

## Notes on World Heritage Convention

Waleed Al Sayyed

*Director of Centre for the Study of Art and Architecture, Lonaard London UK.*

*sayedw03@yahoo.co.uk*

(Received 15/3/2015; accepted for publication 12/4/2016.)

**Abstract:** The natural and cultural heritage gains international value as declared by the convention of the UNESCO signed in Paris in 1972. Following the rapid destruction of world heritage sites, a number of world leading organizations emerged with the aim to protect heritage, and to provide logistic and operational technical support to assist members to preserve declared heritage sites. Among those are: ICBS (International Committee of the Blue Shield), and ICOMOS (International Council of Monuments & Sites), which have noted that heritage is not only threatened with destruction caused by conflicts or decay but also by changing social and economic conditions which aggravate the situation with more formidable phenomena of damage. More recently, the danger of globalization versus traditional values became more notable. To counter the above threats, World heritage convention and charters were established.

This paper reviews key ideas declared by leading world organizations concerned with heritage. It scrutinizes world convention and charters, facts, dates, key sites under threat, as well as strategic and operational procedures set out by these charters. It discusses key questions to do with the efficiency of signed convention against the practical problematic factors that hinder the process of protecting heritage in a changing world overwhelmed by global trends in difference to tradition and identity. It scrutinizes heritage as viable entity, and examines the extent heritage convention and charters are effective to decrease the rapid deterioration of heritage.

**Keywords:** heritage convention, conservation, cultural heritage.

### 1. Introduction

This paper consists of three parts: The first comprises general preview with key facts about main World heritage convention and charters, then an introduction to the main world organisations associated. The second part, discusses key literature and articles in the convention and charters. The third part examines the extent these convention and charters are effective in protecting heritage within entangled socio-cultural and political contexts, and therefore highlighting case studies in conflict areas. The paper has two main objectives: to review the essential key world heritage convention and charters; then to examine their

viability with reference to case studies. However, it is neither possible to conduct a comprehensive review of all charters, nor all articles of the convention, due to the rather limited space, and hence a selection of charters with a basic review of the convention is undertaken.

### 2. Part One: History of World Heritage Convention

This part aims to provide basic information on world heritage convention and leading international organisations protecting heritage and a historic preview of their emergence and evolution. The section forms a basic platform for the discussion to follow and

pointing out relevant information. The review of the whole convention in detail is not possible for limitations of the paper, and hence highlights of key points will be made, leaving the door open for further specific studies

### **2.1 The Historic Emergence of World Heritage Convention and the Creation of International Council on Monuments and Sites (ICOMOS)**

It can be argued that architectural heritage has never been more than a matter of national concern until the end of the 19th century (UNESCO, 1970). In fact, according to UNESCO documents, (UNESCO, 1970, 1972), the concept of 'World heritage' was first introduced in 1933, following the Athens Conference on restoration of historic buildings, organized by the International Museums Office, and the Athens Charter drafted by Le Corbusier at the fourth Assembly of the International congresses on Modern architecture. Moreover, it was not until 1957 that the First Congress of Architects and Specialists of Historic Buildings in Paris recommended that countries without such an entity as a central organization for the protection of historic buildings provide for the establishment of such an authority and, in the name of UNESCO, that all member states of UNESCO join the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM) based in Rome. Furthermore, the Second Congress of Architects and Specialists of Historic Buildings, in Venice in 1964, adopted 13 resolutions, the first one being the International Restoration Charter, better known as Venice Charter, (ICOMOS, 1964) and the second one, put forward by UNESCO, provided for the creation of the International Council on Monuments and Sites (ICOMOS).

'ICOMOS', with some 7000 members organized in 118 National Committees and 21 International Scientific Committees, has therefore become the advisory body for UNESCO on issues concerning the world cultural heritage, in particular the evaluation of monuments and sites that have been placed on the World Heritage List or are under consideration for listing. The UNESCO Convention for the Protection of the World Cultural and Natural Heritage remains one of the few, arguably, successful efforts at world cultural politics directed at saving mankind's cultural heritage (UNESCO, 1972). The UNESCO initiated, with the aid of ICOMOS, a draft convention on the

'protection of cultural heritage' adopted later by the UNESCO on 16 November 1972. This was a result of a single event that aroused particular concern in Egypt in 1959 when Abu Simbel temples were threatened to be flooded by the High Dam, which led to an international campaign to save it as an international treasure rather than just an Egyptian national one.

On 18 April 1982 in a symposium organized by ICOMOS in Tunisia, it was suggested that a day be established to celebrate the diversity of heritage throughout the world. The idea was approved by the Executive Committee and the UNESCO General Conference who passed a resolution at its 22nd session in November 1983 recommending that Member States examine the possibility of declaring 18 April each year "International Monuments and Sites Day". While many countries and regions have established heritage days, such as the European Heritage Days celebrated each year in September, the International Day for Monuments and Sites presents an opportunity for all ICOMOS National Committees to advocate their shared cause together on the same day (UNESCO, 2015).

