International Protection of Cultural Property and National Legal Systems

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Introduced by Kerstin Odendahl
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I. Introduction

The idea of creating an international movement of protection of the historical sites in foreign countries began after the First World War.

In 1972, at the 17th meeting of the Unesco General Conference, held in Paris, the State Parties of the organization adopted a Convention on the protection of the world cultural and natural heritage. It came into effect after its ratification by 20 countries in 1975.

This Convention was the result of a long process, and the fusion of two distinct movements: the first, based on the dangers threatening the cultural sites, and the second, centred on the preservation of nature.

The State Parties (or nations), which adhere to the Convention, constitute an international community that shares a common mission: to identify and preserve the future generations of natural and cultural witnesses of the past that have exceptional universal value. While respecting the principle of national sovereignty and without reconsidering property-rights instituted by the national legislations, the State Parties recognize that the
responsibility of the protection of the world heritage falls upon the whole international community: the world heritage belongs to all. However, the question is to know whether the populations that possess this heritage agree to share it with others? And if so, is this division tangible or symbolic? In reality, Nations as a community replace local communities as to the assertion of the universality of some of their cultural or natural sites and therefore request the support of Unesco.

The latter developed its action in favour of the world heritage, which consists in:

- encouraging countries to adhere to the Convention of 1972 and to ensure the protection of their natural and cultural heritage;
- encouraging the State Parties of the Convention to propose sites on their own territory for inscription on the World Heritage List;
- encouraging the State Parties to set up systems to follow up the state of preservation of the world heritage sites located on their territories;
- helping the State Parties to safeguard the world heritage sites while providing them with technical assistance and vocational training;
- providing an emergency assistance to the world heritage sites in case of imminent danger;
- supporting the activities undertaken by the State Parties to raise public awareness of the need to safeguard the world heritage;
- encouraging the participation of the local populations in the safeguarding of their cultural and natural heritage;
- encouraging international cooperation in the field of preservation of cultural and natural heritage.

More than ever, governments, organizations, associations and individuals feel concerned and adhere to the process of safeguard of the whole sites of the world.

Morocco, just like many State Parties of Unesco, was one of the first countries to ratify the Convention, in 1975. By doing so, it affirms its adherence and attaches importance to the concerns of the International Community, through the Hague Convention of 1954 related to the protection of the cultural properties in case of armed conflict.
Beyond its attachment and devotion to the values of the international community, does Morocco ensure the management of its heritage inscribed on Unesco List, in accordance with the international standards? How does it deal with its heritage with such diversity as its historical cities, its archaeological sites and its architectural sets, and its cultural areas?

How does it face the development of certain social phenomena such as the forsaking of old fabrics or the gentrification of some of its historical cities to the like of the large imperial cities?

So many questions and problems with which are confronted both of the researcher and the manager of the cultural heritage, which the present article attempts to address in relation to the properties located in the territory of Morocco and registered on the World Heritage List.

However, this article presents some restrictions: first, this study is limited to the cultural heritage simply because natural heritage is outside the scope of our competence, and because Morocco has only cultural properties on the Unesco List.

Before doing an assessment of the world heritage sites in Morocco, it will be worth to tackle the historical background of Morocco, at the national and international level, as a reference of the Moroccan heritage. We will attempt, thereafter, to suggest optimal solutions in terms of safeguard, rehabilitation and management of the world heritage in Morocco, some of which know a particular reality whose facets are still very problematic.

Before defining the reality of the world heritage in Morocco and the frames of reference of their management, it would be first appropriate to understand some concepts in which the world heritage draws all its significance.

II. Conceptual Background

a. World Heritage

It would be simplistic or even ideal to consider the world heritage as being a variety of cultural properties or natural sites that belong to all the
peoples of the world, without taking account of the territory on which they are located.

