

Katherine H. Maas
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Lessons from the Destruction at the Iraq Museum:

What Museums Must Do to Protect Cultural Property during Armed Conflict

Introduction

The perpetuation of armed conflict threatens the safety of cultural property to an inestimable degree. Such violence not only destroys the archaeological context of untold numbers of previously undiscovered objects, but also aids in the undermining of the very identity of human societies, both individually and as a whole. Human beings define ourselves and each other by the objects and monuments our cultures produce; we incorporate such cultural products into our histories and our belief systems so that the artifacts themselves come to represent the people who made them. The objects represent the existence of what makes a group part of humankind: its ability to produce and preserve culture. What an invading force does or, more importantly, does *not* do to safeguard the objects and monuments of another culture indicates whether that force respects the very humanity of the culture it is invading. Over the centuries, the destruction of cultural objects and monuments, whether by neglect or with purpose, presages the destruction of the peoples who created and protected those objects and monuments. With hindsight, we can see that the early Nazi plans to separate Aryan and degenerate art were but a terrifying indicator of their plans to separate Aryan and degenerate *people*, and their willingness to destroy degenerate art an indicator of their willingness to destroy degenerate people. Respect for cultural products

and respect for human beings go hand in hand. Museums and other cultural repositories, along with the rest of the world, are still reeling from the aftereffects of the Nazi Final Solution. In the interim, of course, numerous other cultures and people have been attacked and destroyed, with varying degrees of success, and quite often in violation of international law. The world, it seems, has not learned its lesson.

This paper uses the thefts at the National Museum in Baghdad during the American invasion in 2003 as the framework for a discussion of the protection of cultural property during times of armed conflict. The analysis will begin with a look at what measures were and were not taken by the American government and military establishment to protect the museum from destruction and theft, and at the overall problem of lack of respect for cultural property within this establishment. Leaving the protection of cultural property in the hands of individual leaders or commanders, without a comprehensive and institutionalized plan, is not sufficient. The next section of the paper will address other methods of protection, such as international legal protection, American domestic legal protection, protection by the Iraqis themselves, and attempts by professionals to draw attention to the potential crisis. As will be demonstrated, relying only on legal protections (without an ethical standard by which to judge behavior) has also proven insufficient.

The conclusion of this paper will argue that museums must lead the way in protecting cultural property during times of armed conflict.¹ Museums sit—alone—at the confluence of culture and ethics that are required to protect cultural property during times of armed conflict by engaging the respect of the American public as arbiters of ethical standards in history and culture; holding expertise in the conservation and preservation of artifacts; and harnessing the

¹ Although this paper focuses specifically on American museums, some of the lessons can and should be explored in other countries and regions.

energy and passion of numerous museum volunteers, students, and professionals in the service of their missions. Because of this unique position, museum professionals must take responsibility for changing how the American public and its military understand and respect cultural property. The American Association of Museums (AAM) and Association of Art Museum Directors (AAMD) each promulgated new ethical standards for dealing with antiquities in 2008, but these codes do not go far enough, because they do not address the specific case of protecting cultural property during times of armed conflict. Even the International Council of Museums (ICOM) does not disseminate a statement on the protection of cultural property during times of armed conflict, despite its numerous workshops and declarations on the illegal trafficking of antiquities. Museums, as leaders in cultural life, should make a public declaration about why cultural property must be protected. Museum professionals must prioritize the protection of cultural property over political and diplomatic arrangements and agreements in our words and actions because without such prioritization, cultural property and the people who create it are in perpetual danger of destruction.

Part I: April 2003, Buildup and Aftermath

Much has been and continues to be written on the American invasion of Iraq and the ongoing armed conflict there.² Articles and entire books have also been written on the theft and

² Just a few of the book-length treatments: Rajiv Chandrasekaran, *Imperial Life in the Emerald City: Inside Iraq's Green Zone* (New York: Vintage Books, A Division of Random House, 2006); Charles H. Ferguson, *No End in Sight: Iraq's Descent into Chaos* (New York: PublicAffairs, 2008); George Packer, *The Assassins' Gate: America in Iraq* (New York: Farrar, Straus, and Giroux, 2005); and Thomas E. Ricks, *Fiasco: The American Military Adventure in Iraq* (New York: Penguin Press, 2006).

destruction of the Iraq Museum in Baghdad,³ not to mention the destruction of the National Library and Archives and many other Iraqi cultural repositories, which also received a great deal of damage.⁴ What follows here is simply a brief overview of events and damage at the museum, to demonstrate the potential result when adequate protection is lacking at an important cultural repository.

The Baghdad Museum

When American forces invaded Baghdad on 5 April 2003, they were concerned with securing the city and losing as few lives as possible. Iraqi museum staff stayed to defend the building and its collections until 8 April; the thefts there took place from 9 April through 12 April, at which time some museum staff members returned. US forces did not secure the museum area until 16 April.⁵ When the American investigative team, headed by Matthew Bogdanos, a colonel in the Marine Reserves and an assistant district attorney in New York City, began their work, they discovered ransacked offices, missing equipment, empty safes, and evidence of fires throughout the administrative areas. Several dozen objects had been stolen from public displays of antiquities (the staff had secured many of the easily movable objects prior to evacuating from the building); over 200 objects were missing from the Heritage Room (the

³ Two books were especially helpful: Matthew Bogdanos, with William Patrick, *Thieves of Baghdad: One Marine's Passion for Ancient Civilizations and the Journey to Recover the World's Greatest Stolen Treasures* (New York: Bloomsbury; distributed by Holtzbrinck, 2005); and Milbry Polk and Angela M.H. Schuster, eds., *The Looting of the Iraq Museum, Baghdad: The Lost Legacy of Ancient Mesopotamia* (New York: Abrams, 2005).

⁴ See Nabil Al-Tikriti, "'Stuff Happens': A Brief Overview of the 2003 Destruction of Iraqi Manuscript Collections, Archives, and Libraries," *Library Trends* 55, no. 3 (Winter 2007), 730–745.

⁵ Much basic information about the timeline of looting and the amount of damage is available in the transcript of a briefing by Matthew Bogdanos: Matthew Bogdanos, Marine Colonel, Department of Defense, "Briefing on the Investigation of Antiquity Loss from the Baghdad Museum" (10 September 2003), <http://www.defenselink.mil/transcripts/2003/tr20030910-0660.html>. The basic information in this section is taken from this briefing.

displays in which consisted of “more recent scrolls and Islamic antique furniture and fine porcelain”⁶); the storage areas were missing thousands of objects, many of them archaeological in nature.