### **2.2 The emergence of the International Committee of the Blue Shield and The Hague Convention 1954**

ICOMOS was not, obviously, the only international organization concerned with endangered heritage. In fact, in 1996 the International Committee of the Blue Shield (ICBS) was founded as a result of rapid threat to world's cultural heritage by wars and natural disasters, which makes it, therefore, the cultural equivalent of the Red Cross. It comprises representatives of Non-Governmental Organizations working in this field: the International Council on Archives ([www.ica.org](http://www.ica.org)), the International Council of Museums ([www.icom.museum](http://www.icom.museum)), ICOMOS ([www.icomos.org](http://www.icomos.org)), the International Federation of Library Associations and Institutions ([www.ifla.org](http://www.ifla.org)), the Coordinating Council of Audiovisual Archives Associations ([www.ccaaa.org](http://www.ccaaa.org)). It works in co-operation with UNESCO, the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM) and the International Committee of the Red Cross. The status of the ICBS as an 'eminent professional organization', which has a formal relationship with UNESCO and an important advisory role, has

been recognized in the 2nd Protocol of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, which is the principal international instrument devoted specifically to the protection of cultural property in armed conflict (UNESCO, 1954).

The background and objectives to the Convention and Protocol are set out clearly at the beginning: "The High Contracting Parties, Recognizing that cultural property has suffered grave damage during recent armed conflicts and that, by reason of the developments in the technique of warfare, it is in increasing danger of destruction; Being convinced that damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of all mankind, since each people makes its contribution to the culture of the world; Considering that the preservation of the cultural heritage is of great importance for all peoples of the world and that it is important that this heritage should receive international protection; Guided by the principles concerning the protection of cultural property during armed conflict, as established in the Conventions of The Hague of 1899 and of 1907 and in the Washington Pact of 15 April 1935; Being of the opinion that such protection cannot be effective unless both national and international measures have been taken to organize it in time of peace; Being determined to take all possible steps to protect cultural property; Have agreed upon the following provisions:...." (UNESCO, 1954)

Chapter I of the Convention concludes with important provisions requiring the peacetime training of the armed forces [Article 7]. Chapter II [Articles 8-11] of the Hague Convention introduces and regulates the concept of "Special Protection". Under this UNESCO, after consulting all High Contracting Parties may place on a special list at the request of the state concerned, a limited number of temporary refuges or shelters for movable cultural property, and also "centers containing monuments and other immovable property of very great importance", subject to the defending State being both able and willing to demilitarize the location and its surroundings. Chapter III provides protection and immunity, modeled closely on that granted to ambulances under The Hague and Geneva Conventions, for official transport used in both internal and international transfers of cultural property, subject to prior authorization and international supervision of the movement. [1954 Convention Articles 12-14; Regulations Articles 17-19]. Chapters IV-VII cover a wide range of provisions

requiring belligerents to provide for the protection of authorized personnel engaged in the protection of cultural property [Article 16], details relating to the use of the official emblem of Hague Convention, and issues relating to the interpretation and application of the Convention [Articles 15-18].

The concluding Articles of the Convention dealt with a range of mainly technical legal issues, including a provision permitting the application of the Convention to colonies and other dependent territories, formalizing the relationship of the new Convention to existing general laws of war, and provisions relating to both individual denunciation by a High Contracting Party and for inter - governmental revision of the Convention and Regulations [Articles 28-40].

The 1954 Hague Regulations, which form an integral part of the Convention, set out first [Chapter I, Articles 1-10] the practical procedures to be followed in relation to the compiling by the Director-General of UNESCO of an international list of persons qualified to carry out the functions of Commissioners-General, and procedures to be followed in the event of armed conflict, including the arrangements for the appointment of cultural representatives, Commissioners General and the responsibilities of the Protecting Powers (appointed in accordance with the Hague 1907 and Geneva 1949 principles). The second part [Chapter II, Articles 11-16] of the Regulations deals with the practical arrangements and procedures for the granting and registration of "Special Protection", including the notification of all proposals to every High Contracting Party and arrangements for the submitting of objections and for eventual arbitration on these if necessary, as well as provisions for the cancelling of "Special Protection" where appropriate. Chapter III of the Regulations [Articles 17-19] sets out in some detail the procedures for the transport of movable cultural property to a place of safety (possibly abroad) for protection, with the approval of the neutral Commissioner-General overseeing cultural heritage matters during the conflict; while the final part, Chapter IV, regulates the use of the Official Emblem and the identity cards and other identifying markers of persons duly authorized to undertake official duties in relation to the implementation of the Convention [Articles 20 - 21].

The final compromise over these objections was to separate out such measures into a separate legal instrument: the Protocol for the Protection of Cultural Property in the Event of Armed Conflict (now

known as the First Protocol following the March 1999 Diplomatic Conference to update the Convention). The 1954 Protocol has two unambiguous purposes. First, a State Party to the Protocol undertakes to take active measures to prevent all exports of movable cultural property as defined in the Hague Convention from any territory which it may occupy during an armed conflict. Second, all High Contracting Parties undertake to seize and hold to the end of hostilities any cultural property from war zones which has been exported in contravention of the first principle of the Protocol. In marked contrast with the position taken by the United States and Soviet Union at the Berlin (Potsdam) Conference of July–August 1945, less than a decade earlier, the Protocol also provides that such cultural property shall never be retained after the end of hostilities as war reparations (UNESCO, 1954, Dutli, 2002).

Based on the Hague Convention, the ICBS has monitored closely the growing conflict in the Middle East, particularly in Palestine, Southern Lebanon and most recently in Iraq, and has issued a number of statements in their effort to stress the danger such conflicts present to heritage in these territories. We will elaborate a little on this next, particularly with some case studies from Palestine, but will leave the door ajar for more detailed rigorous studies on the threatened heritage in Palestine, Iraq, Lebanon, or Afghanistan, where a detailed study is beyond the scope of this paper.