Also, it would be easy to consider the world heritage according to the terminology of the Convention of 1972, while the concept itself of the heritage is gradually taking form and is in perpetual evolution. Often related to the identity, the notion of the heritage is perceived as a collective possession of a group transmitted from an immediate or distant past.

The current tendency is to take in the cultural heritage in its largest meaning, *i.e.* with all the signs that give evidence to the human activities and achievements in the course of time.

The notion of heritage is generally reduced to cultural heritage, while it refers in its worldwide acceptance, to the cultural as well as to the natural and sometimes even both at the same time (mixed properties).

In any case, the agreed definition of the world heritage is that of the Convention of Unesco in 1972:

First, it is mentioned in the Preamble of the Convention as to designate properties of cultural and natural heritage having a universal value.

Then, it is found in articles 1 and 2 to elaborate the meaning of the cultural heritage and the natural heritage.

Thus, for purposes of this Convention, cultural heritage (article 1) stands for:

- monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science;

- groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science;

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

And considered as natural heritage (article 2):
- natural monuments made up by physical and biological formations or groups of such formations which have an outstanding universal value from aesthetic or scientific point of view,
- geological and physiographical formations and zones strictly delimited that constitute the habitat of threatened animal and vegetable species, which have an outstanding universal value from the point of view of science or preservation,
- natural sites or natural zones strictly delimited, which have an outstanding universal value from the point of view of science, preservation or natural beauty.

According to terminology of the Convention, the world heritage consists of properties (cultural and natural); a term with legal connotation that belongs to the Right of Property (Real Rights), but relates especially in this sense to the cultural heritage. It was used for the first time, in the Unesco Convention of the Hague in 1954, then in the Convention on the illicit traffic of the cultural properties in 1970. It also appears in the official name of the Iccrom founded in 1959, standing for the International Centre for the Study of the preservation and Restoration of Cultural Property.

However, the Convention includes the inscription of a category of properties that are “combined works of man and nature” and list them among the cultural sites. On the List of the World heritage, they clearly refer to mixed properties.

These mixed properties are perceived like a combination of natural and cultural values. Since 1992, significant interactions between people and their natural environment are recognized as cultural landscapes.

The inscription of a property on the List of the World Heritage is attributive to the existence of a number of criteria: these are developed in detail in a special document: Operational Guidelines for the Implementation of the World Heritage Convention. It constitutes, further to the text of the Convention of 1972, a principal document of the World Heritage Committee and a basic tool in terms of work methodology.

These criteria are regularly improved by the Committee in an attempt to adapt to the evolution of the concept of even the world heritage.
However, two fundamental criteria are incontrovertible and remain always at the front: authenticity for the cultural properties and integrity for the natural properties. Only the criterion of authenticity will be tackled in our study.

b. Authenticity

The criterion of authenticity of the cultural properties seems to be defined at the beginning with reference to a European concept, itself evolutionary and extremely variable according to the countries that use it. Generally confused with originality: since a property is recognized as authentic if it is materially original, this concept seemed too rigid insofar as many properties are taxed with un-authenticity because of regular maintenance, repetitive restorations and morphological modifications (extension, addition of new elements, etc.) that they had to undergo during their history.

The constraints of the criterion of authenticity are obviously very heavy in several areas of the world where the use of perishable structures such as wood, or precarious – such as soil – is largely widespread for various reasons. The conservation of these structures inevitably implies a restoration, which thus “deteriorates” the strict concept of authenticity of the heritage in these areas.

In some particular cases, like that of Bahla Fort in the Sultanate of Oman registered in 1987, the Committee considered that authenticity was related to a know-how and not to the durability of the material. This decision benefited many sites and could make jurisprudence in the case of a great number of traditional structures characterized by the use of soil, wood or other materials of vegetable origin and whose inscription on the List of the world heritage would be excluded due to a strict literal respect of the criterion of authenticity.

The question of authenticity was since then beginning to occupy a dominating place in the speech and the opinions of the professionals of heritage, at not only the level of conservation but also the inscription on the List of the World Heritage.
The diversity of the heritage and the methods of treatment and conservation that follow resulted in defining variable standards for an authentic conservation.