Bogdanos’s investigation indicated that the basement storage facilities were most likely ransacked by “thieves with an intimate knowledge of the museum and its storage procedures” based on the items stolen and the rooms broken in to. He states in his briefing that the thieves in the basement “attempted to steal the most trafficable and easily transportable items stored in the most remote corner of the most remote room in the basement of the museum.” In one room, only one corner, which contained “103 small plastic boxes originally containing cylinder seals, loose beads, amulets, small glass bottles, and jewelry”, had been emptied, leaving the rest of the room untouched. Keys whose location was only known to a few individuals were used to empty storage cabinets in that same room, which “contained arguably the world’s finest collection of absolutely exquisite cylinder seals and the world’s finest collection of Greek, Roman, Islamic, and Arabic gold and silver coins.” Fortunately, in this case, the thieves seem to have dropped the keys to these cabinets, and were unable to find them due to the lack of electricity in the building.

Bogdanos notes that from that one room, and despite narrowly avoiding a greater loss, “10,337 pieces were stolen”: “4,997 pins, beads, amulets, and pendants, and 4,795 cylinder seals. An additional 500 smaller pottery pieces and bronze weapons from the shelves were also taken.” While the museum staff saved an overwhelming percentage of the museum’s objects, the loss from just this single cultural repository alone is extreme.⁷ The trade in illegal antiquities received

⁶ All quotes in this and the two subsequent paragraphs are from Bogdanos’s briefing, cited in note 5.

⁷ Bogdanos has written extensively on his investigations into the thefts and on parsing the types of thefts that occurred, i.e., those in which staff may have been involved, or those that may have been performed explicitly to fuel the illicit antiquities trade. See Bogdanos, “Casualties of War:

a significant boost from the thefts in Baghdad, the full extent of which will not be felt by museums for many years or decades to come.⁸

This focus on the national museum ignores, of course, other cultural repositories in Baghdad, not to mention cultural repositories elsewhere in Iraq, as well as the catastrophic situation at archaeological sites across the country. The overall lack of foresight and planning for the protection of cultural property during the American invasion of Iraq affected all of these locations. Despite warnings by scholars and attempts at planning by the State Department, American troops invaded Iraq without a clear plan to protect the heritage they found there. Part of the reason for this lies in the Bush administration's aversion to peacekeeping and nation building: it had insisted "that it would no longer commit American armed forces to nation-building missions."⁹ The US Army is focused on warfare, not on peacekeeping: "It is hardly a secret that within the Army, peacekeeping duty is not the road to career advancement."¹⁰ What a large force like the American military achieves in any given action depends completely upon the placement of priorities and the amount of training received by the troops. Protection of Iraqi

The Looting of the Iraq Museum," *Museum News*, March/April 2006, <http://www.aam-us.org> (accessed 13 April 2008); Bogdanos, "Fighting for Iraq's Culture," *New York Times*, 6 March 2007, <http://www.nytimes.com> (accessed 3 February 2008); Bogdanos, "The Terrorist in the Art Gallery," *New York Times*, 10 December 2005, <http://www.nytimes.com> (accessed 3 February 2008); and Bogdanos, with William Patrick, *Thieves of Baghdad*.

⁸ On an encouraging note, about 700 looted artifacts seized by Syrian border guards were returned to the Iraq Museum in late April 2008 (Shashank Bengali, "Iraqi Museum Celebrates Return of Stolen Artifacts," *McClatchy Newspapers*, 27 April 2008, http://www.truthout.org/docs_2006/042808G.shtml [accessed 2 May 2008].) As recently as February 2009, materials were discovered, and returned from, Lima, Peru (Mark Kukis, "Iraq's Ancient Treasures Lost and Found," *Time*, 19 February 2009, <http://www.time.com/time/world/article/0,8599,1880701,00.html>).

⁹ David Rieff, "Blueprint for a Mess," *New York Times*, 2 November 2003, <http://www.nytimes.com> (accessed 3 February 2008). Rieff's article provides an excellent overview of just how the postwar situation was created.

¹⁰ Rieff.

cultural property was not given substantial weight in the planning and implementation of the American invasion.

Buildup to Iraq War

Dismantling the ruling regime in Iraq was so central to the Bush administration's overall goal of establishing a democratic government that contemplating the problems that would be faced by American soldiers and Iraqis in the aftermath of official combat fell by the wayside. Martin Sullivan, who is now the director of the National Portrait Gallery, and was, until his resignation in April of 2003, the chairman of the Cultural Property Advisory Committee in the State Department, described the situation succinctly: "an inner circle in the Office of the Secretary of Defense was so intensely focused on employing 'shock and awe' tactics to topple the Saddam regime that they dismissed any attempt to deal seriously and comprehensively with post-battle planning."¹¹ The State Department had attempted to plan for the occupation phase: the Future of Iraq Project, headed by Thomas Warrick, "organized more than two hundred Iraqi exiles into seventeen different working groups to study issues of critical importance in the postwar period, including the reconstruction of shattered infrastructure, the creation of free media, the preservation of antiquities, the administration of justice during the transition, the development of the moribund economy, and, most important, the formation of a democratic government."¹² The reports produced by these groups contained policy recommendations and

¹¹ Martin Sullivan, "The UNESCO Convention on Cultural Property and U.S. Responsibility for the Looting of Museums and Archaeological Sites in Iraq," unpublished. He said it was the nonchalance and disparaging nature of Rumsfeld's remarks that so galled him (Martin Sullivan, interview with author, 28 March 2008).

¹² Chandrasekaran, *Imperial Life*, 40.

came to “about 2,500 pages.”¹³ While there was no detailed blueprint for implementing all of these policies, the process had been given a great deal of thought.

Unfortunately, the Pentagon completely ignored the project when it came time to plan the war itself: “the rivalry between State and Defense was so intense that the Future of Iraq Project became anathema to the Pentagon simply because it was a State Department project.”¹⁴ The Pentagon had set up its own office for analyzing the conflict in Iraq back in 2002; it was called the Office of Special Plans (OSP) and its “main purpose was to evaluate the threat of Saddam Hussein’s nuclear, chemical, and biological warfare capabilities.”¹⁵ As plans for invasion moved forward, it was the OSP that had the power to accept or reject previous planning efforts such as the Future of Iraq Project, and the OSP, headed by the undersecretary of defense for policy, Douglas Feith, unilaterally rejected the project. Instead, the Department of Defense created the Office of Reconstruction and Humanitarian Assistance (ORHA) just eight weeks before the invasion, in January of 2003. The post-invasion phase of the conflict was not a priority to the Defense Department.

