

ICOMOS SECOND DISCUSSION PAPER

SITES ASSOCIATED WITH MEMORIES OF RECENT CONFLICTS AND THE WORLD HERITAGE CONVENTION

**Reflection on whether and how
these might relate to the Purpose and Scope
of the World Heritage Convention
and its Operational Guidelines**

February 2020



ICOMOS International Secretariat
11, rue du Séminaire de Conflans
94220 Charenton-le-Pont
France
Tel: 33 (0)1 41 94 17 59
secretariat@icomos.org

Acknowledgements

In preparing this ICOMOS Second Reflection paper on Sites associated with memories of recent conflicts, ICOMOS would like to acknowledge the financial support and contribution of the Agence Wallone du Patrimoine of Belgium and convey its thanks to all experts who contributed to this reflection.

CONTENTS

Background

- a) World Heritage Committee decisions
- b) Definitions
- c) Consultation process
- d) Sites associated with memories of recent conflicts on Tentative Lists

Introduction

PART 1: The purpose and scope of the World Heritage Convention and its relationship with UNESCO

- a) Purposes of the World Heritage Convention
- b) The World Heritage Convention and its relationship with UNESCO
- c) Scope of the World Heritage Convention in relation to evolving ideas of heritage
- d) Need to clarify the purposes and scope of the World Heritage Convention

PART 2: Key concepts of the World Heritage Convention

- a) Nature of recent conflicts and sites associated with them
 - i. Nature of recent conflicts*
 - ii. Nature of sites of memory in relation to recent conflicts*
- b) Key concepts of the World Heritage Convention
 - i. Commonality of Outstanding Universal Value*
 - ii. Persistence of Outstanding Universal Value*
 - iii. Criteria for justifying Outstanding Universal Value supported by comparative analysis*
 - iv. Notions of integrity and authenticity*
 - v. Concept of place and boundaries*

PART 3: How sites associated with memories of recent conflicts relate to key concepts of the World Heritage Convention

- a) Commonality of Outstanding Universal Value
 - i. National values*
 - ii. Multiple values*
 - iii. 'Mirrored' values*
- b) Persistence of Outstanding Universal Value
 - i. Evolving memories and value*
- c) Criteria for justifying Outstanding Universal Value
 - i. Lexicon of words used in criteria*
- d) Comparative analysis
- e) Integrity and authenticity
- f) Concept of place defined by boundaries
- g) Ethical, human rights and legal considerations
 - i. Ethical responsibilities*
 - ii. Human rights based approach*
 - iii. Legal considerations*

PART 4: ICOMOS summary and concluding remarks

- a) Summary
- b) A specific regime within the World Heritage Convention?
- c) Alternative means of recognition

Postscript

Annexes

Background

a) World Heritage Committee decisions

In 2018 ICOMOS prepared a first paper on sites associated with memories of recent conflicts¹. This set out concerns over evaluating such sites and recommended that before consideration can be given to evaluating nominations of individual sites associated with recent conflicts and other negative and divisive memories for inscription on the World Heritage List, reflection was needed to allow the World Heritage Committee to agree on how such sites relate to the World Heritage Convention.

In decision 42 COM 5A, the World Heritage Committee at its 42nd session 'noted with appreciation the 2018 ICOMOS paper on the *Evaluations of World Heritage Nominations related to Sites Associated with Memories of Recent Conflicts*, and decides to convene an Expert Meeting on sites associated with memories of recent conflicts to allow for both philosophical and practical reflections on the nature of memorialization, the value of evolving memories, the inter-relationship between material and immaterial attributes in relation to memory, and the issue of stakeholder consultation; and to develop guidance on whether and how these sites might relate to the purpose and scope of the *World Heritage Convention*'.

A further Committee decision (42 COM 5B), 'encourages ICOMOS to further improve this paper by broadening the participation of experts in this new thematic area, including from the African region'.

This second ICOMOS paper on *Sites associated with memories of recent conflicts* is a response to this decision and has been prepared on the basis of an extensive consultation exercise. It attempts to address issues raised in its first paper and to consider how the World Heritage Convention might accommodate sites associated with memories of recent conflicts, or whether there are doctrinal issues that might preclude such accommodation.

b) Definitions

Conflicts

For the purposes of this paper, the term conflict, as in the first paper, is defined as covering wars, battles, massacres and other negative events that could be seen as divisive through the involvement of conflicting parties and loss of life.

For clarification, it should be stated that this paper does not relate to all aspects of what has been defined as the 'dark history' of humanity. Some properties inscribed on the World Heritage List reflect certain aspects of dark history, such as convict sites, colonial settlements, and slavery, but their Outstanding Universal Value is not focused primarily on negative memories, rather on the way the properties reflect in an outstanding way significant moments in, or shifts of, history.

Recent

The word 'recent', in the context of this paper, has been taken to refer to conflicts of the 20th and 21st centuries.

c) Consultation process

Since drafting the 2018 ICOMOS discussion paper, a further wide consultation process has been undertaken.

This has encompassed the views of 15 international experts, 4 ICOMOS National Committees (China, Finland, France and Japan), and 1 ICOMOS International Scientific Committee (20th century), which together reflect a wide variety of expertise, including archaeologists, anthropologists, international lawyers, art historians, political scientists, architects, and general heritage professionals, as well as all regions of the world (with the following States Parties being represented: Bangladesh, Brazil, Germany, Lebanon, Mozambique, Nigeria, United Kingdom, United States of America, Philippines, Poland, Senegal, Slovenia).

