

Special committee of government experts to prepare a draft convention and a draft recommendation to Member States concerning the protection of monuments, groups of buildings and sites

Unesco House, 4-22 April 1972

SHC-72/CONF.37/20  
PARIS, 20 April 1972

DRAFT CONVENTION FOR THE PROTECTION OF  
THE CULTURAL AND NATURAL WORLD HERITAGE

The General Conference of the United Nations Educational, Scientific and Cultural Organization meeting in Paris from                    to                    1972, at its seventeenth session,

Noting that the cultural heritage and the natural heritage are increasingly threatened with destruction not only by the traditional causes of decay, but also by changing social and economic conditions which aggravate the situation with even more formidable phenomena of damage or destruction,

Considering that deterioration or disappearance of any item of the cultural or natural heritage constitutes a harmful impoverishment of the heritage of all the nations of the world,

Considering that protection of this heritage at the national level often remains incomplete because of the scale of the resources which it requires and of the insufficient economic, scientific and technical resources of the country where the property to be protected is situated,

Recalling that the Constitution of the Organization provides that it will maintain, increase and diffuse knowledge, by assuring the conservation and protection of the world's cultural heritage, and recommending to the nations concerned the necessary international conventions,

Considering that the existing international conventions, recommendations and resolutions concerning cultural property demonstrate the importance, for all the peoples of the world, of safeguarding this unique and irreplaceable property to whatever people it may belong,

Considering that parts of the cultural or natural heritage, including some national parks and ecological areas, are of exceptional interest and therefore need to be preserved as part of the world heritage of mankind as a whole,

Considering that, in view of the magnitude and gravity of the new dangers threatening them, it is incumbent on the international community as a whole to participate in the protection of the cultural and natural heritage of outstanding universal value, by the granting of collective assistance which although not taking the place of action by the State concerned, will serve as an effective complement thereto.

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Considering that it is essential for this purpose to adopt new provisions in the form of a convention establishing an effective system of collective protection of the cultural and natural heritage of outstanding universal value, organized on a permanent basis in time of peace and according to scientific, modern methods of management,

Having decided, at its sixteenth session, that this question should be made the subject of an international convention,

Adopts this                    day of                    1972 the present convention.

I. DEFINITION OF CULTURAL HERITAGE AND NATURAL HERITAGE

Article 1

For the purpose of this Convention the following shall be considered as "cultural heritage":

monuments: architectural works, works of monumental sculpture and painting, elements or structures of archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science;

groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art, or science;

sites: works of man as well as the combined works of nature and of man and areas including archaeological sites which are of outstanding universal value from historical, aesthetic, ethnological or anthropological points of view.

Article 2

For the purpose of this Convention the following shall be considered as "natural heritage":

natural features consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view;

geological and physiographical formations and precisely delineated areas which constitute the habitat of species of animals and plants, valuable or threatened, of outstanding universal value from the point of view of science or conservation;

natural sites or strictly delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty.

Article 3

It is for each State Party to the Convention to identify and delineate the different properties situated on its territory mentioned in Articles 1 and 2 above.

II. NATIONAL PROTECTION AND INTERNATIONAL PROTECTION OF THE  
CULTURAL AND NATURAL HERITAGE

Article 4

Each State Party to this Convention recognizes that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in Article .... situated on its territory belongs primarily to that State. It will do all it can to this end, to the utmost of its own resources and, where appropriate, with any international assistance and co-operation, in particular financial, artistic, scientific and technical, which it may be able to obtain.

Article 5

To ensure that effective and active measures are taken for the protection, conservation and presentation of the cultural and natural heritage situated on its territory, each State Party to this Convention shall endeavour, in so far as possible, and as appropriate for each country:

- (a) to adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programmes;
- (b) to set up within its territories, where such services do not exist, one or more services for the protection, conservation and presentation of the cultural and natural heritage with an appropriate staff and possessing the means to discharge their functions;
- (c) to develop scientific and technical studies and research in order to work out such operating methods as will make the State capable of counteracting the dangers that threaten its cultural or natural heritage;
- (d) to take the appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage;
- (e) to foster the establishment or development of national or regional centres for training in the protection, conservation and development of the cultural and natural heritage and to encourage scientific research in this field.

Article 6

1. Whilst fully respecting the sovereignty of the States on whose territory the cultural and natural heritage mentioned in Article(s) ..... is situated, and without prejudice to property rights provided by national legislation, the States Parties to this Convention recognize that such heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to co-operate. They consequently undertake, in accordance with the provisions of this Convention, to give their help in the identification, protection, conservation and presentation of this heritage if the States on whose territory it is situated so request.

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2. Each State Party to this Convention undertakes not to take any deliberate measures which might damage the cultural and natural heritage referred to in Article(s) ..... situated on the territory of other countries Parties to this Convention.

Article 10

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Article 7

For the purposes of this Convention, international protection of the world cultural and natural heritage shall be understood to mean the establishment of a system of international co-operation designed to support States Parties to the Convention in their efforts to conserve and identify that heritage.

III. INTERGOVERNMENTAL COMMITTEE FOR THE PROTECTION OF THE CULTURAL AND NATURAL HERITAGE

Article 8

1. An Intergovernmental Committee for the Protection of the Cultural and Natural Heritage of Outstanding Universal Value, hereinafter called "the World Heritage Committee". It is composed of 15 States Parties to the Convention, elected by States Party to the Convention meeting in General Assembly during the ordinary sessions of Unesco's General Conference, is hereby established within the United Nations Educational, Scientific and Cultural Organization. The number of States members of the Committee shall be increased to 21 as of the date of the ordinary session of the General Conference following the entry into force of this Convention for at least 40 States.
2. Election of members of the Committee shall ensure as far as possible an equitable representation of regions and cultures of the world.
3. A representative of the International Centre for the Study of the Preservation and Restoration of Cultural Property (Rome Centre), a representative of the International Council of Monuments and Sites (ICOMOS) and a representative of the International Union for the Conservation of Nature and Natural Resources (IUCN), to whom may be added, at the request of States Parties to the Convention meeting in General Assembly, representatives of other intergovernmental or non-governmental organizations with similar objectives, in an advisory capacity.

