THE PROTECTION AND CONSERVATION OF WORLD HERITAGE CULTURAL LANDSCAPES: AN ANALYSIS OF THE NATURE-CULTURE CONTINUUM

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Abstract

This thesis analyses the protection and conservation of cultural landscapes under the World Heritage regime. In particular, it considers the evolution of the cultural landscape concept and the effectiveness of the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention), the Operational Guidelines for the Implementation of the World Heritage Convention (Operational Guidelines) and various national measures for the protection and conservation of World Heritage cultural landscapes.

Cultural landscapes were first included on the World Heritage List in 1992. This decision was the result of years of debate among key stakeholders and in the World Heritage Committee on how to protect sites where interactions between people and the natural environment are the key focus. Simply put, World Heritage cultural landscapes embody interrelationships between culture and nature of outstanding universal value. It is submitted that they are, in essence, the world’s most outstanding examples of ‘nature-culture continuums’, being valuable records of the outcomes of meetings between nature and culture and the influence of each on the other. As products of culture and nature interactions, recognition and understanding of the fragile interrelationships of which they are comprised and on which they depend is fundamental to the conservation of these sites. Only in understanding such interrelationships can protection measures be adopted that are appropriately directed at ensuring the conservation and the transmission of the values for which these landscapes have received World Heritage status.

The purpose of this thesis is, therefore, to critically analyse the cultural landscape concept and the ‘nature-culture continuum’ within cultural landscapes. In so doing, the thesis undertakes a review of the World Heritage regime and considers the effectiveness of existing international and national measures for the conservation of these sites.

The thesis is divided into three parts. Part I introduces the research topic and provides an overview of the World Heritage regime as it relates to cultural landscape conservation. Part II undertakes a detailed analysis of the cultural landscape concept to explore its meaning and then questions its value having regard to that meaning. It also identifies various ambiguities and gaps in the current international conservation regime and demonstrates how these conservation gaps have been compounded by implementation and enforcement measures adopted at the domestic level. This is done by considering the strengths and weaknesses of various types of commonly adopted implementation measures and by reviewing the effectiveness of the implementation measures used for the protection and conservation of two case studies, namely, Uluru-Kata Tjuta National Park (Australia) and the Rice Terraces of the Philippine Cordilleras (Philippines). Part III then undertakes a review of the major conservation challenges confronting cultural landscapes, drawing on selected examples. Finally, arising from this research, Part IV of this
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thesis recommends that the Operational Guidelines be amended or, at a minimum, that further guidance be provided by the World Heritage Centre to redress present gaps and uncertainties in conservation obligations and to respond to the unique conservation challenges presented by cultural landscapes and their various sub-types.

For the reasons set out in this thesis, it is the author's argument that the cultural landscape concept is highly problematic and should no longer be applied. Instead, such sites should simply be known as 'World Heritage landscapes'. As was intended by the introduction of the concept in World Heritage thinking, the focus should be to assess whether the interrelationships between nature and culture in each particular landscape are of outstanding universal value, so as to warrant World Heritage listing. This thesis further submits that:

- providing specific guidance to States Parties on the differences between cultural landscapes and other forms of World Heritage and on the adoption of appropriate implementation measures;
- promoting stewardship and public participation; and
- maximising synergies with other international instruments and organisations,

would go a long way towards improving cultural landscape conservation efforts.

This work takes account of developments up to 1 June 2009, except as otherwise noted. The referencing system adopted generally follows that prescribed in Anita Stuhmcke, Legal Referencing, Butterworths, Sydney, 1998.

Note: Following completion of this work and the 33rd Session of the World Heritage Committee in Sevilla, Spain on 22-30 June 2009, one additional site has been inscribed as a cultural landscape, namely, Mount Wutai (China) and, for the first time, one cultural landscape has been removed from the World Heritage List due to the construction of a four lane bridge in the heart of the landscape, namely, Dresden Elbe Valley (Germany). The above update is based on a review of the decisions of the World Heritage Committee at the 33rd Session. However, this thesis could not be updated to accurately reflect the outcomes of the 33rd Session as the Advisory Body Evaluations for the new listings were not available for public review at the time of submission. A review of the Advisory Body Evaluations for all of the new listings is required before any accurate comments can be made concerning the 2009 World Heritage listings. This is because many cultural landscapes have been classified as such by the World Heritage Centre and ICOMOS on the basis of the Advisory Body Evaluations and not because of a decision of the World Heritage Committee to inscribe the site on this basis. While the World Heritage Committee has certainly (particularly recently) included in its decisions that a particular site should (or should not) be inscribed as a cultural landscape, in many instances it has remained silent on the question of classification.
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Embarking upon an extensive research project for the first time, there were many occasions that I was far from certain that I would see the end, but, greatly encouraged and impassioned by the research project, I knew that it must come to fruition. However, this journey has not been mine alone.

My thesis was born as a result of a last minute decision to join a biodiversity and heritage study tour to South America at the invitation of the Hon. Brian Preston CJ (prior to his appointment as the Chief Judge of the NSW Land and Environment Court). The tour was attended by honourable members of the profession, including one of my supervisors, Emeritus Professor Ben Boer (Australian Centre for Climate and Environmental Law and Faculty of Law, University of Sydney), as well as many other senior people working in various other fields. At that time, Professor Boer was finalising the manuscript for his book, *Heritage Law in Australia*, written jointly with Graeme Wiffen (Oxford University Press, Melbourne, 2006), and I was fortunate enough to be handed a copy of that manuscript for reading along the many hours on the road between Quito and Cuzco.

Having just completed a course in Biodiversity Law with the Hon. Brian Preston CJ, I found myself on an adventure in a world far removed from my own, observing some of the world’s most outstanding natural and cultural beauty. In Ecuador and Peru this included Huascaran National Park, Sumaco Reserve, Podocarpus National Park, Paracas, the Lines and Geoglyphs of Nasca and Pampas de Jumana and the Ballesta Islands, as well as many Inca and pre-Inca ruins, such as Chan Chan and Chavin (Peru). Consequently, it was in South America that I first began to ponder cultural and natural heritage conservation.

The extraordinary examples of interrelationships between culture and nature that I would see over that four week journey would prove to be nothing short of life changing. It was also at that time that I was first introduced to the ‘cultural landscape’ concept. With a new found interest in heritage and a fresh education in biodiversity conservation, I was inspired to read all that I could about World Heritage cultural landscapes, places I understood to be the product of culture-nature interactions.

I did not know then that, when I returned to Australia, my adventure would not come to an end. Rather, it had hardly begun. In the three years that have passed, my research project became this thesis and in that time it has taken me to the centre and the north of Australia, France, Switzerland, Germany, the United Kingdom and, no doubt, many more places in the years to come. My journey has not only been of a physical and academic nature, it has also been a personal one. Along the way I have learned that we must never stop learning, never stop
questioning, never stop allowing ourselves and our perceptions to be challenged or to stop challenging ourselves.

With a background in political economy and planning and environment law, this thesis is the culmination of many years of education and I hope that it makes even a small contribution to modern thinking about the conservation of World Heritage cultural landscapes.

To my supervisor, Professor Ben Boer, it was your encouragement and support and passion for heritage law that started me along my research path, and it was the continuity of this that allowed this SJD to be completed. Thank you, in particular, for encouraging me to discuss my thesis with other professionals in this field at the World Heritage Centre, the IUCN and ICOMOS. Their input was invaluable in the formation and development of my analysis and arguments. Thank you also to my associate supervisor, Dr Tim Stephens (Faculty of Law, University of Sydney). Your ideas, prompt feedback and willingness to meet to discuss various drafts, helped to keep me inspired when the journey seemed lonely and long.

To my work colleagues, in particular, my supervising partners, thank you for your practical support. Headspace and blocks of time for writing are precious things and your flexibility and support helped create that. It will not be forgotten.

Thank you also to my research colleagues who provided valuable feedback and critique that helped refine this study as it was conceptualised, analysed and developed. In particular, thank you to Dr. Mechtild Rössler (Chief, Europe and North America, UNESCO World Heritage Centre), Tim Badman (Special Adviser: World Heritage Programme on Protected Areas, The International Union for the Conservation of Nature (IUCN)) and Professor Terry Carney (Director of Research, Faculty of Law, University of Sydney) for their research support, challenging ideas and critical feedback. Many thanks also to Jayne Ryan (Corrs Chambers Westgarth) for her patience and invaluable editorial assistance, to Jose Garcia (Manager of the Documentation Centre, ICOMOS) for aiding in the location of useful documentation in the ICOMOS library and the database, to Philip Stickler (Cambridge University) for his cartographic assistance, and to Andrew Parrish (treasured friend) for his support.

To my friends, thank you for keeping it real, for the laughs and for giving this thesis context as I watched the sun rise and set many days and nights over the past years from my little desk by my window. A special thank you to you with whom I have learned that life is not black and white, but that there is an untold beauty in that recognition as past, present, the known, the unknown, the real, the spiritual and all that is and is not come together to give meaning to life as we know it.

Finally, to my three brothers, Wayne, Mark and Glen, my sister-in-law, Louise, and my beautiful Mum and Dad, your love, unfailing emotional and practical support and faith in me,
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have provided the foundation upon which I have overcome all of life's struggles and have achieved the things I have to date, including this doctoral thesis. This thesis is for you. All my love always, your sister, your daughter.

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August 2009
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Conventions and Other International Instruments


2005 Declaration on the Role of Sacred Natural Sites and Cultural Landscapes in the Conservation of Biological Diversity, adopted at the International Symposium ‘Conserving Cultural and Biological Diversity: The Role of Sacred Natural Sites and Cultural Landscapes’, Tokyo, Japan, 30 May-2 June 2005.


2005 Xi’an Declaration of the Setting of Heritage Structures, Sites and Areas, adopted in Xi’an, China by the 15th General Assembly of ICOMOS on 21 October 2005.


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Statutes, Regulations and Policies

Australia

Commonwealth

Aboriginal and Torres Strait Islander Heritage Protection Act 1984
Aboriginal Land Rights (Northern Territory) Act 1976
Australian Heritage Commission Act 1975 (repealed)
Australian Heritage Council Act 2003
Environment Protection and Biodiversity Conservation Act 1999
National Parks and Wildlife Conservation Act 1975 (repealed)
Native Title Act 1993
World Heritage Properties Conservation Act 1983 (repealed)

Northern Territory

Aboriginal Land Rights (Northern Territory) Act 1976
Aboriginal Sacred Sites Act 1989
Heritage Conservation Act 1991
Northern Territory Aboriginal Sacred Sites Act 1989

Austria

Austrian Monument Protection Act 1923
Forestry Act 1975
Law No 65 of 1990
Law No 52 of 1997
Law No 78 of 1997
Provincial Regulation No 25/1963
Salzburg Nature Conservation Act 1993
Styrian Nature Conservation Act 1976
Water Management Act 1959

International

Statute of the International Court of Justice 1945
Italy
Law No 1089 of 1939
Law No 1497 of 1939
Law No 1150 of 1942
Law No 431 of 1985
Law No 394 of 1991
Regional Law No 12 of 1985
Regional Law No 12 of 1995
Regulation of the Cinque Terre Marine Protected Area 2005

New Zealand
National Parks Act 1980
Policy for National Parks 2005
Tongariro Taupo Conservation Management Strategy 2002
Treaty of Waitangi 1840

Philippines
Executive Order No 72 (2002)
Executive Order No 16 (2008)
Presidential Decree 260:1973
Presidential Decree 705:1975
Presidential Decree ISOI:1978
Provincial Ordinance No 2006-032
Republic Act 8371

Togo
Law for the Protection of Cultural Heritage in Togo 1990

Vanuatu
Constitution of the Republic of Vanuatu 1980
Part I

International Measures for the Protection and Conservation of Cultural Landscapes
1 Introduction

The cultural landscape is fashioned from a natural landscape by a culture [sic] group. Culture is the agent, the natural area the medium, the cultural landscape the result.¹

Carl Sauer 1926.

1.1 Landscapes as heritage

Landscapes are complex phenomena. To truly fathom landscapes, an inter-disciplinary approach is required involving fields including ecology, archaeology, science, art, philosophy, geography, palaeoecology and religion. However, for the purpose of this research, it suffices to say that, in addition to the assemblage of natural physical features, many landscapes are also imbued with cultural values. Cultural landscapes are, thus, the records of the interaction of people and the environment over time.

Despite the important writings of Sauer in the early twentieth century on cultural landscapes and the academic debates in various disciplines over many years,² global recognition of the cultural values inherent in 'natural' landscapes is a relatively recent phenomenon. The meaning and scope of the cultural landscape concept are, consequently, far from resolved and the conservation consequences of the classification of a site as a cultural landscape are the subject of on-going research.

The connections between natural and cultural heritage are numerous and varied. The importance of understanding these connections is the subject of current and growing international attention.³ Indeed, it has been declared that 'conservation of cultural and biological diversity together holds the key to ensuring resilience in both social and ecological systems'.⁴ Blake notes that:

...sacred natural sites, cultural landscapes and traditional agricultural systems cannot be understood, conserved and managed without taking into account the cultures that have shaped them and continue to shape them today.⁵

Blake further observes that there is an aspect of natural heritage which forms a part of the cultural heritage given the importance of certain landscapes and natural features to particular groups and cultures.⁶ This has prompted international environmental law academics to

² See chapter 3.
³ As can be seen by recent developments in protected area thinking, discussed in chapter 8 of this thesis.
⁴ Declaration on the Role of Sacred Natural Sites and Cultural Landscapes in the Conservation of Biological Diversity, International Symposium 'Conserving Cultural and Biological Diversity: The Role of Sacred Natural Sites and Cultural Landscapes', Tokyo, Japan, 30 May – 2 June 2005.
⁶ Blake, n5.
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reconceptualise the environment in a more expansive capacity as something that includes human life, health and social well being; flora, fauna, and all other components of ecosystems; landscape and cultural heritage; and natural resources.  

The introduction of the cultural landscape concept into World Heritage conservation thinking was, in large part, the World Heritage community’s response to this new understanding of cultural heritage and the environment and the importance of identifying and conserving interrelationships between culture and nature to ensure the conservation of the outstanding universal values of many World Heritage sites.

The decision in 1992 to include cultural landscapes as heritage on the World Heritage List established under the Convention Concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention) was, consequently, a turning point in traditional thinking about World Heritage. This decision has resulted in the inscription on the World Heritage List of 65 cultural landscapes to date, from all regions of the world, and has had a considerable effect on many other international and domestic programs, including conservation of protected areas not listed as World Heritage sites.

Prior to 1992, international documents said very little about landscapes. In particular, the Stockholm Declaration of the Human Environment of 1972 and the Brundtland Report in 1987

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8 The ‘outstanding universal concept’ is defined in section 2.4.

9 According to the World Heritage Centre website, cultural landscapes have been inscribed on the World Heritage List for the purpose of revealing and sustaining ‘the great diversity of the interactions between humans and their environment, to protect living traditional cultures and to preserve the traces of those which have disappeared’. World Heritage Centre, Cultural Landscapes: http://whc.unesco.org/en/culturallandscape/; accessed 14 January 2009.


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did not refer to landscapes at all\textsuperscript{13} and while *Agenda 21* in 1992 did make some reference to landscapes, it did not clearly address them.\textsuperscript{14} The World Heritage Convention itself certainly has acknowledged since its inception that certain sites could be imbued with both cultural and natural values, but it also did not specifically refer to landscapes as forms of World Heritage nor did it address, in any detail, how sites that possess interrelationships between cultural and natural values should be conserved. Subsequent amendments to the *Operational Guidelines for the Implementation of the World Heritage Convention* (Operational Guidelines)\textsuperscript{15} under the World Heritage Convention, which are updated periodically, have endeavoured to respond to these gaps in the Convention.

