



SHC/MD/18 Add.2
PARIS, 31 March 1972
Translated from the French

UNITED NATIONS EDUCATIONAL,
SCIENTIFIC AND CULTURAL ORGANIZATION

INTERNATIONAL REGULATIONS FOR THE PROTECTION
OF MONUMENTS, GROUPS OF BUILDINGS AND SITES

Final report drawn up in accordance with Article 10.3 of the Rules of the Procedure concerning Recommendations to Member States and International Conventions covered by the terms of Article IV, paragraph 4, of the Constitution.

ADDENDUM 2

In implementation of resolution 3.412 concerning international instruments for the protection of monuments, groups of buildings and sites, adopted by the General Conference of Unesco at its sixteenth session, the Director-General prepared a preliminary report containing a preliminary draft recommendation and a preliminary draft convention (document SHC/MD/17) which was forwarded on 20 July 1971 to Member States under cover of circular letter CL/2156 inviting them to submit comments and observations of these draft texts.

By 20 January 1972, the Unesco Secretariat had received 18 replies, which were reproduced in document SHC/MD/18, with an analysis of the replies, a revised draft recommendation and a revised draft convention.

Comments were received by the Secretariat from the Federal Republic of Germany, Canada, Iran, Italy and Luxembourg after document SHC/MD/18 and Addendum 1 had been prepared. These comments are reproduced in the present document which constitutes Addendum 2 to document SHC/MD/18.

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the texts of the recommendation and the convention concerning the protection of monuments, groups of buildings and sites, was first translated into Persian and made available to the ministries and agencies concerned, after which it was examined in detail, particularly the texts of the recommendation and the convention.

The Iranian National Commission for Unesco has pleasure in observing that the work of the Secretariat concerning the protection of monuments, groups of buildings and sites is reaching a decisive stage; and the Imperial Government and the Commission take note of this progress with satisfaction.

At the same time, thanks to the work of the Secretariat, the resolution regarding the establishment of an international committee, which was submitted to the Unesco General Conference at its fifteenth session in connexion with the Future Programme, is in process of being implemented.

The names of the members of the Iranian Delegation will be communicated to you shortly, and the Delegation will express its views during the course of the meetings.

In view of the importance of protecting the cultural heritage of mankind, and also in view of the fact that Iran possesses extensive and varied cultural property, we shall for our part do everything within our power to enable Unesco to achieve its objectives and implement its programmes.

ITALY

Additional note

In connexion with the suggestion which has already been made that the functions of the Committee be divided into two parts, with the administrative and financial functions being exercised by a small board of management composed of government representatives, and the cultural functions by a committee of cultural specialists and experts, we consider that the functions of the latter committee could be entrusted to one of the many committees established and operated by ICOMOS.

This would seem a suitable way of ensuring liaison between Unesco, which raises the funds, and the cultural milieux concerned in this undertaking.

We note finally that in paragraph 5 of Article 9 of the Preliminary Draft Convention the following words could be inserted after the first sentence ending "in Article 12":

"taking into account any such particular uses as the contributors to the said fund may stipulate."

LUXEMBOURG

A. General comments on terminology

- I. "Universal value, importance, interest" of buildings, particularly buildings on which international action may be taken. It is correctly assumed that the heritage, both national and universal, forms in each case a homogeneous whole, which should be considered as a whole without classifying the constituent features in any relative order. Such homogeneity is only possible if all features are looked on as having equal cultural value: distinctions may be drawn in other respects, for example as regards size, or varying degree of universal interest.

Proposals. The wording "monuments ... of universal (exceptional, relative) interest" should be used throughout. The word "importance" is ambiguous, if it is not made clear that it refers solely to physical importance, or size.

II. "Protection, safeguarding, preservation"

In view of the "particularly serious dangers" which are "threatening" the survival of monuments as a whole, the term "safeguarding" seems the most appropriate to express the idea and the necessity of rescuing property in danger of disappearing. "Protection" existed already, and neither was, nor is, adequate to stave off the threat. Once a monument has been rescued, a system of protective measures will consolidate the result. Such measures will include physical "preservation", in the traditional sense of the word.

