

## Humanity's Cultural Legacy at Risk

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**Dr. Howard Hensel:** As mentioned, the topic I'll be talking about is Humanity's Cultural Legacy at Risk: Protecting Mankind's Cultural Heritage.

Now what I want to do is, I want to organize my remarks into a series of points here. First, I want to make a few introductory remarks here about the importance of this, and try to put this into a little bit of perspective. I also want to lay out some definitions for you too. Then I want to move on and talk about the types of threats to cultural properties, because I think they can be clustered broadly into two categories. The first threat is from urban industrial expansion, population pressures, environment, tourism, even looting; these sorts of things, if I can call them peacetime threats. Then, of course, you do have the threats from interstate military conflict, civil war, insurgencies, terrorism, and so forth. So I want to take each one sequentially. And then finally I want to just say a couple of things with respect to conclusions.

I wrote recently that one of the greatest challenges that confront the global community is the protection and preservation of the physical expressions of mankind's cultural heritage. And I genuinely believe that if these are left unchecked you will have a variety of pressures coming from a variety of sources that could lead to significant destruction or damage to that heritage.

I think it's important that we put this into perspective, though. We're confronted with threats all the time, in peacetime and in wartime and, of course, every time we pick up the newspaper. Just listening to CNN today, you've got Lehman Brothers melting down. You've got the DOW dropping 350 points. Obviously, these are important things for us on a daily basis. Then you have hurricanes rushing in from the Gulf, obviously impacting the people on the Gulf tremendously. You have Russia invading Georgia. You have the situation in Darfur. All of these things are happening, literally seizing the headlines on a daily basis.

When something happens to the cultural heritage sites, you usually find it on page three or four or five of the newspaper. It doesn't grab our attention quite as quickly or quite as compellingly perhaps as the situation in Darfur or the Georgian situation or the hurricane or whatever, but they're really very important; really very, very important, and this is one of these

things that if we continue to neglect it it'll creep up on us and then it's gone. Then it will disappear. Then we'll lose it, and when we lose it we lose it forever because some of this stuff is really irretrievable. Again, it's not the kind of thing that grabs the headlines everyday all the time, uppermost in our mind, my-goodness-we-have-to-do-something-about-it-today-or-the-world-will-end, but it is a creeping problem. Of course, in wartime it can take on a dramatic character in itself.

Let me just offer up, at the risk of sounding pedantic, some definitions of the cultural heritage, and you'll see several different definitions used in several different vehicles ranging – well that one there – the UNESCO Convention concerning the protection of the world cultural and natural heritage. The 1954 Hague Convention has a slightly different definition of this stuff. The 1999 Protocol to the 1954 Hague Convention is another one. And again, you just go down the list.

But let me just seize on this one, just to give you a little bit of a flavor of this, because the 1972 World Heritage Convention defines cultural heritage as consisting of monuments, groups of buildings, or entire sites. In other words, one building, a cluster of buildings in one location, or perhaps even a whole community – a whole location, and we'll see an example of that a little bit later on.

Beyond that, the Convention also delineates some rather specific criteria by which a monument or a group of buildings or a site must conform in order to be listed as part of the world heritage. A location has to meet one of the following, and here is a series of things. Listed specifically in the UNESCO document, the treaty to which we are a party to, represent a unique artistic achievement, a masterpiece of creative genius, great influence over a span of time within a cultural area of the world, on the development of architecture, monumental arts, town planning, landscaping, such like things. An example of a type of structure that illustrates a significant stage in history, an outstanding example of a traditional settlement representative of a culture, or be directly and tangibly associated with some event of universal significance.

So again, you can see you're talking about world-class sites, not just local sites. In addition, of course, it has to meet a test of authenticity in terms of the design, the material, the workmanship, the setting, and so forth.

The reason I want to highlight this is because just because a building is old doesn't necessarily mean it's worthy of preservation. A lot of buildings have outlived their usefulness. A lot of buildings probably should be torn down. Otherwise, we'll never have any real progress as such.

But, and this is the big but, many buildings and sites are certainly worthy of preservation because some of them possess significance for the whole of mankind, some of them are of national significance, some of them are of local significance. And again, you can think about buildings here in the United States or you can think of it at the world level, at the global level. I'm sure we can think of the pyramids, the Taj Mahal, Independence Hall in the United States, or some of local significance, which don't rise to the level of a Taj Mahal or the pyramids yet nonetheless are of local significance and should be preserved on that basis.

There are some differences in perspective in the way cultural property is viewed, and I'd like to just isolate a couple of different perspectives here that you may want to keep in mind. Now, as I mentioned on my slide there, in the broadest sense most everybody who is involved in these discussions would agree that cultural property represents the product of the human mind, human society; it represents us. It tells us something about ourselves. It enriches our lives. In the words of one author, it helps define ourselves and give us cultural identity. And again, when you think about that for a moment, think about some of the sites that we have been talking about here and I've alluded to. They do help define us. They do help give us our cultural identity. They do really enrich our lives in a fundamental sense.

