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Item 21 of the Provisional Agenda

DESIRABILITY OF ADOPTING AN INTERNATIONAL INSTRUMENT  
FOR THE PROTECTION OF MONUMENTS AND SITES OF UNIVERSAL VALUE

SUMMARY

After examining the preliminary study of the technical and legal aspects of possible international instruments for the protection of monuments and sites of universal value, the Executive Board decided to put this matter down on the Provisional Agenda for the sixteenth session of the General Conference (84 EX/Decisions ...).

This document contains the text of this decision (paragraph 11). The text for the preliminary study is reproduced in an annex.

1. The General Conference of Unesco, at its fourteenth session, authorized the Director-General in its resolution 3.342: "to co-ordinate and secure the international adoption of appropriate principles and scientific, technical and legal criteria for the protection of cultural property, monuments and sites ...".
2. The work plan of the resolution stated that "a meeting of experts will be convened to co-ordinate, with a view to their international adoption, principles and scientific, technical and legal criteria which would make it possible to establish an effective system for protecting and exploiting monuments and sites".
3. At the same session, the General Conference authorized the Director-General in its resolution 3.3411 "to study the possibility of arranging an appropriate system of international protection, at the request of the States concerned, for a few of the monuments that form an integral part of the cultural heritage of mankind".
4. The work plan of this project stated that "the Secretariat, with the assistance of appropriate non-governmental international organizations, will study the possibility of instituting a suitable international system for the protection of monuments and sites of universal value and interest".
5. In implementation of these two resolutions and in conformity with the work plan, a meeting of experts was convened at Unesco House from 26 February to 2 March 1968, all the non-governmental organizations concerned being represented. In its conclusion, the meeting invited Unesco to continue its action aimed at:

establishing an effective system for the protection of monuments, groups of buildings and sites at national level and at implementing an international system for the protection of monuments and sites of universal value and interest (document SHC/CS/27/8).

6. The 1969-1970 programme and budget adopted by the General Conference at its fifteenth session has made it possible to continue this action. According to the work plan for Project 33.411, "Unesco will study the possibility of making international arrangements for the protection of monuments and sites which are of universal interest; the study will cover the legal, scientific and practical implications of such arrangements, applied to monuments at the request of the governments concerned, the criteria such monuments should satisfy, the procedure for establishing such arrangements, and the rôle likely to devolve upon Unesco".
7. The work plan adds that: "following a meeting of experts in 1968 to cover the scientific, legal and technical aspects, a second meeting of experts (category VI) will be convened in 1969-1970 to consider ways and means of establishing the international arrangements in question".
8. The meeting was held from 21 to 25 July 1969 at Unesco House, Paris and concluded its report by suggesting that the Director-General:
  - (a) "Prepare an International Recommendation based on the scientific, technical and legal principles and criteria contained in the present document which could be used in setting up or improving national systems for the protection of monuments, groups of buildings and sites; and
  - (b) prepare an International Convention or have recourse to any other appropriate means favouring the establishment of an international system for the protection of monuments, groups of buildings and sites of universal interest, in accordance with the principles and conditions laid down in its report" and "drafted in a way that would facilitate the work of any regional bodies which might be led to draw up similar instruments" (document SHC/MD/4).
9. In pursuance of the above-mentioned resolutions of the General Conference and in conformity with the work plan approved by it at its fifteenth session, the Director-General has prepared a preliminary study of the technical and legal aspects of possible international arrangements for the protection of monuments and sites which are of universal interest.

This study was considered at the 84th session of the Executive Board. (Document 84 EX/14.)

10. After examining the preliminary study, which is annexed to this document, the Executive Board adopted the following resolution:

11. "The Executive Board,

1. Considering Articles 2 and 3 of the Rules of Procedure concerning Recommendations to Member States and International Conventions for which provision has been made in Article IV, paragraph 4 of the Constitution,
2. Having examined the report and the preliminary study contained in document 84 EX/14,
3. Decides to include the following question in the Provisional Agenda of the sixteenth session of the General Conference:

'Advisability of establishing an international instrument for the protection of monuments and sites of universal value'."

12. In accordance with Article 6 of the above-mentioned Rules of Procedure, it is for the General Conference to decide whether the matter dealt with in the proposal should be regulated at the international level and, if so, to determine to what extent the question can be regulated and the form that such regulation shall take. The Rules of Procedure further stipulate that the General Conference shall not vote on the adoption of international arrangements before the ordinary session following that at which it has taken the decision mentioned above. Consequently, it will not be able in the present instance to adopt any international arrangements in the matter before its seventeenth session (1972).