Article 9

1. The term of office of States members of the World Heritage Committee shall extend from the end of the ordinary session of the General Conference during which they are elected until the end of its third subsequent ordinary session.
2. The term of office of one-third of the members designated at the time of the first election shall, however, cease at the end of the first ordinary session of the General Conference following that at which they were elected; and the term of office of a further third of the members designated at the same time shall cease at the end of the second ordinary session of the General Conference following that at which they were elected.
3. States members of the Committee shall choose as their representatives prominent persons qualified in the field of the cultural or natural heritage.

Article 10

1. The Committee shall adopt its Rules of Procedure.
2. The Committee may at any time invite organizations or individuals to participate in its meetings to consult on particular problems.
3. The Committee may create such consultative bodies as it deems necessary for the performance of its functions.

Article 11

1. States Parties to this Convention shall submit in so far as possible to the World Heritage Committee an inventory of property belonging to the cultural and natural heritage, situated in their territory and suitable for possible inclusion in the list provided for in paragraph 2. This inventory, which shall not be considered exhaustive, shall include information about the site of the property in question and its significance.
2. The Committee shall establish, keep up to date and publish, under the title of "World Heritage List", a list of properties belonging to the cultural heritage and natural heritage, as defined in Articles 1 and 2 of this Convention, which it considers as having outstanding universal value in terms of such criteria as it shall have established. An up-to-dated list shall be distributed at least every two years.
3. The inclusion of a property in the World Heritage List requires the consent of the State concerned. The inclusion of a property situated in a territory, sovereignty or jurisdiction over which is claimed by more than one State shall in no way prejudice the rights of the parties to the dispute.
4. The Committee shall establish, keep up to date and publish, whenever circumstances shall so require, under the title of "List of World Heritage in Danger", a list of the property appearing in the World Heritage List for the conservations of which major operations are necessary and for which assistance has been requested under the present Convention. This list shall contain an estimate of the cost of such operations. The list may include only such property belonging to the cultural and natural heritage as is threatened by serious and specific dangers, such as the threat of disappearance caused by accelerated deterioration, large-scale public or private projects or rapid urban or tourist development projects; destruction caused by changes in the use or ownership of the land; major alterations due to unknown causes; abandonment for any reason whatsoever; the outbreak or the threat of an armed conflict; calamities and cataclysms; serious fires, earthquakes, landslides; volcanic eruptions; changes in water level, floods, and tidal waves. The Committee may at any time, in case of urgent need, make a new entry in the list of world heritage property in danger and publicize such entry immediately.
5. The Committee shall define the criteria on the basis of which a property belonging to the cultural or natural heritage may be included in either of the lists mentioned in paragraphs 2 and 4 of the present Article.
6. Before refusing a request for inclusion in one of the two lists mentioned in paragraphs 2 and 4 of the present Article, the Committee shall consult the State Party in whose territory the cultural or natural property in question is situated.
7. The Committee shall, with the agreement of the States concerned, co-ordinate and encourage the studies and research needed for the drawing up of lists referred to in paragraphs 2 and 4 of this Article.

Article 12

The fact that a property belonging to the cultural or natural heritage has not been included in either of the two lists mentioned in paragraphs 2 and 4 of Article 11 shall in no way be construed to mean that it does not have an outstanding universal value for purposes other than those resulting from inclusion in these lists.

Article 13

1. The World Heritage Committee shall receive and study requests for international assistance formulated by States Parties to the present Convention with respect to property belonging to the cultural or natural heritage, situated in their territories, and included or potentially suitable for inclusion in the lists referred to in paragraphs 2 and 4 of Article 11. The purpose of such requests may be to secure the protection, conservation, presentation or rehabilitation of such property.
2. Requests for international assistance under paragraph 1 of this Article may also be concerned with identification of cultural or natural property defined in Articles 1 and 2, when preliminary investigations have shown that the latter would be justified.
3. The Committee shall decide on the action to be taken with regard to these requests, determine where appropriate, the nature and extent of its assistance, and authorize the conclusion, on its behalf, of the necessary arrangements with the government concerned.
4. The Committee shall determine an order of priorities for its operation. It shall in so doing bear in mind the respective importance for the world cultural and natural heritage of the property requiring protection, the need to give international assistance to the property most representative of a natural environment or of the genius and the history of the peoples of the world, the urgency of the work to be done, and the resources available to the States on whose territory the threatened property is situated and in particular the extent to which they are able to safeguard such property by their own means.
5. The Committee shall draw up, keep up to date and publicize a list of property in whose protection, conservation or presentation it has participated.
6. The Committee shall have at its disposal the resources of the Fund established under Article 15 of this Convention. It shall seek ways of increasing the resources of the Fund and shall take all useful steps to this end.
7. The Committee shall co-operate with international and national governmental and non-governmental organizations having objectives similar to those of the present Convention. For the implementation of its programmes and projects, the Committee may call on such organizations, particularly the International Centre for Study of the Preservation and Restoration of Cultural Property (The Rome Centre), the International Council of Monuments and Sites (ICOMOS) or the International Union for Conservation of Nature and Natural Resources (IUCN), as well as on public and private bodies and individuals.
8. Decisions of the Committee shall be taken by a majority of two-thirds of its members present and voting. A majority of the members of the Committee shall constitute a quorum.