Although within this consensus there is division, and I'd like to point to two camps that I think you might want to think about. One would be the cultural internationalist cosmopolitan perspective. This is the one which views cultural properties as the components of a common human culture. Irrespective of their place of origin, irrespective of where they are now, they are part of a common heritage of mankind. As a result, they are the responsibility of the whole of mankind, irrespective again of location, property rights, national jurisdiction or whatever. For the cosmopolitan internationalist perspective, the Taj Mahal in India is just as important to us as it is to the Indians. The pyramids are just as important to us and all men all over the world as they would be to the Egyptians.

Alternatively is the cultural nationalist perspective whereby cultural properties are viewed as part of a national cultural heritage. In other words, the Taj Mahal would be Indian or at least South Asian. The pyramids would be Egyptian. The Temple of Philae or Abu Simbal in Egypt would be Egyptian as such.

These divisions do frame discussion, and you can see this in a number of different treaties. You can also see it in a number

of different controversies, which have popped up over the many years.

For example, if you take the 1954 Hague Convention for the protection of cultural property in the event of armed conflict. That adopts a cosmopolitan internationalist perspective. That says that cultural property is the responsibility of us all, to protect it all. It's not just one nation versus another, or one group of people versus another, it's the responsibility of all of us.

Alternatively, and perhaps not surprisingly, the 1970 UNESCO Convention on the means for preventing the illicit import/export or transfer of ownership of cultural property – you know, the movement of art objects and so forth – that obviously a cultural nationalist perspective. The painting that originated in Germany is German, even though it was taken off by the Russians or whatever, it is still German.

Finally, adopting a balance as it were, is the 1972 Hague Convention concerning the world cultural heritage that I just alluded to and gave you the definitions on. That tries to strike a balance, a compromise, between these two different perspectives.

But think about it for a moment. How do you view these things? Is it the responsibility of all people to take care of these sites, these properties? Or is it the responsibility of the nation on which they reside, on which they're located?

Let me just give you one example here, which may help illustrate this. Let's say that we're in the jungle of South America and we come onto a celebrated colonial church dating back to the Spanish times. In that church are a number of wooden objects, a cross, a number of things, which are located inside that church. But it's hot, it's humid, there's no money to help maintain these things or hermetically seal these.

Which is better? And ask yourself which way you would go on this. Is it better for these objects to remain in their natural site, in other words remain in the jungle of South America while set within the context where they were initially intended to be, even though the elements will probably get them in the end. That wood is going to rot unless it's protected. Or alternatively, would it be better to pick that up and move it to a museum? Move it to the Met in New York. Move it to the Smithsonian. Move it to the Louvre in Paris or whatever, where it can be properly sealed, properly taken care of.

But it is out of context. It's taken from where it was and moved off and now it's in a display case in the Louvre along with a lot of other objects, but it's certainly out of context.

Now the internationalist perspective would argue, well, it's better to protect it. It probably is better to protect it and put a reproduction there in the jungle, which is replaceable. Take the original, if it's all that valuable, and place it in the museum.

Alternatively, the nationalist perspective would be much less inclined to do that. Certainly, they wouldn't be inclined to move it to the Louvre in France or the Met in New York. They would want to move it to wherever the national capital is and put it in the national museum there, at most. Think about that. We'll come back to that a little bit later on.

Threats. The threat from urban industrial expansion, population pressures, environmental tourism, all of that, what can we say about that? Well, there are a couple of different agents of destruction that I think you can point to. I have simply listed these. I'm sure we could think of a great many more if we just talked about this for awhile, but here's just a few.

I call it controlled destruction, although I guess I should really call it semi-controlled, this destruction, because here we're talking about urban economic planners who for reasons of safety or economic development or whatever are inclined often to encroach upon or even destroy, demolish, some of these sites. In the name of economic development. In the name of public safety. In the name of making life better for the population in question.

In addition, of course, you have local developers too who are very often doing it for their own profit or, again, altruistically also, to make life better for the people. Better housing, clear the way, and all of that, versus uncontrolled destruction. Now uncontrolled destruction would of course be the population looking for shelter. You take some of these sites, particularly city walls. As you go around a lot of places, particularly in the third world, you'll find these walled cities in a terrible state of ruin. Just imagine all that cut stone and imagine a population which is hungry, desperate for shelter, and there's all that attractive stone there that they can use for something else. Very tempting.

