

Response to “Relations between Archaeologists and the Military in the Case of Iraq”

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Dear Dr John Curtis,

I read your Forum Paper with great interest and I thank the Institute of Archaeology for giving me the opportunity to write this response. The issue of whether archaeologists should work with the military or not, indeed needs much debate. My main point is that we are in great need of guidelines. Such guidelines would make things clear for all parties involved: the archaeologists, the military and quasi-governmental and international heritage non-governmental organisations (NGOs).

Allow me to make a few remarks at the start:

- The present discussion involves only those who work *with* the military and not *for* them. In the latter case, the ethical considerations are partly different and perhaps even more subtle.
- Dr Curtis distinguishes two phases in an armed conflict: Pre-Conflict and Post-Conflict. His decision to cooperate with the military depends on the phase of the conflict. I would like to add another phase to that model: Peri-Conflict, defined as during the period of fighting or conflict. Today, conflicts have become increasingly interrelated. Modern wars have no limits; attacks on civilians, relief workers and other abuses of international humanitarian law have become a deliberate strategy. Many conflicts are ‘frozen’ and the status of many countries is often described as ‘a stable situation of instability’ (quoted in Volberg Ruhr 2006). Under these altering circumstances, the phases of conflict are easily shifting from peri-conflict to post-conflict and back again. This situation makes it much more difficult for archaeologists to decide what position to adopt, as they have no way of predicting the extent of the violence and thus the necessity of working directly with the military.
- The first and most crucial question in this discussion is whether a mission is sanctioned by international law. It should be crystal clear that archaeologists can only cooperate with the military if a peace mission is approved by the UN Security Council, the European Union, NATO, the African Union or any other generally accepted international body.
- Humanitarian principles, i.e. the moral responsibility to address human suffering wherever it is found, can be translated to our profession. For archaeologists, it

should read that we have the moral obligation to assist in the protection of cultural heritage of any origin all over the globe. This principle should be accepted by all who partake in this discussion.

Having said this, let me address some of the arguments Dr Curtis puts forward:

- In the case of Iraq, I agree with Dr Curtis' refusal to supply a list of sites to the military. However, I am in agreement for a different reason. When the 'Coalition of the Willing', including the UK, invaded Iraq on 20 March 2003, they did so without approval from the international community. Two months later, on 22 May 2003, UN Security Council Resolution 1483 was passed, recognising the USA and the UK as occupying forces¹. Thus, before 22 May 2003, Operation Iraqi Freedom was illegal according to international law. Ergo, I could not and will never support such a mission.

I can understand the reasons Dr Curtis lists for his rejection of pre-conflict cooperation, but for me his points are open to discussion – providing the mission is sanctioned. As to his assertion that Iraq should be considered one huge archaeological site, and that making a selection of sites would give the military *carte blanche* over the rest, I would argue that heritage professionals always have to establish priorities. For example, when organising a disaster preparedness plan (required from every modern heritage institution), the curators have to make a priority list. This way there is a good chance that the best of the collection, according to the institution's own criteria, will be saved in the event of an emergency.

For reasons of planning operations, the military can ask that information provided to them is not disclosed to anyone else. After all, you don't tell your opponent what object you will spare because of the risk of the enemy using that information to their advantage. Yet it is often possible to cut a deal with the military (as is not uncommon with journalists), for example to keep the information to yourself for a limited time.

- For reasons criticised above, Dr Curtis was unwilling to contribute to Lawrence Rothfield's book *Antiquities under Siege: Cultural Heritage Protection after the Iraq War* (2008). I dismiss Dr Curtis' argument that "an invasion could hardly ever be justified" and remind him that we can only work with the military when a mission is sanctioned. I repeat that such was not the case during the invasion in Iraq, or with respect to the suggested invasion of Iran. In both cases, I find it justified to speak of an invasion instead of a peace mission.

However, there are many international missions sanctioned by international law and therefore justified. Nobody in their right mind likes to wage war. Yet, in my opinion, there are exceptional circumstances in which the international community should acknowledge their moral obligation and defend the weak. The fact that the world stood by and did not act, at least not until much too late, while the Tutsis and Hutus slaughtered each other in Rwanda in 1994 (with the end result of at least one million dead), was a horror scenario, leading directly to a crisis within

the International Red Cross and Red Crescent Movement. The same goes for the protection of cultural heritage in times of war: do we stand by and watch, or do we act?

Dr Curtis continues his argument in favour of withholding his contribution to Rothfield's book by explaining that he would never work together with the military in the pre-conflict phase. I strongly disagree with him on this point. In general, I consider training and educating military personnel in cultural property protection during peacetime to be a duty for most archaeologists². How can we criticise the military for damaging heritage in times of disaster and, at the same time, withhold from them adequate information on what should be protected? I don't think that is fair. This attitude could be based on a preconceived image: the soldier as a tough, brainless person who can only follow orders. In most armies, officers need at least a college degree and, before deployment, all soldiers receive intense training in civil skills – including Cultural Awareness Training. Moreover, most Western armies accept the notion of the '3D policy', which means that a conflict cannot be solved by military means only (Defence), but that Diplomacy and Development are valued equally in resolving modern conflicts.

