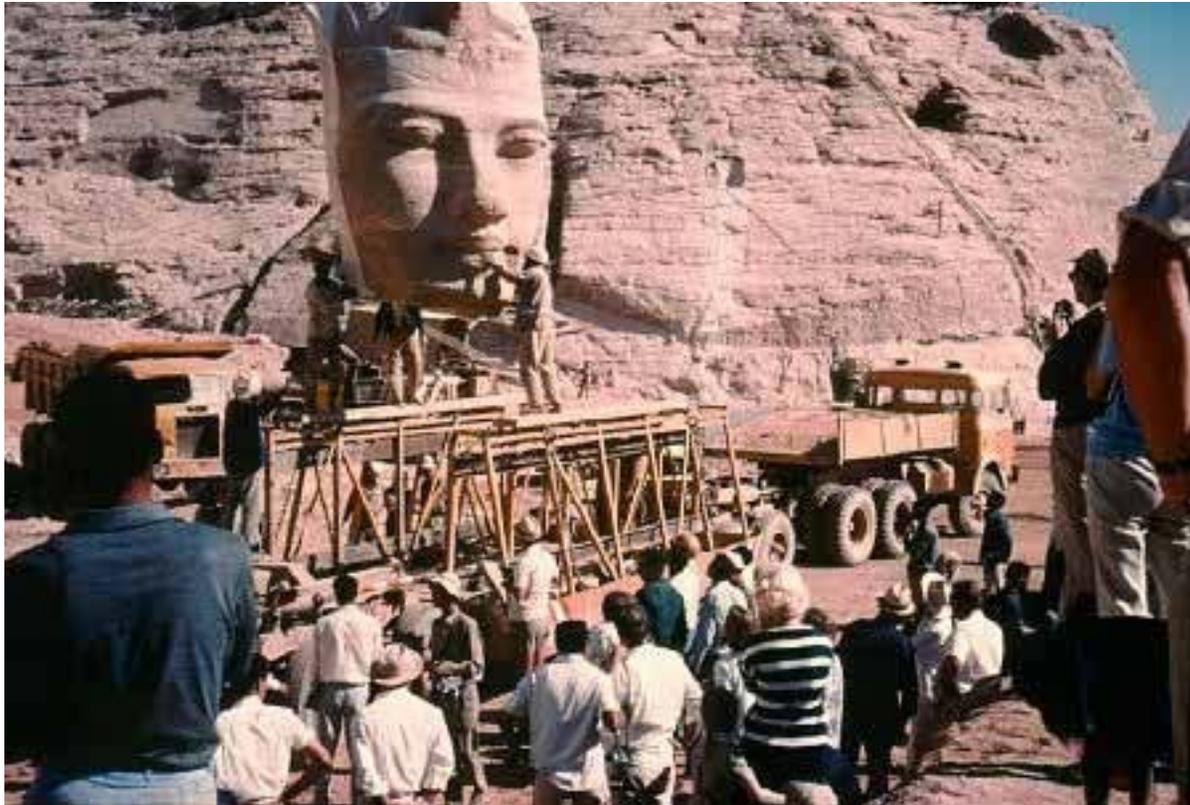


**“PERSPECTIVE OF A STATE  
PARTY: NATIONAL HERITAGE  
LAW AND WORLD HERITAGE  
PROPERTIES PROTECTION  
AND MANAGEMENT”**

**Dr Tamás FEJÉRDY**

# WHY A (NEW) LEGAL INSTRUMENT?



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5. nézőpont Látkép a 37 sz. főközlekedési út és a vasút kereszteződése felől







3-10 SEPTEMBER 2010  
FOURTH ASIAN CULTURE MINISTERS MEETING POZNAŃ, POLAND



# FROM THE CONVENTION...

- **II. National protection and international protection of the cultural and natural heritage**

## **Article 4**

Each State Party to this Convention recognizes that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in Articles 1 and 2 and situated on its territory, belongs primarily to that State. It will do all it can to this end, to the utmost of its own resources and, where appropriate, with any international assistance and co-operation, in particular, financial, artistic, scientific and technical, which it may be able to obtain.



# FROM THE CONVENTION...

## Article 5

To ensure that effective and active measures are taken for the protection, conservation and presentation of the cultural and natural heritage situated on its territory, each States Party to this Convention shall endeavour, in so far as possible, and as appropriate for each country:

...

(d) **to take the appropriate legal**, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage; ...



