
MICHEL BATISSE
GERARD BOLLA

*The Invention of
"World Heritage"*



Club Histoire

Association des anciens fonctionnaires
de l'Unesco (AAFU)



“LISTED BY UNESCO AS A WORLD HERITAGE SITE”

This prestigious label already singles out over eight hundred protected sites, both natural and cultural, throughout the world. Awarded by the *World Heritage Committee*, an intergovernmental body that meets under the aegis of Unesco to promote the protection of exceptional sites, it is increasingly coveted by States and reproduced in travel brochures.

The world heritage logo was created by Michel Olyff. It symbolizes world and nature by a circle, which also renders the idea of protection. Culture – man’s creation – is expressed by an inner square. The logo conveys a revolutionary idea. For ages, the concepts of nature and culture were separate, even opposed; here they are reconciled and complementary in an endeavour to safeguard our world heritage, the heritage of all of mankind.

“*World heritage*” is also a revolutionary concept. Inherited goods traditionally were limited to individuals or to a community. Here they assume a wider scope, transcend borders, become universal, concern all of us.

This breakthrough, which has both conceptual and practical consequences, is the subject of an international Convention, worked out and adopted between 1969 and 1972. How was this achieved? By a combination of imagination and stubbornness, diplomatic negotiations and confrontation of specialists.

Two witnesses and main actors in the play tell the story. It is a tale of adventure, full of surprises, revelations and suspense. It reads almost like a detective novel.



History Papers
Unesco action as
seen by protagonists and witnesses

HISTORY PAPERS

Unesco action as seen
by protagonists and witnesses

Former staff members of Unesco have created an Association (AFUS) within which the History Club endeavours to collect and make accessible accounts of the adventure of international cooperation in the second half of the 20th century. Members of the Club are originators, protagonists or witnesses. The Club is not a coterie of professionals, but a circle of amateurs, women and men of goodwill, faithful to their recollections and desirous to keep them alive.

The series has several aims: keep track of worthwhile activities; re-live the past to appreciate its benefits; analyse past difficulties to better prepare for the future. Through this initiative AFUS wants to act against the current tendency of creeping amnesia which leads each generation to “re-invent the wheel”. The obvious target of the series is researchers and archivists, but another public is also aimed at, in particular the leadership of Unesco, its National Commissions and Permanent Delegations and, above all, the new generation of staff members.

Authors have accepted respect of fact and circumstance; within these limits they are free to express themselves, but they take full responsibility for their text. The result is a subjective approach with the advantage that it encourages debate, and may eventually lead to another publication.

- Paper 1: *Le « complexe » de Bouaké, 1967-1981*, (in French)
J.C. Pauvert et Max Egly, AFUS 2001.
- Paper 2: *L'invention du « Patrimoine mondial »*, (in French
and English), AFUS 2003, Michel Batisse and Gérard
Bolla.
- Paper 3: *Souvenirs d'une FPO*, Krystyna Chlebowska, AFUS
2004.
- Paper 4: *Du désert jusqu'à l'eau... La question de l'eau et
l'Unesco : de la « Zone aride » à la « Décennie
hydrologique »*, Michel Batisse, AFUS 2005.

PAPER 2

**THE INVENTION
OF
"WORLD HERITAGE"**

**MICHEL BATISSE
GÉRARD BOLLA**

English translation by
Robert Grauman (for the first part)
Raymond Johnson (for the second part)



History Club

Association of Former Unesco
Staff Members

Ideas and opinions expressed in these Papers are those of the authors and do not necessarily reflect those of the Association of Former Unesco Staff Members, nor those of Unesco.

Editing	Nino Chiappano, Lisbeth Schaudinn, Étienne Brunswic
Research	Merete Gerlach-Nielsen
Composition	Agnès van den Herreweghe
Layout	Rolf Ibach
Computer graphics	Lucie Chichi Trinephi

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Association of Former Unesco Staff Members
1, rue Miollis, 75732 Paris Cedex 15
E.mail : afus@unesco.org
www.unesco.org/afus

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Foreword

AFUS, the Association of Former Unesco Staff Members, takes pleasure in presenting this second Paper published by its History Club. As you may recall, the Club is the offspring of a commonplace observation, namely, that former staff members are the custodians of a body of experience that should not be allowed to disappear. Moreover, first-hand material is preserved for historians who may want to study the adventures of international cooperation in the second half of the 20th century.

Memory and history are not the same thing. The former provides the background for the latter. Retired staff are singularly qualified to gather reminiscences, bring to light small or large ‘secrets’ known only to them or hidden in obscure archives or unwritten sources. Moreover they have an advantage over outside observers: they know the ‘code’, can read between the lines of the strange literature known as ‘reports’, cut through the maze of cant, interpret euphemisms, understatements and allusions.

The present volume – the second in this series – is striking proof of all this. The two authors wrote ‘in parallel’ and achieved the rare feat of making indifferent, often dull material, interesting, even exciting. This is thanks to their manner of telling the story, showing how one thing led to another, how diversions lay constantly in wait, leaving the reader uncertain of the final outcome, until, in the end, the fascinating concept of cultural and natural world heritage was ‘invented’.

Why the term ‘invention’? For the antique orator, invention was the discovery and striking presentation of something new; for the explorer, it is the discovery of unknown land; for the musician, a new composition; for the archaeologist, the bringing to daylight of a buried treasure; for the scientist, the discovery of a hidden law; for the philosopher, the formulation of a new concept; for the writer and artist, the creation of a new form. For our authors, ‘invention’ is all that, as the reader will appreciate as he becomes immersed in the text. The persons who managed to work out this Convention and to give it a name were indeed discoverers. They based themselves on partially known concepts, which until then had been used only in a limited, restrictive and partial manner, but not in a worldwide and audacious approach. This justifies the title of the Paper.

Seen in this perspective, the administrative procedures, the diplomatic negotiations, the endless painstaking procedural discussions lose their soulless character and assume dramatic proportions; they prove that questions of form always determine the world of ideas and the play of power.

From the first lines onward it is obvious that the human factor is decisive in the life of a project. Sometimes this is due to a sudden intuition, the accidental appearance of a new idea, the realization of its significance and general implication. The Paper shows that, on several occasions, willpower, steadfastness and sometimes the adroitness of a few could transform a fluctuating situation into a workable reality. In fact, the sensitivity, initiative and courage of a few can change a personal design into a collective achievement.

These accounts are all the more precious because the relevant documentation, as pointed out by the authors, is fragmented or incomplete, the archives deficient for various reasons, both due to adverse circumstances and the deplorable carelessness of man. This Paper saves from oblivion a chapter of history that is significant not only intrinsically, but also because of its present relevance. It vindicates the existence of the History Club and encourages it to pursue its efforts.

Nino Chiappano

Introduction

The history of the origins of the concept of a cultural and natural world heritage has never been written. Several times I expressed regret not to be able to dispose of a complete and accurate record of the episodes that led to the adoption by the General Conference of Unesco, in November 1972, of a Convention that created international solidarity with regard to the most precious cultural and natural properties of humanity. I had also expressed the wish that the main craftsmen for the preparation of this international instrument in the Unesco Secretariat, Michel Batisse, defender of the environment, and Gérard Bolla, protector of the monumental heritage, should survey the history of this creation and present their accounts. They are, in fact, the only persons to have followed – one in the field of nature conservation, the other in the preservation of the architectural testimony of various cultures – the long intellectual and diplomatic progression which, in Unesco and in other governmental and non-governmental institutions, finally achieved the emergence of the concept of World Heritage. Today these two former high Unesco officials have fulfilled my wish.

Having chaired the drafting of the text of the Convention and having been closely associated with its early implementation, I can personally testify to their efforts of imagination and perseverance in the preparation of this instrument. Facing numerous hesitations – only discreetly mentioned in their text – their enthusiasm overcame all obstacles and helped the governmental delegations find positive solutions. Beyond their high-level education in science for one, law for the other, their joint success owed much to their vast experience and interdisciplinary methodology. Thereby they avoided the excessive compartmentalization of earlier scientific speculation, which nowadays often seems the price to pay for the indefinite or infinite development of knowledge.

It must be added that the international political context was then no more favourable for our ambitions than it is today, with one exception however, namely, that the apprehension of certain major risks contributed to activating diplomacy. Moreover, the novelty of the new values that Batisse and Bolla pursued with such conviction and astuteness dominated the general atmosphere.

I have read with great interest their report on what happened in Unesco's Secretariat and in the bodies of the United Nations. Other episodes in the realization of World Heritage could and should be written by those who, like myself, contributed to the elaboration of the concept and development of the international protective mechanism. I have personally taken part in what turned out to be a real epic both as Head of the French Delegation, later as Chairman of the expert drafting committee which had the difficult task of proceeding with the marriage of cultural and natural properties, and between supporters of one and the other.

Later, as Chairman of ICOMOS, I had the responsibility of having to submit, in the name of that organization, technical evaluations of the 'exceptional universal value' of cultural properties proposed for inclusion in the World Heritage List and to define the criteria for such evaluations. I could thus participate – in Washington, Cairo and Luxor – in the early functioning of the international mechanisms created by the 1972 Convention, and I am pleased and thankful to the authors for including in their history these first 'operational' sessions of the World Heritage Committee.

I want to thank and congratulate Michel Batisse and Gérard Bolla for their accounts which are a living contribution to the history of the protection of cultural and natural properties, a recent history of barely one hundred years since it started, in fact, with the Hague Conventions of 1905 concerning humanitarian rights during war.

Thus a surprising sort of 'twinning', based on international law with a universal calling, was established between the two apparently unrelated, even opposed, concepts of nature and culture, in a joint intentional, intellectual and even moral endeavour, without abandoning their respective specificities.

Thirty years after the signature of the Convention, it seems highly useful not only to unfold and bring back to life the episodes preceding the origin of this essential text, but also to reflect on the itinerary and to evaluate the results. After a thorough examination of the various stages leading to the Convention, Michel Batisse and Gérard Bolla clearly express their feelings on several issues arising today, in what is possibly the most interesting part of their account.

Today, it is more than ever essential to draw lessons from this example of humanism, so faithfully and minutely recorded in the report below. This is especially true in politics – in the highest etymological and most ambitious sense of the term – where the unforeseeable and the ephemeral superstitions of an economy beyond human will and rationality seem to predominate.

Michel Parent

Honorary Inspector-General of Historical Monuments
Former Chairman of the World Heritage Committee
Honorary Chairman of ICOMOS

I

Nature and Culture: Recollections of a (conventional) marriage

MICHEL BATISSE

The Convention concerning the Protection of the Cultural and Natural World Heritage was adopted thirty years ago in November 1972. As I was deeply implicated in its tortuous incubation, this thirtieth anniversary reminds me of a period of intensive activity, closely linked at the same time with the organization of the United Nations Conference on the Human Habitat in Stockholm, a major conference the thirtieth anniversary of which has recently been observed at the World Summit in Johannesburg. This is a good moment to recall exciting events and the road we have travelled. The implementation of the Convention has been told in several first publications and can be based on a generous documentation. But this does not apply to the composite origins of this international agreement and the multiple episodes that accompanied the negotiations prior to its adoption. While searching for documentation on this ‘pre-history’, I had the disagreeable surprise to discover that the entire archives of Unesco prior to 1972 had been destroyed by fire, including all internal and external correspondence on this and many other questions. It seemed to me therefore that all those who had directly participated and are fortunate enough to be able to tell the tale should bear witness and thus contribute to clarifying the development and the hidden side of this adventure, even though they may only be able to mention anecdotal details rather than make major revelations. The following account is written in this spirit.

In the absence of all correspondence, including my own mission reports, I based myself essentially on documents I could find in Paris, summary notes in my diaries, comments by some old friends, and recollections that are now so old that they may lack accuracy. I could not undertake research in existing archives, which would have taken me to

Washington, New York, Switzerland and even Sweden. There has to be a balance between the initiatives taken by the directing bodies and the Secretariat of Unesco on the one hand and the other major protagonists of this laborious agreement on the other, given that the initiatives and interests, to begin with, had been quite remote from each other. To shed more light on the procedures and motivations of all concerned, it would thus be interesting to try and find traces of these negotiations, especially at the United States State Department and the Department of the Interior, the European Headquarters of the United Nations, the International Union for the Conservation of Nature and Natural Resources (IUCN), and also in Stockholm, where the first – and undoubtedly so far most successful – great World Conference of the United Nations has taken place.

An original Convention

The World Heritage Convention consists of three components which characterize its uniqueness, namely:

(1) It states that certain universal properties are of *outstanding* interest and constitute a *universal value*. As a result, the international community is committed to protect them, in particular by the creation of a *fund*, although the properties remain under the sovereignty of the countries where they are located. This concept of *common heritage* enshrined in an international legal instrument is completely innovative; it is not even certain that it could be adopted today. In 1992, when the Convention on Biological Diversity was adopted, this concept was not accepted and was replaced by the term of *common interest*.

(2) It defines these properties in a progressive *list* of material, immovable properties such as monuments, sites and territories. It thus excludes other material or immaterial goods of undoubtedly equal universal value – scientific knowledge, paintings, sculptures, literary and musical masterpieces. This limitation is inevitable, but it makes the name of the Convention somewhat ambiguous.

(3) It places *cultural heritage* and *natural heritage* on an equal level despite the vastly different character and management of the two, as well as the difficulty of defining this equality.

The text below deals mainly with this third component of the Convention. The conjunction of culture and nature led me to intervene at

the outset of the Convention. It is the stuff of a permanent and fascinating debate.

International Protection of Cultural Heritage

This protection is inherent in Unesco's Constitution. As a sequel of ideas pre-dating the last war, it states that Unesco should assure "the conservation and protection of the world's inheritance of books, works of art and monuments of history and science" recommending "to the nations concerned the necessary international conventions." The cooperative and standard-setting mission of Unesco, starting at its inception, is thus fully legitimate and incontestable. The general history of this development is well worth knowing. However, only some outstanding issues will be mentioned in what follows.

It must be recalled that the destruction of historical and artistic monuments by the war in Europe was of such dimensions that only genuine international cooperation, as regards both financing and expertise, could deal with reconstruction and restoration. Thus from early on, Unesco paid special attention to what was later known as world cultural heritage, i.e. monuments, architectural groups, historical and archaeological sites.

Not surprisingly, the first major standard-setting project of the Organization in this field was, after four years preparation, the Hague Convention on the Protection of Cultural Properties in Case of Armed Conflict, adopted in 1954. International cooperation however remained limited for a long time to the exchange of experience. Later a number of small, localized operational projects were undertaken until, further on, action broadened towards a universal approach based on a convention with substantial means. There are two main reasons for this slow development.

In the first place, the Secretariat needed a consultative body with worldwide scientific and technical competence in order to have objective advice for action of such scope. In the field of museums, this was the role of the International Council of Museums (ICOM), which had existed for a long time. However no such body existed for monuments. Unesco thus had first to promote its creation. It took until 1965 for the International Council of Monuments and Sites (ICOMOS) to be established, providing at last the technical partner Unesco needed. Paradoxically, in the field of protection of nature – not one of its constitutional responsibilities –

Unesco could rely on a universally recognized body, IUCN, to the creation of which its first Director-General, the biologist Julian Huxley, had substantially contributed.

