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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 Procedure concerning Recommendations to Member States and International Conventions covered by the terms of Article IV, paragraph 4, of the Constitution.

ADDENDUM

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.

Two other replies have reached the Secretariat since that date. They are reproduced in the present document, which constitutes a third addendum to document SHC/MD/18.

Federal Republic of Germany

The position of the Federal Republic of Germany on the Preliminary Draft Convention concerning the protection of Monuments, Groups of Buildings and Sites of Universal Value (UNESCO Document SHC/MD/17 Annex II)

The Federal Republic of Germany, considering that the conservation, protection, and reanimation of monuments, groups of buildings, and sites of universal value are of essential importance for mankind as a whole, and being determined to give her utmost support to any effective instrument of international assistance and co-operation on this purpose, adopts the position of approving in principle the Preliminary Draft Convention Concerning the Protection of Monuments, Groups of Buildings and Sites of Universal Value.

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Details, however, should be discussed by the Special Committee of Government Experts, in particular:

the question whether provisions relating to the protection of nature should be excluded in order to become a part of a Unesco Convention on the Protection of Nature, later on,

the question whether an Intergovernmental Committee for the Protection of Monuments, Groups of Buildings and Sites of Universal Value can work successfully without getting in conflict with the sovereignty of the States on whose territory such monuments, groups of buildings and sites are situated,

the question whether it will be necessary that the State Parties to the Convention shall pay regularly every two years special contributions to the International Fund besides paying regularly contributions to Unesco.

Switzerland

Comments on preliminary draft recommendation concerning the protection, at national level, of monuments, groups of buildings and sites.

- I. Definitions. These seem to raise a number of problems, which need to be examined thoroughly.
- III. General principles. We are entirely in agreement with the principles set out in Articles 3 to 11.
- IV. Organization of services. The importance accorded to research, as supporting and complementing current activities (Article 12 et seq.), is in line with the policy followed by the Swiss authorities. We consider that reference should be made immediately after Article 19, preferably by way of a separate provision, to an obligation for States to provide training facilities for highly-qualified staff.
- V. Protective measures. The programme planning prescribed in Article 21 raises great difficulties for a federal State which, particularly in the cultural field, makes it a principle not to intervene in minor issues. In our view, the technical measures described in Articles 21 to 29 go beyond the scope of general recommendations, being too detailed, especially those in Articles 24 to 26. Articles 38 to 55, which contain legal measures, are in our opinion primarily suited to States having a tradition of Roman law. Existing legislation in Switzerland makes no provision for the public authorities, including cantonal authorities, to envisage such extensive action. The requirement laid down in Article 47 is met in Switzerland by notification of the personal servitude in the land register.
- VI. Educational and cultural action. We consider that the object should be to win over young people to the cause of our architectural heritage; this matter is but barely touched on in article 69 (e).

Comments on preliminary draft convention concerning
the protection of monuments, groups of buildings and
sites of universal value.

I. Definitions. See comment above, on the Recommendation.

III. Intergovernmental Committee.

Article 6. We have a distinct preference for the first form of election (i.e. by the General Assembly of the States which have signed and ratified the Convention). It is similar to that of the supervisory body of the Rome Centre, and has been shown to work in practice.

Article 7. The term of office should be at least 4 years, in order to ensure a certain degree of continuity.

Article 9. It is clear from this Article that the Committee is neither an advisory body nor a mere executive body; its fairly extensive terms of reference are in the very interests of the aim pursued.

IV. International Fund.

Article 15. At present, the Swiss fiscal system and fiscal legislation virtually rule out any possibility of according tax concessions to patrons of the International Fund. It would also be very difficult to invite private organizations to contribute to this Fund (Article 16, paragraph 2).