

**UNITED NATIONS EDUCATIONAL, SCIENTIFIC
AND CULTURAL ORGANIZATION**

**CONVENTION CONCERNING THE PROTECTION OF THE WORLD
CULTURAL AND NATURAL HERITAGE**

WORLD HERITAGE COMMITTEE
Tenth Session
(Unesco Headquarters, Paris, 24-28 November 1986)

Item 8 of the Provisional Agenda : Monitoring the status of conservation of cultural properties included in the World Heritage List

I. Background information on the question

1) At its sixth session (21-24 June 1982) the Bureau of the World Heritage Committee examined a proposal from the United States authorities to establish a programme of reports on the state of conservation of sites included in the World Heritage List. While it was aware of the usefulness of a permanent monitoring system, the Bureau considered that the proposal "was premature, given the current state of infrastructures in the majority of countries concerned". The Committee itself at its sixth session (13-17 December 1982) considered highly desirable the principle of yearly reporting by States Parties but felt that the matter must be carefully examined and asked the NGOs concerned to carry out a study on this subject.

2) At its 7th session (Florence, 5-9 December 1983), after taking note of a document drawn up by IUCN on the question of the systematic monitoring of natural properties, the Committee considered that it would be highly desirable for it to be kept regularly informed of the state of conservation of World Heritage properties and especially of measures taken to protect and manage these properties as well as of the utilization of funds granted under the World Heritage Fund. However the Committee did not think it necessary at that point to set up a system of official reports and preferred to encourage IUCN, ICOMOS and ICCROM to collect information through their experts.

3) Since the 8th session of the Committee (Buenos Aires, 29 October - 2 November 1984), IUCN has regularly provided the Committee and its Bureau with information concerning the state of conservation of natural properties. However, it must be noted that the question of monitoring the state of conservation of sites differs for the two non-governmental Organizations involved. IUCN draws upon the data base of the Conservation Monitoring Centre in Cambridge (briefly described in paragraph 10 below) whereas ICOMOS has no comparable structure at its disposal, and moreover, there are approximately four times more cultural properties than natural properties on the World Heritage List.

4) It is for these reasons that at its 9th session, (Paris, 2-6 December 1985) the Committee considered that a solution must be found to enable it to be kept regularly informed of the state of conservation of cultural properties as well as natural properties, and that an in-depth study of possible solutions and their financial implications was desirable. It asked ICOMOS to formulate proposals for the Bureau at its 10th session.

5) At its 10th session (Paris, 16-19 June 1986), the Bureau of the Committee examined the document prepared by ICOMOS on the issue as a basis for discussion. After discussing the proposed methodology, as indicated in the report of the rapporteur, the Bureau considered it was unable to make recommendations to the Committee on the monitoring of cultural properties and requested the Secretariat to carry out a study on this question, which is the purpose of the present document.

II. Comparative Data

6) For the Committee's information, it may be useful to give a brief summary of :

- A) the two reporting systems examined at the 6th and 7th sessions of the Bureau and the Committee;
- B) the system of data collection used at present by IUCN;
- C) the system of monitoring the state of conservation of cultural properties presented at the 10th session of the Bureau;
- D) the reporting systems instituted by the Unesco conventions relating to the cultural heritage.

A) Reporting systems examined by the Bureau and the Committee at their 6th and 7th sessions

7) The system proposed by the United States of America by letter dated 5 January 1982 was described in the following terms : The United States proposes that "a formal programme for monitoring the condition of all World Heritage sites be adopted and implemented by the World Heritage Committee. The Committee, through the work of the Bureau and the Secretariat, could develop a brief standardised form for use by each country in reporting on properties which they had nominated for World Heritage status. The Committee could request that each country periodically submit a completed status report form, e.g. every two or three years. The Committee could work with IUCN and ICOMOS in compiling a summary status report on the condition of the World Heritage List." (doc. CLT/82/CH/CONF.014/2)

8) As an example, the United States also furnished a note on the system used in the management of National Parks in the United States. This is based on the dispatch of questionnaires to each of the 326 units of the National Park System and is essentially designed to process data (quantified if possible) on the specific threats which endanger a park. It must be recalled that the Bureau at its 6th session, after examining this proposal, considered that it was premature and that the Committee at its 6th session decided that further study was necessary.