Beginning in the late fifties, the main preoccupation was not centred on the preservation of monuments in general, but on a number of important archaeological sites threatened by the construction of the Aswan Dam in Egypt. The massive Nubian Campaign soon became Unesco's 'big business' that mobilized all of its energies. It was to be followed by others: Florence, Venice, and Borobudur.

The success and the scope of these campaigns led an increasing number of countries to submit requests. This assumed such proportions that the General Conference, at its fourteenth session in 1966, asked that these requests be coherently restructured and, to this end, study the possibility of arranging an appropriate system of international protection, at the request of States concerned, for a few of the monuments that form an integral part of the cultural heritage of mankind. In other words, the aim was to obtain a Convention covering a selection of cultural monuments and sites of particular interest. Expert consultations were held to this end in Paris during 1968 and 1969. Although the inclusion of natural sites was sometimes mentioned during these consultations, the preparation of the Convention took place exclusively in the technical sector dealing with culture. I was then Director of the Natural Resources Division in the Science Sector and had unfortunately no knowledge of these events until 1970.

The "World Heritage Trust"

Unesco's Constitution mentions the concept of universal heritage and the common heritage of humanity. The expression 'World Heritage' may have been used before. But according to Russell Train (Chairman of the United States Conservation Foundation, and unquestionably one of the prime movers of the Convention), it was during a conversation with Joseph Fisher (Chairman of Resources for the Future) in Washington in June 1965 that the concept of a World Heritage Trust arose, comprising both cultural properties and natural sites. The idea and the concept were confirmed by a Committee for the Conservation and Development of Natural Resources at a White House conference on international co-operation, which was attended by the future Chairman of IUCN, Harold

Coolidge. The World Heritage Trust was to stimulate such co-operation in order to identify and develop the most beautiful natural and historical sites in the world for the benefit of the present and future generations.¹

In fact, the main concern of such a committee on natural resources could only be natural sites. IUCN, at its 1962 Conference in Seattle on National Parks, had stressed the 'international significance' of such parks. The idea of a natural world heritage was, in a way, the extension of the idea of national parks to the international level. However, while speaking of the Grand Canyon, Serengeti and other natural sites, the Committee cited the need for protection of Stonehenge, the Pyramids, the Acropolis and pre-Colombian ruins. This intimate association of natural and cultural sites could only be conceived in the United States where the protection of these two types of sites is the responsibility of the National Park Service in the Department of the Interior. This practice differs from virtually all other countries where, even today, it causes some perplexity.

In June 1966, at the Ninth General Assembly of IUCN in Lucerne, I heard of this proposal for the first time in Joseph Fisher's speech. I found it both appealing and timely that the protection of nature and of culture should be placed on the same level. But I must admit that I did not pay much attention to the proposal itself because the word 'trust', not translatable into French, conveyed to me a sort of private philanthropic foundation and not at all an intergovernmental mechanism based on an international convention. In my defence, it can be said that I was not the only one in Lucerne to have missed all the implications of the proposal. Moreover I do not think that the Secretariat of IUCN would have been able to put it on the rails. At the same time Harold Coolidge became Chairman of this Organization, and Russell Train a member of its Executive Board.

On his accession to the Board, Train presented a proposal for a 'Trust for a World Heritage' prepared in the United States which he intended to submit to the next Congress of WWF in Amsterdam on 'Nature and Man'. The Board limited itself to encouraging him since it had just decided to participate in a five-year international conservation programme. Unesco's representative, Sven Evtcev, undoubtedly as ignorant of the term 'trust' as I, even failed to mention the question in his mission report. Train presented his proposal in his speech to the Amsterdam congress, but this was clearly not the place to take a decision.²

Nor was there a follow up in the United States under the presidency of Lyndon Johnson. However in 1970, under President Richard Nixon, Russell Train became Chairman of the Council of Environmental Quality, i.e. the equivalent of a minister of the environment. Thus, at the beginning of 1971 he was behind a presidential message announcing for the following year the centenary commemoration of Yellowstone National Park and proposed officially that certain natural, historical or cultural zones of unique universal value should be recognized as part of the World Heritage Trust. At the same time the President instructed the Department of the Interior to get things moving at the international level in cooperation with the State Department.³

Preparation of the Stockholm Conference

In July 1968, the representative of Sweden, Ambassador Sverker Aström, proposed to the Economic and Social Council (ECOSOC) the organization of a large intergovernmental conference on human settlements. In the autumn, the General Assembly voted unanimously in favour of this conference to be held in June 1972 in Stockholm. At the time, UN Headquarters in New York had no environmental specialist. As I had organized Unesco's intergovernmental conference on the rational use and conservation of the resources of the biosphere in September 1968 – more commonly known as the Biosphere Conference – Assistant Secretary-General Philippe de Seynes asked René Maheu, Director-General of Unesco, that I should be loaned to prepare the first report on the content and organization of the future conference, in consultation with experts of my choice and my colleagues of the other Specialized Agencies. I thus left for New York in early 1969.

For both national political purposes and international obligations, Sweden insisted that this conference should have a major impact. Ambassador Aström followed the progress of my work personally and asked me to include ambitious proposals. In particular he wanted conventions to be adopted during the Conference. He stressed two lines of action, one being the prohibition of DDT (already enacted in Sweden), the other, wildlife protection. The first was not yet possible for agricultural and medical reasons. For the second it would have been necessary to identify an important and precise subject on which international agreement could be obtained rapidly – implying that it had already been the subject of prior

consultations. We could not find an idea of this kind and, of course, the World Heritage Trust did not come to my mind.

Hence in my report I only mentioned that the Conference itself would not be able to arrive at legal agreements, but that it could open the path for later international or regional action.⁴ When ECOSOC examined this report in Geneva in July 1969, no reference was made to conventions. On its proposal, the General Assembly of the United Nations established a Preparatory Committee for the Conference in autumn, the first session of which was held in New York in March 1970. The same report became the working document for the Committee. During the session, widely divergent questions were raised as falling within the programme of the Conference. Some delegations indicated in a general way that future actions might lead to international agreements, but no specific proposal was made. However Sweden continued thinking along these lines.

After the appointment of Maurice Strong as Secretary-General of the Conference, I returned to Paris to coordinate Unesco's participation in this vast venture where it had much to contribute, but also much to lose. The preparation of the Conference caused feverish activity in all circles – diplomatic, scientific, media and others – who felt that they had, no matter how small, a role to play. The major countries designated special representatives to follow the negotiations, e.g. the United States appointed Christian Herter Deputy Secretary of State to this end. Each organization mobilized all efforts to prove its legitimacy and competence in the as yet ill-defined field of environmentalism and to obtain a role in the Conference, without however revealing its game. In this muffled atmosphere, Unesco had the most delicate part because it already ran envied programmes, such as the International Hydrological Decade or the programmes of the International Oceanographic Commission. It had also just initiated the programme 'Man and the Biosphere' (MAB), a vast interdisciplinary and intergovernmental scientific venture which corresponded to the very objectives of the Conference. This situation was made even more delicate because the Cold-War period did not favour the Specialized Agencies of the United Nations, which were considered too influenced by 'automatic majorities'. Efforts were directed towards having the Conference create an open field for a new institutional structure, which would be financed by voluntary contributions and supported by the large non-governmental organizations.

Two competing procedures and two texts

In this feverish context, IUCN played an acknowledged role owing to the nature of its activities, but also as a result of its original structure, which combined governments with public and private associations (an 'NGOGO', rather than an ordinary NGO). At its General Assembly in New Delhi at the end of 1969, which I could not attend, its leaders had understood their interest in the Conference and had envisaged taking up the World Heritage issue for which a working group had been established.

I only found out about these plans, quite by accident, in May 1970 at a meeting of the Executive Board of IUCN in Morges on Lake Geneva. A paper for submission to the Conference was mentioned, containing the natural and cultural properties to be included in the World Heritage Trust. But I also discovered that it was in fact intended to obtain the adoption in Stockholm, not of a private foundation, but of a genuine convention of international public law. I declared that such a convention in this field could only be negotiated, if it was to succeed, within the intergovernmental framework of Unesco whose activities in favour of cultural heritage were well known. It was obvious, however, that the other side hoped for the opportunities the Stockholm Conference would provide to give a strong impetus to the conservation of nature and to strengthen the prestige and the political and financial backing of their organization.

On my return to Paris I informed the relevant Sector of Unesco of what was going on, unknown to them. At the time, the Sector dealt with social sciences and culture and was headed by a literary man, Richard Hogart, for whom the protection of nature clearly was not a priority. The Director in charge of cultural heritage was Ali Vrioni who was fully occupied with the saving of Abu Simbel. My direct contacts were Hiroshi Daifuku, an American of Japanese origin who dealt with technical co-operation projects, and Selim Abdul Hak, formerly Curator of Antiquities of Syria, dealing mainly with standard-setting. I urged both of them to ensure that Unesco, the ecumenical organization *par excellence*, should head the movement that had started in the United States and elsewhere. It would suffice to add to the draft of their Convention the main elements of the natural heritage; this concept not having yet been officialized, it was easy to amend it. This proposal was not entirely altruistic as it could promote the MAB programme for which I was responsible. Biological

diversity was an important element in it. In comparison with Unesco's spectacular ventures for the safeguarding of monuments, our activities in this field were still modest, and it seemed to me timely and legitimate to profit from the movement in their favour. Moreover, adding nature was in no way revolutionary. It had been mentioned by certain experts as shown in working documents for meetings in 1968 and 1969 for the preparation of a cultural convention. In these documents and meetings there prevailed some ambiguity as to the meaning of 'sites', which seemed to cover both culture and nature, or a mixture of both.

The Sector did not accept my idea at the time, nor did it follow my suggestion. Probably it seemed unrealistic to officials who had been finding it difficult enough to obtain the cooperation of national cultural administrations on operational projects. Moreover Unesco's sectors were highly defensive of their autonomy and shied away from sharing work with another Sector. In any event, none of my colleagues seemed concerned by the risk of a competitive convention seeing the light of day. Daifuku was fully occupied with operations all over the world. The draft Convention worked out over the years by Abdul Hak was well on its way. In their view, no outside initiative could disturb the normal sequence of events of a Committee of Governmental Experts in 1970 to finalize a text to be adopted by the following General Conference in 1972. With some malice, they considered that IUCN could submit any amendments to the Committee of Experts. They had no inkling of the powerful movement started by the Stockholm Conference. It is true that thirty years ago, before the Conference, the importance of the environment and of the international protection of nature were little known in most countries.

In the meantime, IUCN had not wasted its time. A competent forester, Gerardo Budowski, had taken the newly created post of Director-General. He had been my assistant for the preparation of the Biosphere Conference and had obtained leave from Unesco. An enterprising lawyer, Frank Nicholls, soon joined him as Deputy Director-General. A well-known ecologist, Raymond Dasmann, was appointed scientific adviser. Russell Train actively supported Coolidge to strengthen the financial situation. He also asked his Deputy for International Affairs, Lee Talbot, member of the Executive Board of the Organization, to develop the World Heritage Trust. By the end of 1970, a first draft was available with a distinct propensity towards natural zones of aesthetic or scientific interest, but including also historical and architectural areas.⁵ On this

basis, without further ado, Budowski invited Unesco and FAO to participate in a Task Force that IUCN wished to constitute as soon as possible in order to prepare a proposal for the Stockholm Conference.

The Secretariat of the Conference, installed in Geneva, was far from idle. Starting in July 1970, undoubtedly on a Swedish initiative, ECOSOC asked the Preparatory Committee to identify areas for immediate action by the Conference. Thus the question of the conventions was back. At its second session in February 1971, the Preparatory Committee decided that, in addition to the Report on the State of Human Environment ('level I') and the Action Plan of Approved Recommendations ('level II'), the Conference itself could adopt 'level III' measures on a 'small number of points', in particular by adopting some agreements or conventions. One of the most favoured subjects was the monitoring and control of marine pollution. Of course the conservation of nature was also put forward by the United States, Sweden and other delegations. Several tracks were considered, e.g.: humid zones, islands for science, trade with threatened species. However the major subject was obviously World Heritage. The representative of FAO and I discussed our direct interest for the entire field of conservation in which our organizations had worked for a long time jointly with IUCN. I made it clear that, if an agreement on World Heritage were to see the day, any confusion or overlapping with the Cultural Convention of Unesco had to be avoided. There was not much more I could say since I did not really know the content of this Convention and had no more precise instructions from the Director-General than 'to protect the interests of the Organization'. In order to go deeper into the subjects under 'level III', the Committee decided to establish four Intergovernmental Working Groups which should meet before its autumn session to examine all proposals sent by the Secretariat of the Conference. Concerning Conservation, the Committee recommended, apparently as a result of my intervention, that Unesco, in conjunction with IUCN and FAO, should prepare a draft agreement on the proposal called 'Foundation of World Heritage', which would be sent to the corresponding Working Group.

The time had clearly come for Unesco to speak up. On my return I spoke to Jack Fobes who had just been appointed Deputy Director-General. He quickly grasped the issue which had become urgent because the visit of Bukowski was imminent – the latter would announce that IUCN would call on its Task Force for World Heritage in late April.

Since both Unesco and FAO were invited, this amounted to the Task Force's assuming the role that the Preparatory Committee had earlier assigned to Unesco. Fobes – as an American – hated administrative compartmentalization. He quickly sensed the stakes involved and gathered the various services to define the position to be defended at IUCN meeting. It was decided that a member of the Cultural Heritage Division should accompany me to Morges to confirm our joint position. We would assert the possibility of widening the scope of our Convention to include nature and would propose the adoption at Stockholm of a statement in favour of this solution.

At Morges, on 29 April 1971, everyone was on the look-out while hiding their cards. The IUCN representatives stressed the need to provide the Convention with the necessary autonomy to avoid UN-type bureaucracy. They were willing to amend their draft – the only one available – to show that they could have it adopted at Stockholm.⁶ However Coolidge and Talbot stuck to their 'World Heritage Trust', while Budowski, Nicholls and Dasmann, for pragmatic or preferential reasons, and without saying so, confined themselves to nature. The Secretariat of the Conference was represented by Michel Dina Lobé (open-minded, while hoping to bring to Stockholm a universally acceptable text) and by Thérèse Gastaut whose main concern was the possible competition with a special convention of the General Fund for Environment which was to be set up. Thane Riney spoke for FAO, and also for himself. He did not want Unesco to become involved in nature, which was his field of interest in Rome. He also did not want Stockholm to put FAO in the shade. He favoured a private, non-governmental foundation, under the aegis of IUCN. As to the Unesco representatives, they found themselves in the quixotic position of having to firmly defend responsibility for the Convention, while lacking the faintest textual support because natural sites did not yet appear in it. The only positive result was that – for different reasons – everyone agreed on a single text for nature and culture. IUCN would revise its draft pointing out that the World Heritage should contain only a very limited number of natural zones and cultural sites.

Things were happening fast for Unesco. As soon as I had informed Fobes of the results of the Morges meeting, he brought the problem to the attention of the Director-General who had received an urgent request from Strong. The latter had pointed out that his aim was a governmental

agreement in Stockholm on a World Heritage Convention. He knew that IUCN was revising its draft and asked to see the Unesco draft in time for the meeting of the Working Group on Conservation.