Nara document on authenticity (adopted in 1994 and based on the Charter of Venice, 1964) proposed to study the meaning and the applicability of the concept in various cultures, and stuck to the diversity and the specificity of the heritage properties, as well as to the diversity of the values that go with them.

Since then, the concept of authenticity evolved and the last version of the Operational Guidelines frames authenticity under four aspects:

1. Authenticity of materials: sometimes described as “fidelity of the object”, this concept stresses the nature of the physical substance of the property;
2. Authenticity of execution: it corresponds to the substance and the signs of the technology used during the construction and of the original techniques of treatment of materials and structures;
3. Authenticity of design: it refers to the values which lie in the initial intentions of the architect, the artist, the craftsman or the engineer;
4. Authenticity of environment (fidelity of the context): in the spirit of the Convention of the World Heritage, authenticity of the environment underlines the relations between the cultural property and the physical context.

To be inscribed on the List of the World Heritage, the property must preserve its integrity taking into consideration these four facets of authenticity.

c. Global Strategy

To draw up a representative and balanced List of the properties of the World Heritage, a Global Strategy was adopted by the Committee of the World Heritage in 1994. Its objective is to ensure that the List truly reflects the cultural and natural diversity of the sites with outstanding universal value.
This strategic process rests on three phases: 1) the identification of the heritage resources; 2) the evaluation of the proposals for an inscription on the List of the World Heritage; and 3) the management of the conservation of the sites of the World Heritage.

Within the framework of this global strategy, studies, conferences and regional seminars took place throughout the world, with the aim of making it possible to the professionals to better determine the concept of heritage, to identify its characteristics and to stimulate the preparations of the tentative lists and proposals for inscription on the World Heritage List.

d. Tentative List

The Convention states “Each State Party to the World Heritage Convention should, as far as possible, submit to the Committee of the World Heritage an inventory of the properties of the cultural and natural heritage located on its territory and likely to be inscribed on the [World Heritage] List [...] This inventory, which is not regarded as exhaustive, must comprise documentation on the place of the properties concerned and on the interest that they represent” (article 11.1 of the World Heritage Convention).

This “properties inventory”, described in the Convention and named tentative list, makes it possible to presume the properties that a State Party can submit for inscription. The tentative lists can be updated constantly. The Committee invites the State Parties to submit tentative lists in accordance with the Operational Guidelines for the Implementation of the World Heritage Convention, seeing that a preparatory assistance is available on request.

In 1988, the World Heritage Committee decided that it would study cultural proposals for inscription on the World Heritage List only if the properties concerned were reproduced already on the tentative list of the Member State. This condition does not apply to the natural sites but many States, nevertheless, recorded natural sites on their tentative list, within the framework of their efforts to reach a better balance between the natural and cultural sites on the World Heritage List.
The tentative lists must be considered, for the Member States, as invaluable planning tools as they are used as inventories of the cultural and natural resources that will inspire the proposals for inscription, while keeping in mind the requirements of exemplarity, representivity and general balance.

The tentative lists also provide an ideal mechanism for the implementation of the global Strategy of the World Heritage Committee for a representative World Heritage List. The process of submission of the tentative lists is described in the Operational Guidelines for the Implementation of the World Heritage Convention (sections 7 and 8).

e. The Heritage in Danger

There are various dangers that threaten constantly the sites registered on the World Heritage List due to natural causes or human intervention: armed conflicts and wars, earthquakes and other natural disasters, pollution, unplanned constructions... thus 35 properties among 788 sites of the world heritage are currently inscribed on the World Heritage in Danger List on decision of the World Heritage Committee (28th session of the Committee, July 2004) and therefore benefit from a particular attention and measures of urgent conservation.