The ORHA was headed by Jay Garner, a retired lieutenant general who was told by Feith that his job in postwar Iraq would last for “just ninety days after the war, ” after which time “an Iraqi government would be formed and an American ambassador would be dispatched to Baghdad.”¹⁶ Garner attempted to take Thomas Warrick (from the Future of Iraq Project) on to the ORHA, but was expressly told by the secretary of defense, Donald Rumsfeld, to remove him,

¹³ Chandrasekaran, *Imperial Life*, 41.

¹⁴ Rieff.

¹⁵ Rieff; for further discussion of the Office of Special Plans, see Packer, *The Assassins’ Gate*, 105–109.

¹⁶ Chandrasekaran, *Imperial Life*, 33.

apparently at the direction of Vice President Dick Cheney.¹⁷ The ORHA thus “had to start more or less from scratch” in planning for the post-battle occupation period in three “substantive operations”: “humanitarian relief, reconstruction, and civil administration.”¹⁸ Timothy Carney, who served in ORHA, has been quite vocal about the problems the ORHA encountered, and noted that the participants “felt as though we were reinventing the wheel.”¹⁹ All of the thought and planning that had gone into utilizing lessons learned from previous, recent armed conflict (in Iraq in first gulf war, in Bosnia, Croatia, and Kosovo throughout the 1990s) for the Future of Iraq Project was lost because of an utter lack of coordination between the State Department and the Department of Defense.

And the lessons were there to be learned. In the wake of the 1991 gulf war, looting of archaeological sites and thefts from cultural repositories were rampant, and continued through the 2003 invasion. Iraq’s excavated cultural property is divided among the central museum in Baghdad and over a dozen regional museums; thieves stole from nine of these regional museums during the first war.²⁰ According to Jaber al-Tikriti, then the Iraq Museum director of antiquities, in an interview in March of 2003, 4,000 pieces were taken from the museum during the first war.²¹ Looters also “destroyed an ancient palace at Nineveh that archeologists were uncovering, hammering out wall reliefs from the palace throne room, and breaking them apart into easy-to-

¹⁷ Chandrasekaran, *Imperial Life*, 42.

¹⁸ Rieff.

¹⁹ Timothy Carney, “We’re Getting in Our Own Way,” *Washington Post* (22 June 2003), www.washingtonpost.com (accessed 16 April 2008).

²⁰ Alan Riding, “A Nation at War: Artworks; Art Experts Mobilize Team to Recover Stolen Treasure and Salvage Iraqi Museums,” *New York Times* (18 April 2003), <http://www.nytimes.com> (accessed 3 February 2008).

²¹ Melinda Liu and Anne Underwood, “Babylonian Booty: Ancient Mesopotamia, Modern Iraq: Once Again, Bombing and Looting Threaten the Cradle of Civilization,” *Newsweek* (24 March 2003), <http://www.newsweek.com> (accessed 2 April 2008).

carry pieces.”²² Looting of such archaeological sites, as well as of sites not yet discovered, proved to be the gravest problem in the aftermath of the first war: “Iraqi civilians began tearing into unexcavated sites with front-end loaders, carrying away anything of value. The plunder has been turning up ever since in dealers’ catalogs and at auctions around the world.”²³ The problem of local looting also plagued Afghanistan after the Taliban took control there.²⁴ There was ample warning that a similar situation might emerge in the chaos of armed conflict during the 2003 invasion.

Scholars from around the world warned military commanders in the buildup to the current conflict that break-ins and thefts would be part of the postwar situation. McGuire Gibson, professor of Mesopotamian archaeology at the University of Chicago, worked vigorously to alert American commanders of the danger armed conflict would present to Iraq’s cultural heritage: He “and his colleagues at the American Institute of Archaeology... sent the Pentagon a list of more than 4,000 crucial sites throughout the country—museums, monuments, and precious archaeological digs—urging military commanders to spare them.”²⁵ The warnings by scholars were explicit also in their discussion of the post-conflict chaos; Gibson stated, “if there is a period of even a day of chaos, without firm control, there is a very good chance that the Iraq Museum, or other sites, could be looted.”²⁶ The members of the Future of Iraq Project had drawn

²² Lance Gay, “Archeologists: Don’t Attack Cultural Treasures in Iraq,” *Scripps Howard News Service* (19 March 2003), <http://www.shns.com> (accessed 2 April 2008).

²³ Liu and Underwood, “Babylonian Booty.” See also David Perlman, “Protecting Iraq’s Ancient Treasures: Pentagon Says It Has Drawn Up ‘No Strike List’ to Safeguard Nation’s Trove of Archaeological Sites,” *San Francisco Chronicle* (31 March 2003), <http://www.sfgate.com/> (accessed 2 April 2008).

²⁴ See Donald MacLeod, “Blown Away,” *Guardian* (25 March 2003). <http://education.guardian.co.uk/> (accessed 13 April 2008).

²⁵ Perlman, “Protecting Iraq’s Ancient Treasures.”

²⁶ Brian Handwerk, “Iraq War Threatens Ancient Treasures,” *National Geographic News* (21 March 2003), <http://news.nationalgeographic.com> (accessed 2 April 2008).

the same conclusions based on experiences after the first war. All of these warnings and lessons were not, however, incorporated into a comprehensive postwar plan for Iraq.

Troops found themselves on the ground with no real plan for what to do *after* the success of the initial invasion. Just one example: the Third Infantry Division went into Phase IV (the Pentagon's term for the post-invasion situation) without a plan for any of the actions its members were supposed to take.²⁷ Phase IV involved "stability and support operations," but, as a report by the Third Infantry Division itself elucidates, the commanders and soldiers received no "detailed plans... that would have allowed it... to operate independently outside the guidance from higher headquarters."²⁸ It seems that at least some of those at "higher headquarters" did not believe it was their job to provide such explicit instructions: Joseph Collins, deputy assistance secretary of defense for humanitarian and peacekeeping operations, "said that 'in no case' had his office instructed military commanders to provide protection for the museum or library. 'We leave such decisions to commanders on the scene,' he said."²⁹ The absence of coordination between (and lack of clear lines of authority within) the State Department and its Future of Iraq Project, the Defense Department and its Office of Reconstruction and Humanitarian Assistance, and the commanders and troops themselves illuminates how Iraqi cultural property was abandoned in the immediate aftermath of the invasion. Protection of cultural heritage was never a top priority of those most in control of the war, and it was thus never made a priority for those individuals actually on the ground.

The Ongoing Problem of Attitude

²⁷ Rieff details Phase IV and its lack of planning in his "Blueprint for a Mess."

²⁸ Quoted in Rieff.

