



**International Council on  
Monuments and Sites**

**Conseil International  
des Monuments et des Sites**

**ICOMOS International Scientific Committee on Legal,  
Administrative and Financial Issues**

**Conservation – Heritage – Law 2002  
An International Symposium held in Athens, Georgia, USA  
April 3-5, 2002**

### **REPORT**

The major project of the ICOMOS International Scientific Committee on Legal, Administrative and Financial Issues (ICLAFI) in the year 2002 was co-sponsorship of an international symposium and meeting the US/ICOMOS Legal Committee and the Dean Rusk Center - International, Comparative and Graduate Legal Studies at the University of Georgia, April 3-5, 2002. Conservation - Heritage - Law 2002 drew speakers from 23 countries on six continents, and included a representative of UNESCO.<sup>1</sup> The Rusk Center served as the host organization and the ICLAFI Secretary General and Dean Rusk Center Fellow James K. Reap of the USA was the coordinator.

The symposium was made possible by a generous grant from the Samuel H. Kress Foundation and support from the School of Law, College of Environment and Design, African Studies Institute, and Office of International Public Service and Outreach of the University of Georgia; School of Law and Department of History at Georgia State University; the Savannah College of Art and Design; the Athens-Clarke Heritage Foundation; and several private sponsors.

The conference began with two special programs. The first was held on April 2, 2002 at Georgia State University in Atlanta: *Cultural Resource Preservation in Germany*, by Dr. Werner von Trützscher, President of the ICLAFI. The second event was held on April 3rd at the University of Georgia in Athens, co-sponsored by the University's African Studies Institute: *Cultural Preservation in Africa: Progress Report from Ghana, Benin, Togo and South Africa*. The speakers were Andrew Hall, President of ICOMOS-South Africa, Aimé Goncalves, President of ICOMOS Benin, Gaël Kpotogbé Amoussou,

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<sup>1</sup> Australia, Graeme Wiffen; Belgium, Arlette Verkruyssen; Benin, Aimé Goncalves; Bulgaria, Hristina Staneva; Canada, Marc Denhez; Croatia, Jadran Antolović; France, Pierre-Laurent Frier; Germany, Werner von Trützscher; Ghana, Hannah Taylor; India, Yogesh Tyagi; Israel, Gideon Koren; Japan, Toshiyuki Kono; Mexico, Robert Nuñez Arratia; The Netherlands, Lt. Col. Edmond Fokker van Cryestein; The Philippines, Rose Beatrix Cruz-Angeles; Peru, Alberto Martorel Carreño; Poland, Wojciech Kowalski; South Africa, Andrew Hall; Spain, Luis Anguita Villanueva; Sri Lanka, P.B. Mandawala; Sweden, Thomas Adlercreutz; Togo, Gaël Kpotogbé Amoussou, and the United States. Mr. Jan Hladik represented UNESCO.

General Secretary of ICOMOS Togo, and Hannah Taylor, Director, Attorney General's Office, Central Region, Ghana. James Reap of the United States moderated the session. The session's papers will be published as part of the African Studies Institute's annual volume on its *AfricaTalk* series. A third special program was held on April 4<sup>th</sup>: a presentation entitled *The Macchu-Picchu Management Plan* by Alberto Martorell Carreño of Peru.

The symposium itself spanned two days, April 4-5, 2002, and was held at Dean Rusk Hall on the University of Georgia Campus. A major focus of the conference was the UNESCO Convention for the Protection of Cultural Property in the Event of Armed Conflict ("Hague Convention".) Speakers discussed the convention's impact in several recent conflicts, including the war in the former Yugoslavia and the destruction of the statues of The Buddha and other cultural artifacts in Afghanistan. Training for the military on the Convention's provisions and implementation in the field were also addressed along with recent protocols updating the convention. The impact of the United States' failure to ratify the Convention was discussed along with recent initiatives in that country and other non-parties to encourage ratification in the wake of destruction of the "ethnic cleansing" in the Balkans.

The second major conference track examined the cultural resources officially listed or recognized in different countries along with the consequences of listing. Legislation ranging from the UNESCO Convention on World Heritage to national, state and local levels was examined and compared. Among the resources identified as objects of listing were monuments, landmarks, historic towns and districts, cultural landscapes, archaeological resources, objects and the "intangible" cultural heritage. The impact of listing, which ranged from honorary designation to strict protection, was discussed along with incentives for protection such as tax benefits, grants, transfers of development rights, technical assistance, and public acquisition. The participants noted that many approaches and techniques are adaptable to various legal systems and can be used in different forms throughout the world.

A special session was held on *Education and Training in Heritage Conservation Law* with speakers from Benin, Canada, and the United States. The presentations focused on various approaches for providing education, training, and explanatory materials to students, practitioners, volunteers, and the general public to facilitate the proper interpretation and implementation of laws and regulations affecting cultural heritage.

Part of the program incorporated the University of Georgia Environmental Law Association's annual "Red Clay Conference", focusing on issues that impact on both cultural and natural resources. Two incentive techniques used in the United States and other countries were examined in detail by multi-national panels: Conservation Easements and Land Use, and Transfer of Development Rights. Their use and effectiveness in France, Sweden, Israel and other countries were discussed. Additional sessions included Natural and Cultural Resource Evaluation, Defending the Antiquities Act, and Environmental Negotiation.

Suzie Ruhl, President of the Legal Environmental Assistance Fund in the USA, and Mona Makram-Ebid, Professor of Political Science at the American University in Cairo and former member of the Egyptian Parliament, were keynote speakers on April 5<sup>th</sup>. These speakers focused on techniques that can and should be used to address the impact of growth and sprawl on cultural and natural resources.

The symposium included two mobile workshops. The first, *Technical Issues in Heritage Conservation*, was conducted by Professors John C. Waters, Director, Masters in Historic Preservation Program, College of Environment and Design, and James Reap, Rusk Center Fellow. Using the city of Athens as a canvas, the speakers illustrated the application of a number of federal, state and local laws and regulations in the community. These included the National Historic Preservation Act, National Environmental Policy Act, Department of Transportation Act, Georgia Historic Preservation Act, Georgia Uniform Conservation Easement Act, Athens-Clarke County Historic Preservation Ordinance, Special Purpose Local Option Sales Tax, and Community Development Block Grant Programs. Federal, state and local tax incentives were highlighted along with a key court decision affirming historic preservation as a “public purpose” for the exercise of eminent domain. The second mobile workshop, *Preservation Issues in Small Towns and Rural Areas* held in Madison, Georgia on April 6<sup>th</sup> included a focus on applicable laws and regulations, downtown development and design issues, interpretation, and cultural tourism.

Choices of two optional post-conference workshops were available to participants. The first option was a half-day visit to the Martin Luther King National Historic Site in Atlanta and the surrounding revitalized African-American neighborhood. The second option was a two-day visit to Savannah, Georgia hosted by the Savannah College of Art and Design. Members were able to see preservation efforts in the Savannah National Historic Landmark district as well as major restoration work undertaken by the College throughout the district. A visit was also made to the Tybee Island Lighthouse to see the restoration of that engineering structure and the lighthouse keeper’s cottage.

James Reap  
Secretary General