

## **NATO and CPP**

**Key takeaways from Expert Conference Workshop on NATO and CP Protection: “The Hague and beyond the Hague: a new integral perspective for CPP in modern conflict and crisis?”, 10. February 2023, NATO Headquarters in Brussels, Belgium.**

The workshop gathered selected experts and NATO staff participating in the NATO conference ‘Cultural Property Protection and NATO: Experiences, Practices and Trends’, 9. February 2023 in NATO Headquarters in Brussels, Belgium, hosted by the NATO Human Security Unit (HSU), Office of the NATO Secretary General. The events were initiated, co-organized and co-funded by the Nordic Center for Cultural Heritage and Armed Conflict (CHAC) through a grant from the Crown Princess Mary Center, Denmark. They served to support allied nations and the HSU with drafting a NATO Policy on protecting and handling issues related to Cultural Property in NATO-led operations and missions.

### **General observations**

1. Participants emphasized the significant amount of work already undertaken during the last decade by national experts in collaboration with NATO stakeholders on the broader issues of Cultural Property Protection (“CPP”) as part of or instigated by NATO Science for Peace and Security projects funded and supported by NATO. Many issues raised at the conference have already been addressed substantially, including NATO concept developments on CPP, IHL and CPP, the evolving conflict dynamics and Cultural Property (“CP”), demarcations of what NATO could and should do in this area, including CPP in relation to article 5 scenarios.

It was recommended that the HSU, NATO Member States, and NATO stakeholders consider the outcome documents from this work while contemplating a concept for a NATO CPP Policy.

2. It was noted that the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (“1954 HC”) emerged out of WWII experiences with total warfare and strategic bombing of CP. Thus, the legal framework of the 1954 HC easily maps onto contemporary Article 5 scenarios, including hostile fire-situations and in-depth defense.
3. All NATO Member States are signatories to the 1954 HC and IHL forms a backbone of the NATO Alliance. Therefore, a NATO CPP Policy that endorses and builds its concept around the 1954 HC will not create any additional obligations or expectations for either NATO or its Member States.

4. It was noted that even if all NATO Member States are member of the 1954 HC, and many also of its protocols, knowledge about and implementation of this part of LOAC remain insufficient and often neglected. One major challenge reported was the enduring confusion about the national implementation of the 1954 HC as it is often viewed as a “cultural convention” with UNESCO as the authoritative clearing house even if UNESCO has little if any resources and expertise to guide operational law development.
5. NATO LEGAD and Office of Legal Affairs (OLA) have been central to the last decade’s work in NATO on CPP. Due to rotations of personnel and changed conflict environments, a symposium with OLA and IHL experts is recommended to update OLA and LEGAD on the 1954 HC regime and other parts of LOAC that regulates the conduct of hostilities vis-à-vis CP including peacetime measures.
6. A NATO Policy on CPP could provide motivation and assistance to allied nations regarding the implementation of their international legal obligations under the 1954 HC. Article 7 regarding peacetime preparations was mentioned as an element that could enhance the general readiness across the alliance to address CPP.
7. Russian National Security Strategies include an increasing focus on cultural heritage/property, whereas corresponding national documents among allied nations scarcely mention cultural heritage/property. Simply put, Russia views cultural heritage/property predominantly as a political and strategic issue while allied nations maintain a narrow legal perspective focusing on protection. The same may be said about China.

Allied nations would be wise to consider this striking gap between NATO and its identified adversaries in attention and focus when considering the ramifications of a CPP Policy.

### **The definition of CP**

8. The 1954 HC offers a well-developed concept of “CP” that in addition to establishing its scope of applicability may also inform an outlook on non-IHL issues related to CP. Therefore, for the purposes of developing a NATO CPP Policy, allies may simply employ the 1954 HC’s definition of CP, which all allies without exception already agree to. If any doubts remain about the 1954 HC’s definition of CP, NATO OLA and LEGADs should be able to provide allies with a clarification.
9. On the difference between “CP” and “Cultural Heritage”: the terms ‘Cultural Heritage’ and ‘CP’ are today used interchangeably in common language as well as in international law. Therefore, from a Policy perspective, NATO can employ the 1954 HC’s concept of CP, which is well established at NATO, and easily accommodate the language and concepts of ‘Cultural Heritage’ whenever needed.