To quote the terminology of the World Heritage Convention, “the [World Heritage] Committee establishes [...], under the name of ‘World Heritage in Danger List’ a list of properties that figure on the World Heritage List, for the safeguarding of which great work and assistance were necessary according to this convention. [...] At any time, the Committee can proceed, in case of urgency, to anew inscription on the World Heritage in Danger List and give to this inscription an immediate circulation” (article 11(4)).

The World Heritage in Danger List is designed not only to inform the international community on the dangers that threaten the properties of the world heritage, but also on the conditions threatening the characteristics that allowed the inscription of a site on the World Heritage List and to help take corrective measures of safeguarding.
The dangers can be “proved”, in case of specific, or “potentially” imminent threats when a property is confronted to threats that could have harmful effects on its values of world heritage. The inscription of any site on the World Heritage in Danger List requires that the Committee establishes and adopts, in consultation with the concerned State Party, a program of corrective measures, and that it supervises eventually the state of conservation of the site. All the efforts will have to be made to restore the values of the site in order to allow its withdrawal from the World Heritage in Danger List as soon as possible.

If a site loses the characteristics that had determined its inscription on the World Heritage List, the Committee can decide to withdraw this property from the World Heritage in Danger List as well as from the World Heritage List. However, this provision of the Operational Guidelines for the Implementation of the World Heritage Convention has never been applied to date.

In addition, individuals, nongovernmental organizations or other groups can also draw the attention of the Committee to existing threats. If alarm is justified and the problem proves to be sufficiently serious, the Committee can plan to include the site on the World Heritage in Danger List.

1. The case of the royal Palaces of Abomey in Benin is a case in point. They were inscribed simultaneously on the World Heritage List and on the World Heritage in Danger List in 1985, at the request of the Beninese government itself, after that a tornado struck the site, causing serious damage. Since then, its restoration continued within the framework of a project gathering experts and institutions of various countries from all over the world. In 2004 the Iranian city of Bam and its cultural landscape, where 26000 people were dead in the earthquake of 26 December 2003, were inscribed on the World Heritage List of Unesco.

2. All concerned State parties do not consider similarly inscription on the World Heritage in Danger List. Some countries ask for the inscription of a site to hold international attention to its problems and obtain special assistance to solve them. Others, however, prefer to avoid inscription which they regard as dishonour.
f. Normative Framework

The normative framework refers to two main sources: the first is international where on the one hand the Convention of 1972 and its corollary (Operational Guidelines), and on the other hand the concerned Recommendations, Declarations and Charters; the second source is national, where one can find the regulations governing the cultural heritage.

III. The World Heritage in Morocco: Assessment

a. Adhesion

Morocco ratified the Convention on October 28, 1975. It was elected member of the World Heritage Committee in 1995 and member of the Bureau of the World Heritage in 1996. From 29 November to 4 December 1999, Marrakech (the Moroccan imperial city inscribed on the List) was elected at the World Heritage Committee for its 23rd session.

During 35 years of adhesion, it succeeded the inscription of eight properties on the World Heritage List.

b. The Tentative List

To be in touch with the Total Strategy launched in 1994, Morocco proposes a tentative list of natural sites. This list is far from being balanced as to the nature of the properties to inscribe on the World Heritage List (see Figure below). Only Five out of fourteen sites of the list are proposed as potentially natural properties, while the notion of mixed properties or cultural landscapes still does not seem to integrate this list. The list is prepared exclusively by the authority in charge of the cultural affairs. It was proposed for the first time in 1995, and last update goes back to 1998. However, after this date the sites, which had the satisfaction of the
Committee, are all cultural properties: the Medina of Essaouira in 2001 and the Portuguese city of Mazagan (El-Jadida) in 2004.

On the other hand, monuments were also introduced into this list, in the like of Hassan Tower, Taza Grand Mosque, and the mosque of Tinmel. It is to be noted that Rabat, the capital of Morocco, includes the major proportion of the total sites with three potential properties. These are located in the urban area of the capital, while other properties spread over larger areas: Provinces or Wilayas.

