Experts from British Museum help Iraqi colleagues inspect the Baghdad and Mosul museums as well as a number of archaeological sites. Dr Stone tries and fails to persuade DFID to purchase Iraqi crops, to alleviate rural poverty that is driving looting.
- August 2003 DCMS, BM, and BSAI staff withdraw due to deteriorating security situation; looting of archaeological sites continues unabated.
- October 2003 Dealing in Cultural Objects (Offences) Act enacted.
- 2004 Publication of the MoD's *Manual of the Law of Armed Conflict*, 2004, with sections on the protection of cultural property (pp. 70–73, 303, 391–2 and 424).
- May 2004 Announcement by Minister for Heritage, Andrew McIntosh, of the Government's intention to ratify the *1954 Hague Convention*.
- November 2004 British School of Archaeology in Iraq begins successful and ongoing Visiting Scholar programme to bring Iraqi cultural heritage professionals to the UK for short training programmes in collaboration with many museums, universities and cultural heritage organisations (<http://www.britac.ac.uk/institutes/iraq/news.htm>).
- December 2004 Dr John Curtis of the British Museum carries out condition assessment at Babylon for UNESCO, showing that substantial damage had been caused to the site by Coalition forces (van Ess and Curtis 2009).
- 2006 British Museum agrees eight-point protocol with the Iraqi State Board of Antiquities and Heritage outlining the range of assistance the British Museum would attempt to provide; however, given the security situation little of this has been able to be put into practice.
- November 2006 Announcement that the British Academy is phasing out, over a two-year period, funding for the British School of Archaeology in Iraq, which becomes self-financing, and changes name (and remit) to the British Institute for the Study of Iraq.
- 2006–2007 British Library posts the journal of the Director of the Iraq National Library and Archive, Dr Saad Eskander, updated as he wrote it, on the Library's website (<http://www.bl.uk/iraqdiary.html>).

September 2007	University of Cambridge closes its world renowned <i>Illicit Antiquities Research Centre</i> .
2008 onwards	British Museum, Iraqi State Board of Antiquities, and British Army survey damage to archaeological sites in the south of the country (Curtis <i>et al</i> 2008) and begin ongoing plans to reopen a museum in Basra.
January 2008	UK Government publishes a Draft Cultural Property (Armed Conflicts) Bill, which would have enabled the ratification the <i>1954 Hague Convention</i> .
Autumn 2008	Draft Bill amalgamated with a more contentious Draft Bill dealing with the protection of the historic environment in England and Wales; no parliamentary time found for it.
December 2008	Creation of the Association of National Committees of the Blue Shield (ANCBS) to coordinate and strengthen international efforts to protect cultural property at risk of destruction in armed conflicts or natural disasters (http://ancbs.org/).
2009	Creation of International Military Cultural Resources Working Group (IMCuR WG), comprises cultural heritage staff attached to military organisation, to share best practice, raise awareness and publicise military commitment to the protection of cultural property (see Appendix 5).
13 March 2009	The USA ratifies the <i>1954 Hague Convention</i> .
Summer 2009	Meetings between representatives of the UK National Commission for UNESCO and the MoD establish that effective training and other measures for the protection of cultural property will not be given a high (or any) priority by MoD until it becomes a legal requirement to do so.
November 2009	UNESCO finalises and approves Guidelines for the Implementation of the 1999 Second Protocol to the <i>1954 Hague Convention</i> , with immediate effect.
February 2010	UK has still not ratified the <i>1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict</i> .

Appendix 4

Protection of cultural heritage in Southern Iraq

By Dr John Curtis, British Museum

Between 2003 and 2009, Britain was in charge of the Multinational Division South-East (MNDSE) which had its headquarters at Basra and was responsible for four provinces in South-East Iraq: Al Muthanna, Maysan, Basra, and Dhi Qar. Much of the worst damage to cultural heritage has occurred in other parts of Iraq (e.g. looting of Iraq Museum, Iraq National Library, Mosul Museum and desecration of Babylon), but nevertheless there have been significant incidents of damage in South-East Iraq. The worst problem has been the large scale looting of archaeological sites, particularly in the north part of Dhi Qar province. Amongst the worst affected sites are Umma, Umm al-Aqarib, Larsa and Tell el-Oueili, but there are many more. No measures were taken to curb this looting, and although the problem now seems to have abated, this is not thanks to any preventative measures taken by British forces. It needs to be recorded, however, that following an initiative taken by Major-General Barney White-Spunner, a British-Iraqi archaeological team visited eight different archaeological sites in June 2008 to check on their condition (for a report, see *Iraq LXX* (2008), pp.215 – 237).

At the important site of Ur there has been little malicious damage, but the location of the site next to the large American airbase of Tallil has meant that until recently large numbers of coalition troops wandered around the site in an uncontrolled way, sometimes causing unintentional damage. A more serious problem at Ur, however, as at other sites, is the total lack of upkeep and maintenance in recent years, that has resulted in deterioration of many of the standing mud brick monuments.

As for the museums in the MNDSE sector, the objects had been taken to Baghdad for safe keeping well before the outbreak of war, to prevent the type of looting that had affected provincial museums in the 1st Gulf War. However, after the invasion little was done to protect the buildings. Basra Museum was occupied by squatters and Nasiriyah Museum was set on fire. Amara Museum was also damaged. The Natural History Museum of the University of Basrah remains an empty shell. On the positive side, Nasiriyah Museum has now been refurbished with Italian advice and funds, and there is a British plan (developed jointly by the British Army IIIrd Division and the British Museum) to establish a new museum for Basra in a former palace of Saddam Hussein. Detailed plans have been drawn up for this project, and full agreement has been reached with the Iraqi side, but it remains unfunded by HMG.

