

The Convention concerning the Protection of the World Cultural and Natural Heritage (Paris, 1972) and Romania

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Abstract

The notion of the cultural heritage of humanity is relatively recent, but its protection and conservation date back to the Renaissance. Over time, this type of initiatives has been supported legislatively, which provided a legal framework, including the obligation to protect and rescue humanity's exceptional natural and cultural assets. One form of legislation on the protection and conservation of heritage is the Paris Convention of November 1972 which, for the first time, brought to public attention the idea of World Heritage. Romania adopted the convention by Decree No. 187/1990. Since then, our country has managed to list eight UNESCO cultural and natural sites and with the promulgation of Law No. 410 of December 29, 2005, on the protection of intangible cultural heritage, it registered six other heritage elements, the Romanian culture thus occupying a well-deserved place among the cultures of the world. The 1972 Convention is important due to the impetus was given to the countries of the world to preserve, protect and promote their national values, but also to place them among other world property of exceptional value.

Keywords: world heritage, culture, protection, convention, Paris.

Introduction

During its existence, since its appearance, the human being has lived his odyssey in a perpetual struggle of matter and mind. Creativity and ingenuity have been reflected in all the objects produced, from the simplest flint tool to the naive drawings scratched on cave walls, from the megalithic constructions to the exceptional works of art that have stubbornly defied time and reached our time. The longevity of some went hand in hand with the destruction of others. To avoid the destruction, whether willingly or not, people learned to collect and treasure the objects that seemed more valuable to them, these two processes being the basis of forming the heritage.

The vanity of the human being did not stop at producing more or less valuable objects but continued with the erection of monuments, silent and eternal witnesses of deeds of bravery of strong personalities that rose above the collective. With the birth of the consciousness of value, people, out of respect for their creations and the desire to save them by collecting them, began to realize the importance of the idea of preserving and conserving them. Expressing this



idea, Theodoric told his architects that „leaving the monuments that will fill them with admiration for the future generations, for mankind, is a service full of honour and worth the strongest desire of every human being”¹. Even before Christ, the Greeks and the Romans undertook works of consolidation and restoration of monuments, a practice that was then continued in subsequent centuries by rulers or mere secular or religious people, both out of respect for their ancestors and especially as an example for the generations they belonged to.

The French Revolution is a particularly important historical moment, because then, for the first time, the issue of the common patrimony, or heritage, was formally raised. That is why the French Revolution represents a powerful moment in the construction of the notion of heritage. The following centuries have continued this practice of rescuing outstanding works, and over time, real public policies and concrete measures have been developed.

From an etymological point of view, the term of *patrimony* comes from the Latin *patrimonium*, which leads to the “idea of a family legitimacy that maintains the patrimony (heritage)”² and which refers to material objects (buildings, land, jewellery, monetary fund etc.), meaning the property of an individual received from his/her ancestors, the heir having a moral duty towards his/her family to pass it down to future generations not only intact, but also strengthened, the notion belonging to the private and family sphere³. The origins of patrimony, or heritage, are found in antiquity, and reflect man’s desire to accumulate various goods, which, in time, he invested with aesthetic, material, social, historical, or artistic values. That is why the notion of patrimony, in its broad sense, is defined as the transfer of property to the offspring. Roman law includes first laws regarding the transmission of heritage⁴. But when we talk about patrimony, we refer not only to certain property but to all human achievements of exceptional value that represent the legacy of the past to be passed on to the descendants, not only protected and preserved, but also enriched. The universality of the patrimony is given by the fact that it belongs to all the peoples of the world, regardless of the territory they inhabit⁵.

¹ Cevad Erder, *Our architectural heritage: from consciousness to conservation*. (Bungay: UNESCO, 1986), 28, see <http://unesdoc.unesco.org/images/0007/000714/071433eo.pdf> (accessed 12.11.2018).

² Erder, *Our architectural ...*, 116.

³ Erder, *Our architectural ...*, 116-117.

⁴ Marie-Pierre Besnard, „La mise en valeur du patrimoine culturel par les nouvelles technologies”, *Schedae*, no. 5 (2008), see <https://www.unicaen.fr/puc/images/preprint0102008.pdf> (accessed 13.11.2018).