Pollution and other environmental factors. You know, air pollution particularly has a terribly corrosive effect on a lot of the stone, marble, and so forth. We've seen that in the Parthenon and places such as that. Furthermore, other environmental factors like the level of salt that one would see, particularly in Egypt you see this, where the monuments are decaying as a result of changes in the level of salt and the sun. Of course, the water level is seeping up.

Unregulated tourism. All these individual tourists, or even tour groups, for example, helping themselves to that brick. Stick it in the camera case. Take it home as a souvenir. Use it at a doorstep or a bookend or whatever. Or worse, cutting the statue out of its alcove or whatever.

And, of course, natural decay. As I mentioned, like that wooden religious object in that church that I talked about a moment ago. That's just going to be natural decay. A natural rot that we will see.

Two types of agents of destruction. But irrespective of whether it's controlled or uncontrolled, it's going to have an impact. And again I would come back to the point I made during the introduction, and that is once it's gone, it's gone. Once it's gone, it's not coming back. Once it's destroyed, you can't get it back. You can make a copy of it, but it's gone. Gone forever.

When you look at the history of the preservationist movement, very often it's a blend. A blend of local enthusiasm along with national backing or regional backing and, indeed, sometimes international backing that goes with all of this.

A good example is the preservation and restoration of the city of Carcassonne in Southern France. Any of you people ever been to Carcassonne in Southern France? Oh, you've got to go there. Really. Put that on your list when you go to Southern France. The wine is very good, too, but you'll enjoy Carcassonne. It's a late Roman, early medieval city. A city. I mean, it's the whole city. And of course you have thousands of visitors who annually visit Carcassonne. It has a double-ringed wall all the way around it. Again, very typical of Visigoth architecture and early medieval architecture. Two walls going all the way around with a space in between, lists in between. Fifty-two towers. Medieval street plan. And a Romanesque Gothic cathedral. Actually, it's been used as a movie set a number of different times, both for American movies, European movies and so forth.

However, it was by no means inevitable that that was going to be preserved. When you stop and think about it and look back 185 years ago, Carcassonne's fate was by no means secure. You have a city. Status of Carcassonne, turn your clock back 185-200 years ago. Of course, a city which had been a fortress of major military value back in medieval times, well now of course it was worthless as a fortress. They had long since passed all of that. Now it was a cluster of roofless towers and breached walls and those lists again that I mentioned. Houses, sheds, vegetable

gardens all over the place. From all accounts, it was in pretty bad shape.

As I mentioned, stones from the fortifications were already being used by citizens of Carcassonne who wanted to use that stone for other building materials. They were already eyeing that. Some were already using it, and, of course, some people said that the old walls were unsafe, they're going to collapse if we're not careful, they're going to hurt people, people are going to get injured. You've got, to use the one words of one fellow, dirty dark damp hovels erected adjacent to the walls. I mean this is unsanitary conditions. It's pretty bad.

If you're a developer you would say, and a city planner, I mean I'm not suggesting that these guys are doing something bad. Because a lot of people would say, look, this is intolerable; we can't have this, I mean this is unsafe, it's unhealthy, it's dangerous; we need to pull down the old city walls, establish decent housing for the people and get things going the way they ought to be. And you can see where they're coming from to an extent.

However, as I say, fortunately for posterity, other people disagreed in Carcassonne and, as you'll see, throughout France. And they decided that the old city was in fact worth saving, because it was such a unique example of the medieval architecture, a medieval fortress.

So, the preservation efforts; what were they due to. Well, largely due to local. It starts local; you have to have the local population committed to all of this. In this case, the Commission of Arts and Sciences at Carcassonne, which first looked at the cathedral and then began looking at the walls.

Then, of course, you have a coalition, which developed between local and regional political figures. Again, we were talking about politics earlier; getting in everybody in politically. Well, again, that happened in Carcassonne to provide the popular base for preservation and restoration. Of course, in 1853 the central government weighed in on this. This is the year of Napoleon the third, when they were looking backward and thinking about restoration and the past glory of France and all of that. Consequently, efforts sponsored by the central government, but with regional and local backing, really began in earnest in 1855. As a result, again, as you can see, unlike many medieval cities all over Europe which would be comparable to Carcassonne 200 years ago, this one didn't go by the ways; this one was not demolished. Rather, this one was saved and preserved for future generations. Indeed, it does enrich mankind.

Four-fifths of Carcassonne is original. Four-fifths of the city is original. Only one-fifth reflects the 19<sup>th</sup> Century restoration, and the restoration was done with considerable care based on the authorities of the time in terms of medieval military architecture.

