

The U.S. Committee of the Blue Shield and the Blue Shield Movement

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Introduction

International legal instruments have long called for the marking of cultural property that is to be protected during armed conflict with a distinctive and visible sign, in accordance with the duty of those under siege to communicate the special status of protected property through the use of such signs. Although the duty to mark protected cultural property has been part of international law for more than a century, the first universally accepted emblem –the Blue Shield– was adopted by the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict. The Second Protocol to that treaty also set forth provisions for the involvement of non-governmental organizations in the protection of cultural property, including national committees of the Blue Shield. The U.S. Committee of the Blue Shield, founded in 2006, has actively pursued the goals of the 1954 Hague Convention by working with the military to train troops prior to deployment and to provide them with lists of cultural property to be protected in countries where they are currently engaged.

Background

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Provisions for the marking of protected cultural property are first found in Article 16 of the draft of an international agreement submitted to delegates of 15 European states at Brussels in July 1874.² The draft was adopted with few revisions on August 27, 1874 and became commonly known as the Brussels Declaration. In the final text, Article 17 calls for the marking of protected buildings with “distinctive and visible signs to be communicated to the enemy beforehand.”³

Although the Brussels Declaration was never ratified, similar provisions were included in article 34 of the Manual of the Laws and Customs of War at Oxford in 1880 and in Article 27 of the Regulations Respecting the Laws and Customs of War on Land of 1899 (Annex to the Hague Convention of 1899). The former provision prohibits bombardment of buildings dedicated to religion, art, science and the care of the sick and wounded, provided that the buildings are not being used in any way for military purposes. Moreover, like the Oxford Manual, it requires that those being besieged mark such property with “particular and visible signs notified to the assailant beforehand.”⁴

The Ninth Hague Convention (adopted October 18, 1907) Concerning Bombardment by Naval Forces in the Time of War was the first instrument to provide explicit details as to the design of signs used to indicate protected property. Article 5 of that convention states that signs should consist of “large, stiff rectangular panels divided diagonally into two coloured triangular portions, the upper portion black, the lower

² Jiri Toman, *The Protection of Cultural Property in the Event of Armed Conflict* (UNESCO 1996) 177

³ International Committee of the Red Cross, ‘Project of an International Declaration concerning the Laws and Customs of War. Brussels, 27 August 1874’ <<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=C0F8D113444B0916C12563CD0051557D>> accessed 6 February 2017

⁴ International Committee of the Red Cross, ‘The Laws of War on Land. Oxford, 9 September 1880 <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/ART/140-80035?OpenDocument> accessed 6 February 2017

portion white.⁵ Despite the abovementioned efforts, the 1935 Roerich Pact prescribed a very different emblem. Article III of the latter instrument specifies the use of a distinctive flag, the Banner of Peace, bearing the Pax Cultura emblem, to mark protected cultural property. That emblem consists of a large red circle enclosing an equilateral triangle of three solid red dots on a white background.⁶

Although both emblems have been superseded by the Blue Shield symbol, the Pax Cultura emblem remains a valid emblem for use by States that are party to the 1935 Treaty. All of the aforementioned states are located in the Americas and are not members of the 1954 Hague Convention.⁷

As aerial bombardment became more frequent during warfare, the need to mark protected property with a distinctive and easily recognizable symbol increased. This eventually led to the designation of the Blue Shield as the internationally recognized symbol in Articles 16 and 17 of the 1954 Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict. The distinctive emblem of the 1954 Convention takes the form of a blue and white shield with a pointed base. A royal blue square forms the point at the base of the shield. Directly above it is a royal blue triangle while white triangles fill the space on either side (Fig. 1).

Today the Blue Shield is understood by some as the international equivalent of the Red Cross or Red Crescent, used to mark both

⁵ International Committee of the Red Cross, 'Convention (IX) concerning Bombardment by Naval Forces in Time of War. The Hague, 18 October 1907' < <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Article.xsp?documentId=EF261A05DD371F44C12563CD00516DF5&action=OpenDocument>> accessed 6 February 2017

⁶ International Committee of the Red Cross, 'Treaty on the Protection of Artistic and Scientific Institutions and Historic Monuments (Roerich Pact). Washington, 15 April 1935' <<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/ART/325-480004?OpenDocument>> accessed 2 October 2016

⁷ 1954 Hague Convention, Article 36 s 2

protected cultural property and cultural heritage professionals. Its use, however, is considered voluntary. Moreover, it has been recognized, particularly in the aftermath of the Balkan Wars of the 1990s, that marking of protected sites could lead to their destruction rather than their protection. As a result, the recording of protected sites through a registry has been suggested as an alternative to the actual marking of sites with the Blue Shield.⁸