¹ See Annex 1

The consultation has included a key focus on the Africa Region, as requested by the World Heritage Committee.

This report synthesizes the outcomes of this consultation on key issues.

d) Sites associated with memories of recent conflicts on Tentative Lists

Sites associated with memories of recent conflicts that are currently included in Tentative Lists are set out in Annex 2.

Introduction

There is now a wish by several States Parties for the World Heritage Convention to recognise sites associated with memories of recent conflicts. Clearly some of these sites have already become important in relation to national identity or historical narratives but there is a desire for them to be recognised formally at an international level as World Heritage. The key issue is not whether 'negative' or 'dissident' heritage exists, which it does, or whether it should be given a value, but whether sites associated with memories of recent conflict can be accommodated within the 1972 World Heritage Convention in relation to its purpose, scope and key concepts.

While the key concepts of the World Heritage Convention have been well articulated, as have the definition of the criteria for justifying Outstanding Universal Value and the definition of Outstanding Universal Value itself, certain aspects of the purposes and scope of the World Heritage Convention that are highly pertinent to consideration of sites associated with memories of recent conflict remain to be confirmed or clarified.

Both the key concepts of the World Heritage Convention and its purposes and scope are discussed in this paper in relation to sites associated with the memories of recent conflicts.

Part 1 of the paper considers the purpose and scope of the World Heritage Convention; Part 2 sets out the key concepts of the World Heritage Convention, while Part 3 considers how sites associated with memories of recent conflicts relate to these key concepts.

Finally, the paper offers a summary of the issues raised and some concluding remarks.

PART 1:

The purpose and scope of the World Heritage Convention and its relationship with UNESCO

a) Purposes of the World Heritage Convention

Although the text of the World Heritage Convention set out its purposes in broad terms, it did not clarify how sites might be defined as being of Outstanding Universal Value. Instead, it tasked the World Heritage Committee with defining the necessary criteria (Art 11.5.).

Since its ratification in 1972, the purposes of the World Heritage Convention have been clarified by the World Heritage Committee in two main ways: first through the definition of criteria for justifying Outstanding Universal Value, formally defined in 1978, and slightly amended several times since; and secondly, as these still left open the definition of Outstanding Universal Value, through the adoption of a formal definition of Outstanding Universal Value in 2005.

One area that has not been made explicit is whether Outstanding Universal Value is a positive notion. The word 'value' normally relates to something positive and both the words 'outstanding' and 'universal' also usually imply some sort of positive achievements. So, do the purposes of the World Heritage Convention reflect the great and positive achievements of humankind, as the wording of its text implies?

There would appear to be a need to clarify the purposes of the World Heritage Convention in relation to whether they relate to the great, positive achievements of humankind.

b) The World Heritage Convention and its relationship with UNESCO

It is pertinent in regard to whether the World Heritage Convention relates to positive achievements, to consider the purposes of UNESCO, within which the World Heritage Convention is a key instrument.

UNESCO (United Nations Educational, Scientific and Cultural Organization) was created in 1945 in response to the firm belief of nations forged by two World Wars in less than a generation that political and economic agreements are not enough to build a lasting peace. Peace must be established on the basis of humanity's moral and intellectual solidarity. The Preamble to its Constitution states that "since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed." In 1989 the Culture of Peace was adopted at the UNESCO International Congress on "Peace in the Minds of Men" held in Yamoussoukro (Côte d'Ivoire), and outlines a vision for peace that is much more than the end of armed conflict.

Should World Heritage be at the heart of UNESCO's Peace Mandate? Should the World Heritage List be seen as an element in its curriculum for peace, and its aims to promote cross-frontier cooperation, settle territorial disputes, and bring about political reconciliation? And should inscribed properties be conducive to world peace, in line with UNESCO's purposes?

It would appear to be a logical assertion that every UNESCO Convention ought to comply with the general purposes of UNESCO. If that is the case, the World Heritage List, as a key outcome of the World Heritage Convention, should be seen as an element in UNESCO's curriculum for peace.

There is a need to confirm the purposes of the World Heritage Convention in relation to UNESCO's Peace Mandate.

c) Scope of the World Heritage Convention in relation to evolving ideas of heritage

One of the strengths of the World Heritage Convention is the way it has reflected changing perceptions of heritage over time. This does, though, raise the issue as to whether there should be any limits to or constraints on how flexible its scope should be in accommodating new types of heritage.

Although the World Heritage Convention is underpinned by the idea of cultural and natural 'heritage', and that both are defined in general terms in Article 1, with cultural heritage being seen to 'encompass monuments, groups of buildings, and sites which convey Outstanding Universal Value from the point of view of history, art or science' or from 'the historical, aesthetic, ethnological or anthropological point of view', precisely what types of heritage fall within the scope of these definitions and thus what is the overall scope of the World Heritage Convention has not so far been defined by the World Heritage Committee.

Since the first inscriptions in 1978, significant incremental shifts over time can be observed in the types of cultural properties that have been inscribed on the World Heritage List. Such an evolution is clearly a response to changing perceptions of cultural heritage, with the World Heritage List becoming a mirror of what society values as heritage at a particular time. And conversely, some of these shifts may also have shaped perceptions of heritage beyond the World Heritage Convention such as, for instance, the definition of cultural landscapes as a category in 1992 which has come to be seen as a milestone in fostering the protection of landscapes that reflect an interaction between culture and nature.

