

THE CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

Efforts aimed at the preservation of artistic and historic heritage of mankind date back to the time of the League of Nations. The establishment of the United Nations Educational, Scientific and Cultural Organization (UNESCO) on 16 November 1945, with a mission to “maintain, increase and diffuse knowledge by assuring the conservation and protection of the world’s inheritance of books, works of art and monuments of history and science, and recommending to the nations concerned the necessary international conventions” (article 1 of the Constitution of UNESCO) gave new impetus to such efforts. Resolution 6.4 adopted by the General Conference of UNESCO at its third session (Records of the General Conference, third session, Beirut, 1948, vol. II, p. 28) initiated the discussions within UNESCO on the preservation of monuments and sites of historical value through the establishment of an international fund to subsidize such activities. The discussions primarily focused on the establishment of a tourist tax, the proceeds of which would be reserved in part for the preservation of monuments and museums in the signatory countries and in part for an international fund controlled by UNESCO. They remained ongoing until 1953, but no agreement was reached.

In 1961, by decision 11.1 adopted at its 60th session (60 EX/Decisions, pp. 18-19), the Executive Board of UNESCO invited the Acting Director-General to revert to resolution 6.4 adopted by the General Conference in 1948, and to explore ways and means of financing an international fund for the preservation of artistic and historic monuments. As authorized by resolution 4.412 adopted by the General Conference at its twelfth session (Records of the General Conference, twelfth session, Paris, 1962, Resolutions, p. 51), the Director-General submitted a study of measures for the preservation of monuments through the establishment of an international fund or by any other appropriate means to the Executive Board at its 65th session in 1963 (65 EX/9). At the same session, the Executive Board examined the first report of the Programme and External Relations Commission, which had been set up at its 64th session (65 EX/27), and requested that the Director-General’s study be revised and that the revised document be circulated to Member States, national commissions and appropriate international non-governmental organizations inviting them to submit their views (65 EX/Decisions 4.4.1).

The study was accordingly revised (UNESCO/CUA/122) and sent out to the appropriate institutions by circular letter on 16 July 1963. The replies were summarized in the Director-General’s report on measures for the preservation of monuments of historical and artistic value, submitted to the General Conference at its 13th session in 1964 (13 C/PRG/15). By resolution 3.332, adopted by the General Conference at the same session (Records of the General Conference, thirteenth session, Paris, 1964, Resolutions, p. 56-57), the Director-General was authorized to continue undertaking studies on the issue.

At its fourteenth session in 1966, the General Conference adopted resolution 3.342, by which it instructed the Director-General to coordinate and secure the international adoption of appropriate principles and scientific, technical and legal criteria for the protection of cultural property, monuments and sites (Records of the General Conference, fourteenth session, Paris, 1966, Resolutions, p. 62) and authorized him to study the possibility of arranging an appropriate system of international protection, at the request of States concerned, for a few of the monuments that form an integral part of the cultural heritage of mankind (resolution 3.3411).

In implementation of these resolutions, meetings of experts were held from 26 February to 2 March 1968 and from 21 to 25 July 1969. Their final reports suggested that

the Director-General should prepare an international recommendation, which could serve as a basis for creating or perfecting national systems of protection, and prepare an international convention or other appropriate means to favour the establishment of an international system for the protection of monuments, groups of buildings and sites of universal value (SCH/CS/27/8, 31 December 1968 and SHC/MD/4, 10 November 1969).

The Director-General's Preliminary study on the technical and legal aspects of a possible international instrument for the protection of monuments and sites of universal value was submitted to the Executive Board at its eighty-fourth session in 1970 (84 EX/14). By resolution 5.3 (84 EX/Decisions, p. 43) the Board decided to include the question of the advisability of establishing an international instrument for the protection of monuments and sites of universal value in the provisional agenda of the sixteenth session of the General Conference. The text of the Preliminary study was accordingly communicated to Member States on 31 July 1970 (16 C/19).

At its sixteenth session, having examined the Preliminary study, the General Conference adopted resolution 3.412 (Records of the General Conference, sixteenth session, Paris, 1970, vol. I, p. 55), by which it considered it desirable that international instruments be prepared for the protection of monuments and sites of universal value and decided to entrust the Director-General with drafting an international convention and a recommendation to Member States, and invited him to convene a Special Committee tasked with examining and finalizing the drafts with a view to their submission to the General Conference at its seventeenth session in 1972.

The Director-General prepared a preliminary report on the matter and circulated it to Member States and international organizations, together with preliminary drafts for both instruments, on 30 June 1971 (SHC/MD/17). In a final report, the Director-General communicated and provided an analytical study of the replies received from States to his preliminary report, and submitted revised draft instruments, taking into consideration the comments and observations received (SHC/MD/18, 21 February 1972 and Add.1-4, 10, 31 March, 4 and 11 April 1972, respectively). Both reports were submitted to the Special Committee of government experts ("Special Committee") to prepare a draft convention and a draft recommendation to Member States concerning the protection of monuments, groups of buildings and sites.

The Special Committee met in Paris from 4 to 22 April 1972. As suggested in a note from the General Secretariat of the United Nations Conference on the Human Environment, communicated to the Special Committee on 6 April 1972 (SHC/72-CONF.37/3), in finalizing the two draft instruments, the Special Committee also took into consideration the results of the work of the International Union for the Conservation of Nature on an international convention for the conservation of world natural heritage.

The Director-General invited the Special Committee to give particular attention to the issue of addressing both the aspect of cultural heritage and of natural heritage, in a completely balanced manner, in the draft instruments to be finalised (Draft report of the Committee, SHC.72/CONF.37/19 and Add.1 and Add.2). The Committee held 22 plenary meetings to study the draft convention and five plenary meetings to study the draft recommendation. During the proceedings, it set up two working groups and two drafting committees, one committee to prepare the draft convention and the other one to prepare the draft recommendation. In the course of its work, the Committee was presented with 128 draft amendments to the draft convention and 46 draft amendments to the draft recommendation. The Committee completed its work with the adoption of the draft "Convention for the Protection of the Cultural and Natural World Heritage" (SHC-72/CONF.37/20) and the draft "Recommendation Concerning the Protection, at National Level, of the Cultural and Natural Heritage" (SHC-72/CONF.37/21).

Following amendments and adoption by UNESCO's Commission for General Programme Matters (Records of the General Conference, seventeenth session, vol. 2, Report of the Commission for General Programme Matters, items 25 and 26), the two texts were submitted to the seventeenth session of the General Conference on 15 November (17 C/106) and adopted on 16 November 1972 (Records of the General Conference, seventeenth session, vol. 1, pp. 135-154).

The Convention Concerning the Protection of the World Cultural and Natural Heritage entered into force on 17 December 1975, three months after the date of the deposit of the twentieth instrument of ratification, acceptance or accession, in accordance with its article 33.