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Communities

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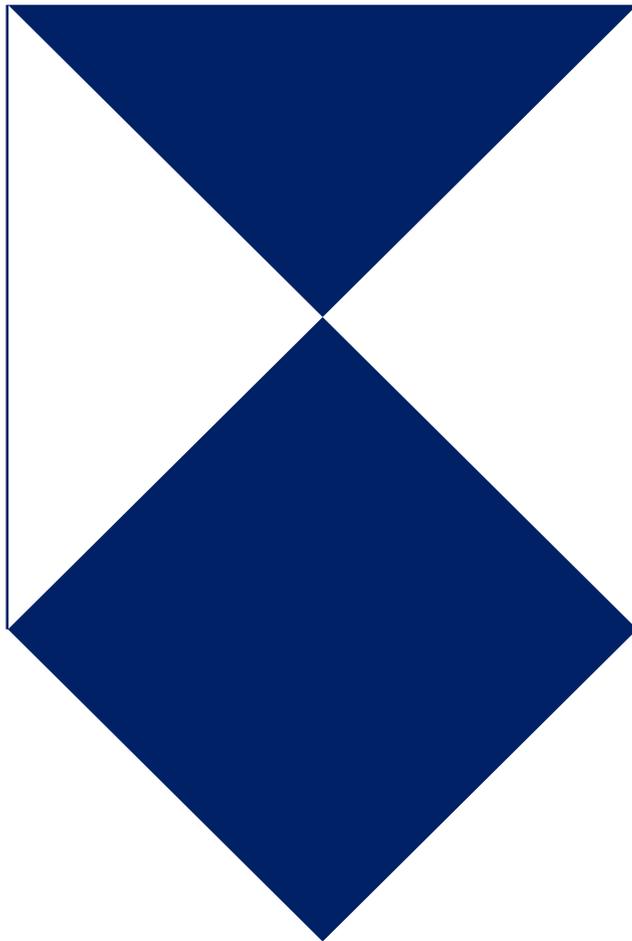
Mánnystrie o

Communities

Protection of cultural property in the event of armed conflict

Implementation of the 1954 Hague Convention, its Protocols
and the Cultural Property (Armed Conflicts) Act 2017

December 2020



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Background

1. This document provides information implementation of certain aspects of the 1954 Hague Convention in Northern Ireland for the Protection of Cultural Property in the Event of Armed Conflict (“the Convention”), its two Protocols of 1954 and 1999 (“the Protocols”), and the Cultural Property (Armed Conflicts) Act 2017 (“the 2017 Act”).
2. The 1954 Hague Convention was adopted following the massive destruction of cultural property that took place in the Second World War. It provides for a system of protection of cultural property in situations of armed conflict. State parties to the Convention are required to respect both cultural property situated within their own territory and cultural property within the territory of other State parties, by refraining from using it, or its immediate surroundings, for purposes which are likely to expose it to destruction or damage in the event of armed conflict, and by refraining from committing any hostile act against the property.
3. The Convention is supplemented by two Protocols: the First Protocol (1954) imposes a number of obligations on Parties in relation to the protection of cultural property in occupied territories; and the Second Protocol (1999) extends and clarifies the obligations under the Convention and the First Protocol.
4. Existing legislation was not sufficient to enable the United Kingdom to comply fully with its obligations under the Convention and Protocols. The 2017 Act therefore introduced the legal provisions required to enable the United Kingdom to ratify the Convention and accede to the Protocols. It received Royal Assent on 23 February 2017.
5. The United Kingdom formally ratified the Convention and acceded to the Protocols on 12 September 2017 and they enter into force for the United Kingdom on 12 December 2017. The 2017 Act came into force on the same day.
6. The full texts of the Convention, First Protocol and Second Protocol can be found on the UNESCO website¹. They are also appended as schedules to the 2017 Act, the full text of which can be found on the UK legislation website, together with the Explanatory Notes².
7. This document sets out the implementation measures in Northern Ireland in three key areas:
 - a. Identifying cultural property protected by the Convention (section 1);
 - b. Safeguarding cultural property protected by the Convention (section 2);
 - c. Use of the cultural emblem (section 3).
8. Cultural property protection is a devolved matter in Scotland, Wales and Northern Ireland. However, the list of cultural property protected by the Convention in section 1 is UK wide and has been agreed with the devolved administrations.

¹ http://portal.unesco.org/en/ev.php-URL_ID=13637&URL_DO=DO_TOPIC&URL_SECTION=201.html

² <http://www.legislation.gov.uk/ukpga/2017/6/contents/enacted>

9. The United Kingdom's ratification of the Convention and accession to the Protocols currently applies only to England, Scotland, Wales and Northern Ireland. It does not extend to any of the Crown Dependencies or Overseas Territories.