²⁹ Douglas Jehl and Elizabeth Becker, "A Nation at War: The Looting; Experts' Pleas to Pentagon Didn't Save Museum," *New York Times* (16 April 2003), <http://www.nytimes.com> (accessed 28 March 2008).

It was the US Army's protection of the Iraqi Oil Ministry building in Baghdad that truly brings home the lack of respect for cultural property demonstrated during the campaign—and also indicates ramifications for future conflicts. A memo was sent by the ORHA to “senior commanders at the Coalition Forces Land Component Command” (CFLCC) that provided a list of sixteen buildings that needed to be protected “in order to prevent looting and the resulting irreparable loss of cultural treasures.”³⁰ The museum was second on the list, along with financial institutions and Iraqi governmental ministries. The oil ministry building was last on the list, and yet it was the only building to be protected throughout the fighting and post-invasion. Specifically how and why this happened is almost beside the point: “this decision to protect only the Oil Ministry—not the National Museum, not the National Library, not the Health Ministry—probably did more than anything else to convince Iraqis uneasy with the occupation that the United States was in Iraq only for the oil.”³¹ This story about the protection of the oil ministry building spread worldwide and became the prime indicator of just how careless and narrow-minded American leaders were in their pursuit of their goals.

The most worrisome aspect of the destruction of cultural property during this time of armed conflict is the attitude indicative in the lack of discussion, planning, and cooperation throughout the upper levels of American leadership. The primary spokesperson from the administration on the issue of museum thefts was the secretary of defense, Donald Rumsfeld. Sullivan cited both Rumsfeld's attitude and its apparent application throughout the administration as the impetus for his resignation from the CPAC: “Given Rumsfeld's arrogance and seeming lack of concern for Iraq's cultural heritage, followers of the news could reasonably

³⁰ The memo is discussed in detail in Paul Martin, “Troops Were Told to Guard Treasures; Two Weeks after the Memo Was Sent, U.S. Forces Took Baghdad and Iraqi Looters Hit Museum,” *Washington Times* (20 April 2003), <http://www.washingtontimes.com> (accessed 16 April 2008).

³¹ Rieff.

conclude that his remarks reflected an Administration-wide point of view,” since his words were the only voice of the administration.³² Even after the fact, when it became clear that thefts of all kinds were taking place across Baghdad, Rumsfeld still did not admit that there had been a lack of foresight: “‘To try to pass off the fact of that unfortunate activity [i.e., the thefts] to a deficit in the war plan strikes me as a stretch,’ Mr. Rumsfeld told a reporter who asked whether the looting of the museum reflected a military mistake.”³³ Statements like “Freedom’s untidy,” and “Stuff happens” (uttered by Rumsfeld at a press conference while the thefts were still going on) did nothing to alleviate the world’s concern about the chaos in Baghdad.³⁴ *New York Times* columnist Frank Rich put the situation in blunt terms: “The Pentagon was repeatedly warned of the possibility of this catastrophe in advance of the war, and some of its officials were on the case. But at the highest levels at the White House, the Pentagon, and Central Command—where the real clout is—no one cared.”³⁵ Even if such an attitude was not willfully malicious, which it does not seem to have been, it is still indicative of an astounding level of apathy towards the cultural heritage of humanity.

Changing this attitude, both on the part of the government and military establishment and on the part of the average American, is the primary obstacle facing those in museums who want to protect cultural property worldwide. It is a problem that must be addressed on multiple fronts, with the reiteration of a common message of respect for cultural property, both domestic and foreign. The legal methods for the protection of cultural property during times of armed conflict

³² Sullivan, unpublished.

³³ Jehl and Becker, “A Nation at War.”

³⁴ Sean Loughlin, “Rumsfeld on Looting in Iraq: ‘Stuff Happens,’” *CNN.com* (12 April 2003), <http://www.cnn.com> (accessed 2 February 2008).

³⁵ Frank Rich, “And Now: ‘Operation Iraqi Looting,’” *New York Times* (27 April 2003), <http://www.nytimes.com> (accessed 3 February 2008).

to which the discussion now turns will only serve their purpose if individual people care enough about cultural property to make their voices heard by those in positions of power.

Part II: Legal and Ethical Methods for Protecting Cultural Property during Times of Armed Conflict

What follows is a brief overview of some of the tools available for protecting cultural property (both monumental and moveable) during times of armed conflict. The discussion begins with international (the 1954 Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict) and national (the Cultural Property Implementation Act and the National Stolen Property Act) legal guidelines for protecting cultural property. Next, we will turn to the efforts of the Iraqis themselves and their antiquities law, the training of archaeological experts, and the utilization of guards at archaeological sites. And finally, the section will end with an exploration of how scholars and other professional protectors of cultural property are trying to change the way the world sees cultural property through the coordination of expertise through the Blue Shield project, the promulgation of ethical statements on the protection of cultural property, and the use of exhibitions to educate the public. All of these methods (legal and ethical, national and international) are necessary if we are to make a difference in how humanity protects its heritage.

1954 Hague Convention

The Convention for the Protection of Cultural Property in the Event of Armed Conflict (“the Hague Convention”) and its First Protocol were adopted in 1954; the Second Protocol was adopted in 1999.³⁶ In Article 2, the Hague Convention calls upon signatories to “safeguard” and

³⁶ A great deal has been written about the Hague Convention and its protocols. For overviews, see Patrick J. Boylan, “The Concept of Cultural Protection in Times of Armed Conflict: From the Crusades to the New Millennium,” in *Illicit Antiquities: The Theft of Culture and the*

“respect” cultural property, with cultural property having been defined in Article 1 as “movable or immovable property of great importance to the cultural heritage of every people,” along with a list of examples.³⁷ “Safeguarding” means what a nation needs to do *before* armed conflict by way of protecting its own property (described in Article 3); “respect” must be demonstrated both during the armed conflict itself and in its aftermath, during any subsequent occupation (discussed in articles 4 and 5).³⁸ Signatories not only have an obligation to avoid targeting cultural property or using it as a base of operations but also an obligation to “prohibit, prevent, and, if necessary, put a stop to any form of theft, pillage, or misappropriation of, and any acts of vandalism directed against, cultural property.”³⁹ The First Protocol of the Hague Convention (also from 1954) focuses on moveable objects: preventing their export, returning any stolen objects, or compensating new good faith possessors of such objects if the objects are returned.⁴⁰

The Second Protocol, from 1999, strengthens protection provisions, allows for “the granting of enhanced protection” to certain cultural property, and “strengthens provisions for protection of cultural property during occupation by prohibiting the illegal export or transfer of ownership of cultural property.”⁴¹ The guidelines and restrictions necessary for the protection of cultural property are essentially laid out in these documents, although the law professor Patty

Extinction of Archaeology, edited by Neil Brodie and Kathryn Walker Tubb (London: Routledge, 2002), specifically 64–87; and Patty Gerstenblith, “From Bamiyan to Baghdad: Warfare and the Preservation of Cultural Heritage at the Beginning of the 21st Century,” *Georgetown Journal of International Law* 37 (2006), specifically 259–269.