A question which arose in conjunction with the restoration of Carcassonne which keeps cropping up all the time, every time you confront something like this, is should you just stabilize the walls and the roofless towers and all of that, but, again, don't restore them to the way they were in medieval times, just stabilize the ruin so it doesn't collapse, doesn't totally fall apart? Or, alternatively, should you try to restore the thing to its medieval appearance? And there's two ways to go on this, and there's an argument for both ways. What they did in Carcassonne, was they opted to restore it to its medieval appearance because the French felt that's the only way they could really bring history alive. As I say, they did a really fine job.

Some people have looked back on it, even at the time for that matter, and said, well you know when you restore these things you never quite get it right and it takes on an artificial appearance and all of that. That's the cost, obviously; the cost of restoring a site and, in this case, the entire fortress. We now sort of point to it somewhat derisively, not to Carcassonne, but to this restoring it to its medieval appearance, and say well, it sort of takes on a Disneyland-style character.

Fortunately, Carcassonne does not. But unless they do it rather carefully, very carefully, with people who know what they're doing, it can take on a kind of a Disneyland flavor if you're not careful.

Anyhow, suffice it to say that no matter how you feel about this restoration issue, I think that when I've gone to Carcassonne I could not help but be impressed; impressed with the guys who restored it, the guys who maintain it, the guides who help you understand what's going on. Because, again, they very enthusiastically relate the history of Carcassonne and the history of military architecture and so forth. Consequently, as you plan your summer vacation in Southern France, I would say you need to put this one on your list; this is worth going to.

Okay, what can we learn from the lessons of Carcassonne? One is site identification. Because as you look around the third world, there are countless sites, hundreds and hundreds of sites. Many of you will obviously, literally be flying or deployed or whatever all over the world and you're going to see all sorts of sites all over the place. Many of these sites are analogous to the way Carcassonne was 185 or 200 years ago.

Just a couple of sites that I would mention: One is Jaisalmer in India. Nobody's ever heard of Jaisalmer, undoubtedly. It's in the far desert. As a matter of fact, you fly into a place in Rajasthan called Jodhpur and then you take about a, well, when I did it, it took about a six-hour ride across the desert. Bad roads. Literally, there are camels going along here; it's a camel trail.

At any rate, actually you go past the nuclear test site while you're at it. At any rate, fortunately there were some camels grazing there so I could take a few pictures of it, of the camels of course. At any rate, having said that though, when you get on to Jaisalmer it just looms up out of the horizon and it is a medieval Asian city with all the sights, sounds, smells, and everything else associated with a medieval Asian city.

They've developed it more as a tourist site over the last 20 or so years, with a desert festival that they hold there. But that's one way that if they're not careful, they're going to lose that one. And it would be a shame if they do, because it's one of the few around which really takes on that sort of a medieval Asian flavor, character, sights, sounds, smells, everything. Well, like Carcassonne.

Another one is Tughlaqabad. It's in Delhi, the capital. For those of you who are not familiar, and probably most of you aren't, with the history of Delhi. There were at least seven Islamic cities in Delhi prior to the British arriving and establishing New Delhi, which was the imperial capital of India under the British. The third of those Islamic cities in the perimeter around Delhi is Tughlaqabad. It was constructed 1321-1325. A huge site.

I've had the good fortune of going there and visiting this over about a 25-year period. I first went there, oh gosh, it was back in the early 1980s. Every time I go, I stand up there on the citadel and I just look out over the entire site. Gradually, over the 20-some years, you've seen more and more encroachment into the ruins. Such that when I first got there, really that was all there was, was the walls and the ruins themselves. And you stood at the citadel and you really got a feel for what the place was like undeveloped.

Last time I went there, there was a whole town inside the thing now, which had just grown up, just grown up totally unregulated. If they keep going, Tughlaqabad will be lost. How serious is that? I think it's serious. I think we'll lose something.

So, like I say, there are hundreds of sites that one could point to in the underdeveloped world which are on the brink of

destruction unless something happens. So lesson one is identification.

Lesson two is the issue of expertise. You go around the world and you marvel at some of the archaeological agencies which are responsible for this, and I mentioned the Indians. The Indians really do a pretty good job in protecting the sites which they do designate. And they're doing it on a shoestring, too. I mean, the resources that they have are really, really scarce. But they are very dedicated, poorly paid, but experts in their own right and they've done a great job in doing what they can.

And there are lots of other government agencies, both in the developed and in the underdeveloped world, which are doing a good job. Unfortunately, there are many others, many other third-world countries which just don't have the expertise to be able to protect these sites. That's a problem. Like I say, Carcassonne had the expertise; many of these other areas don't.

The third one I've already alluded to, so I don't need to dedicate a lot of time to it but what's the time period that you're going to focus on? Are you just going to stabilize the ruin or are you going to try to restore it to a particular time frame? If so, what time frame?

