

r a s h í d

Research Assessment & Safeguarding of the Heritage of Iraq in Danger



Advancing Cultural Rights and the Protection of Cultural Heritage in Iraq

Submission for the United Nations Human Rights Council's
Inter-sessional Seminar on Cultural Rights and the Protection of
Cultural Heritage

About us

RASHID International e.V. is a worldwide network of archaeologists, cultural heritage experts and professionals dedicated to safeguarding and promoting the cultural heritage of Iraq, ancient Mesopotamia. We are committed to developing the history and archaeology of Iraqi cultures, for we believe that understanding the past is key to addressing the present and to building a prosperous future.

Much of Iraq's heritage has been lost forever. Militant groups have destroyed mosques, churches and shrines, smashed artifacts, bulldozed archaeological sites and illegally trafficked antiquities on an almost industrial scale. Iraqi cultural heritage has suffered grievous and in many cases irreversible harm.

To assist our Iraqi colleagues, we collect and share information, research and expert knowledge, work to raise public awareness, and both develop and execute strategies to protect heritage sites and other cultural property through international cooperation, advocacy and technical assistance.

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Cover image

Photo of the Nergal Gate, Nineveh (Iraq), destroyed by Daesh during their occupation of Mosul

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Session I: Cultural heritage protection: existing mechanisms and recent developments

Ratification

We call on the OHCHR to support and facilitate moves to encourage States to accede to the 1954 Hague Convention and its two protocols. RASHID International is involved in encouraging Iraq to accede as State party to the Hague Convention, Second Protocol 1999. The President of RASHID has met to that end with the Iraqi Minister of Foreign Affairs, the Minister of Culture, with Iraqi diplomats in London, New York, Paris and Geneva, and with Iraqi Members of the Council of Representatives. Accession to the Second Protocol would enable Iraq to apply for special funding for emergency assistance with heritage protection, threatened through conflict. It would also send a strong signal of Iraq's determination to meet global standards in the protection of cultural property in times of conflict.

Human rights obligations

Re targeting of cultural property, RASHID International recognises the difficult circumstances with which the Iraqi armed forces are faced in dealing with a suicidal enemy lacking in values of heritage appreciation and using the destruction of heritage as means of war. We appreciate the care and respect for cultural property that appear to have been exercised by Iraqi, and other, forces during the recent campaign in and around Mosul, thus fulfilling Iraq's duty to respect under international human rights law.

Re preserving and safeguarding cultural heritage from damage by third parties, we encourage Iraq to restore across Iraq its previous system of government-paid heritage site guards who constituted an effective cadre of dedicated individuals. We call on the international community, States and international organisations, to help Iraq with the relatively modest funding and capacity-building that would make this possible.

We support and facilitate moves to strengthen international researcher engagement with the communities and peoples whose heritage we wish to investigate, in particular through involvement of all stake-holders, including local citizens, schools, museums, professionals, and religious groups.

We encourage enhanced engagement by western scholars with museums in Iraq regarding the prevention of trade in looted cultural property, and we support the development of new technologies of marking and tracking illicitly obtained cultural property, as well as local capacity-building in such technologies. In view of the fact, however, that "the world is losing the war against antiquities looters and traffickers", as one expert recently stated, we ask that parties consider radical new measures for disrupting or controlling that trade, including the possibility of applying a 'pollution tax' to trafficked objects which could provide revenue for improved protection of heritage sites in affected States (<https://theantiquitiescoalition.org/wp-content/uploads/2016/12/Policy-Brief-2-.pdf>).

Session II: Conditions for the meaningful engagement of rights holders

Preventive measures

We encourage States to recognize the diversity and value of their cultural heritage assets, in particular through programmes of nominations to the UNESCO World Heritage List. States such as Iraq are significantly under-represented on this list. Members of RASHID International assisted the Iraq government in its recent submission of the archaeological site of Bestansur to the UNESCO World Heritage Tentative List (<http://whc.unesco.org/en/tentativelists/6172/>), and will assist Iraq with preparation of the full nomination. We encourage international researchers and professional consultants to assist Iraq with evaluating sites and, where appropriate, preparing World Heritage nominations, including the provision of expert consultant advice and support.