The urgency of the situation decided René Maheu, at the end of May, to call a meeting of all Unesco services concerned, which turned out to be decisive. After Abdul Hak and Daifuku, Hoggart stressed the cultural competence and the action priority of Unesco. He had previously heard my position, supported by my Assistant Director-General Buzzati-Traverso, concerning a convention including nature. Maheu first asserted forcefully that the ongoing procedures for the adoption of a convention at the next Unesco General Conference could not be hampered. He considered that the preparation of another convention raised the question of the relations between the United Nations and the Specialized Agencies, but added that he and Secretary-General U Thant were in contact on this issue. He also insisted on the need to maintain good relations with IUCN. After having asked me to explain the field covered by the draft of IUCN and the methods of financing, he clearly expressed his preference for a single Convention covering nature. The same day he sent his reply to Strong in which he stressed this main point and explained the procedures at Unesco. He also promised a draft text for the near future.

The Culture Sector at last overcame its reluctance and called on consultants – among them Hanna Saba, former Legal Adviser of Unesco – to re-examine its draft and to add a reference to natural sites in the definition of the World Heritage to be protected. Nothing was changed in the definition of monuments, but the definition of sites was expanded to include ‘works of nature’ or joint works of nature and man. A long paragraph presented an exhaustive list. The drafting was complicated and somewhat confused. But at last the real problem was faced and the draft could be sent to Geneva.⁷ In July this same version with a very ‘cultural’ title was sent to Member States for comment, according to the Organization’s rules concerning conventions. At the same time, the very same text, together with IUCN text, was sent to Member States by the Secretariat of the Conference. The Member States, but not the authorities concerned, being practically the same in both cases, one can imagine the confusion in many countries where the Unesco text would be the child of the ‘culture’ interests, and IUCN of the ‘nature’ crowd.

Troubling times

The Secretariat of the Conference found itself in an awkward position because one of the two drafts escaped its control. The Unesco draft could be 'communicated', but not 'submitted' because it was already submitted through an independent intergovernmental procedure. Not everyone agreed. Sweden thought that no international decision concerning the environment should be taken before the Conference. Sweden had already adopted this attitude, fortunately unsuccessfully, before the Biosphere Conference, to stop the adoption of the recommendation initiating the MAB programme. The Secretariat found a solution by proposing in the agenda that both drafts should be 'presented', but only the IUCN draft should be 'examined'. In an introductory note it also tried to explain the situation and to obtain a compromise. It stated that the two drafts were complementary, Unesco's being more general and belonging to level II, whereas the IUCN draft was limited to about one hundred sites and thus belonged to level III. It would constitute a 'first phase', more or less experimental, a 'psychological preparation' of governments for the idea of a World Heritage, thus possibly opening the way for the Unesco Convention. These somewhat convoluted explanations could not hide the Secretariat's predicament.

The intergovernmental Working Group on Conservation met as foreseen in mid-September in New York. IUCN had put before it other proposals on the above subjects, but these received no immediate follow-up. Maurice Strong, in his opening speech, stated that the main task of the Group was to examine in detail the draft Convention on Protection of the World Heritage so that the Conference could adopt it. The Chairman of the Group was Eskandar Firouz, Iranian Deputy Minister of Natural Resources, a well-known personality in the field of conservation and the promoter of the important Ramsar Convention on Humid Zones, of which Unesco is the depository. As expected, the debate was confused. There was general support, even enthusiasm, for the speedy elaboration of a convention for the protection of nature in the world. No one seemed to doubt that this would be possible in the brief remaining time. But most delegates wondered why two different drafts dealt with monuments or history, fields with which they were unfamiliar and which did not seem relevant to the Conference.

The different Unesco sectors had finally understood the importance of what was going on and I found myself in New York accompanied by Daifuku for Culture, Makagiarsar for Social Sciences and Bandyopadhyay for Education. Frank Nicholls presented the IUCN draft. It was up to me to present the Unesco draft, as foreseen in the agenda. This was not a pleasant duty. The Chairman and some of the most influential delegates were close to IUCN. They appreciated its efforts and wanted to go ahead. But the main problem was that many participants felt that the late addition by Unesco of natural sites in a text with purely cultural aims might be a manipulation, not a serious engagement of the Organization in the field that concerned them, perhaps even a form of sabotage. My task was somewhat facilitated by the presence of several persons who knew our scientific activities. Influential delegates like José Candido Carvalho for Brazil, Jag Maini for Canada, Veit Koester for Denmark, Mario Pavan for Italy, Pérès Olindo for Kenya, Duncan Poore for the United Kingdom, Lee Talbot for the United States, and the Chairman Firouz had all been involved in MAB. Moreover I could stress the fact that the Unesco text specifically covered natural sites, and that it was officially submitted to Member States under a legal process that permitted amendment. This allowed me to assume a more aggressive stand than is normal for an international official in an intergovernmental meeting. Some surely thought that I was inspired by institutional chauvinism. I must admit that I did not feel like making concessions at a time when we encountered such difficulties getting MAB going. But mainly I was struck by the absurdity of the situation.

The IUCN text abandoned the term 'trust' in favour of 'foundation' to avoid translation problems. This foundation would be formed by a college of well-known personalities elected by affiliated States on the basis of previously established lists. This indirect procedure was not acceptable to the great majority of the Group who preferred a traditional intergovernmental committee. This remained the sole structural point of the Convention that was dealt with. Apart from that, the discussion centred entirely on the definition and the very concept of world cultural heritage. What was meant by 'natural'? Where did 'cultural' start? How to define 'universal value'? This discussion reflected clearly the embarrassment of the Group which recognized Unesco's responsibility to pursue its project and realized that another, almost identical one, was being imposed. The two texts contained some differences, especially as

regards governance. But their underlying theories were parallel. Both attempted to establish an equitable equilibrium between nature and culture. Both provided for a fund with voluntary contributions, although the Unesco text also spoke of obligatory ones. A merger seemed perfectly possible.

However most of the delegates wanted to avoid redundancy or getting into a field outside their mandate; they would have preferred a 'nature' convention for adoption at Stockholm, and a 'culture' convention under Unesco's responsibility according to well-established plans. This was the view of Japan, the United Kingdom, Kenya and even Sweden, a country which was keen on obtaining agreement. This would undoubtedly have been the simplest solution, but turning back at this stage seemed impossible. In answer to a question, Daifuku replied skilfully that, if the majority of representatives so desired, the matter could be decided by the intergovernmental negotiating meeting that Unesco would convene in April 1972. Some delegates (e.g. France, Indonesia, Italy, USSR) wished to leave the entire matter to Unesco. The representative of FAO, Philippe Mahler, agreed. The large US Delegation sent by Christian Herter was composed entirely of representatives of 'nature'. It was headed by Nathaniel Reed, Under-Secretary of the Interior responsible for fishing and wildlife. He was seconded by Lee Talbot who actively participated in the debates and Chester Brown of the National Park Service. Nonetheless, this delegation insisted on the title and the dual field of the 'World Heritage Trust'. To everyone's surprise, they presented a new draft, which proposed the creation of a 'register' of natural and historic sites by a board of personalities elected by the assembly of Member States. It was also specified that Antarctic regions could be included with the agreement of the Contracting Parties of the Antarctic Treaty. Curiously, no reference was made to IUCN.⁸ This late presentation did not help clarify matters, but it showed the importance attached to President Nixon's directives.

In these circumstances, and despite efforts made by some to come to a decision, it is not surprising that the Working Group could not get beyond general considerations. A drafting committee was asked to work out some conclusions. The Unesco draft was, as foreseen, abandoned. As to the IUCN draft, the Secretariat was asked to revise it with the authors so that a new text could be sent to Member States for comment, and possibly be considered by a second session of the Group before being sent to

Stockholm for adoption. Diplomatically the Working Group attempted to satisfy everyone by asking that the text should deal “mainly with natural zones, without forgetting cultural sites” and that this text should be sent to Unesco so that its special Committee of Experts foreseen for April could deal with it.

The Preparatory Committee itself held its third session in New York immediately after the Working Group. Its report was not yet available, but the Secretariat presented a summary which also wisely stressed that it would be inadvisable to separate activities possibly resulting from the draft from those undertaken by Unesco. This imbroglio compelled the Committee to discharge itself on the Secretariat and request it to report to its fourth session.

Culture or Nature – Same battle

The request of the Working Group for the revision of the text had to be followed up. The Secretariat asked Frank Nicholls to contact the Office of Legal Affairs of the United Nations. As early as the beginning of October, a new ‘Draft Convention for the Conservation of the World Heritage’ was available. A radical change of course resulted in a draft strictly oriented towards nature. It pointed out that the zones to be protected were mainly natural areas, but include areas changed by man.⁹ This was a far cry from monuments and archaeology. Nor was there any mention of a ‘trust’. In agreement with the Secretariat, and probably Sweden, IUCN was back on its own territory, which is what Budowski, Nicholls and Firouz had probably always wanted. The IUCN could still hope to be on time for the Conference.

The new text was distributed by the Secretariat at the end of October. It did not seem to elicit much comment from countries. It could hardly please the United States and their ‘World Heritage’ of which it had neither the title nor the cultural component. In governmental circles, the dynamics which had been behind IUCN, now focalized on the very heart of the Conference, rather than on its sidelines. The moment had come for Unesco to play its cards and to signal a constructive solution. But procedures followed their course and matters remained in abeyance. In early November, my colleague Alain Gille recalled, before the Executive Board of IUCN, both the content and the calendar of the Unesco draft,

but the Board maintained the idea of two separate conventions. The Secretariat of the Conference awaited the reactions of the countries.

In November 1971, by a lucky coincidence, Gérard Bolla was appointed Director of the Cultural Heritage Department. A trained lawyer, he had previously been Director of René Maheu's Cabinet and as such had a wide view of the problems of the future Conference. He immediately understood how important it was for Unesco to grab the opportunity of strengthening its role and availing itself of the forthcoming means for the protection of culture as well as of nature. First of all, the support of the United States had to be obtained, as they had been initiators and major actors. Bolla decided immediately to go to Washington to meet with the interested persons. An important meeting was organized at the State Department by Bill Salmon, deputy to Christian Herter, with those responsible: Talbot for nature, Robert Garvey for culture, representatives of the Department of the Interior and lawyers responsible for international conventions. Bolla used common sense arguments, pointing out that the procedure under way at Unesco could lead smoothly to a single convention, in line with their wishes, in November 1972, whereas it seemed unlikely that a consensus could be obtained on a different text in time to be signed in June by a Conference with a different initial aim. He also pointed out that Unesco had the experience and administrative means to manage a convention and funds. Emphasis was put on equal treatment of nature and culture, on the association of IUCN in the implementation of the future convention and finding a form of words stressing its importance at Stockholm. The participants were convinced by this analysis, and a reasonable solution seemed within reach.

After these discussions, René Maheu was sufficiently certain of American support to assume immediately a clear and firm stand with Maurice Strong. He recalled the ongoing procedures and the advantages of the Unesco draft on which negotiations remained open within the future Committee of Experts. He stressed that the place of natural sites could thus easily be enlarged. He pressed him to avoid any overlapping between two UN agencies. Finally he suggested that formal support be given at Stockholm for the standard-setting action of Unesco.

At this stage of the preparatory work, the task of the Secretariat became increasingly delicate. Much time was needed to pay heed to the different interests and points of view of countries and international

organizations – there were over one hundred carefully targeted recommendations. While developing countries had been relatively indifferent at the outset, they now became sceptical and demanding, considering that the environmental preoccupations of the industrialized countries were merely pretexts to hamper development. Many political, legal and other questions arose in the drafting of the ‘Stockholm Declaration’, which contained no less than 26 principles on which the Conference was to express a ‘common conviction’ if not full agreement. The future fund for the environment gave rise to hopes and bargaining. Finally, the Conference itself was endangered by the demand of the USSR and the Communist bloc to have East Germany invited.

Maurice Strong was on the frontline of this turmoil. Not that he wanted to create additional complications. Rather he was eager to be tactful in his relations with the remainder of the UN system, especially with Unesco and FAO. During a visit at Morges, he had assured IUCN of his full support in the preparation of the Conference. Adoption of conventions was not his priority. The other intergovernmental working groups had not achieved level III agreements. Their technical recommendations, such as marine pollution, were simply incorporated in the Action Plan. The Draft Convention on the World Heritage would thus be the only level III agreement at the Conference. Maheu’s position stood on solid ground.

Beginning of February, Dina Lobé came to see us in Paris to seal our agreement with Strong and determine what each of us had to do. The Preparatory Committee had to be informed that Unesco was entrusted with bringing about the adoption of a single convention. The same had to be done for the Special Governmental Committee of Experts which was being convened by Unesco. Essentially, the Secretariat, in agreement with the Americans, wanted to ensure that the Convention establish a satisfactory equilibrium between nature and culture, that its title incorporate the words ‘world heritage’, and that IUCN and ICOMOS be both consulted for their expert advice on a basis of equality. These conditions were acceptable to Unesco and in accordance with the wishes of Maheu.

The Preparatory Committee of the Conference met for its last session in New York in March, and was duly informed of the situation in a report by Strong which stressed the need to avoid overlapping of conventions,

expressed preference for a single text, and faithfully listed the points above. This gave me the happy occasion to make a short statement celebrating the common approach of the Conference Secretariat and Unesco. I don't recall any debate on this question. At the suggestion of the Secretariat, the Committee asked that the draft Convention be put before the Conference to recommend its signature by governments. One could not hope for more!

The Governmental Committee of Experts charged with negotiating the Convention met, under Unesco auspices, for three whole weeks in April. Gérard Bolla and his Department had the responsibility for this plenipotentiary meeting of sixty countries who submitted over 170 amendments to the draft Convention and the accompanying draft Recommendation. In his opening address, René Maheu stated that Unesco had never forgotten the protection of natural sites. He added that the provisions "did not perhaps bring out the two aspects of the question clearly enough and did not strike a completely satisfactory balance between them". He invited the Committee to correct this situation and stressed the link with the Stockholm Conference and the protection of the environment. Michel Dina Lobé, on behalf of the Secretariat of the Conference, submitted a detailed note outlining what had been agreed.

The Special Committee had before it a new Unesco text, based on comments received on the previous one.¹⁰ In an effort to strengthen 'nature', national parks were mentioned. But this new formulation was a mixed bag and lacked professionalism. It could not satisfy specialists, who, in fact, were few, but their agreement on the final text was essential. Another difficulty was that the United States presented, as they had done at New York, their own draft for a 'World Heritage Trust' dealing with natural zones and cultural sites, and asked that this draft be the basis of discussion.¹¹ This did not come as a surprise because Bolla had been informed at the Washington meeting, and the Permanent Delegate, Pierre Graham, had officially informed Maheu. But this caused more complications because the two texts had to be compared article by article. In fact, this comparison turned out to be positive because certain points could be studied more deeply.