The International Blue Shield Movement

In his 1993 Report, commissioned by UNESCO and the Netherlands to study the effectiveness of and improvements to the 1954 Hague Convention,⁹ Patrick Boylan emphasized the need for greater preparation during peacetime for the protection of cultural property in the event of armed conflict, pointing to the role that non-governmental organizations could take in this effort.¹⁰ While recognizing the important work already undertaken by various NGOs, he noted that no State Party to the 1954 Hague Convention had yet established a national advisory committee, despite its recommendation by the 1954 Hague Intergovernmental Conference.¹¹

⁸ Toman (1996) 177. The creation of lists of protected cultural property was first included in the Roerich Pact, which assigned the Pan-American Union as the depository organization for the lists. Friedrich T. Schipper and Erich Frank, 'A Concise Legal History of the Protection of Cultural Property in the Event of Armed Conflict and a Comparative Analysis of the 1935 Roerich Pact and the 1954 Hague Convention in the Context of the Law of War' [2013] 9.1 *Archaeologies: Journal of the World Archaeological Congress* 13, 16

⁹ Patrick J. Boylan, *Review of the Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague Convention of 1954)*, UNESCO Doc. CLT93/WS/12 101, 53 (1993) < <http://unesdoc.unesco.org/images/0010/001001/100159eo.pdf> > accessed 3 October 2016

¹⁰ *Id.* ¶ 5.44, pp. 71-72

¹¹ *Id.* ¶ 5.48, p. 72

In preparation for the drafting of the Second Protocol to the 1954 Hague Convention, UNESCO, in 1994, formulated a working document that included a provision for the establishment of the International Committee of the Blue Shield (ICBS) by the Director of ICOMOS, the Secretary-General of ICOM and the Director of the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM).¹² This provision stated that “ICBS shall maintain a network of cultural experts who will be willing to act in emergencies and shall provide advice to the Director-General of UNESCO in any emergency concerning cultural property.”¹³ It was anticipated that, as a non-governmental organization, ICBS would be more nimble and flexible than inter-governmental organizations, and thus able to respond more effectively during emergency situations. During the negotiations of the Second Protocol, Professor Boylan proposed that ICBS also be designated as “an emergency coordinating committee of UNESCO,” but this suggestion was not adopted.¹⁴

In 1996, several international cultural organizations joined to form the ICBS and to set forth a mechanism for the creation of national Blue Shield committees.¹⁵ Originally, ICBS consisted of representatives of four non-governmental organizations: the International Council on Archives, the International Council of Museums, the International Council on Monuments and Sites, and the International Federation of Library Associations and Institutions. A fifth organization, the Co-ordinating Council of Audiovisual Archives Associations, joined the ICBS in 2005.¹⁶

¹² Jirí Toman, *Cultural Property in War: Improvement in Protection* (UNESCO 2009) 508

¹³ *Id.*

¹⁴ Toman (2009) 53

¹⁵ Susan Cole, ‘War, Cultural Property and the Blue Shield’ in P. G. Stone and J. Farchakh Bajjalý (eds), *The Destruction of Cultural Heritage in Iraq* (Boydell Press 2008) 65, 67

¹⁶ ICBS, ‘Creation of a National Committee of the Blue Shield’ p. 2

<http://www.ancbs.org/cms/images/120709_icbs_kit_manual.pdf> accessed 3 October

Article 27(3) of the Second Protocol to the 1954 Hague Convention designates the ICBS as an advisory body to the Committee for the Protection of Cultural Property in the Event of Armed Conflict.¹⁷ This 12-member committee was established by Article 24 of the Second Protocol to oversee implementation of the 1954 Hague Convention and its Second Protocol.¹⁸

The Charter of the International Committee of the Blue Shield, adopted in Strasbourg on 14 April 2000, was approved by the ICBS at its meeting in Paris on 8 June 2001. The charter expanded the role of the ICBS to include preparation for and response to natural disasters, substituting the term 'cultural heritage' for 'cultural property', the term that had been used in prior treaties, including the 1954 Hague Convention.¹⁹

The Strasbourg Charter also set forth the requirements that must be met by national initiatives seeking recognition as national Blue Shield committees. In addition to securing support of the national representatives of the four non-governmental organizations that originally formed the ICBS, applicants must agree to adhere to the following principles: joint actions, independence, neutrality, professionalism, respect of cultural identity, and work on a not-for-profit basis. The sole right to decide whether to accord recognition to national committees was vested in the ICBS.²⁰

In 2006, representatives of the Blue Shield national committees met in The Hague to determine the most effective way to support the new

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¹⁷ Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict 1999 < http://portal.unesco.org/en/ev.php-URL_ID=15207&URL_DO=DO_TOPIC&URL_SECTION=201.html> accessed 3 October 2016

¹⁸ Id.

¹⁹ ICOM 'International Committee of the Blue Shield (ICBS). Requirements for National Committees of the Blue Shield' < http://archives.icom.museum/icbs_requirements.html> accessed 3 October 2016

²⁰ Id.

