



United Nations
Educational, Scientific and
Cultural Organization



Convention for the Protection of
Cultural Property in the Event
of Armed Conflict

Four-year cycle 2017-2020

Questionnaire
National report on the implementation of the 1954 Hague
Convention and its two (1954 and 1999) Protocols

The Response of the United Kingdom: 7th July 2021

I. The Hague Convention of 1954

1. Article 3 - Safeguarding of cultural property

This Article provides for the obligation of the High Contracting Parties to adopt relevant peacetime safeguarding measures against the foreseeable effects of an armed conflict.

- *Has your State undertaken such measures?*

YES

The UK's approach to safeguarding measures can be found at Section 2 in the published UK policy paper on Guidance on the Implementation of the Hague Convention (2017), available [here](#).

The UK government considers that trustees and others charged with the care and protection of the UK's cultural heritage should already be taking appropriate safeguarding measures during peacetime, including under existing legislation and designation schemes. The UK government, the Scottish government, the Welsh government and the Northern Ireland Executive have therefore not found it necessary to mandate any specific measures in connection with the Convention and Protocols. However, we have developed supporting measures such as identifying the individual assets across the UK that are covered by the Hague Convention and Protocols. This list has been collated by Historic England and has been submitted to the UK Defence Geographic Service and also shared with NATO. Meanwhile, other UK organisations have demonstrated considerable best practice in this space: the National Trust (England, Wales and Northern Ireland), for example, already has a robust Emergency Framework and Escalation Protocol in place which enables them to respond to any level of incident in a coordinated and considered manner.

To demonstrate the UK's commitment to safeguarding and protecting cultural property, the UK government also set up the Cultural Protection Fund in partnership with the British Council 2016. The Fund was a response to the targeting and destruction of cultural heritage in conflicts in the Middle East and North Africa (MENA) and its objective remains to "help to create opportunities for economic and social development through building capacity to foster, safeguard and promote cultural heritage in conflict-affected regions overseas". Since launching, the Fund has enabled over 45,000 people across the MENA region to undertake activities that increase understanding of, or engagement with, cultural heritage; and over 15,000 people have received new skills training and capacity building in cultural heritage protection and related fields. Cultural Protection Fund projects contribute to peacebuilding objectives through community engagement with cultural property, and are frequently at the centre of protection and conservation efforts in fragile post-conflict contexts.

The Devolved Administrations are responsible for the safeguarding of cultural property in Scotland, Wales and Northern Ireland. In Scotland Historic Environment Scotland are responsible for undertaking tasks relating to the Hague Convention as a non-departmental body of the Scottish Government, while in Wales responsibility lies with the Welsh Government

historic environment service Cadw. Specific guidance can be found here for Scotland and here for Northern Ireland.

The UK government and the Devolved Administrations provide active support to owners, guardians and trustees tasked with the safeguarding of cultural property, including signposting to standards and guidance developed by relevant specialist agencies in the heritage sector, including Arts Council England, the Collections Trust and Historic England.

2. Article 6 - Use of the distinctive emblem for the marking of cultural property

The 1954 Hague Convention creates a distinctive emblem for the exclusive marking of cultural property, with a view to ensure its recognition, particularly in the event of armed conflict. The marking of cultural property is one of the preparatory measures that can be undertaken in time of peace.

- *Has your State **marked cultural property** by using the distinctive emblem of the Convention?*

NO

The UK government made the decision not to promote the use of the emblem to mark cultural property protected by Convention on the basis that armed conflict affecting the territory of the UK is not expected in the foreseeable future. Owners and trustees of cultural property in England are able to apply to the Secretary of State to display the emblem in connection with the identified cultural property. The Devolved Administrations similarly allow for exceptional requests to be made to their respective Governments and Executive. It is understood that applications for use of the emblem must make a strong and persuasive case to protect the emblem's integrity (see further details below).

The UK Government has issued a general permission to allow the use of the emblem in England for education and training purposes and by members of the UK armed forces, the British Red Cross, and the Blue Shield International and its National Committees. Similar authorisation has been granted by Scottish Government ministers and the Minister for Communities in Northern Ireland. The UK recognises that including the emblem in educational materials is important in improving the public's understanding of the emblem and the protection it represents.

In line with Article 17 of the Convention, the UK has put in place the necessary legal and practical measures to safeguard the integrity of the cultural emblem. The distinctive emblem for the marking of cultural property is protected under UK law. The Cultural Property (Armed Conflicts) Act 2017, in Part 3, prohibits the unauthorised use of the cultural emblem. The Act makes it an offence to use the emblem otherwise than as authorised by, or under the Act It identifies authorised uses of the emblem, and gives the appropriate national authority power to designate further authorised uses. In addition, the Trade Marks Act 1994, through section 3(4), prohibits the registration of the cultural emblem as a trade mark. Guidance on unacceptable trade marks, including emblems protected under international agreements (such as the cultural emblem), is also provided by the UK Intellectual Property Office.

