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World Heritage Convention

46 COM

AMENDMENT/PROPOSAL

Agenda Item	Kyiv: Saint-Sophia Cathedral and Related Monastic Buildings, Kyiv-Pechersk Lavra (Ukraine) (C 527ter)
Draft Decision	46 COM 7A.4
Submitted by the Delegation of:	Kazakhstan
Co-author(s) (if any)	
Date of submission	22.07.2024

TEXT

Draft Decision: 46 COM 7A.4

The World Heritage Committee,

1. Having examined Document WHC/24/46.COM/7A.Add,
2. Recalling Decision 45 COM 7B.59 adopted at its extended 45th session (Riyadh, 2023),
3. Deplores the prevailing war in Russian's Federation's full-scale invasion of Ukraine and the loss of human life;
4. Welcomes the State Party's commitment to the protection of the World Heritage property 'Kyiv: Saint-Sophia Cathedral and Related Monastic Buildings, Kyiv-Pechersk Lavra', in particular the various protective measures it has taken, and expresses its utmost concern at the increasing potential threats facing the property in relation to the ongoing war;
5. Renews its call on all Parties to refrain from any action that would cause direct or indirect damage to the property and its buffer zone and wider setting, as well as to cultural heritage in Ukraine overall, in particular to its World Heritage properties and their buffer zones and wider settings, as well as sites included on the Tentative List of Ukraine, and to fulfil their obligations under international law, including Article 6 of the World Heritage Convention;

To be submitted to the Rapporteur at: wh-rapporteur@unesco.org

6. Welcomes the various actions undertaken by UNESCO and the Advisory Bodies to assist Ukraine in protecting and safeguarding the property and, more generally, of cultural heritage throughout its territory within its internationally recognised borders, including through awareness-raising and capacity-building activities;
7. Encourages the State Party to continue to take all possible measures to protect its cultural and natural heritage threatened by the war, in particular its World Heritage properties, including their buffer zones and wider settings, and sites included in the Tentative List;
8. Calls on the international community to ensure, where applicable, that its support is implemented in full compliance with the provisions of the World Heritage Convention and the Operational Guidelines, to continue to support the safeguarding of cultural and natural heritage in Ukraine, and to cooperate in the fight against illicit trafficking of cultural property coming from Ukraine;
9. Acknowledges the efforts made by the State Party to prepare a Management Plan for the property under challenging circumstances and requests that the Management Plan is amended in accordance with the recommendations of the Technical Review by ICOMOS, and resubmitted to the World Heritage Centre for further review before it is finalised and implemented;
10. Reiterates its concern that the risk preparedness measures for the property are not yet sufficient in terms of analysis of potential impacts of nearby missile strikes on the building fabric and measures to address these impacts, and strongly encourages the State Party to give high priority to the development and urgent implementation of an emergency preparedness and risk mitigation plan, taking full advantage of the support that the World Heritage Centre and the Advisory Bodies can provide, thanks to the support of the Government of Japan, and incorporating the work being done on vibrometric monitoring of buildings and structures;
11. Further acknowledges the scientific studies, repair and restoration work carried out by the State Party on the property, takes note of the State Party's request regarding the urgent need for technical assistance to the National Preserve 'Kyiv-Pechersk Lavra' and National Conservation Area 'Saint-Sophia of Kyiv' for the processing and storage of digital models, and invites the State Party to take full advantage of the ongoing assistance provided by UNESCO and the Advisory Bodies, thanks to the support of the Government of Japan, to improve the processing and storage of digital data models undertaken for various components of the property;
12. Notes the detailed regulations already in place to preserve the landscape and urban qualities of the buffer zone, including restrictions on the volume and height of new buildings, but further notes that a review of recent new developments has highlighted the need for these regulations to be better adapted to the specific characteristics of the historic urban landscape, and requests the State Party to fine-tune these regulations to prevent the urbanisation of green areas such as the slopes of the Pechora-Navodnytska hill;
13. Reminds the State Party that Heritage Impact Assessments of major projects that may impact the OUV of the property should be undertaken, in line with Paragraph 118bis of the Operational Guidelines, and further invites the State Party to follow the methodology of the Guidance and Toolkit for Impact Assessments in a World Heritage Context in their preparation;
14. Also reiterates its request to the State Party to ensure that the adopted and planned legislative amendments do not have a negative impact on the fulfilment of its obligations under the World Heritage Convention, and to submit them to the World Heritage Centre for review by the Advisory Bodies before they are enacted, and invites the State Party to take full

advantage of the assistance to be provided by UNESCO, at the request of the Ministry of Culture and Information Policy, and thanks to the support of the Government of Japan, to improve the regulatory framework for cultural heritage in Ukraine;

15. Further reiterates its request to the State Party to prepare, in consultation with the World Heritage Centre and the Advisory Bodies, a proposal for the Desired state of conservation for the removal of the property from the List of World Heritage in Danger (DSOCR) and a set of corrective measures along with a timeframe for their implementation, for adoption by the Committee at its 47th session, while noting that this process may be hampered by the ongoing war and its unforeseeable consequences;
16. Finally requests the State Party to submit an updated report on the state of conservation of the property and the implementation of the above to the World Heritage Centre by 1 February 2025 for examination by the World Heritage Committee at its 47th session;
17. Decides to retain Kyiv: Saint-Sophia Cathedral and Related Monastic Buildings, Kyiv-Pechersk Lavra (Ukraine) on the List of World Heritage in Danger.

Explanatory note

The rationale behind the proposed amendment is as follows:

- it should be reasonable for this Committee to remain faithful to the language that was proposed by the Advisory bodies and approved by the Committee's consensus, as reflected in the previous decisions on this issue ten months ago in Riyadh, namely, 45 COM 7B.59 (<https://whc.unesco.org/en/decisions/8335>) and 45 COM 7B.60 (<https://whc.unesco.org/en/decisions/8334>).
- other UN bodies including the UN General Assembly and the UN Security Council may have more relevant competences to rule on these matters.
- the decisions if adopted in the initial draft would set a precedent provoking other State Parties to address other conflicts in a similar manner.