⁵ *Notre patrimoine mondial*. s.l, s.a., see <http://whc.unesco.org/fr/apropos/> (accessed 12.11.2018).

The Convention concerning the Protection of the World Cultural and Natural Heritage (Paris, 1972)

The twentieth century was marked by numerous legislative initiatives on heritage, especially from its second half, driven by the loss of cultural and natural property owed, in particular, but not exclusively, to the two world wars. Of particular importance is the establishment of UNESCO (United Nations Educational, Scientific and Cultural Organization) on 16 November 1945 at the London Conference when its birth certificate was signed⁶. Romania became a UNESCO member in 1956.

UNESCO's policies have taken into account the observation that „Since the wars begin in the minds of men, it is in the minds of men that the defences of peace must be built”, from where „The purpose of the organization is to contribute to peace and security through the promotion of cooperation among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for human rights and fundamental freedoms which are affirmed for the peoples of the world without distinction of race, sex, language or religion, by the Charter of the United Nations”⁷. UNESCO also envisaged world heritage missions, which have resulted in: encouraging countries signatories of the 1972 Convention to protect and preserve their own cultural and natural heritage; encouraging States Parties to develop heritage management plans and set up reporting systems on the conservation status of sites within the world heritage; providing emergency assistance to these sites in case of immediate danger; encouraging the participation of the local population in preserving their own national heritage; encouraging States Parties to propose sites or property in their national territories to be included in the World Heritage List; helping States Parties to rescue their national patrimony and providing technical and professional assistance; supporting activities to raise public awareness of the world's heritage conservation; encouraging international cooperation in the conservation of the world's cultural and natural heritage⁸.

After World War I, the idea was born to create an international movement with the mission to protect heritage assets. However, the event that gave rise to an international consciousness of world heritage was the decision to build the Aswan Dam in Egypt, which would have flooded the temples of Abou Simble, the treasures of the ancient Egyptian civilization of exceptional value⁹. In 1959,

⁶ *Basic Texts*. (Paris: UNESCO 2018), 5, see <http://unesdoc.unesco.org/images/0026/002617/261751e.pdf#page=6> (accessed 14.11.2018).

⁷ *Basic Texts*, 5-6.

⁸ *Notre patrimoine ...*, s.l.

⁹ *Notre patrimoine ...*, s.l.



at the invitation of the governments of Egypt and Sudan, UNESCO launched an international campaign thanks to which these temples were saved by dismantling them, moving them and reassembling them elsewhere, a campaign that cost about 80 million dollars, half of which came from the donations of 50 countries¹⁰. This was the first and largest of a series of campaigns, including Mohenjo-daro (Pakistan), Fez (Morocco), Kathmandu (Nepal), Borobudur (Indonesia), and the Acropolis of Athens (Greece), their success underlining the need for an international instrument of this kind that became increasingly urgent as the world rebuilt after the destruction caused by the Second World War¹¹. All this eventually led to the drafting of a Convention on the Protection of Cultural Heritage, initiated by UNESCO and the International Council on Monuments and Sites (ICOMOS).

But the idea of associating the preservation of cultural and natural assets and sites lies with the United States, which at a White House conference in Washington, D.C. in 1965, called for the creation of a world heritage foundation to stimulate international cooperation in protecting the most outstanding archaeological sites and property of exceptional value for humanity. One of the pioneers of this decision, Russell E. Train (born 1920), an American environmental leader, recalled in an interview by Christine Cameron and Mechtild Rössler in 2008 that „the original idea for World Heritage came from the environmental committee’s chairman, Joseph Fisher, then president of an organization called Resources for the Future, and a Ford Foundation-funded economic think-tank dealing with resource issues”, but unfortunately it did not have any results; then during President Richard Nixon, the Council on Environmental Quality proposed in 1971 the creation of a World Heritage Trust, thus recognizing the idea of World Heritage¹². This idea was adopted in 1968 by the International Union for the Conservation of Nature (IUCN) and was presented as a proposal at the United Nations Conference on Human Development in Stockholm in 1972¹³. All States Parties agreed on a single text, *the Convention Concerning the Protection of the World Cultural and Natural Heritage*, adopted on 16 November 1972 at the 17th session of the UNESCO General Conference in Paris, October 17 - No-

¹⁰ *Notre patrimoine ...*, s.l.