9) The system presented by IUCN at the 7th session of the Committee (doc. SC/83/CONF.009/6) and which in its turn was not adopted displayed the following characteristics :

- annual reports of the States on properties situated on their territory;
- dispatch of a simplified form to the agency in charge of each property;
- return of the forms to IUCN which would have summarized them and present them to the Committee;
- processing of data collected in this way by the Conservation Monitoring Centre described below;
- use of the reports as a source of public information and as a basis for the evaluation by the Committee of requests for technical assistance.

B) The system of monitoring the state of conservation of natural properties

10) Without giving a detailed description of this system, it must be noted that the data collection structure of the Conservation Monitoring Centre, which enables IUCN to inform the Committee of the state of conservation of World Heritage properties presents certain features that would make any transposition into the field of monitoring cultural properties extremely risky : the information provided on World Heritage natural properties is only a part of the data collected by the Protected Areas Data Unit, which itself is only one of the activities of the Conservation Monitoring Centre. The latter is in fact made up of 3 other units : Species Conservation Monitoring Unit, Threatened Plants Unit and the Wildlife Trade Monitoring Unit. In other words, a system for monitoring the state of conservation of natural properties belonging to the World Heritage was not created ex nihilo, but rather use was made of a far more extensive data collection network in order to provide specific information to the Committee. The network presents the following features :

- a) its goals are very vast : collection, analysis, interpretation and dissemination of data concerning the conservation of species and ecosystems;
- b) its sources of information are numerous :
 - the network of IUCN members;
 - the network of experts affiliated to IUCN and its 6 commissions (over 2000) : for example members or consultants of the Commission on National Parks and Protected Areas who constitute a particularly important source of information for the PADU programme;
 - the researchers under contract for over 300 IUCN/WWF field projects;
 - the professional contacts set up by Conservation Monitoring Centre staff;
 - other international organizations, etc.

- c) the data are widely disseminated and used in various IUCN publications to provide information to governmental and non-governmental organizations, to scientists, to the media, etc. Thus the data collected by the PADU system are used not only in the framework of the World Heritage Convention, but also in that of the Convention on Wetlands of International Importance (the "Ramsar" Convention), the Biosphere Reserves (UNESCO/MAB); they are used to satisfy the demands of universities, researchers or of publications; they are used for the publication of the United Nations List of National Parks and Protected areas, etc.
- d) the data lend themselves to processing by computer from information collected either in a standardised format or in other forms. It is possible to obtain from it basic information filed under several categories : type of management, status, biogeographical code, etc. It is not all evident a priori that data on cultural properties could be processed as easily.

C) The system proposed by ICOMOS

11) At its 9th session, the Committee had already defined a few possible options when it asked ICOMOS to undertake this study: such information should be collected at regular intervals, yet to be determined; "it could be collected by expert missions, through questionnaires sent out to States or with the help of ICOMOS national committees. This could only be done, however, if ICOMOS were provided with the necessary funds" (extract from the report of the 9th session of the Committee, December 1985).

12) The document examined by the Bureau concerned a draft project on methodology defining the procedures which might be implemented by ICOMOS to ensure the systematic monitoring of listed cultural properties. ICOMOS' proposal aimed at establishing a procedure which would allow monitoring of 21 cultural properties each year; the system would be based upon different sources of information including reports from States Parties, information received from ICOMOS national committees and from other sources of information.

13) Moreover, an "emergency procedure" was recommended to enable the Committee, when informed of a property in danger of destruction in the short-term, to initiate an in-depth study of the situation, possibly by sending out an expert mission. Finally an "endangered property procedure" operating biennially, was planned, aimed at a more regular collection of information on properties included in the List of World Heritage in Danger.