13. If the General Conference decides that the question is to be the subject of regulating action at the international level, the Director-General will draft a preliminary report on the position of the problem and the scope of the proposed regulating action, together with a preliminary draft of the proposed legal instrument. These documents will be submitted to Member States for their comments, and a final report containing the revised texts will be drafted, based on the answers received.

14. In accordance with Article 10, paragraph 4, of the above-mentioned Rules of Procedure, the General Conference will also decide whether the final report shall be submitted to it direct or to a special committee of jurists and experts appointed by Member States. In the latter case, a draft proposal approved by the committee will be submitted to Member States so that it can be examined at the General Conference.

15. Consequently, the General Conference is invited:

- (a) to decide whether the question of the protection of monuments and sites of universal value should be regulated at the international level,
- (b) if so, to determine to what extent the question can be regulated and whether the method adopted should be an international convention or, alternatively, a recommendation to Member States,
- (c) to decide whether it is necessary to set up a special committee of government experts to draw up a final draft to be submitted to the General Conference at its seventeenth session.

ANNEX

PRELIMINARY STUDY ON THE LEGAL AND TECHNICAL ASPECTS OF A  
POSSIBLE INTERNATIONAL INSTRUMENT FOR THE PROTECTION OF  
MONUMENTS AND SITES OF UNIVERSAL VALUE

I. INTRODUCTION

- (a) New dangers threatening immovable cultural property
- (b) New principles for protection of cultural property
- (c) National protection

II. POSSIBLE INTERNATIONAL INSTRUMENT FOR THE PROTECTION  
OF MONUMENTS AND SITES OF UNIVERSAL VALUE

- (a) Precedents and principles
- (b) A Red Cross for monuments, groups of buildings and sites  
of universal value
- (c) Monuments, groups of buildings and sites under consideration
- (d) Purpose of an international protection system
- (e) Structure of an international system
- (f) The Monuments Fund
- (g) Possible modes of intervention by the international authority
- (h) Education and information

III. CONCLUSIONS

## I. INTRODUCTION

### (a) New dangers threatening immovable cultural property

1. Monuments, groups of buildings and sites are of great aesthetic and cultural value; they constitute an unfailing source of information and enrichment of personality and provide man with a kind of setting in which interpersonal and group contacts can flourish. They are also an economic asset of prime importance, particularly as a means of attracting tourists, a fundamental quality for a society increasingly desirous of leisure. Every attack on them, every demolition of an irreversible character, seriously compromises the handing down of that heritage to future generations.
2. Today the exceptionally grave threats to cultural property in all countries are endangering the survival of all the elements of this heritage in spite of the methods adopted to ensure its protection. Whereas for centuries such attacks were essentially the consequence of age, neglect, vandalism, ignorance or catastrophe, new phenomena have now arisen which, although inherent in our civilization, nevertheless in some respects represent a very serious threat to monuments, groups of buildings and sites.
3. These phenomena - due to the actions of man and nature - are the results of population growth and social development, leading to the appropriation of more open country, to economic and industrial development entailing major public or private building enterprises, to agricultural and commercial expansion involving the opening up of virgin land, to the application of methods of exploitation endangering monuments, groups of buildings and sites. To these must be added such phenomena as an increasingly rapid deterioration of immovable cultural property due in particular to chemical causes, partly as a result of pollution of the atmosphere. Other dangers come from land or air transport, such as the vibration caused by heavy traffic or supersonic aircraft. Formidable dangers lie in the inadequacy of aesthetic and technical protection against a building activity which is not always regardful of existing monuments, groups of buildings and sites. Shortage of staff and funds, threats resulting from armed conflict and certain natural disasters are so many more perils to be faced by the competent authorities.
4. Some of these phenomena occur simultaneously, thus increasing the danger. For example, the rate of population growth is such that the existing world total of three thousand million inhabitants can be expected to rise to six thousand million in the year 2000; this increase will lead to the dangers of overcrowding. At the same time there is the regrettable inadequacy, already mentioned, of the methods current in many countries for preserving their immovable cultural heritage. There exists an alarming imbalance between these dangerous phenomena and the measures adopted by Member States to nullify their effects.

