

World Heritage Scanned Nomination

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UNESCO Region: ASIA AND THE PACIFIC

SITE NAME: Cultural Landscape and Archaeological Remains of the Bamiyan Valley

DATE OF INSCRIPTION: 5th July 2003

STATE PARTY: AFGHANISTAN

CRITERIA: C (i)(ii)(iii)(iv)(vi)

DECISION OF THE WORLD HERITAGE COMMITTEE:

Excerpt from the Report of the 27th Session of the World Heritage Committee

Criterion (i): The Buddha statues and the cave art in Bamiyan Valley are an outstanding representation of the Gandharan school in Buddhist art in the Central Asian region.

Criterion (ii): The artistic and architectural remains of Bamiyan Valley, and an important Buddhist centre on the Silk Road, are an exceptional testimony to the interchange of Indian, Hellenistic, Roman, Sasanian influences as the basis for the development of a particular artistic expression in the Gandharan school. To this can be added the Islamic influence in a later period.

Criterion (iii): The Bamiyan Valley bears an exceptional testimony to a cultural tradition in the Central Asian region, which has disappeared.

Criterion (iv): The Bamiyan Valley is an outstanding example of a cultural landscape which illustrates a significant period in Buddhism.

Criterion (vi): The Bamiyan Valley is the most monumental expression of the western Buddhism. It was an important centre of pilgrimage over many centuries. Due to their symbolic values, the monuments have suffered at different times of their existence, including the deliberate destruction in 2001, which shook the whole world

BRIEF DESCRIPTIONS

The cultural landscape and archaeological remains of the Bamiyan Valley represent the artistic and religious developments which from the 1st to the 13th centuries characterized ancient Bakhtria, integrating various cultural influences into the Gandhara school of Buddhist art. The area contains numerous Buddhist monastic ensembles and sanctuaries, as well as fortified edifices from the Islamic period. The site is also testimony to the tragic destruction by the Taliban of the two standing Buddha statues, which shook the world in March 2001.

Inscription on the List of World Heritage in Danger: 2003

Threats to the Site:

The Cultural Landscape and Archaeological Remains of the Bamiyan Valley was inscribed on the List of World Heritage in Danger at the 27th session of the World Heritage Committee simultaneously with its inscription on the World Heritage List. The property is in a fragile state of conservation considering that it has suffered from abandonment, military action and dynamite explosions. The major dangers include: risk of imminent collapse of the Buddha niches with the remaining fragments of the statues, further deterioration of still existing mural paintings in the caves, looting and illicit excavation. Parts of the site are inaccessible due to the presence of antipersonnel mines.

1.b State, Province or Region: Bamiyan Province, Bamiyan District

1.d Exact location: N34 50 49.0 E67 49 30.9

World Heritage Nomination

CULTURAL LANDSCAPE AND ARCHAEOLOGICAL REMAINS OF THE BAMIYAN VALLEY

For inscription on the **World Heritage List**

and the

List of World Heritage in Danger

Submitted by the Transitional Islamic State of Afghanistan

May 2003

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INTRODUCTION:

Afghanistan became State Party to the World Heritage Convention in 1979. Since then, Afghanistan submitted 9 nominations to UNESCO's World Heritage Committee for inscription on the World Heritage List. In June 2002, the deferred and reformulated nomination dossier of the Archaeological Remains and Minaret of Jam was re-examined by the World Heritage Committee and inscribed on the World Heritage List and the List of World Heritage in Danger, representing the first cultural heritage property located in Afghanistan to obtain international recognition under the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage.

A nomination dossier of Bamiyan Valley was submitted by the Afghan Government in 1981 to UNESCO, but the property's inscription was deferred by the World Heritage Committee in 1983. After two decades of civil unrest within the country, the Taliban forces deliberately destroyed the large Buddhas sculptures along with most of the Buddhist statues and wall paintings remaining in the Bamiyan Valley in spring of 2001. Bamiyan Valley is also a region which suffered atrocious acts under the Taliban rule. The deliberate and tragic destruction of the irreplaceable cultural heritage of Bamiyan Valley mirrors the destruction of much of the Bamiyan Valley's civil society during the Taliban regime, including massacres and other acts against the recognition of the human rights of the citizens of this region.

Bearing in mind all of the above, the Transitional Islamic State of Afghanistan submits this nomination dossier for the urgent consideration by the UNESCO World Heritage Committee at its 27th session in June 2003, for possible inscription on the World Heritage List and the List of World Heritage in Danger.

The maps and documentation presented within this reformulated nomination dossier attempt to fulfil the recommendation of ICOMOS, the Bureau of the Committee and the World Heritage Committee concerning the nomination submitted to UNESCO and its World Heritage Committee by the then Government of Afghanistan, the Democratic Republic of Afghanistan in 1981. The recommendations made by the UNESCO World Heritage Committee at its 7th session in 1983 was the following:

"The inscription of Bamiyan on the World Heritage List is deferred by the World Heritage Committee until the following conditions were met:

"The authorities define a large perimeter of protection, including the cliffs and the valley and submit a plan delimiting the protected zone."

Moreover, this reformulated nomination dossier attempts to fulfil the recommendations made by the UNESCO World Heritage Committee and its Bureau since 2001. Recommendations made by the Expert Working Group for the Preservation of Bamiyan organised by UNESCO and ICOMOS in Munich, Germany (21-22 November 2002) have also been taken into account, which recommended that "The Bamiyan site, consisting of the Northern cliff of the Bamiyan Valley, with its caves, especially the niche of the monumental Buddhas, the remains of the blown up Buddhas themselves, and the area in front of the cliff for, at least, 100 meters, should be consolidated and preserved. Further cultural area within the main Valley, including

Fuladi and Kakrak, should be identified and protected after adequate archaeological research.”

The Afghan people and its Government sincerely wish that the unique heritage of Bamiyan, rich with natural beauty providing an extraordinary setting for the historic area, as well as a place of tragic contemporary historical events, will be finally recognised by the UNESCO World Heritage Committee and the international community at large as having outstanding universal significance. This property is a place which was a major centre of cultural and religious exchange resulting with marvellous artistic works of World Heritage value - now disappeared or imminently endangered – and a spiritual place. The property also symbolises the strong hope of the Afghan and Bamiyan people that peace will be constructed in the minds of the citizens of this ravaged country, to enable the Afghan people to restore their lives and cultural heritage.

Niche of the 55 m Buddha, Bamiyan Cliff (May 2003)

Chronology of the events related to the nomination of this property for inscription on the World Heritage List and the List of World Heritage in Danger

Date	Action	Reference document if any
4 May 1948	Afghanistan becomes a Member State of UNESCO.	
20 March 1979	UNESCO receives the instrument of accession to the UNESCO World Heritage Convention from the Democratic Republic of Afghanistan.	Letter 79-97156 dated 15 March 1979
21 December 1981	Nominations signed by the Minister of Information and Culture of the Democratic Republic of Afghanistan transmitted from to UNESCO for the monuments of Bamiyan Valley (including Fuladi, Kakrak, Shahr-i-Ghulghular, and Shahr-i-Zuhak).	C-208
April 1982	UNESCO receives the nomination of the monuments of Bamiyan Valley (including Fuladi, Kakrak, Shahr-i-Ghulghular, Shahr-i-Zuhak), 14 April 1982;	C-208
1982-3	ICOMOS evaluates the nomination of Bayiman Valley and recommends the following: "The monuments of the Bamiyan Valley be inscribed on the World Heritage List after the definition of a sufficiently broad zone of protection."	
June 1983	Examination of nomination dossier by the Bureau of the World Heritage Committee at its 7 th session (27-30 June 1983, Paris, France) which adopts the following decision: <u>The monuments of Bamiyan Valley:</u> The Bureau recommends the inscription of the property on the World Heritage List to the World Heritage Committee, on the condition that the authorities define a large perimeter of protection which would include the cliffs and the valley, and provide a map indicating the delimitation of this zone	CLT-83/CONF.021/8
December 1983	The World Heritage Committee, at its 7 th session (5-9 December 1983, Florence, Italy), considers the recommendations of the Bureau of the World Heritage Committee, and additional information available at the time of its 7 th session and decides on the following: <u>The monuments of Bamiyan Valley:</u> The Committee defers examination of this nomination since the conditions under which the Bureau had recommended their inscription on the World Heritage List had not yet been fulfilled.	SC/83/CONF.009/8
4-9 December 1995	At the 19 th session of the World Heritage Committee (Berlin, Germany), the Observer from Afghanistan (Representative of the Islamic State of Afghanistan) thanks the World Heritage Committee for the emergency assistance granted by the Chairperson for the Minaret of Jam. Referring to the cultural properties of Afghanistan which continue to be threatened by war and illicit traffic, he expresses his hope that these sites could one day be inscribed on the World Heritage List and appeals for international protection for their safeguarding.	WHC-95/CONF.203/16
17 April 1997	The Taliban declare that they will destroy the Bamiyan Buddhas with dynamites.	
18 April 1997	UNESCO Director-General urges the Afghan people to safeguard their cultural heritage, following press reports that Taliban leaders intend to destroy the Buddhist statues in Central Bamiyan Province. According to press reports, the Taliban threaten to destroy the treasures as	UNESCO Press Release No. 97-61

Date	Action	Reference document if any
	"these statues are not Islamic and we have to destroy them".	
22 April 1997	The Ambassador to the Permanent Mission of the Islamic State of Afghanistan to the United Nations requests the UNESCO Director-General to take necessary actions to inscribe the Bamiyan Buddhas on the World Heritage List as a matter of extreme urgency, in particular, by asking Professor C. Adle (Iranian citizen) at CNRS (France) to prepare a draft reformulated nomination dossier.	
24 April 1997	UN Secretary General appeals to political and military commanders in Afghanistan to ensure that no harm comes to the Bamiyan Buddhas.	
28 April 1997	The Taliban Embassy in Islamabad, Pakistan, states that the Taliban would not destroy the Bamiyan Buddhas.	
7 May 1997	The Ambassador of the Permanent Delegation of Pakistan to UNESCO informs the UNESCO Director-General that Pakistan has been in touch with the Taliban leadership. Accordingly, the Taliban's spokesman Mr Mulla Wakil Ahmad informs BBC on 24 April 1997 that they respect all religion and have no intention of destroying the Buddhist statues in Bamiyan. The Taliban representative in Islamabad, Mr Mufty Masoom Afghani, also issues a statement to this effect.	No. 9/20(1)/97
May 1997	The Director of the UNESCO World Heritage Centre advises the Ambassador of the Permanent Mission of the Islamic State of Afghanistan to complete the nomination dossier of Bamiyan by providing the information requested by the World Heritage Committee in 1983.	
30 November – 5 December 1998	The World Heritage Committee, at its 22nd session in Kyoto, Japan, discusses issues related to the possible inscription of outstanding sites of universal significance located in Afghanistan as World Heritage.	WHC-98/CONF.203/18
9 December 1998	At its 85th plenary meeting, the UN General Assembly adopt Resolution A/RES/53/165 in which it: "Expresses its deep concern at reports of attacks on and looting of cultural artefacts in Afghanistan, Emphasizes that all parties share the responsibility to protect their common heritage, and requests all Member States to take appropriate measures to prevent the looting of cultural artefacts and to ensure their return to Afghanistan";	A/RES/53/165 Page 4 Paragraph 16
17 December 1999	At its 83rd plenary meeting, the UN General Assembly adopt Resolution A/RES/54/185 in which it: "Expresses its deep concern at reports of attacks on and looting of cultural artefacts in Afghanistan, Emphasizes that all parties share the responsibility to protect their common heritage, and Requests all Member States to take appropriate measures to prevent the looting of cultural artefacts and to ensure their return to Afghanistan."	A/RES/54/185 Page 5 Paragraph 16
4 December 2000	At its 81st plenary meeting, the UN General Assembly adopt Resolution A/RES/55/119 in which it: "Expresses its deep concern at reports of attacks on and looting of cultural artefacts in Afghanistan, Emphasizes that all parties share the responsibility to protect their	A/RES/55/119 Page 5 Paragraph 19

Date	Action	Reference document if any
	common heritage, and Requests all Member States to take appropriate measures to prevent the looting of cultural artefacts and to ensure their return to Afghanistan."	
26 February 2001	UNESCO appeals for the preservation of cultural heritage landmarks in Afghanistan, following press reports of the deliberate destruction by the Taliban of over a dozen ancient statues in the Afghan National Museum in Kabul and of an order by the Supreme Leader of the Taliban to destroy all statues in Afghanistan which, as human representations, the Taliban view as non-Islamic.	UNESCO Press Release No. 2001-27
28 February 2001	UNESCO Director-General sends a telegram to Mr Mullah Mohamed Omar, Supreme Leader of the Taliban, urging him to reconsider the decision to destroy all the statues of Afghanistan.	UNESCO Press Release No. 2001-28
28 February 2001	UNESCO Director-General describes the decision to destroy all the statues of Afghanistan as "a real cultural disaster" and strongly urges the Afghan people to take action to prevent the destruction of this heritage, which is valuable to all.	UNESCO Press Release No. 2001-28
1 March 2001	Former French Ambassador to Pakistan and Founding Member of SPACH (Society for the Preservation of Afghanistan's Cultural Heritage), Mr Pierre Lafrance, meets UNESCO Director-General.	
1 March 2001	UNESCO Director-General requests the Ambassador of Pakistan to UNESCO to "do everything possible to rally Islamabad's support for our efforts to stop this destruction."	UNESCO Press Release No. 2001-30
1 March 2001	UNESCO Director-General contacts Representatives of other Islamic Countries – Saudi Arabia, The United Arab Emirates, Qatar, Iran and Tajikistan – as well as the President and the Secretary of the Organization of the Islamic Conference, who all express their unconditional support, and who all pledge to do all that they can to put a stop to the destructions of the statues in Afghanistan.	UNESCO Press Release No. 2001-30
1 March 2001	Mr Pierre Lafrance, travels to Islamabad as Special Envoy for the UNESCO Director-General to deliver a message to the Taliban authorities, urging them to reverse their decision to destroy the ancient statues of Afghanistan's cultural heritage.	
1 March 2001	UNESCO Director-General convenes Emergency Meeting with Ambassadors to UNESCO from 54 Member States belonging to the Organization of the Islamic Conference.	
2 March 2001	Chairperson of the World Heritage Committee (Mr Peter King), expresses profound distress and voices full support in the name of the World Heritage Committee, for the Director-General's initiatives.	UNESCO Press Release No. 2001-31
4 March 2001	Mr Lafrance arrives in Kandahar and meets with the Taliban Minister of Foreign Affairs. As 5-6 March 2001 were religious holidays, he follows advice to return to Islamabad after consultations.	
5 March 2001	UNESCO Director-General tries to contact Pakistan's Chief Executive	
5 March 2001	UNESCO Director-General gathers opinions from Muslim experts on the interpretation of Islam, as a means of convincing the Taliban Supreme Leader to reconsider his interpretation that Islam does not tolerate any representations respected by other religions.	
6 March 2001	UNESCO Assistant Director-General for Culture and Assistant Director-General of the Office of the UNESCO Director-General meets	

Date	Action	Reference document if any
	the Ambassador of the Permanent Mission to the United Nations of the Islamic State of Afghanistan in Paris UNESCO Headquarters.	
6 March 2001	President Mubarak of Egypt accepts request of UNESCO Director-General to try to dissuade the Taliban Supreme Leader from destroying all cultural heritage properties in Afghanistan.	
8 March 2001	UNESCO Special Envoy Mr Lafrance travels to Kabul.	
10 March 2001	<p>UNESCO Director-General, Mr Koichiro Matsuura, conveys a letter, through his special envoy in Afghanistan Pierre Lafrance, to Mullah Omar demanding that he suspends his edict to destroy pre-Islamic Afghan statues until the arrival of an important religious delegation. In the letter, the Director-General noted his consultations with numerous Ulemas (Islamic religious leaders) and proposed that the Taliban edict be suspended and re-examined by Afghanistan's Supreme Court upon a hearing with the delegation of specialists of Islamic law, which this morning left Doha, Qatar, and has arrived in Kandahar, Afghanistan.</p> <p>The religious delegation of some 15 members is led by Doctor Nasr Farid Wasil, the Mufti of Egypt and includes, notably, Ibrabim Baker, Assistant Secretary General for Political Affairs of the Organization of the Islamic Conference; Sheikh Yousef Al-Kardawi of Doha; Sheikh Mohammad Al-Rawi, Ulema of Al-Azhar; the well-known Islamic author, Fahmi al-Hwadi; along with other judges of the Sharia (Islamic law) and professors. They are expected to meet with Afghan religious leaders and Mullah Omar.</p> <p>Mr Matsuura expresses gratitude to the Emir of Qatar-the country that is currently presiding the Organization of the Islamic Conference, the largest organization in the Muslim world for making an aircraft available for the delegation.</p>	UNESCO Press Release No. 2001-37
11 March 2001	The Taliban forces destroy the Buddhas of Bamiyan.	
12 March 2001	<p><u>UNESCO condemns the Taliban's destruction of the Buddhas of Bamiyan which has been confirmed by UNESCO Special Envoy Mr Pierre Lafrance.</u></p> <p>The UNESCO Director-General states that in destroying the Buddhas of Bamiyan, "the Taliban have committed a crime against culture. It is abominable to witness the cold and calculated destruction of cultural properties which were the heritage of the Afghan people, and, indeed, of the whole of humanity. The Buddhas of Bamiyan were not inscribed on the World Heritage List but deserved to be and their destruction represents a true cultural crime. This crime against culture was committed while people throughout the world raised their voices to prevent it. The Taliban heeded neither the unprecedented scope of international mobilisation, nor the advice against their decision, spontaneously issued by the highest religious authorities of Islam. The loss is irreversible. Everything possible must be done to stop further destruction. I have asked my Special Envoy to continue his mission and explore all avenues that may allow for the safeguarding of the other treasures of Afghanistan's pre-Islamic heritage. As inexcusable as this action is, I hope that it will not provide fanatics elsewhere with an excuse for acts of destruction targeting Moslem cultural properties. The senseless violence of a few should not be met with further acts of violence, which would be equally intolerable."</p>	UNESCO Press Release No. 2001-38
13 March 2001	UNESCO Director-General welcomes the fact that the International Criminal Tribunal for the former Yugoslavia included the destruction of	UNESCO Press Release No. 2001-40

Date	Action	Reference document if any
	<p>historic monuments in its 16-count indictment of February 22 relating to the 1991 attacks on the World Heritage site of the ancient port city of Dubrovnik, Croatia.</p> <p>Mr Matsuura states that: "This sets a historic precedent as it is the first time since the judgements of the Nürnberg and Tokyo tribunals that a crime against cultural property has been sanctioned by an international tribunal. This indictment concerns a breach of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, a global agreement on the protection of cultural heritage during hostilities, which is administered by UNESCO. It shows that the international community will not sit idly by and condone crimes against cultural property."</p> <p>Mr Matsuura draws a parallel between the attacks on Dubrovnik and the action by the Taliban to destroy Afghanistan's pre-Islamic heritage by stating that "This important precedent shows the international community can take action to protect cultural property and apply sanctions for its protection."</p>	
27 March 2001	<p>UNESCO Director-General announces that he is determined to pursue the mobilization in favour of Afghanistan's heritage, despite the destruction of the Buddha statues of Bamiyan by the Taliban, focusing its future action on the safeguarding of Afghanistan's remaining Islamic and pre-Islamic heritage, maintaining dialogue, pursuing discussions of a religious nature favourable to heritage protection and working to develop legal standards pertaining to the concept of cultural crime.</p> <p>Mr Matsuura refers to the wave of indignation raised by the destruction of Afghanistan's pre-Islamic heritage, stressing that "this general mobilization in favour of cultural heritage has transcended the boundaries between nationalities and religion". He also highlights the fact that many Moslem states refused "to see their religion associated to this fanatical gesture."</p> <p>The DG, however, particularly emphasizes the future and declares, regarding other pre-Islamic cultural objects in Afghanistan, that "efforts to bring the Taliban to respect these archaeological riches will be maintained. To save what can be saved, we also need to fight against the traffic in Afghan cultural properties," Mr Matsuura adds, saying that he planned to appeal to dealers and collectors "so that they contribute from their side, and in relation with UNESCO, to the safeguarding of Afghanistan's cultural heritage." To contend with such traffic, outlawed by the 1970 Convention, steps are being taken with the support of the Swiss authorities and the Hirayama Foundation, to regain possession of endangered Afghan goods and "place them in safe-keeping until they can be returned to Afghanistan."</p> <p>Welcoming the recent decision by the International Criminal Tribunal for the former Yugoslavia to include the destruction of historic monuments in its indictments relating to attacks on the city of Dubrovnik, he adds: "A study is being undertaken to examine, within the framework of the various existing conventions, notably those of 1954 and 1972, all the means available to prevent and punish such crimes against cultural properties."</p> <p>Expressing concern for the "distress experienced by the population of Afghanistan," Mr Matsuura joins the appeal launched by the Secretary-General of the United Nations for a mobilization of funds for emergency humanitarian aide. Mr Lafrance, a former French Ambassador to</p>	UNESCO Press Release No. 2001-48

Date	Action	Reference document if any
	Pakistan, echoes this. He reiterates recommendations for dialogue and assistance to the people of Afghanistan and says: "We must not meet stupidity with stupidity, taboo with taboo."	
14 June 2001	<p>At its 161st session, UNESCO's Executive Board adopts a resolution concerning the protection of the cultural heritage of humanity which;</p> <p><u>Invites</u> the World Heritage Committee, the Intergovernmental Committee for Promoting the Return of Cultural Property and the other competent bodies to identify the means of ensuring better protection of the common heritage of humanity, notably through the development of new mechanisms, within the framework of the Conventions, in particular by exploring ways and means of better enforcing the provisions of the aforesaid conventions;</p> <p>"<u>Invites</u> the Director-General to give full support to the World Heritage Committee and other competent bodies with a view to formulating proposals aimed at establishing mechanisms to strengthen the protection of the heritage;</p> <p><u>Invites</u> the Director-General to commission a study on the endangered heritage in the 21st century A.D.;</p> <p><u>Decides</u> to include the item "Acts constituting a crime against the common heritage of humanity" in the agenda of its 162nd session and in the provisional agenda of the 31st session of UNESCO's General Conference.</p> <p>Members of the Executive Board strongly condemned the acts of destruction committed against historical and cultural monuments in Afghanistan and some even considered the possibility of imposing sanctions. The examination of means to prevent such acts, qualified as "crimes against the common heritage of humanity", will figure on the agenda of the next General Conference in autumn 2001."</p>	161 EX/54 Page 4-5. UNESCO Press Release No. 2001-78
25-30 June 2001	The Bureau of the World Heritage Committee at its 25th session discusses at length the protection of Afghan cultural heritage and proposes a draft resolution for adoption by the General Assembly of States Parties to the World Heritage Convention at its 13th session 30-31st October 2001.	WHC-01/CONF208/3 Annex A of this nomination dossier
8-13 April 2002	WHC reports to the Bureau of the World Heritage Committee at its 26 th session on actions taken following the Committee's decision in December 2001. The Bureau, upon consideration of new information provided by WHC at the time of its 26 th session, takes a decision to recommend to the World Heritage Committee to consider the inscription of the Minaret of Jam on the World Heritage List and the List of World Heritage in Danger at its 26th session in June 2002.	Annex D of this nomination dossier
28 April – 12 May 2002	WHC fact-finding and consultative mission to Afghanistan (Kabul, Herat, Jam) undertaken by the Director of the World Heritage Centre and Representative of ICOMOS. One of the main objectives of the WHC mission is to discuss the <u>reactivation of deferred nominations</u> of Afghan properties for inscription on the World Heritage List. During this mission, the Minister of Information and Culture of the Interim Administration of Afghanistan signs and submits to the Director of the World Heritage Centre, the reformulated nomination dossier of the Minaret and Archaeological Remains of Jam for possible inscription on the World Heritage List and the List of World Heritage in Danger by the World Heritage Committee at its 26 th session (June 2002).	

Date	Action	Reference document if any
May 2002	UNESCO and the Interim Authority of Afghanistan organize an International Seminar for the Safeguarding of Afghanistan's Cultural Heritage and adopt "Conclusions and Recommendations" including specific recommendations concerning Bamiyan Valley.	Annex C of this nomination dossier.
24-29 June 2002	The World Heritage Committee at its 26 th session (Budapest, Hungary) examines the officially submitted reformulated nomination dossier of the Minaret and Archaeological Remains of Jam and inscribes it on the World Heritage List and the List of World Heritage in Danger. Simultaneously, the Committee requests the UNESCO World Heritage Centre to continue to assist the authorities in reformulating the nomination dossier of Bamiyan Valley using International Assistance from the UNESCO World Heritage Fund for 2003.	Annex D of this nomination dossier.
July 2002	UNESCO and ICOMOS organize a Joint Mission with the Afghan authorities and experts to Bamiyan to examine the state of conservation of the property, and in particular, to identify and recommend priority conservation actions for the Bamiyan Valley cliffs, niches, grottos, and caves.	Annex E, G of this nomination dossier.
November 2002	UNESCO and ICOMOS organize an Expert Working Group on the Preservation of the Bamiyan Site (Munich, Germany) which makes specific recommendations for Bamiyan Valley.	Annex F and G of this nomination dossier.
January 2003	UNESCO World Heritage Centre Asian Region Unit Chief undertakes a mission to discuss the workplan and content of the nomination dossier for Bamiyan Valley with the Afghan Minister of Culture and Information and his expert colleagues, and also to obtain topographical maps of the property for preparing the nomination dossier.	
January 2003	UNESCO organises an Expert Working Group on the Preservation of Jam and Herat (UNESCO Headquarters, Paris, France) which recommends that UNESCO continue its best to assist the Afghan authorities in completing the reformulation of the nomination dossier of Bamiyan Valley for examination by the World Heritage Committee at its 27th session in June 2003.	Annex H of this nomination dossier.
10-18 May 2003	UNESCO World Heritage Centre Asian Region Unit Acting Chief and World Heritage Centre nomination dossier specialist undertake a mission to Afghanistan, and together with the Afghan authorities, finalize the nomination dossier in Kabul and Bamiyan. The Minister of Culture and Information submits this final signed nomination dossier on 16 May 2003. During this mission, UNESCO engineer - experts examine the small and large Buddha niches to plan the scaffolding for undertaking consolidation work at these fragile niches for the Division of Cultural Heritage.	
19 May 2003	UNESCO World Heritage Centre transmits the nomination dossier to ICOMOS International in Paris, France.	
30 June - 5 July 2003	UNESCO World Heritage Committee examines at its 27th session, this nomination dossier.	

1. IDENTIFICATION OF THE PROPERTY

1.a. **COUNTRY:** Afghanistan

1.b. **PROVINCE AND DISTRICT:** Bamiyan Province, Bamiyan District

1.c. **NAME OF PROPERTY:**
Cultural Landscape and Archaeological Remains of the Bamiyan Valley

1.d. **EXACT LOCATION ON MAP AND INDICATION OF GEOGRAPHICAL COORDINATES TO THE NEAREST SECOND:**

Serial Nomination Table for the Cultural Landscape and Archaeological Remains of the Bamiyan Valley

Serial ID No	Name	Area (ha)	Buffer Zone (ha)	Map reference	Text reference	UTM Coordinates (central point)
001	Bamiyan Cliff including niches of the 38 meter Buddha, seated Buddhas, 55 meter Buddha and surrounding caves	105	225,25	Annex I Map C	3.a1.001 page 19	92600 / 56700
002	Kakrak Valley caves including the niche of the standing Buddha	15	33	Annex I Map C	3.a1.002 page 22	94950 / 53300
003	Qoul-I Akram Caves in the Fuladi Valley	6	40,5	Annex I Map C	3.a1.003 page 22	90100 / 54150
004	Kalai Ghamai Caves in the Fuladi Valley	5.5		Annex I Map C	3.a1.004 page 22	89100 / 53800
005	Shahr-i-Zuhak	18	13	Annex I Map D	3.a1.005 page 23	07050 / 55800
006	Qallay Kaphari A	0.0625	17	Annex I Map D	3.a1.006 page 23	02750 / 54200
007	Qallay Kaphari B	0.0640		Annex I Map D	3.a1.007 page 23	03350 / 54400
008	Shahr-i-Ghulghulah	9,3	13,2	Annex I Map C	3.a1.008 page 23	93850 / 55100

The property is enclosed between the high mountains of Khwaja Ghar on the north and Kuh-e Bâbâ, 246 km by road West of Kabul in the mountainous district of eastern central Afghanistan. See the map of Afghanistan on Annex I.

Latitude: 34°50' N
Longitude: 67°49' E
Altitude: 2,500 meters above sea level

1.e. **MAPS AND/OR PLANS SHOWING BOUNDARY OF AREA PROPOSED FOR INSCRIPTION AND OF ANY BUFFER ZONE:**

- For the general map of Afghanistan see Annex I-a.
- For overall map of the Bamiyan Valley see Annex I-b.
- For a detailed map of the core and buffer zones of the proposed heritage area, see Annex I-c and I-d. The core zones = thick red lines. The buffer zone = thick blue line. The buffer zone has been delineated and marked on the map following the contours of the geographical character of the valley.

1.f. AREA OF PROPERTY PROPOSED FOR INSCRIPTION (ha) AND PROPOSED BUFFER ZONE (ha)

- The core zones consist of approximately 158.9265 hectares.
- The buffer zones consist of approximately 341.95 hectares.

Niche of the 38 m Buddha and its surrounding caves, Bamiyan Cliff (May 2003)

2. JUSTIFICATION FOR INSCRIPTION

2.a. STATEMENT OF SIGNIFICANCE

Our country, Afghanistan, has played a significant role in the development of human culture as well as being a crossroad of civilisations between East and West, drawing the attention of many scholars and researchers from around the world. Afghanistan's ancient civilisation and culture, dating from prehistoric and protohistoric, are also of special importance in the history of world religion. Afghanistan notably gave rise to a Buddhist iconography in the Bamiyan Valley, Hadda and elsewhere.

Archaeological activities were officially initiated in 1922 in Afghanistan, when a first contract was signed between the Afghan Government and the Delegation Archaeologique Francaise en Afghanistan (DAFA). Later, other countries like Italy, the United States of America, United Kingdom, Germany, Japan, Greece, India, Russia and others signed protocols, conducted excavations and surveyed various cultural heritage properties in Afghanistan until 1978. As a result, hundreds of ancient sites were discovered and excavated and numerous objects were unearthed.

The Bamiyan Valley, located in Bamiyan Province in the mountainous district of eastern central Afghanistan is an exceptional cultural landscape which was formed by the Bamiyan River. It is composed of conglomerate smoothly rubbed stones forming a long stretch of cliffs. ***The Valley is of exceptional natural beauty and aesthetic importance***, was chosen as the location for religious and cultural development in ancient times, resulting with deliberate formation of the cliffs into caves, niches, frames for deities. The Valley became inhabited and partially urbanised from the 3rd century B.C. ***It first became a Buddhist centre of exceptional importance during the time of the Kushana Emperors and reached its peak from the 4th to 8th centuries A.D.***

The Bamiyan Valley is inextricably linked to the history of Buddhism and its propagation in the north and in the east. The Monuments of Bamiyan exerted a considerable influence on the development of Buddhist art: in sculpture, by establishing certain iconographic types; and in painting, by the creation of a new pictorial style, as seen in the frescoes of Kakrak. The two famous standing Buddha sculptures and another standing Buddha in Kakrak represented a vivid testimony to the creative genius of the sculptors of the time.

There are about 1,000 man-made caves in the Bamiyan Valley, all forming a part of an extensive Buddhist monastic centre. Some caves were very large sanctuaries and assembly halls containing elaborate relief and fresco decorations or sculptures, while some were simple monastic cells. The Bamiyan Valley became an important religious and trading centre which is testified by the numerous ruins of cities and fortifications within the Valley.

There are ***ruined cities and fortifications: Shahr-i-Ghulghulah***, (two kilometres to the south east of Bamiyan), ***Qallay Kaphari Monuments (2 areas)*** (located approximately 12 kilometres to the east of the Bamiyan City), ***and Shahr-i-Zuhak*** (located at the entrance of the valley 15 kilometres to the east of Bamiyan City). The latter ruin is particularly spectacular, with massive red fortifications rising in several

levels up the steep mountainside. Very little is known about these fortified cities as scientific research has not been undertaken at these heritage areas.

