



The National Council on Archives

Response to the Consultation Paper on the 1954 Hague Convention and its two Protocols

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If you are replying on behalf of a representative group, please summarise the people or organisations your group represents:

The National Council on Archives was established in 1988 to bring together the major bodies and organisations, including service providers, users, depositors and policy makers, across the UK concerned with archives and their use. It aims to develop consensus on matters of mutual concern and provide an authoritative common voice for the archival community.

Convention, Article 1

Question 1 – On the basis of the existing designation systems in place in the UK, do you agree that the general protection afforded by the Convention should be extended only to:

- **Listed buildings of Grade I status;**
- **In England, listed historic parks and gardens of Grade I status;**
- **All UK World Heritage Sites;**
- **The collections of those Museums and Galleries that are directly sponsored or funded by Government;**
- **The museums, galleries and universities in England with designated collections and in Scotland with important collections; and**
- **The National Record Offices and the five legal deposit libraries.**

No.

Bearing in mind the unique importance of archives in rebuilding a society after times of armed conflict, in demonstrating the identity of individuals and peoples, and in proving individuals' qualifications, work, health and personal histories, claims to ownership of land and property, *etc.*, the National Council on Archives feels that the same application of status that applies to museums and galleries in the proposal *above* should be extended to archives. This would mean that any archive that is "directly sponsored or funded by Government" or is "designated" should also be included.

The list of museums and galleries that the DCMS propose should receive general protection under the Convention does not include some collections (which may be called archives rather than museums) of importance to all peoples, that are of equal or greater importance to some of those that *are* included, such as

- Moving image collections such as the National Film and Television Archive and the emerging devolved national collection of the British Film Institute
- Any collections in the ownership of commercial or semi-commercial organisations such as the BBC
- Any collections in the ownership of the Royal Societies or any other scholarly organisation that may not have a university affiliation
- Any collections in private ownership.

Although not all of the archives that fall into these bulleted categories *above* may be described as having "great importance to the cultural heritage of every people", some of them undoubtedly do. The Council would urge DCMS to consider these and other categories that have not been considered within this consultation for protection under the Convention.

The Council acknowledges that this would increase the numbers of repositories included, but would like to point out that the number of archives thus included is still nowhere near the number of museums and galleries, or listed buildings that are already included.

The points made above regarding archives, can also be made regarding libraries. The Council would like to urge the DCMS to take expert advice from library organisations concerning the inclusion of a wider coverage of important library collections.

Convention, Article 1

Question 2 – Do you agree that the decision on whether any particular cultural property should be protected by the Convention should be left to the individual choice of the property’s owners, guardians or trustees?

Yes, but that the owner, guardians or trustees of property should be well informed that they have little reason to opt out.

Convention, Article 3

Question 3 – Do you agree that the most appropriate body to undertake the peace time safeguarding measures set out in Article 5 of the Second Protocol is the existing owner, guardian or trustee of a cultural property?

Yes.

Convention, Article 6

Question 4 – Do you agree that the UK should leave the decision to affix the special emblem to a particular cultural property to the owner, guardian or trustees of the property or objects in question?

Yes.

Convention, Article 8

Question 5 – Do you agree that the UK should not nominate any of its cultural property for special protection but instead we should make use of the provisions for enhanced protection contained in the Second Protocol?

Yes.

Second Protocol, Article 10

Question 6 – Do you agree that the UK should request enhanced protection only for those World Heritage Sites designated as cultural sites; for the collections of the museums and galleries that are NDPBs or ASPBs; for the National Archive Bodies; and the five legal deposit libraries?

No.

The list of archives offered enhanced protection under this question is the same as the list offered general protection under question 1. This observation supports our contention that designated archives should be included for general protection under question 1.

Do you have any other comments?

1) The National Council on Archives notes that a timetable of action for the future is not included in the consultation document, but will be drawn up after the consultation period has ended.

The Council would like to be reassured by DCMS that a set timeframe will be constructed to move the results of the consultation forward towards ultimate ratification, even if this timetable inevitably will be provisional. The Council would be very grateful to be informed of the publication of the timetable through the usual channels.

2) The National Council on Archives would like to ask DCMS whether the notification to UNESCO of cultural property to be protected may or may not be amended at a later date than that of the ratification of the Convention. If so, the points raised under questions 1 and 6 *above* can be fully addressed in consultation with DCMS' partners. If not, these points take on an added urgency. The Council would be willing to assist DCMS in any way to ensure that property of the highest importance is included in the notification.