### **The definition of CPP**

10. The predominant military concept of “CPP” in NATO considers factors beyond IHL to address strategic, operational, and tactical responses to modern conflicts and crises.
11. As has before been agreed by NATO LEGAD, the expression “CPP” is no more than a descriptive label for a range of practices geared towards respecting and safeguarding CP in the event of armed conflict. Many of these practices are obligatory as a matter of international law. Others, however, may not be. Some of the practices may aim at protection. Others may aim at strategic and tactical issues, which may also include hybrid threat considerations. Hence the scope of situations for an underlying concept for a NATO CPP Policy should embrace a broader range of practices from targeted destructions and misappropriation of CP to achieve military and political objectives, the use of CP for strategic communication and information warfare, to adversaries using CP to impose threats and dilemmas towards allies.
12. This definition of CPP embracing IHL as well as other strategic, operational, and tactical issues of concern for NATO is reflected in the 2017 Bi-SC Directive 086-005, “Implementing CP Protection (CPP) in NATO and NATO-led Operations and Missions.”

### **The scope of a CPP Policy**

13. While a concept behind a NATO CPP Policy could be wide in scope, some participants recommended that a NATO CPP Policy should focus narrowly and primarily on empowering and enabling already existing branches and functions in the NATO organizations and among allies to handle CP-related challenges and their broader security implications. A NATO CPP Policy should not add any new obligations or expectations to NATO and its Member States but enable and support NATO with developing CPP abilities also beyond IHL on a demand driven basis wherever and whenever useful for NATO.
14. In that regard it was emphasized that the concept of CPP as a cross-cutting topic refers not only to cross-functional action and coordination for ensuring adherence to applicable IHL. It also refers to the various branches and functions that would benefit from being prepared to deal with CP as both a challenge and opportunity, including but not limited to LEGAD, CIMIC, Counterterrorism, Countering Hybrid Threats, Stability Policing, Intelligence, Engineers, SITCEN. For instance, NATO Environment Protection (EP) recently developed lower-level doctrine on CPP and hence illustrates how CPP may be factored into separate operational level military functions.
15. In the context of NATO’s Human Security framework, the role of culture and thus also CP constitutes a critical factor to understand the human environment in crisis and conflict. Hence, CPP intersects with and may underpin NATO’s broader Human Security agenda

and may enhance existing capabilities for NATO and allies to understand the human/cultural environment in crisis and conflict.

16. Participants emphasized the Hybrid Threats and Information Warfare component of CPP. The political power of CP is increasingly “weaponized” by states and non-state actors as a central component of hybrid programs targeting NATO Allies and partners. Systematic destruction, misappropriation, and looting forms part of adversaries’ military strategies as tools of domination, dilemma creation and creation of narratives of instability. These programs combine historical narrative propaganda with the exploitation of CP (CP) in influence activities designed to support these narratives and translate their effects onto the physical landscape.
17. It was suggested that CPP narrowly understood as IHL could limit a robust NATO approach to CP since legal protection amounts to a relatively small percentage of the challenges that allied nations may face during operations. Intentional attacks and misappropriation of CP are increasingly part of a Hybrid Threats and Information Warfare campaign.
18. At the Madrid Summit (2022), NATO Heads of State and Government reiterated the centrality of human security in the three core tasks: deterrence and defence; crisis prevention and management; and cooperative security. NATO’s 2022 Strategic Concept recognizes that authoritarian actors and strategic competitors, especially the Russian Federation, increasingly target NATO Allies and partners using hybrid means and disinformation, and pledges to increase NATO’s resilience to these emerging threats.
19. A NATO CPP Policy should recognize the strong nexus between CP and hybrid threats to enable NATO’s ability to Prepare, Deter, and Defend against the exploitation of CP, in line with NATO’s approach to Responding to Hybrid Threats. As part of the Prepare function, NATO “continuously gathers, shares and assesses information in order to detect and attribute any ongoing hybrid activity.”