This gets into some political problems very often. I mentioned Hagia Sofia in Istanbul. Anybody ever been to Istanbul? Well, Hagia Sofia was the Church of Holy Wisdom, which was constructed back in Byzantine times; this is around 300. As a matter of fact, it was a remarkable building for a thousand years thereafter. There was not a building like it on the planet. And that's not hyperbole; that really is the case. The dome inside the thing is enormous. I have never seen a photograph which adequately captures the interior of Hagia Sofia. And it was only a thousand years after the thing was built that a comparable building was constructed with a similar-type dome.

As a matter of fact, just as a footnote, it was believed at the time when they constructed this that there had to be divine guidance in order to construct a building like this because humans just couldn't do this.

At any rate, having said that, then of course with the Islamic seizure of Constantinople, they turned Hagia Sofia into a mosque. And then, of course more recently, with the fall of the Ottoman Empire during the 20<sup>th</sup> Century, they secularized the building and it is neither a mosque nor a church. It's just a building, which is a museum, but there are no displays in it. The building itself is the thing you come and see.

The question then becomes if you were to restore it, infuse money into it, which it does need money. When I was last there it looked like a good infusion of money would certainly be a good thing for it to help stabilize the building. The fact that it has lasted 1,500 years doesn't mean it's going to last forever. It does need maintenance. If you're going to restore it, which period do you restore it to? Byzantium, the Islamic mosque, or what? Of course, this takes on a political tone, too. So this time frame for restoration is not as easy as it sounds.

Four, resources. You have to have the resources. Simple as that. Don't know how to say it any clearer. There's always a shortage of funds. Of course, as I say, even in Europe and the U.S., you look at many sites and they're short on funds, too. They're scratching to find the resources to be able to do what they need to do in order to maintain the building.

Just look here in Washington. The building which was the Arts and Industries building of the Smithsonian; that's the one right next to the Castle. That building is in bad shape. That needs an infusion of resources in order to just protect the building itself. The roof, it needs a new roof, and this is in the US. Imagine what it's like elsewhere. Of course, obviously in developing countries, it's a tremendous problem because they are under genuine pressure to prioritize resources. Self-evidently they've got some real problems; the economy, social problems, and so forth. When you compare preservationist demands versus the starving people, how do you come down on that one? It's very difficult, self-evident.

However, there are some possible sources of revenue, which I think should be creatively used and fenced for preservation activities. For example, via the tourist industry. You go to many sites, especially in the third world, and they don't charge anything to get in, or a nominal amount. What would be converted into U.S. dollars, like a penny; literally, a penny to get in.

And they do so because they want their own people to be able to see the site. Otherwise, hike up the admission charge and only the rich tourists will be able to see it. So they want their own people to enjoy the site.

But some third-world countries, India for example, has a dual admission price at many of these sites whereby the foreigners do pay more. If you're an Indian national, you pay considerably less. If you hold a foreign passport, you do pay more.

Just imagine yourself, you go all the way to India, you go all the way to Agra to see the Taj Mahal. Are you going to stand there and say, oh, I'm not going to pay ten bucks? I mean,

really, come on, I want to get in for two bucks, just like the Indians. Of course you're going to pay the additional amount; particularly if you know it's going to be fenced, fenced for something important.

Beyond that, I think an antiquities surcharge on visas ought to be used. I think you could also bring it in as a hotel tax, too. Again, the secret on this though is to fence it so that this would be exclusively dedicated to restoration and preservation projects. And here you have to work against local corruption and everything else.

In a larger sense, if these sites are to be preserved, I think the wealthier nations are going to have to kick in to a fair extent. I know these are tough times in the U.S., and there is a recession in Germany and elsewhere, but if this is important, as I would argue it is, there is going to have to be some money kicked in.

Of course with respect to this, UNESCO has established the World Heritage sites. They've created a fund to help facilitate the protection of these sites and indeed the development of these sites.

But there are lots of other private groups, international groups, which are ready, willing, and eager to do what they can. Examples of this: Saving Abu Simbal in Egypt, the Temple of Philae.

Again, some of us older guys remember when they built the Aswan Dam. Of course, when they built the Aswan Dam, they obviously had the big lake which was created behind the dam. Well, this flooded out a number of Egyptian antiquities. International efforts, coordinated by UNESCO and others, did manage to save the Temple of Philae and Abu Simbal by literally taking the thing apart and then rebuilding it on higher ground. And they did a very, very good job on that.

There is going to have to be more stuff like that, particularly with environmental change. As I say, the need today is greater than it has ever been, particularly with the challenges that we confront not only with the swelling population but environmental changes and everything else.

Lesson five, and this is an important one too because we sure can't do without this. You have to have the host governments take responsibility on this. The money has to be used wisely, to guarantee the protection of these sites, by the host government itself. And, of course, in determining which projects ought to be funded, and obviously there are going to be choices here, insofar as possible you need to try to depoliticize

that. By saying, that bullet up there, just because the site represents foreign or indigenous oppression or a religion other than that which is officially endorsed by the authorities is no excuse for allowing it to decay or be destroyed.