In recent years, a new and distinct shift can be observed in the overall profiles of sites being nominated, or being included on Tentative lists. This shift relates to the increasing number of sites reflecting recent conflicts and their associated memories. Such sites, often with multiple values, complex characteristics, and with more prominence being given to associations rather than to physical properties, clearly mark a new trend that calls for consideration as to how they might relate to the World Heritage Convention. This raises the question as to how far the World Heritage Convention can go in responding to evolving ideas of cultural heritage and whether there are some directions which the World Heritage Convention cannot follow.

This is not an entirely new concern. As set out in some detail in ICOMOS' first discussion paper (Annex 1), at the time Auschwitz Concentration Camp, Poland², was inscribed in 1979 under criterion (vi), the World Heritage Committee 'decided to enter Auschwitz concentration camp on the List as a unique site and to restrict the inscription of other sites of a similar nature'. [*Emphasis added*].

Similar concerns were raised in 1996 by both the States Parties of China and the United States of America when the Hiroshima Peace Memorial (Genbaku Dome), Japan, was inscribed also under criterion (vi) to symbolise the 'hope for world permanent peace'. The Delegation of China was concerned at the partiality with which the site might be viewed. Their statement read: "... if Hiroshima nomination is approved to be included on the World Heritage List, even though on an exceptional basis, it may be utilized for harmful purpose ... This will, of course, not be conducive to the safeguarding of world peace and security'. While the United States of America considered that 'the inscription of war sites [lies] outside the scope of the Convention. We urge the Committee to address the question of the suitability of war sites for the World Heritage List'. [*emphasis added*] Such a reflection has not so far been undertaken.

There is a need to consider whether there should be limits and/or constraints on the scope of cultural heritage that might appropriately support the purposes of the World Heritage Convention and thus be eligible for inscription.

² Now known as Auschwitz Birkenau German Nazi Concentration and Extermination Camp (1940-1945)

d) Need to clarify the purposes and scope of the World Heritage Convention

In the light of the discussions above, it is suggested that there is a need to clarify or confirm the purposes of the World Heritage Convention in relation to how they relate to the great, positive achievements of mankind and thus are conducive to world peace in line with UNESCO's mandate, and, concomitantly, to clarify whether there should be limits and/or constraints on the scope of cultural heritage that is inscribed to ensure the compatibility of the World Heritage List with those purposes.

These clarifications over-arch the debate on how sites associated with memories of recent conflicts, or reflecting other types of new heritage that might emerge, relate to the World Heritage Convention.

PART 2:

Key concepts of the World Heritage Convention

While the purposes and scope of the World Heritage Convention may need clarification, its key concepts in relation to Outstanding Universal Value, criteria, authenticity, integrity and the idea of a place with boundaries have been well-defined and their implementation well-articulated.

This Part 2 of the report considers these key concepts. First, the nature of recent conflicts and the distinctive aspects of sites associated with memories of recent conflicts are set out and then the key concepts in detail.

Part 3 goes on to address how these key concepts relate to sites associated with memories of recent conflicts.

a) Nature of recent conflicts and sites of memory associated with them

i. Nature of recent conflicts

The 20th century can be seen as a century of conflicts. What is also clear is that as the century progressed, the way these conflicts were enacted changed dramatically. Groups of combatants, generally States, who opposed each other on a given territory began to give way to multitudes of armed groups, sometimes including states, competing for regions or even countries. The outcomes of these conflicts, often complicated by the intervention of local, regional and / or international actors, remain poorly defined, as do responsibilities.

The beginning of the current century is showing few signs that the number of conflicts is reducing. There are many major on-going conflicts and numerous minor conflicts, which together it is estimated are leading to the deaths of upwards of over 120,000 people a year and to the shattering of societies. Some of the on-going conflicts have gained world attention but not all, and those that have are not necessarily the conflicts that have resulted in the greatest loss of life, or the greatest cumulative impacts of long-term suffering.

ii. Nature of sites of memory in relation to recent conflicts

The profile of sites associated with memories of recent conflicts leads to great complexity in terms of how narratives of memory associated with them might be defined; how groups of people might be defined to whom such narratives belong; and how the value of memories might be determined in relation to the relative value of each conflict in global terms.

Sites associated with memories of recent conflicts are usually promoted for recognition once a conflict has ceased. The memories associated with them may reflect acts of memory, or knowledge of the past upon which a group sense of unity or individuality is, or might be, based. These memories may also arise from a process of memorialisation, in which memories are actively recognized or preserved through the development of some sort of formal commemoration of their associations, such as ceremonies, defining and protecting sites, or building memorials. Such a memorialisation process might be formalised at a national or even international level.

Memorialisation is recognised as a fundamental need for societies after conflicts, and a valuable tool to honour victims, reconcile tensions and establish a record of history. But memorialization in relation to recent conflicts brings many challenges. While it may be intended to speak to reparation for wrong doings and to foster harmony, it may also support the persistence of divisions or become the focus for further reprisals by those who believe their stories are not recognised in the memorialisation process.

At times, memorialization may become a national tool that sets out one version of a complex event, in order to promote a message, which may be related to the idea of enduring power, national or political identity, the perceived value of a glorious victory, or the horrors perpetrated by 'others'. Such 'official' memorialisation of a conflict can hardly ever be completely objective: it inevitably contains an element of propaganda even though it may have a positive message.

Official memorialisation can sometimes involve the construction of memorials to provide a physical reflection of a formal message and to prompt or promote public commemoration. This may add a further layer of complexity in terms of not only what messages these memorials convey, but also what value it is appropriate to give to the memorials themselves and whether memorials can or should also be memorialised.