### 2.2.1 ICOMOS PALESTINE AND NABLES CITY 2002 (CASE STUDY) Destruction in the West Bank, April 2002



Figure (1): Al Aqsa Mosque – Palestine (after ICOMOS archives)

The systematic attempts at destruction by the occupying forces are many and relentless. Such aggression is aimed at the Palestinian heritage in the West Bank and Gaza Strip, leaving a great deal of damage to invaluable cultural and architectural heritage. Most notably are the attempts to dig tunnels under the Aqsa Mosque. Among the numerous attempts to demolish the Palestinian heritage are the following cases which have been reported by ICOMOS Palestine in 2002, the main source of this next brief review.

The report is the first to be submitted by the Palestine National Committee of ICOMOS to the ICOMOS World Report on Monuments and Sites in Danger concerning Palestinian heritage sites at risk. The Committee was established in February 2002 and launched its first press release on 11 April 2002, to voice grave concern about the use of air and field artillery by Israeli forces in the historic old cities of Nablus and Bethlehem, in the West Bank, Palestine (ICOMOS, 2002).

The first case is the city of Nablus, with 113,000 Palestinian residents, which suffered considerable damage and destruction during an 18-day air and ground bombardment by occupying military forces, 3–21 April 2002. Most of the destruction occurred in the two-millennia-old historic core area in central Nablus, where 16,000 residents and hundreds of economically viable businesses are located.

The large-scale attack on Nablus was part of a re-occupation of Palestinian territory in the West Bank that targeted major cities and villages. Since then, occupying military forces have repeatedly re-entered the city causing more damage. Curfews on the city as well as movement restrictions between cities have complicated the task of making further damage assessment (based on the initial ‘post-disaster’ assessment made by the municipality: ‘Post-Disaster Damage Assessment for the City of Nablus’ prepared by Nablus Municipality, 5 May 2002). The whole of Nablus, and particularly the Old City, was held under total curfew and subjected to 18 days of bombardment and targeted destruction from F-16s, Apache helicopter gunships, tanks and military bulldozers. The kind of military ordnance used ranged from heavy bombs and tank shells to strafing fire and remote-controlled explosives. The most pervasive damage was caused by military bulldozers that were used to batter the narrow alleyways of the Old City to widen streets to facilitate tank movement, in the process destroying façades and walls, and demolishing historic residential buildings. Occupying soldiers also used timed explosives to blow holes in walls and doors to create internal

passageways through linked historic buildings, to facilitate the ground invasion. Tanks repeatedly re-entered the city in May and June, causing further damage (ICOMOS, 2002, Taha, 2004).

Examples of damaged historical structures used as places of worship, residences, businesses and cultural heritage are: Al-Khadra Mosque (Fig.2), which is the oldest mosque in Nablus. Large parts of the mosque, including the main prayer hall of 150 square meters, were destroyed by tank fire followed by a bulldozer that demolished the main façade, two-meter thick walls and caused partial roof collapse at the western side, affecting the stability of the building and threatening the safety of nearby residential structures (ICOMOS, 2002).



**Figure (1): Al Aqsa Mosque – Palestine (after ICOMOS archives)**

Al-Kannan soap factory site is another example, an Ottoman-era building, which suffered grade 5 total destruction. Located near the main western entry to the old city, the site contained two olive-oil soap factories (al-Kannan and al-Nabulsi) and a group of houses belonging to eight families. The Kannan factory was hit by helicopter ‘smart’ bombs and totally burnt. The destroyed factories were two of the city’s 30

famous 18th-century soap factories. The destruction affected 3500 square meters of built-up area in adjacent buildings and affects the structural stability of the residential blocks around the site. Two other soap factories were partially demolished: the Abu Shamat family factory was hit by tank shells that damaged the external walls, and the free-standing Masri family factory (built in 1890) was totally burnt from tank shells. Explosives were also placed inside the buildings (ICOMOS, 2002).

Another example is Bethlehem Old City. A team of international and Palestinian experts assessed the cultural heritage damage in Bethlehem Old City, using a rapid technical survey of damages. Damage was classified according to four grades. A total of US\$ 1.4 million in damages was estimated, primarily grades 3 and 4, and loss in urban furniture. Direct damage to the Church of the Nativity complex from projectiles and fire was estimated to total about US\$ 77,000. Most of the damage to the Old City was found in the market area and around the main street. The Church of the Nativity complex, where Palestinians had sought refuge from the attacks, was damaged by bullets, fire and one missile, but was probably saved from more serious damage by the widespread interest and appeals made by the international community. Within the church itself, wall mosaics, the roof and the external upper façade of the central nave suffered bullet hits that caused holes of up to 3 x 10 centimeters in diameter. In the Franciscan convent within the complex, damage was confined to pavement, plaster, frames, doors, electrical system, lighting system and walls. The external stone façade was blackened by smoke. A marble statue in the Church of St. Catherine and St. Jerome’s cloister courtyard was damaged by bullets (ICOMOS, 2002).

Following this brief historical preview of the emergence of these two world Organizations, and the brief review of case studies of threatened heritage in areas of conflict in Palestine, the next part looks closely at the main convention and charters as far as natural and cultural heritage are concerned, to form a basic platform to discuss their importance and viability.