### **Training & exercises**

20. CPP injects into NATO training and exercises have so far been ad-hoc and limited to IHL. Introducing a concept of CPP beyond IHL that considers other strategic, operational and tactical issues of concern will improve streamlining CPP across training levels and improve integration of the topic in various mission phases in different types of exercises.

### **CPP and Intelligence**

21. Some allied nations have started to work with CPP as an intelligence issue. The military CPP community within NATO is well-suited to provide intelligence pertaining to the exploitation of CP. Participants noted that the advice offered by Subject Matter Experts about how NATO should work with CPP emphasizes the need for collecting, organizing,

and disseminating information, tasks that in a military context lies with the intelligence branches.

However, there is a delicate balance between collecting information and gathering intelligence on CP. Intel-driven approaches to CPP could enable a more effective establishment of a common operational picture and ensure civilian-military collaboration and data-sharing to facilitate a bottom-up and preventative approach to CPP.

22. In reference to the threat posed by Russia, the Strategic Concept notes that NATO cannot discount the possibility of an attack against Allies' sovereignty and territorial integrity. In such an Article 5 scenario, the exploitation of CP is likely to increase, especially on any occupied territory, as observed in Russia's war in Ukraine. This could include the targeted destruction of CP that challenges narratives, coupled with the protection, rebuilding, and rapid construction of new CP supporting these narratives. It was also noted that an understanding of Russian activities in the cultural domain could be used to monitor Chinese aspirations in this domain and build such findings into military scenarios.

### **Counter-Terrorism and CP**

23. Participants drew attention to the lack convincing evidence that establishes a concrete link between looting and illicit trafficking of antiquities to large-scale financing of terrorism. Even if compelling research corroborated a direct link, it would still need to be established whether looting and illicit trafficking as a means of the financing of terrorism meets the threshold to be considered an international security issue. There is a fundamental difference between countering criminal groups' looting and illicit trafficking to protect CP, and viewing such activities as pertaining to international security such that it warrants attention and action under NATO's (or any other) Counter Terrorism Programs. To date, nothing substantiates this necessity.



NATO SECRETARY GENERAL'S SPECIAL REPRESENTATIVE  
FOR WOMEN, PEACE AND SECURITY  
REPRÉSENTANTE SPÉCIALE DU SECRÉTAIRE GÉNÉRAL DE L'OTAN  
FEMMES, PAIX ET SÉCURITÉ

Brussels, 23 January 2023

## CONCEPT NOTE

### **Cultural Property Protection and NATO: Experiences, Practices and Trends**

9 February 2023

The aim of the conference is to assess the implications for Allies and NATO of the growing international concern for the protection of cultural property in armed conflicts.

NATO remains dedicated to continuing its efforts in the field of Cultural Property Protection. Over the last decade, NATO has made progress in addressing the crosscutting challenges related to cultural property in operations and missions, including under its Protection of Civilians Policy and comprehensive approach to crisis management. At the Madrid Summit, Heads of State and Government endorsed the NATO Human Security Approach and Guiding Principles, which covers, among others areas, Cultural Property Protection. Key to this commitment will be the development of a policy for Cultural Property Protection in support of implementation of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Protocols in NATO's operations and missions.

The conference will also address new trends in Cultural Property Protection, *inter alia*, the exploitation of objects, places, and landscapes of significant cultural value as tools of influence, domination and information warfare. Also relevant is the issue of how NATO may play a role in the protection and prevention efforts related to Cultural Property Protection, and how its considerations are integrated into preparations, planning and conduct of its operations and missions.

The conference will gather a broad range of military and civilian practitioners, experts and national representatives and it will serve as a scoping discussion for supporting NATO's effort in drafting a dedicated policy on Cultural Property Protection.



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Brussels, 6 February 2023

## **Cultural Property Protection and NATO:**

### **Experiences, Practices and Trends**

#### **Programme**

This conference explores recent experiences, practices, and trends of relevance to NATO's work with strengthening and formalizing Cultural Property Protection as a key NATO effort.