Proposals

1. Annex I: since the reference is to monuments threatened by immediate danger, the word "rescuing" should be substituted throughout for "protection".
2. The word "protection" should be used only for continuing action, taking place after the safeguarding, which should be considered as a specific measure limited in time.
3. Where necessary, the phrase "concerning the rescuing and protection" may be used.

B. Special comments on the text

1. Introduction

Paragraph 14. "immovable cultural heritage ... and the natural setting in which they are found".

1. Place the second dash after "found" instead of after "sites". "Natural" sites form part of the cultural heritage to the extent that they call forth a cultural reaction (admiration, well-being, inspiration, study, curiosity). One should avoid encroaching on the field of nature conservancy, where the approach to such sites may be different.
2. In the French text, refer throughout to the "patrimoine culturel immobilier" (instead of "patrimoine immobilier culturel"), so as to distinguish it from the movable cultural heritage ("patrimoine culturel mobilier").

Paragraph 28. The last sentence should read: "This heritage, whether national or universal, should be considered ... created by a nation or by all mankind in an effort to adapt, or adapt itself to the natural environment in which it lives."

1. It cannot be over-emphasized that every national cultural heritage should be considered as a whole, in the same way as the aggregate of these national heritages, which form the world's heritage. Here the context does not seem to conflict with such a clarification. The world's heritage can only be preserved intact if secure arrangements are made for preserving intact all national heritages.
2. An attempt by man to adapt the environment seems to be a more highly cultural activity than that of adapting himself, though admittedly the latter entails, for example, knowledge and the taking of decisions. Naturally the one does not exclude the other.

Paragraph 47. Amend the second sentence to read: "Damaged stones should be replaced only where the damage has reached such an advanced stage that it is manifestly prejudicial to the stability or the appearance and architectural quality of the monument."

Paragraph 48. In the third sentence, delete the word "important" before "features".

Since the threat of destruction is supposed to be the same for an "important" as for a "less important" feature, surely less important features should also be preserved.

Paragraph 60. Amend the second sentence to read: "No new building should be built on to an ancient monument, primarily because of the need to preserve its appearance intact, and secondarily because of the thrusts ..."

Paragraph 71. Amend the last sentence to read: "... demolition ... repair or modification of any kind carried out to a protected monument, group of buildings or site".

Paragraph 106. Since it is agreed that the world's heritage should be considered as a whole, provision should be made for the possibility of safeguarding a feature situated in the territory of a State not party to the convention, under conditions to be determined.

2. Annex I

First preambular paragraph. "... and to have an overall policy for combining the remains left by past civilizations with the achievements of our own time".

1. Sites are not included in this wording. As they precede all civilizations, they are not the remains left by a civilization, but should be brought within the scope of an overall policy.
2. It is difficult to understand the distinction between "remains" and "achievements". Are all achievements to be brought within the scope of the overall policy, including even those against which environmental policy is directed?

Suggested amendment: "... and to have an overall policy covering the remains left by past and contemporary civilizations and sites".

Paragraph 25. Amend to read: "... to preserve their traditional appearance, where such is in conformity with their historical and artistic character, and protect them ...".

The traditional appearance may be constituted by "old buildings devoid of historic interest", which it is proposed should be removed in paragraph 41.

Paragraph 26. Amend to read: "Substitutions for missing parts of a monument should be distinguished from the original portions by an appropriate method (For example by some form of marking, the use of different materials or setting the new surface slightly back from the original surface), provided that the impression which should be conveyed by the building as a whole is preserved, or if necessary restored."

1. Greater emphasis should be placed on the primary need to preserve the characteristic impression conveyed by the monument.
2. The purpose of the proposed amendment is to prompt the use of other methods, less conspicuous but sufficiently reliable (unobtrusive notices, documents, plans available for consultation).

Paragraph 27. In the French text of the first part of the second sentence, replace the words "son voisinage" by "cet entourage", the term used in the first sentence; by "surroundings" is meant the "harmony" defined in the first sentence, not "old buildings" (paragraph 41) which it is desirable to demolish.⁷

Paragraph 70. Add a new sub-paragraph (f) as follows:

"(f) joint action by neighbouring States with a view to safeguarding and enhancing groups of buildings or sites located on both sides of the frontier between them."

3. Annex II

No comments. other than that made under B.1 above, in connexion with paragraph 106.