¹¹ Henry Cleere, „The 1972 UNESCO World Heritage Convention”. *Heritage & Society*, vol. 4, no. 2 (2011), 174, see <http://dx.doi.org/10.1179/hso.2011.4.2.173> (accessed 12.11.2018).

¹² Christina Cameron, Mechtild Rössler, „Voices of the pioneers: UNESCO’s World Heritage. Convention 1972-2000”. *Journal of Cultural Heritage Management and Sustainable Development*, vol. 1, no. 1 (2011), 45-47, see <http://dx.doi.org/10.1108/2044126111129924> (accessed 14.11.2018).

¹³ *Convention concerning the Protection of the World Cultural and Natural Heritage*. (s.l., s.a.), see <https://whc.unesco.org/archive/convention-en.pdf> (accessed 11.11.2018)

vember 21, 1972. At the same conference, the recommendations on the protection of the cultural and natural heritage at the national level were also adopted.

The document contains a preamble, 8 parts, and 38 articles. **The preamble** contains the findings and the considerations that led to the emergence of this Convention: the increasing threat of cultural and natural heritage destruction, both from natural causes and, above all, human causes; the reduction of this patrimony from the above-mentioned causes; the insufficiency of the economic, technical and scientific resources owned by the states on whose territory the property to be rescued is located; the need to conclude international conventions in order to protect and preserve this unique and irreplaceable property, irrespective of the people to whom it belongs; the need for international cooperation to save the world heritage; the need to draw up provisions in the form of conventions establishing an effective system of collective protection of the world heritage of exceptional value, organized according to scientific and modern methods in a permanent form¹⁴.

The first part, **Definition of the Cultural and Natural Heritage**, identifies its components in its three articles: the **cultural heritage** consists of *monuments* („architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science”), *groups of buildings* („groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science”), *cultural sites* („works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view”) (Art. 1)¹⁵; the **natural heritage** consists of „natural features consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view”; „geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation”; „natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural

¹⁴ *Convention concerning...*

¹⁵ *Convenție din 16 noiembrie 1972 privind protecția patrimoniului mondial, cultural și natural.* (București: Monitorul Oficial nr. 46, 31.03.1990), s.l., see <http://legislatie.just.ro/Public/DetaliiDocumentAfis/50265> (accessed 18.11.2018).



beauty” (Art. 2)¹⁶ and the duty of each State Party to this Convention to identify and delineate the different properties situated on its territory mentioned in Articles 1 and 2 above (Art. 3)¹⁷.

Part II, **National Protection and International Protection of the Cultural and Natural Heritage**, contains four articles, which stipulate the duty of each State Party to identify, protect, conserve, present and pass on its own patrimony to future generations (Article 4); to this end, State Parties will adopt a general policy of integrating the heritage both in the life of the community and general planning programs, will set up specialized services with specific attributions in this respect, will expand the scientific and technical research and improve the methods of intervention in case of danger, will facilitate the establishment or development of national or regional centers for training in the protection, conservation and presentation of the cultural and natural heritage (Article 5), all States Parties being bound by international cooperation and aid, each respecting the property of each other (Art. 6 and 7)¹⁸.

Part III, the **Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage**, in its seven articles stipulates the creation of the *World Heritage Committee* composed of 15 States Parties to the Convention, to be enlarged to 21 states, ensuring the fair representation of the various regions and cultures around the world, the adoption of its rules of procedure, the presentation by each state of the inventory of its heritage assets, the establishment and keeping up to date of a World Heritage List, the organization and functioning of this committee, the activities to be carried out etc.

Part IV, **Fund for the Protection of the World Cultural and Natural Heritage**, contains three articles explaining how to manage and use this fund, the terms, and conditions and ways of international financial assistance.

Part V, **Conditions and Arrangements for International Assistance**, in its eight articles, seeks to clarify which property can benefit from international assistance, the forms this assistance may take, and the obligation of the recipient state to continue to protect, conserve and present the property thus saved.