Against this background, this work has several objectives. Namely: to elucidate the meaning of the cultural landscape concept; to promote understanding of the nature-culture continuum in cultural landscapes; to establish the major characteristics and types of interrelationships comprised in these sites (imperative to identifying appropriate conservation measures and objectives); to understand States Parties' obligations under the World Heritage Convention to protect and conserve these areas and the major conservation challenges; to identify appropriate implementation and management measures to fulfil these obligations and to respond to these challenges; and, finally, to make recommendations to enhance cultural landscape conservation.

Ultimately, it is hoped that this thesis will provide an impetus for further in-depth research on the issues it raises, with a view to assisting the World Heritage Centre and other key stakeholders in developing detailed guidance for States Parties on appropriate and effective means for conserving cultural landscapes for future generations.

1.2 The World Heritage regime

The World Heritage Convention is currently the only treaty that merges the conservation of cultural heritage and nature.\textsuperscript{16} The need for the Convention was considered to be five-fold. Namely:

- the need to recognise that certain cultural sites and natural areas of outstanding universal value belong to humankind as a whole;


\textsuperscript{14} See, for example, paragraph 10.7(a) of *Agenda 21* in relation to strengthening planning and management systems. The text of *Agenda 21* can be found at: \url{http://www.un.org/esa/sustdev/documents/agenda21/index.htm}; accessed 12 March 2008.

\textsuperscript{15} WHC.OS/01 January 2008. The Operational Guidelines are compiled by UNESCO and the Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage. The Operational Guidelines are periodically revised to reflect the decisions of the World Heritage Committee. See the latest version: \url{http://whc.unesco.org/en/guidelines}; accessed 22 May 2009.

\textsuperscript{16} The only other instrument that merges culture and nature conservation is the *European Landscape Convention* (ELC), but the ELC is a regional instrument and promotes the protection, management and planning of European landscapes and is not specifically directed at heritage conservation.
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- changing economic and social conditions, urbanisation, industrialisation and pollution threaten the existence of thousands of sites, monuments, buildings and natural areas throughout the world, requiring urgent measures to be taken for their protection;

- protection at the national level is often inadequate and incomplete because the nations where these properties are situated often lack the economic, scientific and technical know how to conserve them;

- the rise in international tourism and the growing accessibility of sites and areas of World Heritage; and,

- the threat of armed conflict or a transnational environmental catastrophe. 17

A review of the history of the inception of the World Heritage Convention reveals that it is the result of the merger of two separate draft conventions, one directed at nature conservation (an IUCN draft convention entitled ‘Convention for the Conservation of the World’s Heritage’), the other directed at cultural heritage conservation (a UNESCO draft convention entitled ‘International Protection of Monuments, Groups of Building and Sites of Universal Value’).18

The World Heritage Convention itself was ultimately based on the draft prepared by UNESCO. 19

This history is important to understanding the World Heritage Convention’s apparent emphasis on cultural heritage.20 Had the Convention been based mainly on the IUCN draft, it seems likely that there would have been a much stronger emphasis on nature and natural heritage.

It was the adoption of the UNESCO Convention as the primary draft of the World Heritage Convention that appears to have resulted in ‘combined works of man and nature’, including cultural landscapes, being ultimately classified as cultural and not natural heritage. This point is explored further in chapter 2. In any event, the reality is that most cultural landscapes have, to date, been listed on the basis of cultural criteria only, notwithstanding that such sites embody outstanding examples of interrelationships between culture and nature.

In order to understand this background to cultural landscape conservation and the objectives of the World Heritage regime for the conservation of these areas, chapter 2 briefly reviews the

18 Meyer, n 17 at 47-48.
19 The meeting of the ‘Special Committee of Government Experts’, scheduled by UNESCO in April 1972 to finalise the draft UNESCO Convention, took into account a submission by the United States in the form of an entirely new convention, namely, the ‘World Heritage Trust Convention’. After arduous debate about the feasibility of a single or multiple conventions covering natural, cultural and historical World Heritage, the draft World Heritage Convention was proposed by the Special Committee, based on the UNESCO draft, but covering both cultural and natural heritage. UNESCO Doc. SHC/MD/18 Add.1 (1972) and UNESCO Doc. 17 C/18 Annex at 2 (1972). See also Meyer, n17 at 47.
20 While this assertion is debatable, of the 878 World Heritage listed properties, as at 1 June 2009, 679 are cultural, only 174 are natural and 25 are mixed.
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history of the World Heritage regime. In particular, it endeavours to ascertain the factors shaping its design and the circumstances giving rise to its inception to establish why cultural landscapes have been classified as 'cultural heritage'. It outlines key definitions under the World Heritage Convention and Operational Guidelines to determine the way in which cultural landscapes have been perceived and identifies known gaps and uncertainties arising from these definitions that may have implications for the conservation of these areas. Chapter 2 concludes by identifying numerous other instruments and bodies with a focus on matters concerning culture or nature in order to identify opportunities for the promotion of synergies with these other institutions to enhance cultural landscape conservation.

1.3 Cultural landscapes in theory and practice

Growing recognition of cultural landscapes as heritage has undoubtedly been pivotal in enhancing the protection and conservation of these areas. However, confusion exists about the scope and meaning of the cultural landscape concept and the application of the duties under the World Heritage Convention for the protection and conservation of such sites.

Consequently, Part II commences with a detailed analysis of the cultural landscape concept, by way of review of its use and the meaning attributed to it by various disciplines over time. Chapter 3 establishes that the cultural landscape concept has been applied, in general, to refer to places that embody interrelationships between culture and nature; that is, sites that comprise a ‘nature-culture continuum’. The chapter critiques the on-going utility of the prefix ‘cultural’ in a world where culture has had an influence on even the most pristine natural areas, such that all landscapes could be construed as ‘cultural’. It submits that the on-going use of the prefix is arguably misleading and results in a focus on the cultural values of cultural landscapes rather than the interrelationships between the cultural and natural values of these sites. This has potentially damaging consequences, as conservation efforts may be inappropriately focused on protecting the cultural values of cultural landscapes rather than protecting the fragile interrelationships between culture and nature on which the outstanding universal values of the site are based. It also means that highly subjective judgments are being made about the ‘significance’ or ‘extent’ of the influence of culture on nature and vice versa, when the focus should be on identifying and conserving whatever interrelationships exist in their various forms, be they tangible or intangible. Ultimately, the chapter concludes that cultural landscapes should simply be referred to as World Heritage landscapes. Assessment of World Heritage status should then be focused on assessing whether a nominated site is a landscape (adopting a broad approach) and whether the nature-culture continuum in that landscape is of outstanding universal value as that test is applied under the World Heritage Convention.

To further elucidate what is meant by interrelationships between cultural and natural values, chapter 4 analyses the three existing categories and emerging sub-categories of cultural
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landscapes, so as to understand the various forms that interrelationships between culture and nature can take. Chapter 4 also undertakes a detailed analysis of the features of the cultural landscapes currently inscribed on the World Heritage List and concludes with a discussion of examples of interrelationships between cultural and natural values and common features of cultural landscapes evidenced by the current listings.

1.4 The conservation of cultural landscapes

On the 30th anniversary of the World Heritage Convention in 2002, UNESCO organised an International Congress to reflect on some of the main issues, achievements and challenges of the Convention, including a review of the specific challenges for the conservation of cultural landscapes. In advance of the Congress, during December 2001 and the first half of 2002, a global review of cultural landscapes, including an analysis of future directions and orientations, was undertaken by Professor Peter Fowler. The results and conclusions of the review were then presented at the International Congress held at Ferrara University in November 2002. The outcomes of that review are highly relevant to this thesis.

In summary, the review concluded that the three basic cultural landscape categories adopted in 1992 were an excellent tool for the identification, management and protection of these areas, but that a number of challenges had emerged. These challenges included insufficient cooperation between countries; limited interpretation of the Global Strategy for a Balanced, Representative and Credible World Heritage List; regional imbalances (21 of 30 sites inscribed at that time were in Europe); lack of capacity by some States Parties to bring forward credible nominations of cultural landscapes; restricted resources and weak institutions for effective management; difficulties in sustaining traditional forms of land use, which give rise to cultural landscapes, in circumstances of rapid socio-economic change and limited capacities to deal with tourism; and the need to strengthen linkages between the cultural landscape concept and other designation systems, notably the IUCN Category V protected areas (protected landscapes/seascapes) and the UNESCO Biosphere Reserve network.

The review also concluded that the ‘cultural landscapes concept’ is a ‘successful concept’, but it is ‘not fully applied for certain types of property’. Consequently, the review recommended that new partnerships be developed that are directed at integrated regional and sustainable development at the landscape level and that new concepts for enhanced legal protection be

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23 See section 2.5 of this thesis for details about the Global Strategy.
explored. Finally, the review further identified that new approaches towards integrated management need to be developed and that 'reflections' are necessary towards building awareness of the concept of cultural landscapes in the World Heritage Committee and the general public.26

The participants to the Congress in 2002 then concluded that the vision for the protection and conservation of cultural landscapes for the next ten years lay in undertaking a number of steps. First, a framework must be provided for future nominations through thoroughly prepared thematic studies in areas identified as gaps, such as landscapes that are representative of the world’s cultures, agricultural landscapes (e.g. a study of the staple food crops of the world), mountains considered to be sacred, and the relationship between water and civilisations.

Secondly, new approaches must be encouraged in international cooperation under the World Heritage Convention which support cultural landscapes. In this respect, cooperation between natural and cultural heritage institutions needs to be strengthened to support an integrated and holistic management approach. To achieve this, partnerships in landscape conservation and management at all levels need to be enhanced to overcome the administrative divide between institutions (national and international) dealing with natural and cultural issues. Further, social structures, traditional knowledge and Indigenous practices, which are vital for the survival of the cultural landscapes, need to be supported and the crucial role of intangible and spiritual values must be recognised.

Thirdly, the Congress identified that guidelines for national legislation for cultural landscapes, including transboundary areas and buffer zones, must be provided and that cultural and natural sites already on the World Heritage List must be reassessed to ensure that their cultural landscape potential is recognised through renomination if appropriate. It added that the concept of cultural landscapes must be extended from its present rural focus to include other landscapes, including cityscapes, seascapes and industrial landscapes.

Fourthly, the Congress determined that it must be demonstrated how the recognition of cultural landscapes can generate economic development and sustainable livelihoods within the site and beyond. It established that cultural landscape conservation must be used to promote new approaches in international cooperation among nations and peoples and that the lessons being learned from cultural landscapes in other international instruments must be promoted.

Finally, the Congress identified that a number of steps must be taken to improve awareness and conservation efforts, including: using the World Heritage processes for training and capacity

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building and promoting better communication and public awareness about cultural landscapes; developing a stronger system to ensure rapid intervention and mobilising resources for cultural landscapes under threat; addressing as a priority for advice and assistance the specific challenges of agricultural change and tourism pressures within cultural landscapes; and continuous advocacy and promotion by all partners in the World Heritage system of the importance of cultural landscapes.27

Since 2002, the World Heritage Committee, the World Heritage Centre and the Advisory Bodies, the IUCN, ICOMOS and ICCROM, have taken significant steps to implement many of the above recommendations. These initiatives are assessed throughout this thesis, along with the ongoing challenges.

Most recently, the special character of cultural landscapes was recognised at the 7th Symposium of US ICOMOS28 and, on 27 March 2004, the Nachitoches Declaration on Heritage Landscapes was made (see Appendix 3). This was followed in 2005 by the Tenth International Seminar of Forum UNESCO on 'Cultural Landscapes in the 21st Century - Laws, Management and Public Participation: Heritage as a Challenge of Citizenship' (2005),29 which had as its major goal the development of knowledge on cultural landscape management and protection. These developments are discussed in detail in chapter 8. In short, they reiterate and confirm the complexities of cultural landscape conservation and identify the important role of local stakeholders.

This thesis responds to the above developments and recommendations as they relate to the cultural landscape concept and identifies key issues for which additional guidance is required to enhance the conservation of cultural landscapes. It also endeavours to build on these existing initiatives to identify the research and conservation priorities for the next decade. To this end, Part III of the thesis undertakes a detailed analysis of the duties of States Parties under the World Heritage Convention, the existing typologies of cultural landscape governance, and the forms of implementation measures taken by States Parties for the protection and conservation of cultural landscapes. It identifies that there are various gaps and uncertainties in understanding what the duties specifically entail, particularly as they relate to cultural landscapes, but seeks to arrive at an understanding of the key elements of these obligations. It then analyses some of the strengths and weaknesses of the implementation measures that are primarily adopted to conserve cultural landscapes.

27 UNESCO, n24 at 161-162.
29 Organised by Forum/UNESCO University and Heritage (FUUH) and the International Centre for Cultural and Heritage Studies of the University of Newcastle upon Tyne, United Kingdom, 11-16 April 2005.
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Following this review, chapter 7 examines two cultural landscape case studies, one landscape that is being well conserved, Uluru-Kata Tjuta National Park (Australia), and one that is on the List of World Heritage in Danger, namely, the Rice Terraces of the Philippine Cordilleras (Philippines). Aside from demonstrating the successes and failures of various conservation measures adopted by the relevant States Parties, the two case studies have also been selected on the basis that these sites were among the earliest listings of cultural landscapes and, therefore, are capable of evaluation given the passage of time since the sites were inscribed as cultural landscapes.

Part III of this thesis establishes that cultural landscapes pose unique conservation challenges that were not directly contemplated by the World Heritage Convention at the time of its introduction. Conservation challenges common to traditional forms of World Heritage are also more complex in a cultural landscape context where fragile interrelationships between cultural and natural values must be managed. In this respect, there is much more work to be done to accommodate the role of Indigenous and other local communities in decision making. Recognising that, in many cases, cultural landscapes constitute a ‘living heritage’, within which local communities often play a critical part, such sites cannot simply be strictly preserved in their current forms. This means that difficult decisions will need to be made, on an ongoing basis, about site boundaries and buffer zones and what change and development is acceptable within and surrounding each particular landscape that will promote and not compromise its outstanding universal values. The changes associated with such evolution of cultural landscapes may also require that the criteria for the listing of many landscapes be regularly revisited as their unique characteristics continue to evolve over time. Consequently, management guidance is required to ensure, to the greatest extent possible, that appropriate decisions are made in order to ensure the conservation of the fragile nature-culture continuums in cultural landscapes over time.

The final Part of the thesis identifies the major conservation issues and challenges confronting cultural landscapes and summarises the various recommendations arising from this research on the effectiveness of the World Heritage regime for the protection and conservation of cultural landscapes. It suggests where further guidance could be provided by way of amendments to the Operational Guidelines or, in the alternative, in a resolution, code of conduct, set of principles or similar other quasi-legal instrument. It considers various alternatives for addressing the issues raised in Parts I to III of the thesis and comments on the strengths and weaknesses of these alternatives. Finally, the thesis concludes with comments on likely future challenges and identifies further issues for consideration in the evolution of landscape conservation thinking generally.