³⁷ Gerstenblith, 261.

³⁸ Boylan discusses the distinction between safeguarding and respecting at 66–67; Gerstenblith at 262–264.

³⁹ Article 4(3) of the 1954 Hague Convention; quoted also in Gerstenblith, 263. There is agreement among legal scholars, however, that the prohibition against theft and looting obligates the invading army to control its own troops, not to control the local population; see Gerstenblith 342–346.

⁴⁰ See <http://www.icomos.org/hague/hague.protocol.html> and Gerstenblith, 265–266.

⁴¹ Gerstenblith, 267–268.

Gerstenblith makes some suggestions for further provisions in her “From Bamiyan to Baghdad” regarding clarification of the nature of protection, especially with regard to thefts by the local population and situations of occupation.⁴² Even for those countries that have not become signatories of the Hague Convention, such as the United States until very recently, the Hague Convention and its protocols have become part of customary international law. The United States ratified the convention in September of 2008, thus publicly acknowledging that it will follow the guidelines laid out in the Hague Convention.⁴³

The real difficulty in using international law to protect cultural property is this: it is fed only by good intentions. If a given commander wants to disobey the provisions, he or she can do so, with very little fear of reprisal. Two prosecutions for cultural property crimes resulted from the conflicts in the former Yugoslavia during the 1990s, but there seems very little danger of such trials happening on a regular basis.⁴⁴ There had been calls over the decades for the United States to become a signatory of the Hague Convention, and while it is a step in the right direction, it cannot be the only step.

Cultural Property Implementation Act (CPIA)

The CPIA is the mechanism in the United States for implementing the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property (“the UNESCO Convention”). The CPIA implements two sections of the UNESCO Convention: Article 7(b)(i) (prohibiting importation of “stolen cultural property that had been documented as part of the inventory of a museum or similar public

⁴² Gerstenblith, 342–346.

⁴³ “U.S. Ratifies Treaty to Protect Cultural Property in Time of War,” U.S. Committee of the Blue Shield, 30 September 2008, <http://uscbs.org/news/?p=72> (accessed 27 February 2009).

⁴⁴ The International Criminal Tribunal for the Former Yugoslavia convicted two individuals, Pavle Strugar and Miodrag Jokic.

institution”) and Article 9 (which is “intended to provide a mechanism by which State Parties will provide assistance to each other in cases of pillage of archaeological and ethnological materials”).⁴⁵ The “mechanism” mentioned in Article 9 is the Cultural Property Advisory Committee (CPAC), to which state parties to the Convention can submit requests for protection of specific types of cultural property; the US and foreign governments then enter a bilateral agreement to protect these types of cultural property. The CPAC exists under the auspices of the State Department, and requests for protection take place through “diplomatic channels.”⁴⁶ For this reason, the protection against looting provided by the CPAC has not been available to Iraq since the first gulf war because the two governments did not have “diplomatic relations.”⁴⁷ This would seem to be the fatal flaw in the CPAC/State Department system: we sacrifice the protection of cultural property when we do not make it our first priority.⁴⁸

The National Stolen Property Act (NSPA) has been used to prosecute trafficking not only in documented objects from a cultural repository, but also in archaeological objects that belong to the government by virtue of cultural patrimony laws.⁴⁹ As will be discussed in the next section, Iraq does indeed have such a law, thus providing a method of prosecution and retrieval under the NSPA. However, the NSPA only applies if objects are already in the United States—

⁴⁵ Gerstenblith, 319, 320; see her discussion on 319–327 for more details on the CPIA.

⁴⁶ Gerstenblith, 324.

⁴⁷ Gerstenblith, 324.

⁴⁸ In 2004, the Emergency Protection for Iraqi Cultural Antiquities Act was passed, allowing the president to authorize protection of Iraqi cultural property through the CPIA without the need for a formal request (the bilateral agreement) (Gerstenblith, 329–330). This act was passed in response to the United Nations Security Council Resolution 1483, which called on “all United Nations Member States to prohibit trade in any illegally removed cultural objects and to adopt means to ensure their return to Iraq” (Gerstenblith, 328). The overall collision between diplomatic relations and protection of cultural property still stands within the CPAC/State Department arrangement, however.

⁴⁹ Gerstenblith discusses the NSPA and its application to the Iraq situation on 325–327.

surely it would be more efficient to prevent their removal from the country of origin in the first place.

Iraqi Self-protection

Many Iraqis, unsurprisingly, take a great deal of pride in their cultural heritage: “Iraqis remain fiercely proud both of [their] recent past... and of their distant history in this land once called Mesopotamia, the land between the Tigris and Euphrates rivers that is remembered as the cradle of ancient civilization.”⁵⁰ Prior to the first gulf war, “hundreds of well-trained experts worked with all foreign archaeological teams excavating in the field. Thousands of guards protected museums, monuments, temples, and even the smallest of known historic sites.”⁵¹ Their department of antiquities was founded in the 1920s; by the 1980s, “there were more than 25 foreign-trained Iraqi Ph.D.’s working in the antiquities service of the universities in the country. Archaeology programs at the universities allowed the Department of Antiquities to assemble a staff of thousands for its 20 museums, for supervision of excavations, and other purposes.”⁵² Iraq’s 1936 Antiquities Law (updated in 1974 and 1975) claims ownership of “all antiquities in Iraq whether movable or immovable that are now on or under the surface of the soil” for the Iraqi government and sets forth requirements for all excavations and excavated property.⁵³

After the first gulf war, however, this system fell apart. The economic embargo imposed by the United Nations after the war “has been devastating. The last 13 years have witnessed drastic losses of staff and funding at the Department of Antiquities. There has also been an

⁵⁰ Douglas Jehl, “Look Who’s Stealing Nebuchadnezzar’s Thunder,” *New York Times*, 2 June 1997, <http://www.nytimes.com> (accessed 28 March 2008).

⁵¹ Perlman, “Protecting Iraq’s Ancient Treasures.”

⁵² McGuire Gibson, “Fate of Iraqi Archaeology,” *Science* 299, no. 5614 (21 March 2003), 1848.

