



Department for

Communities

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From: The Minister

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Colum Eastwood MLA
Chairperson
Committee for Communities
Room 430
Parliament Buildings
Ballymiscaw
Stormont
BELFAST
BT4 3XX

Dear Mr Eastwood

CULTURAL PROPERTY (ARMED CONFLICTS) BILL: LEGISLATIVE CONSENT MOTION

I am writing to make you aware of my intention to bring a Legislative Consent Motion to the Assembly regarding a Westminster Bill to ratify the 1954 Hague Convention for the Protection of Cultural Property in the event of Armed Conflict.

The Westminster Bill, which was introduced on 19th May 2016, applies to Northern Ireland and Great Britain, and as the provisions of the bill principally relate to cultural property matters which are devolved; (apart from Part 4 of the bill which mainly concerns the import and export of cultural property to and from the UK and is therefore a reserved matter); a Legislative Consent Motion would need to be completed in the Assembly. Legal advice has confirmed this approach.

1954 Hague Convention and Proposed Cultural Property (Armed Conflicts) Bill

The 1954 Hague Convention referred to, provides for a system of general and special protection of cultural property in situations of international and non-international armed conflict.

Protected cultural property is that which the convention deems '*of great importance to the cultural heritage of every people*' (A full definition is outlined at Annex A1). Under the convention such property bears a "white and royal blue shield" emblem which will carry the same protective status as the Red Cross and Red Crescent. The planned Westminster Bill contains provisions about customs and excise and enforcement which apply to Northern Ireland, but are not devolved matters. It also confers executive functions on DfC in relation to the power to grant permission for the use of the cultural emblem in Northern Ireland, and to designate those people who are entitled to use the cultural emblem as a means of identification.

Having considered the content of the draft Bill my Department welcomes the wide definition of cultural property to include archives and collections etc as well as works of art and buildings of historical value. We also welcome the creation of the "protected cultural emblem" and the proposal that it be given protection equivalent to the Red Cross and the Red Crescent. I believe that the emblem will have the additional benefit of enhancing the profile of cultural institutions and help the public to identify the major cultural assets that are part of our heritage. A summary of the Cultural Property (Armed Conflicts) Bill and a link to the Bill in full is attached at Annex A2 for your ease of reference.

As you may be aware I must seek Executive approval to the introduction of a Legislative Consent Motion. I would like to include the initial views of the Committee on the policy content of the proposed provisions and on the principle of these provisions being carried in Westminster Bill in my Executive Paper - if possible. In order to do this I would request that you forward your views by 24th June 2016.

You may wish to note that the same legislation was presented to and agreed by the Culture Arts and Leisure Committee in October 2007. However, the Bill was not included in Westminster's subsequent legislative programme at that time.

Yours sincerely

A handwritten signature in black ink that reads "Paul Givan". The signature is written in a cursive style with a prominent initial 'P' and a flourish at the end.

PAUL GIVAN MLA
Minister for Communities