The history of cultural landscape conservation is still young and there is no doubt a lot to learn and much debate to be had about the best conservation methodologies and management
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measures, the scope and meaning of the cultural landscape concept, and the appropriate conservation objectives for these areas. However, preservation of the fragile interrelationships of which these outstanding places are comprised and on which they depend, requires that action be taken now in an incremental, organised and coordinated way in order to begin to respond to multiple and pervasive threats.
An Overview of the World Heritage Conservation Regime

This chapter provides an overview of the World Heritage regime and the plethora of complementary instruments, charters and institutions that are relevant to the protection and conservation of cultural landscapes and other forms of World Heritage. It establishes that, while World Heritage is principally protected under the World Heritage Convention, cultural landscape conservation efforts could significantly benefit from the additional protection that can be afforded to World Heritage by calling upon components of the broader framework of international and regional conservation initiatives that are relevant and beneficial to World Heritage conservation. Among other things, these instruments can assist in improving understanding of the importance of context, process, culture-nature linkages and dynamism in adopting conservation measures, moving beyond traditional understanding of the conservation of in situ buildings and parks.

2.1 The Convention Concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention)

In order to understand the operation of the World Heritage regime and its present approach to cultural landscape conservation, it is important to understand the circumstances giving rise to its genesis.


Reflecting on the history of the World Heritage concept twenty years after the inception of the World Heritage Convention, Russell Train (Chairman of the World Wildlife Fund and The Conservation Foundation) recorded that the idea of a World Heritage Trust emerged in 1965 in his discussions, as a member of the Committee on Natural Resources of the White House Conference on International Cooperation, with the then Committee Chairman and distinguished President of Resources for the Future, Dr Joseph Fisher. The Committee recommended:

There be established a Trust for the World Heritage that would be responsible to the [world] community for the stimulation of international cooperation efforts to identify, establish, develop

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An Overview of the World Heritage Conservation Regime

and manage the world’s superb natural and scenic areas and historic sites for the present and future benefit of the entire world citizenry.\textsuperscript{31}

The World Heritage concept was then given substantial impetus by Russell Train, first in 1967 in an address on the subject of the World Heritage Trust at the International Congress on Nature and Man held in Amsterdam, and then again when he became the Chairman of the President’s Council on Environmental Quality in 1970. The Council had the responsibility for advancing President Nixon’s environmental legislative program and for drafting his annual environmental message to Congress, one of which identified Yellowstone National Park as the first national park created in the modern world.\textsuperscript{32} That message in 1971 also included a statement that the national park concept is based upon the recognition that certain areas of natural, historical, or cultural significance have such unique and outstanding characteristics that they must be treated as belonging to the nation as a whole, as part of the nation’s heritage. It then added that:

It would be fitting by 1972 for the nations of the world to agree to the principle that there are certain areas of such unique worldwide value that they should be treated as part of the heritage of all mankind and accorded special recognition as part of a World Heritage Trust.\textsuperscript{33}

As a result of the initiative by President Nixon in 1971, both the IUCN and UNESCO developed draft conventions embodying the World Heritage concept. The IUCN draft included both natural and cultural sites, while the UNESCO draft was primarily oriented toward the conservation of cultural properties and sites.\textsuperscript{34} There were similarities and significant differences between the two draft conventions, and after several years of debates on the two drafts, at the UNESCO meeting of experts held in April 1972, the two drafts were combined into a single convention now known as the World Heritage Convention.\textsuperscript{35}

The World Heritage Convention establishes the World Heritage List,\textsuperscript{36} comprising natural, cultural and mixed sites and cultural landscapes. It promotes the equal and balanced treatment of both cultural and natural heritage and also encourages cooperation among all States Parties to contribute effectively to the protection of these important properties. The Convention includes undertakings by States to take national and international measures to protect their World Heritage and also establishes a World Heritage Fund from government and private sources to provide


\textsuperscript{33} Train, 1992, n31 at 371.


\textsuperscript{35} Train, 1992, n31.

\textsuperscript{36} Article 11(2).
An Overview of the World Heritage Conservation Regime

conservation assistance. It is governed by the World Heritage Committee, supported by the secretariat for the Convention, the UNESCO World Heritage Centre.

Since its inception, the World Heritage Convention has made a significant contribution to international cooperation in the protection of unique natural and cultural sites. On the 30th anniversary of the Convention, Train observed that it has led to strengthened recognition of the importance of such areas worldwide and has significantly increased tourism to such areas. It has also raised management standards and has provided technical training opportunities, particularly on a regional basis. World Heritage status has become an important bulwark against actions which threaten the integrity of listed areas and sites. The World Bank and other lending agencies now recognise World Heritage sites as being of central importance to natural area conservation. The World Heritage Convention continues to be an active focus of international cooperation.

The World Heritage community is presently comprised of 186 nations which accept responsibility for 878 properties worldwide, including the 65 sites that have been listed as cultural landscapes.

2.2 Aims and objectives of the World Heritage Convention

In the absence of specific objectives, the following summary of the aims and objectives of the World Heritage Convention is derived from a consideration of the preambular paragraphs and initial articles of the Convention.

Simply speaking, the overall objective of the World Heritage Convention is to ensure that effective and pro-active measures are taken for the protection, conservation, presentation and transmission of World Heritage of outstanding universal value.

The World Heritage Convention aims to:

- promote cooperation among nations to protect World Heritage which is of such international value that its conservation is a concern for all people;
- commit signatory nations to help in the identification, protection, conservation and presentation of World Heritage properties;

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38 Train, 2002, n31. The author notes that there is also literature that points to damage caused by World Heritage listing arising from increased tourism and mismanagement. However, it is beyond the scope of this thesis to explore this further; suffice to say that, for many World Heritage sites, World Heritage listing has had beneficial consequences.
39 A map of the location of all listed World Heritage sites is available at: http://whc.unesco.org/documents/publi_whmap_2006_en.pdf; accessed 2 January 2009. Figure 1 in section 3.3.1 of this thesis identifies the location of all of the World Heritage listed cultural landscapes to date (as at 1 June 2009).
40 This objective is apparent when reviewing the duties upon States Parties in, for example, Articles 4 and 5 of the Convention. See also Articles 1, 2 and 11(2).
41 Article 6(1).
An Overview of the World Heritage Conservation Regime

- encourage signatory nations, with international assistance where appropriate, to adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programs;\(^{43}\) and

- oblige parties to refrain from ‘any deliberate measures which might damage directly or indirectly the cultural and natural heritage’ and to ‘take the appropriate legal, scientific, technical, administrative and financial measures’ necessary for its protection.\(^{44}\)

In order to facilitate the implementation of the Convention, the World Heritage Committee also develops ‘Strategic Objectives’ within the Operational Guidelines that are periodically reviewed and revised to ensure that new threats placed on World Heritage are addressed effectively.

The current Strategic Objectives, revised in 2002 pursuant to the *Budapest Declaration on World Heritage*,\(^ {45}\) are the following:

1. Strengthen the Credibility of the World Heritage List.
2. Ensure the effective Conservation of World Heritage Properties.
4. Increase public awareness, involvement and support for World Heritage through Communication.\(^ {46}\)

The above objectives must be considered in the context of the duties of States Parties under the World Heritage Convention. These duties are primarily contained in Articles 3, 4, 5, 6, 11, 16(1), 17, 18, 27 and 29.\(^ {47}\) Ultimately, these Articles are an expansion of the overarching duties under Article 4, which charge States Parties with the responsibility for:

... ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage ... [referred to hereafter as the ‘duties’ under the Convention].

The above primary objectives and duties of the World Heritage Convention are used as a guiding measure in this thesis to evaluate the effectiveness of the Convention and States Parties’ efforts to implement the Convention for the protection and conservation of cultural landscapes.

\(^{43}\) Article 4.
\(^{44}\) Article 5(a).
\(^{45}\) Article 5.
\(^{46}\) See also paragraph 26 of the Operational Guidelines, n15.
\(^{47}\) Appendix I contains the text of the Convention, which sets out these Articles in full. Chapter 5 also provides a detailed analysis of the specific duties and obligations of States Parties under these Articles.
An Overview of the World Heritage Conservation Regime

However, chapter 5 identifies several obvious problems in applying these duties to cultural landscapes. In particular, many key terms are not defined or are narrowly construed which, while perhaps appropriate for traditional forms of World Heritage, are arguably having negative conservation consequences for cultural landscapes.

While the ambiguities surrounding the proper meaning of various terms in the World Heritage Convention do cause problems, there are obviously good and cogent reasons why the Convention has been drafted in broad terms. For example, it allows States Parties to adopt ratification measures that are appropriate to their stages of development, economic, political and legal systems and to the particular context of their World Heritage sites, thus encouraging ratification of the Convention by as many countries as possible. Indeed, it is perhaps because the World Heritage Convention is so broadly framed that it is among the world’s most widely ratified conservation instruments, making it one of the most powerful international conservation regimes. Only in a few cases has this obligation resulted in effective constraints on the freedom that national governments enjoy in seeking the maximum advantages from the inscription of a property on the World Heritage List, for example, where States have come under great pressure, and sometimes been effectively forced, to abandon plans of economic development involving or affecting World Heritage properties on the List.

However, to ensure that the objectives of the World Heritage Convention are realised and to guard against it losing effectiveness or currency as a result of a failure to adapt to changing conservation challenges and new developments in conservation thinking, it is crucially important that there be regular review of, and updates to, its supporting instruments, namely, the Operational Guidelines, the Strategic Objectives, the Global Strategy (considered below) and other relevant policy documents.

Cultural landscape conservation (a form of World Heritage conservation not contemplated at the inception of the World Heritage Convention in 1972) is only one example of the continuing need to review and clarify the objectives and aims of the Convention. For instance, unlike traditional forms of World Heritage, cultural landscapes require States Parties to adopt appropriate conservation measures that conserve the interrelationships between culture and nature embodied by these sites and, in many instances, to contemplate and appropriately manage a level of necessary change and development that both enhances the outstanding universal values of these areas, and responds to the interests of the various stakeholders in the sites.

49 Francioni & Lenzerini, n347 at 402.
2.3 Interpretation of the World Heritage Convention and key terms

As the cultural landscape concept was not recognised within the World Heritage regime until 1992, the World Heritage Convention does not expressly define cultural landscape nor does it make any reference to the protection and conservation of these areas. However, the Convention does separately define 'cultural heritage' and 'natural heritage' and these definitions are important to understanding the cultural landscape concept as it is defined in the Operational Guidelines.

2.3.1 Definition of cultural heritage

Article I of the World Heritage Convention defines 'cultural heritage' as:

- **monuments**: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science;
- **groups of buildings**: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science;
- **sites**: works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view.51

Importantly, the above definition of cultural heritage contemplates, in the description of 'sites', 'the combined works of nature and man'. This is the only reference in the World Heritage Convention to World Heritage that comprises an interrelationship between nature and culture and, for reasons primarily relating to the history of the creation of the Convention,52 that interrelationship is classified as cultural.53 There appears to be no reason why 'combined works of nature and man' could not have been also included in the definition of natural heritage. Indeed, Batisse records that, in an early draft of the World Heritage Convention (the IUCN version), namely, the 'Convention for the Conservation of the World Heritage', the text stated

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51 Examples of cultural heritage include: Cistercian Abbey of Fontenoy (France); City of Graz – Historic Centre (Austria); City of Valletta (Malta); Chan Chan Archaeological Zone (Peru); and City of Bath (United Kingdom).
52 As noted earlier in this thesis, the World Heritage Convention is essentially the outcome of a merging of two separate conventions, one directed at the protection of cultural heritage (the UNESCO Convention) and one directed at the conservation of natural heritage (the IUCN Convention). Batisse observes that it was in a re-wording of a draft of the UNESCO Convention in 1971 that the 'combined works of nature and man' was added to the definition of 'sites' in defining cultural heritage and outlines the circumstances in which the adoption of a draft of the UNESCO Convention as the platform for the merger of the two draft conventions occurred: see Batisse M, 'Nature and Culture: Recollections of a (Conventional) Marriage' in Batisse M & Bolla G, The Invention of 'World Heritage', Association of Former UNESCO Staff Members, Paris, 2005 at 23-24 and 28-32.
53 On the basis of Article 1, which refers to the 'combined works of nature and man', the World Heritage Committee decided in 1992 to recognise the three categories of cultural landscapes for inscription on the World Heritage List as 'manifestations of the interaction between humankind and its natural environment' under the cultural heritage definition of the Convention. See Yusuf, 'Article 1: Definition of Cultural Heritage' in Francioni, n34 at 48-49.
that the zones to be protected were ‘mainly natural areas, but include areas changed by man’.

The text from the IUCN draft of the convention would seem to suggest that, if two separate conventions had emerged, one directed at natural heritage conservation and one directed at cultural heritage conservation, rather than one convention addressing both forms of heritage, it is likely that areas changed by humankind would have been included in both conventions. On this basis, it seems that the classification of such combined works of humans and nature as ‘cultural’ was purely the product of the way that the two draft texts were ultimately combined to form the World Heritage Convention.

2.3.2 Definition of ‘natural heritage’

Article 2 of the World Heritage Convention defines ‘natural heritage’ as:

natural features consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view;

geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation;

natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty.

Unlike the definition of cultural heritage in Article 1, the above definition of natural heritage does not make reference to interrelationships between culture and nature. Its focus is on nature in its purest, unmodified form. The absence of any reference to the ‘combined works of nature and man’ as also constituting natural heritage provides a strong explanation for the focus on cultural landscapes under the World Heritage regime as cultural heritage. Surprisingly, this has resulted in several instances in the natural values of these places and their interrelationship with the site’s cultural values often not even being mentioned or scarcely being mentioned in Nomination Dossiers or Advisory Body Evaluations, let alone considered for their World Heritage value (most particularly in 1990s documentation).
Notwithstanding this, Yusuf observes that while the World Heritage Convention clearly establishes the diversity of the two categories of heritage, cultural and natural, it also provides substantive concepts and procedural mechanisms aimed at forging closer links between the two in the context of its implementation.\(^5\) Batisse also notes that an ongoing concern in drafting the World Heritage Convention was achieving a 'satisfactory equilibrium between nature and culture'.\(^6\) Certainly, there is general recognition in national policy documents, academic writing, legislation and international conventions, that the concepts of natural and cultural heritage are often both conceptually and practically linked.\(^7\) For example, the Australian Natural Heritage Charter,\(^8\) developed in the mid-1990s, attempts to take an integrated approach by recognising that:

Places may have both natural and cultural heritage values. These values may be related and are sometimes difficult to separate. Some people, including many Indigenous people, do not see them as being separate.\(^9\)

The Charter also states:

In making decisions that will affect the heritage of a place, it is important to consider all of its heritage values - both natural and cultural. Issues relating to the conservation of cultural values may affect the selection of appropriate conservation processes, actions and strategies for the place's natural values.\(^10\)

However, notwithstanding the above, the concepts are usually separately dealt with for the purpose of discussion and, for this reason, the introduction of the World Heritage Convention in 1972, which combined both concepts, was truly remarkable.

2.3.3 Mixed sites and modern understanding of heritage

Properties are considered to be 'mixed cultural and natural heritage' if they satisfy a part or the whole of the definitions of both cultural and natural heritage set out in the above Articles to the World Heritage Convention.\(^11\)

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\(^5\) Yusuf, n53.

\(^6\) Batisse, n52 at 29 and 30.

\(^7\) See, for example, Boer & Wiffen, n79 at 16-17 and 2-3 who suggest that natural heritage can be regarded as a subset of cultural heritage to the extent that identifying a particular element of the natural environment as heritage is the result of the development of human cultural values and gains that importance because of a process of 'acculturation'. That is, human cultures can place a high value on certain natural environments in the same way as they can place a value on human-modified or built environments, and, consequently, both become known as heritage items.


\(^9\) Australian Heritage Commission, 2002, n60 at 2 as cited in Boer & Wiffen, n79 at 16-17.

\(^10\) Australian Heritage Commission, 2002, n60 at 4 as cited in Boer & Wiffen, n79 at 16-17.