⁵³ “Antiquities Law No. 59 of 1936, and the Two Amendments No. 120 of 1974 and No. 164 of 1975,” Republic of Iraq, Ministry of Information, Directorate General of Antiquities, Baghdad, <http://developmentgateway.org/download/181160/Iraq-Antiquities-Law.rtf/rtf>: Article 3 and Article 49 are cited specifically.

increasing pace of looting of archaeological sites followed by large-scale smuggling out of objects to feed the voracious international antiquities market. Only three Ph.D.'s remain in the department. The department has been forced to lay off its guards at many sites; and even where some have been retained... thieves have succeeded in removing surprisingly large objects."⁵⁴ The legal protections of Iraq's antiquities law were not sufficient without the funding and the goodwill to enact them. Without an ethical stance that frowns on the collecting of cultural property from war zones, the legal protections will not be enough.

The Iraqi government itself is conflicted about how best to deal with the display of their cultural heritage: eight of the 26 galleries of the National Museum were reopened to scholars, researchers, and students on 23 February 2009, an event planned, promoted, and supported by the Ministry of Tourism and Antiquities and the prime minister, Nouri al-Maliki, but boycotted by officials from the culture ministry.⁵⁵ In early January, the tourism minister, Qahtan al-Juburi, announced his desire to see the museum reopened in mid-February, and museum staff scrambled to comply with the directive. On 11 February, five Iraqi museum professionals, including Donny George Youkhanna, the former director of the museum, had written an open letter to Prime Minister Maliki, tourism minister Juburi, Mufeed al-Jazairi, the head of the cultural committee in the Iraqi Parliament, and Qais Rashid, the acting chairman of the State Board of Antiquities and Heritage, protesting the reopening of the museum.⁵⁶ They argued that reopening the museum without time for ample preparation would violate "international standards of museology and

⁵⁴ Gibson, 1848.

⁵⁵ For coverage of the opening event, see Jane Arraf, "A Brief Window Opens into Rarely Seen Iraq Museum," *The Christian Science Monitor*, 23 February 2009, <http://www.csmonitor.com> (accessed 28 February 2009); and Steven Lee Myers, "Iraq Museum Reopens Six Years After Looting," *New York Times*, 23 February 2009, <http://www.nytimes.com> (accessed 27 February 2009).

⁵⁶ "Open Letter to Officials in the Iraqi Government," archived on Iraqcrisis listserv, <https://lists.uchicago.edu/web> (accessed 27 February 2009).

conservation,” and stated that the motivation for expediting the reopening of the museum at this time was nothing more than political manipulation. Some portion of the Iraqi leadership is, understandably, eager to display its country’s magnificent cultural heritage and demonstrate that it is recovering from the thefts of six years ago. Others want to ensure that Iraq recovers not only from the thefts, but also from the years of poor management and lack of funding prior to the invasion. Such tensions about how best to use cultural heritage exist across the world and the problems they present are real and ongoing.

It is clear, from the training of professionals and the guarding of archaeological sites, not to mention the outcry that resulted from the destruction and thefts, that there are those in Iraq who feel a strong cultural connection to the history and cultural heritage of the region. The Iraq Cultural Heritage Project, funded by the Department of State through its embassies and its Bureau of Educational and Cultural Affairs (ECA), is intended to help Iraqis rebuild their cultural infrastructure and provide training for museum professionals, and is a step in a positive direction.⁵⁷ However, Iraq, enmeshed as it is in the international trade in antiquities, will continue to lose both its cultural identity and its ability to use its own objects for its own economic gain—not the gain of wealthy Western collectors. The cultural objects of Iraq are representative of the Iraqi people, and form an integral part of their identity, at least in some way. Failing to protect Iraqi cultural property signals a severe disregard for their very identity.

Blue Shield: Coordinating the Efforts of Cultural Property Professionals

The 1954 Hague Convention provides another tool for protecting cultural property: the creation of the designation of the blue shield as a symbol to mark important cultural property.

⁵⁷ For more information, see “Iraq Cultural Heritage Project (ICHP),” United States Department of State Fact Sheet, 16 October 2008, <http://2001-2009.state.gov/r/pa/prs/ps/2008/oct/111017.htm> (accessed 27 February 2009).

While the use of this mark on a building or site has had limited use and success,⁵⁸ the concept spurred the creation of an international organization, the International Committee of the Blue Shield (ICBS). The ICBS was founded in 1996 by ICOM (the International Council of Museums), ICOMOS (the International Council of Monuments and Sites), ICA (the International Council on Archives), and the IFLA (the International Federation of Library Associations and Institutions), and it covers “museums, archives, libraries, and monuments and sites.”⁵⁹ The international committee supports national committees, which are “organized under the principals” of the ICBS, and must follow certain requirements.⁶⁰ The national committees “bring together the different cultural property professions, local and national government, the emergency services, and the armed forces” in their countries, and “provide a forum to improve emergency preparedness... [and] a focus for raising national awareness of the threats to cultural heritage and promote the ratification and implementation by national governments of the 1954 Hague Convention.”⁶¹ The committees of the blue shield are intended to serve as the central point for coordination and organization of the various facets of cultural property protection.

The United States Committee of the Blue Shield (USCBS) is “committed to the protection of cultural property worldwide during armed conflict” and holds five goals to accomplish this mission: 1) coordinate with the U.S. military, U.S. government, and other cultural property organizations; 2) promote U.S. legal protections for and commitments to cultural property, consistent with the 1954 Hague Convention; 3) prepare and maintain a

⁵⁸ Once again, the usefulness of the blue shield symbol relies upon the goodwill of those participating in the conflict.

⁵⁹ See the “U.S. Committee of the Blue Shield” website (<http://www.uscbs.org/index.html>) for an overview of the ICBS and the national committees.

⁶⁰ These requirements are laid out in the “Requirements for National Committees of the Blue Shield” at <http://www.ifla.org/blueshield.htm>.

⁶¹ http://www.uscbs.org/about_us.htm (accessed 28 April 2008).

database of volunteers to advise and assist in the protection of cultural property worldwide damaged or threatened by armed conflict; 4) raise public awareness about the importance of cultural property as the shared heritage of all humankind; and 5) provide advice and assistance to cultural organizations in emergency planning for situations involving armed conflict.⁶² The USCBS works with the Archaeological Institute of America (AIA) and the American Institute for Conservation of Historic and Artistic Works (AIC) to provide “cultural property training” to the 353rd Civil Affairs Command, the units of which “have responsibility for cultural property issues in the military theater of operations.”⁶³ The USCBS founder and current president Corine Wegener emphasizes the importance of military education by raising awareness both on the ground and in the command structure.⁶⁴ The work she does through USCBS provides basic information and skills to the troops, so that they become aware of their surroundings and of what is at stake. She also believes that we need to start thinking about the protection of cultural property in the same way we do the protection of people: create cultural property protection NGOs (non-government organizations) that provide some basic protection and can be permitted into war zones.⁶⁵ Individual scholars, however well intentioned, cannot liaise with the American military in trying to protect cultural property; they need to be organized and sanctioned.