The Institute of Archaeology of Afghanistan, established in 1963, joined efforts with various partners, such as the Indian Archaeological Survey of India which contributed between 1969 to 1974 to conserve and restore the ancient monuments of Bamiyan Valley. However, the magnificent remains of this past and the treasures of Bamiyan have largely vanished, being the victim of three kinds of destruction:

- ?? The **systematic theft** of Afghan treasures and illegal digs hugely swelled the illicit traffic of cultural heritage.
- ?? General **neglect and lack of maintenance** to address the conservation needs of the heritage of Afghanistan has aggravated the state of conservation of the Bamiyan Valley heritage assets which already suffer from weathering and the passage of time. The lack of human and financial resources has been compounded by two decades of civil unrest.
- ?? The decree of Mullah Omar of 26 February 2001 ordering "all non-Islamic images and sculptures" to be destroyed, led to the tragic **deliberate destruction** of the Bamiyan Buddhas, and most of the Buddhist statues and wall paintings. The eyes of the world focused on the wilful destruction of the Bamiyan Buddhas which is considered an irreversible loss for all humanity.

The destruction of the giant Buddhas before the eyes of the international community on 11 March 2001 was a tragedy on the colossal scale of the statues themselves. The Afghan people and the international community at large regretted it. This **destruction of cultural heritage of the monuments at Bamiyan Valley testifies to an important tragic event in the history of human civilisation and an act of deliberate eradication of the tangible heritage assets closely linked with the cultural identity of people in the 21st century A.D.**

As a conclusion, it is evident that the Bamiyan Valley is a testimony of an important interchange of human values, over a span of time and within an important cultural area of the world, which contributed to the development in monumental artistic creativity and cultural exchange. The Bamiyan Valley is directly and tangibly associated with tragic events in the history of humankind, and also represents the eternal hope of the Afghan people for such deliberate destruction of cultural heritage to never be repeated.

2.b. POSSIBLE COMPARATIVE ANALYSIS

There are a number of monumental heritage properties which share the tradition of rock-cut monumental and wall painting for Buddhist pilgrimage centres, such properties are witness to important cultural and religious exchanges, and are already recognised by UNESCO's World Heritage Committee as heritage areas of universal significance:

?? <i>Ajanta Caves (India)</i>		
Inscribed:	1983	Criteria: C (i) (ii) (iii) (vi).
?? <i>Ellora Caves (India)</i>		
Inscribed:	1983	Criteria: C (i) (iii) (vi)
?? <i>Seokguram Grotto and Bulguksa Temple (Republic of Korea)</i>		
Inscribed:	1995	Criteria: C (i) (iv)
?? <i>Golden Temple of Dambulla (Sri Lanka)</i>		
Inscribed:	1991	Criteria: C (i) (vi)
?? <i>Ancient City of Polonnaruwa (Sri Lanka)</i>		
Inscribed:	1982	Criteria: C (i) (iii) (vi)
?? <i>Mogao Caves (People's Republic of China)</i>		
Inscribed:	1987	Criteria: C (i) (ii) (iii) (iv) (v) (vi)
?? <i>The Dazu Rock Carvings (People's Republic of China) Dazu County, Chongqing Municipality</i>		
Inscribed:	1999	Criteria: C (i) (ii) (iii)
?? <i>Longmen Grottoes (People's Republic of China, Luoyang City, Henan Province)</i>		
Inscribed:	2000	Criteria: C (i) (ii) (iii)
?? <i>Yungang Grottoes (People's Republic of China, Datong City Shanxi Province)</i>		
Inscribed:	2001	Criteria: C (i) (ii) (iii) (iv)

2.c. AUTHENTICITY / INTEGRITY

Authenticity: The cultural landscape, monuments and the archaeological remains of the proposed heritage areas retain a high level of authenticity, although the destruction of the large Buddhist sculptures and deteriorated state of conservation of the wall paintings in the caves have at once decreased the heritage values of the "monumental art", while increased the heritage values of the property as a testimony to an important historic event and a cultural tragedy.

Integrity: The extraordinary natural setting composed of rugged mountains and cliffs, has experienced very few modern alterations in the past centuries. There are very few modern structures which threaten the integrity of the valley. The intensely cultivated fields, orchards, and the natural colour of the rock and the cliffs contribute to make the extraordinary natural setting.

2.d. CRITERIA UNDER WHICH INSCRIPTION IS PROPOSED

The property is nominated for inscription on the World Heritage List and the List of World Heritage in Danger under the following cultural heritage criteria as defined within paragraph 24 of the *Operational Guidelines for the Implementation of the World Heritage Convention*:

Cultural Heritage Criterion (i): The cave art in the Bamiyan Valley is a masterpiece of early Buddhist cave art and one of the exceptional testimonies of Gandaharan art in this region.

Cultural Heritage Criterion (ii): The monuments and archaeological heritage of Bamiyan Valley together represent an important interchange of religious values and diverse cultural traditions.

Cultural Heritage Criterion (iii): The Bamiyan Valley bears an exceptional testimony to a cultural tradition which has disappeared.

Cultural Heritage Criterion (iv): The Bamiyan Valley is an outstanding example of a cultural landscape which illustrates a significant period in Buddhism.

Cultural Heritage Criterion (vi): The Bamiyan Valley is a property which is directly and tangibly associated with a tragic, violent and deliberate destruction of irreplaceable cultural heritage in the 21st century A.D.

In accordance with paragraph 39 of the *Operational Guidelines for the Implementation of the World Heritage Convention*, the property is also nominated for inscription on the World Heritage List as a Cultural Landscape:

Cultural Landscape Criterion (ii): The Bamiyan Valley is a landscape which has evolved through geological formation and human intervention, and the process of evolution in their form and component features are still visible today. Even today, one can witness the landscape being continuously used, which retains an active social role in contemporary society of the local communities.

3. DESCRIPTION

3.a. DESCRIPTION OF PROPERTY

Geographical description

Surrounded by the extensions of the Hindu Kush, Bamiyan Valley is situated in a large tectonic basin, approximately 50 km long and 15 km wide, at an altitude of 2,500 m in the central highlands of Afghanistan. The continental mountainous climate results in moderate summers and long harsh winters. The Kuhe San-e Chaspân mountains (4,400 m) in the north, while the Koh-e Baba mountain range in the south and east are natural barriers of this valley. The Bamiyan Valley opens to the Fuladi Valley in the west and to Kakrak Valley in the south east.

The Bamiyan River runs from the slopes of the Koh-e-Baba mountains into Bamiyan Valley via the Shibar Pass in the east, permitting an extensive network of irrigation canals and cultivated terraces to make up the valley landscape. The vegetation is composed of poplar trees and orchards of apricot and apple trees. The principle crops are potatoes, wheat, maize and kitchen vegetables. The local fauna includes sheep, goats and cattle and wild animals such as wolves and foxes. Along the Bamiyan River, the traditional houses are built of mud and some burned brick, which blend harmoniously into the landscape. In the Kakrak Valley, the settlements are located high above the river level and composed of mud brick structures and cave dwellings. The modern town of Bamiyan developed in front of the cliffs where the 55 meter tall Buddha was located. The Bamiyan City is the administrative centre of the Province of Bamiyan.

3.a.1. Description of the 8 heritage assets composing this serial nomination

3.a.1.001. Bamiyan Cliff including niches of the 38 meter Buddha, seated Buddhas, 55 meter Buddha and surrounding caves

A series of caves and niches carved into the cliff walls and adorned with mural paintings are found in Bamiyan Valley. In the late 16th century A.D., the *Ain-e-Akbari*², the detailed gazetteer of the Akbar empire mentioned the existence of around 12,000 grottoes forming an ensemble of Buddhist monasteries, chapels and sanctuaries along the foothills of the valley. On the northern side of the Bamiyan Valley, two colossal niches remind the visitor of the monumental statues of the 55 meter standing Buddha and the 38 meter standing Buddha which were destroyed with dynamite in March 2001. These large sculptures were carved into the southern face of the cliff between the 4th and the 6th century A.D. (See Annex I and J). In addition to the two standing Buddhas, three seated Buddhas were sculpted within this cliff-face between the large standing Buddhas, which were in fragile state of conservation by the dawn of the 21st century A.D., and completely destroyed by the Taliban regime in March 2001.

² *Ain-e-Akbari*, Calcutta, Asiatic Society of Bengal, 1939-49

These principle niches with sculpted Buddhas, were surrounded by numerous caves and grottoes along the cliff-face the Bamiyan Valley, often decorated with outstanding examples of mural paintings or rock-carved decorations .

During the UNESCO - ICOMOS – Afghan³ mission to Bamiyan in July 2002, a non-destructive geophysical survey of an area of one hectare in front of the 55 meter Buddha niche was undertaken. This survey resulted with the identification of built structures as well as the former existence of a road, entry gate and of a protection wall along the cliff. It is believed that underground archaeological remains of a Buddhist monastery may be found in the area between the two large niches where the 55 meter and 38 meter Buddhas were located. However, after two decades of civil unrest in Afghanistan, on-site scientific research including archaeological soundings remains limited. A significant area within the Bamiyan Valley remains mined with Anti Personnel Mines (APM) and full-scale archaeological research will be possible only after demining is completed.

The following paragraphs provide brief descriptions of the principle Buddhist heritage areas located along the Bamiyan cliff⁴, presented from east to west (See Annex I and J).

? ***Niche of the 38 meter Buddha and the surrounding caves***

(See Annex I and J)

Located to the east of the big cliff of Bamiyan Valley and dating from the 3rd-4th century A.D., the niche is 38m high and 16 m wide and once accommodated a 38m tall standing Buddha sculpture carved into the cliff. The state of conservation of the

³ National Institute of Archaeology and Department of Preservation of Historical Monuments.

⁴ Sources:

1. Hackin 1932a (4.16) -account of the 1930 expedition, with some historical and artistic background on the caves.
2. Hackin 1932b (4.112) -summary of the work in 1930.
3. Hackin 1933 (4.112) -description of the caves.
4. Hackin & Cari 1933 (4.111): 39-46- description of the Buddha, the caves and the frescos.
5. Hackin 1934 (4. 112) -briefly summarizes the work of 1930. .
6. J. & R. Hackin 1934 (1.62): 51-52-brjefdescriptjon and guide.
7. Rowland 1938 (4.16): 70- 71 -illustrates and discusses the frescos from the cupola.
8. Monod-Bruhl1939(1.83): 110-112-description of the fresco on display in the Musée Guimet.
9. Zestovski 1948 (1.66): 51-.53- summary description and sketches.
10. Bussagli 1953b (4.16) -traces some classical influences in the frescos.
11. Talbot Rice 1965 (4.112): 166-168- briefly discusses the Sassanian element in the frescos.
12. Moriod 1966 (1.83: 369-370- describes the fresco on display in the Musée Guimet.
13. N. Dupree 1967b (1.62): 50-52- description and guide.
14. Rowland & Rice 1971 (1.83): 41-42 & pgs 140 & 145-146- description and photos of the frescos on display from the Kabul Museum.
15. Rowland 1972 (4.16) -discusses the evidence of the frescos in their wider Central Asian context.
16. N. Dupree et a/. 1974 (1.83): 93-95- guide to the frescos on display in the Kabul Museum.
17. H. Motamedj 1975b (4.16) -discusses four of the Sassanian style paintings from the sanctuary.
18. H. Motamedi 1976 (4.112) -brief summary of the Japanese work.
19. Tarzj 1977a (4.16): L'architecture et le décor rupestre des grottes de Bamiyan
20. Le Berre 1981 (4.111) -itinerary B2, .Darya-i Kakrak, ruins
21. Higuchi Bamiyan Art and Archaeological Research in the Buddhist Cave Temple in Afghanistan 1970-78

Buddha was fair before its destruction in March 2001. The whole niche was richly decorated with frescos and eight caves, dating from the 3rd to the 6th century A.D., were accessible from the lower part of the niche around the base of the former statue. Most of these caves were octagonal, vaulted and decorated with wall paintings. The frescos were severely damaged by weathering and the passage of time, and what remained were deliberately destroyed by the Taliban forces in March 2003. Surrounding the niche of the 38 meter Buddha were four groups of galleries caved into the cliff-face. Dating from the 3rd to 6th century A.D., each gallery is composed of two or more grottoes, initially used as sanctuaries, council halls and monk's cells. The galleries extend over several floors and some have access to the 38 meter Buddha via a staircase. The state of conservation of these grottoes is fragile and some have partly collapsed. A complex of 5 important grottoes is located 80m east of the niche of the 38 meter Buddha.

? ***Niches of the seated Buddhas and the surrounding caves***
(See Annex I and J)

Located 50m to the west of the 38 meter standing Buddha statue and about 30m above the foot of the cliff is a niche of the seated Buddha 6.20 m wide, 7.60 m high and 3 m deep. The sculpture of the seated Buddha has disappeared. However, there is some evidence of wall paintings decorating the niche. The niche, which is surrounded by an ensemble of 15 grottoes and communicating galleries at different levels. The state of conservation is generally poor and in need of urgent attention.

In between the niche of the 38 meter Buddha to the east and the niche of the 55 meter Buddha to the west is a group of grottoes dating to the 5th to 6th century A.D. The most important grotto is 10.8 m wide, 3 m deep and 14 m high and once sheltered a statue of a large seated Buddha. The statue, only small parts of which remained in the 1970s, has now completely disappeared due to water infiltration and vandalism. Parts of frescos and decorative paintings are visible in the vault of the niche. However, the niche and surrounding grottoes are in need of urgent conservation intervention.

140 m west of this seated Buddha is a cave complex which is composed of numerous grottoes situated at different levels with no particular decorative features except of an isolated niche which once contained the sculpture of a small seated Buddha. The niche is located 30 m above the ground floor, with dimensions of 5.60 m width, 6.50 m height and 4.50 m depth. Today, only the pedestal of the seated Buddha remains but the contours of the niche suggest that the Buddha was possibly made of timber and fixed on the northern face of the niche. This niche, which is believed to date from the 5th to 6th century A.D., is richly decorated with wall paintings. However, water intrusion and weathering present serious threats to the conservation of the frescos which still remain.

Three groups of grottoes are located in between the niche of the two seated Buddhas. While two of them do not show any specific features and continue to be inhabited, the third group presents interesting features, composed of 6 grottoes located 25 m above the ground floor and containing frescos of the Bodhisattva (Maitreya) surrounded by six Buddhas with a crown. A reproduction of this wall painting is conserved at the Musée Guimet in Paris, France.

? ***Niche of the 55 meter standing Buddha and the surrounding caves***
(See Annex I and J)

The niche of the 55 meter standing Buddha is situated in the western part of the Bamiyan Cliff at a distance of 850 m from the 38 meter Buddha. The niche is 58 m high, 24 m wide and 16 m deep and is completely symmetrical. Dating approximately to the 5th and 6th century A.D., it contained the biggest standing Buddha statue in the world before its destruction by the Taliban in 2001. The sculpture was carved out of the mass of the conglomerate cliff rock. The niche was richly decorated by paintings representing Buddha and Bodhisattvas and gave access to 10 grottoes at the ground level. One of them, situated on the eastern side of the niche had a hexagonal shape with a richly decorated ceiling. At the level of the arms of the former statue, two galleries give access to the top of the niche where the head of the Buddha was located. However, these architectural and artistic features have been severely damaged and the grottoes are either buried by debris or threatening to collapse. An octagonal grotto is located at an altitude to the east of the former 55 meter tall standing Buddha. It was about 8 m wide and decorated with stucco, arcades and balustrades.

3.a.2.002. Kakrak Valley including the niche of the 10 meter standing Buddha
(See Annex I and J)

Three km south east of Bamiyan, Kakrak Valley (Lat. 34°48'N, long. 67°51'E) contains over hundred cave architectural properties dating from the 6th to 13th century A.D. The most remarkable cave was the one with a niche, richly decorated with frescos dating probably from the 8th century A.D., which contained a 10 m tall sculpture of a standing Buddha (known as the Kakrak Buddha) before its destruction in March 2001. A sanctuary, dating from the 5th to 6th century A.D., is situated 60 m south of the niche of this Kakrak Buddha and was richly decorated with wall paintings from the Sassanian period. These paintings were covered with mud to protect them from destruction by the Taliban, but have not been uncovered since. There are four pre-Islamic period earthen architectural towers, which require further research as well as conservation intervention.

3.a.2.003. Qou-I Akram Caves in the Fuladi Valley (See Annex I and J)
and

3.a.2.004. Kalai Ghamai Caves in the Fuladi Valley (See Annex I and J)

Located to the south west of Bamiyan valley (Lat. 34°48'N, Long. 67°48'E), approximately 2 kilometres to the west of Bamiyan, Fuladi Valley contains around 30 man-made caves dating from the Hephtalo-sassanian (5th-7th century A.D.) to the Turkic and pre-Mongol period (7th-13th century A.D.). Most of the caves are connected by tunnellike passageways to watch towers on the hills and probably served as a observation and defence complex to guard the Bamiyan Valley from the south. Many of the caves are square shaped decorated with rock carving or wall painting. However their state of conservation is very poor and require conservation

measures to safeguard the remaining heritage assets. The two main cave areas, Qoul-I Akram and Kalai Ghamai, are nominated as two core zone areas for inscription on the World Heritage List. The main caves with important decorative features in Fuladi Valley are located in the Qoul-I Akram and Kalai Ghamai core zones as indicated within Annex I. The buffer zone of Fuladi Valley includes numerous archaeological areas which are not yet fully excavated and researched. However, the area near Gorvana is deemed to be of particular importance for identifying further, the historical development of the Bamiyan Valley.

3.a.2.005. *Shahr-i-Zuhak* (See Annex I and J)

The Islamic heritage in Bamiyan Valley dates from the Ghaznavid and Ghorid periods (10th to 13th century A.D.). The fortress of Shahr-i-Zuhak, believed to have been founded in the 6th-7th century A.D., was fortified during the Islamic period. The first historical record of this sites dates from the 16th century A.D. However, a number of legends are associated with it, including that of the King Zuhak. Situated in a steep hill separating the Kalu and Bamiyan Rivers, 15 km east of Bamiyan, its topographical character provided an excellent natural fortification for defence and control of the valley. There are earthen architectural defence and citadel structural remains on a triangular plateau of an area of approximately 1 hectare in the north of the hill at 50 to 70 m above the ground level. Various remains of defence walls and towers, leading to the summit of the hill to the south at 160m above the ground still exist. The severe climate in the region as well as the years of civil war have resulted in considerable deterioration of the state of conservation of the architectural and archaeological remains. Demining is necessary before scientific archaeological research is undertaken.

3.a.2.006. *Qallai Kaphari Monuments – cluster A* (See Annex I and J)
and

3.a.2.007. *Qallai Kaphari Monuments – cluster B* (See Annex I and J)

There are two monumental clusters of earthen architectural structures commonly referred to as the Qallai Kaphari Monuments, dating between 6th – 8th century A.D. These monuments are composed of towers, fortification walls, citadel complexes, constructed of earthen architecture. Further scientific research is required in the future, parallel to conservation measures to consolidate the earthen architectural structures.

3.a.2.008. *Shahr-I-Ghulghulah* (See Annex I and J)

The fortified citadel of Shahr-i-Ghulghulah is located on a hill in the centre of the Bamiyan Valley, where the Kakrak Valley joins Bamiyan Valley. The archaeological remains of this impressive fortified citadel have presented evidence dating from 6th to 10th century A.D. The continued use of this strategically located hill for military defence continues to date. Weathering and damage from the decades of civil unrest

⁵ DAFA publications 1922-1975
Duprée, A Historical Guide to Afghanistan
Bamiyan before the Mongol Conquest, Musée Guimet

have led to loss in the later constructions of this ancient fortified citadel. Nevertheless, there still remain important archaeological evidence and ancient built structures, such as towers and defence walls, which require both scientific research as well as conservation intervention.

3.b. HISTORY AND DEVELOPMENT

The name *Bamiyan* derives from the ancient Dari word *Bamikan*, the “middle roof” and is first mentioned in the 5th century A.D. as the kingdom of Fan-Yang (Bamiyan) in *Pei-che* Chinese texts⁶. As a passage into the Hindu Kush and an important subsidiary route of the Silk Roads, Bamiyan Valley was for over two thousand years, as a centre for trade between east and west, rich cultural and religious exchange.

Believed to be the burial site of important saints, Bamiyan became a Buddhist centre under the Kushan Emperors in the 2nd and 3rd century A.D. when Buddhist culture rose to its apogee in Central Asia and subsequently spread to China as well as to the West, influencing early Christian iconography. Although it is probable that Buddhist settlements were located on the right bank of the Bamiyan river, the monastic community and the inhabitants of Bamiyan took advantage of the soft cliffs and created cave shelters, sometimes decorated with ornamentation. These cave shelters were oriented southwards with balconies and terraces to catch the maximum sun in winter seasons.⁷

It is believed that the monumental Buddha sculptures were carved into the cliffs of Bamiyan between the 3rd to 6th centuries A.D., while the cave complex in the east, including the 38 meter Buddha, a stupa was built in the 3rd or 4th centuries A.D. The 55 meter Buddha is believed to date from the 5th and 6th centuries A.D. Historic documentation refers to celebrations held every year attracting numerous pilgrims and that offers were made to the monumental statues⁸

At different periods in history, travellers and pilgrims made refer to the monumental statues. The Chinese pilgrim, Xuanzang, who visited Bamiyan between 629 and 645 A.D., wrote a description of its monuments and of the social and religious life in the Bamiyan Valley.⁹ Nearly a century later, the Korean monk Huichao¹⁰, who passed through Bamiyan in 727 A.D., refers to an independent and powerful kingdom ruling the Bamiyan Valley, despite the presence of the Arab armies to the north and south of the region¹¹. Sent to the kingdom of Kabul by the rulers of British India in 1808, Mountstuart Elphinstone¹² accredited the Buddhist Princes of Ghur, who ruled the country between Kabul and Western Khorassan in the first centuries with the statues and caves. In 1833, the British officer Sir Alexander Burnes¹³ related the sculptures

⁶ Pelliot's translations in Godard and Hackin, *Bâmiyân*, pp. 75- 78

⁷ (Najmi, *Bamiyan*, 1992, pp. 2-3).

⁸ Yaqut, 1,481; Najmi, *Bamiyan*, 1992, pp. 2-3).

⁹ *Memoirs* (translated into French by P. Pelliot in Godard and Hackin, *Bâmiy3n*, pp. 78-81

¹⁰ (see the translation in French by Pelliot in Godard and Hackin, *Bâmiyân*, p. 83).

¹¹ Tarzi, *Encyclopaedia Iranica*, under *Bâmiân*

¹² Elphinstone, M., *An account of the kingdom of Cabul, and its dependencies in Persia, Tartary, and India comprising a view of the Afghan nation and a history of the Dooraunee monarchy*, London 1815

¹³ Burnes, A, *Travels into Bukhara – Being the account of a journey from India to Cabool, Tartary and Persia – Also a narrative of a voyage on the Indus from the sea to Lahore with presents from the king*

of Bamiyan to the caprice of some person of rank who sought immortality in the colossal statues. Five years later, the explorer Charles Masson¹⁴ attributed them to the Hephthalites (White Huns).

Islamic art and architecture first appeared in Bamiyan in the 11th century A.D. when central Afghanistan embraced Islam under the rule of Sultan Mahmud of Ghazna (998-1030). The town of Bamiyan adopted typical Khorassanian urbanism with four gates and a great mosque. Major developments took place during the rule of the Ghurids (1155-1212) and include the Shahr-i Bamiyan, which later became known as Ghulghulah after the massacre by Changiz Khan, Shahr-i Zuhak and Shahr-i Khoshak. The town of Bamiyan and the Buddhist monasteries were ransacked and ruined by Changiz Khan's army in the early 13th century A.D. and it is said that only seven people who had hidden themselves in the Khwaja-Ghâr Valley cave survived this brutal conquest. Although the early Buddhist monuments were not ruined, they were severely damaged by iconoclasts since early times. The Mughal emperor Aurangzeb (1618–1707) ordered his army to shoot off the legs of the large Buddha with canons.

After the Mongol invasion, the valley remained deserted for a long time until people from different regions of Afghanistan started to re-use the fertile land for agriculture and the caves for shelter. At the turn of the century, the caves were inhabited and served as a shelter for domestic animals.¹⁵ As cooking and heating took place inside the caves, most of the surfaces were covered by soot and turned black. In 1964, the new governor of Bamiyan, Mr Ansari, persuaded the inhabitants to leave the caves and build houses, situated in centre of Bamiyan. The census of 1979 recorded 7, 355 inhabitants in the town. The caves remained exposed to snow, rain and weathering. With the passage of time, the beautiful geometric designs in the rock carved decorations and mural paintings have slowly deteriorated.

During the years 1970's early 1990's governmental troops used the hills and cliffs of Bamiyan Valley to install artillery and look-out posts. The local office for safeguarding the monuments in Bamiyan was dissolved in early 1980's and the monumental statues and the historic sites of Shahr-i Ghulghulah and Shahr-i Zuhak were exposed to the decade-long armed conflict.

On 11 March 2001, the Taliban forces deliberately destructed the Buddhas in Bamiyan Valley with dynamite.

3.c. FORM AND DATE OF MOST RECENT RECORDS OF THE PROPERTY

The numerous archaeological sites in Bamiyan Valley, Fuladi and Kakrak have been partially documented and recorded by various national and international expert teams since the early 20th century A.D. However, research and documentation are still not

of Great Britain performed under the orders of the supreme Government of India in the years 1831, 1832 and 1833, 3 volumes, John Murray, London, 1834

¹⁴ Masson, C., Die Stupa's (Topes) oder die architectonischen Denkmale an der Indo-Baktrischen Königstrasse und die Colosse von Bamiyan, Berlin, 1838

¹⁵ Najrni, Bamiyan, 1992, pp. 2-3

complete and further scientific research and documentation of the individual heritage areas are required in the future years.

The first archaeological studies in Bamiyan were carried out by the French archaeological mission to Afghanistan (Délégation Archéologique Française en Afghanistan, DAFA) under Foucher (1922), A. Godard (1923), J. Hakin (1931-33) and Dagens (1957), concentrating on the Buddhist and pre-Islamic period. . In 1974-1975, Le Berre surveyed the fortifications in Bamiyan. Between 1963 and 1968, the Italian Institute for the Middle and Far East (Istituto italiano per il Medio ed Estremo Oriente, IsMEO) undertook research on the Islamic art and architecture in Bamiyan, including Japanese scholars who surveyed the same area in the Bamiyan Valley.

Within the framework of the Indo-Afghan Co-operation Restoration of Bamiyan, an Afghan-Indian team under R. Sengupta from the Archaeological Survey of India worked with the Afghan archaeologists in Bamiyan between 1969 and 1974. In particular, conservation work was undertaken on the 38 meter Buddha to prevent further damage without reconstructing missing parts, and the accumulated debris at the ground level of the 55 meter Buddha was cleaned, disclosing the original height of 55 m.

Professor Higuchi and Professor Miyaji from Kyoto University, Japan, carried out surveys of the wall paintings in the caves of Bamiyan since the 1970s. However, no major conservation or restoration work has been undertaken in the past.

In December 2001, the UNESCO Division of Cultural Heritage supported the mission of expert, Mr Paul Bucherer from Switzerland, who examined the state of conservation of the monuments and sites in Bamiyan Valley. Mr Bucherer covered the remains of the Buddha statues with plastic sheets for protection.

In July 2002, a n UNESCO-ICOMOS mission was undertaken to examine the state of conservation of the Bamiyan Valley. The findings of the mission are presented within Annex E.

3.d. PRESENT STATE OF CONSERVATION

The state of conservation of the principle monuments of Bamiyan Valley are reported in ICOMOS President's Mission report from his visit to Bamiyan in July 2002, presented in Annex E. Recommendations for enhancing the state of conservation and protection of the Bamiyan Valley heritage assets have been made by the Expert Working Group on the Preservation of the Bamiyan Site (21-22 November 2002, Munich, Germany), attached to this document as Annex F. The niches of the two standing Buddhas of Bamiyan Cliff require immediate consolidation and stabilisation measures, while the mural paintings within the caves require urgent protection from further damage and looting. The National Institute of Archaeology and the Department of Preservation of Historical Monuments of the Ministry of Information and Culture of the Transitional Islamic State of Afghanistan and the local authorities of Bamiyan are making efforts, with the international conservation experts from UNESCO, ICOMOS, and other bodies specialising in the field of cultural heritage conservation, to safeguard this irreplaceable heritage property for future generations.

3.e. POLICIES AND PROGRAMMES RELATED TO THE PRESENTATION AND PROMOTION OF THE PROPERTY

An International Consultative Committee for the Safeguard of Afghanistan's Cultural Heritage (ICC) was created by the 165th Executive Board of UNESCO in September 2002. The Committee is composed of international experts from Afghanistan, Germany, United Kingdom, France, Greece, Italy, Japan and Switzerland amongst others, representatives of the International Council on Monuments and Sites (ICOMOS) and of the Aga Khan Trust for Culture. The first Plenary Session of this ICC is expected to take place in June 2003.

In early December 2002, an International Council on the Preservation and Rehabilitation of Afghanistan's Cultural Heritage was established by the Minister of Information and Culture and Prince Mirwais Zahir was appointed as Honourable Chairman of this Council. It is hoped that the International Council and its Chairman will incite technical support and fund-raising for the promotion and protection of Afghanistan's cultural heritage. Within this International Council, a Special Working Group, deciding on policy priorities for the preservation of the cultural heritage, identified Bamiyan Valley as a priority site. The members of this Special Working Group, as well as the Minister for Information and Culture and Prince Zahir will represent Afghanistan at the International Consultative Committee for the Safeguard of Afghanistan's Cultural Heritage (ICC).

Ten site security guards are currently employed with the financial assistance of ICOMOS Germany to protect the site against vandalism and illicit excavation

Kakrak Valley caves and towers (May 2003)

4. MANAGEMENT

4.a. OWNERSHIP

The Monuments and Archaeological Remains of Bamiyan Valley are public property, owned by the Government. However, significant portions of the buffer zones are a mixture of private and public properties. Both the core and buffer zones requires complete documentation, to be undertaken as soon as possible in co-operation with UNESCO, the Central Government and the Office of the Bamiyan Provincial Governor. The private and public land ownership information (i.e. land use and land-ownership documentation) was documented in the 1970's and 1980's. Regretfully, this documentation was destroyed by the Taliban forces, and the Governor of Bamiyan Province is currently making efforts to collect this information. This information will be important in the comprehensive management and conservation of the Bamiyan Valley in the future years.

4.b. LEGAL STATUS

The 1980 State Law on the Conservation of Historical and Cultural Properties is still in force and provides for the preservation and allocation of financial and technical resources for the safeguarding of cultural heritage. This law is Annexed to this document as Annex K.

The Transitional Islamic State of Afghanistan is currently reviewing, amending and re-adopting former existing protective legislation and will transmit it UNESCO once adopted. The following laws are under revision:

-Laws concerning the preservation of cultural heritage, historical and cultural objects, in the Official Gazette, the Democratic Republic of Afghanistan, Ministry of Justice, 21 December 1980 (text in French translated from Dari and Pashto – Annex K of this document)

-1980 Law on the Protection of the Cultural and Historic Properties of the Democratic Republic of Afghanistan (still in force)

Chap. 1, articles 1-12	Laws on archaeology
Chap. 2, articles 13-22	Immovable historical and cultural properties
Chap. 3, articles 23-32	Movable historical and cultural properties
Chap. 4 articles 33-53	Archaeological excavations
Chap. 5, articles 54-58	Museums
Chap. 6, articles 59-70	Trade of historical and cultural properties
Chap. 7, articles 71-76	Penalties
Chap. 8, articles 77-87	Diverse clauses

The following legal framework shall be applicable on an interim basis until the adoption of the new Constitution referred to above:

i) The Constitution of 1964, to the extent that its provisions are not inconsistent with those contained in the Agreement on Provisional arrangements in Afghanistan,

pending the re-establishment of permanent governmental institutions and with the exception of those provisions relating to the monarchy and to the executive and legislative bodies provided in the Constitution;

ii) existing laws and regulations, to the extent that they are not inconsistent with the Agreement on Provisional arrangements in Afghanistan, pending the re-establishment of permanent governmental institutions or with international legal obligations to which Afghanistan is a party, or with those applicable provisions contained in the Constitution of 1964, provided that the Interim Authority shall have the power to repeal or amend those laws and regulations.