1. Cultural property protected by the Convention

1. Article 1 of the Convention defines cultural property for the purposes of the Convention as being:
 - (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 subparagraph (a) such as museums, large libraries and depositories of archives, and refuges intended to shelter, in the event of armed conflict, the movable cultural property defined in subparagraph (a);
 - (c) centers containing a large amount of cultural property as defined in subparagraphs (a) and (b), to be known as 'centers containing monuments'.
2. The same definition is used by the two Protocols to the Convention and by the Cultural Property (Armed Conflicts) Act 2017.
3. It is important to note that, in order to qualify as 'cultural property' under the Convention, the property must be of "great importance to the cultural heritage of every people". As such, the definition only applies to a limited but very special category of cultural property. This property may be from among the types of cultural property listed in subparagraph (a) of the definition although the examples given are not exhaustive.
4. There is no obligation for state parties to specify the cultural property they consider to meet the definition and therefore to be protected by the Convention and its Protocols. However, government believes there is a practical benefit in indicating, to the owners and trustees of cultural property and to our armed forces and those of other countries, the UK cultural property which we consider to be protected.
5. In its 2005 consultation on the Convention and Protocols, the UK government sought views on a provisional list of categories of cultural property within the UK which it considered met the definition set out in the Convention. The UK government has taken account of the outcome of that consultation and consulted further with key stakeholders and with the devolved administrations in Scotland, Wales and Northern Ireland in order to refine and finalise the list.
6. This list is set out below. It is indicative and non-exhaustive and is published for guidance only. Inclusion in the list is not a prerequisite for protection by the Convention and its Protocols. Any cultural property which meets the definition set out in the Convention is protected, whether or not it is included in the list.

7. The Minister for Communities considers that cultural property in the following categories meets the definition set out in Article 1 of the Convention and is therefore protected by the Convention and Protocols.

A. All listed buildings of Grade I (England and Wales), Category A (Scotland) and Grade A (Northern Ireland) status.

B. All historic parks and gardens of Grade I status in England and Wales.

C. All UK World Heritage Sites, excluding those which are inscribed as natural sites only.

D. The collections of the museums and galleries that are sponsored by Her Majesty's Government, the Scottish Government, the Welsh Government and the Northern Ireland Executive.

E. Designated Collections in England and Recognised Collections in Scotland (covering collections at museums, galleries, libraries, archives and universities).

F. The records and collections of the National Record Offices, the five legal deposit libraries in the UK and the British Film Institute National Archive.

G. Properties in state guardianship in the UK (including properties in the National Heritage Collection in England; Properties in Care of the Scottish Ministers; Properties in Care of the Welsh Ministers; and Monuments in State Care or Guardianship in Northern Ireland).

2. Safeguarding cultural property protected by the Convention

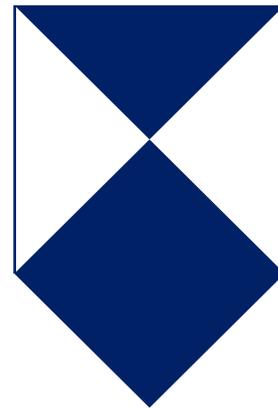
1. Article 3 of the Convention commits State Parties to put in place during peacetime such measures as they consider appropriate in order to safeguard cultural property situated within their own territory against the foreseeable effects of an armed conflict.
2. Article 5 of the Second Protocol expands on this by giving some examples of the kind of preparatory measures to be taken, as appropriate. These include:
 - the preparation of inventories;
 - the planning of emergency measures for protection against fire or structural collapse;
 - the preparation for the removal of movable cultural property or the provision of adequate in situ protection of such property; and
 - the designation of competent authorities responsible for the safeguarding of cultural property.
3. The Minister for Communities considers that the first three measures above are common sense precautions which are likely to be covered by existing contingency planning for an emergency or natural disaster. Some are covered by legislation (such as the Regulatory Reform (Fire Safety) Order 2005) or the requirements of particular designation, recognition and listing schemes.
4. The Minister also considers that the most appropriate body to implement safeguarding measures is the one that has direct responsibility for the cultural property concerned, typically the existing owner, guardian or trustees of the property, given that they should already have contingency plans in place to cover a disaster or civil emergency.
5. In many cases, additional safeguarding measures will not be required. Where they are, they are likely to depend on the nature of the property concerned, its location and the degree of risk to the property. They may also depend on the nature of the armed conflict expected. However, the UK government does not expect armed conflict affecting the territory of the United Kingdom in the foreseeable future.
6. Northern Ireland, UK government or the other devolved administrations do not, therefore, intend to impose any additional or specific safeguarding requirements on the owners, guardians and trustees of cultural property to be implemented during peacetime.
7. Those who need advice and guidance on how best to safeguard their cultural property should contact the appropriate specialist agency.