International Committee for the Protection of Cultural Property in the Event of Armed Conflict.²¹ The result of these deliberations was the decision to form the Association of National Committees of the Blue Shield (ANCBS) in 2009. ANCBS' purpose was defined as coordinating and strengthening international efforts to protect cultural property at risk of destruction during armed conflicts or natural disasters. In addition, ANCBS was to serve as the communication centre, archive and resource base for ICBS and the Blue Shield national committees, as well as to facilitate communication between all levels of the Blue Shield network. This structure changed in 2014, when at a general meeting of the ANCBS the members voted to merge with the ICBS, forming a single new organization known simply as "Blue Shield".²²

The Board of the Blue Shield, its principal governing body, is comprised of nine members: the President, a representative of each of the four Founding Organisations, and four individual members elected by the General Assembly of members.²³ The day-to-day activities of the Blue Shield are overseen by the Bureau, whose membership consists of the President, one of the representatives of the four Founding Organisations, and the Secretary and Treasurer who are elected from among the Board members.²⁴

Currently there are twenty-six national committees of the Blue Shield, twelve of which are located in NATO member states. Additionally, twenty-three national committees of the Blue Shield are in the process of formation, five of which are located in NATO member states. In cases

²¹ 'The 2006 Hague Blue Shield Accord. 28th September 2006' < <http://www.ancbs.org/cms/images/The%202006%20Hague%20Blue%20Shield%20Accord.pdf>> accessed 4 October 2016

²² Amendment to the Articles of Association. Association of National Committees the Blue Shield [Article 1] (6 April 2016)

²³ Id. [Article 6.1]

²⁴ Id. [Article 7]

where no National Committee exists, an interested individual may be identified by the Board of the Blue Shield to act as a National Correspondent for the Association in that country. However, the Blue Shield Board retains the right to remove this status.²⁵

Impetus for the international Blue Shield movement and for the formation of national committees can be attributed to the 2003 Gulf War and, in particular, to the extensive media coverage of the looting of Iraq's National Museum. Widespread looting of archaeological sites in southern Iraq and more recently in Syria and other Middle Eastern countries has provided additional motivation for the formation of national Blue Shield committees.

A central function of Blue Shield national committees is to promote ratification and implementation of the 1954 Hague Convention and its Protocols. Moreover, national committees also collaborate with the military to educate their members about their obligation to avoid damaging protected cultural property during military operations. The promotion of community engagement with and participation in the protection of cultural property is an equally important goal.²⁶

As required by Article 7 of the 1954 Hague Convention, Blue Shield national committees seek to assure adequate presence of cultural heritage professionals within the military. They also provide militaries with the necessary subject matter expertise to identify protected sites and to coordinate cultural heritage preservation in areas of armed conflict and natural disaster.

Non-governmental organizations are particularly well positioned to provide specialist and subject matter expertise to the military. Under current conditions, no one should expect that members of the military will

²⁵ Id. [Article 3.4]

²⁶ Id. [Article 2.3]

receive the appropriate training to become conservators, archaeologists or art historians. The situation during World War II was quite different in that the military had available within it, or quickly brought within it, a broad array of experts, including historians, art historians, archaeologists, museum professionals, conservators and classicists.²⁷ Because it is unrealistic to expect that such expertise is or will be located within today's military, it is vital that organizations such as the Blue Shield coordinate with the military and provide connections to appropriate cultural heritage experts. To be most effective, this coordination must take place well in advance of any specific conflict.

The U.S. Committee of the Blue Shield

Immediately after the founding of the United States Committee of the Blue Shield in 2006, its first goal was to encourage United States' ratification of the 1954 Hague Convention. That goal was accomplished in 2009. Simultaneously, in an effort to protect cultural heritage during both armed conflict and natural disasters, the USCBS was involved in many areas of cooperation and coordination with the U.S. military. In conjunction with other actors, USCBS trained more than one thousand Army Reserve Civil Affairs troops before their deployment to Iraq, Afghanistan and the Horn of Africa.²⁸ In addition, retired U.S. Major Corine Wegener, the founder of the USCBS, provided 1954 Hague Convention training for military officers from more than fifty nations.

Another major area of focus of USCBS has been the creation of cultural site inventories, or "no-strike" lists. At the beginning of both the

²⁷ Laurie Rush, 'Cultural Property Protection as a Force Multiplier in Stability Operations: World War II Monuments Officers Lessons Learned,' *Military Review* (March-April 2012) 36

²⁸ For a partial list of these training events, see 'Military Training' <<http://uscbs.org/military-training.html>> accessed 4 October 2016

1991 Gulf War and again in 2003, archaeologists in contact with military planners drew up a list of several thousand archaeological and other cultural sites in Iraq to be placed on a “no strike” list.²⁹ While cultural heritage professionals provided similar information to the Allied forces during the Second World War, the 1991 and 2003 Iraq lists were the modern prototypes for the “no strike” lists that are now being developed by USCBS and other Blue Shield national committees. These lists are shared with the military and other government agencies in an effort to assist them in identifying and avoiding damage to cultural sites in fulfillment of their obligations under Article 4 of the 1954 Hague Convention. USCBS creates these lists at its own initiative and neither the Department of Defense nor any other U.S. government agency orders or subsidizes the lists.

