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Programme Commissions
Administrative Commission
Legal Committee

United Nations Educational,
Scientific and
Cultural Organization



suggestions made concerning the research that Unesco should undertake, he pointed out that the Secretariat should not immediately begin to implement a greatly extended programme of studies without allowing itself the necessary time for detailed thought and planning. The activities foreseen in document 17 C/5, though at first glance modest, were positive and essential foundations which would permit exchanges of information and an evaluation of the research performed, thereby making possible a much more effective orientation in future action.

(279) The Assistant Director-General for Education informed the Commission of the activities that had already been undertaken, in particular with a view to collecting information on the education programmes launched in some fifteen countries, and recalled that an expert meeting held in 1971 had made it possible to define more closely the specific tasks that Unesco should undertake in the prevention of drug abuse. He referred to the meeting to be held in December 1972 for the benefit of the developed countries, with the aid of the United Nations Fund for Drug Abuse Control (UNFDAC) and mentioned the projects submitted to UNFDAC for 1973, which it had therefore not been possible to include in the Draft Programme and Budget and which covered regional meetings, fellowships and research. He assured delegates that there was close co-operation in this field between Unesco and other organizations of the United Nations system.

(280) The Deputy Director-General suggested that the sponsors of draft resolution 17 C/DR.124 include in the text some of the provisions of resolution 0.5 in document 17 C/4. The sponsors accepted this suggestion.

(281) The delegate of Switzerland proposed two amendments, one consisting of an additional preambular paragraph stressing the importance of considering the problem of drug abuse from the strictly medical and legal point of view, but also from the educational, moral and social standpoint; the second amendment, concerning the operative part called on Unesco to prepare methods for evaluating the means employed to prevent drug abuse in its fields of competence.

(282) Referring to a conference of ministers on drug abuse in 1976, mentioned in document 17 C/4, the delegate of the USSR considered that the text contained definite proposals and that the General Conference should not be committed in that way. The Deputy Director-General then suggested that in paragraph (c) of resolution 0.5 the words "to convene, in 1976, a conference of Ministers..." be replaced by "to study the possibility of convening, in 1976, a conference of Ministers...".

(283) After the voting on recommendation 0.5, the delegate of the Union of Soviet Socialist Republics explained his vote, noting that, although he shared the high ideals of the battle against drug abuse, he could not have agreed with the taking of decisions calling for specific commitments.

(284) The Commission recommended by 57

votes to none, with 10 abstentions, that the General Conference adopt recommendation 7.5 (document 17 C/PRG/2 amended).

(285) The Commission recommended that the General Conference note the indications given in paragraphs 0227 to 0242 of the Draft Medium-Term Outline Plan (document 17 C/4).

Item 25 - Draft Convention for the Protection of the World Cultural and Natural Heritage

(286) After the Director of the Department for the Cultural Heritage had submitted the Draft Convention (document 17 C/18) and the Legal Adviser had recalled the relevant provisions of the Constitution and rules of procedure and the past practice of the Commission with regard to the examination of, and voting on, proposals which, in plenary meeting, require a two-thirds majority under the terms of these provisions, one delegation raised the question as to whether, in respect of the Draft Convention, the Commission should adopt the amendments by a two-thirds majority of the representatives of the States present and voting or by a simple majority.

(287) Following a lengthy debate and as a result of two roll-call votes, the Commission decided by 39 votes to 28, with 10 abstentions, that a simple majority would be the majority required for voting on the amendments, rejected by 39 votes to 30, with 12 abstentions, the procedure which would have consisted in taking a simple majority for voting on the final text.

Preamble

(288) The preamble of the Draft Convention was adopted without discussion.

Articles 1 to 5

(289) After a proposal by the delegation of Denmark that the word "world" be added in the title and in Articles 1 and 2 before the words "cultural heritage" and "natural heritage" had been withdrawn, these Articles together with Articles 4 and 5 were adopted without discussion.

Article 6

(290) A proposal by the delegation of Cuba (draft resolution 17 C/DR.276) that the word "de- liberate" in paragraph 3 be deleted was rejected by 29 votes to 15, with 8 abstentions.