3. Article 7 - Military measures

This Article provides for the obligations of the High Contracting Parties with regard to the introduction in their regulations or instructions for the use of their armed forces of provisions to ensure compliance with the Convention, as well as to plan or establish within their armed forces, services or specialist personnel whose purpose will be to secure respect for cultural property and to co-operate with the civilian authorities responsible for safeguarding such property. These are obligations to be implemented in time of peace.

- **Has your State introduced provisions in the *regulations and instructions for your armed forces* to ensure compliance with the Convention?**

The UK has historically recognised the critical importance of the armed forces in securing the protection of cultural property during conflict. Before the UK became a party to the 1954 Convention its armed forces already operated as though bound by the Convention's substantive provisions, achieved through policy and direction given in the UK Joint Service Manual of the Law of Armed Conflict (LOAC) (JSP 383), the Chief of the Defence Staff's Directive, Targeting Policy, and Rules of Engagement. Dissemination of knowledge of the Hague Convention and its Protocols were also part of regular training in the Law of Armed Conflict (also called International Humanitarian Law).

Following the UK's ratification of the Convention and acceding to its two Protocols, the following additional steps have been taken or are in the process of being introduced:

The Army:

- References to the importance of protection of cultural property have been present in long-standing reference documents, particularly LOAC and the Army Field Manual: Tactics for Stability Operations (specifically Annex D on CPP); both of these documents are currently under review and will be re-issued in due course to reflect the UK's commitments under the 1954 Hague Convention.
- The Joint Service direction and guidance on Training, Education and Skills (Joint Service Publication 898 Part 1) mandates that all members of the UK Armed Forces are to be trained in - and maintain - a common baseline of knowledge of the LOAC. Where required, for example prior to a mission-specific deployment, additional training in LOAC and CPP is delivered to supplement the common baseline knowledge.

The Royal Navy:

- All Royal Navy (RN) personnel must complete mandatory training in the Law of Armed Conflict, which includes instructions regarding the protection of cultural property in accordance with the Convention. The training is provided via a formal training package (the Naval Core Training package), which must be undertaken annually. In addition, where personnel are deploying into a theatre under the provisions of the Law of Armed Conflict, further theatre-specific training is provided.

The Royal Air Force:

- All RAF personnel are trained in LOAC, including the broad rules relating to cultural property. This is included in basic training, and on all career courses for officers and airmen, as well as in the regular training received on an annual or twice-yearly basis. Prior to deployment personnel also receive a LOAC brief which includes the principles relating to cultural property. Those personnel who undertake the Foundation Targeting Course or Joint Operational Targeting Course are given more detailed training relating to cultural property.
- *Has your State established **services** or designated specialist personnel within your armed forces to ensure respect for cultural property?*

YES

As part of the UK's ratification of the Convention, the Ministry of Defence requested the Army to establish a Cultural Property Protection Unit (CPPU), which was done in 2018. The CPPU is a distinct team of Army Reservists with relevant cultural protection expertise, within a wider specialist unit of the Army's 77 Brigade Outreach Group, responsible for delivery of Civ-Mil Cooperation and Human Security capabilities, able to delivery multi-disciplinary teams, providing appropriate and assured advice & product to the Armed Forces.

All three of the UK Armed services have dedicated SO1 Human Security officers assigned, which encompasses a responsibility for supporting CPP initiatives and training, all of whom are networked and in line with MOD policy.

The CPPU's role is to support exercises, training and pre-deployment training; support targeting and operational planning processes; and provide advice to commanders and staff in relation to CPP, conducting relevant Civ-Mil Cooperation (CIMIC) with civilian authorities responsible for safeguarding cultural property when tasked to do so. The CPPU is also involved in supporting the gathering of geographic information systems (GIS) data on cultural property to be protected under the Convention within the UK and on an operation-by-operation basis overseas. The provision of such data to those involved in the planning and execution of military operations is fundamental to the delivery of cultural property protection. This work is being supported by Historic England.

The CPPU has the capacity to engage in Civ-Mil Cooperation (CIMIC) in relation to CPP activity with a range of cross-UK Govt Depts and Agencies, plus Civil-Society when tasked.

4. Article 25 - Dissemination of the Convention

Regulations relating to the protection of cultural property in time of armed conflict must be included into the programmes of military and, if possible, civilian training. The objective is to ensure that the principles of the Convention are known by the whole population, especially the armed forces and personnel engaged in the protection of cultural property.

- *Has your State **disseminated the provisions of the Convention** within the armed forces as well as among target groups and the general public?*

YES

Yes; for information on the dissemination within the armed forces, please refer to question 3.