Part VI, **Educational Programs**, through articles 27 and 28, urges States Parties to use education and information programs to strengthen the appreciation and respect by their peoples of their own cultural and natural heritage, and stipulates that in the case of international assistance, the State Parties have the obligation to make known the importance of the property for which they have received assistance, and to show the role that this assistance has played.

¹⁶ *Convenție din 16 noiembrie...*, s.l.

¹⁷ *Convenție din 16 noiembrie...*, s.l.

¹⁸ *Convenție din 16 noiembrie...*, s.l.

Part VII, **Reports**, comprises article 29, which states that all States Parties shall draw up reports containing the legislative provisions, regulations and other measures adopted for the implementation of the Convention, which they will submit to the General Conference. These reports will also be brought to the attention of the World Heritage Committee, which will, in turn, submit a report on the work carried out.

The final part, **Final Clauses**, contains nine articles, which inform about the fact that the Convention is drawn up in English, Arabic, Spanish, French and Russian, about the instruments of ratification and the modalities of accession, denunciation, and revision of the Convention.

The novelty of this convention resides in the fact that it brings together the concepts of protecting nature and preserving of cultural property within the same document while recognizing the interaction between human existence and nature and the fundamental need to maintain a balance between the two¹⁹. Michel Batisse and Gérard Bolla believe that this Convention attests its originality by stating three main axes around which the whole text is articulated²⁰: 1). It states that due to the fact that some heritage assets are of exceptional interest and have a universal value, international communities have a duty to protect them, in particular with the financial resources of the special Fund, even if they remain under the sovereignty of the countries in which they are located. The idea of a *common heritage* is profoundly innovative, but unfortunately, it has not been accepted and it has been replaced by the concept of *common interest* in 1992; 2). It proposes a *List of heritage assets* that will be permanently updated and enriched and which will extend to other material and immaterial elements of the world heritage of exceptional value such as scientific knowledge, literary, musical, artistic, masterpieces, customs, etc.; 3). It places the cultural and natural assets on an equal footing.

But the greatest importance is the benefits of the ratification of this Convention, namely: membership of an international community that appreciates and saves assets of universal importance; the common commitment to preserving the present heritage for future generations, resulting from the unification of all the efforts of States Parties; conferring a prestige that plays a catalytic role in raising awareness of global heritage conservation; a major benefit as it offers access to Funds; registered sites can benefit from the development and implementation of a management plan, as well as help from experts; encourages to-

¹⁹ *Convention Concerning...*

²⁰ Michel Batisse, Gérard Bolla, *L'invention du „patrimoine mondial”* (Association des anciens fonctionnaires de l'UNESCO: 2003), 14-15, see <https://whc.unesco.org/document/135225> (accessed 15.11.2018).



urism, which can bring important financial and economic benefits to both the site and the local economy²¹.

The originality of these concepts demonstrates the maturity of the international movement for the protection of the world heritage, this convention is followed by others that clarify and legitimize measures for the protection, conservation, presentation and transmission to future generations of the most important assets created by humanity throughout its history.

World Cultural Heritage originally referred only to material property. Since 1972, it has expanded to natural property as well, and since October 17, 2003, with the signing of the Convention for the Safeguarding of the Intangible Cultural Heritage in Paris, the List is expanding even further. Since 1964, ICOMOS has drafted various charts concerning monuments and sites, their conservation, restoration or management, (International Charter for the Conservation and Restoration of Monuments and Sites (Venice Charter 1964), Historic Gardens (Florence Charter 1981), Charter for the Conservation of Historic Towns and Urban Areas (Washington Charter 1987), Charter on the Protection and Management of Underwater Cultural Heritage (1996), which led to a wider scope of the heritage, to a better theorization of certain aspects but also to a modernization of patrimonial practices²².

In 1999, ICOMOS adopts the *Charter on the Built Vernacular Heritage*, which addresses built vernacular architecture, that is, „the traditional and natural way by which communities house themselves... a continuing process including necessary changes and continuous adaptation as a response to social and environmental constraints”, the survival of this tradition being threatened worldwide by economic, cultural and architectural homogenization²³. Through this Charter, the content of the heritage widens considerably. It is to be noted that after the 1972 Convention, many states have adhered to it, and other bodies such as ICOMOS will adopt various charters or other normative acts to protect, restore or conserve elements of cultural heritage.