4.d. AGENCIES WITH MANAGEMENT AUTHORITY

Ministry of Information and Culture, Institute of Archaeology and the Department of the Preservation of Historical Monuments

Governor of Bamiyan Province

4.e. NAME AND ADDRESS OF RESPONSIBLE PERSON FOR CONTACT PURPOSES

Minister of Information and Culture, Dr Sayed Makhdoom Raheen

Deputy Minister of Information and Culture, Mr Ghulam Rasoul Yusufzai

Director of the National Institute of Archaeology, Ministry of Information and Culture
Mr Abdul Wasey Feroozi

Director of the Department of the Preservation of Historical Monuments, Ministry of Information and Culture, Mr Abdul Ahad Abassi

Representative of the Ministry of Information and Culture in Bamiyan
Mr Rezaei

Governor of Bamiyan Province
Mr Mohammed Raheen Aliyazada

4.f. AGREED PLANS RELATED TO PROPERTY

In 1981, a plan entitled "Rehabilitation and revitalisation of the Bamiyan Valley cultural heritage" was officially adopted. After the fall of the Taliban forces in 2001, the Ministry of Information and Culture reactivated this 1981 plan, which has the following main objectives:

? ? Nominate Bamiyan Valley for inscription on the World Heritage List;

- ? ? Elaborate and implement a programme for the protection, conservation, presentation of the Bamiyan Valley niches, caves, grottoes, including the rock carved decorations and wall paintings within these heritage assets;
- ? ? Undertake exploration and excavation of the archaeological remains within Bamiyan Valley;
- ? ? Elaborate and implement a programme for sustainable cultural tourism in the Bamiyan Valley.

The Governor of the Province of Bamiyan is responsible for the implementation of the Government's regional development plan, which includes:

- ? ? rehabilitation of housing for local community members;
- ? ? provision of health services;
- ? ? rebuilding and re-establishing educational facilities which were destroyed during the last two decades, especially during the time of the Taliban forces;
- ? ? development of infrastructural facilities, such as roads, water channels, electricity and communication facilities;
- ? ? agricultural development.

The local village committees, Shura, decide upon land use and water management. Larger meetings, Jirga, are held with the Governor of the Province for land and water issues concerning the entire valley.

4.g. SOURCES AND LEVELS OF FINANCE FOR CONSERVATION

4.g.1. The Japanese Government has made US\$ 1,815,967 available through UNESCO, for the consolidation of the cliff faces and the conservation of mural paintings in the caves. ICOMOS has made funds available for two specialist missions for the assessment of the status of conservation of the site, as well as for the rehabilitation of the local branch office of the Ministry of Information and Culture and a building (a former mosque) for the guards protecting the site. As far as the conservation of the natural landscape is concerned, a number of rural development projects are being implemented. They contribute to revitalise agriculture and rehabilitate the comprehensive irrigation systems throughout the valley.

It is hoped that the inscription of these properties on the World Heritage List will assist in the mobilisation of international assistance for enhancing the conservation, presentation and development of this property.

4.h. SOURCES OF EXPERTISE AND TRAINING IN CONSERVATION AND MANAGEMENT TECHNIQUES

There is a significant number of trained Afghan technical experts (archaeologists, architects, conservators, engineers, craftsmen) who are scattered within and outside of Afghanistan. The Afghan authorities together with international bodies such as UNESCO, ICOMOS, ICCROM, other IGOs, NGOs as well as specialised institutions around the world, are gradually gathering information on the experts who have or

intend to return to Afghanistan. In the future, it is hoped that a programme for capacity building of conservation and management expertise within Afghanistan be elaborated.

4.i. VISITOR FACILITIES AND STATISTICS

The current security situation in Bamiyan does not permit organised international tourism. However, since the fall of the Taliban forces, the site has been visited by a number of journalists, experts in cultural heritage and officials. It is hoped that stability in the country will permit international and national tourism to develop in the Bamiyan region in the future.

4.j. PROPERTY MANAGEMENT PLAN AND STATEMENT OF OBJECTIVES

Through the inscription of the World Heritage List, it is hoped that international financial and technical assistance will be provided to the authorities to elaborate a comprehensive management and development plan of the property to ensure appropriate conservation, management, presentation and development of the heritage values of the property.

4.k. STAFFING LEVELS (PROFESSIONAL, TECHNICAL, MAINTENANCE)

The Minister of Information and Culture has a provincial local office representative in Bamiyan. Moreover 10 security guards, employed by ICOMOS, are currently protecting the site against vandalism and looting.

Shahr-i-Zuhak (May 2003)

5. FACTORS AFFECTING THE PROPERTY

In accordance with Article 11 paragraph 4 of the Convention concerning the protection of the world cultural and natural heritage, the Government requests the Committee to inscribe the cultural landscape , monuments and archaeological remains of the Bamiyan Valley on the List of World Heritage in danger as the property is threatened by serious and specific danger and major operations are necessary for the conservation of the property;

5.a. Development Pressures

Housing needs for the local population mostly living under the poverty line .
Use of certain areas within the buffer zone of the Bamiyan Cliffs for military purposes.
Minor and limited mining of rocks within the buffer zone along the Bamiyan Cliffs.

5.b. Environmental Pressures

Currently there are no environmental pressures as such. However, rain and snowfall causes water penetration which aggravates the cliff's stability.

5.c. Natural disasters and preparedness

Afghanistan is prone to experience earthquakes as it is located on a fault line.

5.d. Visitor/tourism pressures

There are no statistics available on the number of visitors and tourism activities. As Afghanistan has suffered many years of civil unrest in the past two decades, tourism development has been scarce in recent years.

5.e. Number of inhabitants within property, buffer zone.

There are approximately 50,000 inhabitants in Bamiyan Valley, primarily working in the agricultural sector.

5.f. Other

Major dangers facing the sites are:

- (i) risk of imminent collapse of the Buddha niches;
- (ii) on-going and irreversible deterioration of the mural paintings;
- (iii) looting, illicit traffic and illegal excavations of cultural heritage assets
- (iv) continued use of certain heritage areas for military posts
- (v) anti personnel mines and UXO

Preventive measures against the continued structural instability of the Bamiyan Cliffs are being planned and implemented through four UNESCO expert missions to assess the level of risks and define priority interventions. The Ministry of Information and Culture rehabilitated an ancient mosque close to the niche of the 55 meter Buddha within the Bamiyan Cliff zone, which is also being used by the site manager. The Ministry has also hired 10 guards, providing permanent presence to protect the site. It is expected that the recent establishment of the International Council will lead to increased inter-ministerial co-ordination, thus creating opportunities to effectively prevent looting and vandalism of major cultural sites, including Bamiyan.

Aerial view of Shahr-i-Ghulghulah (May 2003)

6. MONITORING

6.a. KEY INDICATORS FOR MEASURING STATE OF CONSERVATION

A systematic monitoring of the property can be undertaken by regular measurements of the cracks of the rocks of the niches, surveying the state of conservation of the individual niches, grottoes, caves and their decorative features on a regular basis. Periodic examination of the physical condition of the cliffs and built structures within the property is also necessary. The authorities and UNESCO hope that through inscription of the property on the World Heritage List, international assistance will be provided to elaborate a systematic monitoring mechanism on-site.

6.b. ADMINISTRATIVE ARRANGEMENTS FOR MONITORING PROPERTY

The Ministry of Information and Culture has a local office representative in Bamiyan. It is hoped that international and national financial and technical support will be mobilised in a timely manner to gradually ensure long term conservation and management of the property in its entirety.

6.c. RESULTS OF PREVIOUS REPORTING EXERCISES

All previous reports on the state of conservation result from missions undertaken by experts representing the previous administrations of Afghanistan, UNESCO, relevant NGO's active in the field of heritage conservation and development in Afghanistan. A list of major international or UNESCO missions undertaken in previous years is presented in part 3.c of this nomination dossier. The most recent reporting exercise was ICOMOS – UNESCO joint mission to examine the state of conservation of the site and to elaborate proposals for urgent conservation and management measures to safeguard the property. This mission was undertaken in July 2002, and its report is attached as Annex E of this dossier.

View of Fuladi Valley from Shahr-i-Ghulghulah (May 2003)

7. DOCUMENTATION

7.a. PHOTOGRAPHS and SLIDES

See Annex J

7.b. COPIES OF PROPERTY MANGEMENT PLANS AND EXTRACTS OF OTHER PLANS RELEVANT TO THE PROPERTY

To date, no comprehensive management and development plans exist. One of the urgent needs for adequate protection of the property being nominated is to elaborate a conservation and management plan to ensure long term conservation of the property.

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8. SIGNATURE ON BEHALF OF THE STATE PARTY

Signature: Signed by Dr Sayed Makhdoom Raheen

Title: Minister of Information and Culture, Transitional Islamic State of Afghanistan

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**UNITED NATIONS EDUCATIONAL, SCIENTIFIC
AND CULTURAL ORGANIZATION**

**CONVENTION CONCERNING THE PROTECTION OF
THE WORLD CULTURAL AND NATURAL HERITAGE**

BUREAU OF THE WORLD HERITAGE COMMITTEE

Twenty-fifth session

**Paris, UNESCO Headquarters, Room X
25 –30 June 2001**

Extract concerning Afghanistan's heritage from the

REPORT OF THE RAPPORTEUR

I. OPENING SESSION

I.1 The twenty-fifth session of the Bureau of the World Heritage Committee was held at UNESCO Headquarters in Paris, France, from 25 to 30 June 2001. It was attended by the following members of the Bureau: Mr Peter King (Australia) as Chairperson of the Committee, Mr Dawson Munjeri (Zimbabwe) as the Rapporteur and Canada, Ecuador, Finland, Morocco and Thailand as Vice-Chairpersons.

I.2 The following States Parties to the World Heritage Convention who are not members of the Bureau, were represented as observers: Albania, Argentina, Austria, Belgium, Belize, Benin, Botswana, Brazil, Chile, China, Colombia, Democratic Republic of the Congo, Costa Rica, Czech Republic, Denmark, Egypt, El Salvador, France, Germany, Greece, Guatemala, Honduras, Hungary, India, Iraq, Iran (Islamic Republic of), Israel, Italy, Japan, Jordan, Latvia, Lebanon, Lithuania, Madagascar, Malta, Mexico, Nepal, New Zealand, Nicaragua, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Saint Kitts and Nevis, Saint Lucia, Slovakia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Tunisia, Turkey, United Republic of Tanzania, United Kingdom, United States of America, Uruguay, Venezuela and Yemen. The Permanent Observer Mission of Palestine to UNESCO and the United Arab Emirates attended the session as observers. The complete List of Participants is attached as Annex I of the Report.

I.3 Representatives of the Advisory Bodies to the Committee: the International Centre for Study of the Preservation and the Restoration of Cultural Property (ICCROM), the International Council on Monuments and Sites (ICOMOS) and the World Conservation Union (IUCN) attended the session.

I.4 The Chairperson, Mr Peter King, opened the session by welcoming the members of the Bureau, the Advisory Bodies, observers, the members of the press and all participants to the meeting. He recalled that due to the recent events relating to the wilful destruction of heritage in Afghanistan, it was decided to extend the opening session to include a discussion on this issue.

I.5 The Chairperson then invited the Representative of the Director-General, Mr Mounir Bouchenaki, Assistant Director-General for Culture, to deliver his opening speech to the Bureau. In his introduction, Mr Bouchenaki drew the attention of the Bureau to an earthquake that hit the site of Arequipa, in Peru, on 24 June 2001 and informed the Bureau that the Secretariat had already been in contact with the national authorities. He then recalled the actions taken by UNESCO concerning the destruction of the Buddhas of Bamyan in Afghanistan. Regarding this issue, described by the Director-General of UNESCO as a “crime against culture”, he informed the Bureau that a resolution had been adopted by the Executive Board of UNESCO at its 161st session concerning the protection of the cultural heritage of Afghanistan. That decision “invites Member States (...) to pursue their efforts to ensure the full application of the principles of the Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague, 1954), the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970) and the Convention for the Protection of the World Cultural and Natural Heritage (1972)”. Mr Bouchenaki’s speech is included as Annex II of this report. The Chairperson thanked Mr Bouchenaki on behalf of the Bureau members.

I.6 At the invitation of the Chairperson, the Special Envoy of the Director-General of UNESCO, Ambassador Pierre Lafrance informed the Bureau of his mission to Kabul, Khandahar and Islamabad in March 2001 undertaken at the request of the Director-General. The thrust of his presentation was on the purpose of the mission and why the objectives were not achieved. He narrated the events leading to the fateful destruction of the Buddhas on 12 March 2001. Discussions with representatives of the Taliban forces, who control the major part of Afghanistan, had been held. Referring to the Declaration for the Protection of Afghan Cultural Heritage signed by the Supreme Leader of the Taliban in 1999 specifically referring to the Bamyan statues, and underlining the unanimous opinion of the leaders of Islamic theology against such iconoclastic acts, Mr Lafrance described in detail the efforts

made to convince the Taliban leaders to reverse their decision to destroy the ancient statues of Bamyan and Afghan's rich pre-Islamic cultural heritage. In the last analysis the problem was that the Taliban viewed the issue as theological "creation of a creature : to create a creature is a sin" ran the argument. The context was put in "licit and illicit" terms. Some proposals from Iran and Japan to negotiate the safeguarding of this heritage which had been briskly rejected by the Taliban leaders were highlighted. So there was determination by the Taliban leaders to destroy the cultural heritage representing the ancient civilizations of the South and Central Asian Region. In spite of these efforts made by the international community to reverse the decision and regardless of the support from some individuals within the Taliban forces, the statues of Bamyan and the Kabul Museum collection were destroyed on 12 March 2001. In Mr Lafrance's words, "We were dealing with a force which could not be swayed by any argument."

I.7 The advice of the Ulemas and other religious leaders from Egypt, Pakistan and the Organisation of Islamic States, were all ignored, as was the intervention of Mr Kofi Annan, Secretary General of the United Nations.

I.8 Urging the Bureau not to "throw in the towel", the Bureau's attention was drawn to the continued efforts being made by UNESCO, various Governments and NGO's, to maintain and strengthen dialogue with the Taliban forces to protect what remains of Afghan's cultural heritage. Mr Lafrance underlined the importance of persistent efforts at national and international levels to promote tolerance for world heritage. The need for the World Heritage Committee to take appropriate actions to ban iconoclastic acts of was also emphasized. Mr Lafrance emphasized the need to strengthen existing mechanisms within the three UNESCO Conventions concerning the protection of cultural heritage to respond to situations such as the Afghan case. Citing as a good example the conservation work carried out on the Minaret of Jam, under difficult circumstances, he noted that if conservation work had been in process in Bamyan, it might have deterred the destructive actions by the Taliban forces. Mr Lafrance underscored the importance and urgency of examining all possible legal and operational actions that can be taken by the World Heritage

Committee and UNESCO in such cases in the future. Finally, recalling the articles of the World Heritage Convention, Mr Lafrance stressed that world heritage belonged to humanity, and urged the World Heritage Committee to examine possibilities of protecting world heritage properties even where there was no formal request from responsible Governments and authorities.

I.9 The Director of the Division of Cultural Heritage, Sector for Culture, Dr Lyndel Prott, informed the Bureau that Afghanistan was not State Party to the Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict 1954 and its Protocols, which applies to situations of civil conflict and places obligations on occupying forces. Afghanistan is a State Party to the World Heritage Convention 1972, however this Convention does not apply to civil conflicts. Therefore, the responsibility to prevent destruction is on the recognized Government, which is in fact unable to physically prevent such destruction. The Taliban forces cannot be held liable under the 1972 Convention for the destruction of Afghan cultural heritage, as they are not the recognized Government of Afghanistan.

Annex A

I.10 The Director of the Division of Cultural Heritage further informed the Bureau that even if the 1954 or 1972 Conventions were to be directly applied to the Taliban forces, there is no general sanction which can be applied by any State other than the State where the cultural heritage offence has occurred. To date, Governments have been reluctant to include in any international instrument, a general offence against international law in respect of cultural property that can be sanctioned by any State. Although destruction of cultural property is included as an international crime in the Statute of the International Criminal Court, that Statute has not yet come into force. Furthermore, such Statute could not bind the Taliban forces, who are not recognized as the legitimate Government of the country and therefore would not be able to accede to the Statute even were they willing to do so. Moreover, the Statute cannot apply to events occurring before it enters into force.

I.11 The Bureau's attention was drawn to the fact that out of 164 States Parties to the World Heritage Convention, only 100 Governments are

States Parties to the 1954 Convention, and 83 States Parties to the First Protocol. As far as the Second Protocol (1999) of the 1954 Convention is concerned, there are 39 signatories. Out of 20 signatories required to bring the Second Protocol into force, only six ratifications have been made. As to the 1970 Convention on illicit traffic, there are only 91 States Parties. These gaps are caused by some of the most active and influential Governments not yet signatory to the 1954 and 1970 Conventions, and are therefore not only due to the absence of developing States or of a State such as Afghanistan that has faced severe difficulties for decades.

I.12 Finally, the Director of the Division of Cultural Heritage stated that even if these international legal instruments had been applicable, in the case of the Taliban forces, UNESCO would not have been able to enforce the legal instruments by means other than seeking to prevent destruction by moral and political persuasion. UNESCO does not have other means of implementation and so there is a need to develop other mechanisms, perhaps through the concept of "cultural rights" or standard-setting Declarations, non-binding Recommendations or "soft laws".

I.13 Characterizing the destruction of the non-Islamic cultural heritage of Afghanistan by the Taliban forces as a "cultural tragedy for the world", the Chairperson expressed his grave concern for the irretrievable loss of the Bamyán statues. The Chairperson commended the resolute, passionate, and determined efforts of the Director-General of UNESCO and his Special Envoy, Mr Pierre Lafrance, to prevent the tragic destruction.

I.14 The Chairperson drew the attention of the Bureau to the Committee's deferral of four cultural heritage nominations for inscription on the World Heritage List, including the Monuments of Bamyán, submitted by the Government of Afghanistan in 1983. Reasserting the spirit of the World Heritage Convention, which calls upon States Parties to protect the global heritage through co-operation, consensus and accord, the Chairperson underscored the need to prevent future tragedies through enhanced mechanisms for implementing the Convention and the stewardship of the World Heritage Committee. Referring to the March

2001 indictment by the International Criminal Tribunal of the former Yugoslavia that included the destruction of historic monuments within the World Heritage site of Dubrovnik, Croatia, the Chairperson recalled that crime against cultural property could be sanctioned by an international tribunal. He also called upon UNESCO to reflect further on the relationship between the World Heritage Convention and other international legal instruments to identify ways of informing the Security Council of the United Nations so that it may consider the possibility of sanctions for the protection of cultural property, should this be productive in addressing situations such as the destruction of Afghan cultural heritage. Inviting the Director-General of UNESCO and the World Heritage Centre to analyze comprehensively all mechanisms to strengthen the implementation of the World Heritage Convention, the Chairperson suggested that the World Heritage Committee discuss this issue at its twenty-fifth session.

I.15 Highlighting, however, the insufficiency of relying solely on UN organizations to protect the heritage of humankind, the Chairperson also called upon all States Parties to the World Heritage Convention to continue to appeal to the Taliban forces to deter further destruction of the Afghan cultural heritage. Finally, the Chairperson expressed his gratitude to the Governments who joined the global mobilization of efforts in the protection of Afghan cultural heritage, which transcended the boundaries between nationalities and religion.

I.16 Members of the Bureau and observer States Parties (Belgium, Benin, Greece, India, Italy, Japan, Pakistan, U.S.A.) expressed their sincere gratitude to the Director-General of UNESCO for his extraordinary efforts in attempting to deter the Taliban forces from destroying the Bamyán statues. Profoundly shocked by the deliberate destruction by the Taliban forces of the unique cultural heritage of Bamyán in March 2001, the Bureau members and observer States Parties underscored the importance of examining all possible legal and operational actions which can be taken by the World Heritage Committee and UNESCO in such cases. Moreover, the members of the Bureau and some observers stressed that efforts must be continued to increase awareness of the universal World Heritage value of properties

representing the diverse heritage of humanity through education and communication, and not through military force.

I.17 The Delegate of Morocco expressed his Government's profound dismay regarding the decision taken by the Taliban forces, in spite of the unanimous appeal by Islamic Leaders and Governments who called for tolerance and respect by the Taliban forces of pre-Islamic cultural heritage. The Delegate of Zimbabwe thanked the Organization of Islamic States, the Governments of Pakistan and Qatar, as well as all other Member States of UNESCO that took all possible measures in trying to convince the Taliban forces to protect the Bamyán statues.

I.18 Referring to the recent decision of the Executive Board of UNESCO at its 161st session, the Observer of Greece underlined the need to further reflect upon the notion of "crime against culture". Referring to the deferral of inscription on the World Heritage List of Afghan cultural heritage in 1983 by the Committee, and recalling Article 6.1 of the World Heritage Convention which affirms the duty of the international community as a whole to cooperate for protecting the World Heritage while fully respecting the sovereignty of the States on whose territory the heritage is situated, the Observer of Greece stressed the responsibility of the Committee to recognize the World Heritage values of heritage located in territories experiencing civil conflict. Reasserting the view by some Committee Members and observer States Parties that Article 11.4 of the Convention and the paragraph 67 of the *Operational Guidelines* allowed the Committee to inscribe a property on the List of World Heritage in Danger without the consent of the State Party concerned, the Observer of Greece expressed her Government's interest in a serious examination of inscribing threatened heritage properties of World Heritage significance on the List of World Heritage in Danger, as provided for in the Convention. The Observer of Greece expressed her expectation that this important issue to strengthen the World Heritage Convention be discussed at the meeting proposed by the Government of Morocco, aimed at discussing the application of certain key articles within this powerful international legal instrument.

I.19 The Observer of Belgium, also expressing dismay, extended his Government's invitation to the Committee to host a meeting to specifically identify the means of ensuring better protection of the common heritage of humanity, notably through the development of new mechanisms within the framework of the World Heritage Convention. This meeting could explore ways and means of better enforcing the provisions of the World Heritage Convention, to respond to the invitation from the Executive Board of UNESCO at its 161st session to the World Heritage Committee.

I.20 Expressing her Government's support for the proposals raised by previous speakers, the Observer of India underscored the tragedy of the loss of the Bamyán statues which represent the length and breadth of the ancient civilization cradled within the territory of Afghanistan. She recalled that the actions taken by the Taliban forces were premeditated and represents their policy of cultural nihilism, which should not have occurred in the 21st century. The Observer of India expressed her Government's conviction that the Committee must seize the moment of this irreversible loss to humanity to strengthen the application of the Convention by reflecting upon the mandate and procedures of the Committee. The Observer of Italy also stressed the need for a thorough reflection by the Committee to elaborate new legal mechanisms to address such situations.

I.21 Responding to the appeal made by the Representative of the Director-General of UNESCO to States Parties of the World Heritage Convention who have not yet ratified the 1954 and 1970 Conventions, the Delegate of Thailand highlighted the fact that his Government has expressed, in writing, the condemnation of the destruction of the Bamyán statues. He invited all States Parties to the World Heritage Convention to join forces with other Conventions related to the protection of cultural properties. He also pointed out that his Government has already taken the necessary steps to ratify the Convention concerning the protection of cultural properties in times of conflict. The Observer of Japan stated that his country appreciates the principles of these Conventions and that Japan is considering the possibility of ratifying the 1970 Convention. The Observer of the United States of America expressed his Government's

appreciation for the special efforts made by the Government of Japan to safeguard the Afghan cultural heritage.

I.22 The Representative of ICCROM emphasized the importance of scientific documentation of cultural heritage, especially those at risk. Paying tribute to the restoration work and documentation undertaken for the Bamyán statues by the Archaeological Survey of India during the period 1969-1973, the Representative of ICCROM underlined that the 147 photographs in possession of ICCROM now remain as one of the few evidences of the now destroyed heritage. He paid tribute to the late Dr Sengupta who had spearheaded the documentation and restoration exercise.

I.23 The Assistant Director-General for Culture, Mr Mounir Bouchenaki, informed the Bureau that UNESCO had succeeded in dissuading the Taliban forces from destroying the Bamyán statues in 1997 with the full co-operation of the international community, the Government of Pakistan, active NGOs such as the Society for the Protection of Afghan Cultural Heritage (SPACH), the media and other mediators. In February 2001 after the issuance of the recent edict by the Supreme Leader of the Taliban forces, UNESCO also held two meetings with the Representatives of the Islamic State of Afghanistan in exile in an attempt to identify legal means of protecting the threatened non-Islamic heritage of Afghanistan. He informed the Bureau that following the lamentable destruction carried out by the Taliban forces, the Director-General of UNESCO requested the former Chairperson of the World Heritage Committee, Professor Francesco Francioni, to examine the legal mechanisms for strengthening the protection of the cultural heritage of Afghanistan.

I.24 The Observer of Pakistan stated that her Government remained committed to the provisions of the World Heritage Convention and to the preservation of all World Heritage of humankind. She affirmed her Government's solidarity with the other States Parties to the Convention in expressing deep concern for the status of Afghan cultural heritage in the aftermath of the destruction of the Bamyán Buddhist statues. The Bureau was informed of the three public appeals made by the

Government of Pakistan at the highest levels to dissuade the Taliban authorities from carrying out the decree to destroy the statues. In particular, the Bureau's attention was drawn to the visit by the Minister of Interior of Pakistan to the Supreme Leader of the Taliban authorities, Mullah Omar.

I.25 The Observer of Pakistan underscored the importance of addressing this matter of international sensitivity at a wider forum, such as the General Assembly of States Parties to the World Heritage Convention at its thirteenth session.

I.26 While recognizing the importance of designating Afghan cultural heritage of universal significance as World Heritage, the Observer of Pakistan recalled that the inscription of properties on the World Heritage List was not a goal in itself. In the case of Afghanistan, the Observer of Pakistan expressed her Government's conviction that the preservation of Afghan cultural heritage can be best achieved through a spirit of engagement and joint effort by the national and international authorities. Drawing the Bureau's attention to the statement of the Secretary-General of the United Nations, Mr Kofi Annan, which ruled out punitive action against the Taliban and recognition that future prevention of destruction of non-Islamic heritage would be best achieved through education and promotion of tolerance, the Observer of Pakistan requested clarification on the nature of the possible sanctions reflected in the draft resolution to be examined by the General Assembly. The Observer of Pakistan, affirming her Government's continued respect of UN sanctions already in place against Afghanistan, cautioned the Bureau that discussion of sanctions to be imposed upon a people who have nothing left to lose would be counterproductive.

I.27 Finally, the Observer of Pakistan informed the Bureau that her Government continues its efforts to draw the attention of the Taliban authorities on the importance of preserving Afghanistan's cultural heritage. She informed the Bureau that UNESCO and her Government is currently engaged in elaborating a mechanism for continued collaboration for the conservation of both non-Islamic and Islamic cultural heritage in Afghanistan.

I.28 At the suggestion of the Bureau members and observer States, the Chairperson established a Drafting Group to draft a recommendation concerning the Afghan cultural heritage by the Bureau for consideration by the General Assembly of States Parties to the World Heritage Convention at its thirteenth session (30-31 October 2001). This Drafting Group was initially comprised Mr Kevin Keeffe (Australia), Mr Rodolfo Rendón (Ecuador), Dr Nicholas Stanley-Price (ICCROM), Dr Adul Wichiencharoen (Thailand) and H.E. Ms Taina Kiekko (Finland).

I.29 The Group was chaired by Mr Kevin Keeffe (Australia) and upon consultations with the Senior Legal Officer of the UNESCO Division of General Legal Affairs and the Director of the Division of Cultural Heritage of the Sector for Culture, two draft recommendations were presented to the Bureau. Upon examination of the final draft recommendation, the Bureau adopted the following decision:

“The Bureau of the World Heritage Committee, at its twenty-fifth session, recommended that the General Assembly of States Parties to the World Heritage Convention, at its thirteenth session (30-31 October 2001), adopt the following draft resolution:

Recalling the invitation of the Executive Board of UNESCO at its 161st session to the World Heritage Committee to identify the means of ensuring better protection of the common heritage of humanity;

Noting the provisions of the Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague, 1954) and its Protocols, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970), the World Heritage Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the UNIDROIT Convention and other relevant international legal instruments;

Appreciating the attempts made by the Director-General of UNESCO, UNESCO Member States and various organizations and individuals to

convince the Taliban forces to protect the cultural heritage of Afghanistan;

Condemns the wilful destruction of the cultural heritage of Afghanistan by the Taliban forces, particularly the statues of Bamyan, as a crime against the common heritage of humanity;

Appeals to all States Parties to the World Heritage Convention to become signatories to the Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict, its Protocols, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, the UNIDROIT Convention and other international legal instruments protecting cultural heritage, if they have not yet done so;

Invites the Director-General of UNESCO to inform the World Heritage Committee, at its twenty-fifth session, on the chronology of events related to the nomination for inclusion on the World Heritage List of the statues of Bamyan and other Afghan cultural heritage properties by the Government of the Islamic State of Afghanistan currently in exile;

Invites the World Heritage Committee, at its twenty-fifth session, to consider:

- a) ways and means by which the implementation of the World Heritage Convention can be reinforced, especially in relation to the other relevant UNESCO Conventions for the protection of cultural heritage;
- b) measures for enhancing the promotion of education, awareness raising activities and communication concerning the irreplaceable values of the cultural heritage of humanity;
- c) improved mechanisms for promoting the scientific documentation of potential and existing world cultural heritage properties;

Invites States Parties to inform the World Heritage Committee, at its twenty-fifth session, on any steps they have taken to encourage the Taliban forces to respect and protect all evidence of the cultural heritage of Afghanistan.

Invites the Director-General of UNESCO to inform the World Heritage Committee at its twenty-fifth session on mechanisms to inform, when necessary, the Secretary General of the United Nations of threats to global heritage so that the Security Council may have at its disposal information to enable it to decide on the possible use of sanctions to protect the cultural heritage of humanity.”

ANNEX B

World Heritage

25 COM

Distribution limited

WHC-01/CONF.208/24
Paris, 8 February 2002
Original: English/French

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL
ORGANIZATION

CONVENTION CONCERNING THE PROTECTION OF THE WORLD
CULTURAL AND NATURAL HERITAGE

WORLD HERITAGE COMMITTEE

Twenty-fifth session

Helsinki, Finland
11 - 16 December 2001

**Extract concerning Afghanistan's heritage from the
REPORT OF THE WORLD HERITAGE COMMITTEE**

IV.b FOLLOW-UP TO THE RESOLUTION OF THE THIRTEENTH GENERAL ASSEMBLY OF STATES PARTIES (30-31 OCTOBER 2001): ACTS CONSTITUTING "CRIMES AGAINST THE COMMON HERITAGE OF HUMANITY"

IV.4 The Secretariat presented Working Document WHC-01/CONF.208/23 concerning the chronology of events related to the nomination for inclusion on the World Heritage List of the statues of Bamiyan and other Afghan cultural heritage properties submitted by the Afghan authorities. The Committee was informed that in 1982, nine nominations of cultural heritage properties submitted by the Democratic Republic of Afghanistan had been received by UNESCO for inscription on the World Heritage List. However, as five were incomplete nominations, only four were evaluated by ICOMOS and were subsequently deferred by the Committee at its seventh session in 1983.

IV.5 The Assistant Director-General for Culture, in his capacity as the Representative of the Director-General of UNESCO informed the Committee that the Opening Session of the twenty-fifth session of the Bureau of the World Heritage Committee held in June was dedicated to Afghan heritage. He informed the Committee of UNESCO's recent actions relating to the protection of Afghan heritage and the wider scope of activities within the competence of the Organization. A special Task Force had been established by the Director-General, headed by the Assistant Director-General for Education, Sir John Daniels, to prepare UNESCO's programme which will form part of the United Nations Inter-agency Programme for the rehabilitation of Afghanistan. Education will be the main priority of UNESCO, although activities for the protection of cultural and natural heritage will also be presented.