From the start of the meeting it was clear that, despite agreement between Unesco and the Conference Secretariat on a single Convention, many delegations did not agree, e.g. Germany, Italy, Greece, Egypt,

Poland, even Sweden, and – privately – representatives of IUCN who felt deprived of their goods. It took a lot of energy and persuasive talent, especially by Michel Parent, the French Delegate, to convince and neutralize the recalcitrants. Eventually a Working Group was set up to define the ‘natural’ side of the Convention. Bolla asked me to join this small Group, where I found myself with Talbot, Nicholls, Dasmann, Brown and Dina Lobé. The resulting three paragraphs became part of the Convention. As in the American and IUCN drafts, it represents the ‘nature’ part of the dual text, and is in every respect the parallel of the ‘culture’ part.

The ‘culture-nature’ balance now seemed assured, but many other questions needed resolving, one of them being the title of the Convention. The American draft maintained its title ‘World Heritage Trust’. Unesco had curiously translated ‘trust’ by *union*. Earlier translations *fondation* and *fonds*, and Jack Fobes’s proposal of *tutelle*, illustrated an insurmountable gap. The American experts renounced with profound regrets. And when Russell Train, who headed the United States Delegation in Stockholm, made his speech, he could not refrain from using the term that he had initiated seven years earlier. He continued using it in a speech held in his name in the following September before the National Parks Congress at Jackson Hole near Yellowstone.

I was charged with the Secretariat of the Unesco Delegation at Stockholm, where the atmosphere was stuffy. The MAB programme was in danger of being scratched from the Recommendation, and a strong move was afoot to detach the International Oceanographic Commission from Unesco. It was thus possible that a last-minute hitch could come up for the Convention. Fortunately the planned scenario was played out. In accordance with Bolla, we published an information note. Based on it, and without intervention from us, the Conference adopted Recommendation 99, which stated that Unesco’s draft Convention constituted an important step for the protection of the environment at the international level and recommended its adoption by Unesco’s General Conference. At the latter, however, the discussion turned out to be difficult – not on the place of ‘nature’ (which was not even mentioned), but on the financing of the Fund for the Convention. The double nature of World Heritage was thus accepted.

History fiction

The preceding pages attempt to tell the story of why and how ‘nature’ and ‘culture’ have found equivalence (in principle) in the Convention. Thanks largely to Gérard Bolla, the implementation of this complex international instrument has resulted in close and harmonious cooperation between the Culture and Science Sectors at Unesco. Subsequently the Convention was transferred to the World Heritage Centre where it is run independently. The cohabitation of the two parts has not given rise to major difficulties, although the constant search for equivalence has not extinguished some rancour on the ‘nature’ side. However, things seem to be running satisfactorily and there is reason for rejoicing.

Nonetheless, did we choose the right path? Perhaps it is silly to put this question now. History can’t be remade. However, it seems normal that those who had been instrumental in this business should ask themselves what they could have done. Let them have a moment of ‘history fiction’. Personally I had no deciding role in developing the mechanisms of the Convention. But as the main promoter I feel personally responsible for adding ‘nature’ to what seemed essentially a cultural venture. It was I who warned my colleagues at an early stage, who constantly tried to overcome their hesitations, who took a firm stand at the various sessions of the Preparatory Committee and the Working Group on Conservation. Without this, it seems obvious that things would have turned out differently. At Unesco, the developments would have been as initially foreseen, and a cultural convention would have seen the light of day painlessly at the end of 1972. As regards the Conference, IUCN draft would have been carried by the dynamics of the time, and a convention would have been adopted in Stockholm after a revision by a second meeting of the Intergovernmental Working Group on Conservation, as foreseen for spring. This text would have borne the title ‘World Heritage’. Targeted on to natural zones, it might have made some reference to culture after a Unesco intervention. The time for negotiation was short but sufficient as shown by other conventions, such as Ramsar on Humid Zones, or the much more political and complex one on Biological Diversity. Administration would have been subject to an agreement between IUCN and the newly created United Nations Environment Programme.

This scenario would undoubtedly have presented some advantages. For most countries, administration would have been easier as it would involve a single administration. Each managing committee would have been composed of related disciplines, thus being more competent and authoritative, less subject to pressure and false moves. Administrative management would have been facilitated on both sides. The haunting problem of balance between the two parts would not have arisen. The protectors of culture would not have had the impression of having their hand forced. The protectors of nature, at first jealous of Unesco's big cultural campaigns, would have had the feeling that, at last, they had their hour at Stockholm and that IUCN had the means of action it had claimed for a long time. There is some irony in the fact that the latter, after having tried to introduce culture into its draft at the request of the Americans, was deprived of a convention on the protection of nature which it had itself initiated, though its consultative role in the drafting of the dual Convention must not be underestimated.

It is possible that the adoption of two parallel conventions would have drawn more funds. As to Unesco, a cultural convention would have had the same funding – obligatory and voluntary – of the signatory States. As to a “nature” convention, IUCN would have strengthened its operational role and could undoubtedly have obtained substantial voluntary contributions. Nonetheless, it should be remembered that on either side the contributions could only reach a modest, symbolic amount, sufficient for studies, missions or training, perhaps a catalyst, but totally insufficient for field operations. Even if the draft texts mentioned 2 per cent (rather than 1 per cent) of the signatories' contribution to the Unesco budget (which at the time was growing), this would still have been far below the sums spent today on the international protection of sites. The situation is rather different for cultural and natural sites. The former are often the object of Unesco campaigns and significant sums are sometimes obtained for specific operations, often determined by political considerations in favour of certain countries or cultures. For the latter, international aid is usually part of an universalist approach covering the whole globe. For this, there is now a powerful international financing agency, the Global Environment Facility (GEF), which helps with the conservation of ecosystems as an outgrowth of the Convention of Biological Diversity. Nothing comparable exists in the field of culture, an illustration of the significant reversal in favour of the environment during the last thirty years or so,

since the time, related above, when protectors of nature were jealous of the international means for monuments. This is all the more striking as, apart from GEF, powerful NGOs like WWF, Conservation International, the American Nature Conservancy and others mobilize today considerable public and private resources in this field.

At the philosophical level, let us point out that we live in a world of monotheism and the spirit of Enlightenment. Separate conventions could have avoided a certain incongruity that some found in the mingling of the works of man with the immanent creations of the material universe. A closer look however voids this ‘philosophical’ objection of meaning since the Convention, in fact, is entirely of ‘cultural’ nature. To be sure, the definition of the World Heritage may have been worded so as to give equal value to both sides, while its implementation may have re-enforced and perpetuated a distinction, even rivalry, between culture and nature, backed up by the interests of the two major supporting NGOs. However, it is cultural motivations that place national parks (essentially human creations), and spectacular or unusual sites on the List of ‘natural’ sites. These motivations may be of aesthetic, scientific or political origin. They may also be of mainly economic origin as seen in the increasing number of sites which serve as tourism ‘baits’, a major phenomenon of our time, completely ignored by the authors of the Convention. In any event, these are clearly anthropocentric motivations which have nothing to do with the objective, intrinsic value of nature. The latter is difficult to assess, but other conventions try to protect it for purely ethical reasons, such as the one of Washington on the commerce of species, of Bern on migratory species, of Bonn on wildlife, etc.

This fundamentally cultural dimension of the Convention is expressed by the very term and concept of ‘heritage’ and the reference in the text to ‘properties’. The idea that nature, as a whole or in parts, could continue to be considered as the property of man, be under his domination – an idea already tempered by Francis Bacon – is contrary to today’s principles of ecology which sees in this Promethean attitude the first cause of environmental degradation. It is therefore not surprising that a cultural dimension can be found in practically all natural sites on the List, such as national parks and spectacular sites. On the other hand, most cultural sites on the List have no natural component. But this is not true for all. Take the Mont Saint Michel which has been registered exclusively on cultural grounds. But the exceptional spiritual power of this Gothic rock also owes much to

its jewel-like setting in the midst of a changing natural background. In the same manner, Venice is registered exclusively on cultural grounds. But apart from the stubborn work over centuries by the Venetians, what would the magnificent city be without its unique maritime background? The concept of 'cultural landscapes' has recently been introduced, covering more or less 'humanized' natural sites. This has not been rejected by protectors of nature, e.g. in the Loire Valley. There are also sites recorded as both cultural and natural, like the Meteora in Greece and Tikal in Guatemala. Unfortunately they are a mere twenty among the seven hundred sites on the List, which, by the way, contains four times more cultural than natural sites. It would have been desirable that the Convention should also promote the protection of the environment of cultural sites, their natural environment. It is regrettable that the potential of the Convention to integrate culture and nature in our happy-go-lucky, mercantile civilization has not been properly exploited. This may be due to the fact that the two sides remained too isolated and even opposed when it came to the criteria of inscription on the List or perhaps because many countries and their representatives on the Heritage Committee do not fully appreciate the natural dimension of the common heritage.

The forceful symbolism of the very concept of a common heritage, and the courageous interventions of the Committee and its supporting NGOs have the immense merit of putting moral pressure on countries to take proper care of the sites that they had presented for inscription on the List. But the Convention never pretended to be the single universal instrument to protect all cultural and natural sites worth protecting. This was the reason why it was accompanied by a Recommendation to Member States (unfortunately forgotten) to protect everything on their territory that should be protected. The Convention, even if the List were to be expanded indefinitely (which would soon deprive it of meaning) is meant to concentrate on what is regarded as 'exceptional'. For 'nature' – which is a wide concept – other international conventions are needed, as mentioned earlier, to protect air, water, soil, sea, land and marine species, and the ecosystems that support them. As to nature, the Convention is only one of many international instruments, such as the one on Biological Diversity or the World Network of Biosphere Reserves. Exceptional natural sites could have been covered as well, or even better, by a separate convention. But the irreplaceable contribution of our Convention is that it opened the minds of men to the duality of our existence, and that

it introduced a new idea, namely that nature is not only environment, but also heritage.

This journey back to the origins of the Convention reinforces my feeling that, despite all the practical difficulties in its implementation, it was right to have a single Convention. No one could express this better than Maheu himself in his speech before the Stockholm Conference: “For long the subject of separate – even of rival – forms of study and devotion, nature and culture now appear to be simultaneously threatened with death if they remain separated, and along with them man himself, who can exist only when the two are combined.”¹² No better expression of this vital need can be found, of this long-awaited reconciliation of the two foundations of the human venture. The Convention on World Heritage thus appears as a first step – perhaps merely symbolic, but undisputed – in the direction of the future.

Notes

¹ The recommendation of the Committee on Natural Resources in 1965 reads as follows: “That there be established a Trust for the World Heritage that would be responsible to the (world) community for the stimulation of international co-operative efforts to identify, establish, develop and manage the world’s superb natural and scenic areas and historic sites for the present and future benefit of the entire world citizenry”.

² “I believe it to be particularly appropriate at this Congress on Nature and Man to urge the launching of an international cooperative effort that brings together in a unified programme a common concern for both man’s natural heritage and his cultural heritage. In so doing, we will be recognizing that our civilization, past and present, is inextricably linked to our physical environment”. (Russell Train, Amsterdam, 1967)

³ “It would be fitting by 1972 for the nations of the world to agree to the principle that there are certain areas of such unique worldwide value that they should be treated as part of the heritage of all mankind and accorded special recognition as a part of a World Heritage Trust.... I am directing the Secretary of the Interior, in coordination with the Council of Environmental Quality, and under the foreign policy guidance of the Secretary of State, to develop initiatives for presentation in an appropriate international forum to further the objective of a World Heritage Trust”. (Richard Nixon, Message on the environment, 8 February 1971)

⁴ “It is clear that the Conference itself will not be able to reach specific agreement on standards, legislation, and common action in the many technical and specialized fields where it is increasingly required. But, it should provide a basis and prepare a favourable climate for subsequent international and regional action in which many United Nations bodies and other international organizations will be involved”. (Document ECOSOC E/4667, 26 May 1969)

⁵ It is interesting to note the successive formulas of different draft definitions of world heritage proposed during the process leading to the final Convention. In this regard, the first text to consider seems to be the draft by IUCN in October 1970, which states:

“Under the World Heritage Trust, three categories of areas would be included:

(1) Natural areas of outstanding interest and value to mankind as a result of their unique geology, physiography, vegetation or wildlife. These will serve as centres for public visitation and for such outdoor recreation as will not impair the values that are being protected. In this category would be included areas that are now designated as major national parks and other areas suitable for such designation;

(2) Natural areas of outstanding scientific interest and value to mankind that represent unique or otherwise important examples of natural ecosystems that would serve as centres of scientific investigation (biosphere reserves). Public use of such areas would be restricted to activities that would not interfere with scientific values or studies. In this category would be areas now designated as strict nature reserves and other areas suitable for such designation.

(3) Areas of unique historical, anthropological, or architectural value to mankind. These would be made available to public visitation and tourism with provisions for strict care of the values concerned.”

⁶ Another draft was prepared by Frank Nicholls as a basis of discussion in March 1971 with the somewhat curious definitions seen here:

“For the purpose of this Convention,

‘Natural area’ shall denote a natural area of outstanding interest and value to all mankind as a result of its unique geology, physiography, vegetation or wildlife, including an area which is an important example of natural ecosystems of special interest to science, an area containing a natural landscape of great beauty, and an area of importance to wildlife conservation, education and recreation;

‘Cultural site’ means an area of great importance to the cultural heritage of every people, including monuments of architecture, art or history, whether religious or secular, archaeological sites, and groups of buildings which as a whole are of historical or artistic interest.”

⁷ The definition officially proposed by Unesco in June 1971 reads as follows:

“For the purposes of this recommendation, the following shall be considered as:

(a) monuments – architectural works or works of monumental sculpture of archaeological, historical or artistic interest;

(b) groups of buildings – groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape are of such historical or artistic interest as to warrant their protection and enhancement; and

(c) ‘sites’ – topographical areas, whether the work of nature or the combined work of nature and man, whose homogeneous character and interest, from the historical, artistic, aesthetic, scientific, ecological, ethnographical, literary, legendary or other point of view, warrant their protection and enhancement.”

“More especially, areas where there survive traces of human industry or civilization shall constitute ‘archaeological sites on land or under water’; areas in which there are or may be discovered, natural items of particular interest from the scientific standpoint, as regards geology, physiography, vegetation and fauna, for instance, shall constitute ‘scientific sites’; areas of country of special interest by reason of their beauty, or from the point of view of nature conservation or of education and recreation shall constitute ‘natural sites’.” (SHC/MD/17)

⁸ The definition included in the proposal by the United States in September 1971 borrows from IUCN definition for natural sites but it gives the following definition for cultural sites:

“Historic or cultural site means a site which reflects a significant event or stage in the development of world civilization and includes any site of major anthropological, archaeological, architectural, and historic importance to the cultural heritage of mankind”.

⁹ The revised text by IUCN, in agreement with the Secretariat of the Conference, proposed a simple definition after the meeting of the intergovernmental Working Group:

“The World Heritage shall consist of those areas of outstanding interest and value to mankind which are recognized as such in accordance with the provisions of this Article.

Such areas shall be principally natural areas, but may include areas which have been changed by man.”