Although it has many positive parts, as mentioned above, the Convention also has some weaknesses. Among these we can mention: insufficient legal foundations; a too timid affirmation of the legally binding nature of the Convention, which raises several difficulties in accepting the Convention into

²¹ *La Convention du patrimoine mondial*. s.a., s.l., see <https://whc.unesco.org/fr/convention/> (accessed 12.11.2018).

²² *International Charters for Conservation and Restoration* (Paris: s.a.), see <https://www.icomos.org/charters/charters.pdf> (accessed 16.12.2018).

²³ *Patrimoniul vernacular*. s.l., s.a., see <https://www.arhitectura-gpmh.ro/patrimoniul-vernacular/> (accessed 15.11.2018).

national law; ambiguities about the role of each actor in protecting the world heritage; further emphasizing the role of the expert faced by States and the Committee; strengthening the stake of expert bodies; lack of progress in terms of the precision of the substantive rules of the heritage law and establishing their binding nature; lack of control and sanctioning of non-compliance by states with their commitments, which reduces the efficiency of the whole system; the mechanisms of monitoring and control in the application of the Convention may be perceived by some states as a pressure tool because the advertising made around these mechanisms may affect the image of public authorities and the state may confuse them with a sanction; the scarcity of legal mechanisms to respond to non-compliance with the Convention; the perception of the text of the Convention by non-specialists as a set of rules or declarations of intent that are not legally binding²⁴.

Romania and the Paris Convention of 1972

Regarding Romania, we can mention that it adhered to the Convention in 1990 by Decree No. 187 of 30 March, published in the Official Gazette, Part I, no. 46 of 31 March. Although Romania adhered quite late to this Convention, after 1990 it tried to align to its provisions and to enlist its most important heritage monuments on the UNESCO World Heritage List. Romania is a country rich in historical monuments, and here we refer to the famous Dacian fortresses with the two capitals - Sarmizegetusa Regia and Ulpia Traiana - the wooden and stone churches, the castles and palaces that have defied time and have been revealed to us more or less, depending on the passage of time and man's influence on them, paintings and sculptures, works of decorative and graphic art, ceramics, etc., all of which constitute a very diverse and valuable fund not only for the Romanian culture, but also for world culture as well. Another legislative measure that has led to the inclusion of the Romanian cultural values in the world circuit is the promulgation of the Law No. 410 of 29 December 2005 on the protection of the intangible cultural heritage published in the Official Gazette No. 17 of 9 January 2006²⁵ that led to the inclusion of some elements of intangible heritage into the UNESCO List, which is extremely beneficial for our

²⁴ Clémentine Bories, „La convention du patrimoine mondial à l'aube de son 40e anniversaire: un colosse aux pieds d'argile?”. *Annuaire français de droit international*, vol. 56, 2010, 139-165, see doi: <https://doi.org/10.3406/afdi.2010.4605>, https://www.persee.fr/doc/afdi_0066-3085_2010_num_56_1_4605 (accessed 16.12.2018).

²⁵ *Legea nr. 410/29 dec. 2005 privind acceptarea Convenției pentru salvagardarea patrimoniului cultural imaterial*, adoptată la Paris la 17 oct. 2003, (București: 29 decembrie 2005), http://www.cdep.ro/pls/legis/legis_pck.htm_act_text?id=69449 (accessed 16.12.201).



country, as well as for the other states that have not only saved their traditions, but have also brought them to the world's attention.

At the 34th session of the UNESCO Committee, which took place in Brazil from 25 July to 3 August 2010, it was decided, among other things, that 16 November be declared World Heritage Day. Regarding this decision, on May 15, 2013, the Romanian Parliament adopted Law No. 160/2013, which, through Art. 1, declares the 16th of November the UNESCO World Heritage Day in Romania, and which entered into force on May 20, 2013²⁶. On this occasion, various cultural, social, artistic and scientific manifestations and activities are organized, to promote the national and world heritage, to educate and raise people's awareness of these values, urging them to protect them and by which the cultural institutions, in particular museums, reveal their treasures to the public.

