



Department for
Digital, Culture
Media & Sport

Protection of cultural property in the event of armed conflict

**Implementation of the 1954 Hague Convention
for the Protection of Cultural Property in the
Event of Armed Conflict, its Protocols and the
Cultural Property (Armed Conflicts) Act 2017**

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Contents

Background	3
1. UK cultural property protected by the Convention	5
2. Safeguarding cultural property protected by the Convention.....	7
3. Use of the cultural emblem	9
Annex: Permissions for use of the cultural emblem	13
A1: Education and Training Purposes	13
A2: Ministry of Defence.....	15
A3: The British Red Cross Society	17
A4: Blue Shield International and National Committees of the Blue Shield	19

Background

1. This document provides information on the government's implementation of certain aspects of the 1954 Hague Convention 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. Following the adoption of the Second Protocol, the United Kingdom government took the decision to ratify the Convention and accede to the Protocols. 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 23rd February 2017.
5. The United Kingdom formally ratified the Convention and acceded to the Protocols on 12th September 2017 and they enter into force for the United Kingdom on 12th December 2017. The 2017 Act comes 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 government's implementation measures 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).

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>

8. Cultural property protection is a devolved matter in Scotland, Wales and Northern Ireland. However, the list of UK cultural property protected by the Convention in section 1 is UK wide and has been agreed with the devolved administrations. The devolved administrations will make their own announcements on safeguarding and use of the cultural emblem.
9. A separate document provides guidance on the new offence of dealing in unlawfully exported cultural property, which was introduced by section 17 of the 2017 Act.
10. 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. UK cultural property protected by the Convention

1. Cultural property is protected if it meets the definition set out in Article 1 of the Convention. To meet this definition, cultural property must be “of great importance to the cultural heritage of every people”, but it does not need to fall within the types of cultural property listed in the Article or the categories in the government’s list of UK cultural property set out below, as these lists are indicative and not exhaustive.
2. Article 1 of the Convention defines cultural property for the purposes of the Convention as follows:

For the purposes of the present Convention, the term ‘cultural property’ shall cover, irrespective of origin or ownership:

(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 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’.

3. The same definition is used by the Protocols and by the 2017 Act.
4. 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 sub-paragraph (a) of the definition although the examples given are not exhaustive.
5. 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, the 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.

6. In its 2005 consultation on the Convention and Protocols, the 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 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.

7. 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.

8. The government 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. The Convention and Second Protocol require State Parties to take appropriate measures during peacetime to safeguard cultural property in the event of armed conflict. However, the owners, guardians and trustees of protected cultural property will not be required to take any new measures to comply with this obligation. The government considers that those responsible for cultural property should already be taking appropriate measures to safeguard their property against a range of potential disasters and emergencies, including under existing legislation and designation schemes. Therefore it does not intend to impose any additional safeguarding requirements during peacetime.
2. 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.
3. 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.
4. The government 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.
5. The government 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.
6. 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 government does not expect armed conflict affecting the territory of the United Kingdom in the foreseeable future.

7. The government does 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.
8. Those who need advice and guidance on how best to safeguard their cultural property should contact the appropriate specialist agency.
9. Arts Council England provides advice on standards and security to support museums in safeguarding and protecting their collections and buildings³. Additional guidance and resources are available on the website of the Collections Trust⁴.
10. Historic England provides advice and guidance on safeguarding and protecting historic buildings, landscapes and environments⁵.
11. In the event of armed conflict affecting the United Kingdom, the government will work with both agencies and other partners to provide, where appropriate, additional advice on safeguarding cultural property.
12. The guidance in this section applies only to England. The devolved administrations are responsible for safeguarding cultural property in Scotland, Wales and Northern Ireland.

³ <http://www.artscouncil.org.uk/>

⁴ <http://collectionstrust.org.uk/>

⁵ <https://www.historicengland.org.uk/advice/>

3. Use of the cultural emblem

1. The cultural emblem may only be used in accordance with the 2017 Act. In most cases, the appropriate national authority will need to grant permission for its use. Initial permissions have been granted for use of the cultural emblem for education and training purposes and by certain organisations. The government does not intend to grant permissions to display the cultural emblem in connection with immovable cultural property during peacetime except where there is a strong and persuasive case for display.

Form of the cultural emblem

2. 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.
3. The emblem takes the form of a royal blue triangle above a royal blue square on a white shield.



Using the cultural emblem

4. 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.
5. In the UK, Part 3 of the 2017 Act further controls the use of the cultural emblem, in order to protect its integrity.
6. The 2017 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.
7. The appropriate national authority is the Secretary of State in England, the Scottish Ministers in Scotland, the Welsh Ministers in Wales or the Department for Communities in Northern Ireland.

8. 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 2017 Act, except where such a design is already being used for a legitimate purpose before the Act comes into force on 12th December 2017.

Permission to use the cultural emblem

9. The Secretary of State has granted some initial permissions for England which come into effect on 12th December 2017. 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 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.
10. 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.

Displaying the cultural emblem

11. The government 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.
12. 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

13. Anyone wishing to use the cultural emblem other than in accordance with the 2017 Act or one of the permissions in the Annex to this document must request permission from the appropriate national authority to do so.
14. In England, requests for permission should be sent in writing to the Department for Digital, Culture, Media and Sport, explaining clearly why permission is required and how the cultural emblem will be used.
15. As set out above, permission to display the cultural emblem in connection with immovable cultural property in England during peacetime will only be granted in exceptional cases where there is a strong, persuasive case for doing so.
16. The guidance in paragraphs 8 to 14 above applies only to England. The devolved administrations are responsible for granting permissions to use the cultural emblem in Scotland, Wales and Northern Ireland.

Annex: Permissions for use of the cultural emblem

PERMISSION FOR USE OF THE CULTURAL EMBLEM

A1: Education and Training Purposes

Permission dated 12th December 2017 granted by the Secretary of State.

The Secretary of State, 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 England 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 Secretary of State.

PERMISSION FOR USE OF THE CULTURAL EMBLEM

A2: Ministry of Defence

Permission dated 12th December 2017 granted by the Secretary of State.

The Secretary of State, 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 England 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 England 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 Secretary of State.

PERMISSION FOR USE OF THE CULTURAL EMBLEM

A3: The British Red Cross Society

Permission dated 12th December 2017 granted by the Secretary of State.

The Secretary of State, 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 England 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).

2. In particular, permission for the Organisation to use the emblem in England 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 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 Secretary of State.

PERMISSION FOR USE OF THE CULTURAL EMBLEM

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

Permission dated 12th December 2017 granted by the Secretary of State.

The Secretary of State, 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 England 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 Secretary of State, detailing the use of the emblem in England 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 Secretary of State.