### (b) New principles for protection

5. All the components of the immovable cultural heritage, whether of universal, national or local interest, are at the present time exposed to these dangers with which States often feel unable to cope. It will be possible to overcome them only through constant joint action at both national and international level.
6. The new principles which could be used as guidelines for future action would be additional to the old regulations for protection, and could occasionally replace them.
7. The meeting of experts convened by Unesco in July 1969 to discuss these problems concluded that: "Monuments, groups of historical buildings and sites formed an integral whole, each element being inseparable from the other. That concept put an end to the distinction between the different categories of immovable cultural property, which were in reality complementary". Experience has proved that the difficulty of assessing the relative value of ancient buildings of different periods and different styles, of which the most humble could be of great interest to archaeology or the history of architecture, applies to the entire heritage of cultural property, concerning which it is far from easy to distinguish between elements of main and secondary value.
8. To the experts meeting in Paris in 1968 and 1969, it seemed that if the heritage of cultural property was to be effectively protected, it would be advisable to go beyond the defensive and somewhat passive approach to protection on which the greater part of legislation continues to be based and take more energetic measures, assigning to the monuments, groups of buildings and sites an active rôle in present and future economic growth.

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2. Today the exceptionally grave threats to cultural property in all countries are endangering the survival of all the elements of this heritage in spite of the methods adopted to ensure its protection. Whereas for centuries such attacks were essentially the consequence of age, neglect, vandalism, ignorance or catastrophe, new phenomena have now arisen which, although inherent in our civilization, nevertheless in some respects represent a very serious threat to monuments, groups of buildings and sites.
3. These phenomena - due to the actions of man and nature - are the results of population growth and social development, leading to the appropriation of more open country, to economic and industrial development entailing major public or private building enterprises, to agricultural and commercial expansion involving the opening up of virgin land, to the application of methods of exploitation endangering monuments, groups of buildings and sites. To these must be added such phenomena as an increasingly rapid deterioration of immovable cultural property due in particular to chemical causes, partly as a result of pollution of the atmosphere. Other dangers come from land or air transport, such as the vibration caused by heavy traffic or supersonic aircraft. Formidable dangers lie in the inadequacy of aesthetic and technical protection against a building activity which is not always regardful of existing monuments, groups of buildings and sites. Shortage of staff and funds, threats resulting from armed conflict and certain natural disasters are so many more perils to be faced by the competent authorities.
4. Some of these phenomena occur simultaneously, thus increasing the danger. For example, the rate of population growth is such that the existing world total of three thousand million inhabitants can be expected to rise to six thousand million in the year 2000; this increase will lead to the dangers of overcrowding. At the same time there is the regrettable inadequacy, already mentioned, of the methods current in many countries for preserving their immovable cultural heritage. There exists an alarming imbalance between these dangerous phenomena and the measures adopted by Member States to nullify their effects.

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6. The new principles which could be used as guidelines for future action would be additional to the old regulations for protection, and could occasionally replace them.
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8. To the experts meeting in Paris in 1968 and 1969, it seemed that if the heritage of cultural property was to be effectively protected, it would be advisable to go beyond the defensive and somewhat passive approach to protection on which the greater part of legislation continues to be based and take more energetic measures, assigning to the monuments, groups of buildings and sites an active rôle in present and future economic growth.

9. It is proper to assume that the time has now come to adopt a new policy for immovable cultural property which could aim at ensuring that monuments, groups of buildings and sites had a permanent function, in particular by giving them back their tremendous value as human habitats. No great technical difficulties would be met with in adapting them to modern conditions of living, and it would be equally possible to foster their social, economic and cultural values. New functions not incompatible with the old could be found, through ingenious solutions which would avoid creating a rift between the past and future rôles of the buildings. The monuments of the past would not appear simply as ornaments for contemplation, but as an essential setting for human activity.
10. Immoveable cultural property should no longer be regarded as a hindrance to national expansion, but on the contrary as a determining factor in that expansion.
11. In future, the protection of monuments, groups of buildings and sites could be placed as a whole in the context of regional development and planning at all levels: local, regional, national and even international.
12. At the present time, the protection of monuments, groups of buildings and sites could presumably be approached from the national and the international angle. It would consequently have to be conceived in accordance with co-ordinated regulations based on principles common to all. It would essentially be the task of Member States to take all possible action to protect the monuments, groups of buildings and sites situated on their territories.
13. International action could do no more than encourage the action of Member States and urge them to adopt new protective measures. It would also propose to give technical, possibly financial, assistance to States in pressing need thereof. Only exceptionally would it take over from the State concerned, and such action would be subject to strict conditions that could but rarely exist.
14. Although, by virtue of the heritage of cultural property being regarded as a whole, protective measures must apply at national level to all components of that heritage, whatever their relative importance, that is not the case with international protection. Being complementary to that of Member States and applicable only to monuments, groups of buildings and sites of outstanding interest to the international community, it would intervene in favour of those of universal interest only.
15. Although the regulations common to the national and international levels may be based on certain new principles, there are none the less specific regulations applicable to each level.