Romania has listed on UNESCO World Heritage List: **I. Cultural sites: 8 churches of Moldova** (1993, 2010): 1). The church „Tăierea Capului Sfântului Ioan Botezătorul” from the village of Arbore; 2). The church „Adormirea Maicii Domnului și Sfântul Gheorghe” belonging to Humor Monastery; 3). The church „Buna-Vestire” belonging to Moldovița Monastery; 4). The church „Înălțarea Sfintei Cruci” from Pătrăuți; 5). The church „Sfântul Gheorghe” belonging to „Sfântul Ioan cel Nou” Monastery from Suceava; 6). The church „Sfântul Gheorghe” belonging to Voroneț Monastery; 7). The church „Învierea Domnului” belonging to Sucevița Monastery; 8). The church „Sfântul Nicolae” belonging to Probota Monastery; **Horezu Monastery** (1993); **Transylvanian villages having fortified churches** (1993, 1999): the rural sites Călnic, Prejmer, Viscri, Dârjiu, Saschiz, Biertan, Valea Viilor; the **Dacian fortresses of Orăștiei Mountains** (1999): Sarmizegetusa Regia-Grădiștea de Munte, Costești-Cetățuia, Costești-Blidaru, Lunca-Piatra Roșie, Bănița, Căpâlna; **Sighișoara Historic Center** (1999); **Wooden churches of Maramureș** (1999): The church „Intrarea în Biserica Maicii Domnului” from Bârsana, „Sfântul Nicolae” from Budești, „Sfânta Paraschiva” from Desești, „Nașterea Maicii Domnului” from Ieud-Deal, „Sfântul Arhanghel” from Plopiș, „Sfânta Paraschiva” from Poienile Izei, „Sfântul Arhanghel” from Rogoz, „Sfântul Arhanghel” from Surdești²⁷; **II. Natural sites: the Danube Delta and Ancient and primeval**

²⁶ *Legea nr. 160/2013 privind declararea zilei de 16 noiembrie Ziua Patrimoniului Mondial UNESCO din România.* (București: 15 mai 2013), see <https://lege5.ro/Gratuit/gm3dembsha/legea-nr-160-2013-privind-declararea-zilei-de-16-noiembrie-ziua-patrimoniului-mondial-unesco-din-romania> (accessed 16.11.2018).

²⁷ *Lista Patrimoniului Mondial – UNESCO.* s.l., 2018, see <https://patrimoniul.ro/monumente-istorice/lista-patrimoniului-mondial-unesco> (accessed 16.11.2018).

beech forests from the Carpathians and other regions of Europe (2017): the forests in Romania being those from the source of the River Nera, Nerei-Beusnita Gorge, Domogled-The Valley of the River Cerna, Caras Severin District; Cozia Massif, Lotrișor, Vâlcea District; Șinca Ancient Forest, Brașov District; Slătioara ancient forest, Suceava District; Groșii Țibleșului and Strâmbu Băiuț, Maramureș District; **III. The intangible cultural heritage:** (2005/2008) – The ritual of Căluș (Romanian folk dance); (2009) – Doina (Romanian elegiac folk song); (2012) – The traditional ceramics of Horezu, (2013) – All-male group caroling; (2015) – Boys’ folk dance from Romania; (2016) – Traditional techniques for the production of traditional carpets in Romania and the Republic of Moldova; (2017) – Mărțișorul (traditional March 1st amulet) – Traditional practices associated with March 1, joint application with Bulgaria, the Republic of Macedonia, the Republic of Moldova²⁸.

It is worth mentioning that the World Heritage List was opened for Romania with the inclusion of the Danube Delta natural site.

The inclusion of these cultural and natural sites on the List was followed in Romania by a good legislative protection, namely Law No. 422/2001 on the protection of historical monuments and Law No. 564/2001 for the approval of Government Ordinance No. 47/2000 on establishing measures for the protection of historical monuments that are part of the World Heritage List, as subsequently amended and completed.