Thus, while memorialisation of sites related to conflicts may be seen as a positive tool to recognise 'truthful' messages of the many different groups involved in conflicts, to prompt reflection, and to bring communities together, it can also be highly contested. It may foster disharmony if an 'official' message or the 'narrative of the majority' is imposed based on one version of events when the reality is more diverse and much more complex.

Memorialisation is often seen as part of wider post-conflict reconciliation processes that begin once a conflict has ceased. But the two do not always sit well together. The very nature of reconciliation processes is that they are difficult, long and unpredictable journeys and inevitably must be dynamic in responding to evolving circumstances. Concluding a memorialisation process and fusing divergent narratives into a fixed message too soon after a conflict may sit uncomfortably with the need to give sufficient time to reconciliation processes, which might span decades or even generations, and may lead to a group or groups feeling alienated.

Memories of recent conflicts may continue to evolve long after the conflicts have ceased, and while fixing such memories in a memorialisation process may be seen as a positive way to bring people together, it can also simplify diverse realities, foster disharmony and sit uncomfortably with the need to allow time and flexibility for reconciliation processes.

b) Key concepts of the World Heritage Convention

The key concepts of the World Heritage Convention are: Outstanding Universal Value, and its commonality and persistence; criteria for justifying Outstanding Universal Value supported by comparative analysis; notions of integrity and authenticity; and the idea of a place within boundaries that encompass the attributes of Outstanding Universal Value.

Below, these concepts are set out and then considered in relation to sites associated with recent conflicts.

i. Commonality of Outstanding Universal Value

The definition of Outstanding Universal Value adopted in the 2005 revision of the *Operational Guidelines for the Implementation of the World Heritage Convention* reflects the idea of commonality. Outstanding Universal Value is defined as 'cultural and/or natural significance which is as exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity. As such, the permanent protection of this heritage is of the highest importance to the international community as a whole. [*emphasis added*].

The justification of Outstanding Universal Value is thus dependent on the value of a property being considered as above national interests and having a commonality – or an acknowledged, shared, common interest - to all of mankind as part of the heritage of mankind. This relevance of properties to humanity as a whole is central to the World Heritage Convention.

ii. Persistence of Outstanding Universal Value

Inscription of a property on the World Heritage List defines its Outstanding Universal Value as being what the World Heritage Committee on behalf of the international community agrees at the moment of inscription to be its value to humanity: Outstanding Universal Value persists over time, and while the attributes that convey Outstanding Universal Value must be sustained, other aspects of a property may, or usually do, evolve. This idea of the persistence of Outstanding Universal Value lies at the heart of the World Heritage Convention.

The Statement of Outstanding Universal Value, now agreed at the time of inscription, thus validates and confirms the 'stories' or 'narrative' associated with a property and the way its history has been presented in relation to its value. It fixes these at the moment the World Heritage Committee decides that the property has a value for the whole of mankind. The determination of Outstanding Universal Value does not preclude a property having many other values of national or local importance and these may change as perceptions change. And there is the possibility for such further values to augment Outstanding Universal Value through a process of re-nomination.

iii. Criteria for justifying Outstanding Universal Value supported by comparative analysis

The criteria which must be satisfied for a property to be seen to convey Outstanding Universal Value, are set out in the *Operational Guidelines*³. Justifying these criteria means demonstrating how a property might be considered outstanding or exceptional in the way its attributes convey Outstanding Universal Value. Such exceptionality has to be supported through the construction of a detailed comparative analysis that demonstrates that there are no comparators on the World Heritage List, on Tentative Lists, or elsewhere for a combination of the site and its proposed justification of Outstanding Universal Value.

iv. Notions of integrity and authenticity

Integrity and authenticity are part of Outstanding Universal Value, in that integrity relates to the wholeness and intactness of the property and its attributes and whether these are free from threats, while authenticity relates to how truthfully and clearly the attributes as a whole convey Outstanding Universal Value. Both relate to the idea of the attributes of Outstanding Universal Value being encompassed by boundaries.

v. Concept of place and boundaries

The World Heritage Convention is a place based convention. It is thus a place that is inscribed for the value it conveys and not the value *per se*. This approach is what differentiates this 1972 World Heritage Convention from the 2003 Convention⁴.

The site or property is that area which encompasses the attributes that convey Outstanding Universal Value. These attributes may be physical aspects of the property; they may also be processes which deliver and maintain those physical aspects, or associations that are reflected by the attributes. Where a property is of value for its associations with 'events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance' as defined in criterion (vi), the property must display direct or tangible links with these associations.

³ The definition of criteria is as follows:

- (i) represent a masterpiece of human creative genius;
- (ii) exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town-planning or landscape design;
- (iii) bear a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared;
- (iv) be an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history;
- (v) be an outstanding example of a traditional human settlement, land-use, or sea-use which is representative of a culture (or cultures), or human interaction with the environment especially when it has become vulnerable under the impact of irreversible change;
- (vi) be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance. (The Committee considers that this criterion should preferably be used in conjunction with other criteria)

⁴ UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, 2003

PART 3:

How sites associated with memories of recent conflicts relate to the key concepts of the World Heritage Convention

This section considers issues that arise in relation to how sites associated with memories of recent conflicts relate to the key concepts of the World Heritage Convention.

a) Commonality of Outstanding Universal Value

Commonality implies a property having a value that is of relevance to the whole of mankind.

For sites associated with memories of recent conflicts, this means determining a value that goes beyond local or national value and can be supported by the global community. But such a value at the same time can be supported nationally and locally.