The United States military itself no longer contains the cultural property expertise so much in evidence during, for example, World War II, when the draft brought individuals from all professions into its armed forces. At that time, museum and other cultural professionals used their influence to urge the creation of a presidential commission on cultural property, which

⁶² http://www.uscbs.org/about_us.htm (accessed 20 March 2009).

⁶³ “U.S. Committee of the Blue Shield Trains the 353d Civil Affairs Command at Ft. Bragg,” 27 January 2008, <http://uscbs.org/news/?p=39>, accessed 28 April 2008.

⁶⁴ Corine Wegener, interview with author, 28 March 2008.

⁶⁵ Wegener pointed out that military commanders are loathe to allow individual civilians into war zones because they cannot guarantee protection and have no equipment or logistical support.

became the American Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas (or the Roberts Commission). This commission established the Monuments, Fine Arts, and Archives division within the military, the members of which were charged with protecting cultural property. While the Civil Affairs divisions in the current US military are still charged with, among other things, protection of cultural property, it is not their primary responsibility, nor are there individuals within the military establishment who already have the expertise. This expertise and training needs to come from somewhere outside of the establishment, but it also needs to be coordinated and facilitated by a permanent government office.⁶⁶

An international sampling of cultural heritage institutions, scholars, and advocates signed an “Open Declaration on Cultural Heritage at Risk in Iraq” in mid-March of 2003, drawing attention to the risk inherent in armed conflict, urging all the governments involved to respect international protections of cultural heritage, and offering postwar assistance in recovery. The ICBS produced a statement on 16 April 2003, calling upon “all parties concerned to do everything in their power to protect Iraq’s cultural heritage and to prevent further losses.”⁶⁷ UNESCO (the United Nations Educational, Scientific, and Cultural Organization) called an emergency meeting for 17 April 2003,⁶⁸ and international groups of archaeologists and museum directors made their way to the National Museum in the aftermath of the invasion.⁶⁹ The British

⁶⁶ The author was party to a discussion about just such a permanent office at the Archaeological Institute of America/American Philological Association Joint Conference, 8–11 January 2009, in Philadelphia, Pennsylvania, at a roundtable session entitled “Archaeology in Wartime: A Roundtable about Cultural Resources Protection in War Zones.”

⁶⁷ “Heritage Professionals Call for Emergency Protection to Save Iraq’s Treasures,” <http://www.ifla.org/VI/4/admin/iraq1704.htm> (accessed 28 April 2008).

⁶⁸ A summary of the meeting is available at <http://www.ifla.org/VI/4/admin/iraq2204.htm>.

⁶⁹ One such group was composed of scholars from the Archaeological Institute in Germany and Berlin museums, as well as the British Museum (London), the Metropolitan Museum of Art

Museum and the Oriental Institute at the University of Chicago were “at the forefront of a growing impetus to catalogue the losses and attempt to recover some items. The Oriental Institute is using the Internet to circulate images and descriptions of the artifacts in an effort to hinder the international movement of these items.”⁷⁰ The Penn Museum at the University of Pennsylvania has an extensive portion of its website devoted to the destruction of cultural property in Iraq.⁷¹ All of these organizations and professionals are bringing together their passion and expertise to influence both their governments and their fellow citizens.

Coincidentally, the Met opened a show entitled “Art of the First Cities” in May of 2003, a show that contained “ancient treasure from the region.”⁷² In some cases, photographs of pieces unavailable for display (because of the aforementioned embargo) were clear evidence of what had been taken: “In the very first gallery stands a small statue of a ‘Nude Priest-King’ with an old photo of his alabaster doppelganger from Baghdad,” which was missing when the show went up.⁷³ Such exhibitions are necessary to bring the attention of the American public to the dangers that armed conflict presents to cultural property. People feel outrage about the destruction of heritage and cultural property, but only when they are aware of it. If museum professionals do not talk about why we do what we do, the American public will remain in the shadow of ignorance.

(New York), and the Hermitage (St. Petersburg, Russia); discussed in Riding, “A Nation at War.”

⁷⁰ Almira Poudrier, “Alas, Babylon: How the Bush Administration Allowed the Sack of Iraq’s Antiquities,” *The Humanist* (July/August 2003), 10.

⁷¹ “The Cultural Heritage of Iraq,” Penn Museum at the University of Pennsylvania, <http://www.museum.upenn.edu/new/research/iraq/index.shtml> (accessed 28 April 2008).

⁷² Cathleen McGuigan, “Why Should We Care?: As Investigators Scour Baghdad for Looted Treasures, an Exhibit in New York Shows What Makes These Ancient Objects Matter So Much Today,” *Newsweek*, 12 May 2003, <http://www.newsweek.com> (accessed 2 April 2008).

⁷³ McGuigan.

Part III: Conclusion: How Museum Professionals Must Effect Positive Change

Museum professionals have lost our ability to encourage widespread protection of cultural property because we have not been leaders. Cultural property professionals hold curatorial expertise unparalleled in any other field; we articulate the connection between respect for culture and respect for people; and we take our passion for the products of creativity and focus it to serving a good greater than ourselves. Western scholars and professionals must create a new ethical standard regarding the prevention of the destruction of cultural property during times of armed conflict. As the destruction at the Iraq Museum demonstrates, protecting cultural property during armed conflict can easily be overlooked. Whether through neglect or willful omission, commanders can allow or even encourage the destruction of cultural property. International law, domestic laws, and internal controls can all fail in times of armed conflict (although the US becoming a state party to the 1954 Hague Convention will help to standardize the American military establishment's response to and implementation of international law). Armed conflicts will continue to threaten cultural property for the foreseeable future unless and until museum professionals demand stronger legal protections, provide practical protection ourselves or by training military personnel, and, most importantly, work to create an environment of respect for the cultural property of humanity.

