Written evidence submitted by Blue Shield

1.0 Submitting organisation and personnel

1.1 Dr Cunliffe is a member of the UNESCO Chair in Cultural Property Protection and Peace at Newcastle University, Secretariat for the Blue Shield International, and Secretary of UK National Committee of the Blue Shield. Their work concerns national and international heritage protection. Vernon Rapley is a board member of the (ICOM) International Committee for Museum Security and the former head of Art & Antiques Unit within New Scotland Yard. Mark Carroll OBE is an observer with UKBS and former prosecutor within the Counter Terrorism Division of the Crown Prosecution Service.

2.0 Executive Summary

2.1 UK National Committee of the Blue Shield (UKBS) welcomes the opportunity to submit written evidence to the enquiry and asks the Enquiry to:
   i) take greater notice of the protection of cultural property [CP] within its national security mandate;
   ii) asks the National Security Council specifically to address the issue further by ensuring greater scrutiny is given to safeguarding precautions; and
   iii) appropriate measures are put in place in accordance with the existing law.

2.2 The UK’s CP faces a significant threat from international terrorism and domestic extremism attacks not just as a result of the density of members of the public but because of its globally high profile standing, potential for maximum publicity and ability to spread fear.

2.3 Over recent years, numerous foiled terrorist plots in the UK have involved attacks on famous landmarks and CP including St. Paul’s Cathedral, the British Museum, Buckingham Palace, and Downing Street. In March 2017 four people were fatally injured in a terrorist attack outside the Palace of Westminster in London. These follow a global pattern, one which has increased over the last century to now occur with relatively common frequency: CP (and any attendant visitors) is targeted due to its symbolic nature, links to the identity of those targeted, and high profile, bypassing other locations with high visitor density.

2.4 In 2010 the Government published the National Security Strategy in which it stated we are a country whose political, economic and cultural authority far exceeds our size. There was a recognition that the UK’s CP is vitally important to our global standing.

2.5 This fact was endorsed through the UK ratification of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and both Protocols (1954, 1999) via the 2017 Cultural Property (Armed Conflict) Act (CPACA), which entered into force on 12th December 2017.
2.6 UKBS recognizes that any such response to terrorism and wider security threats must be financially and operationally proportionate to the level of threat. The UK Government considers the sites identified in CPACA to be its most important CP (at 3.3% of nationally registered CP and 0.8% of its total CP). We therefore primarily direct this paper to the protection of those sites.

2.7 Article 3 of the Convention commits State Parties to put in place during peacetime such measures as they consider appropriate in order to safeguard CP situated within their own territory against the foreseeable effects of an armed conflict. UKBS considers these safeguarding measures to be similar, if not the same, as those required in the event of security threats. However, the government has stated it will take no additional measures to implement them, leaving sites potentially vulnerable.

2.8 Despite the draft ‘Martyn’s Law’, the Government - and in particular the National Security Council – need to be more aware of their role in identifying symbolically and physically vulnerable cultural property and effectively supporting UK cultural property to implement safeguarding measures.

2.9 A single point of contact for dissemination of information and knowledge sharing is recommended to advise the NSC and to enhance the awareness and information flow back to the safeguarded CP administrators and official bodies.

3.0 Introduction and reason for submitting evidence

3.1 We recognise the role of the NSC and its importance to the UK. This submission is designed to highlight a single issue makes recommendations to enhance the capacity in accordance with the UK’s legal obligations whilst protecting cultural assets.

3.2 Heritage sites become crowded sites on special occasions, and their symbolic nature results in deliberate targeting. Numerous foiled terrorist plots in the UK have involved attacks on famous landmarks and CP, including most recently St. Paul’s Cathedral, the British Museum, Buckingham Palace, and Downing Street. In March 2017 four people were fatally injured in a terrorist attack outside the Palace of Westminster in London. These follow a global pattern, one which has increased over the last century to now occur with relatively common frequency: CP (and any attendant visitors) is targeted due to its symbolic nature, links to the identity of those targeted, and high profile, bypassing other locations with high visitor density.

3.3 UKBS are concerned about the lack of safeguarding measures across the CP spectrum in the UK, and would ask that more notice is taken of the gap by the National Security Council and greater awareness given to the lessons learned since the introduction of the 1954 Hague Convention.

3.4 The UK contains some 545,000 – 550,000 nationally registered cultural properties. These are only a small proportion of those listed in local inventories: UKBS estimates the UK has over 2,300,000 cultural locations. UKBS recognizes the need to prioritise resources and protection effectively: we note UK implementation of the 1954 Hague Convention has recognized approximately 18,000 UK cultural venues as being of
greater importance (below) (3.3% and 0.8% of the total nationally and regionally registered heritage, respectively). However, the government does not currently intend to put any additional protective measures in place in UK cultural properties to meet its obligations under the 1954 Hague Convention and Protocols / CPACA.