### **3. Part Two: ICOMOS CHARTERS AND THE UNESCO CONVENTION**

In this part we will review and discuss; first ICOMOS main charters and, second the UNESCO published convention for the preservation of monuments and sites and its operational guidelines, and will highlight key ideas and articles.

### 3.1 (ICOMOS) KEY CHARTERS

ICOMOS published 'International Charters for Conservation and Restoration', a document that lists the various charters with full details of each charter's Articles that explains and defines the rules for the preservation, restoration and conservation of the various aspects of heritage. The document is available online on this link <http://www.international.icomos.org>, which will be the source of our next preview in this section. It is notable that some charters tackle historic monuments, others deal with conservation of sites or urban towns, and yet others focus on underwater heritage or Industrial heritage, so what are all these about? We will go through the charters one by one.

#### 3.1.1 The Athens Charter - 1931

The Athens Charter for the restoration of historic monuments was adopted at the First International Congress of Architects and Technicians of Historic Monuments in Athens in 1931. Key resolutions were made and called "Carta del Restauro". These include the establishment of International organizations for restoration on operational and advisory levels; proposed restoration projects were subjected to knowledgeable criticism to prevent mistakes which cause loss of character and historical values to the structures; problems of preservation of historic sites to be solved by legislation at national level for all countries; excavated sites which are not subject to immediate restoration should be reburied for protection; modern techniques and materials may be used in restoration work; historic sites are to be given strict custodial protection; and attention should be given to the protection of areas surrounding historic sites (Cleere, 1993).

The Charter gains its importance as it sets out key Articles pertaining to the responsibilities to be held by specialists, architects and curators of monuments, who should collaborate with experts in the physical, chemical, and natural sciences with a view to determining the methods to be adopted in specific cases; and that the International Museums Office should keep itself informed of the work being done in each country in this field and that mention should be made thereof in the publications of the Office. It also sets out clear principles for the conservation

technical considerations. Moreover, the Conference, convinced that the question of the conservation of the artistic and archaeological property of mankind is one that interests the community of the States, and hopes that the States, acting in the spirit of the Covenant of the League of Nations, will collaborate with each other on an ever-increasing scale and in a more concrete manner with a view to furthering the preservation of artistic and historic monuments (UNESCO, 2015, Boukhari, 1996, Cleere, 1993).

The Conference recommended that each country, publish an inventory of ancient monuments, with photographs and explanatory notes and deposit copies of its publications on artistic and historic monuments with the International Museums Office.

#### 3.1.2 THE VENICE CHARTER - 1964

This is one of the key charters of ICOMOS as it sets out the main rules and guidelines for the conservation and the restoration of monuments and sites. It was put forward by the 2nd International Congress of Architects and Technicians of Historic Monuments, which met in Venice from May 25th to 31st 1964, and was approved by ICOMOS in 1965. The Venice charter is an important document that consist of 15 Articles on key definitions, conservation suggestions, on restoration, historic sites, excavations, and publication. Most notable of these Articles are 1, 2, and 3 that set out the definitions, and article 10. Article 1 states that the concept of a historic monument embraces not only the single architectural work but also the urban or rural setting in which is found the evidence of a particular civilization, a significant development or a historic event. Articles 2 & 3 it emphasize the need for the conservation and restoration of monuments to recourse to all the sciences and techniques. It also sets out notions about the process of restoration being a highly specialized process that aims to preserve heritage value. Article 10 stresses the need to use modern techniques as opposed to traditional ones to preserve heritage. And in the final section about publication, it recommends the need for precise and adequate reports and documentation while carrying out preservation or restoration processes. The importance of this charter stems from the fact that it is the first to outline guidelines and definitions to protect heritage, which remains a valuable document to date.

### **3.1.3 THE FLORENCE CHARTER - 1981**

This charter drawn up to preserve historic gardens was named after Florence, where (ICOMOS-IFLA) International Committee for Historic Gardens met on 21 May 1981. The Florence Charter was drafted by the Committee and registered by ICOMOS on 15 December 1982 as an addendum to the Venice Charter covering the specific field concerned. The charter sets out key definitions and guidelines to what the historic garden to be preserved is, and how to carry out the restoration process effectively. It defines the historic garden as “A historic garden is an architectural and horticultural composition of interest to the public from the historical or artistic point of view, hence it is an architectural composition whose constituents are primarily vegetal and therefore living, which means that they are perishable and renewable.” Therefore, as a monument, the historic garden must be preserved in accordance with the spirit of the Venice Charter. However, since it is a living monument, its preservation must be governed by certain rules specified in relation to the surroundings. Moreover, it emphasizes the need for thorough research before any such restoration can be done to ensure that the preservation process is carried out in relation to the whole rather than for the specific site itself. In Article 16 of its 25 Articles, it points out that the restoration process should be understood as stages of evolution, each of which should be conceived in relation to one another. It also sets out certain rules about the use of a historic garden by the public to ensure the durability of the place and the effectiveness of its maintenance. It states in Article 23 that it is the responsibility of the relevant authorities to appoint qualified experts to include a historic garden in the World Heritage List.