14) All the data collected would have been examined by a "Monitoring Committee" composed of officials of ICOMOS, and representatives of ICCROM and IUCN, helped by a technical assistant and having at their disposal a computerized data bank. In this way, ICOMOS would have been able to present a report at each session of the Committee. The annual working cost of such a system would have been about \$50.000.

15) The debate on the question demonstrated that if Bureau members were convinced of the necessity of monitoring the state of conservation of cultural properties, all did not agree with the means proposed. Furthermore, while acknowledging the quality of the services provided to the World Heritage Committee by ICOMOS, Bureau members were of the opinion that the monitoring should rather be the

responsibility of Unesco or the World Heritage Committee. The members, moreover, did not deem it necessary to create a new body for monitoring properties. Concerning the sources of information, doubts were expressed at the wisdom of putting on an equal footing reports from States Parties and other sources of information. Finally, fears were expressed concerning unrestricted access to the data bank.

D) Systems of reports by States Parties instituted by Unesco conventions concerning the cultural heritage

16) The Hague Convention of 1954 for the protection of cultural property in the event of armed conflict expressly institutes a permanent system of reports by States Parties. Article 26 of this Convention stipulates that at least once every four years the High Contracting Parties "shall forward to the Director-General a report giving whatever information they think suitable concerning any measures being taken, prepared or contemplated by their respective administrations in fulfilment of the present Convention and of the Regulations for its execution".

17) Since 1956, the date of the entry into force of the Convention, the Director-General should theoretically have received reports from all the States Parties (74 on 1 September 1986), seven times. In actual fact, six have sent in reports four times, six three times, seventeen twice and twenty-three only once. The Secretariat has at its disposal information going back less than 17 years for only about half of the States Parties. Even then it must be noted that the contents of these reports vary considerably, certain States describing in minute detail measures taken to implement The Hague Convention, while others give more general information on their heritage protection policy.

18) Moreover, Article 16 of the 1970 "Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property" stipulates that : "the States Parties to this Convention shall in their periodic reports submitted to the General Conference of the United Nations Educational, Scientific and Cultural Organization on dates and in a manner to be determined by it, give information on the legislative and administrative provisions which they have adopted and other action which they have taken for the application of this Convention, together with details of the experience acquired in this field." The General Conference had in fact asked the States Parties to present such reports to it, at its 20th session, and 18 of the 39 States Parties at that time presented reports, unequal as to their contents.

19) The text of Article 16 of the 1970 Convention is repeated in Article 29, para. 1 of the World Heritage Convention. Paragraph 2 specifies that these reports shall be brought to the attention of the Committee. Such a reporting system based on the provisions of the Convention calls for four comments :

- A decision by the General Conference would be necessary to invite States Parties to the World Heritage Convention to present reports to the General Conference. The Committee would have at its disposal reports destined for the General Conference, with all that that implies as to presentation and frequency (the General Conference would examine the reports at best every 2 years).
- Such reports would concern all the States Parties even if they do not have any properties listed.
- These reports would focus generally on "the legislative and administrative provisions adopted" and the "experience" acquired by the States Parties. Even if these terms were given a very broad interpretation, it is difficult

to see how they could cover the totality of the information necessary to ensure monitoring of World Heritage Properties: description of the state of conservation of each site and if the case arises, technical details of the threats endangering it, for example.

- In view of the experience gained with the systems of reports instituted by the 1954 Convention and that of 1970, and the afore-mentioned considerations, such a system of reports by States Parties to the World Heritage Convention would not seem to be in a position to provide the Committee with regular and detailed information on the state of conservation of cultural property.