¹⁰ The revised text by Unesco, which only includes corrections that try to reinforce the references to nature (in italics), reads as follows:

“For the purposes of this recommendation, the following shall be considered as:

(a) monuments – architectural works or works of monumental sculpture, or *combinations of natural features*, that are of public interest from the point of view of history or art, or *of nature conservation*;

(b) groups of buildings – groups of separate or connected buildings which, because of their architecture, their homogeneity, or their place in the landscape, are of public interest from the point of view of history or art;

(c) sites – topographical areas, whether the work of nature or the combined work of nature and of man, which it is in the public interest to protect, for historical, artistic, aesthetic, scientific, ecological, ethnographical, literary, legendary or other reasons.”

“More especially, areas where traces of earlier civilizations survive shall constitute ‘archaeological sites on land or under water’; areas in which there are, or may be discovered, natural items of particular interest from the scientific standpoint, as regards geology, physiography, vegetation and fauna, for instance, shall constitute ‘scientific sites’; *remote or extensive* areas of country recreation, *such as national parks and nature reserves, in whole or in part, intended among other things for research concerning the creation, or the restoration of the landscape and the conservation of nature*, shall constitute natural sites.” (Document SHC/MD/18, February 1972)

¹¹ The text submitted by the United States to the Secretariat of Unesco in March 1972, suggests the following definition, which has the merit of simplicity:

“For the purposes of this Convention, the following shall be considered as:

(a) Natural areas – land areas, including internal waters, of outstanding universal value, including unique or otherwise significant geology, physiography, flora or fauna, important examples of natural ecosystems of special interest to science, natural landscapes or seascapes of great beauty, and areas of importance to wildlife conservation, education and recreation;

(b) Cultural sites – sites which are of outstanding universal value because they reflect a significant event or stage in the development of world civilization, including sites of major anthropological, archaeological, architectural, or historic importance.” (Document SC/MD/18 Add.1).

¹² The final definitions stated in the Convention are:

“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 an 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 or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view.”

“For the purposes 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 threatened species of animals and plants of outstanding universal value from the point of view of science or conservation;

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



© Claude Béraisse

November 2002.
The two authors at the 'Saline royale d'Arc et Semans',
a site of the World Heritage, on the occasion of the thirtieth
anniversary of the Convention.



Russell Train, the first to have proposed the concept of a “World Heritage Trust”. Here, he addresses the recent celebration, in Venice, of the thirtieth anniversary of the Convention.



First session of the Preparatory Committee of the Stockholm Conference on Environment (New York, March 1970). From right to left: U Thant, Secretary-General of the United Nations, Philippe de Seynes, Under Secretary-General, Guy Gresford, Director for Science and Technology, and Michel Batisse. Behind him, Lisbeth Schaudinn, then at the Sector of Unesco dealing with Social Science.



Maurice Strong, Canadian diplomat and businessman.
Secretary-General of the Stockholm Conference
on environment of 1972. He had the same function at the Rio
Conference of 1992 on environment and development.



Lee Talbot, from California, played an important role in the preservation of the draft Convention of the IUCN, of which he became later Secretary-General.



Michel Parent one of the great architects
of the Convention and defender of the marriage
between nature and culture.



© Unesco/Michel Claude

Rafik Saïd, representative of Tunisia,
who presided with great skill over the Committee of Experts
convened at Unesco during three weeks in April 1972
to prepare the text of the Convention.



© Unesco/Dominique Roger

Jean Thomas, former Deputy-Director of Unesco, who presided over the Commission of the General Conference of 1972 when the Convention was adopted after a long and difficult negotiation.



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In 1974, René Maheu receives from Mrs Mileva, Ambassador of Bulgaria, the instruments of adhesion to the Convention of her Government.



© Unesco/Michel Claude

In 1974, Jack Fobes, Deputy Director-General, receive from the Australian Ambassador, the ratification of the Convention by his country.



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Amadou Mahtar M’Bow, Director-General of Unesco,
opening the General Assembly of States parties to the Convention
which meets during each session of the General Conference of Unesco
to elect the States to be members of the World Heritage Committee.
On either side of him, Gérard Bolla and Michel Batisse.



© Michel Batisse

Plaque remembering the inscription of the Galapagos (Equator) as a natural site. These plaques reproduce the official logo of the Convention.



© Michel Battisse

Plaque commemorating the inscription of the city of Quito as a cultural property, at the same time as the inscription of the Galapagos Islands as a natural site, at the second session of the World Heritage Committee in 1978.



© National Trust for Historic Preservation

David Hales, Under Secretary of the Department of the Interior, who presided over the Convention at its second session at Washington in September 1978, during which the first twelve properties were inscribed in the List.



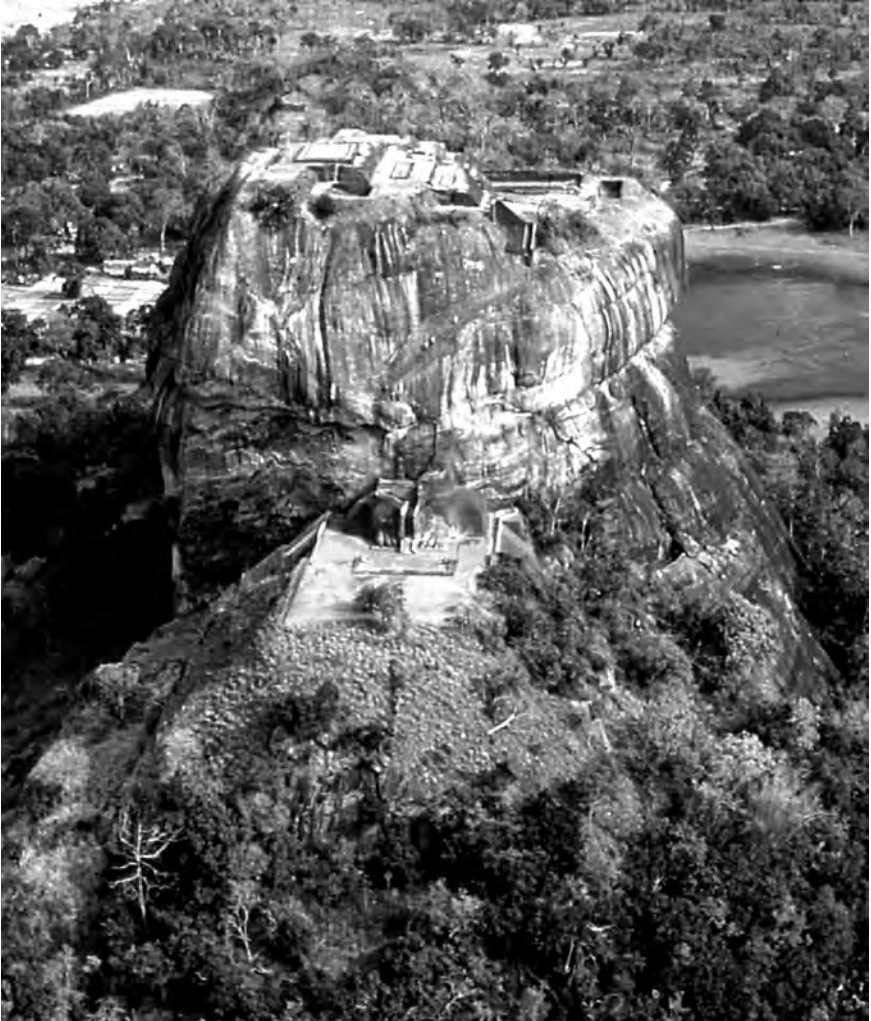
© Michel Batisse

The Maya Temples of Tikal,
in the National Park of the same name in Guatemala,
are remarkable example of a “mixed” property
inscribed on the List, for both their cultural
and their natural value.



© Unesco

The Meteors, in Greece, a group of monasteries dated from the 14th Century, built on almost inaccessible rocks – here the Holy Trinity monastery – which constitutes an extraordinary landscape. The site was inscribed as a mixed property, both cultural and natural.



© Unesco/A. Vorontzoff

The spectacular site of Sigiriya (Sri Lanka) is composed of an enormous rock mountain of red gneiss, some 150 metres in height. At the top, a king of the fifth century had a great fortress palace built, defended at the base by a giant lion made of stone. In spite of being similar to the Meteors (Greece), this site was inscribed only as a cultural property.



© Michel Batisse

Third session of the World Heritage Committee (Cairo and Louksor, October 1979). Visit of the Philae Temple by the World Heritage Committee. This site was reinstalled during the Campaign safeguarding the Nubian Monuments.



© Gérard Bolla

Lalibela: the magnificent monolithic church of St George excavated during the 12th Century in the rock of the high parts of Ethiopia. Unesco was working there before the 1972 Convention was adopted and the whole site be inscribed on the World Heritage List.



© Photo Unesco

Fourth session of the World Heritage Committee
at the Hotel de Sully in Paris in September 1980.
The session was opened by the exiting Chairman, Shehata Adam.
To his right, Michel Batisse, Gérard Bolla,
Saïd Naqvi and Bernd von Droste,
representing Unesco.



© Gérard Bolla

Azzeddine Beshouch, former Director of Antiquities of Tunisia and former President of the World Heritage Committee, with Gérard Bolla in front of the Bayon in Angkor.



© Gérard Bolla

Sanaa, in Yemen, an outstanding example of the inscription of a city with an exceptional architecture in complete contrast with the natural site one.



© Unesco/Pélagat

The Great Canyon, in the United States, a spectacular construction of nature, contrasts spectacularly with such cultural sites as Sanaa.



© Gérard Bolla

In the prestigious cultural site of Angkor (Cambodia), several of the many Khmers temples are strangled by the power of nature, an illustration of the frailness of human works.

II

Episodes of a painstaking gestation

GÉRARD BOLLA

The circumstances which gave birth to the concept of 'world cultural and natural heritage' and its institutionalization by Unesco in an inter-governmental agreement... I lived through them in 1971 and 1972, first as Director of the Cabinet of the Director-General, René Maheu, and then in the framework of the Culture and Social Sciences Sector, as Director of a newly created Department in charge, at Unesco's Secretariat, of all activities relating to the preservation of cultural heritage. On 15 November 1971, that is one year before the General Conference decided to adopt the Convention which associates, on an international level, the protection of cultural and natural property, I assumed my functions in the Cultural Heritage Department. Before that date, however, I was kept informed on what was taking place, by reading the reports which Michel Batisse sent to the Director-General. In view of my function, these reports landed first on my desk. More than once I had the opportunity of discussing with René Maheu the contents of these reports or of attending meetings concerning the initiatives taken outside of Unesco in the field of environment.

The Director-General's position

Thus I knew well the ups-and-downs of the action taken by Maurice Strong, whose dynamic attitude and energy had already been mentioned to me by Michel Batisse. My conversations with the Director-General led me to believe that he was more preoccupied about initiatives being taken towards the creation of a new international institution (in vogue at that time!) than about the problem of a rival convention for the protection of the 'world heritage' of natural sites and of certain cultural sites. The creation, within the framework of the United Nations, of a new institution for the protection of environment would have clearly undermined areas where Unesco had acquired an obvious competence, with a strong risk of having programmes such as oceanography, hydrology, ecology and

environment taken over by the new institution... whereas Unesco had just obtained a great success with the beginning of the implementation of the 'Man and Biosphere' (MAB) programme.

As regards the 'draft Convention for the protection of monuments, of collectivities and of sites of universal value' (the Unesco project), René Maheu had confidence in Unesco's strength in this area, all the more so since he had been told that the draft had been modified so as to include natural properties. But he was much less confident as regards the political and financial capacities of the Organization to affront the waves of enthusiasm coming from governments and some public opinions in favour of a vigorous international action for the protection of environment – a subject which was also definitely in vogue!

As a matter of fact, the Unesco draft fell short of responding to the desiderata of those who wanted natural properties to be on an equal footing in the instrument under preparation. Despite the belated modification made by the Secretariat to the draft submitted to Member States, some of them, in particular the United States of America and Australia, wanted the Convention to define clearly all natural properties to be protected and to grant them, in precise terms, a protection similar to that foreseen for cultural properties. One has to admit, moreover, that the Unesco draft had strong cultural leanings, if only because of the length of the definition given to these cultural properties.

My own thoughts on the matter

Having been in charge of Personnel over a period of many years and then of the Cabinet of the Director-General, I was fortunately able to have a general and certainly a more global view of the whole of Unesco's activities than that of the various specialists, often exaggeratedly attached to 'their' projects and apprehensive of being 'invaded' by other programmes. It would not have come to my mind that the Organization's conservation activities be necessarily limited to monuments, inasmuch as Unesco had been among the first in the world to follow up, on the international level, the objectives of nature preservation, committing itself from the very beginning to international action in respect of environmental protection.

For me it was also clear that the fascination for environmental protection in the nineteen seventies would facilitate the task of a 'condottiere'

such as Maurice Strong. I therefore asked myself three questions to which the obvious reply dictated the path to follow:

- How could one envisage a convention of universal vocation, the objective of which (essential in my view) was to provide poor countries with the funds necessary for the protection of their cultural properties, without ensuring the active participation of the industrialized countries – often the richest in natural heritage, like the United States – countries which, in the past, and in particular for Abu Simbel, had supplied the most important financial contributions?

- Could one persist in wanting the adoption of a Unesco instrument which covered only a part of its area of competence – that is, culture – whereas, as chance would have it, another area of its competence – that is, environment – was actually mobilizing public opinion as well as governments of the whole world and when at the same time the forthcoming Stockholm Conference on Environment was ready to adopt an instrument covering both natural and cultural sites?

- Was there not a risk that the Stockholm instrument might seriously encroach upon the territory covered by the Unesco Convention on Cultural Properties in particular as regard the ‘traditional areas’?

In short, like Jack Fobes, Deputy Director-General, who in this case as well as in others, sought an interdisciplinary solution, I myself was delighted about the possibility of an intersectoral collaboration, and I actively endeavoured to bring it about.

The thoughts of other Secretariat members concerned with Culture

One must attempt to understand the reaction of specialists of the former Museums and Monuments Division of the Secretariat. Since 1967 they had worked hard, throughout all the numerous stages of the long procedure for the adoption of conventions. To use a popular expression, they saw the arrival of predators desirous of ‘sharing the cake’, a cake which in the Nubian Campaign had turned out to be an important one. Hiroshi Daifuku, knowing the American administration quite well, was not opposed to an enlargement of the Unesco draft. Selim Abdul Hak, a brilliant archaeologist, former Director of Antiquities in Syria, had some difficulty in seeing his project for archaeologists deal with animal reserves of zebras and giraffes, even though I pointed out to him that zoological parks could be considered as museums! I have to say however

that both of them followed me, with loyalty, during the 180-degree turnabout we were preparing to persuade the Committee of Governmental Experts to take, and they gave me their fullest assistance.

As for the Assistant Director-General, administratively responsible for this part of the programme, I can say that Richard Hoggart never once created the slightest difficulty for me in the enterprise I was going to undertake. The fact is that the years I had spent alongside René Maheu allowed me to foresee his reactions and I knew I could benefit from his full support.

A mission to Washington

Convinced that the Unesco draft might run the strong risk of not achieving a universally acceptable agreement and that the key to the problem was to be found in Washington, I took the initiative, in November 1971, of requesting, through the Permanent Delegation, that I be enabled to participate in consultations with all interested parties in the United States. A positive reply was given to me in record time. It seemed that the US Government itself hoped to get out of the deadlock as soon as possible.