In addition to its dissemination within the armed forces, the provisions of the Convention are promoted by the UK government, its agencies and partners where appropriate, to ensure that the general public is familiar with the Convention; a similar approach is taken in Scotland, Northern Ireland and Wales. The UK Government has published a number of reports and internet resources relating to the provisions of the Convention that are available to access:

- On the day that the Convention was ratified in September 2017, the UK Government put out a press release clearly detailing the provisions of the Convention and the UK's commitment to cultural property protection. A written statement on the ratification was also published on parliament.uk, and on gov.uk.
- In November 2017, the UK government published a publicly available policy paper on the Protection of cultural property in the event of armed conflict, which sets out guidance on the Convention and its two Protocols.
- In June 2018, the UK government submitted its follow-up report to the biennial UN General Assembly resolution on the Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts; this included reference to the UK's ratification of the Hague Convention and its acceding to its two Protocols.
- In July 2018, the UK government published a dedicated webpage on International Humanitarian Law (IHL) on gov.uk, which refers specifically to the Convention and its two protocols
- In December 2018, the UK government published its Approach to Stabilisation for Policy Makers and Practitioners: the Approach specifically details the need to respect and protect a nation's cultural heritage in times of conflict
- In March 2019, the UK government included a dedicated section on the Hague Convention and the protection of cultural property in the UK's Voluntary Report on the Implementation of IHL at the Domestic Level
- In November 2019, the UK government produced a toolkit in collaboration with the British Red Cross providing guidance for countries on drafting reports on IHL: cultural property protection was included in the guidance document, which has since been published in Arabic, French, Russian and Spanish
- In August 2020, the UK government included a section on cultural property protection in its Approach to Protection of Civilians in Armed Conflict

The UK Government has also disseminated the provisions of the Convention and its two Protocols through the establishment of the Cultural Protection Fund in partnership with the British Council, and the promotion of the Fund's activities. The UK Government ran a consultation exercise on the establishment of the Fund in 2016 which explicitly linked the Fund's inauguration with the ratification of the Hague Convention and acceding to its two Protocols, setting out the importance of tackling cultural heritage destruction. The Cultural Protection Fund has also been included in exhibitions on cultural heritage staged by high-profile UK cultural institutions, including the British Council and the Imperial War Museum, which have featured material on the Hague Convention.

The Scottish Government and Northern Ireland executive have published their own guidance on the provisions of the Convention, which are available online.

The provisions of the Convention and its two Protocols have also been disseminated by UK organisations, who are committed to educating relevant target groups and the public. For example, in 2019 the National Trust set up a Hague Convention Working Group (HCWG), a cross-disciplinary network that ensures that the Trust is fulfilling its obligations under the Convention. The HCWG has published an internal page on its staff intranet and an external page on its website on the Convention, ensuring both staff and the general public are aware of its provisions.

The British Red Cross seeks to signpost to the Convention at every appropriate opportunity: cultural property protection is addressed in their internal training entitled 'IHL and the Movement', which is available to staff and volunteers, and is also mentioned by the British Red Cross when delivering presentations on IHL to UK universities. Cultural property protection is also covered in the IHL training that the British Red Cross runs in partnership with the Foreign, Commonwealth and Development Office (FCDO), which is delivered to UK civil servants and diplomats. UK civil servants also have access to the FCDO's internal training module on IHL, which includes the protection of cultural property during armed conflict. Between 2017-2020, the implementation of the Convention and its Protocols were discussed at every meeting of the UK National Committee on IHL.

5. Article 26(1) - Official translations

This Article requires that the High Contracting Parties communicate to one another, through the Director-General of the United Nations Educational, Scientific and Cultural Organization, the official translations of the present Convention and of the Regulations for its execution:

Please submit a copy / copies of such translation(s), in electronic format, if possible, to the Secretariat"

PROVIDED

6. Article 28 - Sanctions

This Article provides for the obligations of the High Contracting Parties to take, within the framework of their ordinary criminal jurisdiction, all necessary steps to prosecute and impose penal or disciplinary sanctions upon those persons, regardless of their nationality, who commit or order a breach of the Convention.

- **Has your State introduced in your domestic legislation all necessary steps to prosecute and impose penal or disciplinary sanctions against a conduct contrary to the obligations set out in the Convention?**

YES

The Cultural Property (Armed Conflicts) Act 2017 establishes a number of criminal offences, together with related penalties, in relation to the obligations set out in the Convention. There have been no criminal prosecutions under this legislation to date.

The Service Prosecuting Authority is responsible for tri-service prosecutions of members of the UK Armed Forces. In accordance with s.42 of the Armed Forces Act 2006, a person subject to Service Law, or a civilian subject to service discipline, commits an offence under this section if he does any act that is punishable by the law of England and Wales; or if done in England or Wales, would be so punishable. Following the enactment of the Cultural Property Protection (Armed Conflicts) Act 2017 offences may therefore be prosecuted within the Service Justice System.