A good example of that were the Bamiyan Buddha statues in Afghanistan. You guys probably remember that, when they blew those up. What an atrocity. Particularly when the Japanese offered to buy them. They offered to just take them and take responsibility for them, and they still blew them up. Now that is a crime against humanity, in my opinion. Particularly if one adopts that cosmopolitan internationalist point of view on this stuff that we've been talking about.

But once the sites have been stabilized and restored, they need to be maintained by dedicated professionals that know what they're doing. And it also needs to be accessible to the public, too, to again keep that public commitment and that public identity with it both internationally, regionally, and locally.

The people administering the sites have to be numerous and they also have to be pretty well paid, too. Because this happens too often where you have the tourist who pulls out the hundred-whatever note and says, how about the brick or how about the flash photograph which is ultimately going to fade the paint, or whatever. The guide has to be able to say no, not just say yeah, sure, stick it in his pocket, go ahead, nobody's looking, take it. You have to have people of integrity or sufficiently well paid.

Now to the other point. The threats from interstate military conflict, war, insurgencies, and stuff, because regrettably all the stuff I've been talking about so far is not the only threat to these types of sites. You have interstate conflicts, civil wars, insurgencies, terrorism, which are all factors in all of this.

Again, a good example of this, which again some of you may be familiar with, is the upheavals located within the former Yugoslavia. There was a whole bunch of examples that one could point to. Mostar was a good example of that, where the bridge was destroyed. Again, world-class, World Heritage site indeed, destroyed.

But the one I'd like to just touch on quickly is the totally unjustifiable bombardment of Dubrovnik in November and December of '91 and again in May and June of '92. Dubrovnik is on the Adriatic coastline. It traces its history all the way back to the 7<sup>th</sup> Century; however, between 1400 and 1800 it really sort of came into its own as a big trading operation. It rivaled Venice in domination of the Adriatic.

It also was an intellectual center for the development of Balkan culture, too, bringing all of the Balkans together with the maritime Adriatic flavor and the Mediterranean flavor. It was really a crossroads for all that was happening. Very cosmopolitan indeed.

Dubrovnik's uniqueness rests in the fact that it does retain its medieval character. I just cited a few examples there. The walls are over a mile around. Five bastions, two corner towers, twelve square towers, citadel. Some of the buildings date back again to the 13<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup> Century, and even earlier for that matter.

Now, its status. Dubrovnik was protected nominally under international law. Not only was Yugoslavia a party to the 1954 Hague Convention for the protection of these sorts of sites during times of war; it was also a signatory to the 1977 Protocols, to the 1949 Geneva Convention, and it was a signatory to the World Heritage Convention. As a matter of fact, Dubrovnik was cited as a World Heritage site; it was on the list of protected sites. But that wasn't enough to protect it.

In 1991 and 1992, it was bombarded; a place, again, of no military value whatsoever. You can't invoke military necessity on this one. There's no military value whatsoever. Again, you can see the damage; many of the towers, a number of the sites, the clock tower, significant damage. Fortunately, it was not so extensive that the whole place was destroyed. Fortunately, it has been repaired. But the fact that it occurred at all; the fact that bombardment occurred at all, I think is an atrocity.

Elsewhere, there are lot of examples that one could point to; Angkor in Cambodia. I don't know if any of you have ever been there or not? Okay, we've got a couple of people. Again, significantly damaged during the course of internal hostilities within Cambodia as well as by the regime, too.

Again, just take one example after another. Unfortunately, we're very rich in examples that we could use.

Cultural objects have always been and are likely to continue to be vulnerable during combat operations, especially during bombardment and assault. Of course, in addition you also have individual looters and you have state-sponsored looting that occurs. The Nazis, for example, were tremendous state-sponsored looters on an industrial scale. So again, this has always been and, as long as we have war, it probably is going to be the case.

While we're recognizing these wartime dangers, throughout history there have been many individuals who have stepped forward

and talked about this and said that we have to protect the cultural sites. We have to fence them. We have to isolate them and do what we can in order to have moderation and restraint in the conduct of these hostilities. Of course, these customary norms involving these things have often had an impact on the security of the cultural sites during the course of hostilities.

Finally, particularly over the last century and a half, beginning with the Lieber Code, which, for those of you who have studied the Civil War, you'll remember Francis Lieber. In 1863, he, under the auspices of Henry Halleck, the Chief of Staff, wrote the first code for the Army in conjunction with what the rules of war ought to be.

