

March 18, 2003

Robert L. Kelly
President
Society for American Archaeology
900 Second Street NE #12
Washington, DC 20002-3557

Dear Mr. Kelly,

Thank you for your February 27, 2003 letter expressing your concern about Iraq's cultural heritage in the event of Coalition action in Iraq.

The Department of Defense recognizes the unique cultural history within Iraq and shares your concerns that this history be protected. As you are aware, the United States is not a party to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict or the 1999 Second Hague Protocol. U.S. armed forces, however, conduct all their operations in accordance with the law of armed conflict, including those provisions of the 1954 Convention and 1999 Protocol that reflect customary international law.

Contingency plans for Iraq (in the event Coalition action is necessary) specifically address providing assistance to any future government of Iraq to establish protections for Iraq's cultural property. Likewise, during military operations, Coalition forces will operate in accordance with the law of armed conflict and will take the requisite measures to protect Iraq's cultural and historical sites.

I have forwarded your letter, through the Chairman of the Joint Chiefs of Staff, to the Staff Judge Advocate of U.S. Central Command and to the Legal Adviser to the Office of Reconstruction and Humanitarian Assistance for their consideration.

I appreciate your contacting me on this important issue.

Sincerely,

William J. Haynes II
Military Assistant to the General Counsel, (DOD)

cc:

Staff Judge Advocate, U.S. Central Command
Legal Counsel to the Chairman, Joint Chiefs of Staff
Legal Adviser, Office of Reconstruction and Humanitarian Assistance