In relation to nominations of sites associated with memories of recent conflicts, a key issue is whether the World Heritage Convention should be used to arbitrate in deciding the 'main' version of narratives or memories associated with a conflict, and, if so, on what basis could such a decision be made? Moreover, should one version of a narrative or memories be given value at a universal scale if not recognised and validated on a local or national scale?

i. National values

For some sites associated with memories of recent conflicts the narrative reflects an official national view of the conflict. But national support does not necessarily mean alignment with the purposes of the World Heritage Convention nor does it necessarily reflect the values recognised by those who were involved in the conflict.

In this context, the World Heritage Committee's decision in 1979 when Auschwitz was inscribed is relevant. It noted that: 'Nominations concerning, in particular, historical events or famous people could be strongly influenced by nationalism or other particularism in contradiction with the objectives of the World Heritage Convention'.

ii. Multiple values

Outstanding Universal Value defines the way a property might be seen to have value to all humanity. This does not mean that this is the only value the property has: indeed, most inscribed properties have many other national or local values; Outstanding Universal Value should be complementary to these other values.

Sites of memory associated with recent conflicts may also have multiple values, either at local level or between local and national level, but for these sites the memories can often be contested. Conflicts, by definition, are rooted in divergences. There is more than one side to a conflict and more than one view of its outcomes. If the winners' views are encapsulated as the one persistent value associated with a site, how can this value be accepted by others involved in the conflict who might hold contrary views?

On the other hand, **it could prove very dangerous if a site associated with multiple memories of a recent conflict was seen to accommodate all these different and competing memories. Such articulation of disputes could keep alive differences and work against moves towards peace and reconciliation.**

iii. 'Mirrored' values

It is sometime suggested that a site of conflict is associated not with "negative" memories or commemoration of the cult of death and heroic sacrifice but rather with "positive" memories related to the way the site might be used to show the futility of conflict, the need to work for peace and the common dignity of human life, or even that a site does, or must, convey a moral message for humanity that such atrocities will not happen again.

It is certainly desirable for post conflict reconciliation activities to promote peaceful social reconstruction, unity, reconciliation, understanding, and tolerance, and to prompt humanity to reflect on the armed conflicts as human experiences so that they are never repeated. Of course, sites of conflicts could be turned into instruments of peace, could be seen as providing a warning for humanity or could carry a moral message to help future generations think about avoiding repetition of past mistakes. But it should be noted that the positive messages adopted at the time of inscription for the Auschwitz Concentration Camp and the Genbaku Dome have not been heeded.

The difficulty is that any conflict site could be associated with a narrative of 'positive' memories. How might a site associated with memories of recent conflict be seen to reflect a value associated with peace or a lesson for humanity in an outstanding way that is differentiated from other conflict sites? And what would be the attributes of peace? And how might they be seen as authentic?

b) Persistence of Outstanding Universal Value

If a property were to be inscribed primarily for its associations related to recent conflicts, could such associations be fixed at a moment in time or would they still by their very nature keep evolving?

i. Evolving memories and value

Memories such as those that are prompted by recent conflicts tend to evolve over time – unless they are 'fixed' or adopted as a formal national message, although even then they may continue by proxy means.

As already touched upon, reconciliation of opposing parties after a conflict take time to allow memories to mature and shared memories to evolve. During the process there will be discrepancies, disputes or even contestations over memories which it could be unhelpful to erase. Fixing memory in conjunction with Outstanding Universal Value could be unhelpful and may force the emergence of 'shared' dialogues.

It is also almost impossible to fix the time necessary for shared values to emerge or even to determine if they ever will. And fixing Outstanding Universal Value could work against the processes of reconciliation.

As time passes, living memories fade and a historical discourse may emerge which some believe is more easily shareable. But such history can itself lead to differences of opinion: which history and written for whom? And memories may survive in parallel to the historicalisation of an event and might contradict 'official' history as different communities share different memories of the same event. In such instances, it is not helpful to evaluate the competing values of such memories, whether historical or recalled, in order to fix one.

There would appear to be a fundamental incompatibility between evolving memories associated with sites of recent conflict and the idea of fixing Outstanding Universal value at the time of inscription.

c) Criteria for justifying Outstanding Universal Value

For a property to convey Outstanding Universal Value, it must satisfy at least one criteria and represent/exhibit/bear an exceptional testimony to 'human creative genius' (i), and/or 'an important interchange of human values (ii), and/or of 'to a cultural tradition or a civilization' (iii), or it must be outstanding example of a '(a) significant stage(s) in human history' (iv), and/or 'traditional human settlement, land-use, or sea-use ... or human interaction with the environment' (v), or be directly or tangibly associated with 'ideas, beliefs, artistic and literary works of outstanding universal significance' (vi).

i. Lexicon of words used in criteria

A key issue is how this lexicon of words that define the criteria might be applied to sites associated with memories of recent conflicts.

Some sites of conflict may be outstanding, but are they in the sense of having universal value? A crime against humanity, perpetrated by a well-identified group that sparked a wave of international disapproval, maybe of universal importance but is it of Outstanding Universal Value as defined by the World Heritage Convention? Is Outstanding Universal Value confined to the great and positive achievements of humanity or can Outstanding Universal Value imply outstanding aspects of a conflict? And would it be reasonable that conflict sites, which are often borne out of atrocities, could represent 'human creative genius', or be an 'exceptional testimony' to a cultural tradition or to a civilization, or an 'outstanding example' of a site that illustrates (a) significant stage(s) in human history? Trying to satisfy the criteria could lead to problematic rhetoric on the part of applicants.