3. Using the cultural emblem

1. The cultural emblem is an internationally recognised symbol used to identify cultural property which is protected by the Convention and its Protocols and designated individuals with responsibilities relating to the protection of cultural property during armed conflict.
2. The emblem takes the form of a royal blue triangle above a royal blue square on a white shield.

Using the cultural emblem

3. Use of the cultural emblem is governed by Article 17 of the Convention and Article 20 of the Regulations for the execution of the Convention.
4. In Northern Ireland and the rest of the UK, Part 3 of the Cultural Property (Armed Conflicts) Act 2017 further controls the use of the cultural emblem, in order to protect its integrity.
5. The Act provides that the cultural emblem may only be used to identify movable cultural property, to identify certain personnel responsible for the protection of cultural property, or in accordance with a permission granted by the appropriate national authority.
6. The appropriate national authority is the Secretary of State in England, the Scottish Ministers in Scotland, the Welsh Ministers in Wales and the Minister for Communities in Northern Ireland.



7. It is an offence to use the cultural emblem, or a design that so nearly resembles it that it could be mistaken for it, otherwise than as authorised by the Act, except where such a design is already being used for a legitimate purpose before the Act comes into force on 12 December 2017.

Permission to use the cultural emblem

8. The Minister for Communities in Northern Ireland has granted initial permissions for NI which come into effect on 11 December 2020. These permissions are set out in the Annex to this document. They allow:
 - **anyone** to use the cultural emblem for education and training purposes, for example to include it in information leaflets and brochures, textbooks and training materials;
 - the **Ministry of Defence** to use the cultural emblem in connection with the work of the Armed Forces' Cultural Property Protection Unit;
 - the **British Red Cross Society** to use the cultural emblem in support of its work in promoting humanitarian values and international humanitarian law, insofar

as it relates to the protection of cultural property in the event of armed conflict;

- **Blue Shield International**, the **UK National Committee of the Blue Shield** and other **National Committees of the Blue Shield** to use the cultural emblem to identify themselves and their members.

9. Anyone else who wishes to use the cultural emblem for any other purpose, and anyone who wishes to display the cultural emblem in connection with immovable cultural property which is protected under the Convention and its Protocols (such as historic buildings and museums), will require permission to do so (see paras 12–14 below).

Displaying the cultural emblem

10. In line with the UK Government and the other devolved administrations, the Minister for Communities considers that there is no need for immovable cultural property to display the cultural emblem during peacetime and therefore does not intend to grant permissions to do so except where a strong and persuasive case can be made for display. This will help to protect the integrity of the cultural emblem as a symbol of protection during armed conflict.
 11. The owners, guardians and trustees of cultural property which is protected by the Convention and its Protocols are free to use the permission for education and training purposes to include the cultural emblem in their leaflets, brochures and other publications and on their websites in order to inform the public about the emblem and the protection it represents.
- ### How to request permission to use the cultural emblem
12. Anyone wishing to use the cultural emblem other than in accordance with the Cultural Property (Armed Conflicts) Act 2017 or one of the permissions in the Annex to this document must request permission from the appropriate national authority to do so.
 13. In Northern Ireland, requests for permission should be sent in writing to the Minister for Communities at the Department for Communities, explaining clearly why permission is required and how the cultural emblem will be used.
 14. As set out above, permission to display the cultural emblem in connection with immovable cultural property in Northern Ireland and across the UK during peacetime will only be granted in exceptional cases where there is a strong, persuasive case for doing so.

Annex: Permissions for use of the cultural emblem in Northern Ireland

A1: Education and Training Purposes

Permission dated 11 December 2020 granted by the Minister for Communities in Northern Ireland.

