



*the*  
**NATIONAL  
COUNCIL ON  
ARCHIVES**

## **THE DRAFT CULTURAL PROPERTY (ARMED CONFLICT) BILL: COMMENTS OF THE NATIONAL COUNCIL ON ARCHIVES**

1. The National Council on Archives (NCA) welcomes the opportunity to submit its views on the draft Cultural Property (Armed Conflict) Bill. The NCA 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.
2. The NCA considers that the draft Bill fully meets its aim of being an instrument to allow the UK to accede to the Hague Convention and the relevant protocols relating to cultural property in armed conflicts. The Bill's coverage is comprehensive and in theory it should prevent violations such as the bombing of the Bosnian National Library in Sarajevo by the besieging Serbian forces and the destruction of the Bamiyan Buddhas by the Taliban in Afghanistan - if the parties concerned are signed up to the convention and the armed forces are properly trained and briefed.
3. There appear to be a few areas where the supporting text requires editing to clarify its meaning. Paragraph 34 of the explanatory notes on Clause 13 of the Act has a mistake in the last sentence "property of cultural property". Similarly in paragraph 63 on schedule 5 (p 72) the second sentence is missing a clause. There is an 'either' clause but not a corresponding 'or'.
4. The NCA would like to highlight the importance of ensuring good preservation practice regardless of who is the responsible custodian. Archival material comprises fragile material such as paper, film, photographs and electronic media. As such archival collections are sensitive to poor handling, inappropriate packaging, transport, poor environmental conditions and rapid changes in those conditions. Therefore, it is proposed that the Bill include a responsibility to ensure that cultural property is held in conditions which do not prejudice the longevity of those collections and under the guidance of preservation experts. This responsibility should be placed on all who could be responsible for the physical care of cultural collections including bodies such as the armed forces, the police and HMRC, and those transporting collections.
5. Another important point to bear in mind is that not only national but also local archive services should also be identified for protected status. Archives are essential to the cultural heritage, but also vital for the rebuilding of communities shattered by conflict. Archives should be valued for their informational content as well as their heritage value e.g. the need to be able to prove property ownership, academic qualifications, voting rights etc are all critical.

6. The Government should note that archive buildings are at inherent risk because often their robust construction robust to high standards makes them attractive to local commanders for military use. This was substantiated by the Kosovo experience where several record offices were commandeered by the military for gun batteries and the like.
7. Finally the NCA would like to extend its assistance to the practical implementation of the Bill. NCA members are experts in all aspects of archival management and would be happy to assist in providing advice and training to ensure the full implementation of this very important legislation.

I hope these comments will be helpful to the development of the Bill. The NCA will be happy to enlarge on any of the points raised if that would help.

Jonathan Pepler  
Chair, National Council on Archives  
14 March 2008

Tel 01244 973391  
Email [jonathan.pepler@cheshire.gov.uk](mailto:jonathan.pepler@cheshire.gov.uk)