While many sites associated with memories of recent conflict may be of great interest to the whole of humanity, can humanity in any meaningful way accept places of tremendous human suffering as being of common interest to all humanity, in relation to the purposes of the World Heritage Convention?

There would seem to remain profound questions to be addressed in relation to how sites that reflect memories of conflict might be seen to justify the criteria as presently worded.

d) Comparative analysis

In order to determine whether a property might justify Outstanding Universal Value, comparisons need to be undertaken to demonstrate that there are no comparable places with a similar combination of value and attributes on the World Heritage List, on Tentative Lists or in the same geo-cultural area that might be nominated in the future.

With hindsight, perhaps over the next 50 years, humanity might gain a better reflection of why the 20th century became a century of conflict across the globe. Meanwhile, how might sites associated with these conflicts be compared? Do we compare the conflicts, or the memories of the conflict? If the former, do the 'world' wars have a higher value than regional or local conflicts, and should the gravity of structural loss, the enormity of building damage, or the loss of lives be compared? If the latter, how do we decide on the relative value of memories, when almost no conflict only has one memory and some may be defined by political expediency?

Comparisons of sites on the basis of a hierarchisation of traumas or of the scale of loss could lead to unwanted profound disagreements, while the idea of measuring and comparing the quality of memories could cause a kind of rhetorical competition.

A comparative analysis cannot be undertaken meaningfully on the tragedy and loss of recent conflicts or on their memories, and such a process could lead to judgemental dilemmas.

e) Integrity and authenticity

Integrity relates to the wholeness and intactness of a place in the way it embraces the attributes that convey Outstanding Universal Value. The notion of integrity does not fit well with sites associated with memories of recent conflicts, where such memories may not be confined to the specific boundaries of the nominated place.

Authenticity relates to the truthfulness with which the attributes of Outstanding Universal Value convey their value. Assessing the authenticity of one narrative that is seen as having a greater value than other narratives of a recent conflict creates profound difficulties in understanding the links between attributes and the various messages and memories they might convey.

f) Concept of place defined by boundaries

World Heritage sites are places and it is a property defined by boundaries that is inscribed on the World Heritage List for the value it reflects. The boundaries should encompass all the attributes necessary to reflect Outstanding Universal Value.

For sites associated with memories of recent conflicts, a site may provide the context or evidence for the memory or memories but where the associative values are of greater importance than the material ones, such sites may be incidental to the source or sources of that memory and thus simply passive receptors. In these cases, how can attributes be mapped and associated values be defined and confined by boundaries?

g) Ethical, human rights and legal considerations

i. Ethical responsibilities

Engaging with a conflicted past in relation to sites associated with memories of recent conflicts could be seen to bring into focus ethical responsibilities.

Delivering such responsibilities could be almost impossible in the absence of 'objective' measures to compare sites associated with tragedy and loss, neither of which are matters of facts but rather matters of feeling and experience.

Trying to arbitrate in terms of which sites associated with memories of conflicts might be seen to have Outstanding Universal Value, and thus of value to all humanity, could lead the World Heritage Committee into situations that might be ethically highly problematic.

ii. Human rights based approach

There is no conflict between the general objective of UNESCO's approach to World Heritage protection and management on the one hand, and the human rights protection agenda of the United Nations on the other. The latter implies the need to respect the rights of all stakeholders attached or connected to sites.

For specific sites associated with memories of recent conflicts, though, this human rights approach presents challenges in relation to the World Heritage Convention. How could an inclusive approach be adopted that takes account of memories of all stakeholders whatever their involvement in a conflict? Would this mean that in considering sites associated with memories of a particular conflict, regardless of the present understanding of history, or who might be thought to be 'right' or 'wrong', or who is the human rights violator or the oppressed, the universally acclaimed human rights of both perceived victims and villains should be safeguarded, as far as possible? If that was the case, all memories associated with a site would need to be considered.

If such a human rights approach is desirable or indeed necessary, then it could become impossible to inscribe a site associated with memories of recent conflicts, as fixing one memory as having Outstanding Universal Value at a moment in time would be diametrically opposed to the idea of an inclusionary approach that respects multiple memories of all stakeholders.

Awarding World Heritage status to a site that speaks to the memory of one part of a group of people but demeans another one cannot be seen to respect human rights nor the needs for complementary reconciliation processes as part of a path for peace.

On the other hand, an inclusive approach with a value that in some way reflects the collective memories of all parties involved and safeguards all possible memories of a conflict could be equally problematic. Such an approach would mean that the memories of all participants, no matter how big or small a group, should be considered equally relevant, as well as those of both victors and victims, and the offenders and the offended.

However desirable this may be, it is difficult to see how in practice such an inclusive multi-perspective approach could ever be feasible for sites related to recent conflicts, unless the combined memories were reduced to generalized and abstract universalisms, or an official discourse was imposed, in which case how might it be seen as of universal importance and having a commonality to all?

iii. Legal considerations

It could be argued that any decision taken by a multilateral agency that may be perceived as political, and could have obvious diplomatic consequences, should adhere not only to the World Heritage Convention and its *Operational Guidelines* but also to principles of international law, as occurs, for instance, in the International Security Council and the International Criminal Court.

PART 4:

ICOMOS summary and concluding remarks

a) Summary

The discussions above have highlighted considerable difficulties in reconciling the characteristics and value of sites associated with recent memories with the key concepts of the World Heritage Convention and, more fundamentally, to the purposes of the World Heritage Convention.

