

Distribution limited

WHC-02/CONF.202/7 Rev
Paris, 22 November 2002
Original : English/French

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL
ORGANIZATION

CONVENTION CONCERNING THE PROTECTION OF THE WORLD
CULTURAL AND NATURAL HERITAGE

**30th Anniversary
(1972-2002)**

WORLD HERITAGE COMMITTEE

Twenty-sixth session

**Budapest, Hungary
24 - 29 June 2002**

Item 11 of the Provisional Agenda: Ways and means to reinforce the implementation of the World Heritage Convention

SUMMARY

This document provides the Committee with a progress report concerning the request made at the 25th session of the World Heritage Committee (Helsinki, December 2001) for an analysis on the ways and means to reinforce the implementation of the relevant UNESCO Conventions for the protection of cultural heritage.

The World Heritage Committee may wish to

- (i) take note of the information provided in this document; and**
- (ii) consider the best way for the Committee to participate in initiatives being developed to explore and examine possible ways and means of creating necessary conditions for the prevention of intentional destruction of culturally important monuments and sites.**

I. BACKGROUND

1. This document replies to the request made by the World Heritage Committee at its 25th session (Helsinki, December 2001) within the discussion on the follow-up to the resolution of the 13th General Assembly of States Parties on "Acts constituting a crime against the common heritage of mankind"¹. The Committee requested that

"the UNESCO World Heritage Centre make available for the information and consideration by the Committee at its twenty-sixth session in June 2002, the legal analysis on the ways and means to reinforce the implementation of the relevant UNESCO Conventions for the protection of cultural heritage being completed by the former Chairperson of the World Heritage Committee, Dr F. Francioni, for the UNESCO Director-General.

The Committee decided to reconsider at its twenty-sixth session when further information is made available, ways and means by which the implementation of the World Heritage Convention can be reinforced, especially in relation to other relevant UNESCO Conventions for the protection of cultural and natural heritage, including possible modalities for activating paragraph 67 of the Operational Guidelines for the Implementation of the World Heritage Convention, in future cases like the destruction of the statues of Bamiyan in Afghanistan".²

2. Furthermore, and within this discussion, the Assistant Director-General for Culture informed the Committee that the Governments of Belgium and Switzerland had offered to organize expert meetings in 2002 to reflect upon ways and means to enhance the implementation of the UNESCO legal instruments for the protection of the common heritage of mankind.³

II. PROGRESS REPORT

3. The World Heritage Centre does not have any further information on the preparation of the legal analysis on the ways and means to reinforce the implementation of the relevant UNESCO Conventions for the protection of cultural heritage.
4. However, Professor Francioni (University of Siena) has provided to UNESCO a study -commissioned by the Director-General- entitled "*The Destruction of the Buddhas of Bamiyan and International Law*". This analysis is currently under review.
5. It must also be noted that the Secretariat document entitled "*Legal considerations concerning the inscription of properties on the List of World Heritage in Danger and the deletion of properties from the World Heritage List*", to be presented to the 26th session of the World Heritage Committee as document WHC-02/CONF.202/8 addresses issues related to the ways and

¹ See Resolution 31 C/26 of the 31st session of the General Conference and paragraphs 34 and 35 of the Report of the 13th General Assembly of States Parties to the World Heritage Convention

² See Report of the World Heritage Committee, 25th session (Helsinki 2001), IV.16, points 3.4 and 3.5

³ See Report of the World Heritage Committee, 25th session (Helsinki 2001), IV.7

means of reinforcing the implementation of the World Heritage Convention, and in particular the inscription of properties on the List of World Heritage in Danger.

6. Furthermore, Resolution 31 C/26 of the General Conference (2001) invited "the Director-General to formulate, for the 32nd session of the General Conference, a Draft Declaration concerning the Intentional Destruction of Cultural Heritage". The 164th session of the Executive Board (May 2002) welcomed "the initiative of the Director-General in establishing a group of experts in response to 31 C/Resolution 26" and invited "the Director-General to present an oral report in an informal meeting before the 166th session of the Executive Board about the progress in the formulation of a draft declaration concerning the intentional destruction of cultural heritage"⁴ (see Annex I for the decision of the Executive Board).
7. With regard to the invitations made by the governments of Belgium and Switzerland to host expert meetings to reflect upon ways and means to enhance the implementation of the UNESCO legal instruments for the protection of the common heritage of humanity, further information may be provided orally to the 26th session of the World Heritage Committee by the Chief of the International Standards Section (Division of Cultural Heritage).

III. CONCLUSION

8. In view of the above mentioned information, the Committee may wish to consider the best way for it to participate in initiatives being developed to explore and examine possible ways and means of creating necessary conditions for prevention of the intentional destruction of culturally important monuments and sites. These initiatives may be seen to address the growing necessity to reinforce the link between the UNESCO Conventions for the protection of cultural heritage, in particular between the Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague, 1954) and its Protocols, and the World Heritage Convention.

⁴ Paragraphs 5 and 9, Decision 3.5.4 of the 164 EX/Decisions

Decision of the Executive Board (164th session)

3.5.4 Establishment of a working group to explore and examine possible ways and means of creating necessary conditions for prevention of the intentional destruction of culturally important monuments and sites (164 EX/48 and 164 EX/51)

The Executive Board,

1. Taking into consideration United Nations General Assembly resolution 56/8, proclaiming the year 2002 as United Nations Year for Cultural Heritage,
2. Recalling the principles set out in the Conventions and Recommendations approved by UNESCO concerning the protection of the cultural and natural heritage,
3. Recalling also 31 C/Resolution 26 which invites the Director-General to formulate a “Draft Declaration concerning the Intentional Destruction of Cultural Heritage” to be presented to the General Conference at its 32nd session,
4. Gravely concerned by the continuation of acts of intentional destruction of culturally important monuments and sites in recent times,
5. Welcoming the initiative of the Director-General in establishing a group of experts in response to 31 C/Resolution 26,
6. Welcoming also the continuing efforts of the international community for the protection of cultural and natural heritage,
7. Expressing strong determination and commitment with regard to the protection and preservation of culturally important monuments and sites and affirming the significance of transmitting these monuments and sites to future generations,
8. Firmly believing in the necessity to create conditions for preventing the intentional destruction of culturally important monuments and sites,
9. Invites the Director-General to present an oral report in an informal meeting before the 166th session of the Executive Board on progress in the formulation of a draft declaration concerning the intentional destruction of cultural heritage.

(164 EX/SR.8)