In addition to the Cultural Property (Armed Conflicts) Act 2017, the Geneva Conventions Act 1957 (as amended), the International Criminal Court (ICC) Act 2001 and its corresponding Act in Scotland (the International Criminal Court (Scotland) Act 2001) cover a range of matters relating to the protection of cultural property during armed conflict

II. Resolution II of the 1954 Conference

- *Has your State established a **National Advisory Committee** in accordance with the wish expressed by the Intergovernmental Conference (1954) in Resolution II?*

NO

A National Advisory Committee is considered unnecessary by the UK Government as there are already multiple forums in which government officials and external stakeholders monitor and discuss the implementation of the Convention and its Protocols: these include the Interdepartmental International Humanitarian Law Committee, the Military Cultural Property Protection Working Group and the Cross-Government Cultural Protection Working Group.

- *In the event that you have established a National Advisory Committee, has it been incorporated into a national commission for the implementation of international humanitarian law?*

YES: NO:

N/A

III. 1954 (First) Protocol

[To be completed only by the High Contracting Parties to the 1954 Protocol]

*The main purpose of the 1954 Protocol is the protection of cultural property in **or stemming from** occupied territory.*

- *Has your State undertaken measures to implement these international obligations, including the adoption of relevant legislation?*

YES

The UK has published specific guidance on the provisions which apply to cultural property in or from occupied territory, including a criminal offence of dealing in cultural property which has been unlawfully exported from occupied territory, in [Part 4 of the Cultural Property \(Armed Conflicts\) Act 2017](#). The UK has also [published guidance](#) targeted at assisting art dealers and other art market professionals in understanding the offence of dealing in unlawfully exported cultural property,

[Chapter 11 of the of the Joint Service Manual of the Law of Armed Conflict \(JSP 383\)](#) also contains detailed instructions for how the UK is to deal with both public and private property (including cultural property) during occupation. JSP 383 is currently under review and will be re-issued in due course to reflect the UK's commitments under the 1954 Hague Convention.

IV. The 1999 Second Protocol

[To be filled in only by the Parties to the 1999 Second Protocol]

The 1999 Second Protocol supplements the 1954 Hague Convention in many respects. In case the information has already been presented in the context of questions relating to the 1954 Hague Convention, you can directly refer to it.

1. Article 5 - Safeguarding of cultural property

Article 5 of the Second Protocol supplements Article 3 of the Hague Convention by providing concrete examples of preparatory measures to be undertaken in time of peace, such as the preparation of inventories of cultural property or the designation of competent authorities responsible for the safeguarding of cultural property.

- *Has your State undertaken such measures?*

YES

Please refer to the response to Part 1, Question 1 above for information on measures taken

2. Article 9 - Protection of cultural property in occupied territory

Article 9 of the Second Protocol complements Article 5 of the 1954 Hague Convention by imposing specific obligations on the occupying power. Paragraph 119 of the Guidelines for the Implementation of the 1999 Second Protocol requires Parties that are occupying powers to provide information in their national reports on how the provisions relating to the protection of cultural property in occupied territory are being respected.

- *Do you ensure compliance with the provisions relating to the protection of cultural property in the context of military occupation?*

YES

Please refer to Part 1, Question 3 for information on the training received by the armed forces; please refer to Part 1, Question 6 for information on penalties and sanctions in the context of military occupation

The UK is not currently an occupying power for the purposes of IHL. In addition to having in place relevant penalties and sanctions, compliance with the provisions is ensured through the provision of UK Service Legal Advisors, who are always available to advise commanders on their legal obligations and the Army's Cultural Property Protection Unit (CPPU) available to support training and provide CPP advice.

3. Article 10 - Enhanced protection

The 1999 Second Protocol establishes an enhanced protection regime. Enhanced protection is granted by the Committee for the Protection of Cultural Property in the Event of Armed conflict (composed of 12 Parties).

- *Do you **intend to request the granting** of enhanced protection for cultural property within the next four years or, if appropriate, to submit a **national tentative list** under Article 11 (1) of the 1999 Second Protocol?*

NO

The UK government and the Devolved Administrations have no current plans to submit a tentative list or to request enhanced protection for cultural property in the UK.

MONITORING OF CULTURAL PROPERTY UNDER ENHANCED PROTECTION

[If some cultural property in your State benefits from enhanced protection, please also fill in this part of the questionnaire].

The benefit of enhanced protection implies the continued fulfilment of the conditions provided for in Article 10 of the 1999 Second Protocol.

- *Is a specific mechanism for monitoring cultural property under enhanced protection in place? For example, are the measures undertaken to ensure the highest level of protection periodically reviewed to ensure their full adequacy in all circumstances?*

NO

N/A

Pursuant to paragraph 94 of the Guidelines, a distinctive emblem is created for the exclusive marking of cultural property under enhanced protection.