- Dr Curtis gives a splendid example of peri-conflict cooperation when he was approached by the future UK commander of Basra in 2007. The Iraq mission was well underway, and sanctioned by the UN. This cooperation between the military and archaeologists is a clear case of how two parties can have common goals. I am, however, curious as to why the General contacted the British Museum before his deployment. If archaeologists would put more effort into the training of army personnel in Cultural Property Protection before deployment, such contacts might become a normal course of events.
- My last point of criticism relates to the use of private security companies. Directly or indirectly, Dr Curtis' travels to Iraq were made possible because his party was protected by security firms. After reading Scahill's book on Blackwater, I now know what damage a private mercenary army can cause³. In some instances it is worse to cooperate with these security firms than with a regular army. The tendency in the world of developmental aid to make increasing use of these companies in conflict situations greatly worries me, the more so when these NGOs are very critical of regular armies, which operate under an international mandate. I am sure that not all security companies are the same, but nonetheless we should be aware of the fact that mercenaries might be in charge of our protection.

In preparation for the 6th World Archaeological Congress (WAC) in Dublin in 2008, I searched for professionals who might be experiencing similar problems in their relationships with the military. It soon became clear that emergency workers of humanitarian organisations are facing the same ethical and moral problems in their relationship with the military as we do. However, these workers still cooperate with the military, but only under strict conditions! Emergency workers apply several UN guidelines from which I would like to summarise the most crucial principles and concepts below⁴:

- UN core principles:
 - no direct assistance
 - adherence to the Red Cross Code of Conduct: humanity, neutrality, impartiality and independence
 - no aid from belligerent forces
- UN key concepts:
 - on request of assistance from host state or recognised governments
 - appointed Emergency Relief Coordinator for all bodies involved in crisis
 - provider of help at last resort
 - at no cost
 - maintain civilian character of assistance mission; not to be used for military advantage by any participant
 - UN mission under civilian not military control
 - limited assistance
 - avoid reliance on assistance by host state
 - complemented by political efforts to relieve crisis
 - identification markings that are culturally acceptable to host states' population
 - unarmed missions of assistance

There is no room to explain all the above points, although some of them speak for themselves. It just shows you, Dr Curtis, that we are not the only ones struggling with our ponderous relationship with the armed forces. Possibly archaeologists could learn from Emergency Aid Workers; in our next discussion, we could exchange our views on this matter.

For now it does not come as a surprise to you that I fully agree with your end conclusion: "working with the army has enabled archaeologists to engage in a way that because of the security situation would otherwise have been completely impossible". However, I might add, only under certain conditions.

Notes

1 This resolution includes this paragraph: "Noting the letter of 8 May 2003 from the Permanent Representatives of the United States of America and the United Kingdom of Great Britain and Northern Ireland to the President of the Security Council (S/2003/538) and recognizing the specific authorities, responsibilities, and obligations under applicable international law of these states as occupying powers under unified command (the 'Authority')". For the complete text, see URL: http://www.un.org/Docs/sc/unsc_resolutions03.html and select Resolution 1483.

2 See also Emberling, G. 2008. Archaeologist and the Military in Iraq, 2003-2008: Compromise or Contribution? in *Archaeologies: Journal of the World Archaeological Congress* (4/3), pp. 445-459.

3 Scahill, J. 2007. *Blackwater: The rise of the world's most powerful mercenary army*. London: Serpent's Tail.

4 The most important guidelines are:

1. Oslo Guidelines (Nov 2006) – Guidelines on the Use of Military and Civil Defense Assets in Disaster Relief (during Peace time).
2. UN Military Civil Defense Assets (March 2003) – Guidelines on the Use of Military and Civil Defence Assets to support United Nations Humanitarian Activities in Complex Emergencies (during Armed Conflict);
3. UN/IASC (2008) – Civil-Military Guidelines & Reference for Complex Emergencies;
4. UN (2008) – United Nations Civil-Military Coordination Officer Field Handbook (Version E 1.1).

For more specific guidelines see URL: <http://ochaonline.un.org/>.

References

- Rothfield, L. (ed.) 2008. *Antiquities Under Siege: Cultural Heritage Protection after the Iraq War*. Lanham, MD: Altamira Press.
- Scahill, J. 2007. *Blackwater: The rise of the world's most powerful mercenary army*. London: Serpent's Tail.
- UN Security Council, 2003. *Resolution 1483: The situation between Iraq and Kuwait*. [http://www.un.org/Docs/sc/unsc_resolutions03.html] [Accessed 27 July 2009].
- Volberg, T., 2006. The sovereignty versus intervention dilemma: The challenge of conflict prevention. Geopolitics and World Society NOHA 2005/6. Ruhr-Universität Bochum Institute for International Law of Peace and Armed Conflict. [<http://www.grin.com/e-boeignty-versus-intervention-dilemma-the-challenge-of-conflict>]. [Accessed 27 July 2009].