# WH ACTS AROUND THE WORLD...

- Requirements by the Convention:
- There is no mentionning or duty expressed about issuing any specific WH law or decrees...
- Only „(d) **to take the appropriate legal,** ...measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage; ...” but:
- **WHAT IS APPROPRIATE** for WH?



# REPUBLIC OF SOUTH AFRICA WORLD HERITAGE CONVENTION ACT NO 49, 1999 ACT

**To provide for—**

- **the incorporation of the World Heritage Convention into South African law;**
- **the enforcement and implementation of the World Heritage Convention in South Africa;**
- **the recognition and establishment of World Heritage Sites;**
- **The establishment of Authorities and the granting of additional powers to existing organs of state;**



# REPUBLIC OF SOUTH AFRICA

## WORLD HERITAGE CONVENTION ACT

### NO 49, 1999 ACT

- **the powers and duties of such Authorities, especially those safeguarding the integrity of World Heritage Sites; where appropriate,**
- **The establishment of Boards and Executive Staff Components of the Authorities;**
- **integrated management plans over World Heritage Sites;**
- **land matters in relation to World Heritage Sites;**



# REPUBLIC OF SOUTH AFRICA WORLD HERITAGE CONVENTION ACT NO 49, 1999 ACT

- **financial, auditing and reporting controls over the Authorities;**  
**and**
- **to provide for incidental matters.**



# ORDONANTA NR. 47 DIN 30 IANUARIE 2000 PRIVIND STABILIREA UNOR MASURI DE PROTECTIE A MONUMENTELOR ISTORICE CARE FAC PARTE DIN LISTA PATRIMONIULUI MONDIAL

- WH Act in Romania:  
LEGEA nr. 564/2001 pentru aprobarea Ordonantei  
Guvernului nr. 47/2000 privind stabilirea unor masuri  
de protectie a monumentelor istorice care fac parte din  
Lista Patrimoniului Mondial.



**"SPECIAL MEASURES FOR THE PROTECTION AND THE FRUITION OF ITALIAN CULTURAL, LANDSCAPE AND NATURAL SITES, INSCRIBED ON THE "WORLD HERITAGE LIST", UNDER THE PROTECTION OF UNESCO"**

- *Law 20 February 2006, n. 77*
- *Published on the G.U. n. 58 dated 10 March 2006*



# *LAW 20 FEBRUARY 2006, N. 77*

- *Art. 1. (Symbolic value of Italian UNESCO sites)*
- *Art. 2. (Priority of intervention)*
- *Art. 3. (Management plans)*
- *Art. 4. (Support measures)*
- *Art. 5. (Advisory Commission for the management plans of UNESCO sites and local tourist systems)*



# CHARTER OF COMMITMENT FOR THE MANAGEMENT OF WORLD HERITAGE SITES IN FRANCE SIGNED BY THE MINISTER OF CULTURE

- The charter of commitment between the state and local authorities aims to clarify the respective commitments of the state and local governments, to address the situation of sites inscribed on the World Heritage List early on that do not yet have a management plan, unlike sites inscribed more recently.



# CHARTER OF COMMITMENT FOR THE MANAGEMENT OF WORLD HERITAGE SITES IN FRANCE SIGNED BY THE MINISTER OF CULTURE

- The UNESCO World Heritage Centre wellcomes France's initiative which aims at exemplary site management improved conservation of inscribed sites with regard to their outstanding universal value.
- The spirit of this charter could serve as inspiration for other States Parties to the World Heritage Convention.



# CHARTER OF COMMITMENT FOR THE MANAGEMENT OF WORLD HERITAGE SITES IN FRANCE SIGNED BY THE MINISTER OF CULTURE

- The result of five years of efforts following the first Periodic Reporting Cycle in Europe, this initiative will bring together local and national synergies and linking heritage and planning, strengthening the consideration of heritage values in development.



# SUMMARY OF THE CONCEPT OF THE FUTURE WORLD HERITAGE LAW

- (Probable entry into force: January 2012)
- The future World Heritage Law aims to put on solid legal and institutional basis the efficient implementation of the World Heritage Convention in Hungary.



...

- Its purpose is to ensure the efficient management of Hungarian World Heritage sites, the protection of their outstanding universal values in line with the principles of sustainable development.



# DEFINITIONS AND GENERAL PROVISIONS

- In its definitions, the Law defines “World Heritage territory” as composed of the
- “World Heritage site” and its “Buffer zone”.