These laws establish a series of responsibilities of the **owners** (on current management, maintenance, restoration), **local authorities** (approval, co-financing, coordination of UNESCO Organizing Committees) and **central authorities** (Ministry of Culture, Ministry of Regional Development and Public Administration, Ministry of Administration and the Interior, National Heritage Institute), bodies with important roles in advising, coordinating, elaborating methodologies, co-financing of restoration works, the relationship with UNESCO, elaborating town planning documentation and elaborating methodologies, guarding and monitoring monuments on the List, scientific coordination within the UNESCO Steering Committees and the preparation of files for new proposals on the World Heritage List²⁹.

With regard to the preparation of indicative lists of sites considered to be of exceptional value, Romania sent such a list in 1991, which is currently being revised in accordance with the requirements of the Convention. The list was completed in 2004 with „the Sibiu Historic Center and its ensemble of squares, in 2012 with the Hollókő and Rimetea Historical Villages and their surro-

²⁸ *Lista Patrimoniului Mondial ...*

²⁹ *Lista Patrimoniului Mondial ...*



undings as an extension of the Hollókő (Hungary) position, in 2015 with the Carpathian Old Beech Forests as an extension of the already existing series on the World Heritage List (with components in Ukraine, Slovakia and Germany) attended by other European countries, and in 2016 the list was completed with the Mining Cultural Landscape of Roșia Montană, „made in the new format requested by UNESCO, and together with the nomination of the Heroes' Way Sculptural Ensemble by Constantin Brâncuși in Târgu Jiu - file under processing, will remain in the indicative list not subject to the review procedure”³⁰.

It is to be noted that legislative concerns for the protection, preservation, and restoration of cultural and natural, material and immaterial monuments have always existed in our country, with specialists constantly preoccupied with meeting the requirements of the Convention. However, there are certain shortcomings resulting from the inconsistency between the way in which the status of a UNESCO official site is recognized and some political or economic interests, usually manifested at a local level. A concrete case is that of Sarmizegetusa Regia, which came under the authority of the Hunedoara District Council on 12.12.2012. Although certain administrative measures have been taken in order to manage this site and develop cultural tourism, there have been many cases of illegal actions such as site deforestation, certain practices by treasure hunters, entry into the site for practicing esoteric or other rituals etc.

An important cause is the insufficient number of security personnel who have to provide protection on a very large territory, in other words, the insufficient funds allocation by the district authority, which leads to the legal obligation of a much higher involvement of the district political factor. Also, work on the roads leading to the site as well as at the parking lot in front of the site was poorly conducted, with negative results visible shortly after they were completed. This site is just an example where UNESCO monuments are neglected to a lesser or greater extent by their administrators, are poorly managed or insufficiently funded.

It is to be noted that more often than not economic or political interests prevail over the immeasurable value of heritage sites. I would add that Romania has not had a “heritage culture” which is intrinsically reflected in the psychology of the Romanian people. There was a certain patriotic education in the Communist era which, after 1989, lost its substance due to the disappearance of this kind of education of the younger generation in school or family.

There was no unitary perspective of developing and capitalizing on sites with beneficial effects on tourism, the economy, and implicitly the regional or

³⁰ *Lista Patrimoniului Mondial ...*

national sustainable development. The local and regional “pride” in the monuments on their territory has led to the lack of a sustainable theoretical and practical vision leading to inter-district and interregional cooperation. Practically, the national unitary patrimonization of cultural and natural, material and immaterial assets was refused. Added to this was the unfeasible management caused by political interference in the appointment of managers who, not only occasionally, demonstrated not only poor professional training but often training in a completely different field than the one which they were appointed to lead.

Referring to Hunedoara District, there is a lack of clear coordination between cultural and religious tourism, taking into account the heritage wealth of the district, in the sense that there is no modern infrastructure and insufficient accommodation facilities to absorb a large number of tourists coming into the district, most of the tourist services being provided by private persons. For this reason, there is a risk, whether willing or not, that a heritage element professionally promoted to the benefit of tourists and the sustainable development of communities, will turn into the „commercialization” of the heritage.