IV.6 A representative of the Culture Sector is a member of this UNESCO Task Force and the Centre will be working closely with him. The urgent need for an assessment of the present state of conservation of the cultural heritage properties of Afghanistan was recognized as a priority within the range of cultural activities in post-conflict Afghanistan. Among the priority actions identified are: assessment of the current state of (1) the Kabul National Museum, where many artifacts from archaeological properties, monuments and sites within Afghanistan were kept; (2) Bamiyan, (3) the Minaret of Jam, (4) the Mosque of Haji Piyada in Balkh Province, (5) the site of Surkh Kotal, and (6) the Old Town of Herat (including the Friday Mosque, ceramic tile workshop, Musallah complex, fifth minaret, Gawhar Shad mausoleum, mausoleum of Ali Sher Nava'i and the Shah Zadehah mausoleum complex). To this end, the Assistant Director-General for Culture informed the Committee that a mission as early as January 2002 was being planned.

IV.7 He stated that the Governments of Belgium and Switzerland had offered to organize expert meetings in 2002 to reflect upon ways and means to enhance the implementation of the UNESCO legal instruments for the protection of the common heritage of humanity. Moreover, the Director-General of UNESCO will organize a meeting concerning the interpretation of Islamic law and cultural heritage, in co-operation with the Faculty of Law of Qatar, ISESCO, and ALECSO. The Ministry of Foreign Affairs of the Government of France organized, on 6 December 2001, a meeting to discuss the reconstruction of Afghanistan. During this meeting, UNESCO participated in a roundtable discussion

concerning the cultural heritage of Afghanistan with former Ambassador Pierre Lafrance of France, who undertook a mission to Afghanistan in March 2001 as Special Envoy of the Director-General in an attempt to convince the Taliban not to destroy the Bamiyan Buddhas.

IV.8 The Committee was informed that UNESCO continued to work in close collaboration with the Committee's Advisory Bodies (ICOMOS and ICCROM), institutions and NGOs such as the Society for the Protection of Afghanistan's Cultural Heritage (SPACH), the Pakistan-based international NGO, Hirayama Foundation (Japan), Fondation Bibliotheca Afghanica (Switzerland), and the Musée Guimet (France).

IV.9 The Committee and observers, noting the deliberations during the Bureau at its twenty-fifth session and the General Assembly of States Parties to the World Heritage Convention at its thirteenth session, reiterated the importance of education, awareness building activities, and capacity building to prevent deliberate and wilful destructions of the cultural and natural heritage of humankind. The Delegate of Egypt informed the Committee that his Government had immediately sent the highest ranking Islamic religious leader of Egypt to attempt to dissuade the Taliban forces from destroying the Bamiyan Buddhas. The Committee noted with appreciation all the efforts made by the States Parties aimed to dissuade the Taliban forces from destroying the monuments and sites of Bamiyan. Taking into consideration the gravity of the situation in Afghanistan, the Committee underscored the necessity for taking concrete actions to support the protection of the country's cultural and natural heritage.

IV.10 A number of delegates stated that a situation such as the Bamiyan case merited the convening of an extraordinary session of the Committee to activate paragraph 67 of the *Operational Guidelines* which could have been applicable for Bamiyan and other nominated sites whose outstanding universal value had been recognized by ICOMOS and the Bureau. In response to the point raised by the Delegate of Greece on why UNESCO did not convene an extraordinary session of the World Heritage Committee soon after the threat proclaimed by the Taliban forces, the Committee was informed that all possibilities were examined, as if the Bamiyan Buddhas were actually inscribed on the World Heritage List. The Director-General considered that the urgent inscription of Bamiyan and other Afghan cultural heritage properties on an exceptional basis may not serve the intended purpose of protection and conservation because of the unpredictability of the Taliban's reaction. Unfortunately, the destruction of the Bamiyan Buddhas occurred within days of the proclamation.

IV.11 Several delegates suggested that the events related to the 30th anniversary of the World Heritage Convention be devoted to drawing international attention to the natural and cultural heritage of Afghanistan, with appropriate budgetary provisions.

IV.12 Regarding the debate over the reconstruction of the Bamiyan Buddhas, the Committee underlined the importance of respecting the wishes of the Afghan authorities and international conservation norms such as the Venice Charter and Nara Statement on Authenticity. The Assistant Director-General informed the Committee that the Bamiyan Buddhas had been carved out of a soft stone cliff, and any reconstruction project would require careful consideration with international technical expertise. The Observer of Austria extended the technical expertise of Graz Technical University for the elaboration of the technical details for the reconstruction of the Bamiyan Buddhas.

IV.13 IUCN, recalling that plundering and illicit trafficking of the irreplaceable resources was not only restricted to cultural heritage but also affecting natural heritage resources, drew the attention of the Committee to the importance of the country's natural heritage. ICOMOS underscored the serious degree of looting and illegal transfer of cultural heritage properties from sites of potential World Heritage value and stressed the importance and need for effective co-operation of non-governmental organizations such as the International Committee of the Blue Cross (ICBC), the International Council on Archives (ICA), the International Council of Museums (ICOM) amongst others, which complement inter-governmental activities for the protection of movable and immovable properties in times of armed conflict, including in Afghanistan. The Observer of ALECSO appealed to the Committee to take concrete action to promote the protection of the cultural and natural heritage of Afghanistan. The Committee and observers emphasized the importance for the World Heritage Convention to be implemented in a pro-active manner, instead of in a reactive manner.

IV.14 Following the deliberations, the Chairperson requested a Working Group to:

- (i) elaborate a plan of action to provide assistance to Afghanistan to implement the World Heritage Convention in the wake of the destruction of the monuments of Bamiyan Valley;
- (ii) consider:
 - a) *ways and means by which the implementation of the World Heritage Convention can be reinforced*, especially in relation to the other relevant UNESCO Conventions for the protection of cultural heritage;
 - b) *measures* for enhancing the promotion of education, awareness raising activities and communication concerning the irreplaceable values of the cultural heritage of humanity;
 - c) *improved mechanisms for promoting the scientific documentation* of potential and existing world cultural heritage properties.

IV.15 The Group was composed of the Delegates of Argentina, Egypt, Greece, India, South Africa, Observers of Iran (Islamic Republic of) and Pakistan, the three Advisory Bodies, the UNESCO Assistant Director-General for Culture, the Director and Deputy Director of the World Heritage Centre. The Delegate of India, Ms Neemal Sabhrawal, chaired the Working Group, which met twice and also held consultations.

IV.16 Upon examination of the work of the Working Group the following decision, composed of three parts, was adopted:

Part 1

1.1 The Committee examined the chronology of events related to the nomination for inclusion on the World Heritage List of the statues of Bamiyan and other cultural heritage properties of Afghanistan by the Afghan authorities presented in WHC-01/CONF.208/23 at the request of the Thirteenth General Assembly of States Parties to the World Heritage Convention.

1.2 It expressed appreciation for the additional information presented by the Representative of the Director-General of UNESCO concerning the continued efforts being made by UNESCO to protect the heritage of Afghanistan.

1.3 The Committee reiterated the condemnation of the wilful destruction of the cultural heritage of Afghanistan by the Thirteenth General Assembly of States Parties to the World Heritage Convention, and took note of the Resolution adopted by the thirty-first UNESCO General Conference concerning the Acts constituting “crimes against the common heritage of humanity”.

1.4 The Committee underscored its conviction that all steps taken to implement the UNESCO World Heritage Convention in Afghanistan should be planned and executed within the overall framework of the UN Inter-agency programme being elaborated for the rehabilitation and reconstruction of Afghanistan.

1.5 It recognized the need to examine possible actions that the World Heritage Committee can take in similar future cases where there are threats of deliberate and wilful destruction of the World Heritage and potential World Heritage.

1.6 The Committee underlined the provisions of the Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague, 1954) and its Protocols, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970), the World Heritage Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the UNIDROIT Convention and other relevant international legal instruments.

1.7 It further noted with regret that of the 167 States Parties to the World Heritage Convention, only 100 countries are States Parties to the 1954 Convention, 83 States Parties to the First Protocol, and 91 States Parties to the 1970 Convention.

1.8 The Committee expressed its appreciation to UNESCO for commissioning a legal analysis on the ways and means by which the implementation of the relevant UNESCO Conventions concerning the protection of cultural heritage can be reinforced.

1.9 The Committee reaffirmed the duty of the international community as a whole to protect the heritage of humanity, in accordance with Article 6 of the World Heritage Convention.

Part 2

2.1 The Committee encouraged States Parties to the World Heritage Convention, UNESCO and the World Heritage Centre to mobilize and support to the extent possible and as appropriate, activities by non-governmental organizations active in the field of heritage protection for safeguarding the heritage of Afghanistan.

2.2 It requested the World Heritage Centre to organize a technical fact-finding and consultative mission to Afghanistan, within the framework of the UN Inter-Agency programme for the reconstruction of Afghanistan, as soon as possible and when the security situation permits,

- (i) to assist the Afghan authorities in elaborating a national action plan for the implementation of the World Heritage Convention;
- (ii) to provide assistance to the Afghan authorities for collating scientific documentation to elaborate a national inventory on natural and cultural heritage properties of Afghanistan in close co-operation with the relevant Advisory Bodies;

- (iii) to assess the state of conservation of the natural and cultural heritage of Afghanistan;
- (iv) to encourage the authorities, supported by the World Heritage Centre, in reactivating the nomination process initiated by the former Afghan authorities in 1981;
- (v) to provide assistance to the authorities as appropriate to reformulate and/or complete the nomination dossiers of those properties deferred in 1983 by the World Heritage Committee, in spite of the recognition of the universal significance of such properties;

2.3 Based upon the results of this fact-finding mission, the Committee encouraged the Afghan authorities in elaborating a Tentative List of properties that they may wish to nominate for inscription on the World Heritage List.

2.4 The Committee decided to allocate US\$49,000 from the World Heritage Fund Emergency Assistance Budget on an exceptional basis for (a) the organization of the fact-finding and consultative mission (see Annex VIII.A) and for (b) the compilation of the scientific documentation to assist the Afghan authorities in preparing national inventories of natural and cultural heritage properties and to reformulate the nominations submitted by the former Afghan authorities in 1981 (see Annex VIII.B).

2.5 The Committee requested the World Heritage Centre to keep it informed of the results of the fact-finding and consultative mission to Afghanistan soon after its completion. The Committee requested the World Heritage Centre to inform the Committee at its twenty-sixth session in June 2002 on the progress made in assisting the Afghan authorities in implementing the World Heritage Convention.

Part 3

3.1 The Committee reiterated the appeal made by the General Assembly of States Parties to the World Heritage Convention to all States Parties to become signatories to the Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict, its two Protocols, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, the UNIDROIT Convention and other international legal instruments protecting cultural heritage, if they have not yet done so, in order to maximize the protection of the cultural heritage of humanity, and in particular, against destructive acts, especially taking into consideration the designation of year 2002 as the *United Nations Year for Cultural Heritage*.

3.2 The Committee noted the fundamental principles and guidelines included in these instruments to prevent the destruction of the heritage including looting and illicit excavations and transfer.

3.3 The Committee requested UNESCO through the World Heritage Centre to prepare, in the meantime, explanatory notes outlining the obligations of States Parties of the World Heritage Convention in relation to the other relevant UNESCO Conventions for the protection of cultural heritage.

3.4 It requested the UNESCO World Heritage Centre to make available for the information and consideration by the Committee at its twenty-sixth session in June 2002, the legal analysis on the ways and means to reinforce the implementation of the relevant UNESCO Conventions for the protection of cultural heritage being completed by the former Chairperson of the World Heritage Committee, Dr F. Francioni, for the UNESCO Director-General.

3.5 The Committee decided to reconsider at its twenty-sixth session when further information is made available, ways and means by which the implementation of the World Heritage Convention

can be reinforced, especially in relation to other relevant UNESCO Conventions for the protection of cultural and natural heritage, including possible modalities for activating paragraph 67 of the *Operational Guidelines for the Implementation of the World Heritage Convention*, in future cases like the destruction of the statues of Bamiyan in Afghanistan.

3.6 The Committee requested the World Heritage Centre to elaborate all possible initiatives the World Heritage Committee and the Director-General of UNESCO can take in future cases of wilful and deliberate destruction of heritage.

XIII. 30TH ANNIVERSARY EVENTS

XIII.1 As requested by the Committee, a specific item was devoted to the examination of events scheduled to take place during 2002 in celebration of the 30th anniversary of the World Heritage Convention.

XIII.2 The Director of the Centre introduced this item giving some background concerning initiatives conducted in the past in celebration of anniversaries. He further noted that it was important to commemorate the adoption of the Convention as this would certainly give greater visibility to the Convention and promote its objectives. He further stressed that most of the events proposed to take place in 2002 would be participatory. Such occasions would provide experts and other actors with opportunities to assess the effectiveness of existing conservation tools and identify issues to be addressed in the future.

XIII.3 He recalled that the General Assembly of States Parties of the United Nations had just recently decided to proclaim 2002 as the UN Year of Cultural Heritage, in the aftermath of the destruction of the Bamiyan Buddhas in Afghanistan, and underlined the need to establish linkages between the anniversary of the Convention and this decision.

Budget for Afghanistan Mission

Estimated Budget Breakdown for Fact-Finding & Consultative Mission: US\$32,000

(a) Travel Costs: US\$18,000

?? International Airfare US\$1,500 x 4 persons = US\$6,000

(Director and Secretariat/World Heritage Centre, ICOMOS cultural heritage expert,

IUCN natural heritage expert)

?? Domestic Travel within Afghanistan US\$4,000 (approximate)

?? Daily Subsistence Allowance 4 persons x US\$100 (average) x 15 days = US\$6,000

?? Insurance and other miscellaneous costs US\$2,000

(b) Fees: US\$8,000

(International expert fees: US\$200 x 20 days x 2 experts = US\$8,000)

(c) Reporting costs: US\$2,000

(Photographic, cartographic, and other documentation costs)

(d) Organizational support: US\$4,000

Budget for Afghanistan Scientific Documentation

Estimated Budget Breakdown for Scientific Documentation: US\$17,000

?? ICOMOS/ICCROM Co-ordination Services and Documentation costs for Cultural Heritage of Afghanistan US\$10,000

?? IUCN Co-ordination Services and Documentation costs for Natural Heritage of Afghanistan US\$ 7,000

ANNEX C



UNITED NATIONS YEAR FOR CULTURAL HERITAGE
ANNÉE DES NATIONS UNIES POUR LE PATRIMOINE CULTUREL
AÑO DE LAS NACIONES UNIDAS DEL PATRIMONIO CULTURAL
سنة الأمم المتحدة للتراث الثقافي
ГОД КУЛЬТУРНОГО НАСЛЕДИЯ ОРГАНИЗАЦИИ ОБЪЕДИНЕННЫХ НАЦИЙ
联合国文化遗产年

INTERNATIONAL SEMINAR ON THE REHABILITATION OF AFGHANISTAN'S CULTURAL HERITAGE

ORGANIZED BY
UNESCO & THE MINISTRY OF INFORMATION & CULTURE OF AFGHANISTAN

KABUL, 27 – 29 MAY 2002
Hotel Intercontinental

CONCLUSIONS AND RECOMMENDATIONS

FINAL VERSION 11 June 2002

I. BACKGROUND

I.1. Over many thousands of years, Afghanistan has been the home of many civilizations and different religions. Its rich historical culture has played a great and important role in the heritage of humankind. Over many generations, Afghanistan has attracted the attention of many historians, archaeologists, and an endless variety of scholarly researchers. Unfortunately, the economic, social, and cultural foundations of this country have been subject to tragic abuse and destruction over two decades of war and civil unrest. As a consequence, the country's cultural heritage has suffered irreversible damage and loss.

I.2. The rehabilitation of Afghanistan's cultural heritage is one of the main priorities of the Government of Afghanistan and the international community. However, the challenge to rehabilitate the country's endangered cultural heritage is overwhelming, requiring significant mobilization of international and national support for the Afghan authorities and people. It is for this reason that the Ministry of Information and Culture of Afghanistan requested the international community to provide assistance and co-operation to meet this challenge through UNESCO. The Director-General of UNESCO responded wholeheartedly and provided every support for the co-organization of this international

seminar under exceptionally difficult conditions.

I.3. Participants in the International Seminar included Representatives and heritage experts from (i) the Governments of Afghanistan, France, Germany, Greece, India, Italy, Japan, Pakistan, the United Kingdom, the United States of America; (ii) the intergovernmental organizations UNESCO, its World Heritage Committee and UNEP, (iii) NGO's including Aga Khan Trust for Culture, Agency for Technical Co-operation and Development (ACTED), Bibliotheca Afghanica Foundation, Centre d'Etudes et de Recherches Documentaires sur l'Afghanistan (CEREDAF), Helping Afghan Farmers Organization (HAFO), Hirayama Foundation, ICOMOS, International Foundation of Hope, Society for the Protection of Afghanistan's Cultural Heritage (SPACH), and the World Monuments Fund..

I.4. In the presence of His Highness the Prince Mirwais, the Seminar was inaugurated by His Excellency Mr Hamed Karzai, Chairperson of the Interim Administration of Afghanistan, followed by a comprehensive speech given by His Excellency Mr Makhdoum Raheen, Minister for Information and Culture. A message from the Director-General of UNESCO was delivered by the Assistant Director-General for Culture of UNESCO, Mr Mounir Bouchenaki. Opening and congratulatory statements were further made during the Opening session by UNESCO's Goodwill Ambassador for Culture, Professor Ikuo Hirayama, the Chairperson of the UNESCO World Heritage Committee, Professor Henrik Lilius, the President of ICOMOS, Mr Michael Petzet, the Representative of the Aga Khan Trust for Culture, Mr Stefano Bianca and the Spokesperson for Ms Nancy Dupree, Ms Ana Rosa Rodriguez.

I.5. During the three-day seminar, scientific discussions were held concerning the importance, problems, and difficulties in the conservation and rehabilitation of the Afghan tangible and intangible cultural heritage and definition of practical and achievable priority actions to achieve this end. During the seminar, visits to the Ministry of Information and Culture's storage room and the remains of the Kabul National Museum of Afghanistan were organized. During the seminar, appreciation was expressed for previous and / or continued support to the important efforts of the Afghan authorities in commencing the assessment, conservation and rehabilitation of the country's endangered heritage. Special tribute was paid to all Afghan specialists and citizens who have made extraordinary efforts to protect Afghanistan's cultural heritage during the past two decades of difficult periods.

I.6. After examination and consideration of the surviving inventories, documentation and archives of the Afghan cultural heritage (including those of the National Museum, Institute of Archaeology and the Ministry of Information and Culture), the state of conservation of the principal monuments and sites, the deplorable and continuing matter of the looting of major archaeological properties throughout the country, the Seminar adopted the following concluding remarks and recommendations.

II. KABUL NATIONAL MUSEUM OF AFGHANISTAN, OTHER PROVINCIAL MUSEUMS,

AND INSTITUTIONAL CAPACITY BUILDING OF AFGHAN MUSEUMS

II.1. The Seminar participants agreed that during the period of the reconstruction of the Kabul Museum, or ideally, as soon as possible, plans should be laid to find another, centrally located site for a temporary museum and/or work place; probably an already existing structure which can be turned to temporary museum use. Such a place would help to consolidate the surviving collection and to remind local people at a central easily accessible place of the importance of their ancient roots and of the museum which helps to interpret these issues to them.

II.2. The need now for an area large enough for the surviving collections to be examined, conserved, repaired, or dealt with in whichever way was clearly recognized. These objects, once settled in conservation terms, will require documentation through digital photography and checking against all or any existing museum records, and thereafter stored or temporary displayed in a safe place designated and secured by the Afghan authorities. When the old museum building is finished and made secure, the collections will be transferred to the Darul-Aman site until the new museum is established for final display.

II.3. The Seminar underscored the importance for all existing written or photographic records associated with the museum to be collated and entered into an electronic database. Noting the importance to identify what does and does not exist, all old registration entries need to be collated in digital form. This process is an essential part of the management of any modern museum. The Seminar supported the proposition to scan into a database, images of as many as possible objects in the original Kabul Museum display, including those known to have been lost or stolen to serve as the foundation for a "virtual" collection to give new life to the original collections. Such a "virtual museum" could be published on to the internet. The Seminar also recommended that examination of existing databases for possible adaptive use and application be considered

II.4. The need to increase the basic capacity of the Afghan museum service to carry out its tasks to the highest level was recommended by the Seminar as a matter of great urgency. In that connection, the following priorities were reaffirmed:

- (i) rehabilitation of the present museum building at Darul-Aman Darulaman to initially house the surviving collection of the Kabul Museum and to facilitate the re-establishment of its inventory and archives.
- (ii) restoration of the broken objects in the Kabul Museum as a matter of urgency.
- (iii) provision of show cases for the museum galleries and appropriate storage facilities.
- (iv) re-establishment of the departments of museology and design, restoration,

photography and library through training activities and with the support of UNESCO, ICOMOS, ICOM, and other archaeological institutions

- (v) re-establishment of ethnographic and provincial museums, such as those in Balkh, Bamiyan, Ghazni, Herat, Kandahar, Kunduz, Mazar-i Sharif, Nangahar, and others.
- (vi) introduction of new information technology.
- (vii) elaboration of plans to identify an appropriate site for a new museum to be built in Kabul City.

II.5. The Government of Greece announced that it had committed US\$ 750,000 for the rehabilitation of the cultural heritage of Afghanistan. The bulk of this contribution would be allocated for the rehabilitation of the Kabul Museum building, as announced during the January 2002 Tokyo Conference, according to the existing original plans and with Afghan technical support. The Seminar participants were informed that UNESCO provided on 29 May 2002, with the agreement of the Afghan Ministry of Culture and Information, for the consideration by the Hellenic Aid, the *Mission Report and Project Proposal for the Rehabilitation of the Kabul Museum* prepared by Professor Andrea Bruno at the request of the Government of Afghanistan to UNESCO in March 2002.

II.6. The Seminar participants noted with appreciation that the Istituto per l'Africa e l'Oriente di Roma (ISIAO, Italy) would send a specialist expert to evaluate the Ghazni Museum and the Ghazni collections in Kabul within the next few months. ISIAO also assured the authorities that it would also provide a copy of all ISIAO inventories of objects excavated in Ghazni and other Afghan sites for re-establishment of the inventory and archives of the Kabul Museum and other provincial museums.

II.7. The Seminar participants expressed appreciation to the Centre d'Etudes et de Recherches Documentaires sur l'Afghanistan (CEREDAF, France) which pledged to provide basic conservation equipment to the Kabul Museum in accordance with the list of necessary equipment drawn up by the Museum authorities to enhance the restoration of objects of the collection.

II.8. It was noted that UNESCO would continue to support the safekeeping of the Afghan cultural heritage outside the country in "safe-havens", such as the Bibliotheca Afghanica Foundation and the Hirayama Foundation, with the aim of co-ordinating the return of such heritage to Afghanistan as soon as the situation in Afghanistan permits.

II.9. The Seminar participants noted with gratitude the offers made by the Musée Guimet (France) and the British Museum (United Kingdom) to assist the Afghan authorities in the re-compilation of scientific documentation and preparation of inventories of the Kabul Museum, and to provide fellowships for national museum experts in the fields of museology, numismatic, conservation, and museum

management.

II.10. Taking into account the need to compile the existing documentation for the re-establishment of the inventory of the Kabul Museum collection, the Society for the Preservation of Afghanistan's Cultural Heritage (SPACH), and Ms Carla Grissmann in particular, offered to transmit previously prepared inventories of 1998, 1999 and 2000 to the Afghan authorities. The Seminar participants noted with appreciation, the announcement made by SPACH to re-open its office in Kabul, and its intentions to return to the National Museum of Kabul, cultural heritage objects which it has safeguarded until now. The Seminar participants advised SPACH to continue to safeguard these cultural heritage objects until the Kabul Museum is ready to recuperate this material.

II.11. The Seminar participants expressed appreciation to the Department of Archaeology of the Government of Pakistan which informed the participants that it would provide technical assistance to retrieve artifacts looted from the Kabul Museum and from illicit excavations in Afghanistan, which are currently on the Pakistan art market or in private hands.

III. NATIONAL INVENTORY, ARCHAEOLOGICAL RESEARCH AND DOCUMENTATION

III.1. The Seminar participants examined the national capacity-building requirements for re-establishing the national inventory of heritage properties and movable objects, archaeological research and documentation. The lack of basic requirements for recording surviving documentation and photographs were underscored by the Afghan authorities and experts, and the seminar recognized the urgent need to mobilize international support for compiling existing records and documentation, and to rebuild the archival resources.

III.2. The Seminar participants expressed gratitude to the Government of Germany for pledging Euro 365,000 for institutional capacity-building for the Academy of Sciences' Institute of Archaeology and the University of Kabul's Department of Archaeology through co-operation and assistance from the German Archaeological Institute, based upon the list drawn up by these institutions of required equipment and training for this purpose.

III.3. The Seminar participants recommended that a publication presenting Afghan cultural heritage properties be prepared in co-operation with the Ministry of Information and Culture's Department of Historical Monuments to enhance awareness of the international community.

IV. MONUMENTS AND SITES OF AFGHANISTAN

IV.1. The Seminar participants examined the presentations made by Afghan and international experts concerning the most up-to-date state of conservation reports of specific cultural heritage properties in Afghanistan. The overwhelming need for the mobilization of financial and technical assistance to

conserve, present, manage and rehabilitate Afghan cultural heritage properties was underscored.

IV.2. The Representative of UNESCO's World Heritage Centre informed the Seminar participants on the chronology of events related to the implementation of the World Heritage Convention in Afghanistan, an early signatory to the World Heritage Convention. The process and requirements for nominating Afghan cultural and natural heritage properties for inscription on the World Heritage List were clarified, and the Afghan authorities and Seminar participants were urged to utilize this unique international instrument for mobilizing support to conserve and manage properties the authorities intend to nominate in the coming years.

IV.3. The Afghan authorities and international experts reaffirmed the importance of the nine cultural heritage properties (The City and Monuments of Herat; the Monuments of Bamiyan Valley including Fouladi, Kakrak, Shahr-I Gholghola, and Shahr-I Zohak; the Archaeological Site of Ai Khanum; the Site and Monuments of Ghazni; the Minaret of Jam; the Mosque of Haji Piyada or Nou Gunbad; the Stupa and Monastery of Guldarra; the Site and Monuments of Lashkari Bazar - Bost; the Archaeological Site of Surkh Kotal) which had been nominated in 1982 and deferred by the World Heritage Committee in 1983.

IV.4. The Seminar noted that potential natural world heritage properties include the Band-e Amir Lakes, Hadda, Upper Murghab and Jawand Canyons, Pamir Knot, and the Eastern Forests of Nuristan, Paktya and Paktika.

IV.5. Following the decisions of the General Assembly of States Parties to the World Heritage Convention (November 2001) and the World Heritage Committee (December 2001), and the recommendations of the Bureau of the World Heritage Committee adopted during its 26th session (April 2002), the Seminar participants were assured that UNESCO continues to make every effort to mobilize international support to assist the Afghan authorities in reactivating the World Heritage Convention. In particular, the Seminar participants were informed on the results and recommendations of the Joint UNESCO World Heritage Centre - ICOMOS Mission undertaken between 28 April - 11 May 2002, which emphasized the points reiterated during the Seminar which were:

- (a) compilation of data bases of cultural heritage in Afghanistan and assessment activities for the state of conservation of heritage properties, to re-establish the national inventory of cultural and natural properties with a view to elaborate a new Tentative List of properties to be eventually nominated for inscription on the World Heritage List.
- (b) building capacity of technical personnel on the World Heritage Convention, international conservation principles, preparation of nomination dossiers, management plans, establishment of protective core and buffer zones.
- (c) urgent intervention to prevent collapse of structures or irreversible loss of heritage values

and establishment of local monitoring and conservation of endangered properties.

- (d) technical support for systematic monitoring of properties, provision of basic equipment and tools for conservation and management, project elaboration for the mobilization of technical and financial resources.

IV.6. The Seminar participants recommended that the Afghan authorities prepare and present the Tentative List of potential World Heritage properties to the UNESCO World Heritage Committee.

IV.7. The Seminar Participants were assured that the Conclusions and Recommendations of this International Seminar for the Rehabilitation of Afghanistan's Cultural Heritage would be transmitted to the World Heritage Committee at its forthcoming 26th session in June 2002 to disseminate the cultural and natural heritage conservation needs in Afghanistan to the 170 States Parties to the World Heritage Convention, with a view to mobilize further maximum support from Governments, institutions, NGOs, and experts for the Afghan authorities.

IV.8. Noting the development pressure in urban areas, the Seminar participants recognized the importance to establish adequate building regulations, town planning and legislative acts to protect urban heritage.

IV.9. The Seminar participants acknowledged with deep appreciation, the assistance and on-going work supported by the Aga Khan Trust for Culture, which has committed a minimum of US\$ 5 million for a number of cultural development projects, including the conservation of the walled city of Herat, the Timur Shah Mausoleum complex, its adjacent old markets, and the Babur Gardens in Kabul, the latter which is foreseen to be implemented in co-operation with ICOMOS and the German Government. The Seminar was also informed that there were plans for the conservation of other historic cities being elaborated parallel to pilot projects promoting the enhancement of traditional houses in Kabul, Herat and Bamiyan.

IV.10. The Seminar participants expressed appreciation to the Government of Germany for pledging Euro 365,000 to be provided through ICOMOS for the implementation and co-ordination of activities to safeguard endangered monuments and sites in Afghanistan. It was noted that this contribution would focus on the co-operation with the Aga Khan Trust for Culture in favour of the conservation of the walls and monumental buildings of the Babur Gardens in Kabul, the repair and reconstruction of houses in traditional materials and techniques in Kabul and Bamiyan also in partnership with the Aga Khan Trust, capacity building of the Department of Historical Sites through pilot projects and the establishment of a databank of Afghan monuments and sites.

IV.11. The Seminar participants noted with appreciation, the commitment by the Government of the

United States of America to support the rehabilitation of the Afghan National Gallery and the restoration of Babur Gardens.

IV.12. The Pakistan Government's Department of Archaeology and Museums informed the Seminar participants that it would assist in archaeological excavations and site surveys. In addition, the Seminar participants noted with appreciation, the Department of Archaeology's intention to participate to conserve museum objects, if requested by the Afghan Government, and to assist in the conservation of the Babur Gardens.

IV.13. The commitment of the Government of India to assist the Afghan authorities to conserve their monuments and sites and to provide training to the Afghan archaeologists was noted with appreciation.

IV.14. The eyes of the world have been on the Bamiyan Valley since early 2001 since the destruction of the great Buddhist statues, a dominant feature of that famous place. It was noted that much discussion has taken place in Afghanistan and around the world about the future of this great site. The Seminar participants clearly recognized that the first emergency priority is the stabilization of the cliff face and the niches and caves carved into it which are in a serious state of conservation and a matter of grave immediate concern. The decision to engage in reconstruction of the Buddhist statues of Bamiyan is a matter to be settled by the Government and people of Afghanistan, a point clearly recognized by the Seminar participants. In any case, the Seminar participants underscored that such work could be undertaken only after major stabilization work on the cliffs at Bamiyan has been completed, a process which is an essential first step in any conservation process at the Bamiyan Valley site.

IV.15. The Seminar participants agreed that the concept of reconstruction was not a priority when humanitarian aid for the Afghan people was urgently needed today. The Seminar participants emphasized that the authenticity and integrity and historical importance of this great place need to be memorialized in an appropriate way, and that the reconstruction of the statues of Bamiyan requires further discussion and careful consideration by the appropriate authorities, taking into full account the intention of the authorities to nominate the Monuments and Sites of Bamiyan Valley for eventual inscription on the World Heritage List.

IV.16. The Seminar participants expressed deep gratitude to the Government of Japan which pledged US\$ 700,000 as UNESCO Funds-in-Trust to consolidate the cliffs of the former Bamiyan statues, to establish a Site Interpretation Museum on the history of the Bamiyan Valley and to carry out archaeological excavations.

IV.17. The Seminar recommended that a feasibility study be carried out for any proposition to install a hologram of the statues of Bamiyan, which was proposed as a possible means to demonstrate the different stages in the history of this site and its former glory.

IV.18. It was noted with appreciation that SPACH will undertake emergency removal of debris from the Hari and Jam Rivers to prevent water penetration at the base of the Minaret of Jam with the financial support of UNESCO.