III. The legal bases for establishing a system of monitoring the state of conservation of World Heritage sites

A) Obligations of States Parties

- 20) a) Article 4 stipulates that "each State Party to this Convention recognizes that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in Articles 1 and 2 and situated on its territory, belongs primarily to that State. It will do all it can to this end, to the utmost of its own resources and, where appropriate, with any international assistance and co-operation, in particular, financial, artistic, scientific and technical, which it may be able to obtain."

- b) Moreover, Article 6 stipulates that :

"1. Whilst fully respecting the sovereignty of the States on whose territory the cultural and natural heritage mentioned in Articles 1 and 2 is situated; and without prejudice to property rights provided by national legislation, the States Parties to this Convention recognize that such heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to co-operate.

2. The States Parties undertake, in accordance with the provisions of this Convention, to give their help in the identification, protection, conservation and preservation of the cultural and natural heritage referred to in paragraphs 2 and 4 of Article 11 if the States on whose territory it is situated so request"

B) The role of the World Heritage Committee

21) The Committee, according to the terms of Article 11, "shall establish, keep up to date and publish" the World Heritage List (para. 2) and the List of World Heritage in Danger (para. 4); it "shall receive and study requests for assistance" under the World Heritage Fund (Article 13).

22) In order to accomplish in full this task of keeping the World Heritage List up-to-date, the Committee wished to be kept informed of the state of conservation of properties, the measures taken to protect and manage them, the measures taken by States Parties following recommendations made by the Committee with regard to the preservation of these properties, and the use made of funds allocated from the World Heritage Fund. By collecting information on the state of conservation of World Heritage sites, the Committee would be in a position to judge whether

the state of a site justified a request for assistance, or even inscription on the List of World Heritage in Danger, and finally whether the property had retained the features which justified its inscription on the World Heritage List.

C) The role of the Consultative NGOs

23) Whatever the system adopted by the Committee for monitoring cultural properties and whatever the role given to the relevant NGOs, that role can only be one of collaboration with the Committee "for the implementation of its programmes and projects" (Article 13, para. 7).

24) Moreover, Article 14, para. 2, of the Convention specifies in particular that the Director-General "shall prepare the Committee's documentation and the agenda of its meetings and shall have the responsibility for the implementation of its decisions" by "utilizing to the fullest extent possible the services" of these NGOs.

D) The role of the Secretariat

25) In addition to paragraph 2 quoted above concerning the preparation of the Committee's documentation, the agenda of its meetings and the implementation of its decisions, Article 14 para. 1 stipulates that "the World Heritage Committee shall be assisted by a Secretariat appointed by the Director-General of the United Nations Educational, Scientific and Cultural Organization."

26) Besides these articles which specifically define the collaboration between the Secretariat and the Committee, it must be pointed out that Unesco :

- on the one hand is the depositary of the Convention;
- on the other hand has, by virtue of the Constitution, the mandate to contribute towards the protection of "the world's heritage of books, works of art and monuments of history and science";

IV. Proposal for a system of monitoring the state of conservation of cultural properties

In the light of the above considerations, the system described below could be envisaged as an alternative to the system proposed by ICOMOS and described in paragraphs 11 to 14.

A) The number of cultural properties monitored each year, and their selection

27) It is evident that the number of cultural properties examined each year would depend upon the technical and financial means allocated to this activity by the Committee. The number of cultural properties which the Committee will add to the World Heritage List at each session will also be a deciding factor in the efficacy of the monitoring system. To take two examples based on the hypothesis that the annual average of cultural properties listed remains 21 (as has been the case since 1978):

- if the Committee examines the state of conservation of 21 sites per year, in 8 years it could collect information on the 165 cultural properties listed at present, but would always maintain an 8 year backlog (without taking account of any second examination of a site already monitored).

- if the Committee studies the state of conservation of 40 cultural properties per year, all the sites listed up to 1994 would have been monitored once by 1996 approximately.

The Committee could consider, therefore, examining the state of conservation of 40 sites per year, for 4 to 5 years in the first instance; it could later modify that number in the light of the evolution in the number of properties listed each year; the experience acquired; the means available; and the need for a periodic reexamination of the state of conservation of certain properties already monitored, etc.

