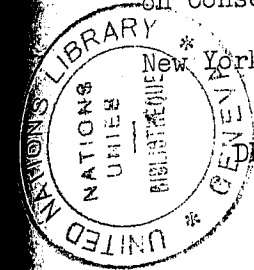


New York, 14 September 1971



DRAFT CONVENTION ON CONSERVATION OF THE WORLD HERITAGE
PREPARED BY IUCN

The Contracting States,

Note 1

REALIZING that certain natural areas of outstanding interest and value to mankind and certain cultural sites of unique historical, anthropological, or architectural value to mankind must be conserved as part of the World Heritage;

REALIZING the special value of such natural areas for the conservation of fauna and flora and geologic structures in their natural state, and their contribution to the inspiration, culture and well-being of all peoples;

REALIZING, too, the great importance of the world's outstanding cultural sites to the cultural heritage of mankind;

CONSIDERING that the surest guarantee for the conservation of such areas and sites rests in the respect and the attachment felt for them by the people in whose country they lie;

BEING PERSUADED that such feelings may be greatly strengthened by recognition that such areas and sites form part of the World Heritage;

BEING CONVINCED that it is the duty of Governments to collaborate to ensure the conservation of the World Heritage;

BEING DETERMINED to take all possible steps to conserve the World Heritage;
Have agreed as follows:

ARTICLE I: Definitions

For the purpose of this Convention,

Note 1

"Natural area" shall denote a natural area of outstanding interest and value to mankind as a result of its unique geology, physiography, vegetation or wildlife, including an area which contains important examples of natural ecosystems of special interest to science, an area

*See attached explanatory notes

containing a natural landscape of great beauty, and an area of importance to wildlife conservation, education and recreation;

"Cultural site" means an area of great importance to the cultural heritage of mankind, including monuments of architecture, art or history, whether religious or secular, archaeological sites, and groups of buildings which as a whole are of historical or artistic interest.

Note 2 "Protected area" means any area or site established as a national park, national site, research reserve, special reserve or strict wilderness reserve (these will require further definitions).

Note 3 "Foundation" means the World Heritage Foundation established pursuant to Article VII.

ARTICLE II: The World Heritage

Note 4 1. The World Heritage shall consist of those natural areas and cultural sites which are recognized by the Foundation for this purpose on account of their outstanding interest and value to mankind.

Note 5 2. The Foundation may recognize as part of the World Heritage any natural area or cultural site located within the territory of a Contracting State which meets criteria specified by the Foundation provided that the Contracting State agrees to such recognition. Such criteria shall include provision of adequate protection and management of the area or site as required under Article III.

Note 6 3. The Foundation shall maintain an inventory of natural areas and cultural sites in all parts of the world that may qualify for recognition as part of the World Heritage.

Note 7 4. Any natural area or cultural site recognized by the Foundation under this Article as part of the World Heritage shall be inscribed in the Register instituted by the Foundation for this purpose.

5. The positions and the boundaries of each natural area and cultural site inscribed in the Register shall be precisely described and also delimited on a map.

6. A natural area or cultural site recognized by the Foundation under this Article as part of the World Heritage shall be a

matter of the joint concern of the Contracting States, as specified in the Articles of this Convention, and without prejudice to the exclusive sovereign rights of the Contracting State in the territory of which it is situated.

ARTICLE III: Conservation of the World Heritage

Note 5 1. The Foundation shall specify the minimum requirements for the protection to be accorded to natural areas and cultural sites of the World Heritage and for the management of such areas and sites.

Note 2 2. A Contracting State shall in accordance with the requirements specified under the provisions of the last preceding paragraph protect any area or site of the World Heritage within its territory by establishing the area or site as a protected area under appropriate national legislation.

3. A Contracting State shall take all possible measures to enforce the provisions of its legislation according protection to a natural area or cultural site of the World Heritage and to manage the area or site in accordance with the requirements specified under the provisions of paragraph 1 of this Article.