- *Has your State **marked with the distinctive emblem** cultural property under enhanced protection?*

NO

4. Article 15 - Serious violations of the 1999 Second Protocol

*“Article 15 obliges Parties to **establish as criminal** offences in their domestic law offences constituting serious breaches of the Second Protocol, **and to make such offences punishable by** appropriate penalties”.*

- *Has your State **implemented this obligation**? If yes, what measures have been undertaken?*

YES

Part 2, Section 3 of the Cultural Property (Armed Conflicts) Act 2017 establishes the acts set out in Article 15(1) of the Second Protocol as criminal offences in UK law; Section 4 makes provision in relation to ancillary offences; Section 5 extends criminal liability to commanders and other superiors who fail to prevent a Section 3 offence; and Section 6 sets up the maximum penalty on conviction of up to 30 years imprisonment.

5. Article 16 - Jurisdiction

Pursuant to Article 16 of the Second Protocol, the Parties shall take the necessary legislative measures to establish their jurisdiction over offences set forth in Article 15 of the 1999 Second Protocol in certain cases.

- *Has your State implemented this obligation? If yes, what measures have been undertaken to grant jurisdiction to your courts over serious offences under the 1999 Second Protocol?*

YES

The provisions in Part 2, Section 3 of Cultural Property (Armed Conflicts) Act 2017 set out the circumstances in which the UK authorities have jurisdiction in respect of offences related to Article 15(1) of the Second Protocol. For the UK Armed Forces, the Service Prosecuting Authority is responsible for tri-service prosecutions of members of the Armed Forces and certain civilians accompanying the Forces. Please refer to Part 1, Question 6 on sanctions for further information.

6. Article 21 - Measures regarding other violations

*The 1999 Second Protocol obliges Parties to adopt legislative, administrative or disciplinary measures as may be necessary to **suppress certain other violations of the Second Protocol**:*

- a. any use of cultural property in violation of the 1954 Hague Convention or the 1999 Second Protocol;*
- b. any illicit export, other removal or transfer of ownership of cultural property from occupied territory in violation of the 1954 Hague Convention or the 1999 Second Protocol.*

- *Has your State implemented such measures?*

YES

Violations of the Convention and its Protocols are covered by the offences created by Part 2 Section 3 of the Cultural Property (Armed Conflicts) Act 2017 in relation to the acts set out in Article 15(1) of the Second Protocol, and by the offence created in Part 4 Section 17 of the Act in relation to cultural property unlawfully exported from occupied territory.

Additionally, the Armed Forces Act 2006 contains at least three provisions that are applicable to the Convention and its Protocols:

Section 4: the offence of looting

- Section 12: disobedience to a lawful command (e.g. if an individual fails to obey an order to protect cultural property)
- Section 13: contravention of standing orders (e.g. if there are in-theatre standing orders in place regarding the protection of cultural property)

All UK service personnel, and at times UK civilian personnel, are subject to the Armed Forces Act 2006.

7. Article 30 - Dissemination

Article 30 of the Second Protocol complements Articles 7 and 25 of the 1954 Hague Convention. In this regard, Article 30 it asks the Parties, to endeavour by appropriate means, and in particular by educational and information programmes, to strengthen appreciation and respect for cultural property by their entire population, to ensure the dissemination of the 1999 Second Protocol, and to incorporate in their military regulations' guidelines and instructions for the protection of cultural property.

- *Has your State disseminated the provisions of the Convention and the Second Protocol within the armed forces as well as to target groups and the general public?*

YES

Please refer to Part 1, Question 4 for details on how the Convention and the Second Protocol are disseminated.

8. Article 33 – Assistance of UNESCO

Pursuant to paragraph 151 of the Guidelines for the Implementation of the 1999 Second Protocol, the Parties having activities at bilateral or multilateral level are invited to inform the Committee, in their periodic reports, of their activities in order to share their experiences or good practices.

- *Has your State shared, in particular through the Secretariat of UNESCO, your experiences and good practices in implementation of the 1954 Hague Convention and / or its Protocols?*

YES

The UK government stands ready to provide information on its experiences and good practices as appropriate with UNESCO, other State Parties and with states considering acceding to the Convention and Protocols. This is the UK's first periodic report, following the UK's ratification of the Convention and acceding to the Protocols in September 2017 and attendance for the first time as a State Party at the Meeting of the High Contracting Parties to the 1954 Convention and Meeting of the Parties to the 1999 Second Protocol in December 2019.