3.5 UKBS takes the position that such measures must be put in place prior to a conflict in order to be effective during conflict, and that these measures are the same as those required to protect sites in the event of security threats, such as terrorist attacks. As such, stronger implementation of the 1954 Hague Convention could offer a vehicle for better protection of vulnerable sites. The potential lack of protective measures, oversight, support, and information sharing places them at risk.

4.0 Legislative position

4.1 UKBS recognises that any such response to terrorism and wider security threats must be financially and operationally proportionate to the level of threat.

4.2 CP is protected in peacetime by a suite of national legislation. In the event of armed conflict, CP “of great importance to the cultural heritage of every people” (1954 Hague Convention Article 1) should be given a higher priority for safeguarding and military protection, which has been adopted into UK law via the CPACA.

4.3 Article 1 of the Convention defines CP 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 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’.

4.4 Although CP protection is a devolved matter in Scotland, Wales and Northern Ireland, the list of CP protected by the Convention is UK wide and a set of categories of eligible CP has been adopted has been agreed with the devolved administrations to implement CPACA¹.

4.5 The UK has approximately 18,000 properties and museums of cultural significance, considered to be “of great importance” under CPACA 2017, including the protected and individually managed UNESCO sites of the UK. Although the Hague Convention contains mechanisms to offer greater protection to CP of greater importance, DCMS

¹ P7 DCMS - Guidance_on_implementation_of_the_Convention_-_final.pdf (publishing.service.gov.uk)
has indicated (pers. comm) that it considers all UK CP shortlisted in the CPACA implementation to be of equal importance and priority, and does not intend to further prioritise it. As such, the UK stance is therefore that all 18,000 sites are the “most important” in the UK, and require equal treatment.

4.6 Yet, UK CP eligible for protection does not need to fall within the types of CP listed in the Article or the categories in the government’s list of UK CP, both of which are expressly indicative and not exhaustive. For example, the list expressly includes national museums, but there are approximately 2,500 museums in the UK – 90% are outside the (explicit) protection of the Act; in addition to numerous privately owned collections, as are the UK’s non-World Heritage scheduled monuments.

4.7 Article 3 of the Hague Convention and Article 5 of the Second Protocol commits State Parties to put in place during peacetime such measures as they consider appropriate in order to safeguard CP situated within their own territory against the foreseeable effects of an armed conflict. UKBS considers these peacetime measures to be the same as those which would enable sites to respond to security threats.

5.0 Preparedness plans need to be resourced and exercised

5.1 The government has previously indicated its belief there is a practical benefit in indicating, to the owners and trustees of CP and to our armed forces and those of other countries, the UK CP which we consider to be protected, although it noted its list is only indicative.

5.2 The position of the Department for Digital, Culture, Media and Sports (DCMS) is that:

i. it intends to take no additional action to support high priority cultural venues unless armed conflict is imminent.

ii. The suggested protective measures are “common sense precautions”.

iii. Those who need advice and guidance on how best to safeguard their CP should contact the appropriate specialist agency.

• Arts Council England provides advice on standards and security to support museums in safeguarding and protecting their collections and buildings.

• Additional guidance and resources are available on the website of the Collections Trust.

• Historic England provides advice and guidance on safeguarding and protecting historic buildings, landscapes and environments.

5.3 Equivalent bodies are named in the equivalent policy paper for Scotland. However, neither Wales nor Northern Ireland have released any equivalent documentation, raising

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2 Numerous national museum groups have regional museums, which are included in the Act. The UK list encompasses approximately 66 collections of museums and galleries that are sponsored by Her Majesty’s Government, the Scottish Government, the Welsh Government and the Northern Ireland Executive throughout the UK (Category D); and c. 197 Designated or Recognised Collections (Category E).

3 DCMS - Guidance_on_implementation_of_the_Convention_-_final.pdf (publishing.service.gov.uk)

4 DCMS - Guidance_on_implementation_of_the_Convention_-_final.pdf (publishing.service.gov.uk)
concerns about a lack of preparation for and advice regarding security and conflict amongst these devolved administrations.

5.4 UKBS has previously noted in a paper\(^6\) sent to DCMS that the common sense precautions

i. are not widely implemented outside the UK national museums

ii. have no oversight or compliance mechanism to review such precautions, or ensure they are exercised

iii. and that:

“A recent review of emergency planning\(^7\) found that ‘The cultural heritage sector, while advancing in terms of planning, through, for example, the accreditation schemes for museums, galleries and archives, and through the development of local and regional networks in response to events, is, however, **not well integrated in the wider emergency planning structures of the UK.**’ ... The heritage sector [should] become better integrated with, for example, the UK Resilience sector.” (2018, P6)

5.5 UKBS further notes both advisory bodies are heritage bodies, not security bodies, and that the security staffing levels of both organisations are inadequate to respond to 18,000 properties. In addition, the primary role of the National Museum Security Advisor under the Arts Council England is administering the Government Indemnity Scheme relating to the loan of high value artefacts.