4. A Contracting State shall make periodical reports to the Foundation in accordance with reporting requirements specified by the Foundation on the state of protection accorded to a natural area or cultural site of the World Heritage within its territory, the enforcement of protective measures at the area or site, and the management of the area or site.

5. When as a result of either natural phenomena or manmade intervention, extreme environmental or other disturbance occurs to a natural area or cultural site of the World Heritage, the Contracting State concerned shall take appropriate action to mitigate such disturbance to the extent feasible and possible. A Contracting State shall notify the Foundation of any such disturbance which may occur and the mitigating action which is being taken.

Note 8

6. The Foundation may withdraw its recognition from a natural area or cultural site that has been part of the World Heritage if a Contracting State fails:
 - (a) to accord the required protection to the area or site;
 - (b) to enforce its protective legislation; or
 - (c) to manage the area or site in accordance with the requirements of this Article.
7. Before withdrawing its recognition from a natural area or cultural site, the Foundation shall consult with the Contracting State concerned on the measures to be taken to rectify the situation. If the Contracting State fails to take the necessary measures within six months after receiving formal notification from the Foundation to this effect, the Foundation may at its discretion withdraw its recognition of the natural area or cultural site and shall remove the area or site from the Register.

ARTICLE IV: Respect for World Heritage

- Note 9
1. The Contracting States undertake to respect all natural areas and cultural sites of the World Heritage, whether situated within their own territory or within the territory of another Contracting State.
 2. Obligations mentioned in paragraph 1 of this Article may be waived only in cases where necessity imperatively requires such a waiver.

ARTICLE V: Assistance in Conserving the World Heritage

Note 10

1. The Foundation shall, at the request of a Contracting State, furnish it with advice and general assistance in connexion with the conservation of a natural area or cultural site of the World Heritage within its territory.

Note 11

2. The Foundation shall, at the request of a Contracting State, assist the State in making requests for funding programmes for conservation of natural areas and cultural sites of the World Heritage within its territory and in securing such funding.
3. The Foundation shall establish a fund for conservation of natural areas and cultural sites of the World Heritage, hereinafter referred to as "the Fund", to be used to support conservation action in connexion with such areas and sites.
4. The Fund shall be made up of any voluntary grants made to the Foundation by Contracting States or any donations made from any source, whether intergovernmental, governmental or private, to the Foundation for this purpose.
5. The Foundation may apply monies from the Fund to support any request by a Contracting State for assistance for the conservation of a natural area or cultural site of the World Heritage within its territory.
6. The Foundation shall when furnishing advice or assistance to a Contracting State under this Article make the fullest use possible of the existing intergovernmental, governmental and non-governmental machinery for technical assistance.

ARTICLE VI: Meetings of Representatives of Contracting States

1. The representatives of the Contracting States shall meet at suitable intervals and places and not less than once every three years.
2. The representatives of the Contracting States shall review the operation of this Convention and make recommendations with a view to improving its efficiency. They shall examine the report presented to them by the Foundation, together with any matters which the Foundation shall have brought to their notice.

- 3. Decisions shall be taken by a simple majority of those present and voting; a quorum shall consist of a majority of the Contracting States.

ARTICLE VII: The Foundation

Note 12

- 1. The Contracting States shall establish at the first meeting of their representatives a World Heritage Foundation consisting of members chosen by reason of their competence in matters pertaining to this Convention. The number of members shall be determined by the representatives of the Contracting States.
- 2. Candidates shall be nominated by the representatives of the Contracting States, each country being entitled to nominate as many candidates as it wishes. A vote shall then be taken, each Contracting State having one vote for each of the seats on the Foundation. The candidates receiving the greatest number of votes shall be elected. In the case of a tie, the older candidate shall be elected.
- 3. Any vacancy arising on the Foundation between two meetings of the representatives of the Contracting States shall be filled by the candidate closest in order to the last candidate elected, who accepts the invitation to fill the vacant seat.
- 4. The members of the Foundation shall remain in office until the next meeting of the representatives of the Contracting States. They shall be eligible for re-election.
- 5. The Foundation shall elect its Chairman and draw up its rules of procedure. It shall decide the date and place of its meetings and may work by correspondence.