The Ministry of Defence's Cultural Property Protection Unit (CPPU) has regular engagement with UNESCO, specifically the Cultural Heritage protection Treaties Section (CHPTS). The

UNESCO CHPTS Senior Technical Advisor presented at and attended the pilot Cultural Property Protection Special to Arm course in 2019, enabling the exchange of experiences and best practise in the implementation of the Convention and its Protocols. The CPPU also has excellent working relationships with international military partners including the Armee de Terre in France and the Esercito Italiano in Italy, both of which sent officers to attend the Special to Arm course. Other states have contacted the CPPU for advice on how to set up a dedicated cultural property protection unit.

9. Article 37 - Official translation of the 1999 Second Protocol to the 1954 Hague Convention

Pursuant to Article 37 of the Second Protocol, the Parties shall translate the 1999 Second Protocol into their official language(s) of their countries and shall communicate these official translations to the Director-General.

Please submit a copy / copies of such translation(s), in electronic format, if possible, to the Secretariat.

Please annex an *electronic copy of your translation(s) to this report* .

English is one of the six authoritative languages of the Second Protocol (Article 39).

The acceding (or implementing) legislation for the Second Protocol, the Cultural Property (Armed Conflicts) Act 2017, makes reference to articles of the Second Protocol e.g. in section 3 reference is made to Article 15 concerning serious violations of the Protocol. The text of the Second Protocol is annexed as Schedule 4 to the Act, and, whenever necessary, reference would be made to its text in order to interpret and apply the Act.

Consequently, the text of the Second Protocol included as a Schedule to the Cultural Property (Armed Conflicts) Act 2017 may be considered as an official translation. The text of the Second Protocol can be accessed [here](#).

V. Other questions relating to the 1954 Hague Convention and its two Protocols

1. Ratification of / acceding to other international treaties having provisions of the protection of cultural property

- Can you indicate the other international instruments to which your State is a party?

International instruments	Ratification/acceding
1970 UNESCO Convention on the means on Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property	Ratified (01.08.2002)
1972 UNESCO Convention on the Protection of the World, Cultural and Natural Heritage	Ratified (29.05.1984)
2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage	NOT A STATE PARTY
2003 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage	NOT A STATE PARTY
2005 UNESCO Convention for the Protection and Promotion of Diversity of Cultural Expressions	NOT A STATE PARTY
Additional Protocol (I) to the Geneva Conventions, 1977	Ratified (28.01.1998)
Additional Protocol (II) to the Geneva Conventions, 1977	Ratified (28.01.1998)
Additional Protocol (III) to the Geneva Conventions, 2005	Ratified (23.10.2009)

2. National practice relating to the implementation of the Hague Convention and its two Protocols

The Secretariat would be grateful if you could annex a copy of the following documents in French and/or English:

- **Relevant civil and military administrative regulations:**

Please note it is UK policy to use NATO doctrine where it can, and to ensure UK doctrine is coherent. In NATO, Cultural Property Protection is a cross-cutting issue and is now considered for relevance in every review. These documents are reviewed in a 4-5-year cycle and so many documents are currently being updated to reflect the requirement. Cultural Property Protection is also referenced in numerous Defence Doctrine documents.

The Defence Concepts & Doctrine Centre (DCDC) assists in compliance by ensuring the obligations for Cultural Property Protection are captured in the joint operational doctrine British forces use.

- Human Security in military operations (Joint Service Publication 1325) (currently being updated to include Cultural Property Protection). In-theatre instructions will be classified.
- Allied Joint Publication (AJP) 01 Allied Joint Doctrine. To be included in the next edition (F) under development now.
- AJP-3.9 Allied Joint Doctrine for Joint Targeting. To be included in the next edition (B) in the process of Alliance ratification now.
- AJP 3.12(C) Military Engineering (2020) (attached) Listed as a consideration in 'Legal Considerations'.
- AJP 3.19(A) Allied Joint Doctrine for Civil-Military Co-operation (2018). A paragraph in an annex refers to CPP as a NATO cross-cutting issue.
- AJP 3.4.3 Allied Joint Doctrine for the Military Contribution to Humanitarian Assistance. To be included as a cross cutting issue in the next edition (B) in development now.
- AJP-3.4.5 Joint Allied Doctrine for the Military Contribution to Stabilisation and Reconstruction. To be included as a cross cutting issue in the next edition (B) in development now.
- Joint Doctrine Publication - 05 Shaping a Stable World. While not explicitly using the term 'Cultural Property Protection' the intent is included within the paragraph "protect and secure strategically important institutions (such as government buildings, medical and public health infrastructure, the central bank, national treasury, integral commercial banks, museums and religious sites)".
- JDP 2-00 - Understanding and Intelligence Support to Joint Operations is currently being rewritten to include Cultural Heritage Intelligence (CHINT).
- Joint Service Manual of the Law of Armed Conflict (JSP 383) (amended [here](#))

Cultural Heritage Intelligence. (new term to be approved) - Cultural Heritage Intelligence (CHINT) comprises awareness of both tangible remains (e.g. historic buildings and archaeological artefacts) and intangible heritage (e.g. rituals, customs and crafts) as it relates to human terrain analysis, human security, and actions by State and Non-State actors. Within the operating environment, CHINT can support Cultural Capability but specifically permits understanding of how actors can exploit cultural heritage across different Defence postures and within sub-threshold operations to achieve military, information, political, economic and diplomatic advantage.