(291) A proposal by this same delegation to add at the end of paragraph 3 a text under the terms of which a State Party which causes damage to the cultural and natural heritage situated on the territory of another State shall "through the intermediary of the World Heritage Committee", "cease the application of any measure liable to damage that heritage" and "provide the financial resources"

necessary to the restoration of the property in question", was rejected by 27 votes to 17, with 16 abstentions.

(292) A proposal by the delegation of Peru to the effect that the words "directly or indirectly" be added to the wording of the same paragraph was accepted by 25 votes to 19, with 5 abstentions.

Article 7

(293) This provision was amended by inserting, at the request of the delegation of Cyprus, the words "and assistance" after the words "of a system of international co-operation".

Article 8

(294) This provision was adopted after the words "as far as possible" had been deleted from paragraph 2.

(295) The delegate of Greece withdrew an oral amendment to the effect that a State Party whose cultural and natural heritage was the object of a study or of any measure examined by the Committee should be invited to participate by right in the Committee's work. It was agreed in this connexion that the Commission's report would mention that the Committee's Rules of Procedure will contain a provision to the effect that such a State should be invited to participate without the right to vote in the Committee's deliberations.

Articles 9 to 11

(296) After adopting Articles 9 and 10 the Commission examined and adopted the wording of Article 11 with paragraphs 1 and 2 proposed by the Union of Soviet Socialist Republics (draft resolution 17 C/DR.245 Rev.) concerning the inventory of property forming part of the cultural and natural heritage situated on its territory to be submitted to the Intergovernmental Committee by each State Party, together with sub-amendments proposed by France, the United Kingdom and Canada.

(297) A proposal by the United States of America to delete the words "either of" in paragraph 5 was rejected by 30 votes to 23, with 18 abstentions.

Articles 12 to 14

(298) Articles 12, 13 and 14 were adopted without discussion. Following the vote on Article 14, the delegation of Austria stated that its Government proposed to pay each year, towards the functioning of the Unesco-Icomos Documentation Centre, approximately 1/2 per cent of its regular contribution to Unesco's budget. The Commission took note with satisfaction of this declaration.

Article 15

(299) Examination of Article 15 concerning the

establishment of the Fund for the Protection of the World Cultural and Natural Heritage and the financial resources of this fund gave rise to a very lengthy debate. Draft resolution 17 C/DR.244 submitted by eleven delegations: Algeria, Burundi, Cameroon, Central African Republic, Mauritania, Jordan, Afghanistan, Iraq, Qatar, Arab Republic of Egypt and Syrian Arab Republic proposed the adoption of a system of compulsory contributions in addition to which voluntary contributions might still be made.

(300) Draft resolution 17 C/DR.257 Rev. submitted by Tunisia sought to amend Article 15 so as to make provision for voluntary contributions and compulsory contributions and proposed an additional Article 16 enabling the States Parties to the Convention to choose between the two systems when depositing their instruments of ratification, acceptance or accession. This draft resolution made it clear that a State which has opted for the system of voluntary contributions would only be eligible for the World Heritage Committee if its contributions for the current year and for the calendar year immediately prior to its election were at least twice the amount which it would have to pay into the Fund during that period, had it chosen the system of compulsory contributions.

(301) A very large number of delegations spoke, revealing a profound divergence of views concerning the system to be adopted in the Convention.

(302) Many delegations were in favour of compulsory contributions, departing from the need to ensure regular funds for the planning and development of long-term activities aimed at a more effective implementation of the Convention. They further considered that the universal character of the cultural and natural heritage called for a global sense of responsibility and equitable participation of all States Parties to the Convention.

(303) However, in the opinion of a number of other delegations who supported the idea of voluntary contributions, compulsion would present difficulties for their governments and parliaments and, consequently, decrease the flow of contributions and delay the Convention's entry into effect. Some of these delegations, while appreciating the efforts to find a compromise, stated that they were not in a position to accept the proposals in draft resolution 17 C/DR.257 which, in their view, placed the voluntary contributors in an inequitable position. One delegation proposed to maintain the principle of voluntary contributions to be given as far as possible on a regular basis.

(304) One delegate noted the policy of his country in support of the struggle of peoples against colonialism and declared himself in favour of voluntary contributions, but stressed that just claims for compensation for damage caused by colonial domination should not be extended to States not responsible for it.