\(^11\) Paragraph 26 of the Operational Guidelines, n15.
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The definitions of heritage in Articles 1 and 2 of the World Heritage Convention establish that modern understanding of the concept of heritage is very broad. In addition to culture and nature, it includes Indigenous heritage and encompasses philosophical, historical, political and economic aspects. There is still some uncertainty about the breadth of the heritage concept, but writers such as Boer and Wiffen argue that an expansive definition of heritage should include:

(a) the tangible, including buildings, fences, gates, books, art, landscapes and gardens;
(b) the intangible, including attitudes and perceptions;
(c) the highly personal and the culture of a local community;
(d) individual and collective heritage;
(e) the concept of nationhood and nationality or characteristics of a local or regional, community or individual human characteristics;
(f) an isolated component of the environment, or an entire ecosystem; and
(g) the complexity of relationships between the natural and cultural, the movable and immovable, the tangible and intangible, the Indigenous and non-Indigenous, immigrants and non-immigrants, the past, the present and the imagined future.\(^4\)

2.3.4 Difficulties with the World Heritage Convention definitions

From the definitions contained in Articles 1 and 2 of the World Heritage Convention, it can be seen that the Convention treats cultural heritage and natural heritage as two separate ideas. The consequence of this is that these ideas are not integrated and, in implementing the World Heritage Convention, two separate streams of activity have developed. The cultural stream is served by ICOMOS and ICCROM and the natural stream by the IUCN. The result has been two dominant types of World Heritage sites, cultural sites and natural sites, with only a few 'mixed' sites. This fact is also observed by Whitby-Last, who states that 'the architecture of the Convention perpetuates the dichotomy between cultural and natural heritage, with Articles 1 and 2 dealing with them separately'.\(^5\) Jones similarly refers to the separation of cultural and natural heritage under the World Heritage Convention as a 'false distinction',\(^6\) and Musitelli refers to the 'artificial distinctions between natural and cultural goods'.\(^7\)

\(^4\) Summarised from Boer & Wiffen, n79 at 7 and 8.
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Over the years, the sharp separation and differentiation of the 'cultural' and 'natural' approaches have been recognised as unhelpful in understanding World Heritage and its needs for protection and management. This is particularly so in respect of cultural landscapes because of disagreements as to whether they are natural or cultural heritage or indeed both. At the 10th Session of the World Heritage Committee, it was noted that 'depending on one's perception, landscapes could be considered as natural or cultural heritage'. UNESCO Doc. CC-86/CONF.001/11, 1986 at 11. It is now becoming more widely understood that the cultural and natural values of these places are inextricably interrelated. Indeed, it is the very interrelationships between the cultural and natural values of cultural landscapes that give the vast majority (and, arguably, all) of these areas their outstanding universal value. Recognition of these interrelationships by all States Parties to the World Heritage Convention is essential to ensuring that, in the protection and conservation of these areas, cultural values are not the focus of attention to the exclusion and detriment of their natural values, and vice versa.

There is no doubt that the cultural landscape concept has been a very important component of the recognition and promotion of synergies between cultural and natural values in heritage conservation in recent years. Recognition of the integration of cultural and natural values is also fundamental to the formation and implementation of appropriate management measures for cultural landscapes. In this respect, the considerable work that has been done, particularly in recent years, by the IUCN in relation to 'protected areas' is also relevant.

2.3.5 Relevant principles of international law in the interpretation of the World Heritage Convention

In 2002, on the 30th anniversary of the World Heritage Convention, the World Heritage Congress determined that the important principles to be considered when interpreting the Convention in the context of international law are:

(a) the common concern of the international community;
(b) the principle of cooperation;
(c) the principle of preventative action;
(d) the precautionary principle;
(e) the principle of intergenerational equity; and

At the 10th Session of the World Heritage Committee, it was noted that 'depending on one's perception, landscapes could be considered as natural or cultural heritage'. UNESCO Doc. CC-86/CONF.001/11, 1986 at 11.


This is discussed in detail in section 8.4.3.

the principle of evolving interpretation of international legal instruments which requires that the interpretation of international instruments take into account current trends in international and national jurisprudence and practice.

The role of these principles of international law in understanding the duties of States Parties to the World Heritage Convention, along with the principle of sustainable development and the principle of sovereignty, is discussed in detail in section 5.7.7. However, it is observed here that the incorporation (implicit or explicit) of these principles by States Parties in adopting and applying measures to implement the World Heritage Convention is clearly important to any assessment of the effectiveness of the Convention and the appropriateness of the measures taken by States Parties. These principles of international law also assist in clarifying obligations where gaps currently exist.

2.4 The Operational Guidelines

The Operational Guidelines expand upon the Articles of the World Heritage Convention to clarify the duties of States Parties under the Convention and to set out a number of mechanisms in order to assist in achieving the objectives of the Convention.

The Operational Guidelines also facilitate the implementation of the World Heritage Convention by setting forth the procedure for the: inscription of properties on the World Heritage List and the List of World Heritage in Danger; protection and conservation of World Heritage properties; granting of international assistance under the World Heritage Fund; and mobilisation of national and international support in favour of the Convention.

Finally, the Operational Guidelines expand upon the objectives of the World Heritage Convention by adding that the Convention ‘aims at the identification, protection, conservation, presentation and transmission to future generations of cultural and natural heritage of outstanding universal value and by stipulating that ‘all efforts should be made to maintain a reasonable balance between cultural and natural heritage on the World Heritage List’.

Many of the objectives and procedures set out in the Operational Guidelines are clearly relevant to the protection and conservation of cultural landscapes. However, it is submitted that the Operational Guidelines (including the 2008 revision) provide insufficient guidance on

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77 Operational Guidelines, n15.
78 Chapter III and Chapter IV.B.
79 Chapter II.F.
80 Chapter VIII.A.
81 Paragraph 1.
82 Paragraph 7.
83 Paragraph 57. With a five to one ratio of cultural to natural sites, Boer & Wiffen remark that there is something of an ‘imbalance’ between cultural and natural heritage on the World Heritage List: Boer B & Wiffen G, Heritage Law in Australia, Oxford University Press, Oxford, 2006 at 66.
managing many of the particular protection and conservation challenges presented by cultural landscapes. In particular, the Operational Guidelines do not provide any specific guidance on the nature of the implementation measures that should be adopted to appropriately manage change and evolution, particularly in continuing cultural landscapes. The main provisions in the Operational Guidelines that specifically deal with cultural landscapes are contained in paragraphs 47 (which defines cultural landscapes) and 89 (which deals with the ‘integrity’ test)\textsuperscript{80} and Annex 3 at paragraphs 6 to 13.\textsuperscript{81} Annex 3 provides information on various specific types of World Heritage to assist States Parties in identifying each of these types of properties for inscription on the World Heritage List. Subject to paragraph 12 (discussed below), it does not extend to providing specific guidance on appropriate protection, conservation, presentation and management measures for cultural landscapes.

Paragraph 47 and paragraph 6 of Annex 3 of the Operational Guidelines provide the following definition of cultural landscapes:

Cultural landscapes are cultural properties and represent the ‘combined works of nature and of man’ designated in Article 1 of the Convention. They are illustrative of the evolution of human society and settlement over time, under the influence of the physical constraints and/or opportunities presented by their natural environment and of successive social, economic and cultural forces, both external and internal.

The difficulty with the cultural landscape concept and its associated definitions is discussed in detail in chapter 3, but it is important to note here that the above definition fails to emphasise the fundamental premise that cultural landscapes are embodiments of interrelationships between culture and nature that are of outstanding universal value. In particular, the above definition focuses on the ‘evolution of human society over time’ based on the ‘opportunities’ and ‘constraints’ presented by the natural environment. It fails to make any reference to the impact of human society on the shaping and evolution of nature and natural processes over time.\textsuperscript{82} Consequently, the idea that cultural landscapes are ‘combined works of man and nature’ is somewhat lost in the focus on the development, controlling or conquering of nature by human society. The effect of this is that the interests of nature in this concept of cultural landscape are arguably subordinated to the interests of human society. There is no evidence that this was the intention of a concept directed to address the historical shortcomings of the design of the World Heritage Convention – namely, the Convention’s apparent (albeit, perhaps inadvertent) focus on

\textsuperscript{80} Discussed in section 4.5.2.
\textsuperscript{81} The text of Annex 3 and Chapter II.F of the Operational Guidelines is contained in Appendix 2 to this thesis.
\textsuperscript{82} That is, there is no mention of the evolution of the natural environment under the influence of the ‘opportunities’ and ‘constraints’ presented by human society over time.
culture, and its former listing criteria, which treated nature and culture in all circumstances as separate and distinct rather than interrelated.83

In relation to the selection of cultural landscapes for World Heritage listing, paragraph 7 of Annex 3 of the Operational Guidelines states that cultural landscapes:

... should be selected on the basis both of their outstanding universal value and of their representativity in terms of a clearly defined geo-cultural region and also for their capacity to illustrate the essential and distinct cultural elements of such regions.

The first part of this paragraph requires that World Heritage cultural landscapes be of ‘outstanding universal value’. The Operational Guidelines define outstanding universal value to mean ‘cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity’.84 However, no explanation of the application of this phrase to each of the different forms of World Heritage (e.g. cultural, natural, mixed sites, cultural landscapes etc.) is given. Further, while this may be simply a matter of semantics, it is not clear whether interrelationships between cultural and natural values can be ‘so exceptional’ as to meet the test above. Accordingly, unless a cultural landscape possesses either cultural and/or natural values of outstanding universal value in their own right, an interrelationship between these values that is outstanding may arguably not satisfy the above test. In any event, the necessarily subjective meaning of the term ‘exceptional’ warrants some guidance on its application in the context of each of the various forms of World Heritage.

Paragraph 7 of Annex 3 of the Operational Guidelines also requires that cultural landscapes be represented in terms of a ‘clearly defined geo-cultural region’. As discussed later in this thesis, this is highly problematic as the delineation of the appropriate boundaries for cultural landscapes is, in many instances, far from clear. Cultural landscapes often comprise vast areas whose boundaries may be defined politically, religiously, ecologically or geographically (or through a combination of any of these factors). In some cases, cultural landscapes may also be transboundary85 and the meaning of ‘geo-cultural region’ in these instances is uncertain.

Paragraph 8 requires that cultural landscapes nominated for listing ‘illustrate the essential and distinct cultural elements of such regions’. It is not readily discernable from this whether landscapes that illustrate various cultural influences over time, but no single influence clearly and

83 Prior to the 1995 revisions to the Operational Guidelines and the updates to the selection criteria for World Heritage listing, which have, to a certain extent, attempted to address this issue.

84 Paragraph 49 of the Operational Guidelines, n15. See also paragraphs 50-53 and 154-157.

85 The following transboundary cultural landscapes are presently inscribed on the World Heritage List: Ferto/Neusiedlersee Cultural Landscape (Austria, Hungary); Pyrénées-Mont Perdu (France, Spain); Muskauer Park/Park Muzakowski (Germany, Poland); and the Curonian Spit (Russian Federation, Lithuania).
distinctly, would satisfy this requirement, yet the definition of cultural landscapes in paragraph 6 clearly refers to cultural landscapes as embodying the 'evolution' of human society over time.

Paragraph 8 of Annex 3 confirms that:

The term 'cultural landscape' embraces a diversity of manifestations of the interaction between humankind and its natural environment.

While this paragraph expressly refers to the 'interaction' between humankind and its environment, it is submitted that the nature and type of interaction that will be deemed to be of outstanding universal value is limited by (or is inconsistent with) the above definition of a cultural landscape.

Paragraph 9 of Annex 3 provides that cultural landscapes often reflect examples of sustainable land use and may, therefore, be helpful in maintaining biological diversity. While this is undoubtedly true, this paragraph offers very little specific guidance on managing and maintaining sustainable land use in the face of development arising either from the effect of World Heritage listing, or as a result of urbanisation, population growth or technological advancements. This is so particularly where such traditional sustainable land uses are becoming less and less valued and more under threat as a result of processes of modernisation. Finally, paragraph 9 offers no guidance on the evaluation and inscription of relict, historic urban or industrial cultural landscapes where sustainability is perhaps less relevant to the cultural significance of these areas as testimonies of human evolution over time.

Paragraph 10 of Annex 3 identifies the three main categories of cultural landscape. While these categories are functional rather than descriptive, and are proving to be effective in ensuring exclusivity, examples of each of the types of cultural landscape could be provided to encourage States Parties to more broadly consider sites within their territorial boundaries that are suitable for World Heritage listing as cultural landscapes. It is imperative that States Parties properly understand the distinction between, meaning and significance of, each of the types of World Heritage categories (cultural, natural, mixed and cultural landscapes) and the three categories of cultural landscapes (organically evolved, designed and associative). This is important because the appropriate conservation strategy for each World Heritage site will necessarily turn on the type of World Heritage in question. Accordingly, if World Heritage is incorrectly classified, this may well have a negative impact on the conservation of the site and the transmission of its

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For example, the Rice Terraces of the Philippine Cordilleras (Philippines): [http://whc.unesco.org/en/list/722](http://whc.unesco.org/en/list/722); accessed 2 April 2009.

For example, the Agave Landscape and Ancient Faculties of Tequila (Mexico); Blaenavon Industrial Landscape (UK); and Cornwall and West Devon Mining Landscape (UK), all of which are listed as cultural landscapes.

The three categories of cultural landscape are discussed in section 4.3.

For example, a cultural landscape may be severely damaged or destroyed by imposing a strict conservation regime at the expense of the livelihood of the local community or by allowing the intrusion of certain development that is not sympathetic to the presentation of the values of the landscape and the sustainability of the interrelationships between those values.
values. In this respect, concern should be expressed about the fact that the cultural landscape concept has historically been applied only to rural landscapes, and is only more recently being applied to other types of landscapes, such as historic urban or industrial cultural landscapes.\(^{90}\) This suggests that there are likely to be sites on the World Heritage List that have been incorrectly classified as cultural, natural or mixed sites rather than cultural landscapes. By way of example, the following World Heritage sites, clearly displaying outstanding interrelationships between culture and nature, arguably, should be re-nominated and listed as cultural landscapes:

- Kakadu National Park (Australia): originally listed in 1981, and re-nominated in 1987 and 1992, the landscape of Kakadu has been shaped by human intervention in the form of 'mosaic burning' for over forty millennia;\(^{91}\) and

- Kondoa Rock-Art Sites (Tanzania): inscribed in 2006, the vertical panes of these overhanging slabs of sedimentary rocks fragmented by riff faults have been used for rock painting for at least two millennia. The spectacular collection of images from over 150 shelters over 2,336km\(^2\), many with high artistic value, display sequences that provide a unique testimony to the changing socio-economic base of the area from hunter-gatherer to agro-pastoralist and the beliefs and ideas associated with the different societies.\(^{92}\)

The concern is also compounded by the fact that the cultural landscape classification only came into existence in 1992, and few sites previously inscribed on the World Heritage List have had their values reviewed and been renominated as cultural landscapes.

Paragraph 11 of Annex 3 then provides that the extent of a cultural landscape for inscription on the World Heritage List must be relative to its 'functionality and intelligibility'. The only guidance offered on the meaning of these terms is that:

... the sample selected must be substantial enough to adequately represent the totality of the cultural landscape that it illustrates. The possibility of designating long linear areas which represent culturally significant transport and communication networks should not be excluded.

This paragraph offers limited guidance on the appropriate bases on which to determine the delineation of boundaries and appropriate buffer areas for cultural landscapes, and it does not provide any guidance in circumstances where ‘functionality and intelligibility’ and the integrity

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90 This is considered in further detail in chapters 3 and 4.