#### **PLENARY**

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| 09:30 - 09:50 | Welcome Coffee   |
| 09:50 - 10:00 | Family Picture   |
| 10:00 - 10:15 | Welcome and Introductory Remarks – NATO DSG Mr Mircea Geoană                                 |
| 10:15 - 10:30 | Framing speech for discussion on CPP – NATO SGSR Ms Irene Fellin                             |
| 10:30 - 12:00 | <b>Panel 1:</b> NATO and Cultural Property Protection: Experiences: Successes and Challenges |

**Moderator:** Professor Peter Stone UNESCO Chair in Cultural Property Protection and Peace, President, The Blue Shield, Newcastle, UK

**Panellists:** Dr Corine Wegener, Director, Smithsonian Cultural Rescue Initiative, Washington D.C., US

Dr Laurie Rush, US Army Cultural Resource Manager, Fort Drum, US

Ms Sera Gaeta, SHAPE CIMIC Liaison Branch Head, Mons, BE



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Brussels, 6 February 2023

Colonel Giuseppe De Magistris, Director NATO Stability Policing  
COE, Vicenza, IT

### Q&A

12:00 - 13:30 Lunch break

13:30 - 15:00 **Panel 2:** CPP Emerging Threats and Challenges: From Protection to Concrete  
Military Strategies

**Moderator:** Dr Shannon Lewis-Simpson, Assistant Professor, Canadian  
Defence Academy, Dallaire Centre of Excellence for Peace and Security,  
Kingston, CA

**Panellists:** Dr Frederik Rosen, Director of the Nordic Center for Cultural  
Heritage and Armed Conflict, Copenhagen, DK

Dr Daniel Shulz, Research Fellow, NATO Defence College, Rome,  
IT

Dr Kristin Hausler, Director of the Centre for International Law,  
The British Institute of International and Comparative Law,  
London, UK

Professor Lynn Meskell, Penn Integrates Knowledge, University of  
Pennsylvania, Philadelphia, US

### Q&A

15:00 - 15:30 Coffee Break

15:30 - 16:00 Wrap Up and summary of main points for policy consideration – NATO SGSR  
Ms Irene Fellin and Moderators



# NATO CPP CONFERENCE WORKSHOP 2

## The Hague and beyond the Hague: a new integral perspective for CPP in modern conflict and crisis?

Date: February 10th 2023

Time: 09.30 - 16.00

Location: NATO HQ, Public Square Blue or Green Room

This workshop focuses on the crucial aspect of framing “Cultural Property Protection” (CPP) as part of NATO’s Human Security approach. A NATO CPP Policy can be used as a tool to address both strategic and tactical responses to IHL concerns inherent in modern conflict and crisis situations. This workshop will formulate concrete ideas to design and implement an *integrated approach to CPP* that straddles IHL and non-IHL responsibilities and challenges. The main question is what could be useful for NATO and allies in terms of a CPP Policy to empower and enable existing branches and functions within NATO to handle CPP related challenges and their broader security implications.

### ***CPP and Today's Operational Environment***

Throughout the ages, information has played a crucial role in conflict. Strategic narratives frame how actions are understood by different audiences and effectively combine the trinity of the public, politics, and war. Some even argue that social media has reshaped the nature of conflict itself and that it is no longer simply about whose military wins but whose story wins.<sup>1</sup> That the environment and, indeed, the character of armed conflicts has changed in the past decades cannot be denied. The battle space has enlarged beyond the physical to include the virtual and cognitive dimensions. In this context, the role of militaries – including NATO forces – has irrevocably changed. Focus has drifted away from kinetic force to maneuvering the battle space in its entirety and with a different array of instruments, requiring different mindsets and skill sets.