The case of Taza and its Grand mosque is somewhat confusing in the sense that the mosque is a basic part of the old city, and any distinction between the two entities would be illusory.

The case of Moulay Idriss Zerhoun is worth of a particular attention. Situated in the territory of the Wilaya of Meknes (whose historical city figures on the List) and few kilometres away of the old site of Volubilis, also listed as world heritage, it is proposed to be categorized as being the extension of the city of Volubilis, and to make from the group a mixed site or a cultural landscape.

c. Properties Inscribed on the List of Unesco

All the properties inscribed on the World Heritage List are cultural properties. Historical cities – regardless of their designation in the List – dominate largely the Moroccan repertoire with six sites. The other categories are illustrated by a Community village (Ksar Aït Ben Haddou) and an archaeological site (Volubilis).

The figure below illustrates the categories of properties, their chronology of classification and the criteria of their inscription.
Protection of the World Heritage Sites in Morocco

<table>
<thead>
<tr>
<th>Listed property</th>
<th>Date of inscription</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Médina of Fès</td>
<td>30/10/1981</td>
</tr>
<tr>
<td>2. Médina of Marrakech</td>
<td>06/12/1985</td>
</tr>
<tr>
<td>4. Historical city of Meknes</td>
<td>1996</td>
</tr>
<tr>
<td>5. Archeological site of Volubilis</td>
<td>01/12/1997</td>
</tr>
<tr>
<td>6. Médina of Tétouan</td>
<td>01/12/1997</td>
</tr>
<tr>
<td>7. Medina of Essaouira-Mogador</td>
<td>December 2001</td>
</tr>
<tr>
<td>8. The Portuguese city of Mazagan (El-jadida)</td>
<td>July 2004</td>
</tr>
</tbody>
</table>

Sites of the Cultural Heritage of Morocco Inscribed on the World Heritage List (Ministry of Culture)

d. Effects of the Inscription on the List: Positive and Negative Tendencies

Unlike the listing of the properties at the national level, which grants them a legal protection, the effects of the inscription (on the List of Unesco) are not the same; they vary according to the sites, their typology and their chronology of classification.

Further to the recognition of an outstanding universality of these sites, the direct effects of their inscription are not very clear, especially that the Moroccan Right gives no particular legal protection to these properties
except the fact that—it goes without saying—they are classified at the national level.

It should be noted here that all the sites inscribed on the World Heritage List—except the Medina of Tetouan—are classified as national heritage, which “obscures” the effect of their listing as world heritage or at least distorts its appreciation.

However, one of the notable effects—in terms of protection—of the inscription is the listing of Ksar of Aît Ben Haddou in the Province of Ouarzazate. It is true that this recent classification was long awaited (January 2004), but it was time to beware what the Moroccan authorities started to manifest just after its inscription on the List in 1987. It is because of the delay of procedures and the complexity of the Land regime of the site that the listing process took such long time (17 years).

In any case, the effects of inscription on the List are not immediate, and their forms depend largely on the willingness of the Moroccan government and the local communities where the properties are located, to give them a particular attention in terms of safeguarding, rehabilitation and integration in the process of development, not a mere world recognition of their outstanding value.

It is to say that Morocco rather seeks an international notoriety of its remarkable sites rather than mechanisms of good management offered by the structures of Unesco. On the other hand, recognition within the local population is hardly sought: few people—not counting the elite—know whether the sites they live in are reckoned human heritage. Thus, the inscription of Ksar of Aît Ben Haddou for example, didn’t stop its inhabitants from leaving off. Similarly, the labelling process is rather faulty: except the tourist booklets, the icon of the world heritage—which is strongly recommended by the Centre—misses all the sites.

It would seem that inscription on the List is considered as being a constraint involving additional funding more than a source of development and creation of jobs opportunities.