In Washington I was immediately received at the State Department by Carl F. Salans, Deputy Legal Adviser, who was to play an eminent role in the restructuring of the Unesco draft. I pointed out to Mr Salans the procedural and timing advantages that the US would obtain by following the path laid out by Unesco. In fact a convention could already be adopted by the General Conference in November 1972. The Stockholm Conference on the other hand was not entitled to adopt an international convention; this could not materialize except through an intergovernmental diplomatic conference (in actual fact it was envisaged to transform the Stockholm Conference into a meeting of plenipotentiaries entitled to sign a convention). Carl F. Salans reiterated to me the objections of his Government and of powerful national and international organizations concerned with the defence of nature and the environment. These circles requested that the international protection of natural properties be treated on a footing of equality with cultural properties, which for them did not seem to be the case in the Unesco draft. To be acceptable this draft would have to undergo a substantial reformulation.

I pointed out that, in my opinion, such a reformulation was not impossible within the Committee of Governmental Experts, foreseen for

the month of April 1972, and that I was personally ready to facilitate an overhauling of the text. This official contact was followed by less formal talks, on Sunday, at the home of Carl Salans which allowed us to establish relations of mutual confidence.

After these preliminary discussions an important meeting was organized by the State Department, on the initiative of Bill Salmon, Deputy to Christian Herter, responsible for questions relative to environment. Participants in the meeting were: Carl Salans for the Legal Adviser, Lee Talbot for environment, Robert Garvey, Secretary-General of the Consultative Commission for Monuments, Chester Brown, responsible for the National Parks Service at the Department of Interior, a representative of the National Commission for Unesco, and several other federal officials. They asked me a number of questions concerning the Unesco draft, the procedure for adopting conventions at Unesco, the level of interest that the Organization was giving to natural sites... In this respect, I fortunately knew, rather well, the programmes of the Division headed by Michel Batisse whose projects at times intrigued René Maheu who often questioned me about them (“And what’s he gone and invented now?”). I also knew the ties that Batisse had with IUCN. This first meeting in Washington ended without any immediate conclusion, except that I would be advised later as regards the position of the United States.

As a matter of fact, the day after, I was given an appointment in the office of the Legal Adviser of the State Department, to be followed by a lunch in the Department’s ‘VIP’ quarters. The talks and the lunch had only one objective, that of giving me formal notice that the US had confidence in Unesco as regards the drafting of a convention on the protection of the world cultural and natural heritage (the Americans were particularly attached to the wording ‘World Heritage’). I learned later that the final decision had been taken at the White House!

René Maheu replies to Maurice Strong

The commitment made in Washington in favour of a restructuring of the Unesco draft, so that the protection of natural sites would be made clearer, was confirmed in a letter from René Maheu, of 23 December 1971, in reply to one from Maurice Strong who, in his capacity of ‘Secretary-General of the UN Conference on Human Environment’ requested Unesco’s comments on two draft conventions he intended to submit to the Stockholm Conference: one on ‘world heritage’ and the

other on the preservation of certain islands for science – two texts prepared by the IUCN Secretariat, in consultation with the Stockholm Conference Secretariat.

The tone of René Maheu's letter – the draft of which I had prepared in agreement with Michel Batisse (at the time the official responsible for all relations with IUCN and Maurice Strong's Secretariat, functions which were to be rendered all the more official by his being designated 'Secretary-General of the Unesco delegation to the Stockholm Conference') – was already firm at the start but became even more so after having been approved by the Director-General.

The letter which 'for the moment' was limited to comments relating to the IUCN draft on 'world heritage', first of all recalled that this text was closely tied to the two drafts (convention and recommendation) which had already been in preparation for more than five years at Unesco, and that this had been explained to the inter-agency working group which had met in New York in September 1971, as well as the fact that the two Unesco drafts were to be examined by a Committee of Governmental Experts from 4 to 22 April 1972.

The position of Unesco's Director-General was then explained as follows:

« After examining the draft convention on World Heritage, I have concluded that its text deals with a domain that is entirely within the field of application of the two draft instruments already prepared by Unesco. In other words, the field of application of these two instruments already covers the intended field of application of the draft now put forward by IUCN...

If it is felt that the Unesco instruments, in their present form, attach too much importance to the monumental aspect of cultural heritage, there is nothing to stop their being adapted to put more stress on natural zones. Moreover I believe there is nothing to stop the term "world heritage" from being included in the title of the Unesco instruments.

*As regards the Fund, there is at present a difference between the drafts of Unesco and that of IUCN. The first call for obligatory **and** voluntary contributions, the latter only for voluntary ones. This is a problem that should be examined by the Committee of Governmental Experts which will deal with all questions next April in Paris.*

I am firmly convinced that intergovernmental organizations, in particular those of the UN system, must avoid at all cost the duplication

and overlapping for which they are often criticized by the Member States and the legislative bodies. You will therefore understand why I insist firmly that you do your utmost to see to it that experts or delegates of Member States do not find themselves facing two rival proposals on the same question.

Obviously the draft instruments of Unesco, which represent the outcome of long and serious preparation, might be changed by the next meeting of the Unesco Committee of Governmental Experts, in order to lay greater stress on natural zones. In introducing this shift of emphasis, the Committee of Experts would of course take account of all recommendations which may be made by your Working Group on Conservation which is to meet in New York next March.

I understand your concern, especially in the light of the recommendation of the last meeting of your Working Group on Conservation, that positive measures should be taken at the forthcoming Stockholm Conference. For my part I would hope to obtain, from the Stockholm Conference, clear-cut support for the standard-setting activities undertaken by Unesco. In any event, I would be happy if we could find an opportunity soon for discussing different possibilities of action by the Stockholm Conference in this field.”

Nothing could be plainer: Diplomatic terms notwithstanding, the Director-General of Unesco was saying that the preservation of cultural and natural heritage was the affair of **his** Organization, which was willing to improve its draft in the sense of a better protection of natural sites. As for the Stockholm Conference, its support in favour of Unesco’s action would be welcome – but that was all...

The new position of the United States, following my visit to Washington, was probably rapidly conveyed to our UN colleagues in Geneva and New York as well as to the interested organizations, especially IUCN, so much so that the encounter we had, beginning February 1972, with a representative of Maurice Strong’s Secretariat was one of extreme courtesy and of great simplicity. Michel Dina Lobé merely informed us that as desired by Unesco, the Stockholm Conference would not be seized of a draft convention on world heritage and would limit itself to declaring its support for Unesco’s undertaking. We even came to an agreement on the text of the note which Maurice Strong’s Secretariat would submit to the Conference. The text of this note, distributed later on, did not correspond exactly to that which had been

agreed on in Paris; and therefore to avoid any misunderstanding I requested Michel Batisse, who was already in Stockholm, to be “on his guard”.

In fact, the Conference, in June 1972, noted in its resolution 99 that the Unesco draft for ‘the protection of world natural and cultural heritage constituted an important step towards the protection of the environment on an international level’ and the Conference recommended its adoption by Unesco’s General Conference.

The April 1972 Committee of Governmental Experts

The Unesco Secretariat had therefore the task of following up the commitments made in Washington and confirmed by the Director-General, and in particular to obtain a real restructuring of the Unesco draft to be adopted by a Committee composed in its majority of experts coming from institutions associated with the defence and development of culture. Despite several meetings I had had with permanent delegates, suggesting that experts on natural heritage be also included in their delegations, we found ourselves faced with a largely cultural committee, which did not immediately grasp the reasons for a marriage with nature and the advantages which might flow from it. Amongst the most ‘culturally-minded’ experts, I have no hesitations about mentioning a friend and former colleague, Piero Gazzola, who represented Italy and who headed ICOMOS; the Emir Maurice Shehab, responsible for Antiquities in Lebanon; Ekpo Eyo, Director of Antiquities of Nigeria... and many other archaeologists, art historians, etc. We also had before us, from countries where nature constitutes an important part of their territory and where federal administrations in charge of culture and nature were already integrated (in any case as far as monuments were concerned): Carl Salans at the head of an important American delegation and Peter Bennet, representing Canada. It was noted from the beginning of the general discussion that the experts were profoundly divided on the idea of a marriage between cultural and natural properties. Some ‘culturally-minded’ experts even went so far as to think that partisans of nature wanted to get a ‘piece of the cake’ that the Fund, created by the Convention, would represent in the future.

In opening the meeting, René Maheu pointed out that the text submitted by the Secretariat ‘did not perhaps clearly emphasize the two sides of the diptych (cultural heritage and natural heritage) and did not

ensure a satisfactory balance between them'. But it required all the eloquence of those who above all wanted the speedy adoption of an efficient international instrument, to convince participants of the necessity of an agreement associating culture and nature, between countries with important financial resources (and often rich in natural sites) on the one hand, and on the other hand countries rich in artistic and cultural treasures but frequently unable to provide for the preservation of these riches – their priorities going necessarily to the development of agriculture and educational or health systems. Michel Parent, of the French Delegation, whose experience in Burgundy had convinced him of the usefulness of such an association, played an important role in convincing numerous participants who were reticent.

A long general discussion allowed partisans and adversaries of a marriage between culture and nature to confront one another, at times vigorously; but it became apparent that those who were against the better integration of natural properties were losing ground, and that the idea of a profound overhaul of Unesco's draft was becoming progressively acceptable. The discussion continued in group meetings and in the corridors until such time as, the idea having made its way, the Committee decided to entrust to a small group of delegates representing both tendencies the task of proposing a 'new structure' for the Convention. This structure would have to respond to the desire to see both kinds of properties treated on a basis of equality. In the last resort, this was not too complicated: two definitions of similar length, at the beginning of the Convention, would serve as the keystone for the whole of the edifice, certain changes being introduced into the provisions dealing with the mechanisms of protection. The definition of natural properties had, in particular, to be well substantiated.

The drafting of the two definitions was thus entrusted to two sub-groups, each of which proposed definitions in three subparagraphs. Equal treatment was consequently respected from the very start. The secretariat of the subgroup in charge of drafting the definition of natural properties was entrusted to Michel Batisse, the defender, at Unesco, of nature and of IUCN! One might consider this organizational detail regarding the Secretariat as insignificant: but such was not the case in an organization so highly compartmentalized as the Unesco Secretariat. It was at this moment, in the eyes of the Committee participants as well as in the eyes of members of the Secretariat, that the draft Convention had really

become bicephalous and had embarked upon the process of changing its... nature!

The 128 draft amendments dealt in their great majority with provisions relating to cultural properties; but as regards the mechanisms of the Convention, they could, without great difficulty, apply to the two categories of properties. It even so happened that 'natural' concepts allowed the enrichment of the cultural terminology, in the same way moreover as the multilingual drafting of the text at times allowed participants to better define and clarify English or French concepts (English and French being the working languages of the Secretariat).

However, we had not come to the end of our troubles concerning the adoption of the new structure and the attainment of consensus on the marriage. A counter-project, submitted by the United States, proposed for the Convention a Fund supplied by voluntary contributions (along the lines of the IUCN draft). The controversy was about the nature of contributions: compulsory, as desired by a great majority of developing countries, most ably led in this struggle by the Delegate of Algeria, Ahmed Derradji; or voluntary, as required by the majority of industrialized countries, in particular the United States and the Federal Republic of Germany, whose governments and parliaments had become reticent in view of the multiplication of obligations subscribed to in multilateral instruments. This controversy was to last until the day the Convention was adopted by the General Conference...six months later!

The United States had presented a real counter-project: but Jack Fobes, on behalf of the Director-General, insisted that priority be given to the draft submitted to the Member States by Unesco. The Committee therefore decided to use this text as the basis of discussion. This constrained the American Delegation to submit each and every provision of its counter-project as amendments to the basic text (the Unesco draft), with an obvious advantage, since these American amendments, considered as being the farthest away from the basic text, were examined in priority, in conformity with the rules of procedure adopted by the Committee, which followed the usual UN procedure. Carl Salans, a fine connoisseur of UN procedures, obviously played an important role in these procedural manoeuvres, with the assistance, it is true, of a sympathetic Chairman, Rafik Saïd, of the Tunisian Delegation.

As for the proposed amendments which did not deal with definitions of properties, they were, in their majority, passed on to a Drafting

Committee, particularly representative and efficient, chaired by Michel Parent. Treatment on an equal footing between the two kind of properties, represented respectively by two NGOs – IUCN and ICOMOS – was strictly respected up to the end of the debates; and certain constraints were rightly imposed on the properties to be protected under the Convention. Thus both would have to have ‘**an exceptional universal value**’ and protected zones would have to be well defined. The report of the Committee of Experts – constituting on certain points a real *exposé des motifs* which can be used as a basis for jurisprudence – specifies moreover that ‘There are no exceptions to the principle of applicability to both types of heritage, except where it is for practical reasons impossible to apply a provision either to the cultural heritage, or to the natural heritage’.

The great controversy

The central controversy, as we have seen, opposed the industrialized countries, disposing of the most important financial resources and often also rich in natural sites, like the United States, to the developing countries which often possess on their territory cultural and natural properties in abundance, but do not always have the technical and financial means to ensure their conservation. The developing countries suspected the industrialized countries of seeking, by a system of voluntary contributions earmarked for such and such a project, to obtain the choice and the control of operations. Since it is a matter concerning cultural properties, often pillaged in the past and which were the product of their ancestors’ efforts they had – and still do have – a very strong sensitivity for this heritage. They therefore preferred that an organization like Unesco maintain, with them, the control of operations; and they thought that, in this way, they could avoid contributions and projects adopted for purely political reasons. As regards natural properties they also feared that, in losing control of operations, an international protection might constitute a handicap for their development and, in the last analysis, might become a means for rich countries to monopolize, for their own selfish interests, the protection of sites for leisure and tourism.

All these reactions are well known; but they were constantly and strongly revealed on the occasion of the preparation of the new agreement on protection of world heritage which often is directed at particularly sensitive cultural properties, given the history of civilizations and religions. On a proposal by Ibrahim Shihara, an Egyptian jurist, member

of the Drafting Committee, the following passage is inscribed in the Convention text: 'Whilst fully respecting the sovereignty of the States on whose territory the cultural and natural heritage...is situated, and without prejudice to property rights provided by national legislation, the States Parties to this Convention recognize that these properties constitute a world heritage for whose protection it is the duty of the international community as a whole to cooperate.' This is one of the fundamental provisions of the Convention and one wonders whether today – when, so far from disappearing – sensibilities and nationalisms have been exacerbated, it would still be possible to go so far in the affirmation that the world heritage is the responsibility of the international community!

It should be remembered that the Committee was composed of governmental experts representing sixty Member States, each having a voting right, a right which they frequently used, contrary to what was generally the case in expert meetings convened by Unesco. Also present were non-Member States, among which the Holy See (which possesses an indisputable wealth of cultural properties), representatives from intergovernmental organizations (including the Secretariat of the UN Conference on Environment and the 'Rome Centre'), and finally, five international non-governmental organizations (in particular IUCN and ICOMOS).