91 Kakadu has been inhabited continuously for more than 40,000 years. The cave paintings, rock carvings and archaeological sites record the skills and way of life of the region’s inhabitants from prehistoric times to the modern day. Details available at: http://whc.unesco.org/en/list/147; accessed 6 June 2008. See also: CSIRO, Aboriginal Wetland Burning in Kakadu: http://www.csiro.au/science/kakaduwetlandburning.html; accessed 26 May 2008.

of the cultural landscape are not apparent, as is the case with many organic continuing landscapes and associative cultural landscapes, which often embody intangible cultural values.93

Paragraph 12 of Annex 3 is the only paragraph offering any guidance on the protection and management processes for cultural landscapes. It states:

General criteria for protection and management are equally applicable to cultural landscapes. It is important that due attention be paid to the full range of values represented in the landscape, both cultural and natural. The nominations should be prepared in collaboration with and with the full approval of local communities.

The general criteria for the protection and management of World Heritage are set out in Chapter II.F of the Operational Guidelines, which are more or less relevant depending on the type of cultural landscape in question.94 In summary, the paragraphs in Chapter II.F specify conservation expectations in relation to: the legislative, regulatory and contractual measures for protection; boundaries for effective protection; buffer zones; management systems; and sustainable use of the property. However, nowhere in the Operational Guidelines is any reference made to conservation requirements in relation to interrelationships between cultural and natural values, nor is any specific guidance offered on managing evolution and change processes in conserving these interrelationships.

Finally, paragraph 13 of Annex 3 states that the existence of the cultural landscape category does not exclude the possibility of properties of exceptional importance in relation to both cultural and natural criteria continuing to be inscribed (i.e. mixed sites). This paragraph suggests that the mixed site status of listed cultural landscapes and any other future nominations or re-nominations of sites with this status will continue alongside the cultural landscape categorisation. What this means practically for the protection and conservation of areas with this dual status is unclear.

From the above analysis, it can be seen that while the Operational Guidelines go some way towards elucidating the cultural landscape concept and cultural landscape conservation expectations, many gaps and inconsistencies are readily apparent.

93 Relevantly, it seems clear that section II.E, paragraphs 79 to 95 of the Operational Guidelines, n 15, relating to the 'authenticity' and 'integrity' of World Heritage are meant to apply also to cultural landscapes, although there is limited guidance on how these concepts should be applied in the context of cultural landscapes. This is discussed in further detail in section 4.5.

94 The text of Chapter II.F of the Operational Guidelines is reproduced in Appendix 2 to this thesis.
2.5 The Global Strategy for a Balanced, Representative and Credible World Heritage List

In 1994 it was recognised that the World Heritage List lacked balance in the type of inscribed properties and in the geographical areas of the world that were represented. Accordingly, the Global Strategy for a Balanced, Representative and Credible World Heritage List (Global Strategy) was adopted in 1994 to expand the mission of the World Heritage Convention and to broaden the definition of World Heritage to reflect ‘...the full spectrum of our world’s cultural and natural treasures and to provide a comprehensive framework and operational methodology for implementing the World Heritage Convention’. To achieve this end, the objective of the Global Strategy was to look beyond the narrow definitions of ‘heritage’, in an effort to ‘...recognise and protect sites that are outstanding demonstrations of human coexistence with the land as well as human interactions, cultural coexistence, spirituality and creative expression’. The expert group charged with the elaboration of the Global Strategy identified a number of gaps and imbalances in the list. In particular, it was observed that Europe was over-represented in relation to the rest of the world, and that historic towns and religious buildings were over-represented in relation to other types of property. It was also noted that Christianity was over-represented in relation to other religions and beliefs, that historical periods were over-represented in relation to pre-history and the twentieth century, and that ‘elite’ architecture was over-represented in relation to vernacular architecture.

This new vision greatly enhanced global recognition of the World Heritage value of cultural landscapes. The Asia-Pacific Regional Workshop on Associative Cultural Landscapes, held in Australia in April 1995, then endorsed the findings of the June 1994 Expert Meeting on the Global Strategy and Thematic Studies for a Representative World Heritage List, and the November 1994 Nara Workshop on Authenticity. Collectively, these workshops recognised that the consideration of properties of outstanding universal value needs to be contextual, that is, a place must be recognised in its broader intellectual and physical context. Heritage was no longer be viewed solely as monuments or wilderness.
2.6 Other relevant charters, instruments and institutions

The World Heritage Convention does not explicitly address its relationship with other treaty instruments and institutions. This may be the result of the relative paucity of related instruments at the time of the inception of the Convention. The closest acknowledgment of existing governmental and non-governmental organisations with similar remit is found in Article 13, paragraph 7, which requires the Committee to cooperate with such ‘organisations having objectives similar to those of the Convention’ and, in the implementation of its programs and projects, makes express reference to ICCROM, ICOMOS, and IUCN – the Advisory Bodies to the World Heritage Committee. However, the proliferation of environmental treaty-making from 1972 has led increasingly to the need for formal and informal cooperation between the World Heritage Convention and other instruments with similar or overlapping objectives for the protection of natural heritage. This is now expressly recognised in the Operational Guidelines which call for appropriate coordination and information sharing between the World Heritage Convention and other treaties, programs, and international organisations related to the conservation of cultural and natural heritage, as well as for the possibility of reciprocal observer status in meetings of the intergovernmental bodies. Indeed, a regular feature of the report of its activities made by the World Heritage Centre to the World Heritage Committee is a report on ‘Cooperation with other Conventions’.

Having regard to the above, in thinking about World Heritage conservation and, in particular, the conservation of cultural landscapes, it is submitted that the following charters, instruments, programs and other measures are relevant.

2.6.1 The United Nations (UN) and its agencies

The UN was established to deliver peace and security along with global social and economic development. As the UN holds a key position in international politics, it has taken an important role in promoting environmental policies. Several UN agencies are relevant to World Heritage conservation.

(a) United Nations Educational, Scientific and Cultural Organisation (UNESCO)

In addition to the World Heritage Convention, UNESCO has introduced or otherwise promoted a number of other initiatives relevant to heritage conservation, including:

103 See also Article 14, paragraph 2 and Redgwell C, ‘The World Heritage Convention and Other Conventions Relating to the Protection of the Natural Heritage’ in Francioni, n34 at 377.
104 Paragraph 44 of the Operational Guidelines, n15 provides a list of ‘selected conventions and programs relating to the protection of the cultural and natural heritage’.
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- Declaration Concerning the Intentional Destruction of Cultural Heritage (2003) (2003 Declaration);
- Recommendation Concerning the Safeguarding of Beauty and Character of Landscapes and Sites (1962);\(^{107}\)
- Recommendation Concerning the Protection, at National Level, of the Cultural and Natural Heritage (1972);\(^{108}\)
- UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (1995) (UNIDROIT Convention);
- Convention for the Protection of the Underwater Cultural Heritage (2001);\(^{109}\)
- Convention for the Safeguarding of the Intangible Cultural Heritage (2003) (Intangible Cultural Heritage Convention);
- Man and the Biosphere Program (MAB Program); and

The Hague Convention and its protocols are important as the World Heritage Convention does not establish measures specifically designed for the protection of cultural and natural heritage during armed conflict. Indeed, whether or not the Convention applies in the event of war is not clear.\(^{111}\) It remains essentially at the discretion of the territorial State Party to adopt effective

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\(^{107}\) The Recommendation considers preventative measures aimed at protecting natural, rural and urban landscapes and sites, whether natural or man-made, which have cultural or aesthetic interest.

\(^{108}\) This Recommendation stresses the importance of conserving not only works of great value, but also more modest items that have, with the passage of time, acquired cultural or natural value'. The document insists that the protection and conservation of heritage should be considered as one of the essential aspects of regional development plans, and planning in general, at national, regional or local levels. It also stresses that the general public of the area should be associated with protection and conservation measures and they should be called on for suggestions and help.

\(^{109}\) Growing technical progress has led to an unprecedented accessibility of the seabed and the cultural heritage located thereon, leaving the way open to looting and destruction. The Convention represents the response of the international community to this looting and destruction and answers the need for a comprehensive high standard of protection for underwater cultural heritage.

\(^{110}\) The Diversity of Cultural Expressions Convention should be read in conjunction with the UNESCO Universal Declaration on Cultural Diversity (2001), but it does not cover all the aspects of cultural diversity addressed in the Declaration. It only deals with specific thematic fields.

\(^{111}\) See discussion in Meyer, n17 at 52-53 who observes that a phrase limiting the Convention to 'peace-time' was deleted prior to its inception.
measures in response to such conflict.\textsuperscript{112} The 2003 Declaration encourages States to become parties to the Hague Convention and requests them to ‘take all appropriate measures to prevent, avoid, stop and suppress acts of intentional destruction of cultural heritage, wherever such heritage is located’ in peace time and in the event of armed conflict.\textsuperscript{113}

The UNESCO Convention, adopted in 1970, has as its purpose the prevention of illicit import, export and transfer of ownership of cultural property. The Convention defines cultural property as property that is, on religious or secular grounds, of importance for archaeology, prehistory, history, literature, art or science. Cultural property, therefore, includes everything from works of art to archaeological artefacts, military objects to archival material, ethnographic material to decorative arts and scientific instruments.\textsuperscript{114} This is unlike the World Heritage Convention which covers primarily immovable heritage and, therefore, does not aim at regulating restitution. This is reflected in the absence in the Convention of any direct mechanism to ensure international restitution of illicitly removed and/or exported objects.\textsuperscript{115} This gap in the World Heritage Convention is significant and the important role of the UNESCO Convention in achieving the aims of the World Heritage Convention has been demonstrated relatively recently in its use to have missing objects stolen from the Angkor World Heritage site\textsuperscript{116} returned to Cambodia.\textsuperscript{117}

The UNIDROIT Convention adopted in June 1995 is complementary to the UNESCO Convention. The Convention establishes uniform law among States Parties with regard to restitution claims for stolen and/or illicitly exported cultural objects, allowing private individuals to bring claims for the return of the stolen cultural property. The UNESCO Convention and the UNIDROIT Convention share the same definition of cultural property, but differ in several regards. Among other differences, the UNIDROIT Convention admits restitution not only in the case of theft, but also in the case of illicit export, and operates through State courts.\textsuperscript{118}

The Intangible Cultural Heritage Convention aims to safeguard heritage that is living, in constant evolution, and created by humans. Intangible cultural heritage is defined in Article 2 of the Convention to include practices, representations, expressions, knowledge, skills, instruments, objects, artefacts and cultural spaces that are transmitted from generation to generation. The

\textsuperscript{112} Primarily within the framework of Articles 4-6. See Carducci G, “The 1972 World Heritage Convention in the Framework of Other UNESCO Conventions on Cultural Heritage” in Francioni, n34 at 365 who also observes a difference in the way the conventions define “cultural heritage”.

\textsuperscript{113} Article 3 of the Declaration.

\textsuperscript{114} Article 1 of the UNESCO Convention.

\textsuperscript{115} Carducci, n112 at 368 and at 371-372. Only indirectly may some provisions of the Convention contribute to facilitating such restitutions, either through international cooperation between States Parties, or the reference to the need to preserve the ‘heritage of mankind as a whole’.


\textsuperscript{117} See International Council of Museums (ICOM), One Hundred Missing Objects, ICOM and Ecole française d’Extrême Orient, Paris, 1997 at 6 and 28.

\textsuperscript{118} Carducci, n112 at 373.
safeguarding of intangible heritage mainly depends on the protection and revitalisation of the various human circumstances that facilitate its continued enactment and development, and its transmission to subsequent generations. This differs from protection measures for tangible heritage, which often aim at preserving a specific state of conservation of a site. That is, the Intangible Cultural Heritage Convention differs from the World Heritage Convention in that it aims to protect cultural heritage that is constantly evolving, not bound to sites and is moveable.\(^\text{119}\) Authenticity is, therefore, not a consideration as it is for the World Heritage Convention where cultural landscapes must fulfil the test of ‘authenticity’ through their character and components.\(^\text{120}\) The need for an integrated safeguarding approach for the two dimensions of heritage is critical to achieving the conservation objectives with respect to World Heritage.\(^\text{121}\)

It appears clear that the Intangible Cultural Heritage Convention and the World Heritage Convention are intended to work together to provide mechanisms for effective identification, safeguarding, awareness, protection, and conservation of both tangible and intangible heritage.\(^\text{122}\) This intention is reinforced in the Preamble to the Intangible Cultural Heritage Convention, which ‘considers’ the ‘deep-seated interdependence between intangible cultural heritage and the tangible cultural and natural heritage’ and observes that ‘existing international agreements, recommendations and resolutions concerning the cultural and natural heritage need to be effectively enriched and supplemented by means of new provisions relating to the intangible cultural heritage’. In addition, the purposes of the Intangible Cultural Heritage Convention, outlined in Article 1,\(^\text{123}\) are similar to the Preamble in the World Heritage Convention and the duties of States Parties described in Articles 4 and 5.

The Diversity of Cultural Expressions Convention seeks to reaffirm the links between culture, development and dialogue and to create an innovative platform of international cultural cooperation. The Convention’s primary objective is to strengthen the links between the creation, production, distribution/dissemination, access and enjoyment of cultural expressions conveyed by cultural activities, goods and services — particularly in developing countries.\(^\text{124}\) Again, this

\(^{119}\) The Convention protects processes rather than products and, consequently, ‘associative values or monuments and sites that do not belong to the heritage of present day people living within or near them are not covered by the 2003 Convention’ as they are in the World Heritage Convention. See, UNESCO World Heritage Centre, Cooperation and Coordination Between UNESCO Conventions Concerning Heritage, WHC-04/7 EXT.COM/M, 7\(^\text{th}\) Extraordinary Session of the World Heritage Committee, Paris, France, 6-11 December 2004 at 7.


\(^{121}\) See, for example, Carducci, n112 at 375.

\(^{122}\) See, for example, the discussion by Connolly in n120.

\(^{123}\) The purposes of the Intangible Cultural Heritage Convention include the safeguarding, ensuring respect for, raising awareness of, ensuring mutual appreciation for and providing for international cooperation and assistance for the protection of intangible cultural heritage.

Convention is said to complement the objectives of the World Heritage Convention. Indeed, it is described as being one of 'the three pillars of the preservation and promotion of creative diversity', along with the World Heritage Convention and the Intangible Cultural Heritage Convention. However, the Diversity of Cultural Expressions Convention differs from the other two conventions in that it focuses specifically on the diversity of cultural expressions disseminated and made accessible largely through cultural activities, goods and services.

The MAB Program and the World Heritage Convention share a number of convergences of vision. Periodic review of early Biosphere Reserve designations under the MAB has led many countries to revise site boundaries, zoning schemes and many other features that were incompletely understood in the early days of MAB. UNESCO has observed that this thorough review could serve as a model to be translated and applied to World Heritage sites nominated in the 1970s and 1980s.

UNESCO has observed that, with the growth of both the World Heritage List and Biosphere Reserves, opportunities for cross-sectoral collaboration abound. For example, as World Heritage cities constitute the largest category of cultural sites, they could become important for the future work of MAB’s urban ecology program with regard to climate change, urban biodiversity and other relevant themes. Biodiversity in cultural landscapes may not be of outstanding universal value from the World Heritage Convention’s point of view, but cultural landscapes and Biosphere Reserves may provide ideal locations for research into cultural and biodiversity interactions under MAB. Using these sites to generate information and data to document experience and best practices on sustainable development forms part of a UNESCO-wide mission during the United Nations Decade of Education for Sustainable Development launched in 2005 under the leadership of UNESCO.