In light of these shifts and escalations, the field of CPP needs to be revisited and reevaluated. NATO’s approach to Cultural Property (CP), concerning places, objects and areas of significant cultural value, has been guided primarily by LOAC and issues related to legal protection and the avoidance of combat-related collateral damage to CP. As reflected in the 2019 NATO Bi-Strategic Command Directive, “Implementing CP Protection in NATO Operations and Missions”, NATO has recast CP as an element of the security environment and a challenge to be tackled at strategic, operational, and tactical levels of military planning and action. The same point has been stressed by an NEDP-report<sup>2</sup>, in the outcomes of NATO’s Science for Peace and Security projects<sup>3</sup> on CPP, NATO conferences<sup>4</sup>, in NATO Center of Excellences<sup>5</sup>, and throughout the research literature.

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<sup>1</sup> David Patrikarakos, *War in 140 Characters: How Social Media Is Reshaping Conflict in the Twenty-First Century* (New York, Basic Books, 2017).

<sup>2</sup> NATO NEDP: ‘Safeguarding Cultural Property Creating a NATO Information and Knowledge Management System for Cultural Property’ (2021)

<sup>3</sup> ‘Best Practices for CP protection in NATO-led Military Operations’, NATO Science for Peace and Security Series of Advanced Research Workshop (2015-2018); ‘NATO and Cultural Property: Embracing New Challenges on the Battlefield’, NATO Science for Peace and Security Advanced Research Workshop (2019-2020).

<sup>4</sup> ‘Cultural Property Protection in NATO-Led Military Operations’, NATO International Conference, 6-8 DEC 2016; ‘NATO and Cultural Property Protection - Embracing New Challenges in the Era of Identity Wars’, international conference organized by the Office of the Secretary General, Human Security Unit, in cooperation with the Nordic Center for Cultural Heritage and Armed Conflict, NATO Headquarters, Brussels, 15. to 16. of April 2019; see also NATO Allied Command Transformation (2017): Cultural Property Protection: NATO and other Perspectives, NATO Legal Gazette, 38.

<sup>5</sup> Civil-Military Cooperation Centre of Excellence, [2015], Cultural Property Protection makes sense, A way to improve your mission.

The days when CPP was viewed merely as a requirement of International Humanitarian Law are over. Today, the predominant military concept of “CPP” considers many factors beyond IHL. This is a necessary approach to address both kinetic and non-kinetic warfare beyond the physical battlespace.

### ***Implications for NATO’s development of a CPP policy***

Recent developments underscore the centrality and implications of the “concept of CPP” for NATO’s effective drafting and implementation of a CPP Policy. In order to address the challenges that come with the contemporary and changing realities of conflict, not least given the proactive, calculated and aggressive approach taken in this domain by NATO’s main adversaries, a new NATO policy on CPP must move beyond the focus on LOAC and include an integrated approach to the relationship between the physical, virtual and cognitive, information-driven battle space.

Hence, there is a real challenge for allies and the drafters of a CPP policy to frame CPP in a way that is concise and straightforward yet at the same time encompasses the cross-cutting activities necessary to counter a broader spectrum of challenges that NATO and its allies may encounter in regard to CPP.

### ***Workshop questions***

- 1) What are the different CP-related challenges NATO and allies face beyond IHL?
- 2) What are the corresponding functions to these challenges across the various NATO operational branches and functions, and across the other focused cross-cutting themes of human security for NATO?
- 3) What would a ‘cross-cutting issue’ entail in the case of CPP?
- 4) How does an integrated approach, with its focus also on strategy and tactics, fit into the Human Security framework with its humanitarian rationality?
- 5) What is the role of intelligence within the integrated approach to CPP?
- 6) What could be useful for NATO and allies in terms of a CPP Policy to empower and enable existing branches and functions within NATO to handle CPP but non-IHL related challenges and their broader security implications?

### **WORKSHOP SCHEDULE**

- 10.00 - 10.20    Setting the scene, Introduction of the workshop by Frederik Rosen.
- 10.20 - 12.30    Workshop break-outs round 1:
- 12.30 - 13.30    LUNCH
- 13.30 - 14.45    Plenary sharing of findings per table. Discussion of input and dissemination of ideas for takeaways for a CPP policy
- 14.45 – 15.00    Coffee
- 15.00 – 16.00    Joint de-brief session and wrap-up