Nevertheless, Morocco has succeeded to convince sponsors to finance safeguarding operations in favour of some of such famous sites as Fez, Marrakech and Ksar of Aît Ben Haddou—first sites to be inscribed—which
benefited from a financial contribution from the World Bank, Unesco and the UNDP.

One of the positive effects attributed to the world heritage in Morocco is the assertion of the value of the cultural heritage as identity element and progress as to the elaboration of urban documents (including Guiding plans for City Planning, Programme of Management, and Programme for the Development of the Rural Agglomerations). The authors of these documents made use of the fruitful consultations held with the authorities in charge of the cultural heritage (very solicited) and of the potentialities of the listed sites, so as to develop a global vision of the geographical land settlement.

However, there are urban documents called Specific Site Plans (French acronym: PAS) designed for the sites that represent specific characteristics, but they are not yet on the agenda of the amenagists. The world heritage sites in Morocco would gain much – thanks to these documents – provided they are approached and managed adequately.

As regards planning, the sites managers are always within search for a management plan. Some are related to safeguarding plans (the case of Fez), or to site plans (the case of Marrakech), while other sites are either neglected or waiting elaboration of a plan. The archaeological site of Volubilis seems to be most advanced in this regard.

Concerning cooperation, Morocco has become a model in the Arab-Moslem region seeing its contribution as regards restoration-conservation in favour of the Sultanate of Oman. For several years, fruitful cooperation between the two countries has allowed the restoration of a number of Omani monuments, including Bahla Fort (listed world heritage since 1987). A twinning process was undertaken between the archaeological site of Volubilis and Cilento Park in Italy.

On the institutional level, it is to be noted that the Administration of the Cultural Heritage still lacks technical and/or administrative unit in charge of the world heritage to ensure coordination. However, some sites were able to develop structures of safeguarding and management that were put up for this purpose with the support of Unesco and the UNDP. The case of Medina of Fez and Ksar Aït Ben Haddou are relevant examples. Fez – millennium city – was equipped in 1989 with a model institution: Agency for Decreasing
Population and the Fez Medina Rehabilitation (French acronym: ADER-Fez), which replaced the Delegation of Safeguard of the City of Fez (French acronym: DSVF), and was reinforced by the Urban Agency and with Safeguard of the Medina of Fez (AUSF). As for the ksar of Aït Ben Haddou, a structure that is at the same time technical and scientific, French acronym CERKAS, was created in this regard in 1989.

Still, the main effect of inscription on the List is tourist attraction. It is true that the world heritage sites attract more and more tourists from everywhere in the world, though reliable indicators are absent as to the impact of tourists frequency, especially that Morocco developed a global economic policy while counting on tourism, which makes the analysis of the phenomenon more complex with relation to world heritage. In fact, tourist potentials of these sites often involve their proposal for inscription on the List.

On the other hand, the impact of tourism on these sites is obvious. A reading of periodic reports shows that the managers of the sites all agree that tourism turns to be a factor of degradation more than it is a source of benefit. And in this concern, indicators for the evaluation of the impact of tourists frequency on the state of conservation of the sites are unavailable.

These last years, we witness a new phenomenon which draws attention from both the managers of the heritage and the professionals of tourism as well: the “gentrification” of two historical cities, Marrakech and Essaouira. People are coming from Europe especially to acquire old residences as second home or to invest in guesthouses. This phenomenon, though it occurs evenly in the two cities, does not have the same origins. In Marrakech, the notoriety of the city (imperial city, tourist and cultural space, site of the world heritage, etc.) helps it attract in mass, which makes it the first tourist destination of Morocco. As for Essaouira, the phenomenon started before its inscription on the List (2001) thanks to the promotion of the city by its Jewish diaspora who came to invest in their ancestral city.

The phenomenon involved a restoration of old houses and a regeneration of works related to architecture (woodwork, marquetry, ironwork, etc.) thus creating a new socio-economic dynamics, however, it presents the risk of
losing the social values which had enabled these cities to figure on the List of Unesco.