The Minister for Communities, in exercise of powers conferred by Sections 10 and 15 of the Cultural Property (Armed Conflicts) Act 2017, hereby grants the following permission for use of the cultural emblem:

1. Subject to paragraph 2 of this permission, use of the cultural emblem (“the emblem”) in Northern Ireland is hereby permitted for the following purposes pertaining exclusively to education and training:
 - To disseminate knowledge of the emblem and its uses as provided for in the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, done at the Hague on 14 May 1954 (the Convention) and the Regulations for the Execution of the Convention for the Protection of Cultural Property in the Event of Armed Conflict (the Regulations).
 - To disseminate knowledge of the Convention and/or the First or Second Protocol to the Convention in full or in part, and/or the principles embodied therein.
2. Permission is granted subject to the following **conditions**:
 - i. The emblem must not be used in any way that could damage its reputation and status as a protective emblem.
 - ii. The emblem must not be used in any way that is likely to result in confusion regarding the protective purpose of the emblem for identifying immovable or movable cultural property; cultural property undergoing protected transportation; and/or the personnel engaged in the protection of cultural property.
 - iii. The emblem must not be displayed in any way that could create an inaccurate impression of association with people, places, names, organisations and/or other entities.
 - iv. The emblem must not be displayed in a way that could inaccurately be perceived as affording protection to any object on which the emblem is displayed.
 - v. The design of the emblem must be consistent with the description and depiction in Section 8 of the Cultural Property (Armed Conflicts) Act 2017.
 - vi. In any literature or document depicting the emblem, including in digital form, a note or footnote should be included, unless impracticable or unnecessary, stating the following (or wording to similar effect):

“The cultural emblem is a protective symbol used during armed conflicts and its use is restricted by law”.

3. The emblem may be displayed in any form of media (digital, physical or otherwise) providing such use is in accordance with this permission.
4. Failure to comply with any of the conditions contained in this permission may result in the commission of an offence under Section 9 of the Cultural Property (Armed Conflicts) Act 2017.
5. This permission may be varied, suspended or revoked at any time by the Minister for Communities.

A2: Ministry of Defence

Permission dated 11 December 2020 granted by the Minister for Communities in Northern Ireland.

The Minister for Communities, in exercise of powers conferred by Sections 10 and 15 of the Cultural Property (Armed Conflicts) Act 2017, hereby grants the following permission for use of the cultural emblem:

1. Subject to paragraph 3, the Ministry of Defence (“the Department”) is permitted to use the cultural emblem (“the emblem”) in Northern Ireland for the purpose of establishing, running and promoting the Cultural Property Protection Unit (“the CPPU”).
2. In particular, permission for the Department to use the emblem in Northern Ireland is granted for any of the following purposes:
 - To disseminate knowledge of the Department and the CPPU’s role in relation to the emblem and its uses as provided for in the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, done at the Hague on 14 May 1954 (the Convention) and the Regulations for the Execution of the Convention for the Protection of Cultural Property in the Event of Armed Conflict (the Regulations);
 - To identify the CPPU in literature, signage and stationery; and
 - To identify the CPPU’s personnel on clothing, accessories and identification documents.
3. Permission is granted subject to the following **conditions**:
 - i. The emblem must not be used in any way that could damage its reputation and status as a protective emblem.
 - ii. The emblem must not be used in any way that is likely to result in confusion regarding the protective purpose of the emblem for identifying immovable or movable cultural property; cultural property undergoing protected transportation; and/or the personnel engaged in the protection of cultural property.
 - iii. The emblem must not be displayed in any way that could create an inaccurate impression of association with people, places, names, organisations and/or other entities.
 - iv. The emblem must not be displayed in a way that could inaccurately be perceived as affording protection to any object on which the emblem is displayed.
 - v. The design of the emblem must be consistent with the description and depiction in Section 8 of the Cultural Property (Armed Conflicts) Act 2017.

vi. In any literature or document depicting the emblem, including in digital form, a note or footnote should be included, unless impracticable or unnecessary, stating the following (or wording to similar effect):

“The cultural emblem is a protective symbol used during armed conflicts and its use is restricted by law”.

4. The emblem may be displayed in any form of media (digital, physical or otherwise) providing such use is in accordance with this permission.

5. Failure to comply with any of the conditions contained in this permission may result in the commission of an offence under Section 9 of the Cultural Property (Armed Conflicts) Act 2017.

6. This permission may be varied, suspended or revoked at any time by the Minister for Communities.

A3: The British Red Cross Society

Permission dated 11 December 2020 granted by the Minister for Communities in Northern Ireland.