Cultural property professionals must continue to help the military to educate its soldiers in the importance of cultural property protection during armed conflict, as the USCBS is currently doing.⁷⁴ We must also educate not only the general public, but also our staff and board

⁷⁴ Corine Wegener has written a Graphic Training Aid ("Civil Affairs, Arts, Monuments, and Archives Guide," GTA 41-01-002; the 2005 version is available at http://www.au.af.mil/au/awc/awcgate/army/gta41-01-002_arts_monuments_and_archives.pdf) for use by soldiers in the field, and she and her colleagues at the USCBS work to educate Civil Affairs soldiers in training on a regular basis (Wegener, interview with author, 28 March 2008).

members and our donors about the importance of cultural property protection; the visceral connection between respect for cultural property and respect for human life must be made explicit. Museum professionals must treat source countries as allies, not as enemies, in the fight for cultural heritage protection. Only when our society, at all levels, is permeated by an atmosphere of care and protection will those in positions of power move proactively to protect the cultural property of humanity. If our government and our military do not think that we care about ensuring the safety of cultural property monuments and objects, then they will never make such safety a priority.

Museums must lead by example, unerringly holding the ethical position that cultural property must be protected from theft and destruction during times of both war and peace, and decrying those in our field who violate this standard. Individual codes of ethics at museums large and small, as well as the codes of ethics and conduct for museum associations (such as the American Association of Museums, the Association of Art Museum Directors, the American Association of State and Local History, and the International Council of Museums), must unambiguously state that whether or not political or diplomatic arrangements have been made with a given country or community, museums must not accept for accession or loan any antiquities or other objects without unambiguous and reliable provenance that hail from any location where there is currently or has recently been any sort of armed conflict.⁷⁵

⁷⁵ The International Council of Museums (ICOM) *Code of Ethics for Museums* (2006) mentions armed conflict in two sections: 2.21, “Protection against Disasters,” wherein it states: “Careful attention should be given to the development of policies to protect the collections during armed conflict and other human-made or natural disasters”; and 7.2, “International Legislation,” which states that the 1954 Hague Convention and its two protocols should be “acknowledged” in museum policy. Individual museums will need more specific guidelines if they are to successfully safeguard their collections against a) destruction and b) objects acquired illegally during times of armed conflict.

As of this writing, museums have only partly completed this job. During the summer of 2008, the AAM and the AAMD promulgated new or revised codes of ethics aimed at stemming the tide of illegal antiquities trading, in itself a serious problem even in regions not affected by long-term warfare.⁷⁶ Both associations recommend requiring clear, documented provenance before accepting items discovered after 17 November 1970 (the date on which the 1970 UNESCO Convention was signed), but only the AAM standards recommend making a “serious effort” to researching the provenance of existing collections. The AAMD standards apply only to potential acquisitions, and are silent on the issue of the many items already in museum collections that may have questionable provenance—a serious omission that, hopefully, will be addressed in individual museum policies. Despite this advance in the fight against the problem of archaeological looting, neither the AAM nor the AAMD statement mentions the threat of armed conflict. The most recent ICOM guidelines for museum ethics codes (from 2006) mentions armed conflict only twice: while encouraging museums to create policies that will protect their own collections during times of armed conflict, and in a list of international legislation relevant to museums’ ethical policies. Museum professionals need to demand guidance from their associations on this issue. As the most prominent and well-respected voices of the museum field the AAM, the AAMD, and ICOM have an obligation to educate their publics about the illegal antiquities trade and its impacts, and to be transparent about what museums do and why.

⁷⁶ American Association of Museums, “Standards Regarding Archaeological Material and Ancient Art,” July 2008, <http://www.aam-us.org/museumresources/ethics/upload/StandardsRegardingArchaeologicalMaterialandAncientArt.pdf> (accessed 27 February 2009) and Association of Art Museum Directors, “Report of the AAMD Task Force on the Acquisition of Archaeological Materials and Ancient Art (revised 2008),” June 2008, <http://www.aamd.org/newsroom/documents/2008ReportAndRelease.pdf> (accessed 27 February 2009).

Because the trade in antiquities (both looted from archaeological sites and stolen from cultural repositories) covers an extensive range of objects and geographic areas, finding ways to combat threatens to be an overwhelming challenge. It is therefore essential to the ongoing integrity of the museum profession that we go beyond the legal standard—especially given the practical difficulties of prosecuting under international law, even now that the United States is a party to the 1954 Hague Convention. Addressing such problems as stolen or looted objects in museum collections often occurs well after the fact; the case of Nazi-looted art is a case in point. It took many decades after the end of World War II for museums to address these problems head on. The museum community is more self-aware than it was sixty years ago, and it is time to make educated guesses anticipating future problems rather than focus all our efforts on correcting past mistakes.⁷⁷

Finally, throughout all of our professional efforts, it will be vitally important to make the protection of cultural property a priority, regardless of whether such property is or can be protected by legal arrangements (such as those made with the blessing of the State Department through the CPAC). Too many objects and sites cannot be covered because of some political or diplomatic technicality that disregards their cultural importance. As a general principle, culture and history must transcend modern politics or the hunger of collectors, even if every situation is not clear cut.⁷⁸ Achieving this goal must include opening lines of communication with source

⁷⁷ I in no way mean to imply that the ongoing struggle to return Nazi-era objects to their rightful owners is not important; what the museum field has done when faced with problems of this nature is (for the most part) very admirable, and it is thanks to efforts regarding Nazi-era looting that the museum profession is as self-aware as it is today. The issues of cultural property and armed conflict are ongoing, however, and it is time for museums, as leaders in art and culture, to begin addressing the next set of issues.

⁷⁸ The issues and viewpoints involved in the trade, display, and conservation of cultural objects are myriad and complex. My suggestion here is that museum professionals begin to make the importance of protection of cultural property their absolute priority.

countries, an action that may seem anathema to many museums accustomed to regarding their collections as inalienable. Museums can no longer afford to behave as though we have an absolute right to the objects in our collections. If anything, we have an obligation to stewardship of the objects, to do what is in their best interest. The difficulty, of course, lies in the determination of this best interest, which the various stakeholders perceive differently. But understanding the full context of a given object, its place in history, in culture, in politics, is the only way to determine how that object should be treated. Museums need to be open to collaborating and compromising with source countries in establishing what actions should be taken. If museums take the lead in creating an ethic of cultural property protection, political and social forces will take heed, because museums are respected as purveyors of truth, accuracy, and honest behavior.

Cultural production is the very essence of humanity; without it, we lose our very identities as human beings. Museums are the only social force that contains all of the necessary elements to create and maintain a thoughtful, ethical approach to protecting the world's heritage. Museum professionals can lead the way towards a brighter future for the protection of cultural property during times of armed conflict by prioritizing the preservation of culture above considerations of aesthetics and politics in our ethical standards, our messages to the public, and our interactions with source countries. Museum professionals hold a unique position in modern societies: we are heeded as cultural experts by the public, governments, and militaries. Our passion for history, culture, and people is needed to protect the world's cultural property from future destruction.

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