V. INTANGIBLE CULTURAL HERITAGE OF AFGHANISTAN

V.1. Underscoring the fact that cultural heritage concerns not only monuments and sites of archaeological importance, the Seminar participants thanked the International Foundation of Hope for pledging support for the restoration of the Theatre of Kabul, a rehabilitation activity which would directly lead to the revitalization of the living cultural heritage of the people of Afghanistan.

V.2. The Seminar participants noted with appreciation the contribution from the Government of Greece for the rehabilitation of the National Theatrical Company, Music Centre, and the National Gallery.

VI. ILLICIT TRAFFIC OF CULTURAL PROPERTY

VI.1. The Seminar participants expressed deep concern over the continued and systematic illegal looting of cultural heritage properties in Afghanistan, in particular in well known archaeological sites which have been researched in the past by national and international scholars. It was noted that the Government of Afghanistan has the first and foremost duty to ban all illegal excavations within Afghanistan and to control strictly its borders to prevent smuggling of illicitly acquired movable cultural resources.

VI.2. The Seminar participants requested that neighboring countries of Afghanistan co-operate in controlling their national borders to prevent further illicit traffic of Afghan cultural heritage.

VI.3. Noting the significant constraints faced by the Afghan authorities to control illegal excavations within the country and transport of cultural heritage, the Seminar participants requested UNESCO to appeal to the international community, in particular to those countries where Afghan cultural heritage material is sold, to provide co-operation to prevent illicit traffic of such property.

VI.4. The Afghan Government was urged to become signatory to the 1954 UNESCO Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict, its Protocols, the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, the 1995 UNIDROIT Convention, and other international legal instruments protecting cultural heritage.

VI.5. The Seminar participants were informed that UNESCO is ready to undertake, in co-operation with the International Council of Museums (ICOM), similar actions that have been effective in similar situations (Angkor World Heritage site, Cambodia).

VII. *FUTURE CO-ORDINATION OF INTERNATIONAL CO-OPERATION BENEFITING AFGHANISTAN'S CULTURAL HERITAGE*

VII.1. The Ministry of Information and Culture expressed deep appreciation to the donor countries and organizations for the financial and technical support pledged during the Seminar. Reiterating this appreciation, the Seminar participants recommended that UNESCO continues to mobilize international technical and financial support for the conservation and rehabilitation of Afghanistan's cultural heritage.

VII.2. UNESCO was called upon to advise the Afghan authorities on the progress of realization of the various proposals in this document in order to avoid duplication of efforts or conflicts of any kind. To this end, the Seminar participants recognized the need for an International Co-ordinating Committee to be established under the auspices of the Government of Afghanistan and UNESCO, which should meet on a regular basis to review various on-going activities supporting the national cultural heritage rehabilitation efforts together with the Afghan authorities, to ensure that international assistance be carried out to the highest international standards. A study will be carried out by UNESCO in close co-operation with the Ministry of Information and Culture in order to set up the modalities of this International Co-ordinating Committee.

VII.3. Convinced of the important role that both tangible and intangible cultural heritage can play in the rehabilitation of Afghanistan, the Seminar participants affirmed the need to maintain the momentum for the national and international efforts to conserve and rehabilitate Afghanistan's cultural heritage. To this end, it called upon UNESCO, Governments, NGO's and experts to continue to publicize the great challenges facing the Afghan cultural heritage and to define ways and means to support the national efforts for enhancing the protection and revitalization of this heritage.

ANNEX D

World Heritage

26 BUR

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UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL
ORGANIZATION

CONVENTION CONCERNING THE PROTECTION OF THE WORLD
CULTURAL AND NATURAL HERITAGE

BUREAU OF THE WORLD HERITAGE COMMITTEE

Twenty-sixth session

Paris, UNESCO Headquarters, Room IV
8 - 13 April 2002

Extract concerning Afghanistan's heritage from the
REPORT OF THE RAPPORTEUR

Reactivation of a deferred nomination at the request of the Committee

Property	Minaret of Jam
Id. N°	211 Rev
State Party	Afghanistan
Criteria proposed	

The Bureau examined the information concerning the reactivation of the deferred nomination of the Minaret of Jam in Afghanistan contained in document WHC-02/CONF.201/12.

The Bureau recalled that:

- (a) The original nomination for the Minaret of Jam submitted by the Democratic Republic of Afghanistan was received by the UNESCO Secretariat on 14 April 1982. Jam is located at the border of Ghor and Herat Province and is believed to have been the site of the 12th century Firuzkuh capital of the Ghurid empire (1000 - 1215 CE) which ruled Afghanistan and parts of India in the 12th - 13th centuries. The Minaret of Jam, or the “victory tower” is 65 meters tall and is the second highest minaret in the world that directly inspired the Qutb Minar World Heritage property in New Delhi, India. Made of four tapering cylindrical shafts on an octagonal base and a double spiral staircase inside, the minaret was completely decorated with richly decorated brickwork and blue tile inscription at the top. There is an inscription dating the construction of the Minaret to 1194. The property is composed of several heritage assets, which include the Minaret, a Jewish cemetery, ruins of three watchtowers, a bridge, fortification walls, a castle, a water reservoir, a bazaar, all located within an area of approximately 5 km².
- (b) In 1983, ICOMOS was favourable to the inscription of the Minaret of Jam on the World Heritage List on the basis of cultural criterion (iii). However, at the time, ICOMOS deemed it difficult to accept the nomination due to insufficient information concerning:
 - the state of preservation of the monument, which was judged to be alarming in 1974 when two UNESCO experts undertook a technical mission to examine means of consolidating the Minaret;
 - the perimeter of the proposed heritage area, which should be sufficiently large to conserve the quality of the beautiful natural surroundings, as well as the archaeological potential of the site.
- (c) Upon examination of the evaluation by ICOMOS at its seventh session in June 1983, the Bureau of the World Heritage Committee requested the authorities to redefine the limits of the zone of protection and to provide precise information on the present state of conservation of the monument.
- (d) At its seventh session in December 1983, the World Heritage Committee decided to defer consideration of the inscription of the Minaret of Jam on the

World Heritage List in light of the fact that the State Party had not provided the information requested by the Bureau.

The Director of the World Heritage Centre presented the following information to the Bureau demonstrating the actions taken since the Committee discussed the reactivation of the World Heritage Convention in Afghanistan and the deferred Afghan nominations at its 25th session (Helsinki, December 2001):

- (i) In January 2002, the World Heritage Centre identified the Minaret of Jam as the most appropriate deferred nomination to reactivate. This was based on careful consideration of the information available concerning the state of conservation of the four deferred nominations, degree of authenticity and integrity of the property, as well as the location, ownership, size, management capacity and threats facing each property. The Minaret of Jam was deemed to be the most appropriate property among the four deferred nominations in view of the fact that it is a single monument surrounded by a small number of related historical and archaeological heritage assets, which comparatively speaking, are all in fairly good condition. The area that could be defined as the zone of protection could be limited to approximately 5 km² including the buffer zone.
- (ii) On 30 January 2002, the Minister of Foreign Affairs of the Interim Administration of Afghanistan officially requested UNESCO to play a co-ordinating role with archaeologists and international organizations to safeguard Afghanistan's cultural heritage. Moreover, the Interim Administration expressed its wish that UNESCO officially informs all Member States as well as institutions active in the field of heritage protection on this official request and its acceptance by UNESCO.
- (iii) Since February 2002, the World Heritage Centre, together with international experts, had been reformulating a draft nomination dossier of the Minaret of Jam for consideration and official submission by the Government of Afghanistan for inscription on the World Heritage List and the List of World Heritage in Danger by the World Heritage Committee at its 26th session.
- (iv) On 28 February 2002, the Deputy Minister of Culture of the Interim Administration of Afghanistan officially requested UNESCO to assist in the safeguarding of the Minaret of Jam.
- (v) In mid-March 2002, complementary action was taken by the Division of Cultural Heritage, UNESCO Sector for Culture, through the organization of an international expert mission to the Minaret of Jam to assess its present state of conservation, to identify emergency conservation requirements and to prepare conservation and restoration proposals. These proposals were being prepared to assist the Afghan authorities' activities to be financed from the US\$ 10 million pledged by the international community during the Tokyo Donors' Conference for the Rehabilitation of Afghanistan in January 2002.
- (vi) The international expert mission undertaken by Professor Andrea Bruno to the site on 21 March 2002 found that the Minaret of Jam was in a relatively fair state of conservation. However, he noted the following three major threats to the property:
 - clandestine excavation of the archaeological remains of Jam and pillage of carved brick decorating the surface of the Minaret;
 - road construction in the immediate vicinity of the Minaret and the archaeological remains being undertaken by an NGO for economic development purposes;
 - structural instability of the Minaret, as its foundation requires proper scientific structural examination and consolidation measures to prevent further leaning.

- (vii) On 27 March 2002, the Minister of Information and Culture informed the Director of the World Heritage Centre that his Administration welcomes the UNESCO WHC – ICOMOS – IUCN Joint Mission and the Committee's wish to reactivate the World Heritage Convention in his country to protect, conserve and present the heritage of humanity located in Afghanistan.
- (viii) The UNESCO WHC – Advisory Bodies Joint Fact-Finding and Consultative Mission would take place between 28 April and 12 May 2002 if security conditions permit. The mission would be composed of the Director of the World Heritage Centre, a Programme Specialist for the Asia-Pacific Region of the Centre, and expert representatives of ICOMOS and IUCN.
- (ix) The draft reformulated nomination dossier of the deferred property of the Minaret and Archaeological Remains of Jam would be finalised by the Government of Afghanistan for official submission after the Joint Mission, for possible inscription of the property on the World Heritage List and the List of World Heritage in Danger by the Committee at its 26th session.

The Bureau expressed its appreciation to the Director-General of UNESCO and the World Heritage Centre for its initiatives and actions taken to assist the Afghan authorities and the Committee in reactivating the World Heritage Convention in Afghanistan. The Bureau also thanked the Interim Administration of Afghanistan for agreeing to receive the UNESCO WHC – ICOMOS – IUCN Joint Mission to Afghanistan scheduled for 28 April – 12 May 2002.

The Representative of Thailand, the Observer of the United Kingdom, and the Representative of ICOMOS underlined the necessity to ensure that the evaluation of the reformulated nomination should be undertaken before the inscription of the property on the World Heritage List and the List of World Heritage in Danger. However, the Delegate of Hungary, the Observer of India and the Director of the World Heritage Centre, recalling the lessons to be learnt from the regrettable destruction of the Bamiyan Buddhas, drew the attention of the Bureau to the important message the Committee could transmit to the international community by recognizing the World Heritage value of the Minaret of Jam, the Afghan cultural heritage property. It was recalled that in accordance with Article 14 of the Convention, it is the Director General of UNESCO who shall prepare the working documents for the Committee.

The Bureau noted the importance of demonstrating the Committee's commitment to assist the Afghan authorities in implementing the World Heritage Convention in Afghanistan, which could include the urgent examination of a reformulated nomination of a deferred property whose World Heritage value was already recognized in 1983. Such action would signify the strengthening of the World Heritage Convention.

Finally, the Bureau recommended that the Committee examine at its 26th session the findings and recommendations of the Joint Mission to Afghanistan, and consider the inscription of the Minaret of Jam as a deferred nomination officially submitted by the Afghan authorities in 1982, and resubmitted in 2002, on the World Heritage List and the List of World Heritage in Danger.

Other heritage properties in Afghanistan:

At the request of the Delegate of Greece, the Bureau was informed by the representative of the Division of Cultural Heritage that a mission was undertaken by a UNESCO expert to Bamiyan between December 2001 and January 2002. This expert found that:

- ?? The large Buddha is entirely destroyed, and its drainage canals restored in 1998 are in good condition but contain rubble. The walls supporting the arch where the large Buddha was located remains intact, but explosions have produced fractures and frescoes have disappeared.
- ?? The small Buddha is also almost entirely destroyed.

?? Some frescoes in caves situated west of the statues have survived but are endangered as signs of looting are evident. The Buddha situated in the Kakrak Valley is also destroyed.

The Bureau was also informed that the Division of Cultural Heritage had organized an international expert mission in March 2002 to the Historic Centre of Herat, another property deferred by the Committee at its seventh session.

Co-ordination of UNESCO actions for heritage protection :

In response to clarifications requested by the Delegate of Mexico, the Bureau was informed that the World Heritage Centre was not a member of the UNESCO Task Force for Afghanistan. The Director of the World Heritage Centre informed the Bureau that information concerning heritage-related activities in Afghanistan was received from the Cultural Heritage Division. Furthermore, he pointed out that to date there has been no indication from the Task Force as to the activities related to the World Heritage Convention.

Noting various missions and activities being planned and implemented bilaterally and multilaterally, ICOMOS underscored the importance of UNESCO playing a co-ordinating role for all heritage activities in Afghanistan, as officially requested by the Interim Administration of Afghanistan. In view of the critical situation in the country and the lack of financial and human resources against the enormous needs, he stated that duplication of efforts should be avoided.

The Bureau invited the Director-General of UNESCO to provide a full report on all actions and initiatives taken by the various divisions of the Sectors for Culture and Science and the World Heritage Centre in assisting the authorities for the protection of the Afghan heritage, for consideration by the Committee at its 26th session.

ANNEX E

UNESCO/ICOMOS Mission to Kabul and Bamiyan (12-21 July 2002)

Apart from the undersigned the following colleagues took part in the UNESCO/ICOMOS mission in Afghanistan:

- ?? Prof. Dr.-Ing. Michael Jansen, RWTH Aachen, member of ICOMOS Germany
- ?? Dipl.-Ing. Mario Santana Quintero, M.Sc. of Conservation, member of ICOMOS Venezuela
- ?? Dr. Jörg Fassbinder, geophysicist, Bavarian State Conservation Office
- ?? Dr.-Ing. Zou Yazou, **geoengineer**, University of the German Armed Forces, Munich

The group was looked after by Mr. Jim Williams, representative of UNESCO in Kabul, who also helped with the measurements in Bamiyan in an exemplary way. In Kabul, we were also taken care of by colleagues from the Aga Khan Trust for Culture (Leslie Julian, A. Hasib Latifi, Abdul Wassay Najimi), with whom ICOMOS has already started working together on the restoration of the Babur Gardens. Joint pilot projects with the AKTC to rebuild residential buildings will follow. The Swiss expert on Afghanistan Paul Bucherer-Dietschi participated in the mission as an observer. Bucherer was able to arrange a dinner on the evening of 14 July (the day before we flew to Bamiyan) with the Afghan Minister of Urban Development and other members of the cabinet so that our various projects could also be discussed with the political side. On the day of our arrival in Bamiyan (15 July) our delegation was given a warm welcome by the governor and the mayor who informed us about the local situation and the urgent wish to "reconstruct" the Buddhas. Finally, on 19 July the undersigned as well as Prof. Jansen had the opportunity to inform Ms Schlottmann from the German embassy in Kabul about our progress. Leslie Julian from the AKTC joined this meeting at the end. On 20 July the time after our flight from Kabul to Dubai was used to visit the excavation site of Julfar in the Emirate of Ras al Khaimar. This was an urban excavation where Prof. Jansen at that time had made first experiments on a three-dimensional documentation of an archaeological site with the help of a total station, which has also now been used successfully in Afghanistan.

For the results of our work in the Babur Gardens on 14 and 19 July as well as in Bamiyan from 14-18 July please refer also to the enclosed reports by our colleagues Fassbinder, Santana and Zou. Mario Santana's report also makes recommendations for the future work. Jörg Fassbinder's results will have to be further appreciated within the general context, and Zou Yazou will shortly replace his preliminary report by a more detailed one.

I. The Babur Gardens

The Babur Gardens, fortunately cleared of mines already some time ago, have become a major attraction for the people of Kabul despite the considerable damages during the war and the strongly neglected state at present. After initial visits and talks at the end of May there was opportunity to investigate the progress of repair made in the meantime, particularly with regard to the tall surrounding walls with their towers (upper section of the gardens). Further possible steps of restoration were

discussed. The ruins of the palace, the former German embassy, part of which needs a makeshift roof before the approach of winter to stop further decay, were inspected by the delegation together with representatives of the AKTC. It was important that the presence of Ratish Nanda, member of ICOMOS India, could be co-ordinated with our visit. As an architect Mr Nanda is in charge of a park in Delhi designed by the son of Babur. He is an excellent specialist with whom we could already discuss the choice of plants for the Babur Gardens and the question of the water supply.

Apart from that the conservation concept for the Babur Gardens will refer to the state around 1640 when the mosque was built and the gardens were remodelled. This state is documented in a contemporary description, and in some details is still recognisable. In this context a number of old photos showing the park before the alterations of the 20th century are also of importance. Nevertheless, the restoration concept has to accept certain later additions, such as the pavilion of the 19th century as well as the modern swimming pools in a side section of the upper part. A relevant prerequisite for the excavations planned for August by the German Archaeological Institute is the magnetometer inspection made on five test surfaces (see the report by Jörg Fassbinder). In spite of iron remains spread all over the gardens, making magnetic field measurements difficult to implement, interesting results have been achieved which under the present circumstances may be considered to have been finished. On the other hand, the three-dimensional survey of the entire gardens directed by Prof. Jansen with a total station, an important basis for future planning, will take up a few more days. This is meant to continue and be finished in the course of this summer (see report by Mario Santana).

II. Repair of historic residential buildings

Although Kabul was badly destroyed during the war a historic quarter (Ashekan and Arefan) has survived with an abundance of important building fabric threatened by decay. Here there will be a chance to implement various pilot projects together with the AKTC in the sense of necessary urban repair. The undersigned and Prof. Jansen visited a number of buildings in that quarter together with the architect Abdul Wassay Najimi and discussed possibilities of repairing them in the architectural office of the AKTC on 19 July. There are also plans to send a young German architect and building archaeologist to Kabul for some weeks to work on the Babur Gardens. With the funds at our disposal it was originally intended not just to launch pilot projects to repair urban architecture, but also vernacular architecture in Bamiyan. Visits to villages and farmsteads in Bamiyan, some of the latter resembling fortifications, proved however that in many places reconstruction has already begun. This is mostly repair work with traditional materials and techniques as modern materials are not available. From a conservation point of view we must welcome that traditional vernacular architecture is preserved in that particular part of the country without any help from outside. Consequently, the funds made available for vernacular buildings in Bamiyan could either be used for the historic quarter in Kabul or for initial stabilisation measures to save the Buddhas of Bamiyan.

III. The Great and the Small Buddha in Bamiyan

The condition of the rock surfaces after the blowing-up of the Buddhas by the Taliban in March 2001 needed to be investigated by experts so that methods to stabilise the historic remains could be developed. On request of UNESCO (which already has a costs estimate for the stabilisation of the rocks from a Swiss firm) the ICOMOS team made comprehensive measurements and investigations between 15 and 17 July, which – in contrast to the public speculations about the necessary steps to “reconstruct” the Buddhas – resulted in a sensible conservation concept.

Without thorough examinations one had to assume that after the blowing-up of the Buddhas not much more had remained than heaps of rubble and dust. Under these circumstances two concepts were developed leading into opposite directions:

- ?? Keeping the present state, in combination with the idea of leaving the historic site unaltered as a kind of memorial to remind the world of the devastating act of vandalism by the Taliban.
- ?? Various suggestions for a “reconstruction” of the Buddhas according to the state before their destruction or even in their “original” state (see the model from the ETH in Zurich based on photogrammetric pictures of the Buddhas before their destruction). For this reconstruction the use of traditional or modern materials materials (a new Buddha made of concrete?) were discussed, furthermore the suggestion to hew new giant sculptures out of the back wall of the rock, thus making the niches even deeper.

Against keeping the present state can be argued that at least the remains need to be secured, not just in order to save the visible traces of the huge sculptures on the back walls, but also to protect visitors today and in the future (particularly in the surroundings of the Small Buddha large parts of the rock are threatened to fall down). Suggestions for a complete “reconstruction” are irresponsible insofar as they only lead to further destruction. Moreover, “brand new” Buddhas of whatever appearance would considerably harm the authentic spirit of this place.

Under these circumstances the only possible solution seems not to be a reconstruction, but instead an anastylosis, put into practice at many archaeological sites and in accordance with Art. 15 of the Venice Charter: “All reconstruction work should however be ruled out ‘a priori’. Only anastylosis, that is to say, the reassembling of existing but dismembered parts can be permitted. The material used for integration should always be recognisable and its use should be the least that will ensure the conservation of a monument and the reinstatement of its form.”

Even if this task may seem unusual in view of the enormous dimensions of these giant statues, anastylosis is common practice in conservation and in this case seems even necessary to save all historic remains. The rubble heaps with some very large fragments of several tons obviously still contain the entire material out of which the Buddha statues were made. This material must not be left to decay further, but instead needs to be carefully salvaged and sorted to be reused for the anastylosis. During preliminary work for an anastylosis, which should go ahead at the same time as the stabilisation of the rock, a great number of technical details would have to be solved, starting with the installation of a construction site. Instead of modern equipment including a crane, which would be

extremely difficult to transport to Bamiyan, wooden constructions possibly erected by local workers might be enough. For instance, in the niche of the Great Buddha a properly anchored hanging scaffold with a movable platform could be installed. In front of the Great Buddha there is enough space for the construction site, where all layers of fragments could be spread out. Assigning the stones to the various parts of the colossal statues will be made easier by the very different stone layers. On the other hand the necessary work for fixing and stabilising cracks as well as for reassembling the fragments, all of which require very special methods, are made more difficult by the partly crumbling rock resembling nagelfluh. As with every anastylosis special considerations are necessary for an inconspicuous **load-bearing frame** in the background, which in this case for obvious reasons can probably only be of steel.

From the point of view of the undersigned the conservation concept jointly developed by all members of the ICOMOS team to secure the remains in conjunction with an anastylosis preserving the traces of the destruction is the only adequate solution for the spirit of this unique historic place. The enclosed preliminary report of our Chinese colleague, the **geo engineer** Zou Yazou, with whom the undersigned worked on a concept for the stabilisation of the great Buddha of Dafosi, will be followed by a more detailed report, taking also the examination of the samples into consideration. The main aim is to stabilise the rocks around the niches and the remains of the Buddha statues, realising at the same that not the whole cliff with its innumerable caves, which have been in a process of weathering and decay for centuries, can be saved, but instead only special areas and cracks which have become dangerous since the explosions etc. The measurements with the total station (see report by Mario Santana) are a new basis for the future work. The magnetic field measurements (see report by Jörg Fassbinder) on a surface of c. 1 ha in front of the Great Buddha – thus in the area suggested in this report to be used for the **installation/erection** of a building site - have also brought surprising results and revealed architectural structures in the **subsoil** so far unknown.

Considering the insights gained during this mission the undersigned hopes that there will be an opportunity to continue the work of an international ICOMOS team together with Afghan colleagues and workers from the region under the supervision of UNESCO. In view of the exceptional rank of this world-famous historic site this should not be the achievement of one nation but rather a co-operative effort, which depending on the available funds from different sources could be implemented step by step. As far as the stabilisation of the most dangerous parts threatened to fall off and the safeguarding of details such as historic plasters on the Small Buddha are concerned, there is an urgent need to react quickly. The heaps of rubble reaching into the side caves of the niches would have to be fenced off to protect visitors, and the clearing of material should only be done by experts and by no means as part of a general tidying up. We have also observed that heavy helicopters of the American forces fly much too low over this region thus causing dangerous vibrations. We also had a close look at the remains of the wall paintings of which large parts have been lost. In certain areas it would be advisable that a small group of restorers dealt with a stabilisation of the borders.

Munich, 29 July 2002

(Prof. Dr. Michael Petzet)
President



UNITED NATIONS YEAR FOR CULTURAL HERITAGE
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联合国文化遗产年

EXPERT WORKING GROUP ON THE PRESERVATION OF THE BAMIYAN SITE

Munich, 21 – 22 November 2002

RECOMMENDATIONS

1. Consolidation and preservation

Recognizing the results of the expert groups that worked at the site of Bamiyan in May, July and September 2002, the participants at the international "Expert Working Group on the Preservation of the Bamiyan Site" which was held in Munich on 21 and 22 November 2002, recommend that:

- a) The Bamiyan site, consisting of the Northern cliff of the Bamiyan Valley, with its caves, especially the niches of the monumental Buddhas, the remains of the blown-up Buddhas themselves, and the area in front of the cliff for, at least, 100 meters, should be consolidated and preserved. Further cultural area within the main Valley, including Foladi and Kakrak, should be identified and protected after adequate archaeological research;
- b) an appropriate infrastructure be established for the conservation and preservation of the monuments;
- c) the entire site be fully documented;
- d) monitoring of the cliff and the existing fractures be performed;
- e) emergency actions be executed immediately, according to priorities;
- f) an execution plan be drawn up according to available data, together with new information, as necessary;
- g) training of local people and their involvement in the activities be carried out;
- h) the treatment and conservation of the loose fragments of the monumental Buddhas should include:

- documentation;
- geological investigations;
- the professional placement of the remaining fragments of the Buddha statues according to stratigraphic identification;
- protection of remains/fragments in a protected lapidarium.

Activities should be carried out simultaneously, if possible, in order to optimise the time work schedule. Safety, especially in the niches, should have priority.

2. Wall paintings

Regarding the conservation of the wall paintings, the participants further recommend that:

- a) A mission of experts on wall painting conservation, including a specialist in documentation, be sent to Bamiyan with the engineering specialists, in order to assess the state of preservation of the caves' structure, as well as the wall paintings still *in situ* and the damage caused by vandalism to 25 selected caves in Bamiyan, Foladi and Kakrak;
- b) A detailed plan of intervention for the conservation of the structure of the caves and their wall paintings, establishing priorities for intervention and a work-plan, be drawn up;
- c) Inventory and full photographic and graphic documentation of the paintings and comparison with existing/former documentation be completed;
- d) Samples for analysis in order to determine the technique of execution be collected, the deposits found on the surface of paintings and the most suitable and compatible materials to be employed for their correct conservation be carried out;
- e) In collaboration with the archaeological team, the fragments scattered on the floors of the caves that were vandalised together with those under the niches and the fragments of the two colossal Buddhas, shall be collected, inventoried, classified, catalogued, conserved, packed and kept safely stored;
- f) A safe depot be built for the preservation and storage of wall painting fragments, as well as for a small laboratory and working area;
- g) Caves with wall paintings be protected by temporary sealing (barriers, doors, etc.) and watchmen for their surveillance be contracted;
- h) Trainees be selected and formed of a team from Kabul and from Bamiyan, in cooperation with the Ministry of Culture, Department of Archaeology, etc. of those desiring to undertake training in conservation/restoration;
- i) Emergency intervention be carried out on dangerously detached/separated renders, in order to prevent their complete loss;
- j) Fragments of wall paintings be re-composed, assembled and re-installed. This should not be considered a priority and should be postponed for the future.

3. Archaeological projects

Regarding archaeological projects, the participants further recommend that:

a) Archaeological explorations and excavations in the Bamiyan Valley and its surroundings should be carried out by experts in agreement with the Government of Afghanistan, in order to specify the extension of the archaeological zone and the cultural area to be protected.

A topographic map of the area should be prepared for this work.
Geophysical explorations should be carried out.

b) The archaeological sites and monuments should be identified and protected. The programme for their future scientific investigation should be prepared, for example for the monastery complex, the royal residence, the parinirvana Buddha, and others.

c) Clearance of the fragments from the niches should take place according to archaeological standards.

4. General recommendations

a) The Government of Afghanistan should request UNESCO to open a bank account in Europe in the name of the Afghan Ministry of Information and Culture to collect funds from donors for conservation projects in Afghanistan.

b) Cooperation between UNESCO and the CIMIC Group North (CGN)¹ aiming to safeguard Afghanistan's cultural heritage, should be established in order to execute cultural projects efficiently in Afghanistan. The assistance and expertise of the CIMIC Group North, together with its functional specialists, its centre of expertise (COE) and its military capacities, in particular of equipment, should be extremely helpful in this regard.

The CIMIC Group North is ready to contribute within the framework of an agreement for cultural cooperation that should be established between UNESCO and CIMIC Group North as soon as possible.

¹ The Cimic Group North was established in 2001. As a NATO initiative comprising six countries (the Netherlands, Germany, Poland, Norway, Denmark and the Czech Republic), it serves as an instrument for the six countries and their military commanders to enhance civil-military cooperation. The CIMIC Group North Headquarters is located in Buedel, the Netherlands.



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联合国文化遗产年

ICMOS

DRAFT LIST OF PARTICIPANTS

INTERNATIONAL COORDINATION COMMITTEE FOR THE SAFEGUARDING OF
AFGHANISTAN'S CULTURAL HERITAGE

FIRST SESSION OF THE WORKING GROUP ON THE PRESERVATION OF THE BAMIYAN SITE

Munich, 21 – 22 November 2002

Afghanistan:

1. H.E. Dr M. Raheen, Minister of Information and Culture of the Afghan Transitional Government
2. Mr G.R. Yusufzai, Deputy Minister of Culture
3. Mr Abdul Wasey Feroozi, Head of the Institute of Archaeology, Afghan Ministry of Information and Culture
4. Mr Qader Qadradan, Head of Monuments and Sites Department, Afghan Ministry of Information and Culture

China:

5. Dr Yazou Zou, geo-engineer, University of the German Armed Forces, Munich

France:

6. Mr Roland Besenval, Head of the French Archaeological Mission to Afghanistan

Germany:

7. Professor Dr Joerg Fassbinder, geophysicist, Bavarian State Conservation Office
8. Professor Dr Gerd Gudehus, specialist in rock mechanics, Karlsruhe University
9. Professor Dr Klaus Krumsiek, University of Cologne
10. Professor Dr Hermann Parzinger, President of the German Archaeological Institute
11. Mr Helmut Schulz, Director of the Institute for soil mechanics and foundation engineering, University of the German Armed Forces, Munich
12. Mr Peter von Wesendonk, German Foreign Office
13. Professor Dr R. Sneathlaga, Bavarian State Conservation Office

Greece:

14. Mr Diamantis Triantaphyllos, Director of the 19th Ephorate of Prehistoric and Classical Antiquities, Ministry of Culture

India:

15. Mr A.C. Grover, JT Director-General of Archaeological Survey of India

Iran:

16. Dr A. Vatandoust, Director of Research Center for Conservation of Cultural Relics and Head of Department for Cultural and International Relations of the Iranian Cultural Heritage Organization

Italy:

17. Professor Giovanni Verardi, Istituto Italiano per l'Africa et l'Oriente di Roma

18. Professor Claudio Margottini, geology engineer, specialist in rock mechanics

19. Mr Rodolfo Lujan, restorer in mural paintings

Japan:

20. Ms Mari Kaneko, Japanese Ministry of Foreign Affairs, Division of Multilateral Cultural Cooperation

21. Professor Kosaku Maeda, Wako University

22. Professor Akira Miyaji, Nagoya University

23. Mr Kazuya Yamauchi, Institute of Silk Road Studies

Pakistan:

24. Dr Saeed ur Rehman, Department of Archaeology, Government of Pakistan

Switzerland:

25. Mr Paul Bucherer-Dietschi, Director of the Swiss Afghan Museum in exile and the Bibliotheca Afghanica Foundation

Turkey:

26. One representative

Aga Khan Trust for Culture:

27. Mr Abdul Wassay Najimi, Architect, Aga Khan Trust for Culture Kabul

International Council on Monuments and Sites (ICOMOS):

28. Professor Michael Petzet, President of ICOMOS

29. Professor Erwin Emmerling, Munich University

30. Professor Michael Jansen, Aachen University

31. Mr Georgios Toubekis, Aachen University

32. Professor Fritz Wenzel, University of Munich

UNESCO:

Three representatives



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联合国文化遗产年

ICOMOS

DRAFT AGENDA

INTERNATIONAL COORDINATION COMMITTEE FOR THE
SAFE GUARDING OF AFGHANISTAN'S CULTURAL HERITAGE

FIRST SESSION OF THE WORKING GROUP
ON THE PRESERVATION OF THE BAMİYAN SITE

MUNICH, 21 – 22 NOVEMBER 2002

Thursday, 21 November 2002

9 h Opening statements by
Prof. M. PETZET, President of ICOMOS;
H.E. Dr M. RAHEEN, Minister of Information and Culture of
the Afghan Transitional Government;
and a UNESCO representative

First Session : Consolidation of the cliffs and niches
President : Mr G.R. YUSUFZAI, Deputy Minister of Culture

9.30-11.30h Presentations by Prof. C. MARGOTTINI, geologist and specialist
in rock mechanics; Mr Q. QADRADAN, Head of Monuments
and Sites Department, Afghan Ministry of Information and
Culture; Prof. G. GUDEHUS, specialist in rock mechanics,
Karlsruhe University; Prof. WENZEL, University of Munich; Dr
Y. ZOU, geo-engineer, University of the German Armed
Forces, Munich; Mr A. W. NAJIMI, architect, Aga Khan Trust
for Culture Kabul; and Dr A. VATANDOUST, Director of
Research Centre for Conservation of Cultural Relics and Head
of Department for Cultural and International Relations of the
Iranian Cultural Heritage Organization

- 11.30-11.45 h Coffee break
- 11.45-12.45 h Plenary discussion
- 12.45-14.15 h Lunch

Second session: Stone conservation and anastylosis

President: Prof. M. PETZET

- 14.15-15 h Presentations by Prof. R. SNETHLAGE, Bavarian State Conservation Office; and Mr P. BUCHERER-DIETSCHI, Director of the Swiss Afghan Museum in exile and of the Foundation Bibliotheca Afghanica
- 15-15.45 h Plenary discussion
- 15.45-16 h Coffee break

Third Session: Archaeological projects

President: Mr A.W. FEROOZI, Director General of the Institute of Archaeology, Ministry of Information and Culture

- 16-17.30h Presentations by Mr K. YAMAUCHI, Institute of Silk Road Studies; Mr R. BESEVAL, Head of the French Archaeological Mission to Afghanistan; Prof. H. PARZINGER, President of the German Archaeological Institute; and Dr J. FASSBINDER, geophysicist, Bavarian State Conservation Office
- 17.30-18.30h Plenary discussion
- 18.45h Reception at the Residence

Friday, 22 November 2002

Fourth Session: Conservation of mural paintings

President: Prof. K. MAEDA, Wako University

- 9-10h Presentations by Prof. A. MIYAJI, Nagoya University; and Mr R. LUJAN, restorer in mural paintings
- 10-11h Plenary discussion
- 11-11.15h Coffee break

Fifth Session: Presentation of Inventory of Monuments and Sites

11.15-11.45h	Presentation by Prof. M. JANSEN, Aachen University
11.45-13 h	Plenary discussion
13-14.30h	Lunch
14.30-16.30h	Drafting of recommendations for the safeguarding of the Bamiyan site



Report

„Situation of the Buddha Statues in the Valley of Bamian, Afghanistan“

Project Manager: Univ.-Prof. Dr.-Ing. H. Schulz

Project Member: Dr.-Ing. Y. Zou

Dipl.-Ing. F. Unold

Institute for Soil Mechanics and Foundation Engineering

University of the German Federal Armed Forces Munich

Report on the Situation of the Buddha Statues in the Valley of Bamian, Afghanistan

Dr.-Ing. Y. Zou (China), Dipl.-Ing. F. Unold (Germany)
University of the German Federal Armed Forces, Munich

1. Introduction

The rock monastery in the Valley of Bamian in Afghanistan is located ca. 150 km north-west of Kabul at a height of ca. 2,700 m AMSL and is composed of more than 500 rock caves and numerous Buddha statues. The biggest statue had a height of 53 m, the smaller one a height of 35 m. These two big statues as well as numerous smaller ones were blasted by the Taliban in March 2001. In July 2002, the present condition of the two big statues was examined on site by a group of experts of the ICOMOS that the undersigned was part of.