If Outstanding Universal Value is a positive notion, as its wording implies, the purposes of the World Heritage Convention should reflect the great and positive achievements of mankind; and if the World Heritage Convention is aligned with the purposes of UNESCO's Peace Mandate, the World Heritage List should also be seen as an element in UNESCO's curriculum for peace, supporting its aims to promote cross-frontier cooperation, the settling of territorial disputes, and political reconciliation. Both of these aspects need to be confirmed or clarified.

One of the strengths of the World Heritage Convention is the way it has reflected changing perceptions of heritage over time. The current discussion on sites associated with memories of recent conflicts raises questions related to just how far that flexibility can extend in accommodating emerging new types of heritage, whether there are some directions that the World Heritage Convention cannot follow, and, thus, whether its scope needs limits. This is not an entirely recent concern: it was raised at the World Heritage Committee in 1979 during discussions on the inscription Auschwitz Concentration Camp, Poland⁵, (see above). If the purposes of the World Heritage Convention relate to positive messages and to UNESCO's Peace Mandate, then consideration needs to be given to how the World Heritage List supports such purposes through defining appropriate constraints/ limits on the scope of heritage that can be inscribed.

If the purposes and scope of the World Heritage Convention are to support social cohesion and cultural diversity as part of the fundamental objective of UNESCO to work towards world peace and security, then memorialising memories of certain recent conflicts through World Heritage inscription of one memory and one value could be seen to work in the opposite direction. Although it might be argued that crimes against humanity are of interest to the whole of humanity, sites that reflect them cannot be said to be conducive to world peace.

In considering how sites associated with memories of recent conflicts relate to the key concepts of the World Heritage Convention, several important issues have been highlighted in the discussions above, as follows:

- Defining memories of the many different peoples involved in conflicts can be a highly contested process in terms of how memories might be defined, how groups of people might be defined to whom such narratives belong, and how the value of memories might be determined in relation to the relative value in global terms of each conflict.
- Acknowledging one group's contributions to a conflict as being more worthy than those of others, might highlight and perpetuate divisions on the causes of such conflicts, while if an 'official' message or the 'narrative of the majority' is imposed based on one version of events, when the reality is more diverse and much more complex, this may foster disharmony.
- Overall, there is an inherent conflict between fixing Outstanding Universal Value at the time of inscription for sites associated with memories of recent conflicts and the evolving nature of such memories, an evolution that may continue long after conflicts have ceased, and persist for decades or even generations.

⁵ Now known as Auschwitz Birkenau German Nazi Concentration and Extermination Camp (1940-1945)

- Sites associated with memories of recent conflicts, often have multiple values. How might one value be chosen to be considered for Outstanding Universal Value? If the winners' views are encapsulated as the one persistent value associated with a site, how can this value be accepted by others involved in the conflict who might hold contrary views?
- The World Heritage Convention should not be used to arbitrate in deciding what is the 'main' version of the narrative or memories associated with a conflict and validate it at a universal scale that might not be recognized and supported at a local or national scale. The adoption of one 'story' over other stories might lead to further conflicts or to value being given to partial narratives. It would also appear difficult for the World Heritage Committee to decide on the validity of one memory of a conflict over another, as such a decision might actually help build walls between people rather than celebrate common humanity.
- Memories of recent conflicts may continue to evolve long after the conflicts have ceased, and while fixing such memories may be seen as a positive way to bring people together, as part of reconciliation processes, it can also simplify diverse realities, foster disharmony; and erase discrepancies, disputes or even contestations over memories all of which could be unhelpful. It is also almost impossible to fix the time necessary for shared values to emerge, or even to determine if they ever will.
- Potential discrimination between memories also raises issues of human rights. Awarding World Heritage status to a site that speaks to the memory of one group of people, but demeans another one, cannot be seen to respect human rights.
- Sometimes a key message is defined as a formal national message and in this context, the World Heritage Committee's decision in 1979 when Auschwitz was inscribed is relevant. It noted that: 'Nominations concerning, in particular, historical events or famous people could be strongly influenced by nationalism or other particularism [are] in contradiction with the objectives of the World Heritage Convention'.
- If a site associated with multiple memories of a recent conflict was to be nominated to accommodate all its different and competing memories, such articulation of disputes could keep alive differences and work against moves towards peace and reconciliation. And how might such an inclusive multi-perspective approach ever be feasible, unless the combined memories were reduced to generalized and abstract universalisms, or an official discourse was imposed, in which case how might it be seen as of universal importance and having a commonality to all?
- Although it is sometimes suggested that a site of conflict is associated with positive rather than negative values, any conflict site could be associated with such a narrative. Further it is almost impossible to conceive how a site of conflict might be seen to reflect a value associated with peace or a lesson for humanity in an outstanding way that is clearly differentiated from other conflict sites. Moreover, as set out above, the messages of peace and reconciliation associated with the inscriptions of the Auschwitz Concentration Camp and the Genbaku Dome have not been heeded.
- There remain profound questions to be addressed in relation to how sites associated with memories of recent conflict might be seen to justify the criteria as presently worded. Would it be reasonable that conflict sites, which are often borne out of atrocities, could represent 'human creative genius', or be an 'exceptional testimony' to a cultural tradition or to a civilization, or an 'outstanding example' of a site that illustrates (a) significant stage(s) in human history? Trying to satisfy the criteria could lead to problematic rhetoric on the part of applicants.
- While many sites associated with memories of recent conflict may be of great interest to the whole of humanity, can humanity in any meaningful way accept places of tremendous human suffering as being of common interest to all humanity, in relation to the purposes of the World Heritage Convention?