28) It would seem logical to proceed in chronological order of inscription of the properties, as ICOMOS has suggested; those properties which were listed first would seem to be, a priori, those in greatest need of an update of the information collected at the time of their nomination.

29) However, the Committee could modify the order of monitoring of sites, by giving priority to properties it considers in greater danger, or on the contrary by postponing the monitoring of a property on which the Committee has recent and ample information.

B) Method of Updating

30) The Committee could consider dispatching questionnaires to States Parties drawn up with a view to updating the information in the nomination files. This could be an opportunity to complete documentation on these properties; to update information on legislation, on protection measures, on the environmental evolution of the property; to evaluate the possible aggravation of dangers already reported or on the contrary the positive effects of assistance from the World Heritage Fund. This system should therefore be considered neither as an inquisition nor as extra burden of work for those in charge of the preservation of properties, but rather as a tool intended to help them.

31) It is likely that some states will not have the technical means necessary to gather all the data requested on the state of conservation of their cultural properties : by bringing to light these difficulties, the questionnaires could define much better the real needs of these States. In such cases, the procedure described below could prove to be particularly useful.

32) The questionnaires, prepared by ICOMOS and the Secretariat in collaboration, would be submitted to the Committee for approval.

C) Processing of questionnaires

33) The processing of the questionnaires and the activities deriving from it imply an important work-load, and require for the most part, definite technical qualifications. If the Secretariat had staff possessing the necessary administrative and technical abilities, the monitoring procedure could be carried out as follows, once the Committee had approved the model questionnaire and determined the order of monitoring :

- a) The Secretariat sends the questionnaires to the States concerned. A deadline for replies is set at 31 July of the year preceding the study of the state of conservation of a property.

- b) As and when it receives the replies, the Secretariat :
- proceeds to analyse them and asks the States concerned for supplementary information not in the file;
 - gathers together all the other information already at its disposal (for example experts' reports or documents concerning a site which is the object of an international campaign) and extracts from it complementary elements for the file;
 - if it has obtained from other sources alarming information on the state of conservation of a property, it tries to verify its source and authenticity in cooperation with the State concerned;
- c) The Secretariat transmits the information it has gathered to ICOMOS which prepares a technical commentary.
- d) At the annual session of the Bureau of the World Heritage Committee:
- the Secretariat puts the information it has collected at the disposal of the Bureau and presents to it the progress made on each file;
 - ICOMOS presents its technical commentary.
- e) On the basis of this information, the Bureau may ask the Secretariat to contact the States concerned, depending on the circumstances :
- to ask for supplementary information;
 - to suggest already at this stage the adoption of certain protective measures for monitored sites;
 - to suggest presenting a request for technical cooperation, or even inscription on the List of World Heritage in Danger;
 - to propose making available expert missions or consultations in order to help these States either fill in the questionnaires, or else prepare a request for technical co-operation. In case the States agree, these missions or consultations could be financed by funds allocated annually by the Committee for this purpose.
- Moreover, the Bureau could recommend that the Committee take one of the initiatives described in paragraphs 34 and 35 below.
- f) After the Bureau session, the Secretariat implements the Bureau's decisions and asks for the reactions and comments of the States concerned. It keeps ICOMOS informed of the results of its actions.
- g) At the annual session of the Committee, the Secretariat presents to the Committee a summary of the monitoring stage reached for each site and ICOMOS presents its technical commentary, updated with the new elements in the file.

D) Examination by the Committee

- 34) At its annual session, the Committee would take note of the file on each site. On the basis of this information it could take various initiatives.