The report submitted to the General Conference by the Committee of Experts deserves attention on two particular points. It indicates that the procedure for establishment of the List of 'World Heritage in Danger' was the subject of long discussions. It was necessary to ascertain whether a property could be placed on this List without a request from the State concerned. The reply was that the List could contain only those properties appearing on the World Heritage List for the safeguarding of which major operations were required and for which assistance had been requested. This very restrictive provision is obviously the brainchild of experts who are deeply attached to the principle of the sovereignty of States. Moreover, the Committee insisted on pointing out that the meaning of the words 'of exceptional universal value' had not been precisely defined (the IUCN representatives had proposed a total of some 100 cultural or natural properties).

The status of the non-governmental organizations concerned – IUCN and ICOMOS – also brought about a long discussion. Certain participants wanted to entrust them with the administration of the Convention and the

management of projects, as foreseen by the text prepared for the Stockholm Conference. The United States was of this opinion. On the other hand several experts, in particular those from developing countries, feared that such a solution would result in abandoning control over the implementation of the instrument to organizations non-existing in their own countries, and in which the influence of industrial countries was preponderant. The Unesco Secretariat, which felt it had not done a bad job as regards not only the implementation of international instruments but also with the management of conservation projects, especially after the success of an operation as important as the safeguarding of Abu Simbel, did not see why the administration of the Convention on World Heritage – which promised to be a leading Unesco project – should be abandoned. The great majority of developing countries had confidence in Unesco and decided to entrust it with all the administration involved. As a compromise, provisions were included in the project, giving to IUCN and ICOMOS as well as to the ‘Rome Centre’, a seat on the Heritage Committee, without voting right, and in general a consultative role for the establishment of programmes and the carrying out of projects financed by the Fund.

The big controversy was over the nature of contributions: the Unesco project foresaw a system of obligatory **and** voluntary contributions. As regards the obligation for States to pay a contribution calculated according to a scale fixed by the Convention and the General Assembly of the States Parties, there were no fewer than five votes, at times by roll-call. The experts were divided, more or less half and half, even when the vote was a purely procedural one. Finally, the principle of an obligatory contribution was rejected by 22 votes against 20 with 4 abstentions. During the last vote, on the whole of the of provision, the principle of the voluntary contribution was accepted by 37 votes, without opposition, and 6 abstentions; but it was clear to all participants that this was only a temporary truce and that the battle would begin again at the General Conference.

As is customary for international instruments, notably for conventions and recommendations adopted by the Unesco General Conference, the text is adopted in several languages – the various texts being considered as equally authoritative. The Convention on the World Heritage was actually drafted in five languages (including Arabic, which was something new!) by a Drafting Committee which – with the assistance of

translators from the Unesco Secretariat who were present at the Committee and who **participated** in the drafting, article by article – produced a particularly simple and clear text which, from the stylistic point of view, could be given as the example of a model agreement. The dialogue between experts of various languages allowed an enrichment of reflection and the successful adoption, in five languages, of texts as similar as possible.

The 1972 General Conference

The seventeenth session of the Unesco General Conference, held from 17 October to 21 November at the Organization's Headquarters, was the final stage of the institutionalization of the concept of 'World Heritage' and the principle of the responsibility of the international community in respect of its safeguarding. The draft Convention was submitted to Commission V, in charge – under the able chairmanship of Jean Thomas – of examining the intersectoral programmes, which well indicated that the project concerned not only Unesco's cultural but also its scientific programmes. Usually not many delegates attended the sessions of this Commission; but when the time came to open the discussion on the draft Convention concerning the protection of the World Heritage, the delegations streamed in and took seats in the room, ready for the combat which gave every indication of being vigorous, especially on the nature of contributions. At the end of the afternoon the Chairman, having taken note of the list of speakers, realized immediately that the discussion would have to continue the following morning!

After I had presented to Commission V the draft Convention and Recommendation, the Legal Adviser, Claude Lussier, explained the procedure that had resulted in the texts submitted to the delegates and reminded them in particular of the 'practice followed in the past within the commissions as regards the examination and the voting of proposals which, in a plenary session, require a majority of two-thirds'. A delegation having then put the question as to whether, for the draft project under examination, the Commission should adopt amendments by a majority of two-thirds, it was clear that the controversy on the nature of contributions was going to resume. Partisans of the 'obligatory system' had doubtlessly the simple majority needed to get this system adopted, by submitting an amendment to the basic text (which, it must be recalled, foresaw a

‘voluntary system’). They were not sure however that they could obtain a majority of two-thirds in favour of their amendments.

Commission V then went into a long debate on procedure at the end of which, after two votes by roll-call, it decided, by 39 votes against 28 with 10 abstentions, that the simple majority would be the majority required for the adoption of amendments. On the other hand it rejected by 39 votes against 30 with 12 abstentions the procedure which would have allowed the adoption of the final text by a simple majority.

It is useful and even necessary to describe this preliminary procedural debate because it is significant of the difference of opinions and the virulence of antagonisms. It must be understood that at that time the parliaments of certain industrialized countries had gone into a revolt against the multiplication of international instruments obliging them to make financial contributions. Such contributions represented sums which they considered as being too important. Actually these sums remained modest within the framework of huge budgets, notably for armament. But times had changed: we were no longer in the immediate post-war period!

Perhaps never at Unesco had the proposed text for an international instrument given rise to a debate as violent as that which was to lead to the Convention concerning the World Heritage! Experts and delegates, not to mention the secretariats of international organizations, in particular that of Unesco, were almost unanimous in wishing the Conference to mark the beginning of a new era by the adoption of an agreement to jointly protect the cultural and natural heritage of the world... Nonetheless, just before the birth of the Convention, a procedural battle and a profound divergence on the nature of States’ commitments risked making the whole thing collapse.

The procedural battle resulted in a victory for partisans of the obligatory system, thanks to the relentless struggle, carried out with ‘brio’ by Ahmed Derradji, Delegate of Algeria. Those who, often due to firm instructions received from their governments, continued to support the system of voluntary contributions, regretted that the divergence might bring about the failure of an international agreement which they also wanted. The core of the controversy was in Article 15 which two draft amendments aimed at modifying: the first one, submitted by a group of eleven developing countries, wanted a unique system of obligatory contributions; the second, submitted by Tunisia, foresaw a mixed system of obligatory OR voluntary contributions, the choice being left to the

States at the time they ratified the agreement, with a supplementary provision providing for sanctions against the States having chosen the voluntary system. The sanction would have been their ineligibility to sit on the World Heritage Committee in cases where the voluntary contributions would not have attained an amount equal to twice that which the States in question would have paid under an obligatory system.

It can be seen that Tunisia – which had assured the chairmanship of the Committee of Experts in April 1972 – continued to seek a compromise solution allowing Commission V and later the plenary session to arrive at a successful outcome. But the divergence of opinions was far too profound. A suggestion by René Maheu to postpone a decision on Article 15 of the draft Convention until the next session of the General Conference, whilst in the meantime creating a provisional fund, made up of voluntary contributions, was not retained. The general feeling of the Commission was that it was necessary to reach a final text before the end of 1972!

The entire problem of contributions was then entrusted, for study, to a Working Group given the task of finding an ‘acceptable’ solution. This Working Group, chaired by the Swiss Delegate, Charles Hummel, submitted a text for Articles 15 and 16 (the latter being a new one), taking into account the proposals by Tunisia and the United States. The compromise text, however, was not submitted to a vote since the delegations, led by Algeria, insisted that their draft amendment, providing for obligatory contributions only, be first submitted to the Commission for decision. Put to a vote, paragraph by paragraph, the amendment foreseeing obligatory contributions only, obtained affirmative votes – but with small majorities (36 against 30 with 6 abstentions, and then 35 against 30 with 6 abstentions). Finally, Article 15 in its entirety, which then foresaw only the obligatory system, did not obtain the majority of the two-thirds required (37 votes in favour, 30 against, with 6 abstentions). In application of the rules of procedure there was thus a return to the text foreseeing a system of obligatory **and** voluntary contributions. At that moment, two delegations, in an effort to end the stalemate (Cameroon and Switzerland) submitted, in their name, the compromise text elaborated by the Working Group. It was adopted by 38 votes in favour, 19 against, with 13 abstentions that is by a majority of two-thirds. We had been very close to a catastrophe! This compromise text is obviously not crystal clear; but the analysis that Rafik Saïd was to make

later, in the plenary session, facilitates its understanding. The draft Convention, thus revised by Commission V, was then submitted to the plenary session of the General Conference.

‘Shall’ or ‘Ought to’... That was the question!

The Chairman of Commission V, Jean Thomas, former Deputy Director of Unesco, submitted to the General Conference, at its plenary session, the draft adopted by the Commission. One would have hoped, following the prolonged and at times impassioned debates within the Committee of Experts and then in Commission V, that the question of the nature of contributions would be closed on the basis of the compromise text for Article 15 and the new Article 16, and that the text would be adopted ‘without any problem’. At least that was the hope of the Unesco Secretariat. This, however, did not take into account the tenacity of the adversaries facing one another! Several delegations wanted, first of all, to make their position absolutely clear: for partisans of the obligatory contributions system: the Delegate of Morocco, Mohamed El Fassi – who had not participated in the Commission – and for those who opposed such a system: delegations from Czechoslovakia, Thailand and the USSR. But what really set the entire debate alight was the statement made by the United Kingdom Delegate. Referring only to the English text, this Delegate proposed that the expression ‘shall be paid on a regular basis’ in paragraph 4 of Article 16, be replaced by ‘ought to be paid on a regular basis’. The proposed modification which the author qualified as ‘a question of drafting’ concerning, in his opinion, only the English text of the draft under discussion, was supported by the American Delegation. It brought about an uproar!

The majority of delegates coming from developing countries, whether speaking English or French, were not fooled. The modification put into question the compromise text, the drafting of which, word by word, had necessitated more than five hours of work. Several delegates then vigorously reacted against the proposal, which had become an Anglo-American one: those from Sudan, Kenya, Afghanistan, Algeria, Cameroon and Senegal. Others insisted on reaffirming their preference for the voluntary contributions system: delegates from Canada and the Federal Republic of Germany. Three delegations (Switzerland, Tunisia and France), very much in favour of the success of the instrument creating the world heritage, reminded delegates of the origins and all the

work which had led to Articles 15 and 16 under discussion. They insisted that the Conference not go back on the proposed text, the success of which was desired by all!

The speech of Rafik Saïd, Delegate of Tunisia, who already at the Committee of Experts in April 1972 and at Commission V of the General Conference, had multiplied efforts to permit the adoption of a solution acceptable to all, merits being cited – as it gives a clear interpretation of a provision which, when first read, is not always the case. The pertinent part of Rafik Saïd’s statement reads as follows:

“...this provision forms a whole..., what we have before us, I should like to remind you, is a ‘package deal’, a compromise, all the elements of which were negotiated at length and with great effort. If one only of the elements is modified, the whole thing collapses. The English expression ‘shall be paid on a regular basis’...was the subject of tight negotiations and was finally accepted with the word ‘shall’, proposed by myself, as a counterpart of a concession on the verbal mood in the following phrase: ‘should not be less than’. The obligation resulting from ‘shall’ therefore refers only to the regularity of payments, so that as the text says, ‘the Committee may be able to foresee its operations in an efficient manner’. The amount of contributions to be paid is only subject to a recommendation ruled by ‘should’ and therefore remains, in the last analysis, at the discretion of the voluntary contributor. That is the fundamental and reasonable element of the compromise, the extremely important concession which was requested by some delegations and accepted by the others, in order to reply to the argument that certain parliaments would have found difficulties in accepting a contribution of a fixed or determined amount. Therefore..., replacing ‘shall’ by ‘ought to be’ would amount to rendering void the compromise so laboriously arrived at. It would be a return, in fact, to the pure and simple voluntary contribution initially advocated by certain delegations... which can only incite the others also to go back to their initial proposal envisaging only the obligatory contribution...”.

Despite appeals for comprehension, the Conference, at its plenary session, found itself in a veritable impasse. The Director-General, René Maheu, reverted to his suggestion that the decision on Articles 15 and 16 be referred back to the next session of the General Conference whilst, in the meantime, setting up a provisional Fund coming from voluntary contributions. This suggestion however did not seem to obtain general favour. As a matter of fact delegates, in their great majority, wanted to

conclude the matter before the end of 1972 – Environment Year – and did not wish to return to their countries empty-handed, announcing (and even being responsible for) a failure.

It was then that, like a thunder bolt in a clear sky, Mr Marsh, of the American Delegation, took the floor to announce that his Government would finally accept the compromise formula to be inserted in Articles 15 and 16 of the draft. The surprise was general, and certain delegates who, previously, had opposed these articles, such as the Delegate of the Federal Republic of Germany, were even annoyed that they had not been kept informed, in advance, of the change in course taken by the United States. In fact this change had been authorized at the last minute whilst the discussion was going on in the Conference room, and it had come directly from the White House. One can see thereby the importance attached to a favourable conclusion of the debates on the draft Convention and the creation in 1972 of a World Heritage, both cultural as well as natural!

The essential thing for everyone...and above all for the Unesco Secretariat which had lived through all these ups-and-downs, at times with a feeling of anguish, but always in good humour...was that success had been achieved, despite the difficulties. And as regards my doubts on certain points of detail in the Convention, I said to myself, as did the wise Roman juriconsult who had so very much influenced me at the beginning of my studies: 'De minimis non curat praetor'.

Several delegations expressed their satisfaction following the American declaration which put an end to the big controversy on the nature of contributions and which unjammed the debate. In view of the importance of the decision to be taken, the Chairman asked whether the Conference wished to postpone the vote until the following day. However, Delegates from the United States, Cameroon, Sudan, Tunisia and Spain, which well understood that the moment was ripe for taking the final step towards adoption, were unanimous in requesting an immediate vote. The Chairman accordingly put the Convention to a vote, pointing out that a majority of two-thirds was necessary for adoption. It was obtained by a handsome majority, since this historic vote consisted of 75 in favour, one against (that of Thailand if I recall correctly), and 17 abstentions. The Conference then proceeded to the next point on the agenda...and there were fewer delegates in the room!

The adoption of the Convention was, for the Unesco Secretariat, but also for the majority of delegations, a moment of great joy. What had been a veritable obstacle course thus ended successfully, despite the numerous vicissitudes which had often constituted real challenges for all those who from the beginning had wanted, within the framework of Unesco, the creation of this World Heritage. After the euphoric feeling of success, there followed – for the Secretariat and also for many delegates – a feeling of fatigue, and then of emptiness: no more meetings, no more compromise texts to be drafted rapidly in several languages, no more little group gatherings on draft resolutions. All those who have lived through those hours – where the tension of international meetings suddenly drops, because of a successful outcome – will understand me.