Since its adoption in 1972 by Unesco General Conference, the Convention on the protection of the world cultural and natural heritage has always had a dominating influence on the preservation of the cultural and natural heritage of our planet, and all its diversity.

Having said this, it is not a question of a simple preservation of the witnesses of the past, but rather a protection of the heritage accompanied by a respectful development of the human and natural resources.

However, the Convention as a basis of the world heritage is always open to new members (Sierra Leone is the latest party to ratify the Convention in March 2005) and still seeks to include as many countries. Unesco also seeks to make the List more credible as the latter indicates an unequal distribution with regard to Northern countries (Europe in particular).

Within its general frame, the Convention can be approached at two levels.

The first is the concept itself of the world heritage in which the qualification on a property is only effective on certain sites. This means that the world heritage is a limited and less federator concept that remains dependent to inscription, the latter emanating first from the signatory States rather than from the real owners of the concerned heritage, who generally find unknowingly themselves in the position of “co-owners”. Appropriation (definition of the heritage frequently evoked) of a site or a property at a universal level is therefore artificial.

The second is the properties having an outstanding nature but not figuring on the List because the action of Convention is measured against the sovereignty of the States. The inscription of these on the List remains fundamentally dependent on the goodwill of Nations seen as a community. It is also confronted with the resistance of certain countries unwilling to inscribe properties on the List: the example of Syria and its Crac of the Knights is a case in point. Still, it showed cooperative as for the inscription of Jerusalem while its sovereignty is a historical conflict.

It is worth-mentioning here that Unesco has been making efforts in encouraging the countries to nominate properties in order to list them in the
world heritage. So far, the Convention is only a benefit to the countries which better know to make use of it.

However, compared to the constraints hindering the actions of Unesco, the achievements of the Convention since 1972 are most significant. First, it could be anticipated at least two decades of reflexions on such topics as authenticity and the inseparable relations existing between the cultural and the natural aspects, and between the human and the environmental aspects; which paved the way to two current concepts that marked the patrimonial landscape of the last decade. These concepts are the cultural landscapes (Operational Guidelines) and the intangible heritage (Convention of 2003 on the Intangible Heritage).

This progress could not be carried out without a normative instrument that succeeded to accompany the evolution by these concepts. The Convention of 1972 found in the Operational Guidelines the solution to meet the aspirations of its authors.

These authors have succeeded in implementing the values of universality without they sound like globalization. The values of the world heritage became the refuge of less advanced – but culturally rich – societies: solidarity between the nations versus competition, mutual aid versus the defence of interests, diversity versus the single model.

The Convention of 1972 – as well as the Recommendations and the Charters affiliating to Unesco – is not an objective in itself, but rather an example of good management of the sites which belong to the Nations as a community, whether they are signatory or not of the Convention. It encourages not only adhesion to its principles, but also the development of two conditions of the good management: training and legislation.

Management of the sites of the world heritage has involved all the actors: social, political, and economic. Morocco is one of the countries which tends to invest in this synergy (the case of Fez, Marrakesh, Meknes, and Essaouira), but unfortunately some of its properties inscribed on the World Heritage List are far to fit in this dynamics, in the like of Ksar Aït Ben Haddou, on which we will focus oneself.

Ksar of Aït Ben Haddou – unlike the other sites – is venerated for its inscription on the List, while it is not a prototype of vernacular architecture
of the valleys pre-Saharan of Morocco. It made a name for itself – even at the national level – thanks to this inscription.

However, this property is confronted with a reality that turns to be both problematic and paradoxical. Between the outburst and the degradation of the site due to its abandonment by its legal owners, the ksar is losing its initial function: habitation. Still, it generates new socio-economic opportunities related to its listing in the world heritage. As an authentic communal village, it exists only in the memory of the generations they used to live in it, and in the mission reports of the experts solicited by Unesco or UNDP, which all put in the picture an alarming state.