(c) National protection

16. As the preservation of all the components of the heritage of cultural property is based on national protection, the experts meeting in 1968 and 1969 emphasized the undoubted advantages of certain scientific, technical, administrative, legal and financial measures to be taken by Member States.
17. Policy should aim at a better understanding of the conservation and restoration of monuments, groups of buildings and sites, a rational and ingenious organisation of the specialized services and the planning of future tasks.
18. Active protection of immovable cultural property implies that the protection services should be on the same footing as the other services responsible for capital investment, economic planning and regional development.
19. It would be desirable for national regulations to maintain constant inter-action at all levels between the organizations responsible for the protection of the cultural heritage and the other main services concerned with economic expansion and town and country planning. As soon as a project is set on foot, joint decisions should take into account all the interests involved. This implies the existence of co-ordinating bodies.
20. New administrative bodies could be set up not only to combat the dangers threatening monuments, groups of buildings and sites, but also to deal with their underlying causes. The work to be done in this context would seem to call for scientific and technical bureaux consisting of technicians from all the disciplines concerned. These bureaux should work together and with the local authorities and communities, to study the possible repercussions of territorial development and the structuration of the environment in which we live.



21. The same bureaux should carry out studies of difficult problems arising from the rehabilitation of monuments and groups of buildings. Specialists should carry out sociological surveys of each case, so as to avoid any drastic change in the character of the building and the urban setting, and to determine beforehand the socio-cultural needs of the environment of which the monument and buildings to be rehabilitated form a part.
22. It would be an excellent thing to encourage States to train and recruit the scientific and technical staff responsible for establishing the programmes of integration and to follow up their implementation.
23. As these programmes represent the consolidation of all multidisciplinary research, they should gradually become part of overall planning at the local and national levels within the limits of each country's financial resources. Here, reference could be made to the "Town Schemes" in the United Kingdom and the sectors earmarked for preservation in France, for the benefit of historic towns.
24. Legal measures of protection should also be strengthened, in particular the prohibition of any demolition, restoration, modification or removal of a monument without the prior authorization of the public authorities, to be strictly respected not only by private owners but also by public or semi-public owners.
25. Certain serious dangers would call for new protective measures to counteract, for instance, the effects of shocks and vibration caused by motor traffic and supersonic aircraft. Other regulations could deal with certain causes of the degradation of monuments, such as natural disasters and calamities (earthquakes, fires, etc.) or the accelerated deterioration of constituent materials, etc.
26. To facilitate maintenance, restoration and even access to cultural property, fiscal privileges could be suggested for financing the preservation and rehabilitation of immovable cultural property, but financial participation by public communities should not be ruled out when such work is done on private property.
27. Such financial participation by public communities could be facilitated by setting up a "National Monuments Fund" as a legally established public agency, so as to avoid the disadvantages of the annual budget rule in carrying out works spread over several years in countries which have no investment budget for the purpose.

## II. POSSIBLE INTERNATIONAL INSTRUMENT FOR THE PROTECTION OF MONUMENTS AND SITES OF UNIVERSAL VALUE

### (a) Precedents and principles

28. As was said earlier, national missions for the protection of monuments, groups of buildings and sites are complementary. The protection of man's heritage of cultural property is a task on a world scale, whether effected by States or by the international community.
29. International protection ought firstly to encourage States to take the necessary steps themselves within their own territories. Only in exceptional cases would the international authority intervene in ways and under conditions which remain to be defined.
30. Intervention by the international community to protect monuments, groups of buildings and sites is based on legal precedents: the Constitution of Unesco; the Convention for the protection of cultural property in the event of armed conflict (The Hague, 1954); the Recommendation on international principles applicable to archaeological excavations (New Delhi, 1956); the Recommendation concerning the safeguarding of the beauty and character of landscapes and sites (Paris, 1962). The setting up of the "International Council of Museums" (ICOM), the "International Centre for the Study of the Preservation and Restoration of Cultural Property" in Rome (1959), and the "International Council of Monuments and Sites" (ICOMOS) has helped to give substance to the intervention of the international community on behalf of man's heritage of cultural property.

31. Regional intergovernmental organizations, such as the Council of Europe in the course of various discussions held between 1965 and 1968, have contributed to the adoption of a new policy for the preservation of Europe's heritage of cultural property.

32. For example, a conference of ministers responsible for the protection of immovable cultural property held in Brussels in November 1969 led to the adoption of resolutions for the defence and development of sites and groups of buildings of historical or artistic interest. One resolution in particular was concerned with setting up a committee of government experts to draw up a charter which, through the general principles and guidelines contained in it, would be able to open the way to the signing of all other appropriate legal instruments.