All these points, and other raised above, in ICOMOS' view lead to the conclusion that sites associated with recent conflicts cannot be accommodated by the key concepts of the World Heritage Convention, as currently worded, and that they do not support UNESCO's Mandate for Peace, and by implication the purposes of the World Heritage Convention.

b) A specific regime within the World Heritage Convention?

If sites associated with memories of recent conflicts cannot be accommodated by the key concepts of the World Heritage Convention, this in turn raises the issue as to whether some sort of special regime within the World Heritage Convention might be drafted to accommodate such sites. This would mean specifically allowing sites associated with memories of recent conflict to become part of the definition of cultural heritage. But it would also mean changing the nature of Outstanding Universal Value in relation to commonality and persistence as well the definition of criteria and the idea of a place within boundaries. If such changes were made, this would radically alter the nature of the World Heritage Convention and could have difficult repercussions for sites already on the World Heritage List.

Perhaps more fundamentally, it has to be acknowledged that accommodating sites associated with memories of recent conflicts within the World Heritage Convention would not be in line with a positive message of Outstanding Universal Value and the peace mandate of UNESCO, if both of these are confirmed as purposes of the World Heritage Convention.

c) Alternative means of recognition

ICOMOS considers that rather than stretching the World Heritage Convention to accommodate sites associated with recent conflicts, it would be preferable to encourage the recognition of such sites under other instruments that could be considered more appropriate. Some of these are set out in Annex 3.

Postscript

ICOMOS appreciates the opportunity that this reflection has provided to consider the fundamental purposes, scope and key concepts of the World Heritage Convention in relation to sites associated with memories of recent conflicts. This has allowed a spotlight to be shone on the precise characteristics that define the World Heritage Convention and where clarification could be helpful.

This paper focused on sites related to memories of recent conflicts and does not cover all aspects of what might be called 'dark history' - as stated in the introduction.

It is suggested that there is a need to differentiate clearly sites of memory associated with recent conflicts from other types of 'dark history' such as slavery, industrialisation, colonisation, etc., for which recognition by the World Heritage Convention might be possible. But these other aspects are not all without negative associations, or the possibility of associations with national or political ideas, and it would be helpful to agree a framework for nominations of such sites, and particularly for sites associated with slavery.

ANNEXES

1. ICOMOS' First paper on Sites Associated with Memories of Recent Conflicts, 2018

https://www.icomos.org/images/DOCUMENTS/World_Heritage/ICOMOS_Discussion_paper_Sites_associated_with_Memories_of_Recent_Conflicts.pdf

2. Current Tentative List sites associated with memories of recent conflicts:

- *World War 1 – sites from Slovenia, Belgium and France, Turkey*
 - Funeral and memorial sites of the First World War (Western Front), Belgium and France
 - The Walk of Peace from the Alps to the Adriatic – Heritage of the First World War, Slovenia
 - Çanakkale (Dardanelles) and Gelibolu (Gallipoli) Battles Zones in the First World War, Turkey

- *World War II – sites from France and Russian Federation*
 - Les Plages du Débarquement, Normandie, 1944, France
 - Mamayev Kurgan Memorial Complex "To the Heroes of the Battle of Stalingrad", Russian Federation

- *War against apartheid – site from Angola*
 - Cuito Cuanavale, Site de Libération et Indépendance, Angola – monument to a battle by Angolans and Cubans against the former apartheid regime in South Africa.

- *Civil war – serial site from Rwanda*
 - Sites mémoriaux du génocide : Nyamata, Murambi, Bisesero et Gisozi, Rwanda

- *Torture sites & jails – Argentina, Campo Verde, India*
 - ESMA Site Museum - Former Clandestine Centre of Detention, Torture, and Extermination, Argentina
 - Camp de concentration du Tarrafal, Capo Verde – camp built as a prison camp and for extermination
 - Cellular Jail, Andaman Islands, India – for political dissidents

3. Other Convention and instruments that might accommodate sites associated with memories of recent conflicts:

The UNESCO Convention on Intangible Cultural Heritage, 2003

This Convention aims at safeguarding the uses, representations, expressions, knowledge and techniques that communities, groups and, in some cases, individuals, recognise as an integral part of their cultural heritage. This intangible heritage is found in forms such as oral traditions, performing arts, social practices, rituals, festive events, knowledge and practices concerning nature and the universe, and traditional craftsmanship knowledge and techniques, and it may also comprise the instruments, goods, objects of art and cultural spaces inherent to intangible cultural heritage.

<https://ich.unesco.org/en/convention>

The UNESCO Memory of the World Programme

This programme was established in 1992 to facilitate, with due recognition of cultural mores and practicalities, the preservation of the world's documentary heritage and to assist in making it universally accessible.

<https://en.unesco.org/programme/mow>

The International Coalition of Sites of Conscience

This coalition was founded in 1999, to recognise sites as places of memory – such as an historic site, place-based museum or memorial – that prevent loss of memory in order to ensure a more just and humane future. Not only do Sites of Conscience provide safe spaces to remember and preserve even the most traumatic memories, but they enable their visitors to make connections between the past and related contemporary human rights issues.

<https://www.sitesofconscience.org/en/home/>

European Heritage Label

This label recognises since 2013 the symbolic value of sites that have played a role in European history or other European activities and have the potential to bring the European Union and its citizens closer together.

https://ec.europa.eu/programmes/creative-europe/actions/heritage-label/info_en