Regarding the cultural impact of development projects, we stress that the most severe and chronic threat to cultural property in Iraq, as in almost all States, is not deliberate destruction by extremist groups, terrible as that is, but rather the insidious and often unnoticed obliteration of entire ancient landscapes through uncontrolled agricultural, urban and industrial development. We understand that this topic will become a major focus for the Special Rapporteur in the field of cultural rights, and we stand ready to provide detailed case-studies for future reports in this field.

Regarding training of military forces in rules concerning cultural heritage protection, we propose to build on our existing networks of contacts with armed forces of Iraq and other States, in order to develop capacity in this regard. We strongly support Iraq in its efforts to re-establish a system of centrally-paid site guards, and we ask the international community to assist Iraq with the training and protection of such guards, wherever possible.

In order to develop and strengthen partnerships between State actors and civil society, we are encouraging Iraqi colleagues to establish an Iraq National Blue Shield Committee, which would be composed of a wide range of relevant stake-holders, including members of the State Board of Antiquities and Heritage, police, military, educational professionals, and representatives of local communities. RASHID International plans to run a programme of research into the most effective means of constituting and running a Blue Shield committee, which will inform on best practice for Iraq and other interested States.

Regarding assessment and emergency stabilization of tangible cultural heritage, we strongly stress the urgent need for coordination of international efforts to assist Iraq in the context of post-Daesh Mosul and other liberated regions of Iraq. At the February 2017 Paris meeting of UNESCO on 'Heritage in liberated areas of Iraq', a decision was taken to establish a Joint Consultative Committee on Iraq which would bring together international expertise in assisting Iraq through this most difficult time. To the best of our knowledge, this committee has not been formed and no plans formulated or actions undertaken. Meanwhile, more and more territory of Iraq has been liberated from Daesh and the full extent of damage to Iraq's heritage has become clear. The RASHID-associated programme Monuments of Mosul in Danger (<http://www.monumentsofmosul.com/>), supported by the Czech Academy of Sciences and Oriental Institute in Prague, has maintained detailed records all known

destructive activity in Mosul, but the priority now is to provide on the ground assistance to Iraqi colleagues. This assistance could take the form of a small, effective group of Iraqi and foreign professionals conducting initial assessments, identifying and engaging with all local stake-holders, collecting data and evidence (including for possible war crimes prosecutions), and providing emergency documentation of damaged sites and conservation aid. Experience drawn from other war zones indicates that much of the damage to cultural heritage is caused not only during conflict itself but also immediately after hostilities cease. We wish to see the United Nations, including UNESCO and the OHCHR, taking a lead in this regard.

Education

Regarding educational programmes on cultural heritage, especially for young people, we stress the need for a thorough review of school curricula in Iraq, with a view to strengthening the potential contribution of cultural heritage studies as a vehicle for cross-cultural understanding and engagement. We also stress the extreme lack of appropriate educational resources, including text books, online facilities and impactful museum exhibitions and interpretations, with which to provide and enhance heritage education. One key point in education related to cultural heritage protection, and a functioning Iraqi civil society in general, is also to address the issue of corruption. Teaching measures against corruption would develop the ethical stigmatisation of practices of corruption that are prevalent in many parts of Iraqi society.

We believe that such education would also assist greatly with raising public awareness of the evils of illicit trafficking in cultural property and with its prevention. Enhanced awareness and valuing of local heritage resources will aid with grass-roots protection of cultural sites. An associated issue is the need to assist Iraq's State Board of Antiquities and Heritage, and its Ministry of Culture and Tourism, with modern methods of cataloguing and recording the wealth of heritage data, not solely archaeological sites, within its borders, so that local communities can be made fully aware of the sites and assets in their locality and nationally.