33. Nor have the other intergovernmental and non-governmental organizations remained idle. In several instances they have helped to find effective solutions to the problems facing them, technical ones in particular. Mention should be made of the "International Charter for the Conservation and Restoration of Monuments and Sites" (1964).

(b) A Red Cross for monuments, groups of buildings and sites of universal value

34. Although it is the duty of each State to protect its own monuments, groups and sites, surely it is the duty of the international community to protect our universal heritage? Most assuredly it is.

35. Many countries have on several occasions given outstanding proof of solidarity in order to save monuments, groups of buildings and sites of great value, particularly during the international campaign to save the monuments of Nubia and the international campaign for Florence and Venice. International teams of technicians and experts, and considerable funds, have been generously made available, and this has dissipated much of the pessimism that formerly existed regarding the hope or possibility of collectively saving celebrated monuments that seemed doomed to disappear.

36. There is renewed confidence with the growing desire to assign to an international authority the rôle of a "Red Cross" for monuments, groups of buildings and sites of universal interest which are in imminent danger.

37. If the expression "Red Cross" has been used for outstanding monuments in the comments on The Hague Convention, would it not be advisable now to adopt peace-time regulations for this class of immovable cultural property?

38. All this, as well as the way in which the concept of protection has evolved, points to the need for regulations to cover cases of emergency in which an authority acting on behalf of the international community could play a regular and active part in major campaigns to safeguard immovable cultural property of exceptional importance.

39. As these campaigns develop and become highly practical in their application, they take on a value as an exemplar which should enable the international community to excel scientifically and technically and should demonstrate to all countries that in safeguarding their immovable cultural property they could be making a worth while economic investment.

(c) Monuments, groups of buildings and sites taken into consideration

40. At national level, the principle has been raised that the cultural heritage as a whole ought to be preserved by incorporating its multifarious elements in the civilization of the present day and of the future. Unesco's past activities, in particular the international instruments mentioned earlier, aim at preparing the conditions essential for the protection of all the elements of that heritage.

41. With regard to active intervention on the part of the international community, it has already been said that in the present circumstances at any rate, this form of co-operation is restricted to monuments, groups of buildings and sites of universal value.

42. Although it is not easy to define the idea represented by this category of universal property, it may be compared with the "centres containing monuments and other immovable cultural property of very great importance" for which special protection has been ensured in the event of armed conflict by The Hague Convention (Article 8).

43. Even when it is not governed by specified canon or canons of aesthetics, such property might include unique archaeological remains of past civilizations, masterpieces of high architectural value, grandiose groups of buildings and sites representing a decisive moment or periods in the life of an art, a style, etc.
44. It is important, in the case of each country, that the cultural property selected should be "cultural property of universal importance" (Poland), "buildings of exceptional interest" (United Kingdom), "national treasures" (Japan), "important monuments included in official lists" (France, Italy) etc., and should be regarded as particularly valuable and particularly representative of the national genius and history, and as such worthy of being preserved.
45. With regard to determining internationally which monuments, groups of buildings and sites are of universal interest, it would not be advisable to establish an "international register" held by Unesco, as this would meet with a number of difficulties, not the least of which would be the settlement of conflicts arising between the international authority and States whenever divergent opinions were expressed on whether to include a particular monument or site. It would therefore seem wiser to leave each State free to request international aid whenever it considered important monuments, groups of buildings or sites on its territory to be seriously threatened.
46. However, the experience of many countries has shown that a campaign designed to preserve some important monument or spectacular group of buildings arouses far more enthusiasm than proposals to save a monument or site of more modest appearance. To exploit this enthusiasm on the international level, the establishment of a limited list of important monuments, groups of buildings and sites whose preservation had been decided by the international authority would alert world opinion and would thus help to achieve the aims of the international protection system.
47. Likewise, a list of monuments, groups of buildings and sites of exceptional interest saved by the international protection system might prove of considerable help by showing the efforts that had been made and giving examples which could serve as precedents for future action.
48. Having regard to the universally recognized principle that every loss of important immovable cultural property is a spiritual and material loss for mankind as a whole, future regulations should be made to apply to all monuments, groups of buildings and sites of universal value. It would therefore be advisable that property saved or to be saved should belong to various civilizations throughout the world. Consideration should be given to a geographical distribution of the aid afforded by the international community, so that all the components of the world's cultural heritage may be preserved for posterity.
- (d) Purpose of an international protection system
49. The essential purpose of an international protection system would be to rescue monuments, groups of buildings and sites of universal interest which if neglected would inevitably decay and be lost to mankind.
50. It should be made clear that such protection could not lead to any internationalization of the cultural property in question or to any form of extra-territoriality. Action by the international authority should be purely disinterested, scientific, technical and practical, and should be made available to all countries.
51. Developing countries in which there are numerous items of immovable cultural property of world-wide interest urgently requiring protection should, naturally, be the first to benefit therefrom.
52. Some developed countries also have difficulty in safeguarding important groups of buildings on their territory. For scientific reasons (such as research into the cause of damage which has been suffered or is imminent) these countries may be led to request international assistance.
53. The case may also arise where intervention by the international authority is desirable with a view to taking charge of immovable cultural property of outstanding value which is being neglected for political or religious reasons. Some countries in possession of a vast cultural heritage do, in fact, reserve their attention for monuments they prefer for reasons of sentiment, and are slow in making appropriations, which would be too heavy for their budget, to protect and provide access to other monuments.