The ksar is subject to a process of high and permanent degradation, while missions and recommendations continue without success. A dynamic community is emerging on the site, but it remains limited due to the local authorities being unconfident.

Therefore, it is necessary to reinforce of both the communal and the associative actions, in such a way that one complements the other and does not exclude it. The associative and/or communal approach in the management of the businesses of the site should not replace the community management systematically, but rather fall under its continuation.

The prestigious ksar keeps degrading among hopeless consultations workshops, and a Management Plan in progress on the one hand, and a resistance from the Moroccan authority in charge of Culture as to the inscription of the property on the heritage in danger list on the other (knowing by definition that the loss of an heritage is a sacrifice, and its safeguarding also supposes a sacrifice).

Moreover, international and/or regional development programs (UNDP, ONU-Habitat, RBOSM, Euromed, PACT, ITUC, etc.) seem to be ignored or at least neglected by the managers of the site. It is true that one would get “lost” in the multitude of programs, but it is enough to select those that are most favourable to the site and its population, and those that present more convergences and more assets for the site without generating competence conflicts.

Should it be necessary to develop some axes in favour of the sites and their population, it would be raising the populations/users’ awareness,
educating the youth, and training the managers. A step that needs to be carried out upstream, and accompanied by an attribution of certain aspects of management to the population, so as to bring back confidence. It is of vital importance to seek consent between the social factors so as to all the interventions meet legitimacy and local acceptance.

Another aspect needs to be developed: safeguarding management of the ksar. It concerns the implementing the classification text of the site along with the urban documents into force. This deems possible through advocacy and raising awareness of the population. The ideal would be to seek to optimize the listing, in such a way that it would preserve the ksar and its environment without ceasing social and economic dynamic.

Beside the inscription on the World Heritage in Danger List – highly recommended by the Heritage World Committee and carrying hope for the ksar – Morocco has to develop other crenels: Reinforcement of the capacities (Status, continuous training, etc.), on-the-site management (creation of a unit on the site) and partnerships.

As regards rehabilitation, the local authorities hesitate to invest in the site and are more concerned with the social output of an eventual investment. As for the population, they are ready to occupy the ksar if public investments are carried out in the short-term. This climate indicates a crisis of confidence between these two factors. The promises of the population reflect their attachment to their real heritage and a serious will to come back again to live in their ancestral village. On the other hand, their will to invest in a tourist dynamics takes the lead.

The ideal would be to develop the economic activities generators of income that would permanently go to the cultural heritage of the site and have as a result a feedback effect on the ksar, or at least without negative effect on its integrity – which is not easy at all.

In this regard, it is advisable to develop agriculture as main activity in the site, as well as craftsmanship, in addition to the ethical values of tourism (equity, engagement, transparency, partnership) in order to preserve the cultural integrity of the community and that of the ksar, and to avoid the risk of perverse effects of tourism such as emanation that can distort the cultural and communal image of the site.
This business cycle should lead to the improvement of the living conditions of the population that will manage to maintain itself its ancestral village in a spirit of solidarity that is worth restoring.

The progress in the conception of Unesco’s normative instruments, mainly in terms of cultural landscapes, opens new prospects in the reconsideration of the world heritage values as well as their management. The Ksar of Aït Ben Haddou, among the eight other sites of the world heritage in Morocco, largely fits this tendency and should benefit from it.

In addition, the managers of the site have to work in network with those of the world heritage sites located in Morocco, and possibly with similar sites located elsewhere. It is absurd that thematic networks connect between professionals at the international level, as no coordination structure exists currently at the national level.

In this regard, technologies of new information for the safeguarding and the rehabilitation management have become indispensable as they offer to the site-managers great capacities.

If development criteria are met, sustainable management of the patrimonial resources in the region of the ksar should become a model for the management and the development of the communal villages, which formidable mark out the patrimonial landscape of the pre-Saharan valleys of Morocco.