126 UNESCO, n125 at 22.
127 UNESCO, n125 at 22.
128 The periodic review arose as a result of the Seville Strategy and the Statutory Framework for the World Network of Biosphere Reserves, under which Biosphere Reserves were increasingly transformed into large landscape units where conservation and development were balanced through participatory learning and management, research, capacity building and awareness raising. Increasingly, more and more people view Biosphere Reserves as laboratories for learning sustainable development practices. See http://www.unesco.org/mab/BRs/pdf/Strategy.pdf; http://www.unesco.org/mab/webbs.shtml; and http://www.unesco.org/mab/docs/statframe.pdf; accessed 3 September 2007.
130 UNESCO, n129 at 77.
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(b) The United Nations Environment Programme (UNEP)

Formed in 1972, the United Nations Environment Programme (UNEP) has major divisions addressing matters such as environmental policy and law; regional cooperation; environmental conventions; scientific and technical advice; and education. UNEP is also one of the three implementing agencies of the Global Environment Facility (GEF). The work of UNEP focuses, among other things, on biodiversity conservation and sustainable development, and the following six thematic priority areas during the 21st century: climate change, disasters and conflicts, ecosystem management, environmental governance, harmful substances and resource efficiency. Its work is, therefore, clearly relevant to enhancing the conservation of cultural landscapes.

(c) World Conservation Monitoring Centre (WCMC)

In 1979, the IUCN established a centre in Cambridge, England, to monitor endangered species. In partnership with the World Wide Fund for Nature (WWF) and UNEP, this centre evolved in 1988 into the WCMC. Since 2000, the WCMC has been part of UNEP and functions as the world’s primary biodiversity information and assessment centre. Global-scale data is compiled on species and habitats; forest, marine, mountain and freshwater environments; and protected areas.

The WCMC has a major international role in identifying and compiling information on the world’s protected areas. The World Database on Protected Areas is a collaborative initiative between WCMC and the IUCN World Commission on Protected Areas (WCPA), supported by several non-governmental organisations and most national and provincial protected area management agencies, as well as the secretariats of international conventions and programs. A central part of the database is a list of the world’s protected areas, including their location, size and type. This database is also linked to the United Nations List of Protected Areas.

The important role of the WCMC in assisting in efforts to enhance the conservation of cultural landscapes is evident from many relevant initiatives of the WCMC, such as: the compiling and maintenance of standard form information sheets in respect of all sites on the World Heritage

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133 UN General Assembly Resolution 2997 (XXVII) of 15 December 1972.
135 See, for example, UNEP, UNEP Yearbook 2009: New Science and Development in Our Changing Environment, UNEP, Nairobi, 2009, which briefly discusses cultural landscapes and the role of humans in ecosystem management at 12.
139 The most recent edition of the List is the 2003 UN List of Protected Areas, released at the 5th World Parks Congress in Durban, South Africa. A copy of the List and further details are available on the UNEP, World Conservation Monitoring website at: http://www.unep-wcmc.org/protected_areas/un-list/index.htm; accessed 24 October 2008.
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List;\(^{140}\) review of the World Heritage Network;\(^ {141}\) the World Heritage 'IMapS';\(^ {142}\) which allows users to view information on the distribution of World Heritage sites around the world; the technical support it provides to IUCN, UNESCO and the World Heritage Committee to assist in World Heritage site evaluation and monitoring processes and heritage reviews;\(^ {143}\) and contributions to the Global Theme Study of World Heritage Sites.\(^ {144}\) UNEP-WCMC also undertake highly relevant research on biodiversity ecosystem assessments, protected areas and climate change.\(^ {145}\)

(d) The United Nations Development Programme (UNDP)

The UNDP was established in 1965 to focus resources on meeting a series of objectives central to sustainable human development: poverty eradication; environmental regeneration; job creation; and the advancement of women.\(^ {146}\) Particularly relevant to cultural landscape conservation, one of its focus areas of work concerns energy and environment practice, including the conservation and sustainable use of biodiversity.\(^ {147}\)

(e) The Global Environment Facility (GEF)

The GEF, established in 1991, serves as a funding mechanism for international cooperation.\(^ {148}\) The GEF raises funds from donor countries and then provides grants and low-interest loans for environmental projects. These projects address issues such as biodiversity, climate change, and land degradation (all of which are relevant to aiding cultural landscape conservation and conservation of other types of World Heritage), with a particular focus on low and medium Human Development Index countries.\(^ {149}\) GEF projects are managed by three implementing agencies: the UNEP, the UNDP and the World Bank.


\(^{142}\) See website of the UNEP-WCMC: http://sea.unep-wcmc.org/protected_areas/ims.htm; accessed 28 May 2009. UNEP-WCMC also holds both geographical and non-spatial information on each of the sites on the World Heritage List and provides links through to further information held on the UNESCO website.


The FAO of the United Nations 'Globally Important Ingenious Agricultural Heritage Systems' project (2003) has been significant in addressing the relationships between agricultural heritage systems and their landscape, which is relevant to the conservation of continuing cultural landscapes.

All of the above organisations clearly provide resources, expertise and assistance that can significantly assist in coordinating and encouraging collaboration on cultural landscape conservation efforts. The various dimensions to and priorities of these agencies will greatly assist in facilitating the preparation of detailed guidance on proactive and mitigatory steps that can be taken to protect cultural landscapes from risk and to conserve these areas for future generations. Accordingly, colloquially speaking, the 'wheel does not need to be re-invented'. Rather, it is imperative that the important work of these agencies is taken advantage of and tailored as appropriate to cultural landscape conservation. Opportunities to work collaboratively with these agencies must continue to be seized to achieve this end.

**Advisory Bodies to the World Heritage Convention**

The World Heritage Convention identifies three Advisory Bodies to the World Heritage Committee, namely, ICOMOS, IUCN and the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM).

ICCROM and ICOMOS are responsible for cultural heritage matters, while IUCN deals with issues related to natural heritage. The role of the three organisations is to advise the Committee on the implementation of the World Heritage Convention, assist in the preparation of the Committee's work, and aid in the development and implementation of strategic objectives identified by the Committee.

All three Advisory Bodies are involved in monitoring the state of conservation of properties on the World Heritage List, providing technical advice, reviewing requests for international assistance, and taking part in the continued scientific development of the World Heritage Convention.

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ICOMOS is linked to UNESCO and is concerned with the conservation and study of places of cultural significance. Important instruments administered by ICOMOS relevant to cultural landscape conservation include:

(i) The Florence Charter (1981);
(ii) Charter for the Protection and Management of the Archaeological Heritage (1990);
(iii) International Charter on Cultural Tourism (1999);
(iv) The Nara Document on Authenticity (1994); and

Each of the above instruments offer specific guidance on the protection and conservation of cultural heritage and the cultural value of World Heritage sites and are thus relevant to the conservation of cultural values in cultural landscapes.

Paragraph 18 of Annex 6 of the Operational Guidelines states that properties nominated as cultural landscapes are evaluated by ICOMOS under criteria (i)-(vi). It adds that the IUCN is called upon by ICOMOS to review the natural values and management of the nominated property and that ‘[t]his has been the subject of an agreement between the Advisory Bodies. In some cases a joint mission is required’. There is no elaboration as to the circumstances in which ICOMOS will call upon the IUCN to evaluate the natural values of a nominated property or in what circumstances a joint mission will be deemed to be required. Similarly, paragraph 146 of the Operational Guidelines simply states that: ‘In the case of nominations of cultural properties in the category of “cultural landscapes”, as appropriate, the evaluation will be carried out by ICOMOS in consultation with IUCN’. Again, the circumstances in which it will be ‘appropriate’ to consult with the IUCN are not specified.

The role of ICOMOS in evaluating cultural landscapes for World Heritage listing and the evaluation process are further discussed and analysed in section 8.3.2 of this thesis.

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133 Paragraph 18 of Annex 6 of the Operational Guidelines, n15.
134 Operational Guidelines, n15.
135 This is considered in further detail in chapter 8.
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The IUCN has several programs and six commissions, including the Programme on Protected Areas that supports the work of the WCPA. It is made up of more than 1,000 organisations, as well as 11,000 individual scientists and experts. The IUCN has been involved in the World Heritage Convention from the outset, having co-drafted the text with UNESCO in 1972.

The IUCN World Heritage work is managed by the Programme on Protected Areas, working in collaboration primarily with WCPA and other IUCN Commissions, the UNEP-WCMC and IUCN regional and country offices. The IUCN evaluates all natural and ‘mixed’ sites nominated for World Heritage status, contributes to evaluations of certain cultural landscapes, monitors the state of conservation of existing World Heritage sites, contributes to training, capacity building and related initiatives and contributes to the development and implementation of the Global Strategy of the World Heritage Committee by preparing a series of global overviews. Additionally, since 1992, the IUCN has worked with ICOMOS to help implement the Operational Guidelines as they relate to cultural landscapes in several ways:

(i) by carrying out joint evaluations with ICOMOS of nominated cultural landscape properties where there is an important nature conservation interest;

(ii) by undertaking state of conservation reporting and evaluation missions for inscribed World Heritage cultural landscape sites that are similarly important for nature conservation;

(iii) by providing technical input to a number of global and regional meetings concerning the intellectual development of World Heritage cultural landscapes;

(iv) by promoting the concept of cultural landscapes, and its interest in them, in its publications, advice etc.;

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160 IUCN, n159.
161 In 2006-2008, the IUCN was involved in the evaluation of the following nominated cultural landscapes, some of which were ultimately inscribed and some of which were not: Bregenzerwald Cultural Landscape (Austria); Cobustan Rock Art Cultural Landscape (Azerbaijan); Le Rivage méditerranéen des Pyrénées (France/Spain); Valnerina e Cascate dele Marmore (Italy); Iwami-Ginzan Silver Mine Site and its Cultural Landscape (Japan); The Sacred Mijikenda Kaya Forests (Kenya); Salzmin-Tou Cultural Landscape (Sacred Mountain) (Kyrgyzstan); Batanes Cultural Landscape (Philippines); Lavaux, vignobles en terrasses face au lac et aux alpes (Switzerland); Darwin at Downe (United Kingdom); Le Mome Cultural Landscape (Mauritius); Cultural Landscape of Bali Province (Indonesia); The Kuk Early Agricultural Site (Papua New Guinea); and Chief Roi Mata’s Domain (Vanuatu). It is important to note that, in each of these years, there were other sites ultimately inscribed as cultural landscapes and, accordingly, it seems that the IUCN did not participate in their evaluation: http://www.iucn.org/about/union/commissions/wcpa/wcpa_work/wcpa_worldheritage/wcpa_nominations/wcpa_whnominationsprev/; accessed 10 February 2009. See Table 3 in chapter 3 for a list of the cultural landscapes that were actually inscribed in 2006-2008.
(v) by demonstrating, in particular, the degree of shared experience between IUCN protected area management Category V (Protected Landscapes/Seascapes) and World Heritage cultural landscapes;

(vi) by joining ICCROM to advise the World Heritage Committee and World Heritage Centre on the revision of the Operational Guidelines, which incorporate a major integrated view of World Heritage values; and

(vii) by developing guidance on how to identify the natural values of World Heritage cultural properties. 162

The IUCN’s role in evaluating cultural landscapes for World Heritage listing and the evaluation process are further discussed and analysed in section 8.3.1 of this thesis.

(e) ICCROM

ICCROM has a worldwide mandate to promote the conservation of all types of cultural heritage, moveable and immovable, with the aim of improving the quality of conservation practices and raising awareness about the importance of preserving cultural heritage. The five functions of ICCROM are: training, cooperation, research, information and awareness. 163

Increased cooperation with the World Heritage Committee has led to ICCROM being contracted by the World Heritage Centre to run national and regional level training courses for World Heritage topics. In the 2008 – 2009 biennium, ICCROM has been involved in organising training courses in the Arab States, Latin America and Asia/Pacific regions as well as a thematic course on cultural landscapes. ICCROM has also been asked to create specific training materials in support of World Heritage. 164

2.6.3 Biodiversity-related conventions and cultural landscapes

There are four principal biodiversity-related conventions that are relevant to the conservation of cultural landscapes and natural World Heritage: 165

(a) **Convention on Biological Diversity (1992) (CBD);**

(b) **Convention on the Wetlands of International Importance, Especially as Waterfowl Habitat (1971) (Ramsar);**

(c) **Convention on International Trade in Endangered Species of Wild Fauna and Flora (1973) (CITES);** and

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162 Phillips A, ‘Landscape as a Meeting Ground: Category V Protected Landscapes/Seascapes and World Heritage Cultural Landscapes’ in Brown et al, n70 at 27.

163 UNESCO, n129 at 27.


165 UNESCO, n129 and Redgwell, n103 at 377-381.
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Aspects of these Conventions provide important assistance to developing standards and parameters for the protection and conservation of cultural landscapes, particularly in relation to sustainable development and biodiversity conservation. Each is site, species, and/or ecosystem based and employs complementary operational tools, such as programs of work, monitoring and reporting, and trust funds. 166

As observed by Redgwell, the contribution of the World Heritage Convention to the conservation of biological diversity arises from the 'simple fact' of the inscription of natural heritage sites for protection under the Convention, with criteria (ix) and (x) the most significant in terms of sites most likely to contribute to biodiversity conservation. 167 The Durban Action Plan, resulting from the 2003 IUCN World Parks Congress includes, in respect of the contribution of protected areas to biodiversity conservation, the target that: 'All sites whose biodiversity values are of outstanding universal value are inscribed on the World Heritage List by the time of the next World Parks Congress.' 168

The CBD

The three objectives of the CBD are the conservation of biodiversity, the sustainable use of components of biodiversity and the equitable sharing of benefits derived from genetic resources. 169 Relevant to developing standards for the protection and conservation of cultural landscapes is another important purpose of the CBD, namely, to provide a framework and a set of principles that can, if properly used by the parties to the various international and other conservation agreements, provide an enhanced basis for inter-convention synergies. These instruments include:

(i) Guiding Principles for the Prevention, Introduction and Mitigation of Impacts of Alien Species that Threaten Ecosystems, Habitats or Species; 170

(ii) Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessment Regarding Developments Proposed to Take Place on, or


167 See Redgwell, ni03 at 379. Criteria (ix) is: 'to be outstanding examples representing significant on-going ecological and biological processes in the evolution and development of terrestrial, fresh water, coastal and marine ecosystems and communities of plants and animals'. Criteria (x) is: 'to contain the most important and significant natural habitats for in-situ conservation of biological diversity, including those containing threatened species of outstanding universal value from the point of view of science or conservation': http://whc.unesco.org/en/criteria/; accessed 11 November 2008.


169 Article 1 of the CBD.

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which are Likely to Impact on, Sacred Sites and on Lands and Waters Traditionally Occupied or Used by Indigenous and Local Communities;¹⁷¹ and

(iii) CBD Guidelines on Biodiversity and Tourism Development (CBD Guidelines).¹⁷²

Seven thematic work programs have also been developed as part of the implementation of the CBD.¹⁷³ In association with the World Heritage Convention, programs have been launched on some of these themes, including marine and coastal biodiversity and forest biodiversity. These thematic work programs developed under the CBD are essential as they provide a general framework and basic principles to guide future work and to identify key issues for consideration.

The CBD Guidelines provide assistance to signatories to the CBD, public authorities and any other interested parties, to apply the provisions of the CBD to activities relating to sustainable tourism development in vulnerable terrestrial, marine and coastal ecosystems and habitats of major importance for biological diversity and protected areas. The CBD Guidelines are, therefore, highly relevant to and in some circumstances, essential to, the protection of World Heritage sites, in particular, cultural landscapes and natural heritage.