2. General Information

The two big Buddha statues standing in rock niches point to the south-west. The niche of the big Buddha has a height of ca. 58 m and a depth of ca. 8 m in the upper part and of ca. 18 m in the lower part. On the level of the shoulders, the niche has a width of ca. 17 m and, in the area of the feet, a width of ca. 21 m (see Fig. 1). The niche of the smaller Buddha has a height of ca. 38 m, a depth of ca. 6 m in the upper part and of ca. 13 m in the lower part. On the level of the shoulders, the width is ca. 12 m and, in the area of the feet, ca. 16 m (see Fig. 2).

The bodies of the two statues have been destroyed to a large extent. The destroyed rock body of the big Buddha has a maximum depth of ca. 3 m and a total volume of ca. 1,200 m³. The blasted rock body of the smaller statue has a maximum depth of ca. 2.0 m and a total volume of ca. 600 m³.

The biggest fallen-off fragments of the big Buddha have a volume of ca. 4 m³, that of the smaller one have a volume of ca. 2.5 m³. On the fallen-off fragments, the original surface of the Buddha statues can be clearly distinguished from the other materials.

3. Rocks

The rock niches as well as the two Buddha statues were carved out of the rock faces. These rock faces are mainly composed of two types of rock that are present in alternating series of strata. The principal part (ca. 70 % of the statue) is a typical loosely deposited conglomerate. That conglomerate is interspersed with sandstone that, however, only makes up ca. 20 % of the volume of the statue; the remaining 10 % are surface material.

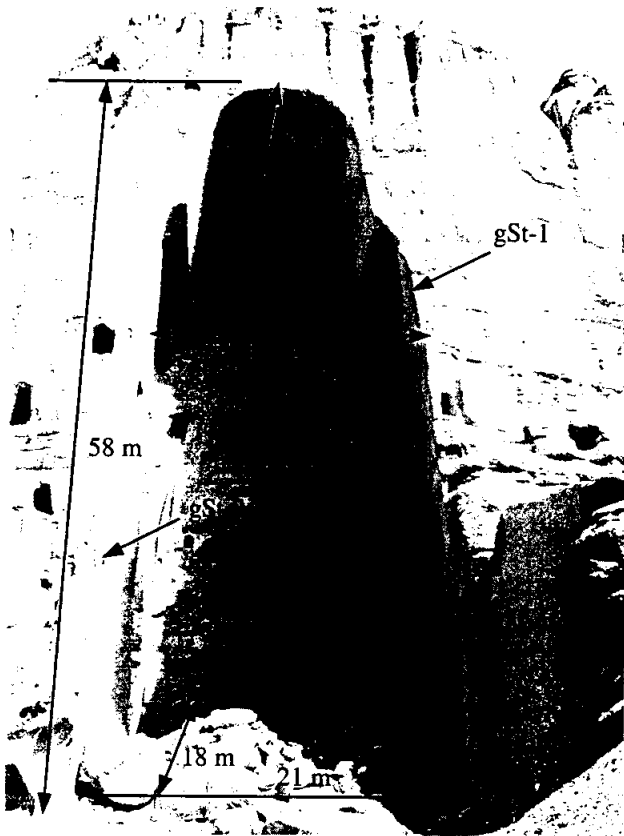


Fig. 1: The biggest Buddha

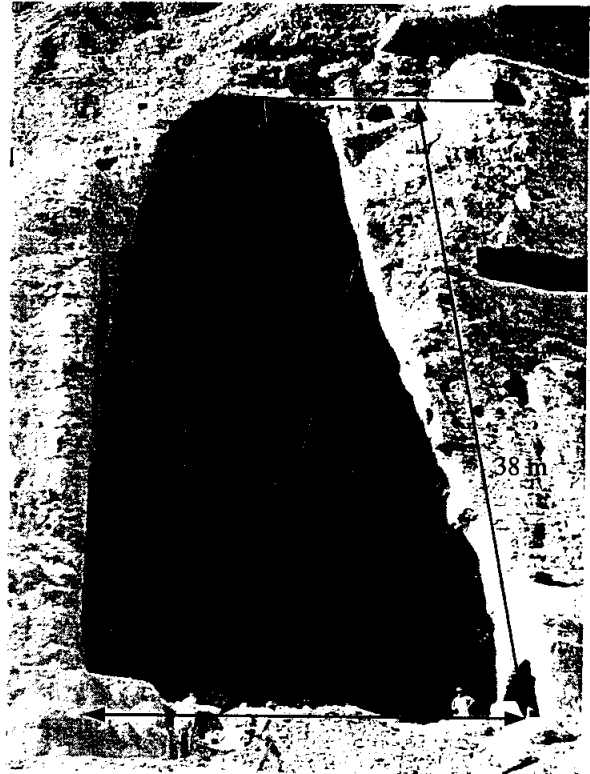
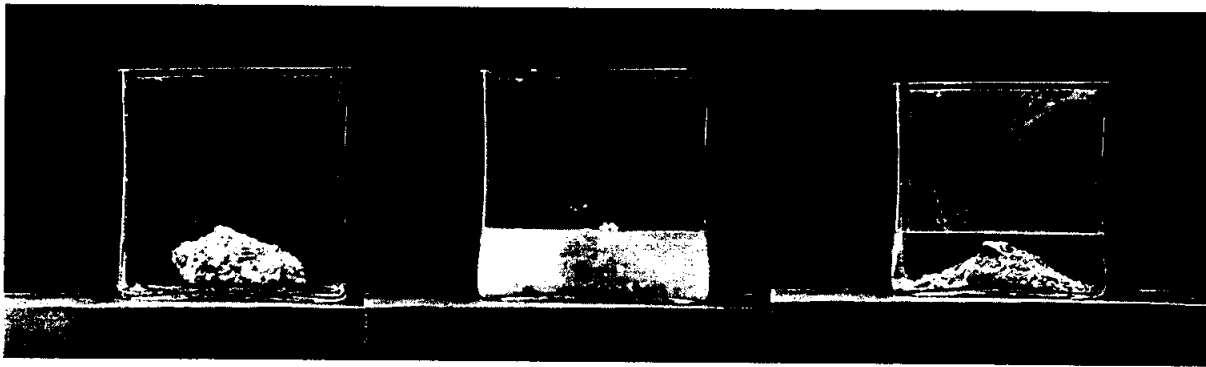


Fig. 2: The smaller Buddha

The compressive and tensile strength of the materials is very low, even the influence of small forces leads to destruction.

The conglomerate is highly susceptible to water. Under water, a specimen of the material disintegrated into a pile of sandy pebble stone after only a few seconds (see Fig. 3). Examinations have shown that the binding agent between sand and pebble granules mainly consists of sodium chloride salt, which also explains the cause of the high susceptibility to water. The crystals of the salt are clearly visible under the microscope.

The surfaces of the statues as well as of the other formations appear to be more resistant to water and mechanical influences. It remains to be examined whether this was caused by an artificial treatment of the surfaces in the past or by the many years of climatic strain on the areas near the surface and the chemical reaction connected with it.



dry specimen

after a few seconds
under water

after sedimentation

Fig. 3

4. Cracking and Areas at Risk

The cracks in the niches can be subdivided into three groups - cracks that existed prior to the blasting, cracks widened by the blasting and new cracks caused by the blasting -. The cracks that already existed prior to the blasting are mainly located in the vault area above the head and on the side walls of the niches and run downward in straight lines.

The blasts caused new cracks especially in the area of the back wall of the niche (viewing area). Figures 4 and 5 (view from the bottom) show the location and extension of the various forms of cracks.

The areas at risk can be classified into three risk groups:

Risk Group gF-1:

Highly endangered areas

Areas often cut through by new cracks, a falling-down of major fragments is to be **immediately** expected, i.e. these areas are just in a state of **limit equilibrium**. These highly endangered areas are mostly located in the upper part of the back wall of the niche. The average weight of fragments that are at the risk of falling down is ca. 1 metric ton.

Risk Group gF-2:

Area with a locally endangered stability

These are areas that are not yet in a state of limit equilibrium with regard to their static stability. But concussions/vibrations or further weathering may lead to a falling-off of fragments, which, however, currently does not affect adjacent areas or the overall formation (static stability of the niche as a whole). In these areas

already existing old cracks intersect with new cracks caused by the blasting. If, however, several of these cracks should further widen due to concussions/vibrations or weathering, the entire cave will lose its stability.

Risk Group gF-3:

Areas that, in case of failure, directly endanger the entire formation

With regard to their static stability, these areas (just like gF-2) are not yet in a state of limit equilibrium. That, however, may occur as a consequence of concussions/vibrations or further weathering. Here, the particular risk is caused by the cracks widened by the blasts.

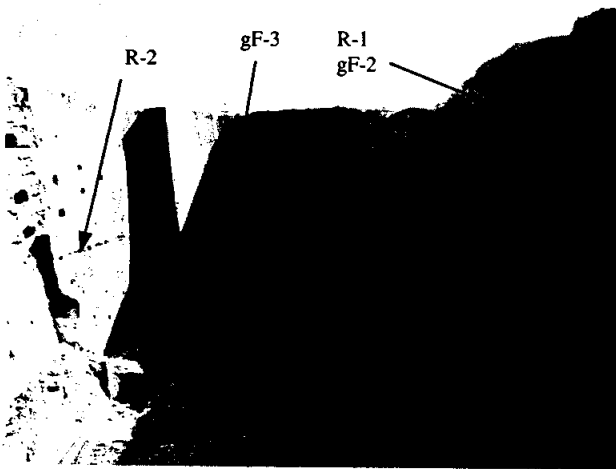


Fig. 4: The big Buddha

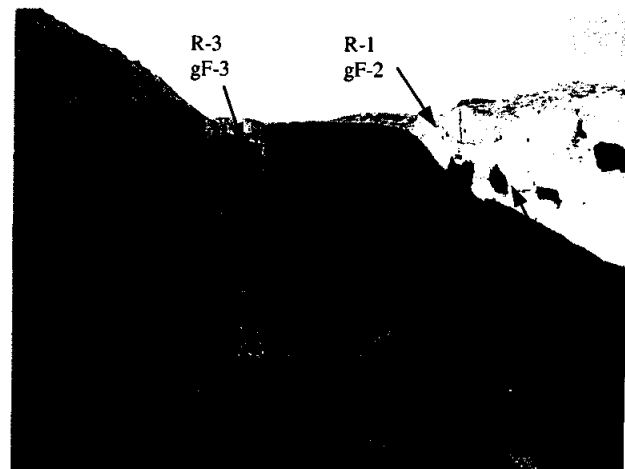


Fig. 5: The small Buddha

R-1: original cracks
 R-2: cracks widened by blasting
 R-3: new cracks

gF-1: highly endangered area
 gF-2: area with locally endangered stability
 gF-3: endangered overall stability

5. Stability

At the big Buddha, the stability of the niche is endangered on three spots (gSt-1 to 3, see Fig. 1). On the spots gSt-1 and gSt-2, the local stability is at risk. If the local stability is lost on several spots, the overall stability will be endangered by further weathering. On the spot gSt-3, the rock is cut through by cracks widened by the blasts. Inside the staircase, the widened cracks are clearly visible at that place behind the wall. The stability on this spot influences the entire stability of the cave.

At the small Buddha, the overall stability of the niche is highly endangered on the two spots gSt-1 and gSt-2 (see Fig. 2). The cracks newly caused as well as the cracks widened as a consequence of the blasts are clearly visible here. The stability on both spots has a direct influence on the overall stability of the niche.

6. Proposals

For the protection and identification of the fallen-off pieces of rock

The rocks are highly susceptible to water so that rain or melt water might cause the fallen-off pieces of rock to disintegrate into a pile of sandy pebble stone within a very short time. Therefore, the pieces of rock must urgently be protected against water and further weathering. A coating might provide a long-term protection if this is not in conflict with aspects of the preservation of historical monuments and other solutions are not possible. A suitable material would have to be found by specific examinations. Before that, the fallen-off pieces of rock should be identified for the reconstruction. The identification could be carried out together with measures for the protection of the fragments. For that purpose, the fragments must be transported. In order to avoid damage caused by transport and storage as well as in view of the assessment of possible reconstruction measures, it is necessary to determine the mechanical properties of the different rocks and adapt the transport measures to the strength properties.

For the stabilization

The endangered areas in the viewing walls of both niches (back walls of the niches) are so much at risk with regard to their stability that, prior to the performance of any possible reconstruction measures, it will be necessary to take measures for their stabilization (including the removal of areas that were damaged to a particularly large extent).

Areas that cause a danger to the overall stability must be secured since otherwise even slight concussions/vibrations in connection with weathering processes might cause the niches to collapse.

In order to guarantee the stability of the rock niches as well as industrial safety on site in the long term, it is necessary to secure also those areas that only constitute a danger to the local stability.

The rock and the conglomerate are so loose that it must be expected that they will disintegrate as a consequence of drilling work that may be necessary. This fact is to be taken into consideration in particular with regard to the cave systems (staircase) located behind the endangered areas where the classical system of stabilization by means of anchors cannot be used.

The local stability of the endangered rocks and thus the overall stability of both niches with the caves located behind them (staircase) should be thoroughly examined prior to stabilization. A promising stabilization method can only be determined by means of tests.

It is necessary to monitor the movements of the endangered rocks before and after the stabilization (e.g. by means of geodetic measurement, extensometer measurements and other methods).

For the reconstruction

A reconstruction of the two big Buddha statues should be carried out after stabilizing the rock niches.

For the preliminary examination

Due to the unusual mechanical and chemical properties of the rocks, there should be performed appropriate examinations (compressive, tensile and shear strength, chemical structure, susceptibility to water, weathering stability, etc.) before every measure in order to avoid any unnecessary irreversible damage.

7. Final Remarks

The basic characteristics (strength, sensitivity to frost, etc.) of the surface layer of the original rock faces and of the sandstone can only be determined on the basis of specimens taken on site. A realistic assessment of the present stability of the two rock niches as well as of the measures to be taken for improving the static stability of the niches, caves and statues can only be made on the basis of further examinations and calculations of the static stability.

Some smaller Buddhas were examined on site during the journey. They could be reconstructed without a stabilization of the rock niches and at low expenses.

Neubiberg, 30 October 2002

Dr.-Ing. Y. Zou
1st Project Member

Dipl.-Ing. F. Unold
2nd Project Member

Univ.-Prof. Dr.-Ing. H. Schulz
Project Manager

Recommendations

Expert Working Group on the Rehabilitation of the Sites of Jam and Herat

Paris, 30 January 2003

1. Recommendations by H. E. Dr M. Raheen, Minister of Information and Culture of the Afghan Government

- a) The illicit traffic of cultural property should be prevented by inviting Member States to send archaeologists to carry out excavations to the highest international standards in cooperation with the Afghan Government;
- b) Further financial and technical assistance should be obtained from the international community;
- c) The Minaret of Jam and monuments in Herat, namely the Ghawhar Shad Musalla complex including the Fifth Minaret, should be consolidated and preserved;
- d) Technical assistance from UNESCO is requested, in order to ensure that the nomination dossiers of Afghan heritage properties for inscription on the World Heritage List are finalized and submitted to the World Heritage Committee in a timely manner, with priority given to the Bamiyan Valley.

2. Rehabilitation of the Minaret of Jam

2.1. Analysis and Diagnosis

- a) Accurate, useful and complete documentation should be carried out before, during and after conservation work;
- b) Metric survey of the monument and its context should be carried out. Techniques to carry out this task should be studied, such as photogrammetry and/ or 3D Laser Mapping devices;
- c) Efficient site monitoring should be implemented;
- d) Capacity building programmes for Afghan experts in documentation, aiming at training opportunities for Afghans and an effective exchange of ideas between Afghan and international experts should be organized.

2.2. Stabilization of the Minaret

a) Priority should be given to the ground investigations required to implement measures able to prevent any increase of incline or possibly reduce it. The investigations should first determine the position of the foundations: this may be obtained by digging a small trench at the southern edge of the Minaret;

- Some vertical or sub-vertical boreholes (about nine) should be executed by rotary drilling in such a way to explore the subsoil for about 25 metres under the foundation plane. Four boreholes should be located close to the Minaret (and possibly investigate also the foundation masonry); others should explore the soil surrounding the foundation and possibly reach the bedrock; others should explore the subsoil where the permanent protections along the rivers will be located;

- Such investigations will require a mission carried out by a specialized team equipped with a rotary drilling machine and the equipment needed for sampling and completing the geotechnical and geophysical recording of the soil surrounding the Minaret. The work of the team should be controlled, recorded and interpreted by an independent geotechnical engineer. The terms of reference for a contract are already available;

b) The immediate installation of a system to monitor the inclination of the minaret is also needed. If further inclination is recorded, immediate measures should be taken to stop it. A pendulum is the simplest and most reliable way of monitoring the inclination without the use of complex or permanent devices. It was recommended that a simple wire with damper be installed of 30 to 40 metres in length, with a manual reading system appropriate to the severe weather conditions. The company selling the instrument may perform the installation and a local technician might do periodical readings. The technical description and cost evaluation are available;

c) Research into seismic hazards should be continued both based on historical data, and on those of attenuation functions and tectonic considerations. Preliminary information on this is available;

d) The mechanical properties of the masonry should be investigated on site by means of boreholes in the Minaret elevation. At least two cores should be taken at the base, two in the middle of the first order, and two at the start of the second order. There could be 68mm cores and could be tested in a laboratory for compressive strength and elastic modulus. The tests should be carried out following ultrasonic tests on site across the walls. Such investigations may be performed during the mission envisaged in a). The evaluation of their cost is available;

e) An overall Finite Element structural analysis of the Minaret, taking into account permanent loads and wind, should be performed with the masonry data resulting from d).

Seismic risk should then be analyzed by a Finite Element code with modal analysis, possibly together with direct dynamic identification. The analysis will be followed by the structural assessment and by the identification of the masonry zones to be reinforced. A strengthening project and the design of work for the protection of the monument will follow.

Such activities should be assigned to a team specializing in structural engineering consulting. It might operate:

- by mission on site for the supervision of the investigations and by local survey for the details needed for the assessment and design;
- by design office activities for the analysis and the design;
- by mission on site for the supervision of the strengthening of the structure;

f) The Expert Working Group recommended that excavations not be performed close to the minaret on the northern, eastern and western sides.

2.3 Construction of the road:

In view of the potential negative impact of the road construction, the Expert Working Group recommended that UNESCO submit a proposal on this issue to the Afghan Government for further studies.

2.4 General:

a) The Expert Working Group, recognizing the importance of raising awareness of the existing legislative protective measures and the heritage values of the World Heritage property of the Archaeological Remains and Minaret of Jam, expressed its appreciation to the Italian Government, which has provided US\$282,500 for two previous projects for the Minaret of Jam carried out by the Society for the Preservation of Afghanistan's Cultural Heritage. In addition, a project of US\$499,460 was approved by the Italian Government for the emergency consolidation and restoration of the sites of Jam and Herat and a project of US\$ 50,000 for the World Heritage Centre to assist the Afghan authorities in elaborating a management mechanism for the property to include information awareness activities involving local communities in heritage conservation of Jam. The Expert Working Group participants also expressed gratitude to the Government of Switzerland for granting US\$124,300 for emergency consolidation and restoration of the site of Jam. Such activities should be continued and increased, not only at Jam but also at other heritage areas in Afghanistan with international support;

b) ISIAO is ready to send three archaeologists to Jam for emergency interventions, but their funding is still uncertain. UNESCO will evaluate either funding this mission or advancing funds for this purpose and later being reimbursed.

3. Consolidation of the Fifth Minaret and other monuments in Herat

a) The Fifth Minaret requires emergency intervention in order to prevent its collapse. This intervention could consist of the establishment of temporary stays, with piles working as anchors in the soil and horizontal diaphragms. Temporary emergency interventions should be started in April 2003;

b) A soil investigation is essential during the planning phase of any emergency consolidation work. In order to start this intervention as soon as possible, the UNESCO Office in Kabul should inform the Afghan Government immediately in order to accelerate the approval of the

Plan of Operations to ensure that funds under the Italian and Swiss Funds-in-Trust projects for Jam and Herat can be allotted. Funds could then be available within two months and experts could start to carry out emergency intervention in April 2003;

- c) At the same time, a detailed emergency action plan for the Fifth Minaret should be designed;
- d) The local authorities should settle the question of whether the street next to the complex should be closed or traffic diverted before emergency measures are carried out;
- e) The Citadel, the Friday Mosque and the City Wall in Herat also require conservation work;
- f) A metric survey of the monument and its context should be carried out. Techniques to carry out this task should be studied, such as photogrammetry and/ or 3D Laser Mapping devices;
- g) Training opportunities in documentation and conservation for Afghans should be provided.

4. Prevention of illicit traffic of cultural property

- a) In order to efficiently prevent the illicit traffic of cultural property, UNESCO invites Afghanistan to ratify and implement the 1954 UNESCO Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict and its Protocols, the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and the 1995 UNIDROIT Convention;
- b) It was strongly suggested that the Afghan Government revise and update its legislation with a view of ratifying the above-mentioned instruments and improving the prevention of illicit traffic;
- c) It was noted that the inception of the UNESCO project in Jam is also urgent in order to provide income to the local community; this may discourage them from carrying out illicit excavations;
- d) Awareness of the illicit traffic of cultural property and its prohibition by law should be enhanced among the Afghan people;
- e) Updated inventories with photographs of cultural objects are essential to trace stolen objects and should be established and published on the Internet. Having noted the ongoing UNESCO/Interpol project on the establishment of an electronic inventory of stolen objects on the Internet, the Working Group participants expressed strong support for this project and recommended its rapid finalization;
- f) Scientific and systematic excavations at least of priority sites should be undertaken by the Afghan Government with assistance of international experts, and with appropriate conservation and documentation of the objects and sites;
- g) With reference to UNESCO's previous activities in Angkor/ Cambodia, awareness of illicit traffic and the value of cultural heritage for national identity is to be enhanced. This can be realized through concrete actions as: I) training programmes for the general public, as well as police and customs officials, to raise awareness of illicit traffic; II) setting-up and training of a

cultural heritage police; III) a publication with ICOM, such as “100 missing objects from Cambodia” presenting missing Afghan objects;

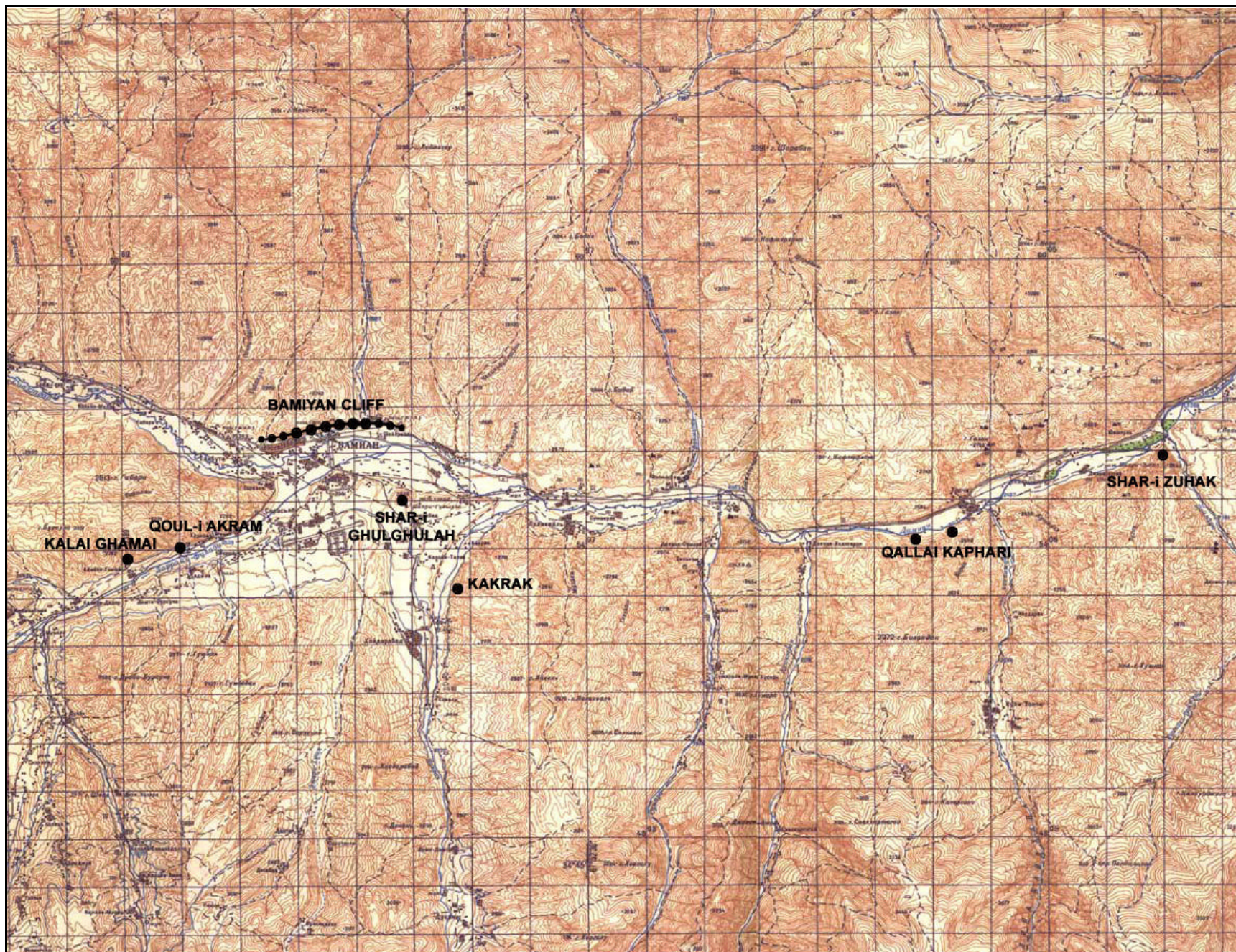
h) UNESCO should pursue its actions with the Afghan authorities in order to tackle this complex issue.