# DEFINITIONS AND GENERAL PROVISIONS

- World Heritage territories – so defined – have to have national protection either as cultural heritage or as natural heritage or both. The same logic is followed with regard to Tentative List items.



# DEFINITIONS AND GENERAL PROVISIONS

- The Law also incorporates in its definitions other elements of the terminology of the World Heritage Convention such as “WH List” and “Outstanding Universal Value”.



# THE LAW DECLARES ...

- that the protection and sustainable use of World Heritage territories is a common interest and its realisation requires the cooperation of the state, municipalities, churches, civil and other organisations, as well as individuals in line with their obligations deriving from national regulations with regard to the protection of cultural and natural heritage.



# THE DUTIES OF THE STATE ...

- (delegated to the Minister responsible for culture) are established and further detailed – these derive mainly from Article 4 and 5 of the World Heritage Convention.
- In line with the crosscutting nature of these duties, the Law establishes an inter-ministerial and interprofessional mechanism of cooperation (not yet detailed)



# MANAGEMENT OF WORLD HERITAGE TERRITORIES: THE LAW

- gives a definition what the management was?
- establishes and gives legal meaning to WH Management Plans (the Government is authorised to issue the Management Plans by decree) – it thus
- ensures that Management Plans are recognised in national and local planning laws
- and other regulations.



# THE PROTECTION OF WH TERRITORIES...

- is also reinforced by the fact that the licensing authorities are obliged to take into account Management Plans when they issue permits that have an impact on WH territories
- A Complex World Heritage Impact Assessment is required when the proposed intervention may impact the OUV of the property.



# THE CONTENT OF THE MANAGEMENT PLAN:

- is defined in line with relevant sections of the Operational Guidelines of the World Heritage Convention.
- These include inter alia the
- definition of the boundaries of the territory; a statement of OUV;
- the aims and



# THE CONTENT OF THE MANAGEMENT PLAN:

... and

- The strategy of the protection, maintenance, and presentation of the OUV of the
- property; the specific requirements for sustaining the OUV of the property as well as
- a description of those specific circumstances, activities and ways of management of the property that may require additional funding.



# MANAGEMENT BODIES:

- The Law establishes the legal framework for setting up Management Bodies.
- Management Bodies will be appointed for a duration (of seven years) by the Minister responsible for culture on the basis of recommendation from the Hungarian National World Heritage Commission.



# FUNDING:

Central government finance (through the national budget) is foreseen for

- WH education, awareness-raising, training;
- research related to WH, the protection of their values, their sustainable development and the elaboration and dissemination of good practice methods;



# FUNDING:

Central government finance (through the national budget) is foreseen for

- preparation of Complex World Heritage Impact Assessments;
- management of WH territories;
- prizes related to the management of WH territories;



# FUNDING:

Central government finance (through the national budget) is foreseen for

- review of local planning laws and regulations in order to bring them into harmony with the future Management Plans;
- support to Urban Planning and Architectural Planning Juries in their activity related to WH territories.



## IN ITS ANNEX THE LAW ...

- ...lists WH properties in Hungary
- and for each of them it defines the other Ministers that are responsible for carrying out the duties of the State with regard to them.



# IN ITS FINAL CLAUSES, THE LAW:

sets the deadlines

- for the preparation of Management Plans (one year from the entry into force of the Law itself);
- the review of local plans after the issuing of the Management Plans.



## IN ITS FINAL CLAUSES, THE LAW:

authorizes the Government to

- establish the mechanisms for Tentative Listing;
- define the tasks and operation of the Hungarian National World Heritage Commission;



## IN ITS FINAL CLAUSES, THE LAW:

authorizes the Government to

- define the requirements for the preparation of Management Plans including its public consultation process, as well as its content, and periodic review;
- issue the Management Plans of the WH territories;



## IN ITS FINAL CLAUSES, THE LAW:

authorizes the Government to

- define regulations for the Complex World Heritage Impact Assessment.
- It also authorizes the Minister responsible for culture to
- regulate the process of the selection of WH Management Bodies;
- issue the WH Tentative List.



## CONCLUSIONS:

- The adoption of a special WH Law creates possibilities and
- Reinforces tools but the most important issue is the successful implementation of those legal instruments...
- Let's evaluate together...  
...during the next PERREP cycle!



**THANK YOU!**