What is more, the importance of including these monuments on the UNESCO List has not been explained at all to the population or communities that have them, they have not been sufficiently promoted nationally and internationally, leading to an incorrect perception of the concept of heritage/cultural property and an education that is not appropriate to the purpose defined by the Convention with regard to the protection, preservation, and promotion of these cultural assets. Patrimonial education was not included in any strategy, the consequences being the incorrect appreciation of the value of cultural, historical and natural monuments, local and national patriotism deficiencies, civic non-involvement in their protection, hence repeated vandalism in historical or natural sites, either by treasure hunters or by the local population.

Conclusion

The 1972 Convention has the great merit of succeeding in organizing the international solidarity of states that are at various levels of development, creating a global coherence regarding the protection and conservation of the common heritage of humanity and bringing to the same denominator sometimes-divergent points of view. The text of the Convention is a body of useful principles for how cultural and natural assets of exceptional value must be administered, protected and exploited by the States owning them.

Although the Convention has a number of advantages for the States Parties, especially for those without financial resources or well-trained staff, it also has a number of weaknesses, especially of a legal nature, which can adversely affect



the application of its provisions. We particularly refer to the mandatory nature of the application of the rules and to a legal declaration of sanctions in the event that the States Parties do not observe the provisions of the Convention. Regarding the legal aspects of the Convention, Clémentine Bories stated that “for this Convention to become a truly effective legal instrument, it is necessary to clarify and develop the modalities of implementation and, in general, all its provisions. This is at the cost of a review whose purpose is to strengthen its binding nature and to clarify from a legal point of view the responsibilities of each actor involved in its implementation ...”³¹ Hence, the need that the relationship between memory/heritage, history, and legal implications benefit from sensitive research both by historians or lawyers, as well as by political decision-makers.

In its application, the Convention has come up against heritage specificities of some states, such as the political regime, the mentality and, ultimately, the will. Although the Convention has been set up as a unitary structure, some States Parties have only slightly succeeded in harmonizing their domestic law with that derived from the provisions of the Convention.

If the 1972 Convention referred only to material and natural cultural assets, the subsequent Convention for the Safeguarding of the Intangible Cultural Heritage adopted on 17 October 2003 in Paris extended considerably the scope of the List.

It should not be forgotten that this Convention constituted an element of novelty and originality that reflected the realities of the time but which, in the conditions of the contemporary world and the new transformations in the cultural and patrimonial realm, require recalibrating, both principled and practical.

In what concerns Romania, we can notice that although it has made significant progress in the heritage field and has complied with the provisions of the Convention from the legislative standpoint, it needs to rethink its strategies in order to create a true concordance between local and national policies in order to promote Romanian heritage assets at an international level.

The importance of the 1972 Convention resides in the impetus given to the states of the world to conserve, protect and promote their national values, enlist them in a universal circuit of assets of exceptional value, popularize them, transmit information about them to all the countries of the world, „create” culture and patrimonial education, form and develop respect and consideration for human creation, regardless of the country of origin.

³¹ Clémentine Bories, „La convention du patrimoine mondial...”, 165.

Rezumat

Noțiunea de patrimoniu cultural al omenirii este relativ recentă, însă protecția și conservarea acesteia datează îndeosebi din perioada Renașterii. De-a lungul timpului, acest gen de inițiative au fost susținute legislativ, ceea ce a oferit un cadru legal, implicit obligația de a proteja și salva resursele naturale și culturale excepționale ale omenirii. O formă de legislație privind protecția și conservarea patrimoniului este Convenția de la Paris din noiembrie 1972 care, pentru prima dată, a adus în atenția publicului ideea patrimoniului mondial. România a adoptat Convenția prin Decretul nr. 187 din 1990. De atunci, țara noastră a reușit să înscrie pe Lista UNESCO un număr de 8 situri culturale și naturale, iar o dată cu promulgarea Legii nr. 410 din 29 decembrie 2005 privind protejarea patrimoniului cultural imaterial, a înscris alte 6 elemente de patrimoniu, cultura românească ocupând astfel un binemeritat loc printre culturile lumii. Convenția din 1972 este importantă prin impulsurile date statelor lumii în a-și conserva, proteja și promova valorile naționale, dar și a le înscrie într-un circuit universal de bunuri cu valoare excepțională.

Cuvinte-cheie: patrimoniu mondial, cultură, protecție, convenție, Paris.