



PROTECTING OUR PAST

PREVENTING HERITAGE CRIME IN REMOTE AREAS

Even in the seemingly most remote location, there are very few places on earth where you will not encounter evidence of human activity over the last thousands of years. From prehistoric cairns and round houses to Cold War aircraft crash sites. All of human activity from exploring to farming settlements, and warfare to industry is literally all around us.

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When in the mountains you will regularly come across these remnants of our shared past in the landscape. Often, without thinking we use sheep pens, cairns and other features for navigation. These, along with aircraft crash sites and countless other physical remains, are known as “Heritage Assets” and many of them have specific legal protection. Tampering, altering or damaging them can be a criminal offence. Wherever you are in the world it is therefore important to check on local laws relating to Heritage Protection, Heritage Crime and Cultural Property Protection.

While each of the Home Countries of the UK, the Republic of Ireland and other countries have slightly different laws, most take Heritage Crime seriously. So when mountaineering, how do we avoid falling foul of the law and help to protect the remains of our shared history?

As with the natural environment, a good starting point is to adopt a “look, don’t touch” approach. This includes trying not to disturb, dig or dump material, light fires or remove artefacts or stones on or near to historic features. This is best practice even if a particular site is not specifically protected. As users of the outdoors and visitors to remote locations you also have a role to play as the eyes and ears for society to help protect these

places and to report any harmful or illegal activity to the relevant authorities.

So, what is a Heritage or Cultural Property Crime?

Although each country has its own rules and definitions, that used in England & Wales provides a broad and clear starting point:

Heritage Crime is **any offence which harms the value of heritage assets and their settings.** This includes Cultural Property.

In England and Wales there is specific Heritage Crime sentencing guidance which courts can use if someone is convicted of an offence which affects a Heritage Asset. This applies even where there is no specific heritage protection offence under heritage legislation which we will look at a little further on.

An example might be where someone committed criminal damage to a historic structure. They would likely be prosecuted for that criminal damage. If found guilty, the court would take into account any relevant heritage impact statement and the “harm” that had been caused. This might include loss of knowledge or irreplaceable damage which would affect current and future generations’ ability to understand and enjoy our shared history. As such, the perpetrator could expect to see an “up-lift” in the sentence beyond what might normally be expected. The same would apply in cases of arson or theft. So, theft of historic material by metal detecting without a landowner’s permission might also meet this test even if the site itself isn’t protected. Additionally, any tools carried to commit criminal damage, arson or theft would constitute “going equipped” and demonstrate



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MAIN PHOTO Heritage Crime Officer surveys landscape around Beeston Castle. © Paul Jeffery, Historic England 1. Men Scryfa, an early Christian memorial stone in West Cornwall damaged by fire after the top section was doused in a flammable liquid. © Ann Preston-Jones, Historic England 2. When camping near to historic features like here at Rhosydd Quarry in the Moelwinions, make sure you avoid the protected area and don't light fires or cause any other disturbance or damage. © Paul Jeffery 3. Sites with specific legal protections may have signs such as this at Strome Castle, Scotland. However, many protected sites worldwide are not marked. © Paul Jeffery

premeditation to commit a crime.

Obviously, in remote areas the chances of being observed by the landowner, police officers or heritage agency staff is limited so the outdoor community like you have a role to play in reporting suspicious activity or evidence of damage.

Additional Protection

Specific laws protecting historic sites vary from country to country, even, to a degree, within the UK. If you are interested in specific local laws you can do a Google search using the query "Heritage and Cultural Property laws in..." followed by the country name. In addition, many countries have a national database of protected sites and often what is called a Historic Environment Record which includes both protected and non-protected sites. These are usually searchable by both location, date and type and via a map search.

In the UK the main protected sites you might encounter will be listed buildings under the Town and Country Planning Act, Scheduled Ancient Monuments under the Ancient Monuments and Archaeological Areas Act and crashed military aircraft under the Protection of Military Remains Act. For military aircraft, it is important to note that ALL crashed military aircraft sites are protected, even if the location is unknown, and that no disturbance, excavation or removal of material can be undertaken without a licence from the Ministry of Defence.

Moving historic items "found" or purchased from one country to another can also be a serious offence unless the correct permissions are in place. In the UK the relevant legislation is the Dealing in Tainted Cultural Objects Act and potentially the Treasure Act. The latter also deals with how finds of "treasure" should be reported. Failure to report such finds is a very serious offence, in its own right.

Reporting

The degree to which law enforcement agencies are aware of and the resource they put into Heritage Crime prevention and enforcement varies from country to country. In Italy, the Carabinieri have a 200 strong specialist team which deal with the full range of Cultural Property and Heritage Crime offences including international trafficking.

In the UK, most Police Forces now have dedicated Heritage Crime Officers. These are often part of broader Rural and Wildlife Crime Teams and work very closely with the respective national heritage agencies such as Historic England, Historic Environment Scotland and Cadw in Wales. Guidance on how to report Heritage Crime can be found on their websites.

Some harm is caused unintentionally but a significant proportion of theft is the result of Organised Crime Gangs.

During the Covid lockdowns many rural churches were targeted for the lead on their rooves. This was stolen to sell for scrap value but often left much greater harm than the cost of replacement. Buildings were further harmed by water gaining access damaging timber and internal paintings and tapestries. Grave stones were often broken by the lead rolls being thrown without care onto the ground below. More recently, theft of historic paving and wall materials has also seen a rise.

Illegal metal detecting is also a challenge. Most detectorists are law abiding and follow a code of practice. However, any detectorist seen in or near a protected area or operating on any land without the written permission of the owner is probably breaking at least one law. Challenging these individuals can be dangerous but if you can safely get photographs and details of vehicles including registration numbers then this can help the enforcement agencies to either confirm that the activity had permission or to investigate any offences.

In summary

The evidence of past human activity belongs to all of us, including those yet to be born. It is vulnerable to harm, and damage can destroy yet to be understood evidence of the stories of our ancestors' lives. We can cause harm accidentally. By being aware of our surroundings when pitching our camp sites, avoiding open fires and not moving stones on ancient cairns we can help protect this resource.

A small minority of criminals deliberately set out to damage, destroy or steal from these sites. As ambassadors to and for remote areas we can help to identify such activity and report it.

If you are interested in further information then the following websites are a good place to start. You can also check the rules in any country by searching "Heritage & Cultural Property laws in..."

- Historic England Heritage Crime Resources <https://historicengland.org.uk/advice/caring-for-heritage/heritage-crime/>
- Historic Environment Scotland – Heritage Crime Fact Sheet <https://www.historicenvironment.scot/media/9995/dsh-crime-facts-v16a.pdf>
- Cadw – Heritage Crime pages <https://cadw.gov.wales/advice-support/historic-assets/heritage-crime>
- Heritage Officers in the Republic of Ireland <https://www.heritagecouncil.ie/our-work-with-others/county-heritage-officers>
- Chartered Institute for Archaeologists Heritage Crime Special Interest Group <https://www.archaeologists.net/groups/heritagecrime>
- You can also follow the ClFA Heritage Crime Group and ask questions on X (twitter) [@ClFA_HC](https://twitter.com/ClFA_HC) ■