(305) In face of this situation, the Director-General suggested that the Commission adopt the

Draft Convention without Article 15, which might form the subject of subsequent examination prior to 1974. In the meantime the General Conference might, as from its seventeenth session, establish a provisional fund for the protection of the world heritage, consisting of voluntary contributions. The whole problem of contributions to the World Heritage Fund might be re-examined by a special committee of government experts prior to being submitted to the General Conference at its eighteenth session, when experience acquired with the provisional fund would be taken into consideration.

(306) At the proposal of its Chairman, the Commission set up a working group composed of the delegations of Afghanistan, Algeria, Canada, Mexico, Spain, Switzerland, Tunisia, the Union of Soviet Socialist Republics and the United States of America, which was, under the chairmanship of Switzerland, to find a compromise based on the Director-General's suggestions and to explore all possibilities that might enable the Commission to reach a solution acceptable to a large majority.

(307) The working group, after discussing the Director-General's suggestions, did not think it could adopt them, but drafted a new text for Article 15 taking account of the proposals of Tunisia and the United States of America. This new text was accepted by all members of the working group with the exception of Algeria and the Union of Soviet Socialist Republics.

(308) The delegate of Switzerland, Chairman of the working group, submitted its conclusions to the Commission. The Tunisian delegation thereupon withdrew draft resolution 17 C/DR. 257 Rev. The Algerian delegation maintained draft resolution 17 C/DR. 244.

(309) At the request of one delegation, a vote was taken on draft resolution 17 C/DR. 244, paragraph by paragraph. The result of the voting was as follows:

The new text of Article 15, paragraph 3, was adopted by 36 votes to 30, with 6 abstentions; The new text of paragraph 4, providing for compulsory contributions, was adopted by 35 votes to 30, with 6 abstentions.

The final text of Article 15 thus amended was then put to a two-thirds majority vote in accordance with a ruling given by the Chairman by virtue of the Commission's procedural decisions referred to in paragraph 2 above (a ruling which had been appealed against in connexion with another provision but had been confirmed by the majority of the Commission). There were 37 votes in favour of the final text, 30 against and 6 abstentions. In the absence of a two-thirds majority the text was not adopted.

(310) The Commission then decided to examine a new proposal submitted by Cameroon and Switzerland consisting in the incorporation of the working group's proposals in the original Draft Convention as it appeared in document 17 C/18. Some delegations requested that voting on this proposal be

deferred to a plenary meeting of the General Conference. This proposal having been rejected by 41 votes to 17, with 14 abstentions, the text proposed by Cameroon and Switzerland was put to the vote in its entirety and was adopted, by 38 votes to 19, with 13 abstentions, having obtained a two-thirds majority.

(311) Articles 17 to 25 were adopted. The delegate of Pakistan proposed that the words "substantial share" be changed to "reasonable share", but withdrew the amendment following the comments of the Netherlands and Canada.

(312) Draft resolution 17 C/DR. 245 Rev. submitted by the Union of Soviet Socialist Republics proposed the deletion of Article 26 concerning the action to be taken by States in return for international assistance. After the Secretariat had supplied a new draft of Article 26, the provision was adopted without discussion.

(313) Articles 27, 28 and 29 were adopted without debate.

Article 31

(314) Draft resolution 17 C/DR. 245 Rev. submitted by the Union of Soviet Socialist Republics proposed that the words: "Members of the United Nations Educational, Scientific and Cultural Organization" should be deleted from paragraph 1 of this article. He stated that it being universal in character, the Convention should be open for accession by all States. A lengthy debate ensued in which the Legal Adviser replied that Unesco's practice so far made it possible for the Organization to invite a non-Member State to accede to a convention at the invitation of the General Conference or the Executive Board. Several delegations expressed concern that some former Member States might accede to the Convention under these conditions. The amendment was rejected by 34 votes to 19, with 15 abstentions. Article 31 was adopted.