54. Lastly, an international protection system could come into force whenever the immovable cultural property of any country was liable to unforeseeable damage from armed conflict, disasters, earthquakes, etc.

(c) Structure of an international system

55. The question of which international authority might be made responsible for the international protection system involves a choice from among several possibilities.

56. Although the non-governmental organizations concerned are doing important work in the protection of the cultural heritage, they would not be able to take over full responsibility for operating an international system, with all the consequences this would entail. Furthermore, their statutes would not allow them to negotiate with governments, nor to enter into obligations which would go beyond the limits of their functions.

57. The intergovernmental organizations specializing in single aspects of the conservation of monuments, groups of buildings and sites would not be in a position to undertake more activities than those for which they are already responsible.

58. Of all the international organizations, Unesco alone appears capable of shouldering all the work consequent on an eventual agreement to establish an international system. At the same time, while it is true that establishment of the international system should be considered as a joint undertaking involving world-wide action on a very large scale, it is essential that all international organizations engaged in safeguarding and providing better access to the movable cultural property of States should participate.

59. Those responsible for the undertaking would need to have at their disposal all the necessary specialized knowledge and experience, in order to begin carrying out, on the basis of an appropriate overall plan, projects of great importance to the international community.

60. The International Centre in Rome and the International Council of Monuments and Sites (ICOMOS) are particularly active at present in the organization of international co-operation in regard to the scientific and technical problems of conservation and it is desirable to ensure their participation in the future work, all the more so since their establishment, which was due to the initiative of Unesco, has been regarded as one possible means of helping to bring into being an International Fund for Monuments and Sites.

61. It should be recalled that, following a proposal by the Swiss delegation, the sixth session of the General Conference of Unesco, in 1951, adopted a resolution authorizing the Director-General to set up an institute for research in the protection of the world's cultural heritage. Since 1959, the Rome Centre has carried out this work most efficiently. Its programme gives priority to the training of experts. A special course for architects, engineers, archaeologists and art historians (in association with the Faculty of Architecture of Rome University) gives these experts the extra training they need. In addition, the Centre participates in the international campaign for Florence and Venice, organized by Unesco, and has formed a small committee for the purpose.

62. At its 8th session, in October 1961, the International Committee on Monuments, Artistic and Historical Sites and Archaeological Excavations recommended setting up a non-governmental organization which would act as a link between the experts and the bodies engaged in conservation work. ICOMOS was established in 1965 to carry out that task. It is active at present in some thirty countries, in which it has set up national committees, through which it can ensure co-operation between experts in all disciplines relating to monuments and sites. It thus forms a meeting point for multidisciplinary exchange, and would be able to carry out a considerable amount of work for the proposed international protection system.

63. The international system could also approach architects and town planners through their professional associations, interest them in its work and make them aware of its problems. The International Union of Architects (IUA) and the International Federation of Landscape Architects (IFLA) should help Unesco to recruit experts and train the technicians needed to restore monuments and improve their setting.

64. Lastly, this Unesco-sponsored undertaking would stand to gain from participation by the International Union for Conservation of Nature and Natural Resources (IUCN), which could contribute its vast experience in the rational use of biological resources and in the conservation of nature, taking into account the historical and cultural characteristics of each nation.

65. The Council of Europe, the Organization of American States, the League of Arab States and the other regional intergovernmental organizations concerned with the preservation of cultural property could also co-operate with Unesco under the international system, particularly by passing on to the regional groups the results of the world-wide action. Their rôle would thus be integrated smoothly into the broad pattern of the undertaking.