### **3.1.4 THE WASHINGTON CHARTER - 1987**

This charter concerns historic urban areas, including cities, towns and historic centers or quarters, together with their natural and man-made environments. It was adopted by ICOMOS General Assembly in Washington, DC, in October 1987. It defines the principles, objectives and methods necessary for the conservation of historic towns and urban areas. It also seeks to promote the harmony of both private and community life in these areas and to encourage the preservation of such cultural properties. It is notable from the articles of this charter that it stresses some broad important guidelines in this regard,

as follows: First, the importance that the conservation of historic towns and other historic urban areas should be as an integral part of coherent policies of economic and social development and of urban and regional planning at every level. Second, it stresses the importance of preserving qualities that include the historic character of the town or urban area and all those material and spiritual elements that express this character, such as urban patterns; relationships between buildings and green and open spaces; the formal appearance of buildings as defined by scale, size, style, construction, materials, color and decoration; the relationship between the town or urban area and its surrounding setting, natural and man-made; and the various functions that the town or urban area has acquired over time. Third, and most important, is that the participation and the involvement of the residents are essential for the success of the conservation program and should be encouraged. Fourth, it points out to the fact that planning for the conservation of historic towns and urban areas should be preceded by multidisciplinary studies. In addition, conservation plans must address all relevant factors including archaeology, history, architecture, techniques, sociology and economics. Further relevant details are set out in the 16 Articles of this charter.

### **3.1.5 THE ARCHAEOLOGICAL HERITAGE CHARTER- 1990**

The charter has been inspired by the success of the Venice Charter as guidelines and source of ideas for policies and practice of governments as well as scholars and professionals. It was prepared by the International Committee for the Management of Archaeological Heritage (ICAHM) and approved by the 9th General Assembly in Lausanne in 1990. The charter emphasizes the importance of archaeological heritage as the basic record of past human activities to enable archaeologists and other scholars to study and interpret it for the benefit of present and future generations. It also states that the protection of the archaeological heritage must be based upon effective collaboration between professionals from many disciplines, and requires the cooperation of government authorities, academic researchers and the general public. The charter therefore lays down principles relating to the different aspects of archaeological heritage management. The charter reflects the very basic principles and guidelines with global validity. For this reason it cannot take into ac-

count the specific problems and possibilities of regions or countries. The charter should therefore be scaled down to fit regional and national criteria by further principles and guidelines for these local needs. It comprises therefore only 9 broad Articles on definitions of what the archaeological heritage is, integrated protection policies, legislation and economy, survey, investigation, conservation, reconstruction, professional qualification, and international cooperation. These broad terms remain open for interpretation, evaluation and discussion.

### **3.1.6 THE UNDERWATER CULTURAL HERITAGE CHARTER- 1996**

This Charter focuses on the specific attributes and circumstances of cultural heritage under water and should be understood as a supplement to the ICOMOS Charter for the Protection and Management

of Archaeological Heritage, 1990. This Charter is intended to assist in bringing a high standard of archaeological expertise to bear on threats to underwater cultural heritage in a prompt and efficient manner. It is intended to ensure that all investigations are explicit in their aims, methodology and anticipated results so that the intention of each project is transparent to all. It was ratified by the 11th ICOMOS General Assembly in Sofia, Bulgaria, October 1996. It comprises 15 main Articles each specifies guidelines and principles on how to protect and manage underwater heritage effectively in terms of project design, funding, research objectives, methodologies or techniques, documentation and others.

### **3.1.7 THE CULTURAL TOURISM CHARTER - 1999**

This charter was adopted by ICOMOS at the 12th General Assembly in Mexico, October 1999. It states from the outset that heritage as a broad concept includes the natural as well as the cultural environment. It encompasses landscapes, historic places, sites and built environments, as well as biodiversity, collections, past and continuing cultural practices, knowledge and living experiences. It records and expresses the long processes of historic development, forming the

essence of diverse national, regional, indigenous and local identities and is an integral part of modern life. It also states primary objective for managing heritage, and sets out 6 broad principles that argue the importance of the protection of cultural tourism internationally and the host nation, and specify methods to identify sites and restore, document, and use them properly.

### **3.1.8 THE BUILT VERNACULAR HERITAGE CHARTER - 1999**

It was ratified by the ICOMOS 12th General Assembly, in Mexico in October 1999. It stresses the importance of the built vernacular heritage, as the fundamental expression of the culture of a community, of its relationship with its territory and, at the same time, the expression of the world's cultural diversity. The charter defines the Vernacular building as the traditional and natural way by which communities house themselves, as well as a continuing process including necessary changes and continuous adaptation as a response to social and environmental constraints, which is threatened world-wide by the forces of economic, cultural and architectural homogenisation. The charter sets out a set of guidelines to the end of the conservation of the built vernacular heritage that must be carried out by multidisciplinary expertise while recognising the need to respect the community's established cultural identity. It also states that the vernacular embraces not only the physical form and fabric of buildings, structures and spaces, but also the ways in which they are used and understood, and the traditions and the intangible associations attached to them.

### **3.1.9 THE HISTORIC TIMBER STRUCTURES CHARTER - 1999**

It was adopted by ICOMOS at the 12th General Assembly in Mexico, October 1999, with the aim to define basic and universally applicable principles and practices for the protection and preservation of historic timber structures with regard to their cultural significance. It defines historic timber structures as all types of buildings or constructions wholly or partially in timber that have cultural significance or that are parts of a historic area. It sets general guidelines to list, document, reconstruct or preserve and re-use them in 15 Articles.