An example of the successful use of a “no-strike” list was the campaign in Libya in the spring of 2011 that was designed to enforce United Nations Security Council Resolution 1973 to protect civilians.³⁰ The first few days of this campaign, Operation Odyssey Dawn, were conducted by a coalition of France, the United Kingdom, and the United States. USCBS coordinated with archaeologists who have worked in Libya and are specialists in that country’s cultural heritage, to compile a list of site coordinates for important Libyan cultural heritage sites. USCBS passed this list on to contacts within the U.S. Department of Defense and to Blue Shield national committees in other NATO countries, which in turn shared

²⁹ Lawrence Rothfield, *The Rape of Mesopotamia: Behind the Looting of the Iraq Museum* (University of Chicago 2009) 39-40, 66-67.

³⁰<[www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1973\(2011\)&referer=/english/&Lang=E](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1973(2011)&referer=/english/&Lang=E)> accessed 3 February 2017

the information with their own military contacts.³¹ This list, along with data compiled by the US Defense Intelligence Agency, the NATO Intelligence Fusion Centre, UNESCO, and other sources, became part of the total package of data regarding non-targets in Libya,³² which helped preserve cultural heritage from any significant damage during the NATO action.³³

In 2015, USCBS received a grant from the J.M. Kaplan Fund to support, in part, a larger project to create additional “no-strike” lists. In collaboration with the Center for Middle Eastern Landscapes (CAMEL) Lab of the Oriental Institute at the University of Chicago and other partners, USCBS has completed, or is in the process of completing, lists for Afghanistan, Iraq, Syria, Southeastern Turkey, Lebanon, and Jordan. In addition, a list for Yemen is being compiled in collaboration with Endangered Archaeology of the Middle East and North Africa (EAMENA). USCBS is also assembling lists of sites in regions outside of the Middle East where the possibility of military conflict exists, such as in Ukraine.

As part of the project to create “no-strike” lists, USCBS has collaborated with various governmental agencies to develop a uniform template for the recording of site information that can be used throughout major sectors of the U.S government. In addition to their use in targeting data, these lists can be employed to prevent military activity that may have an adverse impact on cultural sites in other military

³¹ Blue Shield and IMCuRWG, ‘2nd Civil-Military Assessment Mission for Libyan Heritage’ (November 12-16, 2011) <<http://blueshield.de/libya2-report.html>> accessed 4 October 2016

³² NATO Joint Lessons Learned Analysis Centre, *Cultural Property Protection in the Operations Planning Process* (12 December 2012)

³³ NATO, ‘Protecting Libya’s Heritage’ (4 January 2012) <http://www.nato.int/cps/en/SID-65C15F94-D3CDC3FF/natolive/news_82441.htm> accessed 4 October 2016.

³⁴ Zainab Bahrani, ‘The Battle for Babylon’ in Peter Stone and Joanne Farchakh Bajjalay (eds), *The Destruction of the Cultural Heritage of Iraq* (Boydell 2008) 165.

activities. An important example is in the siting of installations that might impinge upon cultural sites, such as when the United States placed military bases at or near the historically and culturally significant archaeological sites of Babylon³⁴ and Ur during the 2003 Iraq War.³⁵

Summary

The U.S. Committee of the Blue Shield is supported through membership donations and grants from organisations that actively support the protection of cultural heritage. It actively cooperates with other Blue Shield Committees and with the international Blue Shield organisation.

On the national level the USCBS is dedicated to working with other cultural organisations in order to protect cultural heritage in times of armed conflict and natural disasters. Such cooperative agreements are crucial to the success of the mission of the USCBS and the Blue Shield in general.

As USCBS is currently celebrating its tenth year, it recognizes that it is a young organisation. While it has accomplished much in its short existence, a great deal remains to be done in order for it and the other national committees to achieve the recognition necessary for them to fulfil their role in protecting cultural heritage.

³⁴ Zainab Bahrani, 'The Battle for Babylon' in Peter Stone and Joanne Farchakh Bajjalay (eds), *The Destruction of the Cultural Heritage of Iraq* (Boydell 2008) 165.

³⁵ Abdulmir Hamdani, 'The Damage Sustained to the Ancient City of Ur' in Peter Stone and Joanne Farchakh Bajjalay (eds), *The Destruction of the Cultural Heritage of Iraq* (Boydell 2008) 151, 154-155.