66. There should be continuous co-ordination between all those organizations with a view to protecting the universal cultural heritage, and the basic structure of the international protection system should be planned accordingly.

67. The international protection authority might accordingly consist of:

- (a) A permanent executive body, which would be an integral part of Unesco. It would be left to the discretion and initiative of the Director-General of Unesco to decide how this body should be organized, how it would fit into the administrative structure and how it would operate;
- (b) an advisory committee, composed of representatives of the intergovernmental and non-governmental organizations mainly concerned, of the regional organizations and of persons chosen for their special qualifications;
- (c) the intergovernmental and non-governmental organizations chiefly concerned;
- (d) a Monuments Fund.

68. The permanent executive body would be the Permanent Bureau to be set up by the Director-General. It would receive and examine requests for intervention, co-ordinate protection activities, prepare the necessary programmes, establish priorities and the nature and scale of the activities to be carried out.

69. The advisory committee would give opinions of all kinds on questions submitted to it by the permanent executive body. It would meet periodically, at least twice a year. All important matters should be referred to it by the executive body and it might take the initiative of making recommendations to the latter.

(f) The Monuments Fund

70. The Fund would be responsible for collecting and distributing the sums necessary for action by the international authority. This is not a new question; the project for an international Fund has, indeed, come before Unesco periodically for the past twenty years.

71. Two points require particular consideration, one legal, the other financial.

72. The legal problem consists in determining whether the Fund should be an autonomous body with a legal status of its own or whether, on the contrary, it should be set up within and administered by Unesco.

73. In the first case, Unesco's responsibility would be limited to examining, processing and giving effect to requests for assistance, the financial responsibility being shouldered by the Fund. The management of the Fund might be entrusted to a bank, under the supervision of a governing board on which Unesco should be represented. The Charter of the Fund should regulate its working relations with Unesco, so as to make the procedure for the grant of international aid rapid and effective.

74. In the second case, Unesco would be directly responsible for the obligations contracted by the Fund. As with the International Campaign to Save the Monuments of Nubia, the Fund would be financed by governmental or non-governmental contributions.

75. This second course appears preferable since, apart from being simpler, it would enable the Fund to operate in harmony with the other bodies suggested for the putting into application of the proposed international system for the protection of monuments, groups of buildings and sites of universal value. In this case, the Fund should naturally be empowered to receive contributions and gifts from all sources.

76. The financial problem consists mainly in finding the necessary resources to finance the Fund. In this respect it would be desirable for Unesco to call on the advice of financial experts specializing in the raising of funds on the international level.

77. Unesco has already undertaken, with the help of a consultant, an analytical study of the financial measures which might be taken to finance a Monuments Fund. The study will be published before the end of 1970.

(g) Possible modes of intervention by the international authority

78. The intervention of the international authority should follow a specific request by a Member State in difficulties over protecting immovable cultural property of universal interest, the international authority being able to provide scientific and technical aid only within the limits of its powers and resources.

79. Intervention should be governed by specific regulations, which might be on the following lines: it would be for Member States to define the danger threatening their monuments, groups of buildings or sites, specifying whether that danger was due to:

an advanced state of deterioration of the structure or materials of the monuments or groups of buildings;

natural disasters;

the execution of large public or private works made necessary by economic development and modern technology;

the outbreak or threat of armed conflict, etc.

80. Whatever the case, it would be desirable for the international authority to be in a position to intervene rapidly and effectively whenever a major danger threatens a monument, group of buildings or site of universal interest. Priority should be given to the most urgent requests for assistance; priority cases should be scrutinized in the light of the importance of the monuments or sites to be saved, the extent to which they have deteriorated and the kind of danger threatening them, as well as the possibilities of all kinds which would be made available by the State concerned to Unesco.

81. Since the financing of the work of protection of cultural property of universal value should not fall wholly on the international community, the contribution of the beneficiary State ought in principle to be substantial. Possible forms of intervention by Unesco could be varied and adapted to individual circumstances.

82. The aid to be provided should take the form of large-scale pilot projects which would involve, for example, the establishment or organization of architectural work camps or of archaeological excavations for the protection of monuments, buildings or sites of great importance. This aid might include:

(i) Surveys and research

83. Particular attention should be paid to the study of the projects in question, since they are intended to promote at the international level new research trends and the most recent conservation and restoration techniques and methods. Detailed plans should be drawn up specifying not only all the scientific and technical operations to be carried out but also the quality and number of experts to be recruited, together with the labour force and equipment required.