### **3.1.10 THE CHARTER ON THE ANALYSIS, CONSERVATION & STRUCTURAL RESTORATION OF ARCHITECTURAL HERITAGE - 2003**

It was ratified by the ICOMOS 14th General Assembly in Victoria Falls, Zimbabwe, in 2003. It defines structures of architectural heritage, by their very nature and history (material and assembly), present a number of challenges in diagnosis and restoration that limit the application of modern legal codes and building standards. It sets out recommendations necessary to both ensure rational methods of analysis and repair methods appropriate to the cultural context. These recommendations are intended to be useful to all those involved in conservation and restoration problems, but cannot in anyway replace specific knowledge acquired from cultural and scientific texts. The Recommendations presented in the document are in two sections: Principles, where the basic concepts of conservation are presented; and Guidelines, where the rules and methodology that a designer should follow are discussed in this rather broad-lined charter.

### **3.1.11 THE CHARTER FOR THE PRESERVATION & CONSERVATION-RESTORATION OF WALL PAINTINGS - 2003**

It was ratified by the ICOMOS 14th General Assembly in Victoria Falls, Zimbabwe, in 2003. It states that wall paintings have been cultural expressions of human creation throughout history, from the earliest beginnings, such as rock art, extending up to present day murals. Their deterioration, accidental or intentional destruction constitutes a loss affecting a significant part of the world's cultural heritage. The Venice Charter (1964) has provided general principles for the conservation-restoration of cultural heritage. The Amsterdam Declaration (1975) introduced the concept of integrated conservation. The aim of this charter, however, is to provide more specific principles for the protection, preservation and the conservation restoration of wall paintings. This charter reflects basic and universally applicable principles and practices, and does not take into account particular problems of regions or countries, which can be supplemented at regional and national level by providing further recommendations where necessary.

The articles refer to paintings created on inorganic supports, such as plaster, brick, clay and stone, and do

not include paintings executed on organic supports, such as wood, paper and canvas. Composite materials in many historic buildings need special consideration and are outside the scope of this 10-Article charter. Architectural surfaces and their finishing layers, with their historical, aesthetic and technical values have to be considered as equally important components of historic monuments. Finally, it states that wall paintings are an integral part of monuments and sites and should be preserved in situ.

### **3.2 UNESCO CONVENTION AND ITS OPERATIONAL GUIDELINES**

This convention is the most important for the protection of the world natural and cultural heritage, known as the Convention Concerning the Protection of the World Cultural and Natural Heritage, (UNESCO, 1972) which can be found online on <http://whc.unesco.org/en/conventiontext/>). It was signed upon the general conference of the UNESCO in Paris from 17 October to 21 November 1972, at its seventeenth session. So what is this convention about?

The UNESCO Convention was put forward to protect the rapidly threatened world heritage with destruction not only by the traditional causes of decay, but also by changing social and economic conditions. The convention comprises broad declarations that: First, consider that deterioration or disappearance of any item of the cultural or natural heritage constitutes a harmful impoverishment of the heritage of all the nations of the world. Second, consider that protection of this heritage at the national level often remains incomplete because of the scale of the resources which it requires and of the insufficient economic, scientific, and technological resources of the country where the property to be protected is situated. Third, recall that the constitution of the organization provides that it will maintain, increase, and diffuse knowledge, by assuring the conservation and protection of the world's heritage, and recommending to the nations concerned the necessary international conventions. Fourth, consider that the existing international conventions, recommendations and resolutions concerning cultural and natural property demonstrate the importance, for all the peoples of the world, of safeguarding this unique and irreplaceable property, to whatever people it may belong. Fifth, consider that parts of the cultural or natural heritage are of outstanding interest and therefore need to be preserved as part of the world heritage of mankind as a whole. Sixth, consider that, in

view of the magnitude and gravity of the new dangers threatening them, it is incumbent on the international community as a whole to participate in the protection of the cultural and natural heritage of outstanding universal value, by the granting of collective assistance which, although not taking the place of action by the State concerned, will serve as an efficient complement thereto. Seventh, consider that it is essential for this purpose to adopt new provisions in the form of a convention establishing an effective system of collective protection of the cultural and natural heritage of outstanding universal value, organized on a permanent basis and in accordance with modern scientific methods.

The document consists of definitions of cultural and natural heritage as being monuments, groups of buildings or sites. It is aimed at the protection and the preservation of both cultural and natural heritage by putting forward legislations, proposals, and means as expertise or funds to this aim. Moreover, the convention sets out the guidelines for the Inter-governmental Committee for the Protection of the Cultural and Natural Heritage of outstanding universal value, called "the World Heritage Committee", which is established within the UNESCO. It is composed of 15 States Parties to the Convention, elected by States Parties to the Convention meeting in general assembly during the ordinary session of the General Conference of the UNESCO. The election of members of the Committee ensures an equitable representation of the different regions and cultures of the world. It also states in the 11th article that every State Party to this Convention shall submit to the World Heritage Committee an inventory of property forming part of the cultural and natural heritage, situated in its territory and suitable for inclusion in the list. This inventory should include documentation about the location of the property in question and its significance. On the basis of the inventories submitted by States, the Committee establishes, keep up to date and publish, under the title of "World Heritage List," a list of properties forming part of the cultural heritage and natural heritage, which it considers as having outstanding universal value in terms of such criteria as it shall have established. An updated list shall be distributed at least every two years. The Committee shall establish, keep up to date and publish, whenever circumstances shall so require, under the title of "List of World Heritage in Danger", a list of the property appearing in the World Heritage List for the conservation of which major operations are necessary and for which assistance has been requested

under this Convention. This list shall contain an estimate of the cost of such operations. The list may include only such property forming part of the cultural and natural heritage as is threatened by serious and specific dangers, such as the threat of disappearance caused by accelerated deterioration, large-scale public or private projects or rapid urban or tourist development projects; destruction caused by changes in the use or ownership of the land; major alterations due to unknown causes; abandonment for any reason whatsoever; the outbreak or the threat of an armed conflict; calamities and cataclysms; serious fires, earthquakes, landslides; volcanic eruptions; changes in water level, floods and tidal waves. The Committee may at any time, in case of urgent need, make a new entry in the List of World Heritage in Danger and publicize such entry immediately.