Part of the Lieber Code, a small part but nonetheless an important part, was the protection of cultural sites and libraries and educational facilities and so forth during the course of hostilities. These were to be protected. Again, this is April of 1863 when the United States issued the Lieber Code to govern the activities of the Union Army during the course of the Civil War. And it was the first example really on a national scale where anybody did this. Of course, since then all military establishments have adopted that as internal codes and beyond that there has been a body of Conventional law which has emerged. I mentioned some of them, the '54 Hague Convention, the 1999 Protocols to the Hague Convention, the 1977 Protocol to the, Protocol I and II for that matter, to the Geneva Convention and so forth. All designed to get some protection for cultural properties, among many other things in the case of the 1977 Protocol.

So in other words, when you talk about cultural property in war time this is really a rollercoaster ride. Because on the one hand you have real efforts by real people, sincere people that tried to do what they could to fence this stuff. And then, of course, you have the sad story of just terrible atrocities that occurred in the destruction of significant cultural sites; oftentimes, of no military value whatsoever. Sometimes, collateral damage to be sure, but sometimes of no military value whatsoever. World War II is a sad example of this on a massive unprecedented scale.

So overall, notwithstanding inconsistencies within definitions between the various conventions, and again, there are inconsistencies, everybody is pretty clear in the international community that it is illegitimate to intentionally damage or destroy cultural property during periods of armed conflict. Illegitimate to intentionally do this.

Now even in situations where military necessity is invoked, and indeed the military necessity clause is invoked from time to time, and where the enemy is using cultural property for military purpose, consistent with the customary law of armed conflict belligerents are expected to refrain from launching an attack on the cultural properties if this could possibly be avoided or a similar definite military advantage could be attained by attacking another object.

Now again, if the cultural property, the church, the whatever structure that we're talking about is being used by the enemy for military purposes, again, invoking military necessity, it becomes a military target, a legitimate military target. However, a big however, a however you need to keep in mind: If this could possibly be avoided or you can get a similar definite military advantage by attacking something else, don't attack the cultural site, do something else. Moreover, you're required under customary international law to select methods and means of attack that are least likely to damage the property in question. In addition, the attacker is expected to refrain or suspend the attack if the expected damage to the property is considered excessive to the concrete and direct military advantage anticipated.

Again, this gets into the proportionality issue. Even if there is collateral damage, you weigh the collateral damage that you are going to expect to visit upon this cultural site against the concrete and direct military advantage anticipated. And if you are going to do more damage than the gains you are going to make, then don't do it. It's illegitimate.

I'll give you an example of this from World War I. The bombardment of Reims Cathedral in France. World War I. France. Trench lines all across France. Reims Cathedral. One of the great Gothic cathedrals of the world was located in fairly close proximity to the trench line. Well, the French couldn't resist the temptation to use the bell towers of Reims Cathedral as observation posts because you could see way beyond the trench lines. I mean, it was great for observation. The problem is that the cathedral is a cultural site. The French are using it for military purposes, so it does become, in a sense, a legitimate military target.

But here's where proportionality comes in. The Germans should have thought to themselves: The concrete and direct military advantage that we're going to get if we bombard the cathedral is that going to be greater than the damage to the cathedral? The answer is clearly no. I mean, how much can they see up there? Particularly when you take into account that one of the world's greatest cathedrals is going to be seriously damaged if not destroyed by a bombardment.

Well sad to say, the Germans didn't use the test of proportionality and went ahead and bombarded the cathedral and caused significant damage to it. I should add parenthetically, just as a footnote, it gave the Allied propagandists tremendous opportunity to use this for propaganda advantage because now they could point to the Hun and say look at these guys, they're bombarding a cultural object. All they would have to do is leave out the part of the story about how they're using the bell towers for observation posts and you've got a great atrocity story. And it really is an atrocity story. It just gets better if you say they did it on their own for totally unjustifiable reasons.

But the point is proportionality. You have to take into account the proportionality test as well as the other tests.

Now conversely, what about the defender? It's not just the attacker who has responsibilities under customary international law. The defender is expected to refrain from using cultural objects for military purposes or locating military targets in proximity to these things. Again, this is where the French were wrong. This is where the French were culpable in all of this. Insofar as possible, the defender is expected to take appropriate precautions, to safeguard these things if they're under its control.

And finally, occupation. The occupying power is responsible under customary international law to ensure the safety of cultural properties, to prevent any vandalism or misappropriation or whatever.

Now, you get into that gray area where you have combat going on, the enemy regime is collapsing or has collapsed but you haven't established full control over the area. There's obviously a gray period in between.

The incident with the Iraqi National Museum is a good example of that. We can talk about that after our talk if you want to.

But at any rate, notwithstanding all these steps, I think there are still things that need to be done. We've come a long way since the Civil War obviously in conventional law protecting these sites.