ANNEX I MAPS and PLANS

- I-a: Map of Afghanistan showing geographical location of the Valley of Bamiyan.**
- I-b: Map showing geographical location of the 8 proposed core zones within the Bamiyan Valley.**
- I-c: Map showing delimitations of the proposed core and buffer zones including the Bamiyan Cliff, Kakrak, Qoul-i Akram, Kalai Ghamai and Shahr-i Ghulghulah.**
- I-d: Map showing delimitations of the proposed core and buffer zones including Qallai Kaphari and Shahr-i Zuhak.**
- I-e: Sketch plan of Bamiyan Valley in 1936.**
- I-f: Approximate drawing of the Bamiyan Cliff in 1936.**

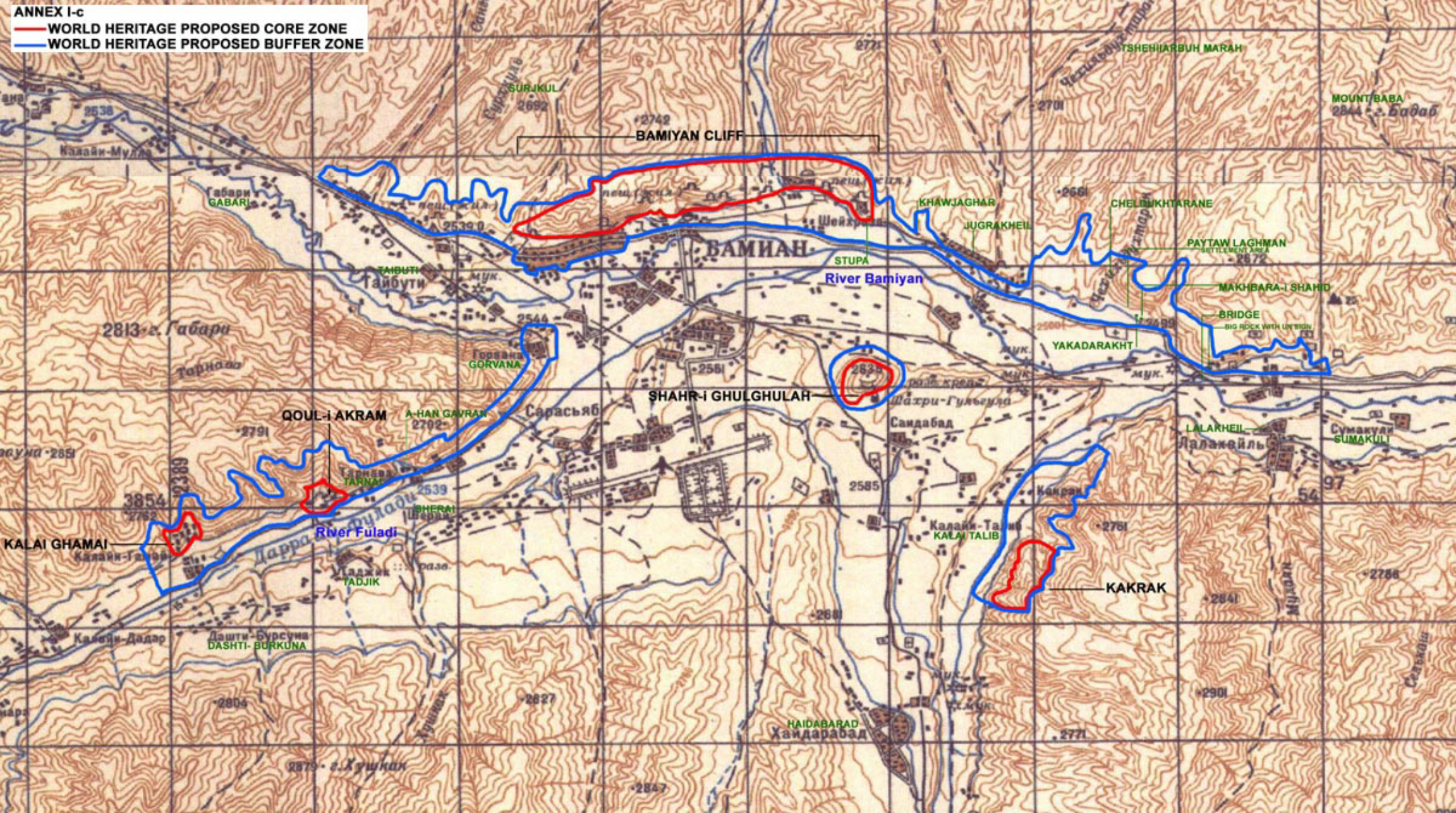


Map of Afghanistan showing geographical location of the Valley of Bamiyan



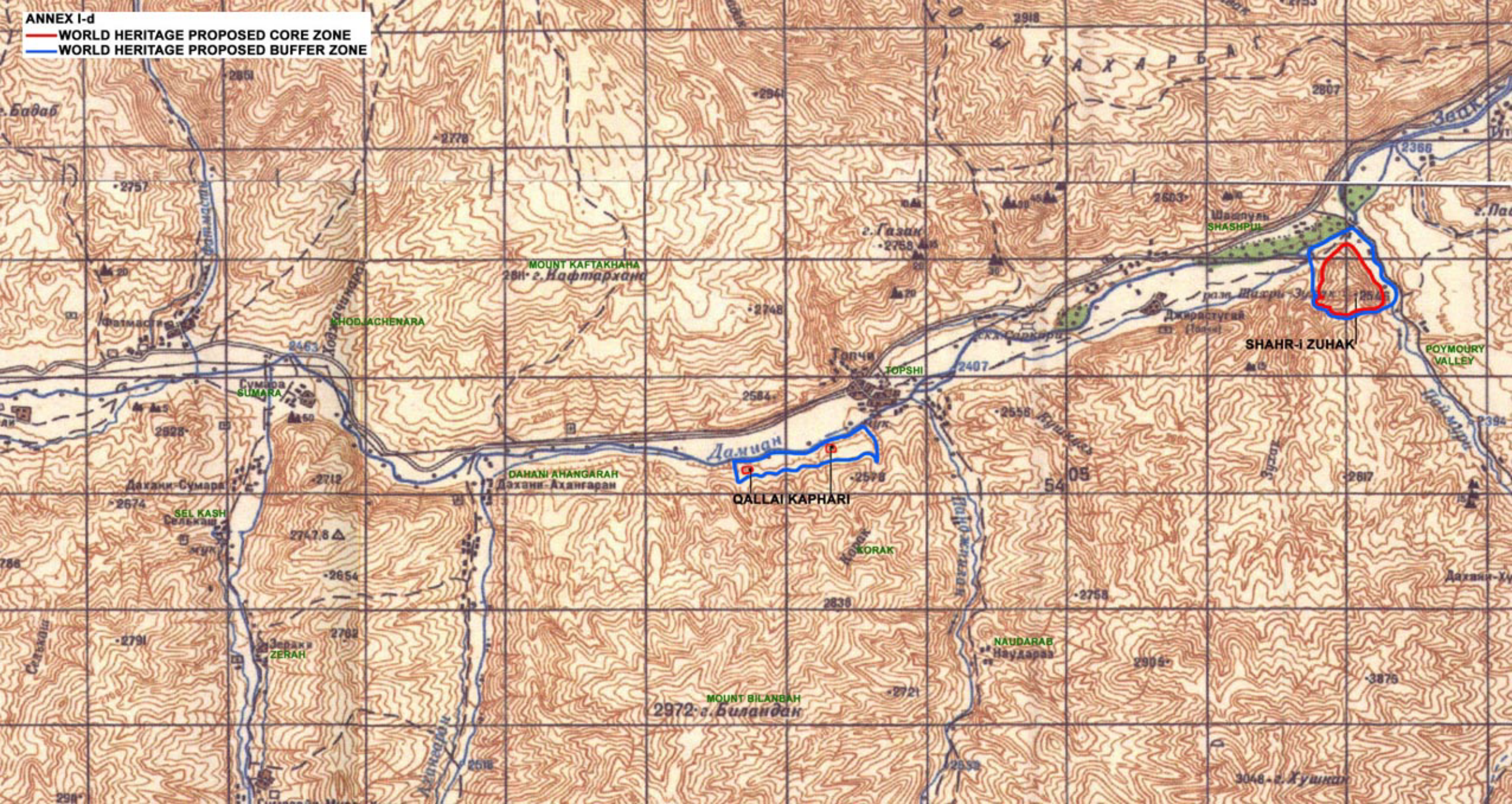
Map showing geographical location of the 8 proposed core zones within the Bamiyan Valley

ANNEX I-c
— WORLD HERITAGE PROPOSED CORE ZONE
— WORLD HERITAGE PROPOSED BUFFER ZONE



ANNEX I-d

- WORLD HERITAGE PROPOSED CORE ZONE
- WORLD HERITAGE PROPOSED BUFFER ZONE





Vallée de Bamiyān. Plan de situation établi en 1936 par J. Maxon et vérifié par l'auteur d'après les photographies aériennes et des observations faites sur place.

Sketch plan of Bamiyan Valley in 1936



Bamiân. Vue générale de la Grotte Fakhâra et de la disposition des groupes de grottes.
Dessin soigné pour l'identification des différents groupes et pour vérification de leurs emplacements par rapport à la falaise.

Approximate drawing of the Bamiyan Cliff in 1936









































ANNEX K

REPUBLIC DEMOCRATIQUE D'AFGHANISTAN

MINISTERE DE LA JUSTICE

Le Journal Officiel

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**LA LOI SUR LA PROTECTION DES BIENS
HISTORIQUES ET CULTURELS**

Traduit de Dari / Pachtou en Français par :

Ahmad-Junaid Sorosh-Wali

Consultant

UNESCO

LA LOI SUR LA PROTECTION DES BIENS HISTORIQUES ET CULTURELS

CHAPITRE I

PRINCIPES GENERAUX

Article 1^{er} : Les biens historiques et culturels d'Afghanistan appartiennent au peuple afghan et constituent la manifestation de sa participation positive à l'évolution du patrimoine culturel de l'humanité entière.

La protection des biens historiques et culturels est le devoir de l'Etat et du peuple de la République Démocratique d'Afghanistan.

Article 2 : Les biens historiques et culturels au sens de la présente loi sont :

- i- Tout produit, meuble ou immeuble de l'œuvre humaine qui a une valeur historique, scientifique, artistique exceptionnelle et a au moins cent ans.
- ii- Les biens qui ont moins de cent ans mais qui, de par leur valeur scientifique, artistique et culturelle, sont reconnus comme devant être préservés.

Article 3 : La valeur scientifique, artistique et culturelle des œuvres mentionnées à l'alinéa ii de l'article 2 est déterminée par le Comité Archéologique et entre en vigueur après le visa du Ministère des communications et de la culture.

Article 4 : Aux fins d'étude et de recherche des biens historiques et culturels, est institué un comité dénommé Comité Archéologique.

Le Comité Archéologique est composé de :

- Deux archéologues aux compétences scientifiques au choix du Ministère des communications et de la culture.
- Un membre du musée aux compétences scientifiques, choisi par le ministère de la culture et des communications.
- Un historien, membre de l'Académie des sciences, choisi par le Directeur de l'Académie des sciences.
- Le Directeur de l'Archéologie comme le Directeur du Comité.

Article 5 : En cas de doute sur l'authenticité d'un bien historique et culturel, la voix du Comité Archéologique est prépondérante.

Article 6 : L'Institut Archéologique a l'obligation d'étudier et d'inventorier la totalité des monuments et sites historiques, d'en déterminer les limites et d'en rassembler les références historiques.

Nul ne peut, sans l'obtention d'une autorisation de l'Institut Archéologique, construire dans le périmètre cadastré ou autoriser autrui à construire.

Article 7 : Tout bien historique et culturel meuble ou immeuble découvert ou enfoui en Afghanistan est propriété de l'Etat.

Article 8 : Le propriétaire du sol ne peut se prévaloir du droit de propriété pour s'approprier des biens découverts ou enfouis ou décider de procéder à des fouilles.

Article 9 : Lorsque les municipalités, les établissements d'urbanisme de construction d'habitation, les chantiers d'adduction et autres établissements publics ou privés sont confrontés à des biens d'importance historique et culturelle, lors de la construction, de l'agrandissement et l'argumentation de leurs chantiers, ils doivent arrêter les travaux et informer l'Institut Archéologique.

Article 10 : Lorsque la poursuite des travaux du chantier met les biens culturels ou leur site en péril, le chantier est suspendu jusqu'à ce qu'une solution définitive soit trouvée pour leur sauvegarde.

Article 11 : Les modifications dans la structure d'un monument de valeur historique cadastré est interdite sans l'autorisation de l'Etat. Pour la protection de tels monuments, l'Etat prend les mesures adéquates.

Article 12 : Le Comité Archéologique fixe et attribue des récompenses à ceux qui aident l'Etat à la découverte des biens historiques et culturels.

CHAPITRE II

LES BIENS HISTORIQUES ET CULTURELS IMMOBILES

Article 13 : Les biens historiques et culturels immobiliers sont cadastrés après la délibération du Comité Archéologique et le visa du Ministère de la culture et des communications et pour l'information du public, le cadastre est publié dans les journaux officiels. L'Institut Archéologique doit attribuer au bien historique et culturel une immatriculation et en envoyer une copie aux municipalités et provinces concernées.

Article 14 : Les lieux saints ou les monuments historiques qui sont cadastrés comme des biens historiques et culturels restent à la détention du propriétaire, de l'Administration des cultes, de l'Institut Archéologique ou de l'autorité administrative locale.

Dans ce cas, la personne ou l'administration a l'obligation de la sauvegarde de ces biens et prend conseil, pour la sauvegarde de leur authenticité, auprès de l'Institut Archéologique.

Article 15 : L'inhumation de corps, le forage de puits, canaux et douves; les travaux de carrières par explosion, la construction de fours, la conduite de véhicules de transports ou toute autre opération aboutissant à la destruction ou à l'endommagement d'un bien historique et culturel, à l'intérieur du périmètre cadastré d'archéologie est interdite sans autorisation de l'Institut Archéologique.

Article 16 : En cas de besoin, et après le visa du ministère de la culture et des communications et avec l'approbation du Conseil des ministres, l'Etat peut préempter des biens historiques et culturels immobiliers et des sites appartenant aux particuliers, en contrepartie d'un prix équitable.

Article 17 : Concernant les biens historiques et culturels mobiles, une revendication basée sur la possession, même de longue date, ne peut constituer la preuve de la propriété.

Article 18 : Le découvreur d'un bien historique et culturel immobile ou le propriétaire du sol ou l'usufruitier sur la nue propriété duquel un tel bien a été découvert, doit informer de cette découverte, dans un délai d'une semaine dans les zones urbaines et dans un délai de deux semaines dans les zones rurales, le responsable administratif local qui en informe l'Institut Archéologique sans délai.

De tels biens sont reconnus comme la propriété de l'Etat.

Contre un prix équitable, L'Etat préempte le sol et les immeubles qui y sont situés ou qui en font partie.

Article 19 : Lorsqu'un bien historique et culturel immobilier comprend des Biens historiques et culturels mobiliers, ces derniers sont également propriété de l'Etat. Et en application de l'article 12 de la présente loi, une récompense adéquate est octroyée à leur propriétaire.

Article 20 : L'Institut Archéologique peut étudier, dessiner, photographier l'ensemble des biens Historiques et culturels immobiliers et en prendre des moulages. A cet effet, le propriétaire de tels biens doit prendre toutes les mesures nécessaires pour faciliter ces opérations.

Article 21 : Le transfert de propriété des biens historiques et culturels immobiliers cadastrés est

possible un mois après la notification à l'Institut archéologique. La notification comprend l'identité et la photocopie de l'acte de vente du nouveau propriétaire.

Article 22 : Les biens historiques et culturels immobiliers domaniaux sont inaliénables.

CHAPITRE III

LES BIENS HISTORIQUES CULTURELS MOBILES

Article 23 : Les biens historiques et culturels mobiles détenus par les personnes physiques ou morales avant l'entrée en vigueur de la présente loi sont répertoriés. A cet effet, à compter de l'entrée en vigueur de la présente loi et dans un délai de trois ans, les propriétaires de tels biens ont l'obligation d'en informer l'Institut Archéologique à Kaboul et les Directions de la culture et des communications dans les provinces. Ainsi, la propriété des personnes sur de tels biens sera préservée.

Article 24 : Les directions de la culture et des communications doivent, dans un délai de quinze jours, envoyer à l'Institut Archéologique l'inventaire des biens qui leur sont soumis aux fins d'enregistrement. Et dans un délai de trois mois L'Institut Archéologique doit leur renvoyer la copie de la cadastre.

Article 25 : Le découvreur d'un bien historique et culturel mobile doit en informer, dans un délai d'une semaine, l'Institut Archéologique, et dans un délai de deux semaines, en informer les musées ou les Bureaux de Conservation des Monuments des Directions de la culture et des communications ou la direction administrative la plus proche.

Article 26 : L'Institut Archéologique jouit du droit de préemption lorsqu'il sent le besoin de se porter acquéreur d'un bien historique et culturel immobilier. En cas de désaccord avec le propriétaire du bien, l'Institut peut saisir la justice.

Article 27 : Aux fins d'étude, de dessin, de photographie, de moulage ainsi que pour un usage scientifique ou technique, L'Institut Archéologique peut demander les biens historiques et culturels mobiliers cadastrés détenus par des particuliers et, à l'issue des recherches, les restituer à leurs propriétaires dans un délai raisonnable.

Article 28 : Par l'intermédiaire de l'Institut Archéologique, les biens historiques et culturels détenus par les particuliers peuvent être mis à la disposition des chercheurs, qui ont obligation de citer le nom du propriétaire des biens comme référence principale de leurs travaux.

Article 29 : Le propriétaire des biens historiques et culturels mobiliers a l'obligation d'informer l'Institut Archéologique de tout changement de lieu de conservation des biens susmentionnés.

Article 30 : Les personnes physiques ou morales qui disposent des biens historiques et culturels mobiliers cadastrés, ont l'obligation de les conserver selon les recommandations de l'Institut Archéologique.

En cas d'endommagement du bien, du fait de la négligence de son propriétaire, l'Institut Archéologique peut réparer ce bien de façon scientifique et technique et demander au propriétaire les frais de cette réparation.

En cas d'incapacité prouvée du propriétaire à conserver le bien, l'Institut Archéologique peut acheter ce bien contre un prix équitable. En cas de désaccord sur le prix, l'Institut Archéologique peut recourir à la justice.

Article 31 : La vente et l'appropriation des biens historiques et culturels mobiliers cadastrés sont interdites aux étrangers. Toute personne souhaitant vendre à un citoyen afghan un bien mobilier cadastré a l'obligation d'en informer préalablement l'Institut Archéologique avec l'indication de l'identité de l'acquéreur. En cas de refus de l'Institut Archéologique d'acheter les biens, le propriétaire peut les vendre à une tierce personne.

Article 32 : Les conservateurs des biens historiques et les employés de l'Institut Archéologique n'ont pas le droit de posséder et d'acheter des biens historiques et culturels.

CHAPITRE IV

LES FOUILLES ARCHEOLOGIQUES

Article 33 : Le droit de procéder à des fouilles pour la découverte des biens est réservé à l'Institut Archéologique. Aucune autre direction officielle, institution privée ou

particulier ne peut, même sur son propre sol procéder à des fouilles archéologiques sans une autorisation délivrée conformément la présente loi.

Article 34 : L'institut Archéologique peut, à leur demande et après le visa du Conseil des ministres, octroyer des licences de fouilles à des institutions scientifiques afghanes ou étrangères. Cette licence n'est pas cessible.

Article 35 : L'Institution requérante d'une fouille doit présenter à l'Institut archéologique un formulaire contenant des informations suivantes :

- I. L'objet de la prospection et le programme du travail.
- II. L'indication et la délimitation du lieu de fouilles
- III. La présentation de l'identité complète des membres de la délégation archéologique.

Article 36 : La licence est délivrée seulement pour une localité déterminée ou pour une région individualisée.

Article 37 : La validité de la licence est de 5 ans maximum. L'institution requérante ne peut, sans autorisation préalable de l'Institut Archéologique, reporter les fouilles à plus d'un an.

La durée du report des fouilles est comptabilisée dans la durée de la convention.

En cas de suspension des travaux survenue à cause d'événements constituant un obstacle à la poursuite des travaux, ou si les fouilles ne peuvent être achevées dans la période fixée en raison du volume du travail, la prolongation de la durée des fouilles peut s'effectuer sur la base de conventions séparées.

Article 38 : Le président et les membres de la délégation des fouilles sont officiellement présentés à l'Institut Archéologique et ne peuvent être remplacés ou substitués sans l'autorisation préalable.

Article 39 : La délégation des fouilles a l'obligation de respecter les lois, les us et coutumes et les habitudes du pays ou de la région des fouilles.

Article 40 : La réparation de tout dégât causé dans le sol où les fouilles s'effectuent est à la charge de la délégation Archéologique.

Article 41 : Pour l'importation de matériaux, équipements scientifiques techniques et véhicules de transport de ses besoins, la Délégation Archéologique est exonérée de paiement de droits et taxes douaniers à condition d'évacuer la partie non utilisée ou de la céder gratuitement à un organisme public.

Article 42 : L'Institut Archéologique se réserve le droit de surveiller et de contrôler toutes fouilles et prospections archéologiques. En absence de représentant de l'Institut Archéologique, l'organisme partenaire n'a pas le droit de procéder à des fouilles ou à des prospections.

Article 43: Les fouilles doivent être réalisées à l'aide de méthodes et d'outils scientifiques les plus modernes.

Article 44 : La Délégation des fouilles a l'obligation de prendre toutes les mesures techniques pour la préservation du site jusqu'à l'expiration du contrat.

Article 45 : La Délégation Archéologique a l'obligation de présenter dans un délai de 6 mois après la fin de chaque cycle de fouilles, les rapports préliminaires contenant le plan, le croquis, la photographie, le dessin et l'inventaire des biens découverts.

Article 46 : Les informations relatives aux résultats des fouilles et l'avancement du chantier à l'issue d'un cycle de fouilles peut être publiées par la Délégation Archéologique.

Article 47 : Tous les biens découverts lors des prospections et des fouilles appartiennent à l'Etat.

Article 48 : La protection du site des fouilles et le transfert des biens découverts pendant la durée du contrat, sont à la charge de l'organisme contractant. Tous les biens mobiliers découverts sont livrés à l'Institut Archéologique.

Article 49 : L'exportation provisoire des biens découverts, demandée par la Délégation des fouilles étrangère, aux fins de recherche, réparation et nettoyage, en cas d'absence d'instruments scientifiques et de laboratoires spécialisés à l'intérieur du pays et afin de compléter les informations et leur diffusion, est subordonnée à l'autorisation du Comité Archéologique et au visa du ministre des communications et de la culture.

Article 50 : Sans l'autorisation de l'Institut Archéologique, la Délégation de fouilles ne peut transférer, aux fins d'études, les biens découverts appartenant à ses fouilles hors le bureau central de la délégation.

Article 51 : Tout droit de publication des résultats des recherches scientifiques des fouilles et des prospections est réservé à la Délégation des fouilles. La Délégation des fouilles a l'obligation de publier ses études finales dans un délai de cinq ans après la fin des

fouilles sous le titre de biens historiques et culturels d'Afghanistan. A l'expiration du délai de 5 ans, la Délégation perd le monopole de publication.

Article 52 : La Délégation des fouilles a l'obligation de remettre gratuitement à l'Institut Archéologique, 50 exemplaires de toutes ses publications telles que les rapports préliminaires, les rapports finaux, les articles et les textes relatifs aux fouilles et aux études.

Article 53 : Les conditions de la résiliation du contrat des fouilles sont explicitement fixées dans le contrat par les cocontractants.

CHAPITRE V

LES MUSEES

Article 54 : L'institution et l'administration des musées aux fins de préservation et réparation des biens culturels et leur utilisation scientifique est le devoir de l'Etat. Toutefois, ce principe ne fait pas obstacle à la possession conformément à la loi, de tels biens et leurs collections par les personnes physiques et morales.

Article 55 : En Afghanistan, les musées se divisent en trois catégories :

1. Le musée national situé dans la capitale
2. Les musées locaux dont le nombre et la situation sont fixés par le Comité Archéologique en accord avec le ministère des communications et de la culture.
3. Les musées spécialisés institués, sur proposition des ministères et des institutions concernées et après la délibération du Conseil des ministres.

Article 56 : Tous les biens de première importance scientifique et artistique et les biens dont il existe un seul exemplaire en Afghanistan sont conservés et exposés au Musée National. Les autres biens historiques et culturels dont il existe plusieurs exemplaires sont conservés au musée local de la région où ces biens ont été découverts. La répartition des biens découverts et préexistants entre les musées du pays est effectuée par le Comité Archéologique avec le concours des directeurs des musées nationaux et locaux.

Article 57 : A l'exception du cas prévu par l'article 56 de la présente loi, sans besoin impérieux et sans la délibération du Conseil des ministres, le transfert du musée national ou une partie de ses collections de leur emplacement déterminé vers un autre lieu est interdit. Sous la surveillance du Comité Archéologique, le transfert des collections doit s'effectuer dans les meilleures conditions pour leur conservation contre le vol, la destruction et autres endommagements et les meilleures conditions doivent être réunies pour leur conservation dans le nouvel emplacement.

Article 58 : En cas de besoin impérieux, le transfert des collections du musée local s'effectue sur le fondement de la délibération commune du directeur des Communications et de la culture et le directeur de l'Education nationale, et conformément à l'article 57 de la présente loi.

CHAPITRE VI

LE COMMERCE DES BIENS HISTORIQUES ET CULTURELS

Article 59 : En application des principes de la présente loi, nul ne peut procéder au commerce des biens historiques et culturels, sans l'obtention du permis de commerce des biens historiques et culturels délivrés par l'Institut Archéologique.

Article 60 : Le commerce des biens qui, au sens de la présente loi, ont une valeur historique et culturelle est autorisé à condition que ces biens aient été enregistrés et inventoriés.

Article 61 : Les personnes désireuses de faire le commerce des biens historiques et culturels, doivent, en vue de l'obtention du permis de commerce, présenter à l'Institut Archéologique le formulaire contenant les mentions suivantes : i) Identité complète du requérant, ii) le titre et le lieu de commerce.

Art 62 : Le permis de commerce est délivré pour une période de validité de trois ans renouvelable. Le permis n'est pas cessible.

Art 63 : Le permis de commerce des biens historiques et culturels est octroyé aux personnes ayant la nationalité afghane et jouissant de leur capacité juridique totale.

Article 64 : Le titulaire du permis de commerce des biens historiques et culturels a l'obligation de procéder à la vente de ces biens seulement aux points mentionnés dans le permis. Le titulaire du permis peut toutefois acheter ces biens sur tout le territoire.

Article 65 : Le commerçant des biens historiques et culturels a l'obligation de : i) procéder à l'affichage du permis sur le lieu de commerce ; ii) ne déposer aucun bien non inventorié dans un lieu autre que celui mentionné dans le permis pour une période de plus d'un mois ; iii) inscrire toutes les transactions des biens historiques et culturels sur le registre remis par l'Institut Archéologique contre un prix déterminé ; iv) soumettre au contrôle de l'inspecteur tous les biens historiques et culturels qu'il a en sa possession lors de l'inspection par le représentant de l'Archéologie.

Article 66 : Le Comité Archéologique peut prendre les photographies ou le moulage de tous les Biens historiques et culturels qui se trouvent dans le cabinet de commerce.

Article 67 : Le Comité Archéologique a la compétence, en cas d'infraction commise aux principes de la présente loi par le commerçant, de retirer le permis. Le commerçant, en cas de désaccord peut recourir à la justice.

Article 68 : Le permis retiré en application de l'article 67 n'est pas renouvelable(ne peut être régularisé). Dans ce cas le commerçant a six mois pour liquider les biens qu'il a à sa disposition ou de les adjoindre à sa propriété.

Article 69 : Le permis de commerce des biens historiques et culturels est délivré contre six milles Afghanis. En cas de renouvellement, seulement 25 % du prix est dû. En cas de perte du permis, un duplicata est délivré contre mille Afghanis.

Article 70 : Lors de l'inventaire des biens historiques et culturels, l'Institut Archéologique peut acquérir, contre un prix équitable, tout bien qui a une valeur scientifique et qui est détenu par le commerçant. En cas de désaccord sur le prix, l'Institut Archéologique peut recourir à la justice.

CHAPITRE VII

LES PEINES

Article 71 : La personne qui détruit ou endommage délibérément les biens historiques et culturels, outre la réparation du dommage, encourt une peine d'emprisonnement d'un mois à dix ans.

Article 72 : Les personnes mentionnées aux articles 15 et 18 de la présente loi, omettant d'informer les instances compétentes de la découverte d'un bien dans les délais déterminés, encourt une peine d'emprisonnement d'une semaine à un mois ou une amende de 500 à 1500 Afghanis.

Article 73 : Lorsque le propriétaire ne prend pas le soin d'une conservation efficace des biens, ou lorsqu'ils agissent en violation de l'article 30 et qu'il en résulte un endommagement des biens, outre la réparation des dommages, il encourt une peine d'emprisonnement d'un mois à un an.

Article 74 : Lorsqu'une personne, en violation de l'article 13, exporte un bien historique et culturel ou l'emmène avec lui hors du pays, outre la confiscation du bien, elle encourt une peine d'emprisonnement de 6 mois à 3 ans ou une amende de 3000 à 5000 Afghanis.

Article 75 : La personne qui commet le vol, détournement, ou la falsification des biens appartenant aux musées ou au site des fouilles, outre le paiement du prix du bien, encourt une peine d'emprisonnement de 3 mois à 10 ans.

Article 76 : Pour les autres infractions aux principes de la présente loi, proportionnellement à la nature et à l'importance des infractions, une peine adéquate est fixée par le tribunal.

CHAPITRE VIII

LES PRINCIPES DIVERS

Article 77 : Sauf en application des principes de la présente loi, l'exportation des biens inventoriés lors du pays est interdite par un commerçant ou non.

Article 78 : Dans les cas et selon les conditions suivantes l'Etat peut exporter certains biens :

- 1) En vue de l'exposer dans une exposition internationale.
- 2) En vue d'une recherche scientifique en application des principes de la présente loi.
- 3) Pour réparation
- 4) En vue d'un échange contre les biens historiques et culturels des musées étrangers, après délibération du Conseil des ministres.

Article 79 : Aucun bien historique et culturel ne peut être envoyé à l'étranger s'il n'est pas couvert par une police d'assurance.

Article 80 : Les biens historiques et culturels importés par l'Etat sont exonérés du paiement des droits de douane.

Article 81 : Les personnes, les organismes scientifiques ou privés importateurs des biens historiques et culturels ont l'obligation de déposer au bureau des douanes, les biens importés et leur inventaire détaillé et recevoir un récépissé.

La direction des douanes envoie dans les meilleurs délais une copie de l'inventaire des biens à l'institut Archéologique.

L'Institut Archéologique vise et photographie dans les meilleurs délais, l'inventaire des biens susmentionnés et lors de la sortie du pays d'un bien, l'Institut Archéologique le confrontera avec l'inventaire avant d'autoriser sa sortie.

Article 82 : Si un ressortissant étranger importe un bien historique et culturel qui lui appartient en propre, est exonéré du paiement des droits de douane et autres taxes à condition de le sortir finalement du pays. En cas de vente de ces biens en Afghanistan, le propriétaire a l'obligation d'en informer préalablement la direction des douanes et l'Institut Archéologique.

Article 83 : Les conventions et les contrats bilatéraux existants relatifs aux biens historiques et culturels et dont les articles sont en contradiction avec la présente loi, sont, avec le consentement des parties, mis en conformité avec la présente loi.

Article 84 : Le Conseil des ministres soutient et autorise l'institution des associations candidates à la conservation et la préservation des biens historiques et culturels.

Article 85 : La pose et la fixation de l'original des biens historiques et culturels appartenant à l'Etat est interdit en dehors des musées y compris dans les palais et les lieux publics.

Article 86 : Pour une meilleure application de la présente loi, des règlements seront adoptés.

Article 87 : La présente loi entre en vigueur après publication au journal officiel.

Bamiyan Valley (Afghanistan)

No 208 rev

1. BASIC DATA

<i>State Party:</i>	Afghanistan
<i>Name of property:</i>	Cultural Landscape and Archaeological Remains of the Bamiyan Valley
<i>Location:</i>	Bamiyan Province, Bamiyan District
<i>Date received:</i>	19 May 2003
<i>Category of property:</i>	

In terms of the categories of cultural property set out in Article 1 of the 1972 World Heritage Convention, this is a *site*, and it is a serial nomination. In terms of the Operational Guidelines for the Implementation of the World Heritage Convention this is: a cultural landscape.

Brief description:

The cultural landscape and archaeological remains of the Bamiyan Valley represent the particular artistic and religious developments from the 1st to the 13th centuries in the ancient Bakhtria, integrating various cultural influences into the Gandhara school of Buddhist art. The area contains numerous Buddhist monastic ensembles and sanctuaries, as well as fortified settlements from the Islamic period. The site is also testimony to the tragic destruction of the two standing Buddha statues by the Taliban in March 2001, which shook the world.

2. THE PROPERTY

Description

Bamiyan Valley is situated some 246km by road west of Kabul, enclosed between the high mountains of Hindu Kush (Khawaja Ghar and Kuh-e Baba), in the central highlands of Afghanistan. The valley follows the Bamiyan River, and was the track of branch of the Silk Roads. The valley is situated in a large tectonic basin, which is ca 50km long and 15km wide, at an altitude of 2500m. The rocks are of conglomerate smoothly rubbed stone forming a long stretch of cliffs. The site is a landscape of great beauty, and was also associated with legendary figures. These aspects contributed to its development as a major religious and cultural centre. It was inhabited and partly urbanised from the 3rd century BCE.

The nominated site consists of 8 separate core zones, each with its buffer zone:

- *Bamiyan Cliff*, incl. two large standing Buddha figures;

- *Kakrak Valley*, ca 3km east of the previous;
- *Fuladi Valley*: *Qoul-i Akram* and *Kalai Ghamai Caves*;
- *Shahr-i Zuhak* includes a fortress of the Islamic period;
- *Qallai Kaphari Monuments*, Clusters A and B;
- *Shahr-i- Ghulghulah*, a fortified settlement.

Bamiyan Cliff is located on the north side of the valley, and includes the two colossal niches that contained the large standing Buddha figures (55m and 38m), dating from 3rd to 5th century CE, one of the them the tallest in the world. They were destroyed by the Taliban in March 2001. In 16th century CE, the site is reported to have contained some 12,000 caves, forming a large ensemble of Buddhist monasteries, chapels and sanctuaries, along the foothills of the valley. A preliminary geophysical exploration in 2002 has indicated the presence of ancient roads and wall structures. In several of the caves and niches, often linked with communicating galleries, there are remains of wall paintings. There are also remains of seated Buddha figures.

Kakrak Valley caves are situated ca 3km southeast of the Bamiyan Cliff, and consist of over a hundred caves, dating from 6th to 13th centuries. There are fragments remaining of a 10m tall standing Buddha figure and of a sanctuary with painted decorations from the Sasanian period.

Fuladi Valley caves: are located ca 2km southwest from the Bamiyan Cliff. The two main groups of caves are Qoul-i Akram Caves and Kalai Ghamai Caves, which have important decorative features.