ARTICLE VIII: Functions of the Foundation

- 1. In addition to the functions and duties of the Foundation specified elsewhere in this Convention, the Foundation shall have the following functions and duties:

Note 5

Note 5

Note 6

Note 13

- (a) To carry out or cause to be carried out whatever studies it considers necessary in connexion with this Convention;
 - (b) To review the criteria for recognition of natural areas and cultural sites as part of the World Heritage;
 - (c) To review the minimum requirements for the protection to be accorded to natural areas and cultural sites of the World Heritage and for the management of such areas and sites;
 - (d) To create public awareness throughout the world of the importance of the World Heritage and to promote action to engender public support for the respect and conservation of the World Heritage;
 - (e) To present to each meeting of representatives of the Contracting States a report on the implementation of this Convention and on the protection and management of natural areas and cultural sites of the World Heritage;
 - (f) To make recommendations to the Contracting States on States that should be invited to adhere to this Convention so that specific natural areas or cultural sites within their territories may be recognized as part of the World Heritage; and
 - (g) To examine and rule on requests for assistance for the conservation of natural areas and cultural sites which are or which are considered likely to become part of the World Heritage.
- 2. The Foundation may establish Committees to assist it in the discharge of its functions.

ARTICLE IX: Secretariat

- 1. The shall perform the secretariat duties under this Convention until such time as another organization is appointed by a majority of two-thirds of all Contracting States.
- 2. The secretariat duties shall be, inter alia:

- (a) to assist in the convening and organizing of the meetings of representatives of the Contracting States specified in Article VI;
- (b) to maintain the Register of natural areas and cultural sites comprising the World Heritage;
- (c) to assist the Foundation in the discharge of its duties and functions.

ARTICLE X: Signature

This Convention shall until 19 be open for signature by all State members of the United Nations or of any of the specialized agencies or of the International Atomic Energy Agency, or party to the Statute of the International Court of Justice.

ARTICLE XI: Ratification

This Convention is subject to ratification. The instruments of ratification shall be deposited with hereby designated as the Depositary.

ARTICLE XII: Accession

This Convention shall remain open for accession by any State belonging to any of the categories in Article X. The instruments of accession shall be deposited with the Depositary.

ARTICLE XIII: Territorial Application

- 1. This Convention shall apply, in respect of any Contracting State, to the territories for the international relations of which that State is responsible.
- 2. A Contracting State may when ratifying or acceding to this Convention, or any time thereafter, declare that the provisions of this Convention shall not apply to one or more of the territories for the international relations of which that

State is responsible, and shall notify the Depositary accordingly.

- 3. Any Contracting State making a declaration under this Article may revoke that declaration by notification to that effect to the Depositary.

ARTICLE XIV: Entry into Force

- 1. This Convention shall come into force four months after the date of deposit of the seventh instrument of ratification or accession with the Depositary.
- 2. For each State which ratifies this Convention or accedes thereto after the deposit of the seventh instrument of ratification or accession, the Convention shall come into force four months after the deposit by such a State of its instrument of ratification or accession.

ARTICLE XV: Revision

- 1. After the expiration of a period of three years from the date on which this Convention has come into force, a proposal for its revision may be made by any Contracting State by notifying in writing the Depositary which shall communicate it to the other Contracting States.
- 2. Upon request from at least a third of the Contracting States, a Conference of Contracting States shall be convened by the Depositary with a view to examining such a proposal.

ARTICLE XVI: Denunciation

Any Contracting State may denounce this Convention after a period of three years from the date on which it entered into force for that Party by written notification to the Depositary. The denunciation shall take effect twelve months after the Depositary has received the notification.