What needs to be done, though? Well, one thing is they need to get these definitions straightened out. Since everybody is using a slightly inconsistent definition, that sure doesn't help.

Second of all, even within the existing treaties the World Heritage site list is one list of protected sites. Under Hague

'54 and the 1999 Protocol, there is another list of protected sites of enhanced protection or special protection. These lists, insofar as possible, need to be synchronized.

Now, not everything on the World Heritage site will qualify for enhanced protection under Hague 1999. But a lot of it will. And we need to get these lists synchronized.

Moreover, there are emblems indicating what is protected property. Anybody ever seen one of these? Remarkable, because normally when I ask that question, nobody has ever seen one. And very rarely do you even see a marker saying it's a World Heritage site. These need to be much more prominent so that everybody is aware of what they're doing, and it also raises the consciousness of everybody on this, too.

But in the final analysis, we have military planners, like you guys; have to ask yourselves what is the balance here between the protection of cultural property, irreplaceable cultural property and the lives of human beings, timely and successful attainment of military objectives. What is the balance there?

And here let me say two quotes, which are polar opposites. I'll get you to read them here real quick, and then you can tell me what you think.

This is by a Professor Fehrenbach, who wrote a book on the Korean War, a very well-respected authority on the Korean War. An excerpt from pages 223-224, and you can read it there.

[Pause].

Lives, in his eyes are much more important than anything else. He speaks of if he had to take the Louvre, the Louvre Museum in Paris with all the treasures inside, if he had to burn the place to the ground to protect one American life, he would not -- he would do it. That's one polar view.

Here's another one. This is by Harold Nicolson, a British diplomat of considerable note. It is kind of a longer quote, so you all kind of wave at me when it's time to turn the page here because it continues on the next slide.

[Pause].

Ready to turn the page? Fortunately, in most cases it doesn't come to this stark sort of a choice. In most cases, there are work-arounds. In most cases, you can avoid making a stark decision like this.

But in the end, we do return to back to one of the points I

made early on, and that's those individual perspectives on cultural objects. These are always in danger, but the inherent risks can be reduced depending upon how we view them.

The attribution of national identity to cultural objects certainly does not preclude mutual respect for these objects during hostilities, but it does require the belligerent to project outside of his own national cultural bounds and appreciate what the enemy does, appreciate the value and the immunity. In other words, if you're looking at this from a national perspective you have to be able to project out of your national perspective to the enemy's national perspective and appreciate his culture and the immunity and value of his cultural properties.

Empathy like this is tough under any circumstances. It really is. And of course the belligerent may find it easier to justify actions that risk damage and destruction to cultural objects if you identify them with the enemy, not yourself. If you identify them with the other guy, they're not yours, they're his.

And obviously, even this degree of restraint is unlikely when you get into situations where you have the multiplier effects of ideology and religion and ethnic hostilities and chauvinistic rivalries and so forth. In that sort of situation, it is very difficult to project out of your own national identity into the other guy's.

I can cite lots of examples of this. Nazi Germany in World War II, obviously, victims of their own ideologies and hostilities and chauvinistic rivalries. Totally unable to project outside and appreciate the Russians or appreciate the Poles or appreciate anybody else for that matter.

Alternatively, if components of the culture are viewed as part of mankind's common heritage, if we're all responsible for this, then the destruction of any cultural objects, including the ones under enemy control, are not simply ones associated with the enemy. They imply a personal loss. That's a different attitude than the national one. And of course, in that case, all cultural objects, including the ones under enemy control, are your responsibility, and if they're lost they're a loss to you not just the enemy. They're a loss to you.

So it depends on how you look at these, the national versus that cosmopolitan internationalist perspective. So, like I say in the bullet up here, efforts need to be redoubled on all of this but I think we need a broad-based international educational effort just to create a higher level of sensitivity to this issue. It is an important issue.

So, what conclusions? Well, very quickly, linking all this together is the admonition to help ensure all the preservation and protection of these objects. I think the most important single thing we can do, from Howard Hensel's perspective, what I would advise, would be to increasingly look at things more from a global perspective, from an international cosmopolitan perspective where there is a responsibility to protect for all of us. Not just protect our stuff, protect mankind's common heritage for ourselves, for our community, for everybody's community.

Earlier generations have created these things. Now, we can continue to create but we also need to protect. That's our responsibility too, to protect these things which earlier generations have entrusted to our care.

I'll end on this note. I'm reminded of the physician's oath. You know, the physician's oath is first do no harm. Well, let's move on from that. First, do no harm to these things and then let's try to work together to see if we can do some good.

Okay, I'll stop at that point. Wow, brought it right in on the mark. How about that? But I'll be glad to hang around and take questions from any of you. Thank you very much.

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