The main goals of the CBD Guidelines are to maximise the positive benefits of tourism to biodiversity, ecosystems, economic and social development, while minimising negative social and environmental impacts from tourism. Specific guidelines are provided on legislation, impact assessment for sustainable tourism development, impact management and mitigation, and monitoring and reporting. In relation to World Heritage, in particular, the CBD Guidelines advise governments to adopt measures to ensure that such sites are accorded appropriate legal recognition and government assistance at a national level.

Finally, the World Heritage Convention criteria for designating natural heritage sites are considered consistent with the ecosystem approach developed under the CBD, with the added benefit of integration of the approach into the management plan for the site.¹⁷⁴

(b) Ramsar Convention

The objective of the Ramsar Convention is to conserve the ecological character of listed wetland areas. The mission of the Ramsar Convention, as adopted by the parties in 1999 and refined in 2002 is ‘... the conservation and wise use of all wetlands through local, regional and

¹⁷⁴ Redgwell, n103 at 380.
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national actions and international cooperation, as a contribution towards achieving sustainable development throughout the world.\footnote{175}

As with the World Heritage Convention, the Ramsar Convention uses a site designation process, incorporates listing for protection, and employs a danger listing mechanism (the ‘Montreux Record’).\footnote{176} Thirty-six Ramsar sites are wholly or partially World Heritage sites, but only one World Heritage cultural landscape is also a Ramsar Wetland, namely, Hortobágy National Park (Hungary).\footnote{177}

While the two instruments complement each other, and do have various synergies that should be further investigated, and utilised where possible, Thorsell considers that the effectiveness of the Ramsar Convention is far more restricted than the World Heritage Convention.\footnote{178} This is because there is no formal independent evaluation procedure of sites that are put forward by the Contracting Party for the Ramsar List. There is a set of criteria that sites are expected to meet, but there is no independent assessment of the nomination. All that is required is that the nomination form is complete.\footnote{179} Thorsell also queries the effectiveness of the Montreux Record, given the minimal number of sites that have been removed from the Ramsar List.\footnote{180}

(c) CITES

CITES focuses on ‘international trade’ in endangered and threatened species, and in hunting trophies and products consisting of the meat, bone, skin, eggs, branches, leaves, seeds and other component parts of these species.\footnote{181} In this way, CITES can be an effective tool in the protection of the values for which cultural landscapes and other sites have been included on the World Heritage List. This is evident, for example, by virtue of the protection the Convention affords to the protection of species and habitats under Article 2 of the World Heritage Convention (set out above) and paragraph 101 of the Operational Guidelines.\footnote{182}
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(d) CMS

CMS focuses on the listing of particular terrestrial, marine or avian species (or groups of species), in particular those that are 'migratory' and 'endangered'\(^{183}\) and, again, can be useful in seeking to protect certain related values for which cultural landscapes and other sites have been included on the World Heritage List.\(^{184}\)

(e) Assessment

In short, while the biodiversity-related conventions clearly have varying objectives, they share the goals of conservation and sustainable use with the World Heritage Convention,\(^{185}\) and employ complementary approaches for their implementation. Among the conventions, 'conservation, not preservation, is the key'.\(^{186}\) Finally, the World Heritage Convention criteria for designating natural values in heritage sites is similar to the ecosystem approach under the CBD.

2.6.4 Underwater cultural heritage and cultural landscapes

Underwater cultural heritage, including, for example: numerous Neolithic villages found at the bottom of the Black Sea; part of ancient Carthage; beautiful Hindu temples complementing the World Heritage site in Mahabalipuram, India; and Jamaica’s Port Royal, lost to the waves during an earthquake in 1692, have suffered from increasing looting and destruction, mostly due to technological development and easier access to the seabed.\(^{187}\) The international community’s response to the conservation of underwater heritage is the UNESCO Convention on the Protection of Underwater Cultural Heritage (2001) (UNCPUCH), which was opened for signature in 2001 and came into force on 2 January 2009.\(^{188}\) This instrument is the first multilateral treaty specifically designed for this type of heritage and, therefore, extends protection of underwater heritage further than that which exists under the United Nations Convention on the Law of the Sea (UNCLOS), adopted in 1982.\(^{189}\) While there are presently no inscribed submerged cultural landscapes, both the UNCPUCH and UNCLOS are important as the World Heritage Convention applies primarily to land,\(^{190}\) although sites in the territorial sea of a State Party may qualify and be protected under the Convention. Accordingly, the UNCPUCH and

\(^{183}\) See the Preamble and Article 2 of the Convention.

\(^{184}\) See the CMS website: http://www.cms.int; accessed 1 January 2008.

\(^{185}\) See paragraph 119 of the Operational Guidelines, n 15.

\(^{186}\) See Redgwell, nl03 at 380 and paragraph 119 of the Operational Guidelines, nl5.

\(^{187}\) See paragraph 119 of the Operational Guidelines, nl5.


\(^{190}\) See Carducci, n12 at 374 citing Articles 149 and 303 of UNCLOS.
UNCLOS provide a potential source of protection for any future listings of submerged or semi-submerged cultural landscapes and those surrounded by water.

2.6.5 Climate change instruments and cultural landscapes

Biodiversity conservation is the principal connection between the World Heritage Convention, the 1992 United Nations Framework Convention on Climate Change (UNFCCC) and the 1997 Kyoto Protocol in respect of natural heritage. The main purpose of the UNFCCC is to stabilise 'greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous [human-induced] interference with the climate system'. Under the UNFCCC, it is envisaged that such a level should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that production is not threatened and to enable economic development to proceed in a sustainable manner.

In 2005, an ad hoc technical expert group reported on linkages between biodiversity and adaptation to climate change, focusing on the biodiversity-related conventions and, in particular, upon the adaptation activities of the CMS, CBD and Ramsar. The report was acknowledged by the 8th Conference of the Parties to the CBD:

...as an initial step in the design, implementation and monitoring of activities that interlink across biodiversity, climate change, wetland ecosystems, and land degradation and desertification, while addressing the objectives of [the CBD, the UNFCCC, the United Nations Convention to Combat Desertification, Ramsar], the World Heritage Convention, [the CMS] and other relevant multilateral environmental agreements.

The World Heritage Committee has also called for increased cooperation between the World Heritage Centre and the organisations working on climate change, in particular, the stakeholders involved with the UNFCCC and the Intergovernmental Panel on Climate Change. World Heritage Committee 'State of Conservation Reports' will now include a section on those properties most affected by climate change, and criteria for the inscription of properties in the List of World Heritage in Danger, owing to climate change impacts, are to be developed 'for use in prioritising vulnerability assessment, mitigation and adaptation activities'. States Parties are

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191 This is because climate change is one of the principal causes of biodiversity loss. See, for example, the discussion in Redgwell, n:103 at 392.
192 Article 2 of the UNFCCC.
193 Note 192.
194 Report of the Meeting of the Ad Hoc Technical Expert Group on Biodiversity and Adaptation to Climate Change, UNEP/CBD/SBSTTA/A/11/INF/5, 5 October 2005. See, for example, Table 2 at 18.
195 Decision VIII/30 'Biodiversity and Climate Change: Guidance to Promote Synergy Among Activities for Biodiversity Conservation, Mitigating or Adapting to Climate Change and Combating Land Degradation', UNEP/CBD/COP/31, 15 June 2006 at 349. Refer to the Preamble and paragraph 7. The square brackets in this quote simply denote that the full names of the conventions have been abbreviated.
196 See section 8.4 for a discussion of some recent initiatives in relation to climate change impacts on World Heritage.
also urged to take a preventative approach in integrating ‘actions pertaining to climate change in risk preparedness policies and action plans’ to protect the outstanding universal value of World Heritage properties.\(^{198}\)

### 2.6.6 Summary of international instruments relevant to landscape conservation

A review of the above instruments reveals that early international protection efforts to define and protect cultural heritage were born out of threats posed to cultural heritage during times of war. For example, the Hague Convention, which was followed in 1970 by the UNESCO Convention, with its focus on protecting cultural property from illegal trade, and then the World Heritage Convention in 1972.

The review also reveals that the philosophy and structure of modern nature conservation efforts at both national and international levels have changed dramatically over time. Until the 1970s, most conservation efforts focused on creating national parks and wildlife sanctuaries, solving environmental dilemmas with technical and financial tools, and keeping environmental projects separate from social development efforts.\(^{199}\) This ‘preservation-oriented’ approach emphasised centralised, top-down planning, and generally excluded local people from the planning and management processes.\(^{200}\) It also meant that the priorities and interests of cultural heritage were assumed to conflict directly with conservation goals.

In 1980, the IUCN World Conservation Strategy initiated a new era in conservation planning by emphasising the ‘importance of linking protected area management with the economic activities of local communities’.\(^{201}\) In 1982, the World Congress on National Parks followed suit, calling for increased support for local populations living in and around parks and protected areas. The Parks Commission supported community development through education, revenue sharing, and participation in decision making where such activities would be compatible with conservation priorities.\(^{202}\) Increasingly, international environmental organisations stressed the role of including community participation in the conservation process, thus recognising the role of local peoples and cultures in creating sustainable and equitable conservation regimes. This heightened emphasis on ‘meeting local resource needs and development objectives’ gradually became a central objective for organisations such as IUCN, WWF and UNESCO (e.g. the Man

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\(^{198}\) See note 197.


\(^{202}\) Carlarne, n201.
and Biosphere Program), as well as a central tenet in international agreements, such as the Ramsar Convention and the CBD. 203

Around the same time, the concept of ‘sustainable development’ emerged and it also added a human dimension to environmental conservation. 204 This led to the inception, in the early 1990s, of ‘Integrated Conservation and Development Projects’ 205 and ‘community based conservation’, 206 which seek to reconcile conservation and development goals. 207 The opportunities and limitations of these initiatives in integrating culture and nature conservation efforts are considered in chapter 6.

It is beyond the scope of this thesis to review each of the above international measures in further detail. However, all of the above measures clearly have relevant conservation objectives and the potential to greatly enhance cultural landscape conservation efforts. This is particularly so having regard to the fact that cultural landscapes are, in effect, a form of living heritage, where unique questions arise concerning acceptable change and sustainability in the context of managing fragile interrelationships between culture and nature.

2.6.7 European initiatives

In addition to these international instruments, there have been significant regional initiatives in Europe directed specifically at landscape protection that are worthy of note.

The Pan-European Biological and Landscape Diversity Strategy (Strategy) 208 was established for a period of 20 years (1996-2016) and focuses on contributing to the realisation of the objective of the CBD to achieve conservation and sustainable use of biological and landscape diversity 209 for the whole of Europe and its regions. 210 In four, five year action plans, the


204 Defined in the Brundtland Report, nl2 as ‘...development that meets the needs of the present without compromising the ability of future generations to meet their own needs’.


207 Mehta & Keilert, n199.


209 ‘Biological Diversity’ is given the meaning attributed to that concept in Article 2 of the CBD. ‘Landscape Diversity’ is defined as: ‘the formal expression of the numerous relations existing in a given period between the individual or a society and a topographically defined territory, the appearance of which is the result of the action, over time, of natural and human factors and a combination of both’: Council of Europe, ‘Draft Recommendation on the Integrated Conservation of Cultural Landscape Areas as Part of Landscape Policies’ (paragraph 3, page 1 of the Strategy): http://www.pebld.org/index.php?do=20514351&lang=en; accessed 22 January 2008.

210 Annexure 2 to this Strategy sets out a number of factors that should determine actions that maintain and enhance landscapes of European significance and promote ‘landscape diversity’. It is submitted that these factors are relevant to the protection and conservation of cultural landscapes.
ambitious objectives are set out in the form of ‘Action Themes’. All actions are coordinated by the European Centre for Nature Conservation.211

On 3-5 May 2000, 100 participants from the United Kingdom and abroad gathered in Oxford for the ICOMOS UK Conference on Europe: A Common Heritage – the Cultural Landscape and adopted the Oxford Declaration on Landscapes,212 which, among other things, supported the adoption of the European Landscape Convention (ELC) and made various recommendations for the promotion of the cause of cultural landscapes.

The ELC is the first international treaty specifically on landscapes. It became effective from 1 March 2004 and is a Europe-wide agreement supported by the Council of Europe. It aims to promote the protection, management and planning (including active design and creation) of Europe’s landscapes, both rural and urban, and to foster European cooperation on landscape issues.213

The ELC notes that development in agriculture, forestry, industrial and mineral production techniques, and in town planning, transport, infrastructure, tourism and recreation practices, including, at a more general level, changes in the world economy, have the effect of continually transforming landscapes. It also acknowledges that the public expect to play an active part in the development of landscapes and to enjoy high quality landscapes, that landscape is a key element of individual and social well-being, and that its conservation entails rights and responsibilities for everyone.214

Ten action points in the implementation of the ELC have been identified by ICOMOS-UK and IUCN-UK. Namely, spatial planning, landscape integration, long-term funding, sharing best practice across Europe, the UK landscape network (i.e. exchanging experience and promoting best practice, fostering dialogue and collaboration among the range of landscape disciplines, celebrating achievements; active participation of government departments and agencies, linking people and places across Europe, and promoting the interaction between people and their environment.215

The general principles contained in the ELC and the above action points are highly relevant to the conservation of World Heritage cultural landscapes. Accordingly, these principles have been

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214 Lennon J, 'Cultural Heritage Management' in Lockwood et al., n137 at 460.

considered in the amendments to the Operational Guidelines proposed by this thesis to improve the conservation of these areas.  

2.7 Conclusions

This chapter has outlined the background to the World Heritage regime so as to understand cultural landscape conservation in an international legal context. It has identified that there are various international and regional instruments, programs and bodies that can and should be called on to enhance cultural landscape conservation. Each of these instruments and organisations has its various strengths and weaknesses, and each has varying degrees of relevance to cultural landscape conservation. Most significantly, what is plainly evident is that each of these bodies and instruments has either a cultural or natural focus. Other than the ELC, and some of the instruments and research associated with protected areas under the IUCN, there are only limited existing instruments and bodies, such as relevant initiatives of ICOMOS and ICCROM, that have, as part of their mandate or as one of their objectives, a focus on the conservation of the interrelationships between natural and cultural values. Accordingly, the cultural landscape concept has truly been part of a new beginning in conservation thinking. It now forms an important component of current efforts to address past gaps and deficiencies in the existing coverage of conservation instruments and their application to outstanding areas that are a product of nature-culture interactions.

The chapter has also identified various issues that demand consideration in assessing possible amendments to the Operational Guidelines to provide further impetus for effective cultural landscape conservation. Against this background, Parts II and III move on to explore the cultural landscape concept and the duties of States Parties under the World Heritage Convention in relation to the conservation of these areas. Part IV revisits these issues and summarises the strengths and weaknesses of the World Heritage regime for the protection and conservation of cultural landscapes. It also draws together the opportunities for the promotion of synergies and collaboration between various international instruments and bodies to advance the conservation of cultural landscapes. Recommendations are then made in relation to those matters for which further guidance must be provided in order to respond to gaps and ambiguities in cultural landscape conservation objectives and obligations under the World Heritage Convention and the Operational Guidelines.

216 See, in particular, chapters 6 and 8.
217 Chapter 6 explores in further detail the opportunities and constraints to the promotion of synergies.
Part II

An Analysis of the Cultural Landscape Concept and Cultural Landscape listings
3 Conceptualising Cultural Landscapes

This chapter critically examines the cultural landscape concept and undertakes an historical review of its evolution in various contexts and over time. It also evaluates its scope and seeks to arrive at a common understanding of its meaning.