As it has already done when the state of conservation of natural properties has been examined, it could :

- ask for complementary information from the authorities concerned through the Secretariat which would contact these authorities to this end;
- inform the authorities concerned of its recommendations and comments (the Committee has, several times acting on information provided by IUCN, applied to the authorities of a country, either to express its satisfaction at certain measures, or to draw their attention to the need to ensure the protection of a World Heritage property);
- suggest more specifically, the granting of technical co-operation to safeguard a site, or even its inscription on the List of World Heritage in Danger.

It must, however, be recalled that it is up to States Parties to present requests for assistance to the World Heritage Fund for world heritage properties situated on their territory (Article 13 of the Convention) and that one of the conditions for inscription of a property on the List of World Heritage in Danger is that assistance has been requested to safeguard this property (Article 11 para. 4). The States concerned could therefore present such requests at any stage prior to monitoring.

35) Two hypotheses which have not yet been realized must be considered :

- a) the implementation of the "Procedure for the eventual deletion of properties from the World Heritage List" envisaged in paragraphs 26 to 34 of the "Operational Guidelines for the Implementation of the World Heritage Convention". The procedure should be applied in cases where a World Heritage property has deteriorated seriously or where the necessary corrective measures have not been taken. The relatively long procedure leaves plenty of time for verifying information about the property and for consultations with the State concerned. Since the Committee has declared that it "was particularly concerned that all possible measures should be taken to prevent the deletion of a property from the list and was ready to offer technical co-operation as far as possible to States Parties in this connection." (para. 34 of the Guidelines);
- b) the deletion of a property from the List of World Heritage in Danger: although no specific provision has been made for this, it is conceivable that the Committee, considering that a property is no longer threatened by the "serious and specific dangers" which justified its inscription on this list could decide in the course of updating the List of World Heritage in Danger (Article 11 para. 4) to proceed to its deletion.

F) Evaluation of Human and Financial Resources

36) During the first year spent principally on working out the questionnaire, there would be no need for extra staff. However, a meeting of experts to finalize the questionnaire, organized by ICOMOS, would be necessary, at a cost of around \$6.000.

Moreover, as monitoring cultural properties would imply processing an ever-increasing flow of information, it would be desirable to plan on computerized data management from the start. The latter should be carried out at Unesco headquarters, using a code to ensure restricted access to the data. It is therefore suggested that a computer specialist be called in to study and to cost the type

of material and computer programme most suited to this purpose and to the computer systems already available at the Secretariat. This study, (a consultant contract) would cost \$5,000.

37) During the second year, i.e. that following the Committee's approval of the questionnaire, the first batch of questionnaires would be sent to the States concerned. However, because of the deadline set at 31 July it would obviously not be possible to complete all the stages of processing the questionnaires in a single year, and the Secretariat would have a lighter workload than in succeeding years.

The necessary staff, fully operational from 1 July would comprise :

- a specialist (6 months)	\$29,000
- a supernumerary secretary (6 months)	\$12,250

These amounts would be over and above those for annual temporary assistance to the Secretariat. During the same period, the tasks entrusted to ICOMOS would call for :

- a technical assistant (6 months)	\$24,000
- a secretary (6 months)	\$10,000

38) For the following years, the task of monitoring would call for a modification and redistribution of the temporary assistance to the Secretariat, financed by the World Heritage Fund. This assistance amounted to \$ 70,000 in 1986 for the Division of Cultural Heritage (of which \$35,000 finances an administrative post and the rest finances the salaries of supernumerary secretaries and consultant contracts).

The financing of the following posts on a yearly basis could be envisaged under the temporary assistance allocation to the Division of Cultural Heritage :

- a professional post of specialist in monitoring	\$58,000
- an administrative post	\$42,000
- secretaries (one full-time and one part-time)	\$36,750

The total of this temporary assistance (\$136,750) would therefore finance not only the jobs done at present by the Division of Cultural Heritage, but also that of monitoring cultural property.

As for ICOMOS, the annual financial resources to be foreseen would be :

- a full-time technical assistant	\$48,000
- a full-time secretary	\$20,000

39) The Secretariat has consulted ICOMOS on the above proposals.