Note JSP 900 UK Full Spectrum Targeting Policy (attached) which belongs to MOD SPO Military Strategic Effects (MSE) also includes a reference.

- **National laws** relating to the protection of cultural property, as well as criminal provisions adopted in the context of the implementation of Article 28 of the Hague Convention and Articles 15, 16 and 21 of the Second Protocol, and case law relating to the protection of cultural property.

Cultural Property (Armed Conflicts) Act 2017

- **Documents relating to awareness-raising activities** (seminar programme, brochures, etc.), as well as any other document (legislative, judicial or administrative) relevant to the dissemination of the 1954 Hague Convention and its 1999 Second Protocol.

Protection of cultural property in the event of armed conflict

Dealing in unlawfully exported cultural property

- In October 2015, the Secretary of State at DCMS convened a Cultural Protection Summit that brought together experts, practitioners, parliamentarians, organisations and charities to explore the measures the UK could take in supporting cultural heritage protection. The Convention and its two Protocols were covered in these discussions.
- In July 2019, chaired by DCMS, the Commonwealth Secretariat and the British Red Cross co-hosted an event entitled: “Protecting cultural heritage in the Commonwealth: challenges and opportunities”.
- Two information leaflets about the cultural emblem and other protective signs established under international humanitarian law are also attached. Additional details can be found on the [British Red Cross’ website](#).
- General information regarding the implementation of the 1954 Hague Convention and its Protocols is covered in Part IV, section 7 of the UK’s 2019 [Voluntary Report on the Implementation of IHL at the Domestic Level](#) (published in March 2019).
- In November 2019 the UK, in collaboration with the British Red Cross, produced a [toolkit](#) to provide practical guidance for countries to research and draft their own reports on implementing IHL. The toolkit includes reference to cultural property protection, in both the guidance document and in the template for a long form implementation report. Translations of the toolkit have been published in Arabic, French, Russian and Spanish.
- On 27 August 2020, the UK published its approach paper on [Protection of Civilians](#). It contains a section on Cultural Property Protection and PoC. It refers to the 1954 Hague Convention and its two Protocols, as well as to the importance of the protection of cultural property generally.
- In March 2021, DCMS co-hosted a two-day dialogue with the Foreign, Commonwealth and Development Office and Wilton Park titled [Cultural Heritage Protection, Development and Diplomacy: International Approaches](#), which made reference to the Convention and its two Protocols in discussions around protecting cultural heritage during and post conflict.
- Following this, in April 2021, DCMS commissioned the FCDO’s K4D (Knowledge for Development) programme to produce an evidence report [“Lessons learned on cultural heritage protection in conflict and protracted crisis”](#)

3. Effectiveness of cooperation mechanisms at the national level

- *The implementation of the Hague Convention and its two Protocols requires cooperation at the national level between the various authorities (civil, military, etc.). Can you assess the degree of cooperation, at the national level, in your State?*

There is no cooperation between the different authorities	<input type="checkbox"/>
There is limited cooperation between the different authorities	<input type="checkbox"/>
There is cooperation between the various authorities, but there are still improvements to be made	<input type="checkbox"/>
There is a perfectly functional cooperation between the different authorities	X
Other (specify)	

Further Info

The Army leads in the implementation of the Hague Convention and its 2 protocols and established the Cultural Property Protection Unit (CPPU) for this purpose. The CPP Working Group is attended by representatives from across Defence.

Royal Navy:

RN representatives have also recently established links with their US counterparts in the US War College and have been invited to attend the US CPP Working Group. This will aid coherence between the UK and the US and demonstrates cooperation at a national level with allies.

VI. Self-assessment forms

In order to reflect in the synthesis document of the national reports the status of implementation of the 1954 Hague Convention and its 1999 Second Protocol in key areas, please fill in the two tables below.