The Minister for Communities, in exercise of powers conferred by Sections 10 and 15 of the Cultural Property (Armed Conflicts) Act 2017, hereby grants the following permission for use of the cultural emblem:

1. Subject to paragraph 3, The British Red Cross Society ("the Organisation") is permitted to use the cultural emblem ("the emblem") in Northern Ireland for the purpose of fulfilling its obligations under Articles 5.1, 5.2 and 5.3 of its Royal Charter, dated 1997 (as revised 2003).
 - emblem for identifying immovable or movable cultural property; cultural property undergoing protected transportation; and/or the personnel engaged in the protection of cultural property
2. In particular, permission for the Organisation to use the emblem in Northern Ireland is granted for any of the following purposes:
 - to aid the Organisation's role in enhancing respect for humanitarian values and human dignity, and disseminating knowledge of international humanitarian law, where such work relates to the protection of cultural property in the event of armed conflict;
 - to aid the Organisation's role in helping to ensure respect for the distinctive emblems, signs and signals established under international humanitarian law.
3. Permission is granted subject to the following **conditions**:
 - i. The emblem must not be used or displayed in any way that could damage its reputation and status as a protective emblem.
 - ii. The emblem must not be used or displayed in any way that is likely to result in confusion regarding the protective purpose of the
 - iii. The emblem must not be displayed in any way that could create the inaccurate impression of association with people, places, names, organisations and/or other entities.
 - iv. The emblem must not be displayed in a way that could inaccurately be perceived as affording protection to any object on which the emblem is displayed.
 - v. The design of the emblem must be consistent with the description and depiction in Section 8 of the Cultural Property (Armed Conflicts) Act 2017.
 - vi. In any literature or document depicting the emblem, including in digital form, a note or footnote should be included, unless impracticable or unnecessary, stating the following (or wording to similar effect):

"The cultural emblem is a protective symbol used during armed conflicts and its use is restricted by law".

4. The emblem may be displayed in any form of media (digital, physical or otherwise) providing such use is in accordance with this permission.
5. Failure to comply with any of the conditions contained in this permission may result in the commission of an offence under Section 9 of the Cultural Property (Armed Conflicts) Act 2017.
6. This permission may be varied, suspended or revoked at any time by the Minister for Communities.

A4: Blue Shield International and National Committees of the Blue Shield

Permission dated 11 December 2020 granted by the Minister for Communities in Northern Ireland.

The Minister for Communities, in exercise of powers conferred by Sections 10 and 15 of the Cultural Property (Armed Conflicts) Act 2017, hereby grants the following permission for use of the cultural emblem:

1. Subject to paragraph 2 of this permission, Blue Shield International, the UK National Committee of the Blue Shield (“UK Blue Shield”) and other National Committees of the Blue Shield are hereby permitted to use the cultural emblem (“the emblem”) in Northern Ireland for any of the following purposes:
 - To identify their organisation in corporate literature, signage and stationery; and
 - To identify their personnel on clothing and accessories, such as pin badges.
2. Permission is granted subject to the following conditions:
 - i. The emblem must at all times, wherever practicable, be accompanied by the name or initials of the relevant organisation.
 - ii. When used to identify people, or on corporate materials or objects, the emblem must be small (i.e. normally no larger than a passport-sized photograph).
 - iii. The emblem must be used in a way which is consistent with any guidance issued by the Blue Shield International.
 - iv. The emblem must not be used or displayed in any way that could damage its reputation and status as a protective emblem.
 - v. The emblem must not be used or displayed in any way that is likely to result in confusion regarding the protective purpose of the emblem for identifying immovable or movable cultural property; cultural property undergoing protected transportation; and/or the personnel engaged in the protection of cultural property.
 - vi. The emblem must not be displayed in any way that could create an inaccurate impression of association with people, places, names, organisations and/or other entities.
 - vii. The emblem must not be displayed in a way that could inaccurately be perceived as affording protection to any object on which the emblem is displayed.
 - viii. The design of the emblem must be consistent with the description and depiction in Section 8 of the Cultural Property (Armed Conflicts) Act 2017.
 - ix. In any literature or document depicting the emblem, including in digital form, a note or footnote should be included, unless impracticable or unnecessary, stating the following (or wording to similar effect):

“The cultural emblem is a protective symbol used during armed conflicts and its use is restricted by law”.

3. The emblem may be displayed in any form of media (digital, physical or otherwise) providing such use is in accordance with this permission.
4. Failure to comply with any of the conditions contained in this permission may result in the commission of an offence under Section 9 of the Cultural Property (Armed Conflicts) Act 2017.
5. Upon request, the UK Blue Shield shall prepare and submit a report to the Minister for Communities, detailing the use of the emblem in Northern Ireland by UK Blue Shield, Blue Shield International and any other National Committees of the Blue Shield.
6. This permission may be varied, suspended or revoked at any time by the Minister for Communities.



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To help communities to enjoy and realise
the value of the historic environment.

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Front Cover Image

The cultural emblem