

## Written evidence submitted by Historic England (CPB 14)

Historic England is the government's statutory adviser on the historic environment in England. We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for. We provide advice on how to manage change to listed buildings, conservation areas and archaeological sites. Our work also helps to deliver sustainable development.

Historic England is the government's advisor on international conventions, regulations and directives, including the UK's 29 UNESCO World Heritage Sites. We work closely with Historic Environment Scotland, Cadw, the Department for the Environment – Northern Ireland, the UN National Commission for UNESCO, World Heritage UK and ICOMOS-UK, to ensure effective joint working on international heritage matters.

### Key points

**Historic England welcomes the timely introduction of the Cultural Property (Armed Conflict) Bill which will allow the UK Government to ratify the 1954 Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict and its 1954 and 1999 protocols.**

**In particular, Historic England welcomes the UK's commitment to protect internationally significant cultural property in times of armed conflict, supported in practice by the £30 million Cultural Protection Fund and the development of a Military Cultural Property Protection Unit within the Armed Forces.**

### General Points

Historic England welcomes **the UK's commitment to protect cultural property in times of armed conflict**. In particular:

1. Under the Cultural Property (Armed Conflict) Bill, **intentional damage to cultural property during times of armed conflict will carry a penalty of up to 30 years imprisonment<sup>1</sup>**. The deliberate destruction or demolition of a listed building<sup>2</sup> or scheduled ancient monument<sup>3</sup> is already a criminal offence in England and carries a penalty of up to 2 years imprisonment and an unlimited fine. The increased penalty in times of armed conflict recognises the international value of significant cultural property to communities (national, local and international) and their identities.
2. The supporting measure of the **£30 million Cultural Protection Fund will help create opportunities for economic and social development by building capacity to foster, safeguard and promote cultural heritage in conflict-affected regions overseas**. This fund is being managed by the British Council in partnership with the DCMS. Initially the Fund will be focussed on UK organisations working in partnership with bodies in the Middle East and North Africa (MENA) region, specifically Egypt, Jordan, Lebanon, Libya, Iraq, the Palestinian Territories, Syria, Tunisia, Turkey and Yemen.

<sup>1</sup> <http://www.publications.parliament.uk/pa/bills/lbill/2016-2017/0003/17003.pdf> ; section 6

<sup>2</sup> <http://www.legislation.gov.uk/ukpga/1990/9/section/9>

<sup>3</sup> <http://www.legislation.gov.uk/ukpga/1979/46/section/28>

3. The enshrining in law of procedures relating to cultural protection that are already practiced by the Armed Forces. We also welcome the Ministry of Defence commitment to the establishment of a **Military Cultural Property Protection Unit** within the Armed Forces, which is already in its advanced stages of preparation.<sup>4</sup>

### **Categories of Cultural Property**

Historic England has worked with sister agencies in the Home Countries and with DCMS in identifying the categories of UK cultural assets to be protected under the convention. We welcome the commitment from DCMS at the Second Reading of the Bill in the House of Lords to convene an expert roundtable to identify the categories to be protected under the convention which will be held on 5 December.

Under the Hague Convention, “cultural property” is defined in Article 1<sup>5</sup> and there are two levels of protection afforded:

1. **Enhanced protection:** This allows for a handful of sites to be selected which represent “cultural heritage [with] the greatest importance for humanity”<sup>6</sup>. The main concern from the DCMS Select Committee recommendations in 2008 focused on the resource implications of developing an ‘enhanced list’. However, to date, only 5 countries (Azerbaijan, Belgium, Cyprus, Italy and Lithuania) have identified a combined total of 10 sites to be listed as Cultural Property under the Enhanced Protection category - all sites are World Heritage properties.
2. **General Protection:** While there is no legal imperative to produce a national list, further to the DCMS Select Committee recommendations in 2008, the categories identified and to be discussed at the expert roundtable in December, to be covered under ‘general’ protection are:
  - o Listed buildings of Grade I status (Category A in Scotland and Northern Ireland);
  - o Listed historic parks and gardens of Grade I status in England;
  - o The collections of those museums and galleries that are directly sponsored or funded by Government;
  - o The museums, galleries and universities in England with designated collections and those in Scotland with important collections.

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<sup>4</sup> *That includes the establishment of a military cultural property protection unit, and my Ministry is already engaging with the Department for Culture, Media and Sport and the stabilisation unit to further develop plans for that capability to help better protect such important monuments in future.* Secretary of State for Defence, Michael Fallon (Hansard 18 April 2016)

<sup>5</sup> (a) movable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular; archaeological sites; groups of buildings which, as a whole, are of historical or artistic interest; works of art; manuscripts, books and other objects of artistic, historical or archaeological interest; as well as scientific collections and important collections of books or archives or of reproductions of the property defined above; (b) buildings whose main and effective purpose is to preserve or exhibit the movable cultural property defined in sub-paragraph (a) such as museums, large libraries and depositories of archives, and refuges 5 10 15 20 25 30 35 Cultural Property (Armed Conflicts) Bill [HL] Schedule 1 — Convention 17 intended to shelter, in the event of armed conflict, the movable cultural property defined in sub-paragraph (a); (c) centers containing a large amount of cultural property as defined in sub-paragraphs (a) and (b), to be known as ‘centers containing monuments’

<sup>6</sup> Second Protocol; Chapter 3, article 10