1. Assessment of the degree of implementation

[To do this, please use the following rating scale]

- 1. Not at all implemented;*
- 2. Partially implemented and the process is at standstill;*
- 3. Partially implemented, the process following its course; and*
- 4. Fully implemented.*

Implementation of the safeguarding obligation through the adoption of preparatory measures	4
Military training on regulations for the protection of cultural property	3
Use of the distinctive emblem to mark cultural property	3
Implementation of the obligation to disseminate, through the implementation of awareness-raising activities for target audiences	3
Adoption of relevant criminal legislation	4
<i>For Parties with cultural property under enhanced protection only.</i> Establishment of a monitoring system for cultural property under enhanced protection at the national level	N/A

2. Assessment of the difficulties encountered

[To do this, please use the following rating scale]

- 1. Difficulties are encountered, but there are no plans to seek technical assistance from the UNESCO Secretariat;*
- 2. Difficulties are encountered, nevertheless, it is planned to make use of the technical assistance of the UNESCO Secretariat;*
- 3. Difficulties were encountered, but thanks to the technical assistance of the Secretariat they could be resolved;*
- 4. Difficulties were encountered at first, but they turned into challenges that were overcome; and*
- 5. No difficulties were encountered.*

Implementation of the safeguarding obligation through the adoption of preparatory measures	5
Military training on regulations for the protection of cultural property	5
Use of the distinctive emblem to mark cultural property	4
Implementation of the obligation to disseminate, through the implementation of awareness-raising activities for target audiences	5
Adoption of relevant criminal legislation	5
<i>For Parties with cultural property under enhanced protection only.</i> Establishment of a monitoring system for cultural property under enhanced protection at the national level	N/A

VII. Enhanced protection mechanism – Opinion survey

Pursuant to Chapter 3 of the 1999 Second Protocol, enhanced protection is granted by the Committee for the Protection of Cultural Property in the Event of Armed Conflict if three criteria are cumulatively met:

- Cultural property is of the greatest importance to humanity;*
- Cultural property is protected by adequate domestic, legal and administrative measures recognising its exceptional cultural and historical value and ensuring the highest level of protection; and*
- Cultural property must not be used for military purposes or to shield military sites. And the Party which has control over the cultural property has to make a declaration confirming that it will not be used for military purposes or to shield military sites.*

As these conditions are set out in an international treaty, their interpretation cannot be made independently of State practice, which is of fundamental importance under international treaty law. Therefore, this national report is an opportunity for the national authorities of the Parties to express their views on the conditions under which enhanced protection is granted.

For each of the conditions set out in Article 10 of the Second Protocol, please answer the following questions, taking into consideration the relevant paragraphs of the Guidelines for the Implementation of the Second Protocol.

Article 10, paragraph (a) - "The greatest importance for humanity"

- Please list the main factors to be undertaken into consideration in determining whether a cultural property is of the greatest importance for humanity?*

The UK does not currently have any property which is protected under the enhanced protection regime established under the 1999 Second Protocol, and there are no current plans to request enhanced protection for cultural property in the UK.

When considering whether cultural property is of the greatest importance for humanity, the UK government recommends that a narrow view be taken. This is because most cultural property is already protected as a matter of course under the 1954 Hague Convention, the Rome Statute and/or the Geneva Conventions and their Protocols (i.e. both as civilian objects and as cultural property). To avoid watering down the enhanced protection regime – and to ensure that property placed under enhanced protection is truly of the greatest importance for humanity – the criteria used for making such a determination should be very strict indeed.

Article 10, paragraph (b) - "The highest level of protection"

- Please mention the national authorities to be consulted in determining the choice of measures to be adopted to ensure the highest level of protection for a cultural property for which enhanced protection is requested. What measures can ensure the highest level of protection?*

The Ministry of Defence and the Department for Digital, Culture, Media and Sport are the Government Departments which are most suited to the task of determining the choice of measures to be adopted to ensure the highest level of protection of cultural property for which enhanced protection is requested. The current list of property which is protected for the purposes of the Cultural Property (Armed Conflicts) Act 2017 has been agreed with the devolved administrations. Therefore, the devolved administrations should be consulted on what cultural property might be candidates for enhanced protection within their respective nations.

Article 10, paragraph (c) - "Not-used for military purposes"

- *Please mention the national authorities to be consulted in order to take the decision not to use the proposed cultural property for granting enhanced protection for military purposes or to shield military sites?*
- The Ministry of Defence must be consulted to ensure that any cultural property identified as possible candidates for enhanced protection do not have military objectives nearby. In the UK context, one well-known example of a World Heritage Site which is located near a military objective is Stonehenge. Although there are no military objectives near the stone circle, the boundary of the Ministry of Defence's garrison at Larkhill overlaps with the boundary of the World Heritage Site containing Stonehenge, Avebury and Associated Sites, meaning that it would not be possible to place the whole site under enhanced protection.
- Additional national authorities who have an interest and who may usefully be consulted include the Department for Digital, Culture, Media and Sport; depending upon the location, the relevant department in the devolved administration concerned, and for a diplomatic and international perspective, the Foreign, Commonwealth and Development Office.
- One or more of the relevant advisory bodies might also be consulted. These include the Cross-Government Cultural Protection Working Group, the Military Cultural Property Protection Working Group, and the National Committee on International Humanitarian Law.

ENDS