84. In addition, each project should be studied with a view to assisting the beneficiary countries in seeking solutions whereby a rational and judicious use may be made of the available national resources, whether public or private, and ways may be found of dealing with all the various problems and obstacles encountered.

(ii) Technical assistance

85. It is particularly in the developing countries that important monuments and groups of buildings run the risk of being lost, chiefly because these countries lack technicians and experts capable of conducting preliminary studies, and skilled workmen to carry out the work.

86. With this form of assistance, by making available qualified personnel and the necessary equipment and supplies to States that need them, the international authority could contribute towards effective safeguarding action without incurring heavy expenditure.

87. In this connexion, it would be possible to ask the beneficiary State to open restoration and research work camps, organized in conjunction with the international authority, for the benefit of young technicians of all nationalities who would subsequently become experts serving not only in their own countries but also abroad.

(iii) The financing of protection work

88. The international authority should provide part financing for protection work only if it has been proved that the State concerned is manifestly unable to meet the expense single-handed.

89. Finance should be granted only on the basis of objective criteria. The provision of aid should be conditional on proof that the State applying for it has made creditable efforts to protect its cultural heritage; it should moreover be dependent on the conclusions of a report by highly qualified experts and the approval of the advisory committee. Aid might take the form of interest-free or low interest rate loans; in principle, it should not cover the total expense. The financial contribution of the beneficiary State ought, except in certain cases, to be substantial.

90. The extent of this participation might naturally vary according to circumstances, depending in particular on the nature of the work, the general economic situation in the beneficiary country, the interest of the monuments, etc.

(iv) Undertakings to be entered into

91. An examination of the possible modes of international intervention leads logically to the problem of the undertakings to be entered into for that purpose between Unesco and the beneficiary States, as well as the form of those undertakings. What should be the responsibilities and obligations of these States vis-à-vis the international community from the moment when the request for assistance is put forward to the moment when the danger threatening an important monument is averted? It appears that the beneficiary State should at least give Unesco an assurance that it is firmly resolved to continue work on the project, and undertake to maintain the cultural property concerned in a good state of repair subsequently, in accordance with scientific and technological principles of conservation.

(h) Education and information

92. One of the chief aims of the international system should be to educate and inform people, bringing about a real and lasting change in their way of thinking, making them more responsive to the need to protect the world's cultural treasures. Any action undertaken by a State or by the international authority would be short-lived if it were not based on a change in human attitudes, linked to education. Use should therefore be made of modern media of communication, such as the press, radio and television, on every possible occasion and particularly in connexion with tourism, in order that the alarm may be sounded when monuments, groups of buildings or sites are endangered.

### III. CONCLUSIONS

93. From the foregoing study it is clear that an international system for the protection of monuments and sites of universal value is not only possible but desirable, and that the studies undertaken on this subject are sufficiently advanced for the matter to be submitted to the General Conference for a decision on the advisability of such a system.

94. The scope of a possible international system having been outlined, it remains to be seen what kind of international instrument might serve as a legal basis for the new system, it being understood that here also the decision lies with the General Conference.
95. The proposed instrument might be either an international convention or a recommendation to Member States. Basically, the former contains obligations that are laid upon the States which have ratified or accepted it; the latter sets out guiding principles and standards which Member States are invited to apply by adopting, in the form of a national law or otherwise, the measures that are required to that end.
96. It does not appear that the time has yet come to draw up, by means of an international Convention, rules for the national protection of monuments, groups of buildings and sites of universal value. On the other hand, it might be advisable, on the basis of principles clearly set out as being desirable, to recommend that Member States consider whether, depending on their particular circumstances, they would find it possible to modify their domestic legislation in accordance with these new principles. In this case, a recommendation might seem to be the most appropriate legal instrument for the purpose.
97. However, the Recommendation concerning the preservation of cultural property endangered by public or private works, which contains a number of effective principles for national protection, is still of recent origin, having been adopted in 1968. It therefore seems advisable to wait for a few more years before proceeding to draw up a new recommendation on a related subject.
98. From the point of view of expediency or of comparative urgency, it would seem that priority should be given to the adoption of an international system by means of a convention.
99. Unesco has for many years realized the need for the elaboration of such a system. Requests are received by the Organization from all sides, and the number of emergencies is increasing daily. It would moreover be highly desirable for the rôle of the Organization to be determined and conditioned by rules laid down by the international community. While Unesco is bound to fulfil its moral obligations vis-à-vis the Member States, it must be able to do so in the best possible circumstances. It appears that the adoption by means of an international Convention of the principles underlying an international system of protection for monuments, groups of buildings and sites of universal value, might effectively meet this priority requirement.