After the 1972 Conference

These moments of euphoria behind us, work began again at its usual pace: the campaign to safeguard Borobudur had entered into a delicate and crucial phase; that concerning Venice had its numerous and active partisans, but the operations involved had difficulties in getting under way. Several governments, more conscious of Unesco's success, contacted the Organization for technical cooperation. Even international organizations dealing with development and financing, like UNDP and the World Bank, displayed an interest in Unesco's programmes of conservation, and the relations established between these programmes and environmental protection had increased their interest. For its part the Secretariat was busy seeking ratifications of the Convention so that it might take effect as rapidly as possible. Each and every mission of Headquarters staff was an occasion to remind the authorities of the countries visited that the Convention awaited their ratification and that they could have benefited from the Convention's provisions permitting the financing of preparatory technical missions. Certain staff members working in the field and for cultural heritage programmes were particularly active in this respect. From his office in Lima, Sylvio Mutal who, with great effectiveness, had succeeded in converting Washington economists and planners to the idea of conservation... and to its financing ...spread the good word in Latin America in favour of the Convention. He was the artisan of numerous ratifications. Michel Batisse concentrated his efforts in particular on countries rich in natural sites – which he considered as being in danger – like in Kenya and in the Seychelles. As for me, obliged

to follow up the Borobudur campaign in full progress, I dealt with Asian countries whose ratifications were slow in forthcoming.

A pleasant surprise was provided by the identity of the countries furnishing the first ratifications. These were filed by States which had affronted each other most vehemently during the preparatory stages over the issue of the nature of contributions: the United States of America on 7 December 1973 and Algeria on 24 June 1974. A difficulty which the Secretariat had not foreseen (which actually should have been obvious in view of Unesco's experience in pluricultural countries) was the situation in certain States having a federal structure. The final clauses of the Convention clearly mentioned the modalities of its application in those States 'having a federative or non-unitary constitutional system'; but we had not foreseen the difficulties that could arise in the process of their ratification when, as is often the case in such countries, the area of culture is on the whole the responsibility of the 'states, countries, provinces or cantons'. Thus a State, whose representative had been very active during the preparation of the Convention (Canada) came across difficulties in obtaining the unanimity of its provinces for ratification by the Federal Government. Belgium experienced similar difficulties. The constitutional order in such countries later caused complex and often conflictual situations, as for example in Australia, regarding sites to be placed on the List.

On 17 September 1975, that is some three years after its adoption by the General Conference, Switzerland filed the twentieth instrument of ratification, permitting the Convention to take effect three months later. The Permanent Delegate of Switzerland, who had closely followed the preparatory works of the Convention and who knew that his country would be the twentieth one to ratify the text, came personally to announce the good news to Anne Raidl who at that time was in charge of the Convention's secretariat. It was then up to the Director-General of Unesco to convene the General Assembly of those States, Parties to the Convention. The Assembly was held in Nairobi on 26 November 1976 at the occasion of Unesco's General Conference. Twenty-six States were at that time Parties to the Convention and twenty-five of them were represented at this first General Assembly, whose task consisted essentially of electing the members of the World Heritage Committee and of fixing the amount of the obligatory contribution for those Parties

which at the time of their ratification had not declared that they would not be bound by the provisions imposing the obligatory contribution.

The election gave place to a long discussion: certain delegations wanting the system of regional groups, in force for elections at Unesco's Executive Board, to apply to the 15 seats to be filled by the 19 candidates – others pointing out that the Convention foresaw an equitable distribution amongst the different regions '**and cultures of the world**'. In the absence of an agreement on the system to be adopted, the General Assembly proceeded with an election by secret ballot. Only France obtained the unanimity of the 25 voting countries, probably in homage to Michel Parent. The secret ballot election resulted in a composition which was geographically and culturally equitable, as desired by the authors of the Convention. The Chairman of the General Conference and the Director-General, Amadou-Mahtar M'Bow, then drew lots, in an office of the Nairobi Conference Centre, to establish the different 'thirds' which would forfeit their seats in 1978, 1980 and 1982, in conformity with the ruling adopted, so as to ensure a renewal of members within the Committee. There then remained the fixing of the obligatory contribution to the Heritage Fund. The Assembly decided, without putting the question to a vote, on an amount equal to one per cent of Unesco's ordinary budget and established financial regulations for the Fund similar to those of other Unesco extra-budgetary funds.

The first session of the World Heritage Committee was held in Paris in June-July 1977. The fifteen Member States of the Committee were represented by 'persons qualified in the field of cultural heritage or of natural heritage', according to the terms of the Convention. Today it can be confidently asserted that these 'specialists', whilst never losing sight of the problematics of cultural or natural properties for which they were responsible in their countries, discerned very shrewdly the technical, administrative, legal and diplomatic problems which the implementation of the Convention was to give rise to in the years to come. Following a general debate on the principles of establishing the World Heritage List, they adopted – on the proposal of two working groups chaired respectively by Michel Parent and by David F. Hales of the US Delegation – simple and clear criteria for inscriptions on the World Heritage List. The Committee gave its agreement so that such assistance, by way of preparatory aid, might include the preparation of requests for inscription and of investment projects, as was current practice at Unesco for

operations of technical cooperation financed by the regular budget or by other extra-budgetary sources. The experience acquired by the Secretariat in its various activities of technical cooperation in the field of cultural or natural conservation was certainly most useful.

The Heritage Committee did not enter any site on the List during this first session. Requests were to come between this first organizational meeting and the second one which was held in Washington. It turned out to be a happy symbol for the marriage between cultural and natural properties that the first requests, coming from Ecuador, were for a prestigious natural site, the Galapagos Islands, and at the same time for a no less remarkable cultural site, that of the historic city of Quito.

The World Heritage Committee at work

Its first meeting in Paris – composed of fifteen members – permitted the Committee to lay the foundation of its organization and of its working methods. But it was in Washington, where it met in September 1978 on the invitation of the United States, that the Committee really began the tasks assigned to it. At the time when this meeting was held, the group of countries belonging to the Convention was composed of 36 States, with 40 States already having submitted instruments of ratification or acceptance. The Convention could thus take effect before the autumn of 1978 with the number of States necessary for the election of a Committee of 21 members. The Washington session was therefore the last one having fifteen members only. That did not prevent it from dedicating itself to its task with enthusiasm and – in my view – with a great deal of success.

Thirteen Member States on the Committee – out of fifteen – were represented; eleven of them by specialists in the problematics of cultural or natural properties. Despite their small number, they came from all parts of the world and, as specialists, they could easily be representative of the cultures or the types of nature in their regions. A sign reflecting the interest which began to be shown for the Convention and the works of the Committee was the presence of five States which were Parties to the Convention (although they were not in fact members of the Committee), and especially of seven intergovernmental organizations (three of which dealt with development and financing) and five non-governmental organizations.

Opened by a message of welcome and encouragement from President Jimmy Carter, the Washington meeting, chaired by David Hales, can be

considered as the one which set the tone and served as model for the sessions which were to follow. The Unesco Secretariat had the impression that the Committee members were happy to assume their real work, after the diplomatic jousts which they had come to associate with the gestation of the Convention. The presence of specialists indeed facilitated the Committee's state of mind. It must be recognized that, in those moments, in the vast room of the State Department where this second session of the Committee (the first 'operational' one) was held, Michel Batisse and I experienced a strong feeling of accomplishment, tainted perhaps by a certain amount of relief, in seeing such a favourable outcome after so many years of efforts.

Desirous of increasing the number of States Parties to the Convention, the Committee discussed at great length a very ambitious public information plan advocated by the American and Canadian Delegates. The Secretariat, aware of Unesco's limited financial and human resources, was more cautious, arguing that concrete results in the name of the Convention (inscriptions on the Heritage List, technical cooperation on prestigious sites, etc.) would be the best propaganda – as had been the case for the Nubian Campaign. The Committee nonetheless granted credits amounting to 30,000 dollars for various publications aimed at 'decision-makers' in Unesco's Member States.

As regards requests for inscription on the World Heritage List, the Committee's Bureau had studied them in advance and had made recommendations which were unanimously accepted. Thus, the Committee decided to add to the List six natural and six cultural properties (one will note the concern for equality which had motivated the Convention's authors). It should also be noticed that this first List was composed of properties situated in four continents (North America, Latin America, Africa, Western and Eastern Europe) and that these properties could easily be considered as 'having an exceptional universal value'. They well 'represented' nature in certain American and African regions and diverse cultural expressions, such as ancient South American and European cities as well as religious buildings in Africa and Europe.

The first budget approved by the Committee – after a very thorough examination – set aside, for preparatory assistance, the important sum of 140,000 dollars, as suggested by the Secretariat; and a sum, also important, of 150,000 dollars for assistance in case of urgency, upon the initiative of the Committee which had just witnessed several natural

catastrophes where cultural sites had been seriously damaged. The importance of the training of specialists and of the contribution to the 'Rome Centre' in this respect was recognized by the granting of a sum of 90,000 dollars. Finally, the Committee permitted the continuation of the Convention's administrative activities – activities in full expansion due to new requests received for inscription on the List and for the technical evaluations which resulted therefrom – by providing in the budget a sum of 18,000 dollars for two subsidies (one to IUCN and the other to ICOMOS) and the sum of 47,000 dollars for temporary assistance at Unesco's Secretariat. With a small amount set aside for 'unforeseen activities', the budget for the following year (1978-1979) therefore totaled 489,250 dollars, a sum far from negligible in those days, taking into account the still limited number of States Parties to the Convention.

Conscious of the importance of the amount set aside for temporary assistance at Unesco's Secretariat, the Committee requested its Chairman to inform the Director-General of this fact 'and to draw his attention to the need for supplementary permanent staff, financed by the Organization's regular Programme and Budget'. The problem of financing under the regular Budget of Unesco for the extra amount of work placed upon its Secretariat, owing to the new tasks entrusted to it by the World Heritage Convention, was to last several years.

Faced with the flow of requests for inscription on the List and the material difficulty for the Secretariat and the technical advisers to deal with them in time for its sessions, the Committee reflected on the question of 'whether the number of inscriptions per country and per year should be limited or not'. It noted however that the Convention 'stipulates no limit as regards the number of proposals for inscription that a single Member State can submit'. Nonetheless it should be noted that the Committee's Bureau had already decided, in view of its workload, to limit to two per country the sites for which it would make a recommendation. The Delegate of Poland then pointed out that the limit of two had excluded one of the three sites submitted to the session by his country: the Auschwitz Concentration Camp (which allowed the Committee not to deal with this delicate request at its Washington session).

Finally, Michel Olyff, author of the World Heritage emblem, explained that in his mind, the emblem, by way of a form simple enough to be inserted on a map and to mark out the sites, symbolizes the interdependence of cultural and natural properties: its central square

being a form created by Man, the circle representing Nature, both of them intimately linked. The emblem is circular, as is the world, but it also means protection. The artist's work had been particularly difficult inasmuch as he had to evoke both elements of the diptych (culture and nature) while the graphic representation should not call to mind one culture or type of nature rather than another (in fact it was to represent world heritage!) The Committee approved the emblem which from then on has figured on numerous classified sites and on tour operators' guides and brochures.

In conclusion: some personal reflections

More than thirty years have gone by since that November day when our dream came true, when the international community took recognition of its obligations in respect of world heritage, both cultural and natural. Since that day this community has become almost universal. Those who played a non-negligible role in the birth of the instrument creating this community should therefore be allowed to evoke a few questions which they ask themselves concerning the edifice and the mechanism of which they laid the foundation and which continues to grow and to develop.

First of all I must admit that my principal objective in 1971 and 1972 was the creation of a new source of revenues permitting Unesco, after the success of the Nubian Campaign, to find more means for safeguarding, in the different parts of the world, those artistic treasures which we knew were in danger, before they could be destroyed by time or by the hand of Man. The considerable amount of resources and the unprecedented mobilization of men and women which had permitted us to preserve not only Abu Simbel but also hundreds of other temples and works of art in Egypt and in Sudan, should be able to be repeated, allowing us the possibility of taking more efficient action in respect of the several sites for which my colleagues of the Museums and Monuments Division had already established the groundwork for safeguarding operations, as in Lalibela in Ethiopia, Cuzco in Peru and Angkor in Cambodia.

The World Heritage List foreseen in the Convention draft proposals did not excite me as much as the increased possibilities for technical cooperation. I attributed less importance to these Lists. I was wrong! With the passage of years, the operation of prestige which, for States, consists of having a property placed on the international List today seems to be of greater importance than the possibilities of finding the resources

for financing the works necessary for preserving them. Naturally, the media and especially a television thirsty for programmes bear responsibility for that, as well as international tourism, in continuous progression. People want to 'do' the World Heritage sites, the logo of which appears in the tour operators' catalogues. After 'sand and sun' come the organized visits to Sigiriya in Sri Lanka, to Olinda in Brazil, etc. Why not... if they contribute to a better mutual understanding between peoples and cultures. But one has the right to hope that the flow of tourists will contribute to the preservation of the sites visited and will not be a factor of damage, pillaging and even of destruction as in the case of Kathmandu, Nepal, and the Valley of the Queens at Luxor.

The association between culture and nature was not easy to establish at the governmental experts level. Has this association been extended to the national level and has it had worthwhile effects on cultural and natural properties? In reality this marriage at the international level did continue when, as in the United States, in Canada and in Australia, national administrations had already been integrated for both categories of sites. But it has found few followers in other countries where national administrations have remained separate and where cooperation between them is not always as close as it should be.

One of the fall outs I noticed, from the culture-nature marriage, has been that the scientific working methods of IUCN, as regards the evaluation of sites, has definitely influenced the working methods of ICOMOS; and this can be considered as an improvement – always provided that cultural evaluations retain that which is the distinguishing aspect of culture and its values, which are also made up of sentiments, of sensibilities and of ancestral traditions. Another proviso should also be taken into account, namely that the various criteria and guidelines governing the evaluation of cultural properties must not render the operation so opaque that it escapes the comprehension of cultivated audiences and is only understood by a small international bureaucracy.

One of the worries of all those who, in 1972, created the mechanism which today governs the World Heritage, was that the judgement on the question whether this or that site is 'of exceptional universal value' be as objective as possible and not based on motivations of a political nature. On this point one may ask whether the solution which consists of entrusting to an intergovernmental body the task of deciding on the fate of individual applications, is really appropriate, all the more so since the

States members of this organ are more than ever represented at its sessions by generalists (at times due to the fact that in their countries the national administrations in charge of cultural properties are not integrated with those dealing with natural sites).

It is true that judgements on the 'exceptional universal value' must be based on the technical evaluations of the competent non-governmental organizations. But even on the strength of such expert advice, due to the economic fall outs often resulting from an inscription on the World Heritage List, is there not the risk, as was the case for Olympic sites, of having this expert advice and the decisions of the Committee influenced by national or local pressures, whether coming from public authorities, private interests (and they are legion!) or from the media?

It was the intention of those who, at the beginning, advocated a 'World Heritage Trust' (which, for purposes of translation became 'World Heritage') that the Trust's list would not contain more than some one hundred natural or cultural sites of particular significance. Today the World Heritage List comes close to a thousand. No doubt it is desirable, to ensure the vitality of the Convention, that each State Party be represented on the List, but one can ask oneself whether a list exceeding a thousand cultural or natural sites might not have the effect of diminishing its value. Is there not a risk of devaluing the label? Would it not be wiser to group together certain properties which are geographically or culturally similar, as certain States have done when submitting their applications?

In full awareness of the difficulty of responding to these questions in an entirely satisfactory way, within the framework of Unesco and of an intergovernmental convention, would it not be useful to consider them as topics for reflection, so that the 1972 Convention might remain permanently faithful to the ideal of scientific objectivity, which was that of those who participated in its gestation?

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