With regard to standing monuments, the worst problem is undoubtedly in Basra, where there are a large number of buildings of historical interest. Many of these were badly damaged during the Iraq-Iran War and the 1st Gulf War. Although further damage was limited in the 2nd Gulf War, the condition of the buildings has now further deteriorated through a long period of neglect and lack of repair and maintenance.

Appendix 5

Assessment of damage to libraries and archives in Iraq, May 2003 and the British Library's work in Iraq since 2003

By Oliver Urquhart Irvine, British Library

Following the invasion of Iraq in 2003, the British Library played a leading role in coordinating an overall assessment of Iraq's libraries and archives. The Library's then-Head of Asia, Pacific and African Collections, Graham Shaw, prepared an [Assessment of damage to libraries and archives in Iraq](#) for the International Federation of Library Associations. See IFLA's discussion of [the BL's work in Iraq](#).

Graham Shaw's assessment in May 2003 found that the National Library of Iraq, the National Archives of Iraq and Al-Awqaf Library were severely affected by looting, destruction and arson. At the National Library of Iraq about 500 000 printed books and serials, including 5000 rare books were looted and burnt. At the National Archive the entire Republican Archive was destroyed by arson. The Library of Bayt al-Hikma, a centre for research in the social sciences, law, economics and strategic studies, situated in the same area as the National Library, also suffered extensive damage. At the Central Library of the University of Mosul about 900 000 printed books, serials, etc. were looted and burnt

In light of the May 2003 assessment, the British Library offered to contribute to the reconstruction of Iraqi libraries and archives via two principal means: conservation training in the form of placements and/or internships within the Conservation Department of the Library; and participation in an internationally co-ordinated programme to produce surrogate copies of cultural heritage items of significance held in the British Library's collections.

The British Library has helped with the reconstruction of the collections of the Iraq National Library and archives (INLA) through the provision of microfilm surrogates of items in the British Library's collections, including the India Office records on Iraq (1914-21) and rare books.

With funding from the Department for Culture, Media, and Sport, the Library has undertaken two significant digitisation projects: of maps of Iraq in the British Library's collections; and a selection of material from India Office Records amounting to some 20,000 pages. This material was handed over to Dr Saad Eskander, the director of the Iraq National Library and Archive (INLA), in a ceremony at the British Embassy in Baghdad in early September 2005. The Library also hosted on its website a [diary blog](#) by Dr Eskander, from November 2006 – July 2007.

Ongoing co-operation between the British Library and INLA (and, through them, other Iraqi academic institutions and libraries) to build up the capacity of those institutions – including a programme of internships and research placements which are being developed to provide professional training principally in conservation and digitisation.

The British Library is continuing to pursue its programme of digitising India Office records on Iraq as a contribution to the reconstruction of the collections of INLA, thereby restoring the Iraqi record of our shared British/Iraqi history, making it more readily accessible for Iraqi researchers and students, and also for the general public through exhibitions etc.

Summary of sources cited

Graham Shaw's [Assessment of damage to libraries and archives in Iraq, May 2003](#)

IFLA's discussion of [the BL's work in Iraq](#)

Dr Saad Eskander's [BL-hosted blog](#) (2006-2007)

Other useful sources

Jeff Spurr, [Iraqi Libraries and Archives in Peril: Survival in a time of Invasion, Chaos, and Civil Conflict, A Report.](#)

Appendix 6

International Military Cultural Resources Working Group (IMCuR WG)

IMCuR WG comprises cultural heritage staff attached to military organisations in order to:

- Provide a forum for international co-operation and networking for those working within the military context
- Identify areas of common interest
- Share best practice and lessons learnt
- Raise awareness and publicise military commitment to the protection of cultural property

Membership will be by invitation and will be restricted normally to cultural heritage experts working within the military context. However, recognising that the effectiveness of this group will be its ability to work in a liaison capacity the group may invite advisors, for example from NGOs and universities, and observers to participate as appropriate.

IMCuR WG is not intended to replace any existing organisations working in this field. Rather, it would be in a position to be proactive in developing partnerships and networks between the military and existing non-military organisations and groups.

IMCuR WG will work within the context of the *1954 Hague Convention* addressing archaeological sites, historic buildings, museums, libraries, galleries, and archives. However, in the first instance its focus will be on immovable cultural heritage: archaeological sites and landscapes; historic buildings; and sacred sites.

Short-term goals (by December 2010) are to:

1. Develop a website that will explain the role of IMCuR WG and provide a vehicle for hosting training materials and other information as it is developed
2. Develop and test on-site training modules and programmes for senior leadership in the Middle East
3. Develop a GIS database of immovable cultural heritage
4. Produce two publications: the first a 'bench-marking' of existing provision of training; the second discussing the ethics of cultural heritage experts working with the military

Medium-term goals (within five years) are to:

1. Develop and test appropriate training modules and programmes for different levels of the military regarding cultural property protection
2. Establish a network of 'reach-back' expertise to support deployed forces
3. Develop capacity to provide expert assessment of sites to be developed by deployed forces in-theatre
4. Collect and share data for the GIS database of immovable cultural heritage for the purpose of supporting military environmental planning
5. Support efforts to establish an international military and civilian rapid reaction teams for the protection of cultural property during and immediately following armed conflict
6. Produce targeted publications for military and other audiences