The convention comprises 38 Articles that encourage, support and advise its member on preservation, restoration, education programs, and sets up conditions for the international aid to State Parties which, not surprisingly are reflective of the bureaucracy entailed in the process, and is mostly related to the urgency and causes of the request for protection from eminent threats. The convention was followed by a 165-page operational guidelines document.

The Operational Guidelines of the World Heritage Convention (UNESCO, 2015) aim to facilitate the implementation of the Convention, by setting forth the procedure for the inscription of properties on the World Heritage List and the List of World Heritage in Danger; the protection and conservation of Heritage properties; the granting of international assistance under the World Heritage Fund; and the mobilization of national and international support in favor of the Convention.

The Operational Guidelines are periodically revised to reflect the decisions of the World Heritage Committee. The document is available at: [<http://whc.unesco.org/en/guidelineshistorical>]. The key users of the Operational Guidelines are: the States Parties to the World Heritage Convention; the inter-governmental Committee known as "the World Heritage Committee"; the advisory bodies to the World Heritage Committee; site managers, and partners in the protection of World Heritage properties.

Having reviewed the main ICOMOS charters, the UNESCO Convention and its Operational guidelines main aims and objectives, the following Part 3 will discuss and scrutinize these in the context of their impact beyond the theoretical level next.

#### **4. PART THREE: DISCUSSION: How Effective are World Heritage Conventions to Protect Heritage?**

The charters and conventions put forward by ICOMOS, the UNESCO and other leading organizations to protect heritage are diverse and seem to provide a platform to preserve and restore different aspects of world heritage. However, it is notable from the previous review that a set of key notes and observations can be made on the text, the contents, the implementation of the Conventions and charters, and the viability of these on the ground. These can be summarized in the following main points:

1. The review of the various charters and the convention prepared, signed, and implemented over a relatively long time, during which a number of considerable events have taken place, does not reflect an expected accumulative improvement of the legislations and the theorization in these charters. In fact, it is clearly obvious that they reflect one tone despite their different ages, which in effect gives the impression that they are aimed to provide a theoretical umbrella for the protection of heritage on a very broad remote level. This, some may argue, is the essence of these charters that deal with the preservation of the theoretical level of the heritage of heterogeneous world regions and states. However, a counter-argument could stem from the fact that almost all these charters embrace a laboriously dull effort to state the obvious as far as experts in the field of restoration or conservation are concerned, with no attempt to divide or sub-divide the world heritage into zones based on cultures or sub-cultures, state of poverty-wealth, industrial-nonindustrial, and so on, which are important influential factors, and in effect, will help to provide more detailed, localized, practical, and realistic charters and convention that reflect the heterogeneous situations of the State members.

2. It follows from the above that some State members may have industrial heritage, while others may have underwater heritage and so on. Therefore, the grouping or sub-grouping of members could be useful for regional and local representatives and experts to work on sub-charters that tackle regional, trans-regional, socio-cultural issues beyond the capabilities of the present broad charters and convention.

3. By recognizing that world heritage is a human invaluable property, hence the objective of the current conventions, it is not enough to sign and declare such broad theoretical convention, as it becomes extremely

and equally vital and important to issue accompanying laws by a world heritage-related authority to make it illegal, hence punishable, for states, or groups who ignore, or in some cases deliberately destroy heritage. Similarly, smuggling heritage property or articles from one region to another should be banned, whether by individuals, groups or states. It should be asserted that almost all cultural heritage are geographically inseparable from their contexts. The current conventions lack such understanding and vision. In the ideal scenario, conventions should put forward proposals for laws to prohibit the transport of such articles which should be returned to the original local region whether purchased or offered. The lack of such ideas in current charters and conventions leads to the understanding that such conventions are remote from the realistic world influenced by socio-political factors that affect directly, not only the state of heritage, but also its whereabouts and the socio-cultural diverse contexts, rendering the world replete with alienated heritage, extracted from its roots, as the case with most of the invaluable Egyptian heritage.

4. The idea of sub-grouping of State members of UNESCO Convention could dissociate the World Heritage Committee from a prejudicial position, or even a claim for being negatively neutral against some politically motivated activities that threatens heritage. By creating such trans-regional groups, the urgency to protect heritage will stem from cultural adherence rather than a current sense of global sympathy. In this regard, it is inconceivably notable that the World heritage List does not include Palestine or most of Iraq heritage; both states replete with invaluable under-threat heritage within long unstable political turmoil. As things stand, according to existing conventions and charters, it is the responsibility of the local authorities to provide an inventory of heritage in their territory, yet with a politically unstable situation in some territories, it becomes vital for a global authority to take an initiative and responsibility to protect such regional heritage. Therefore, the right of power should suit the reality in extraordinary political cases, and that should be reflected clearly in World heritage conventions to be both viable and effective to protect heritage under-threat.