Shahr-i Zuhak, ca 15km east of Bamiyan Cliff, relates mainly to the Islamic period under the rule of Ghaznavid and Ghorid dynasties (10th to 13th cent. CE), though the origins of the fortress of Shar-i Zuhak go back to 6th - 7th cent. CE.

Qallai Kaphari monuments are situated 12km east of the Bamiyan Cliff, in two clusters (A and B), consisting of fortification walls, towers and citadels, built in earthen structures. They date mainly from 6th – 8th cent. CE.

Shahr-i Ghulghulah is a fortified citadel situated on a hill in the centre of the Bamiyan Valley, and dates from 6th to 10th cent. CE.

History

Afghanistan was the ancient Bactria, one of the provinces of the Persian Empire under the Achaemenids. The region was then ruled by Alexander the Great, the Seleucid dynasty, and the Maurya dynasty of northern India. The Kushans, a group of nomadic tribes, ruled from the 2nd century BCE, reaching the climax in the 2nd cent. CE. The Sasanians controlled Afghanistan from the mid 3rd century, Central Asian nomads ruled in the 5th century; a coalition of Sasanians and Western Turks took the power in mid 6th century. The Silk Roads passed through Afghanistan, and contributed to the diffusion of Buddhism from India in this region in the 1st century CE. The Kushans were patrons of

the arts and religion, and were responsible for the introduction of Buddhist art in the Bactrian style, which was influenced by Hellenistic art, and the Sasanians.

Islamic art and architecture were introduced to Bamiyan in the 11th century CE, when the central part of Afghanistan was under the rule of Sultan Mahmud of Ghazna (998-1030). The town of Bamiyan was designed on the model of the Khorassan region of Iran. Under the rule of the Ghurids (1155-1212) the development included the fortified settlements of Shahr-i Bamiyan (later Ghulghulah), Shahr-i Zuhak and Shahr-i Khoshak. The army of Genghis Khan ruined the town of Bamiyan and looted the Buddhist monasteries in the early 13th century. The Mughal emperor Aurangzeb (1618-1707) ordered his army to shoot off the legs of the large Buddha. The valley was abandoned for a long period, but at the end of the 19th century, the caves were inhabited and used as shelters for domestic animals. In 1979, there were over 7,000 inhabitants in the Bamiyan town. From the 1970s, the area was used by the military. In the 1990s, it was exposed to armed conflicts. In 2001, the large Buddha statues were destroyed by the Taliban.

Management regime

Legal provision:

The monuments and archaeological remains of Bamiyan Valley are public property, owned by the State of Afghanistan. However, large parts of the buffer zone are in private ownership. The documents defining the ownerships were destroyed during the Taliban rule, and are now being re-established.

The State Law on the Conservation of Historical and Cultural Properties, dating 1980, is still in force, and provides the basis for financial and technical resources. Similarly, the legal framework is currently under review by the government.

Management structure:

The management of the nominated sites is under the authority of the Ministry of Information and Culture, Institute of Archaeology and the Department of the Preservation of Historical Monuments, as well as the Governor of the Bamiyan Province.

The Ministry of Information and Culture has a provincial local office representative in Bamiyan. There are ten guards protecting the site against vandalism and looting.

The 1981 plan on 'Rehabilitation and revitalisation of the Bamiyan Valley cultural heritage, has been recently reactivated and has the objective to prepare and implement a programme for the protection, conservation and presentation of the Bamiyan Valley, to undertake exploration and excavation of the archaeological remains, and to prepare and implement a programme for sustainable cultural tourism in the valley.

The Governor of the Province is responsible for the implementation of the regional development plan, which includes rehabilitation of housing, provision of health and educational services, and development of infrastructures and agriculture.

The government hopes that the inscription on the World Heritage List will contribute to the preparation of an appropriate property management plan.

Resources:

Some foreign funds have been allocated through UNESCO, e.g. Japanese government for the consolidation of cliff faces and conservation of mural paintings, as well as through ICOMOS for expert missions. There are also projects for the reorganisation of agriculture.

The Afghan government, in collaboration with international organisations, is currently identifying already trained Afghan expertise, who could be involved in the process of safeguarding.

Tourism development will need to be taken up when the situation in the country has been stabilised.

Justification by the State Party (summary)

The State Party has nominated the property under the criteria i, ii, iii, iv and vi.

Criterion i: The cave art in the Bamiyan Valley is a masterpiece of early Buddhist cave art and one of the exceptional testimonies of Gandharan art in this region.

Criterion ii: The monuments and archaeological remains of Bamiyan Valley together represent an important interchange of religious values and diverse cultural traditions.

Criterion iii: The Bamiyan Valley bears an exceptional testimony to a cultural tradition which has disappeared.

Criterion iv: The Bamiyan Valley is an outstanding example of a cultural landscape which illustrates a significant period in Buddhism.

Criterion vi: The Bamiyan Valley is a property which is directly and tangibly associated with a tragic, violent and deliberate destruction of irreplaceable cultural heritage in the 21st century.

The State Party nominates the property as a **cultural landscape** (criterion ii, 'organically evolved landscape'): The Bamiyan Valley is a landscape which has evolved through geological formation and human intervention, and the process of evolution in their form and component features are still visible today. Even today, one can witness

the landscape being continuously used, which retains an active social role in contemporary society of the local communities.

The State Party also asks the property to be put on the **World Heritage in Danger List** considering that it is threatened by serious and specific danger, and because major operations are necessary for its conservation.

3. ICOMOS EVALUATION

Actions by ICOMOS

ICOMOS has made an evaluation of the property in 1982. ICOMOS has organised several international expert missions during the past two years in order to assess the state of conservation of the heritage resources, and to contribute to their safeguarding.

Conservation

Conservation history:

The towns and monasteries in the Bamiyan Valley were destroyed and looted by the Mongols, remaining abandoned for a long period. Parts of the site have been occupied since the 19th century. From the 1970s, the site has suffered from liminary occupation and armed conflicts, and in March 2001, the large Buddha statues were destroyed with dynamite to the order of Mullah Omar.

The first archaeological studies in Bamiyan were carried out, in the 1920s and 1930s, by the French archaeological mission (DAFA). The French and Italian missions continued the explorations in the 1950s and 1960s. An Afghan team, under R. Sengupta from the Archaeological Survey of India, undertook the conservation and restoration of the large Buddha statues. A Japanese team from Kyoto University surveyed the mural paintings in the 1970s. In the past two years, there have been several missions by UNESCO and ICOMOS identifying the state of conservation of the site.

State of conservation:

Many of the caves and architectural remains of the Bamiyan Valley are in precarious condition. The niches of the large Buddhas have been damaged in the explosion of 2001, which caused cracks and also destroyed many of the mural decorations. The material of the rock is fragile and is easily dissolved in water, even though the surface is hardened and more resistant. The traditional buildings in the valley have been constructed in unbaked earth, and many of them have been repaired using traditional methods and materials after the war.

There are currently studies being made to identify appropriate methods for the consolidation of the cliffs, and the conservation of the sculpted and painted remains. There are hypotheses for a partial anastylosis of the

Buddha statues, using the fragments on the site. The largest of these are about 4 cubic meters. Anastylosis, as indicated in article 15 of the Venice Charter, is also considered a reasonable way to protect the remaining fragments of the statues.

Management:

At the moment, the management system is provisional with help from international community, in view of the development of a revised legal framework and appropriate administrative, scientific and technical resources. There is no property management plan yet, but it is foreseen that such a plan be prepared and implemented in the coming years.

Risk analysis:

The heritage properties are in a fragile state of conservation considering that they have suffered from abandonment, military actions, and dynamite explosions. They require urgent cure.

There are some 50,000 inhabitants in the valley at the moment. Parts of the buffer zones are still used for military purposes. There is also some limited mining of rocks in the buffer zone of the Bamiyan Cliff. The area is subject to seismic hazard. Rain and snow can aggravate the fragile condition of the remains.

The major dangers include: risk of imminent collapse of the Buddha niches with the remaining fragments of the statues, further deterioration of still existing mural paintings in the caves, looting and illicit excavation.

Parts of the area are still not accessible due to anti-person mines.

Authenticity and integrity

The heritage resources in Bamiyan Valley have suffered from various disasters, and are in a fragile state. A major loss was the destruction of the large Buddha statues in 2001. Nevertheless, the valley represents important authentic remains as testimonies to the different cultural phases of its history.

Seen as a cultural landscape, Bamiyan Valley, with its artistic and architectural remains, the traditional land use and the simple mud brick constructions has retained an integrity, which may be vulnerable in face of development, and requires careful conservation and management.

Comparative evaluation

There are several Buddhist sites already inscribed on the World Heritage list. These include: Ajanta Caves (1983; i, ii, iii, vi), Ellora Caves (1983; i, iii, vi) in India; Seokguram Grotto and Bulguksa Temple (1995; i, iv) in Korea; Golden Temple of Dambulla (1991; i, vi), Ancient City of Polonnaruwa (1982, i, iii, vi), Sacred City of Anuradhapura

(1982; ii, iii, vi) in Sri Lanka; Mogao Caves (1987; i, ii, iii, iv, v, vi), Dazu Rock Carvings (1999; i, ii, iii), Longmen Grottoes (2000; i, ii, iii), Yungang Grottoes (2001; i, ii, iii, iv) in China.

The Gandhara region being a crossroads of cultural influences received Buddhist missionaries already during the reign of the Indian emperor Asoka (3rd century BCE). In the 1st century AD, under the rulers of the Kushan Empire Gandhara maintained contacts with Rome, but there are influences also from the Hellenistic and Sasanian art. In the interpretation of Buddhist legends, the Gandhara school incorporated many motifs and techniques from classical Roman art. The basic iconography remained Indian, related to Mathura school, but it developed independently. As a result, the Gandhara school achieved its specific artistic expression, differing from similar sites elsewhere. Bamiyan Valley has some of its most important representations. The 55m tall Buddha statue was the tallest in the world.

Outstanding universal value

General statement:

Bamiyan Valley is an exceptional cultural landscape, resulting from the interaction between man and nature especially from 1st to 13th centuries CE. It is an outstanding representation of the Buddhist art as it developed under the Kushan Empire from the 1st century CE, reaching its climax in the 4th to 8th centuries. The standing Buddha statues of 3rd to 6th centuries were particularly representative of this art. The valley contains a large number of monastic ensembles and some 1000 caves; many of them have been richly decorated with paintings and sculptures.

The Gandhara school of Buddhist art, of which Bamiyan Valley is an outstanding representation, drew from the Hellenistic, Roman and Sasanian art traditions. The Buddha was represented with a youthful Apollo-like face, dressed like Roman imperial statues. The school had important influence from India, though it differed from this in its cultural expressions. The general trend was toward an idealized image. The Gandharan craftsmen made an important contribution to Buddhist art in their painted compositions related to Buddha's life.

Islamic religion was introduced in the region in the 13th century, and has contributed to the enrichment of the Valley through the construction of a number of fortified cities.

4. ICOMOS RECOMMENDATIONS

Recommendation for the future

It is recommended that the State Party make every effort to guarantee the adequate legal framework for the protection and conservation of Bamiyan Valley. It is further

recommended that the International community continue its collaboration with the scope to provide a sustainable basis for the future conservation, rehabilitation and maintenance of the Bamiyan cultural landscape, its monumental remains and traditional settlements.

Recommendation with respect to inscription

That the property be inscribed on the basis of ***criteria i, ii, iii, iv and vi:***

Criterion i: The Buddha statues and the cave art in Bamiyan Valley are an outstanding representation of the Gandharan school in Buddhist art in the Central Asian region.

Criterion ii: The artistic and architectural remains of Bamiyan Valley, and an important Buddhist centre on the Silk Road, are an exceptional testimony to the interchange of Indian, Hellenistic, Roman, Sasanian influences as the basis for the development of a particular artistic expression in the Gandharan school. To this can be added the Islamic influence in a later period.

Criterion iii: The Bamiyan Valley bears an exceptional testimony to a cultural tradition in the Central Asian region, which has disappeared.

Criterion iv: The Bamiyan Valley is an outstanding example of a cultural landscape which illustrates a significant period in Buddhism.

Criterion vi: The Bamiyan Valley is the most monumental expression of the western Buddhism. It was an important centre of pilgrimage over many centuries. Due to their symbolic values, the monuments have suffered at different times of their existence, including the deliberate destruction in 2001, which shook the whole world.

It is further recommended that the property be inscribed on the World Heritage in Danger List considering that it is threatened by the imminent danger of further deterioration, and considering that major operations are necessary for its conservation.

ICOMOS, 16 June 2003

Vallée de Bamyán (Afghanistan)

No 208 rev

1. IDENTIFICATION

<i>État partie :</i>	Afghanistan
<i>Bien proposé :</i>	Paysage culturel et vestiges archéologiques de la vallée de Bamyán
<i>Lieu :</i>	Province de Bamyán, district de Bamyán
<i>Date de réception :</i>	19 mai 2003

Catégorie de bien :

En termes de catégories de biens culturels, telles qu'elles sont définies à l'article premier de la Convention du Patrimoine mondial de 1972, il s'agit d'un *site* et d'une proposition d'inscription en *série*. Aux termes des *Orientations devant guider la mise en œuvre de la Convention du patrimoine mondial*, il s'agit d'un paysage culturel.

Brève description :

Le paysage culturel et les vestiges archéologiques de la vallée de Bamyán illustrent les développements artistiques et religieux particuliers du I^{er} au XIII^e siècle, dans l'ancienne Bactriane, intégrant diverses influences culturelles dans l'école d'art bouddhique du Gandhara. La zone contient divers ensembles monastiques et sanctuaires bouddhistes, ainsi que des peuplements fortifiés de la période islamique. Le site témoigne également de la tragique destruction des deux Bouddha debout par les Talibans en mars 2001, un événement qui a ébranlé le monde entier.

2. LE BIEN

Description

La vallée de Bamyán se situe à 246 km par la route à l'ouest de Kaboul, encerclée entre les hautes montagnes d'Hindu Kush (Khwaja Ghar et Koh-e Baba), sur le plateau central d'Afghanistan. La vallée suit le tracé du Bamyán, et marquait un embranchement de la Route de la Soie. Elle est située dans un grand bassin tectonique, d'environ 50 km de long et de 15 km de large, à une altitude de 2500 m. Les

roches sont des conglomérats de roches érodées formant un long tronçon de falaises. Le site est un paysage d'une grande beauté, également associé à des figures légendaires. Ces aspects ont contribué à son développement en tant que grand pôle religieux et culturel. Elle a été habitée et partiellement urbanisée à partir du III^e siècle avant notre ère.

Le site proposé pour inscription se compose de 8 zones principales distinctes, chacune dotée de sa zone tampon :

- *Falaise de Bamyán*, avec deux grands Bouddha debout ;
- *Vallée de Kakrak*, à environ 3 km à l'est de la précédente ;
- Vallée de Fuladi : *Qoul-i Akram* et *grottes de Kalai Ghamai* ;
- *Shahr-i Zuhak*, qui comprend une forteresse de la période islamique ;
- *Monuments de Qallai Kaphari*, groupes A et B ;
- *Shahr-i- Ghulghulah*, peuplement fortifié.

Les falaises de Bamyán sont situées au nord de la vallée, et comprennent les deux niches colossales qui abritaient les deux Bouddha debout (55 m et 38 m), datant du III^e au Ve siècle de notre ère, dont l'un était le plus haut du monde. Ils furent détruits par les Talibans en mars 2001. Au XVI^e siècle de notre ère, le site, selon les rapports, comptait quelque 12 000 grottes, formant un vaste ensemble de monastères, de chapelles et de sanctuaires bouddhistes au pied des collines entourant la vallée. Une exploration géophysique préliminaire conduite en 2002 a indiqué la présence de routes et de murailles anciennes. Dans plusieurs des grottes et des niches, souvent reliées par des galeries, on trouve des vestiges de peintures murales, ainsi que des vestiges de Bouddha assis.

Les grottes de la vallée de Kakrak sont situées à environ 3 km au sud-est de la falaise de Bamyán, et sont plus d'une centaine, datant du VI^e au XIII^e siècle. On trouve des vestiges d'un Bouddha debout de 10 m de haut et d'un sanctuaire avec des décorations peintes de la période sassanide.

Les grottes de la vallée de Fuladi sont situées à 2 km au sud-ouest de la falaise de Bamyán. Les deux principaux groupes de grottes sont les grottes de Qoul-i Akram et les grottes de Kalai Ghamai, qui présentent d'importants traits décoratifs.

Shahr-i Zuhak, à environ 15 km à l'est de la falaise de Bamyán, concerne principalement la période islamique sous les dynasties Ghaznavide et de Ghor (du Xe au XIII^e siècle de notre ère), quoique les origines de la forteresse de Shahr-i Zuhak remontent au VI^e –VII^e siècle de notre ère.

Les monuments de Qallai Kaphari sont situés à 12 km à l'est de la falaise de Bamyan, et se scindent en deux groupes (A et B), consistant en remparts, tours et citadelles, des structures de terre. Ils remontent essentiellement au VI^e – VIII^e siècle de notre ère.

Shahr-i Ghulghulah est une citadelle fortifiée qui se dresse sur une colline au centre de la vallée de Bamyan, et remonte du VI^e au Xe siècle de notre ère.

Histoire

L'Afghanistan était jadis la Bactriane, l'une des provinces de l'empire perse à l'époque des Achéménides. Alexandre le Grand, la dynastie séleucide et la dynastie Maurya d'Inde du Nord régnèrent ensuite sur la région. Les Kouchanes, groupe de tribus nomades, régnèrent à partir du II^e siècle avant notre ère, pour atteindre une apogée au II^e siècle après notre ère. Les Sassanides contrôlèrent l'Afghanistan à partir du milieu du III^e siècle, les nomades d'Asie centrale régnèrent au Ve siècle, une coalition entre les Sassanides et les Turcs de l'ouest prit le pouvoir au milieu du VI^e siècle. La Route de la Soie, qui traversait l'Afghanistan, contribua à la diffusion du bouddhisme venu d'Inde dans la région au I^{er} siècle de notre ère. Les Kouchanes étaient des mécènes des arts et de la religion, et furent responsables de l'introduction de l'art bouddhique dans le style bactrien, qui fut aussi influencé par l'art hellénistique et sassanide.

L'art et l'architecture islamique furent introduits à Bamyan au XI^e siècle de notre ère, alors que la région centrale d'Afghanistan était sous le joug du sultan Mahmoud de Chazna (998-1030). La ville de Bamyan fut conçue sur le modèle de la région de Khorasan, en Iran. Sous le règne des Ghorides (1155-1212), le développement incluait les peuplements fortifiés de Shahr-i Bamyan (plus tard Ghulghulah), de Shahr-i Zuhak et de Shahr-i Khoshak. Au début du XIII^e siècle, l'armée de Genghis Khan ruina les villes de Bamyan et pilla les monastères bouddhistes. L'empereur moghol Aurangzeb (1618-1707) ordonna à son armée de détruire les jambes du grand Bouddha. La vallée fut abandonnée pour une longue période mais, à la fin du XIX^e siècle, les grottes furent à nouveau habitées et utilisées comme abris pour des animaux domestiques. En 1979, la ville de Bamyan comptait plus de 7 000 habitants. Dans les années 1970, la région fut utilisée par les militaires. Dans les années 1990, elle fut exposée à des conflits armés. En 2001, les grands Bouddha furent détruits par les Talibans.

Politique de gestion

Dispositions légales :

Les monuments et les vestiges archéologiques de la vallée de Bamyan sont propriété de l'État d'Afghanistan. Toutefois, la zone tampon est en grande partie sous propriété privée. Les documents définissant les propriétés furent détruits sous le joug taliban, et sont actuellement en cours de rétablissement.

La loi sur la conservation des biens historiques et culturels de 1980 est toujours en vigueur, et stipule les bases des ressources financières et techniques. De même, le cadre juridique est actuellement en cours d'examen par le gouvernement.

Structure de la gestion :

La gestion des sites proposés pour inscription incombe au ministère de l'Information et de la Culture, à l'Institut d'Archéologie et au département de Préservation des Monuments Historiques, ainsi qu'au gouverneur de la province de Bamyan.

Le ministère de l'Information et de la Culture dispose d'un représentant officiel provincial local à Bamyan. Le site compte une dizaine de gardes qui protègent le site contre le vandalisme et les pillages.

Le plan de 1981 sur la « Réhabilitation et revitalisation du patrimoine culturel de la vallée de Bamyan » a été récemment réactivé et a pour objectif de préparer et de mettre en œuvre un programme de protection, de conservation et de présentation de la vallée de Bamyan, pour entreprendre l'exploration et les fouilles des vestiges archéologiques, et pour préparer et mettre en œuvre un programme de tourisme culturel durable dans la vallée.

Le gouverneur de la province est responsable de la mise en œuvre du plan de développement régional, qui inclut la réhabilitation des logements, la mise en place des services sanitaires et éducatifs, et le développement d'infrastructures et de l'agriculture.

Le gouvernement espère que l'inscription sur la Liste du patrimoine mondial favorisera la préparation d'un plan approprié de gestion du bien.

Ressources :

Certains fonds étrangers ont été alloués par l'intermédiaire de l'UNESCO - le gouvernement japonais a, par exemple, ainsi apporté des fonds destinés à la consolidation des façades des falaises et à la conservation des peintures murales - ainsi que par l'intermédiaire de l'ICOMOS pour des missions d'experts. Des projets de réorganisation de l'agriculture sont également en cours.

Le gouvernement afghan, en collaboration avec des organisations internationales, identifie actuellement des

experts afghans déjà formés qui pourraient être impliqués dans la sauvegarde.

Le développement touristique devra être pris en compte quand la situation du pays aura été stabilisée.

Justification émanant de l'État partie (résumé)

L'État partie a proposé le bien pour inscription sur la base des critères i, ii, iii, iv et vi.

Critère i : L'art rupestre de la vallée de Bamyane est un chef d'œuvre de l'art rupestre bouddhique ancien et l'un des plus exceptionnels témoignages de l'art du Gandhara dans la région.

Critère ii : Les monuments et les vestiges archéologiques de la vallée de Bamyane représentent collectivement un important échange de valeurs religieuses et de traditions culturelles.

Critère iii : La vallée de Bamyane est un témoignage exceptionnel d'une tradition culturelle aujourd'hui disparue.

Critère iv : La vallée de Bamyane est un remarquable exemple de paysage culturel, qui illustre une période significative du bouddhisme.

Critère vi : La vallée de Bamyane est un bien directement et tangiblement associé à une destruction tragique, violente et délibérée d'un patrimoine culturel irremplaçable au XXI^e siècle.

L'État partie propose l'inscription du bien en tant que **paysage culturel** (critère ii, «paysage organique») : la vallée de Bamyane est un paysage qui a évolué par la formation géologique et l'intervention humaine, et dont l'évolution, tant dans sa forme que dans ses composants, demeure visible actuellement. Aujourd'hui encore, on peut voir l'utilisation continue du paysage, qui conserve un rôle social actif dans les communautés locales contemporaines.

L'État partie demande également que le bien soit placé sur la **Liste du patrimoine mondial en péril**, considérant qu'il est menacé par un danger grave et précis, et parce que des opérations majeures sont nécessaires pour sa conservation.

3. ÉVALUATION DE L'ICOMOS

Actions de l'ICOMOS

L'ICOMOS a effectué une évaluation du bien en 1982. L'ICOMOS a organisé plusieurs missions d'experts internationaux durant les deux dernières années afin

d'évaluer l'état de conservation des ressources du patrimoine et de contribuer à leur sauvegarde.

Conservation

Historique de la conservation :

Les villes et les monastères de la vallée de Bamyane ont été détruits et pillés par les Mongols, restant abandonnés pendant longtemps. Le site est en partie habité depuis le XIX^e siècle. À partir des années 1970, il a connu l'occupation militaire et des conflits armés et en mars 2001, les grands Bouddha ont été détruits à la dynamite sur l'ordre du mollah Omar.

Les premières études archéologiques de Bamyane ont été réalisées dans les années 20 et 30, par la mission archéologique française (DAFA). Les missions française et italienne ont poursuivi les explorations dans les années 50 et 60. Une équipe afghane, menée par R. Sengupta de l'*Archaeological Survey of India*, a entrepris la conservation et la restauration des grands Bouddha. Une équipe japonaise de l'université de Kyoto a étudié les peintures murales dans les années 1970. Ces deux dernières années, l'UNESCO et l'ICOMOS ont mené plusieurs missions identifiant l'état de conservation du site.

État de conservation :

La plupart des grottes et des vestiges d'architecture de la vallée de Bamyane sont dans un état précaire. Les niches des grands Bouddha ont été endommagées lors de l'explosion de 2001, qui a causé des fissures et a également détruit bon nombre des décorations murales. La roche est fragile et se désagrège facilement quand elle est humide, même si la surface en est durcie et plus résistante. Les bâtiments traditionnels de la vallée ont été construits en terre crue et beaucoup ont été réparés en utilisant des méthodes et matériaux traditionnels après la guerre.

Des études sont actuellement en cours pour identifier les méthodes appropriées pour la consolidation des falaises, et la conservation des vestiges sculptés et peints. Il existe des hypothèses d'anastylose partielle des statues du Bouddha, à l'aide des fragments restés sur le site, dont les plus importants font environ 4 mètres cubes. On estime que l'anastylose, comme indiqué à l'article 15 de la Charte de Venise, est un bon moyen de protéger les fragments restants des statues.

Gestion :

Le système de gestion, assisté par la communauté internationale, est pour l'instant provisoire, au vu du développement d'un cadre juridique révisé et des ressources administratives, scientifiques et techniques appropriées. Il n'existe aucun plan de gestion du bien, mais

on prévoit sa préparation et sa mise en œuvre dans les années à venir.

Analyse des risques :

Les biens sont dans un état de conservation fragile, si l'on considère qu'ils ont été laissés à l'abandon et qu'ils ont subi des actions militaires et des explosions à la dynamite. Ils ont besoin d'un traitement urgent.

La vallée abrite actuellement quelque 50 000 habitants. La zone tampon est pour partie toujours utilisée à des fins militaires. Il existe également une activité minière limitée dans la zone tampon de la falaise de Bamyan. La zone est soumise à des risques sismiques. La pluie et la neige peuvent aggraver l'état déjà fragile des vestiges.

Les principaux dangers incluent : le risque d'effondrement imminent des niches des Bouddha avec les fragments conservés des statues, la détérioration ultérieure des peintures murales subsistant dans les grottes, le pillage et les fouilles illicites.

Certaines parties de la zone demeurent inaccessibles du fait de la présence de mines anti-personnelles.

Authenticité et intégrité

Les ressources patrimoniales de la vallée de Bamyan ont souffert de divers désastres, et sont dans un état précaire. L'année 2001 a été le témoin d'une perte incommensurable, la destruction des grands Bouddha. Néanmoins, la vallée présente d'importants vestiges témoignant des différentes phases culturelles de son histoire.

Considérée comme un paysage culturel, la vallée de Bamyan, avec ses vestiges artistiques et architecturaux, son occupation traditionnelle des sols et ses constructions simples en briques de terre, a conservé une intégrité qui peut se révéler vulnérable au développement, et qui exige une conservation et une gestion prudentes.

Évaluation comparative

Plusieurs sites bouddhistes sont déjà inscrits sur la Liste du patrimoine mondial : les grottes d'Ajanta (1983 ; i, ii, iii, vi), les grottes d'Ellora (1983 ; i, iii, vi) en Inde, la grotte de Seokguram et le temple Bulguksa (1995 ; i, iv) en Corée, le temple d'or de Dambulla (1991 ; i, vi), la cité historique de Polonnaruwa (1982, i, iii, vi), la ville sainte d'Anuradhapura (1982 ; ii, iii, vi) au Sri Lanka ; les grottes de Mogao (1987 ; i, ii, iii, iv, v, vi), les sculptures rupestres de Dazu (1999 ; i, ii, iii), les grottes de Longmen (2000 ; i, ii, iii), les grottes de Yungang (2001 ; i, ii, iii, iv) en Chine.

La région du Gandhara, carrefour d'influences culturelles, a accueilli des missionnaires bouddhistes dès l'époque de l'empereur indien Asoka (III^e siècle avant notre ère). Au I^{er} siècle de notre ère, sous l'empire kouchane, Gandhara entretenait des contacts avec Rome, mais on observe également des influences artistiques hellénistiques et sassanides. Dans l'interprétation des légendes bouddhistes, l'école du Gandhara a incorporé de nombreux motifs et techniques de l'art romain classique. L'iconographie demeure fondamentalement indienne, apparentée à l'école Mathura, mais elle se développa indépendamment. C'est ainsi que l'école du Gandhara parvint à une expression artistique particulière, différente des sites similaires ailleurs. La vallée de Bamyan abrite quelques-unes de ses réalisations les plus importantes. Le Bouddha de 55 m de haut était le plus grand au monde.

Valeur universelle exceptionnelle

Déclaration générale :

La vallée de Bamyan est un paysage culturel exceptionnel, né de l'interaction entre l'homme et la nature, tout particulièrement du I^{er} au XIII^e siècle de notre ère. C'est une illustration exceptionnelle de l'art bouddhique développé sous l'empire kouchane à partir du I^{er} siècle de notre ère et qui connut son apogée du IV^e au VIII^e siècle. Les Bouddha debout du III^e au VI^e siècle étaient particulièrement représentatifs de cet art. La vallée abrite un grand nombre d'ensembles monastiques et un millier de grottes ; beaucoup d'entre elles ont été richement décorées de peintures et de sculptures.

L'école d'art bouddhique du Gandhara, dont la vallée est un exemple exceptionnel, a puisé dans les traditions artistiques hellénistiques, romaines et sassanides. Le Bouddha a été représenté avec un visage jeune semblable à celui d'Apollon et habillé comme les statues impériales romaines. L'influence majeure de l'école vient d'Inde, quoiqu'elle ait différé de celle-ci dans ses expressions culturelles. La tendance générale était à une image idéalisée. Les artisans du Gandhara ont apporté une importante contribution à l'art bouddhique dans leurs compositions peintes évoquant la vie du Bouddha.

La religion islamique a été introduite dans la région au XIII^e siècle et a contribué à l'enrichissement de la vallée par la construction d'un certain nombre de villes fortifiées.

4. RECOMMANDATIONS DE L'ICOMOS

Recommandations pour le futur

Il est recommandé que l'État partie fasse tous les efforts nécessaires pour garantir un cadre juridique adéquat en vue de la protection et de la conservation de la vallée de

Bamyan. Il est recommandé en outre que la communauté internationale continue sa collaboration dans l'objectif de fournir une base durable à la conservation, la réhabilitation et la maintenance future du paysage culturel de Bamyan, de ses vestiges monumentaux et de ses peuplements traditionnels.

Recommandation concernant l'inscription

L'ICOMOS recommande que le bien soit inscrit sur la base des *critères i, ii, iii, iv et vi* :

Critère i : Les statues de Bouddha et l'art rupestre de la vallée de Bamyan sont une représentation exceptionnelle de l'école du Gandhara dans l'art bouddhique de la région d'Asie centrale.

Critère ii : Les vestiges artistiques et architecturaux de la vallée de Bamyan, important centre bouddhiste sur la Route de la Soie, sont un témoignage exceptionnel de l'échange des influences indiennes, hellénistiques, romaines et sassanides qui ont servi de fondations à une expression artistique particulière de l'école du Gandhara. À cela s'ajoute une influence islamique ultérieure.

Critère iii : La vallée de Bamyan est un témoignage exceptionnel d'une tradition culturelle d'Asie centrale aujourd'hui disparue.

Critère iv : La vallée de Bamyan est un exemple exceptionnel de paysage culturel illustrant une période significative du bouddhisme.

Critère vi : La vallée de Bamyan est l'expression monumentale la plus importante du Bouddhisme occidental. Ce fut un centre de pèlerinage essentiel sur plusieurs siècles. Les monuments, en raison de leurs valeurs symboliques, ont souffert à différentes périodes de leur histoire, notamment lors de la destruction délibérée de 2001, qui secoua le monde entier.

L'ICOMOS recommande en outre que le bien soit inscrit sur la liste du Patrimoine mondial en péril, le bien étant menacé par le danger imminent d'une détérioration plus grave, et compte-tenu que des opérations majeures sont nécessaires à la conservation.