We encourage all international researchers working on and in Iraq to assist with outreach and training for relevant components of society, including customs and law enforcement officers.

Inclusion and participation

We encourage all international researchers active in Iraq to formulate impact programmes which involve in-depth engagement with communities and peoples whose heritage they are investigating. It should no longer be possible to conduct research in Iraq without consultation with, and involvement of, local stake-holder communities, on the principle of "no decision about us, without us". Integrated involvement of local stake-holder communities must also be central to all plans for nominations to the UNESCO World Heritage Lists.

International cooperation

We encourage research institutions including universities in the west to provide assistance with capacity-building and training for heritage and museum staff in Iraq, to enable them best to deal with the many challenges they face in protecting and enhancing the globally-significant cultural heritage of Iraq. We applaud the several existing projects which are already in the field and which are making a significant contribution to the Iraqi skills-base. To sustain public awareness, we encourage the regular organisation of conferences and workshops, focusing on Iraq's cultural heritage, that bring together international expertise, advice and support, such as the 2016 Protecting the Past conference in Sulaimaniyah, Iraq (<http://auis.edu.krd/events-calendar/protecting-past-towards-better-future-cultural-heritage>).

We urge universities in Europe to explore opportunities, when they arise, for international engagement with university partners in Iraq, for example through the Erasmus+ scheme and the UNESCO/UNITWIN Chairs Programme.

We ask heritage professionals working on and in Iraq to assist Iraqi colleagues with all visa issues, which can be complex, to ensure that full, timely and proper visa applications are made to the appropriate authorities. We ask the OHCHR to lobby governments to review visa procedures to assist with visa issue in cases of genuine academic and professional engagement.

We encourage States to contribute funding to international funds such as the Hague Convention Second Protocol Fund, and to create new funds such as the UK Cultural Protection Fund 2016-2020.

Session III: Issues needing more attention

International cooperation

We repeat our urgent appeal for UNESCO and other international bodies to provide emergency and longer-term assistance to Iraq in the desperate circumstances in which it is now situated. At this critical post-Daesh stage, immediate attention is needed in the form of coordinated projects that survey and digitally document cultural heritage sites and resources across all of Iraq, including definition of their vulnerability and types of threats. This would serve as a platform for a comprehensive cultural protection plan, with local, national, and international involvement, beyond the execution of single ad hoc projects, as at present.

As heritage professionals, we offer our support and expertise to the government of Iraq, through its diplomatic channels, in conducting its self-assessment for Universal Periodic Review, which for Iraq will take place in 2018-19. In particular we offer to help Iraq with regard to its cultural rights and its cultural heritage protection. More broadly, RASHID International's programme of research into human rights and international law may serve as a resource for Iraq and other nations to draw upon.

We advise the government of Iraq to hold open consultations in order to gather advice for its State Report to the Universal Periodic Review, and to inform civil society stake-holders of the option to submit their own reports to OHCHR online at no cost.

We further recommend the government of Iraq to hold open consultations with civil society to inform its report to the Human Rights Committee under ICCPR due 08 November 2018. Freedom of religion is guaranteed under Article 18 ICCPR and religious cultural heritage in Iraq has been among the most affected cultural property, as prominently evidenced by the destruction of the Al-Nuri Mosque and Al-Hadba Minaret (see also RASHID's report to the Special Rapporteur at <http://www.ohchr.org/Documents/Issues/CulturalRights/DestructionHeritage/NGOS/RASHID.pdf>)

Other relevant provisions are Article 19 ICCPR, as the interpretation of cultural heritage fundamentally relies on the opinions of individuals, and Article 27 ICCPR which guarantees the right of minorities to their own culture, religion and language, which was gravely violated by Daesh during its genocide of the Yazidi people based on cultural differences.

In conclusion, we believe that the systemic challenges in cultural rights and cultural heritage protection currently faced by Iraq can serve as an exemplar for international engagement with a State undergoing chronic, structural distress, and may thus inform future global planning and actions.