Article 32

(315) Draft resolution 17 C/DR. 245 Rev. also proposed that the Convention should be open to accession by all States. This amendment was rejected by 32 votes to 14, with 18 abstentions. Paragraph 1 of the Article was then adopted by 58 votes to 6, with 2 abstentions. The final text of the Article was adopted by 63 votes to 6, with 2 abstentions.

Articles 33, 34 and 35

(316) These Articles were adopted after one delegation had withdrawn its proposal that Article 34 be deleted.

Article 36

(317) One delegation having requested a vote,

The Article was adopted by 58 votes to 7, with 3 abstentions.

Articles 37 and 38

(318) The last two articles, Articles 37 and 38, and the final paragraph of the Convention were accepted without discussion.

Adoption of the final text of the Draft Convention as a whole

(319) The Commission adopted the Draft Convention as a whole, by 43 votes to 8 with 19 abstentions, the required two-thirds majority having been obtained. The Commission consequently recommended to the General Conference that it should adopt the Draft Convention. (See Volume I, Section IX. 29.)

Item 26 - Draft Recommendation concerning the protection, at national level, of the cultural and natural heritage

(320) At the request of the Tunisian delegation, the Legal Adviser recalled the particular legal nature of the recommendation, which was not binding like a Convention and did not call for ratification or acceptance on the part of Member States. He said that the adoption of a recommendation nevertheless entailed the same obligations for Member States as the adoption of a Convention in so far as concerned the submission of the instrument to the competent national authorities and the submission of reports on action taken. The Commission then went on to approve the recommendation section by section.

Preamble and paragraphs 1-23

(321) Definitions of the cultural and natural heritage, paragraphs 1 and 2; National policy, paragraph 3; General principles, paragraphs 4-11; Organization of services, paragraph 12; Specialized public services, paragraph 13; Advisory bodies, paragraph 14; Co-operation among the various bodies, paragraphs 15 and 16; Competence of central federal, regional and local bodies, paragraph 17; Protective measures, paragraph 18; and Scientific and technical measures, paragraphs 19-23 were adopted without discussion.

Paragraph 24

(322) Draft resolution 17 C/DR. 238 submitted by the United Kingdom proposed replacing the words "in no case" in paragraph 24 by the words "not as a general rule". This amendment was accepted. Paragraphs 25 to 29 were adopted without discussion.

(323) Administrative measures, paragraphs 29-39, were adopted without change as were Legal measures, paragraphs 40-46.

(324) Paragraph 48 was adopted.

(325) Financial measures, paragraph 49, was adopted.

Paragraph 50

(326) Draft resolution 17 C/DR. 238, submitted by the United Kingdom, also proposed that the words "or users" should be added at the end of paragraph 50, and this was accepted as well as the text of the same paragraph and of the following paragraphs 51-56.

Paragraph 57

(327) The delegation of Canada proposed that the words "in order to facilitate the rehabilitation of part of the cultural and natural heritage" should be inserted at the beginning of paragraph 57, and this amendment was adopted.

(328) Draft resolution 17 C/DR. 238, submitted by the United Kingdom, also proposed that in the English text of paragraph 57 the word "might" should be substituted for "should". This amendment was adopted.

(329) Paragraphs 58 and 59 of the same section were adopted.

(330) Educational and cultural action, paragraphs 60-65, and International co-operation, paragraph 66, were accepted without discussion.

(331) The Commission recommended unani- mously that the General Conference adopt the Recommendation concerning the Protection at a National Level of the Cultural and Natural Heritage, (see Volume I - Section IX. 30).

Item 30 - Desirability of adopting an International Instrument for the protection of translators

(332) The Commission examined the proposals contained in document 17 C/22, concerning the desirability of adopting an international instrument for the protection of translators.

(333) The Director of the Office of International Standards and Legal Affairs, introducing the document, stated that the General Conference was required to decide three points, namely the desirability of adopting an international instrument on the subject, the form which such an instrument should take (a recommendation or a convention), and its method of preparation. He added that, in so far as the protection of translators necessitated that States should not so much adopt provisions of a legislative or conventional kind as take steps to ensure the practical application of existing texts, the studies which the committees of the copyright conventions might be asked to undertake and the conclusions they might reach would in no way reduce the value of a recommendation whose purpose was to establish means of making the desired protection more effective.

(334) The delegation of Peru introduced