ARTICLE XVII: Depositary

1. In addition to other depositary functions specifically set forth herein, the Depositary shall inform all signatory and acceding States of signatures, deposits of instruments of ratification or accession, entry into force of the Convention, and notifications of denunciations.
2. This Convention shall be registered with the Secretariat of the United Nations by the Depositary.

ARTICLE XVIII: Final Provision

The original of this Convention, made in the English and French languages, each version being equally authentic, shall be deposited with the Depositary, which shall transmit duly certified copies thereof to all Contracting States.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

Done at this day of19...

Explanatory Notes and Possible Alternative Provisions for
the Draft Convention on Conservation of the World Heritage

- Note 1. See Preamble and Article I.
Objection has been raised to the word "unique" on the ground that if there are only two examples in the world, it would be preferable not to exclude both of them because of lack of uniqueness.
- Note 2. See Article I. "Protected Area". This definition may perhaps be omitted in view of the provisions of paragraph 1 of Article III.
- Note 3. See Article I. "The Foundation". The original term used was "World Heritage Trust". "Trust" was changed to "Foundation" because of difficulties experienced in translating the earlier term into other languages. The suggestion has been made that "World Heritage Foundation" should be replaced by "International Authority".
- Note 4. See Article II, paragraph 1. It has been suggested that since recognition of an area or site may have consequences for other Contracting States this should be subject to ratification by the representatives of Contracting States (see Article VI).
- Note 5. See Article II, paragraph 2, and Article III, paragraph 1. The criteria for recognition and the minimum requirements for protection might be general in nature and serve as guidelines only, or they could be specific and mandatory. Periodical revision of criteria and requirements is provided for under Sections (b) and (c) of paragraph 1 of Article VIII.
An alternative is to dispense with a priori criteria for recognition and minimum requirements for protection and for the Foundation to negotiate separately, in regard to

each area or site, the conditions under which such area or site becomes part of the World Heritage. In this case definitions of various types of protected area (see Article I) may be dispensed with.

Note 6 See Article II, paragraph 3. It is intended that the Foundation will take action leading to the recognition of such areas and sites. In the case of areas and sites within the territory of Contracting States, approaches will be made to those States with a view to taking action under paragraph 2 of Article II. In the case of other areas and sites, action will first be taken under section (f) of paragraph 1 of Article VIII with a view to having States in question adhere to the Convention.

Note 7 See Article II, paragraph 4. It has been suggested that "Register" should be replaced by "List", or "Schedule".

Note 8 See Article III, paragraph 6. The suggestion has been made that as, by definition, only areas and sites of value to mankind can be recognized, an area or site should only have recognition withdrawn when it has been completely spoilt. Up to that stage the international community should be able to exert some pressure to prevent despoliation of the area or site.

This is linked to another suggestion that the Foundation should be given some right of inspection of areas and sites forming part of the World Heritage.

Note 9 See Article IV, paragraph 1. In an earlier draft reference was made to the effects of armed conflict. It is now intended that action should be initiated to amend the Hague Convention to cover such aspects rather than include them here.

Note 10 A suggestion has been made that a Contracting State should have the right to be helped, financially or otherwise, whenever exceptional circumstances prevent it from fulfilling its obligations (e.g. damage caused by natural catastrophe or war).

This would involve alternative financial provisions to meet such demands.

Note 11 See Article V, paragraph 4. An alternative proposal has been made suggesting a combination of compulsory levies on Contracting States and voluntary grants. This has not been incorporated in the present draft.

Note 12 See Article VII, paragraph 1. Attention may need to be given to ensuring an adequate spread of interests amongst the representatives so that proper attention may be given both to natural areas and to cultural sites.

Note 13 See Article IX. Alternative provisions may be adopted either in regard to the operation of a Secretariat by secondment from an existing international body or by creating a staff employed by the Foundation.