5.6 Lastly, we highlight the excellent work of the English Heritage Crime Programme\(^8\), and the UK-wide National Strategic Threat Assessment for Heritage and Cultural Property Crime\(^9\) (whose focus and capacity is primarily aimed at theft prevention, rather than terrorism).

5.7 When reviewing terrorist threats, that assessment noted:

“the increase in protection for museums is often limited to larger institutions who have the funding to afford the additional measures. Smaller institutions who are equally, if not more at risk as ‘soft targets’, are frequently left without adequate protection from attack. This discrepancy between large and small venues will likely be exacerbated over the coming years as organisations negotiate the balance between maintaining open access to collections whilst protecting objects on display and the people who visit them.”

5.8 It further recommended:

“On a larger scale, specifically in relation to the threat of terrorist attacks at public venues, funding should be provided for training for smaller institutions so that disaster

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\(^5\) Protection of cultural property in the event of armed conflict: guidance - gov.scot (www.gov.scot)

\(^6\) UK Blue Shield position paper on 1954 Hague Convention Guidance – UK Blue Shield


\(^8\) Working with Partners | Historic England

\(^9\) National Strategic Threat Assessment for Heritage and Cultural Property Crime - National Rural Crime Network
and business continuity plans can be created, arming these at risk institutions with information they may need in an emergency”. (2017, P36-37)

5.9 Such funding has not manifested in any significant way. In fact, the pandemic has led to widespread cutbacks amongst the UK heritage sector, significantly increasing their vulnerability.

5.10 UKBS remains concerned that from the cultural perspective, there are significant gaps amongst the UKs more important CP when responding to security threats, and which are not well integrated into the UKs Response and Resilience Sector – to say nothing of the cultural venues that are outside the provisions of the Act, which themselves attract significant footfall, and which are excluded from any oversight and support processes.

5.11 Given this, more needs to be done to ensure the knowledge and awareness is familiarised within all those responsible for cultural protection, and that cultural properties are able to respond effectively to threats.

6.0 Cultural Property and the Security Framework

6.1 UKBS is concerned that the Cabinet Office Security Framework is inadequate for the protection of CP as it only applies to venues that receive government Grant in Aid and therefore operate as ALB’s. It is also not entirely relevant to the cultural sector and based on a tick box exercise. There is a risk, therefore, that many custodians of CP receive little or no guidance or support in carrying out their duty to protect the nation’s cultural heritage.

6.2 There needs to be an improved flow of information to the NSC from all devolved authorities regarding CP. There needs to be a two-way flow of information into the NSC in order for the Council to make better informed decisions and improve its effectiveness and efficiency.

6.3 In addition, there needs to be an improved flow of information to those responsible for cultural venues.

6.4 This flow of information should be addressed in the first instance by the appointment of a Cultural Property Security Advisor to the NSC as a voluntary role for a suitable candidate to engage with the Council as well as act as a liaison for the CP sector. This will allow the NSC to make informed decisions regarding the safeguarding of property with a level of proportionality to the risk assessment. In turn, the Cultural Property Security Advisor can disseminate information to the network of cultural heritage sites and properties.

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10 Heritage-and-Cultural-Property-Crime-National-Strategic-Assessment-2017-FINAL.pdf (nationalruralcrimenetwork.net)
7.0 Cultural Property and Terrorist Financing

7.1 This paper has not explored the significant links between CP and terrorist financing, focusing instead on the cultural and symbolic links to terrorism, and associated risks to CP.

7.2 However, UKBS has previously identified a number of risks in the UK government approach to tackling terrorist financing via CP. For example, UKBS noted the risks in the government consultation on Freeports; however the Consultation Response indicates the UK government will take no additional action to support freeport operators in implementing the extensive (and confusing) legislation designed to prevent illicit activity relating to cultural property.

7.3 Furthermore, the UK government has stated it intends to ignore the EU Illicit Trafficking Regulations that came into effect in the UK in 2020 in all parts of the UK except Northern Ireland, creating further confusion and again increasing the likelihood that the UK will be seen as a hub or haven for illicitly trafficked cultural property.

7.4 We note that these risks are also significant.

8.0 Recommendations

8.1 The NSC should ensure the devolved administrations confirm the necessary measures are taken on safeguarding, based on a collaborative assessment of risk with security sector partners.

8.2 A Cultural Property Security Advisor should be appointed to the National Security Council to enhance the flow of information on safeguarding of cultural property in accordance with the law.

8.3 This advisor should develop strong links with

- DCMS
- the devolved cultural administrations
- the Heritage Crime Programme, and
- those with responsibility for preventing terrorist financing.

14 February 2021

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11 http://ukblueshield.org.uk/ukbs-responds-to-freeports-call-for-evidence/
12 FINAL_-_Freeports_Consultation_Response_-_FINAL.pdf (publishing.service.gov.uk)
13 Remarks made by MEP Daniel Dalton indicate the government intends to ignore the Regulations. However, the Regulations are specifically included in Annex 2 of the Northern Ireland EU agreement to be implemented. A full paper will be released on the UKBS website by 22 February: http://ukblueshield.org.uk/