5. It is regrettable to note that the UNESCO List of heritage does not include any of the numerous invaluable sites in Palestine, except Jerusalem, which was proposed to be enlisted by Jordan. Apart from that the vast countless sites in Palestine face inevitable demolishing by relentless efforts of Israel,

despite ICBS infrequent calls, which prove to be ineffective to protect the endangered heritage in the Palestine and the Lebanon region.

6. As such, it becomes important for the current charters not only to operate on a global theoretical level, but also to specifically address certain time-culture-society zones around the world by providing world experts to work hand in hand with local experts. As it stands, it remains possible for some fortunate regions with high level of cultural awareness, prosperity, political stability or wealth to manage and protect their natural and cultural heritage, whereas on the other side of the globe, cultural and natural heritage can be systemically abused and misused whilst the ICOMOS and the UNESCO convention remain 'ink on paper'.

7. As a result, the extent to which current convention and charters can be seen viable to protect heritage is under much scrutiny and skepticism, leaving a huge gulf between their theoretical platform and the actual reality of a changing world threatened by substantial transformations in its socio-political infrastructure, and a wave of overwhelming globalization that questions the very essence of the importance of tradition and heritage.

## 5. CONCLUDING REMARKS

This paper can only open the door wide for further studies on such a broad interdisciplinary subject. For this purpose, a list of relevant research areas can be indicated here. Firstly, on areas of conflict and the threatened heritage, the Middle East seems the obvious burning hot choice, as other papers could elaborate on the review and the discussion in this paper and focus on the threatened Heritage in certain areas of conflict like Iraq or Palestine. Such studies can shed light on the actual situation and put forward proposals to protect heritage, leading the way for laws to be issued and implemented. Second, on the socio-cultural attachments to world Heritage, several studies could lead the way to better understand how local conventions could assert the relation between heritage and territory, protect and sustain their relationship by means of principles and guidelines supported by local or regional legislative laws and monitored by powerful authorities. Thirdly, another group of studies could trace exported

world heritage and put forward discussions and proposals to prohibit cross-cultural exchange of heritage under any circumstances. Furthermore, such studies can only be the beginning to study, propose, and put forward ideas and local charters to reverse the process and safeguard the idea of national heritage that should return to its original context. Such studies and many more could begin to examine and explore the current charters and conventions and scrutinize them rather than taking them for granted as sacred text.

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#### **Useful Websites for Charters and data**

**ICOMOS** official Website where charters mentioned within the text can be retrieved from this link (visited on 15 March 2015) <http://www.icomos.org/en/charters-and-texts>

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## ملاحظات على اتفاقية التراث العالمي

وليد احمد السيد

مدير مركز دراسة الفن والعمارة - لوند، لندن المملكة المتحدة

sayedw03@yahoo.co.uk

قدم للنشر في ٢٤ / ٥ / ١٤٣٦ هـ؛ وقبل للنشر في ١ / ٨ / ١٤٣٧ هـ

ملخص البحث. يكتسب التراث الطبيعي والثقافي قيمة دولية كما أعلن من قبل اتفاقية اليونسكو الموقعة في باريس في عام ١٩٧٢. وبعد التدمير السريع لمواقع التراث العالمي، برز عدد من المنظمات الرائدة في العالم، وذلك بهدف حماية التراث، وتقديم الدعم اللوجستي والفني التشغيلي لمساعدة الأعضاء على الحفاظ على مواقع التراث المعلنة. ومن بين تلك: SBCI (اللجنة الدولية للدرع الأزرق)، و SOMOCI (المجلس الدولي للآثار والمواقع)، والتي أشارت إلى أن التراث لا يهدد فقط من الدمار الناجم عن النزاعات أو التهدم ولكن أيضا عن طريق الظروف الاجتماعية والإقتصادية المتغيرة التي تفاقم الوضع أكثر من خلال ظواهر دمار هائلة. وفي الآونة الأخيرة، فقد أصبح خطر العولمة مقابل القيم التقليدية ملحوظا أكثر. ولمواجهة التهديدات المذكورة أعلاه، تم وضع اتفاقية التراث العالمي والميثاقيات.

تستعرض هذه الورقة الأفكار الرئيسية المعلنة من قبل المنظمات العالمية الرائدة المعنية بالتراث. انها تدقق اتفاقية التراث العالمي والميثاقيات والوقائع والتواريخ والمواقع الرئيسية تحت التهديد، وكذلك الإجراءات الإستراتيجية والتشغيلية التي وضعتها هذه الميثاقيات. وتناقش القضايا الرئيسية المرتبطة بكفاءة الإتفاقية الموقعة بالنسبة للعوامل الإشكالية العملية التي تعيق عملية حماية التراث في عالم متغير تطغى عليه الإتجاهات العالمية في مقابل التقاليد والهوية. هذه الورقة تسعى لمراجعة التراث ككيان قابل للحياة، وتختبر مدى فعالية اتفاقية التراث العالمي والميثاقيات لتقليل التدهور السريع للتراث.

الكلمات المفتاحية: اتفاقية التراث، الحفاظ التراثي، التراث الثقافي.

تم دعم هذا البحث عن طريق كرسي الأمير سلطان بن سلمان للتراث العمراني، كلية العمارة والتخطيط، وكالة العمادة لكراسي البحث، جامعة الملك سعود.