The chapter identifies that the concept, at least in a World Heritage context, is clearly meant to apply to sites that demonstrate an interrelationship between culture and nature of outstanding universal value. While it is apparent that the intention of the prefix 'cultural' to describe these sites is to make clear that a human element of, or influence on, a landscape is a prerequisite to characterising a site as a cultural landscape, this chapter questions the ongoing appropriateness of the 'cultural' prefix at a time where there is essentially no area of earth untouched by the human footprint. While cultural influences on some areas will be greater or more obvious than in others, attempts to make an assessment about the impact of cultural influences on otherwise 'natural areas' are generally artificial, arbitrary and often wrong. Consequently, it is submitted that the word 'cultural' to describe these sites is both misleading and otiose in the twenty first century and, arguably, results in an emphasis on the cultural aspects of landscapes rather than the interrelationships between the cultural and natural values of these sites. This threatens to undermine the effective conservation of these areas given that cultural landscapes of World Heritage value are inscribed as such because they are the 'combined works of nature and man'.

3.1 Cultural landscape as a theoretical concept

Simply put, cultural landscapes 'reflect the interactions between people and their natural environment over space and time'.

However, the definition of cultural landscape is the subject of considerable debate. An analysis of the composite terms 'landscape' and 'culture' reveals that the use of these terms and, indeed, the cultural landscape concept itself, varies from discipline to discipline and country to country and continues to evolve over time. As the following discussion reveals, the multifaceted meaning of the cultural landscape concept is both its strength and its weakness, but some common themes are apparent which should be the focus of efforts to clarify its meaning.

3.1.1 The definition of 'landscape'

The common meaning of 'landscape' according to the Collins English Dictionary is 'an extensive area of scenery as viewed from a single place'. While this definition adopts a simple aesthetic meaning, in order to understand all of the dimensions to the landscape concept, it is necessary to review its origin and to consider its semantics.
Most definitions of landscape include some reference to human and/or natural activities in a particular area as ‘influencing’ or ‘shaping’ the land. This evolutionary aspect of ‘landscape’ is evident from the origin of the word, which is both a noun and a verb. For example, Webster’s Third New International Dictionary defines landscape as: (i) ‘a portion of land or territory that the eye can comprehend in a single view including all the objects so seen’; or (ii) ‘the landforms of a region in the aggregate especially as produced or modified by geologic forces’ (but not limited by them). As a verb, landscape means ‘to arrange and modify the effects of natural scenery over a tract of land so as to produce the best aesthetic effect with regard to the use to which the tract is to be put’.220

‘Landscape’, first recorded in 1598, was borrowed as a painters’ term from the Dutch during the 16th century221 and comes from the Dutch word landskap, which initially simply meant ‘region, tract of land’, but acquired an artistic sense, which it brought over into English, of ‘a picture depicting scenery on land’.222

Haber observes that the term ‘landscape’ combines ‘land’ with a word of ancient Germanic origin, the verb scapjan, which means to work, to be busy, or to do something creative, mostly with a plan or design in mind.223 Scapjan became schaffen in German, which means to shape.224 In the German tradition, ‘landscape’ (landschaft) is also a scientific term. Alexander von Humboldt, who was both a geographer and biologist, coined the first scientific definition of ‘landscape’ as ‘total character of a region of the earth’ at the beginning of the 19th century.225

While Humboldt was essentially the founder of landscape ecology,226 the concept of ‘landscape ecology’ was not used until as late as 1939 by Carl Troll, another eminent German geographer and botanist.227 Troll conceived a mosaic-like composition of the landscape, calling the mosaic pieces ‘ecotopes’. He insisted on the anthropogenic components of the landscape, which tended to be neglected by vegetation scientists and nature conservationists.228

222 Phillips, n162 at 19.
224 Anderson S, ‘Land-use and Landscape Histories: The Role of History in Current Environmental Decisions’ in Agnoletti (ed), n13 at 175.
225 See also Aplin G, ‘World Heritage Cultural Landscapes’ (2007) 13(6) International Journal of Heritage Studies 427 at 428 who refers to the work of von Richthofen from 1883 onwards in promoting the study of chorology, which started from the physical landscape, but extended to human interaction with it.
227 Haber, n223 at 39.
228 Haber, n223 at 39-40.
In light of the above, it can be seen that the German school emphasised the material aspects of culture, such as buildings still visible in the landscape, rather than the non-material aspects, such as customs and traditions.29

The word ‘landscape’ was introduced into Britain sometime after the fifth century by Angles, Saxons, Jutes, Danes and other groups of Germanic speech. Its Old English variations were landskipe and landscaef.230

The equivalent word in Latin derives from the Latin word pagus, meaning a defined rural district.231 The French have several words for ‘landscape’, each with varying shades of meaning: terroir, pays, paysage and campagne. In England, the distinction was once made between two kinds of landscape: woodland and champion, the latter deriving from the French word campagne, meaning ‘a countryside of fields’.232

Fowler observes that, historically, landscapes were conceived narrowly by various disciplines:

The ‘Biblical view’, for example, taught that all landscape was created in one Divine act; the ‘Classical view’ saw landscape as something arranged, indeed arrangeable, as a static stage-set, a view fashionable in eighteenth-century Europe; a ‘scientific’ view of long-term geological and geomorphological sequence developed from observational opportunities initially provided by early deep mining and gravel quarrying; and the ‘Romantic’ perspective, personified by William Wordsworth as prose-writer as well as poet, saw landscape as natural, meaningful and stimulating of higher thoughts and sensibilities among its human occupants.233

Jackson breaks down the compound word and traces back the history of the words ‘land’ and ‘scape’. He determines that, throughout history, ‘land’ has essentially simply always meant ‘a defined space, one with boundaries, though not necessarily one with fences or walls’.234 He also identifies that ‘scape’ once meant ‘a composition of similar objects’, similar to the related word ‘sheaf’, meaning ‘a bundle or collection of similar stalks of plants’.235 Taken apart in this way, Jackson observes that the original meaning of the word ‘landscape’ was a ‘composition of man-made spaces on the land’.236 He suggests, therefore, that a landscape is:

... not a natural feature of the environment, but a synthetic space, a man-made system of spaces superimposed on the face of the land, functioning and evolving not according to natural laws but

230 Jackson JB, ‘Human, All Too Human Geography’ (1952) 2 Landscape 5-7 at 5.
232 The word ‘champion’ is an old French term that derives from the medieval Latin word ‘campio’ meaning ‘field or military ground’ and ‘campio-nis’, meaning ‘fighter’. See Darvill, n221.
234 Jackson, n230 at 6.
235 Jackson, n230 at 7.
236 Jackson, n230 at 7.
to serve a community – for the collective character of the landscape is one that all generations and all points of view have agreed upon. A landscape is thus a space deliberately created to speed up or slow down the process of nature. As Eliade expresses it, it represents man taking upon himself the role of time. 237

The historically narrow construction of the word *landscape* and the past emphasis on human control over nature perhaps goes some way towards explaining past failures in landscape protection. Given that the landscape concept itself, as used by various disciplines, meant the shaping of nature by human hands or, at the very least, human perceptions of and associations with nature in regions or sections, the word ‘landscape’ itself clearly has a cultural element.

The definition of ‘landscape’ remains the subject of ongoing debate 238 and, over the years, many other definitions of ‘landscape’ have been proffered. A review of various definitions identifies that many authors and users of the landscape concept, construing its meaning in different contexts, consider an interrelationship between humans and the environment to be a key characteristic. For example, Lucas, writing in 1992, stated:

Landscape is an interface between nature and culture, the consequence of human presence in the natural environment and the imprint of the natural environment on the culture and way of life of its residents, past and present. The landscape contains important evidence of past relationships with the land as well as present uses. Landscapes are central to a sense of identity, a sense of place. 239

Similarly, Phillips, in 1998, stated that the ‘interaction between people and nature...is at the core of the idea of landscape’ and added that:

Landscape, defined in these terms, has certain distinctive characteristics:

- it contains both natural and cultural values and features, and focuses on the relationship between these;
- it is both physical and metaphysical, with social, cultural and artistic associations. While landscape is how we see the world, it is thus much more than mere scenery and appearance. We take it in all our senses;
- while we can experience landscape only in the present, it is the sum of all past changes to the environment: it is where past and present meet;
- landscape is universal – it exists throughout the country; and

237 Jackson, n230 at 7-8.
Conceptualising Cultural Landscapes

• landscape gives identity to place, and hence diversity to the settings of our lives.240

Writing in 2003, Beresford also observes that:

Protected landscapes are cultural landscapes,...[as they] have co-evolved with human societies. They are areas where the natural landscape has been transformed by human actions and the landscape qualities have shaped the way of life of the people. All management approaches to these areas must be based on a clear understanding of this, often complex, interrelationship.241

Finally, another commonly cited definition of ‘landscape’, again drawing on the natural and cultural elements of a site, is: ‘A contiguous area, intermediate in size between an ‘eco-region’ and a ‘site’, with a specific set of ecological, cultural and socio-economic characteristics distinct from its neighbours’.242

The above array of definitions applied to the landscape concept and the use of the concept by various disciplines reveals that it has a multifaceted meaning and any particular meaning will depend on the context of its use. It therefore seems reasonable to suggest that the definition has an element of subjectivity about it.

3.1.2 Overview

Taking this subjectivity into account, seven common themes are apparent. Landscapes, for the purpose of this thesis, are taken to be areas of land that symbolise, exemplify and display:

• the interrelationship between humans and nature;
• various social and natural factors;
• high values of natural and cultural attributes;
• a sense of identity derived from tangible and intangible values;
• a past and present; and
• a process of evolution.

It also appears universally accepted that landscapes generally comprise a contiguous geographical area.

With a clearer understanding of the concept of ‘landscape’, this chapter turns to the application of the concept in World Heritage conservation and environmental management

generally, before moving on to consider the definitions of the concepts of ‘culture’ and ‘cultural landscape’.

3.1.3 Ecomuseums and cultural landscapes

Aplin suggests that cultural landscapes have much in common with successful ‘ecomuseums’, a concept that became popular in certain museology circles in the late 20th century.²⁴³ Rivière, an early exponent of the ecomuseums concept, states that the approach:

... seeks an explanation of territory...and of population...it is an expression of man and nature. It situates man in his natural environment. It portrays nature in its wilderness, but also as adapted by traditional and industrial society in their own image. It is an expression of time, when the explanations it offers reach back before the appearance of man, transcend the course of the prehistoric and historical times in which he lived and arrive finally at man’s present...It is a laboratory, insofar as it contributes to the study of the past and present of the population concerned and of its total environment...²⁴⁴

Given that some of the above clearly overlaps with the cultural landscape concept, Aplin, drawing on the work of Howard and Ashworth, considers that cultural landscapes could operate in part as ecomuseums, or at least, contain ecomuseums as part of the interpretation process.²⁴⁵ While this is certainly true, the fundamental distinction between cultural landscapes and ecomuseums is that cultural landscapes, for the most part,²⁴⁶ should not be looked upon and managed as a ‘laboratory’ by which to simply study the past and the present, but as heritage that should be protected and conserved not merely as ‘an expression of time’ but as a process of evolution. Unlike ecomuseums, cultural landscapes are also not simply an ‘expression of man and nature’, rather, they are expressions of the interrelationships between humans and nature. For these reasons, this thesis distinguishes cultural landscapes from ecomuseums and does not evaluate the ecomuseum concept further.

3.1.4 Landscape protection, landscape management, landscape planning and the ‘Landscape Approach’

The way that ‘landscape’ is perceived and defined directly affects the human relationship with that environment and its protection, conservation and management. For example, Lowenthal’s view is that the word landscape ‘subsumes three vital concepts: nature as a fundamental heritage in its own right; environment as the setting of human action; and sense of place as awareness of

²⁴³ Aplin, n225 at 429.
²⁴⁶ Relict cultural landscapes perhaps share the most in common with ecomuseums.
local difference'.

Heritage, setting and place are quite interrelated concepts. On the other hand, Widgren identifies four rather different matters to bear in mind when considering landscapes and landscape planning: forms, functions, processes and context. Forms are taken to have meaning in a specific context. Landscape conservation decisions on this view force one to choose between restoring the processes shaping that landscape or trying to restore the state and the appearance of the landscape. It is possible to restore the state of a landscape, but it is much more difficult to restore the context that gave rise to the processes and functions of the landscape.

This has prompted questions about whether cultural heritage management should be about creating museum landscapes that possess either forms or functions (but no context), or whether conservation should consider the landscape in its current context, this being more consistent with Lowenthal's concept of landscape. For example, Palang and Fry query whether it is really possible to conserve cultural landscapes in new contexts where the original reasons for their existence no longer pertain and whether it is possible to find new markets or other drivers of change to provide new context for new and valued landscapes. Questions also arise about whose identity the landscape shapes and who are the key stakeholders that should be involved in decisions regarding landscape management.

The evolution in thinking about this notion of 'landscapes in context' has led to new concepts in relation to the protection, management and planning of landscapes. This is evident from the Preamble to the European Landscape Convention (ELC).

Article 1 of the ELC provides the following threefold classification of landscape actions that are applicable globally:

Landscape protection: actions to conserve and maintain the significant or characteristic features of a landscape justified by its heritage value derived from its natural configuration and/or human activity.

Landscape management: [meaning] from a perspective of sustainable development, to ensure the regular upkeep of all landscapes, so as to guide and harmonise changes which are brought about by social, economic and environmental processes.

Landscape planning: strong forward-looking action to enhance, restore or create landscape.

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247 Lowenthal D, 'Landscape as Heritage: National Scenes and Global Changes' in Fladmark, n66.
250 Palang & Fry, n249.
251 See n213.
Phillips observes that ‘[b]oth Category V protected areas and World Heritage cultural landscapes are focused on the first task that the ELC seeks to promote: landscape protection’. This thesis submits that conservation of IUCN protected areas and cultural landscapes should embrace all three landscape actions, in order to achieve this objective. Current thinking about the ‘landscape approach’ is steadily embracing this realisation. Thus, Singer, in his report from the Proceedings of the 2nd World Heritage Forests Meeting, 9-11 March 2005, after a review of the definitions of ‘landscape’, offers the following new definition of the ‘landscape approach’:

The landscape approach in nature conservation may be defined as an analytical and/or normative perspective that is based on the interaction between people and nature. It explores the relationships between past and present natural and social processes that contribute to shape a contiguous area of high social, biological, and/or aesthetic value. This approach is universally applicable yet emphasizes the identity of each landscape through the unique configuration of the processes involved.

There is a wide diversity in the application of the landscape approach, but Mitchell et al identify seven key characteristics of this approach having regard to both the characteristics of place as well as characteristics of process. These are set out in Table 1.

### Table 1: Characteristics of the Landscape Approach

<table>
<thead>
<tr>
<th>Characteristics of place</th>
<th>The protected landscape approach is bioregional in scale and represents a mosaic of designations and land uses.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The protected landscape approach embraces the interrelationship of nature and culture.</td>
</tr>
<tr>
<td></td>
<td>The protected landscape approach recognises the relationship between tangible and intangible values and the value of both.</td>
</tr>
<tr>
<td>Characteristics of process</td>
<td>The protected landscape approach is community-based, inclusive and participatory.</td>
</tr>
<tr>
<td></td>
<td>The protected landscape approach is based on cross-sectoral partnerships.</td>
</tr>
<tr>
<td></td>
<td>The protected landscape approach is founded on planning and legal frameworks that create an environment of engagement through equity and governance for a diverse set of stakeholders.</td>
</tr>
<tr>
<td></td>
<td>The protected landscape approach contributes to a sustainable society.</td>
</tr>
</tbody>
</table>

The ‘ingredients’ for a landscape approach are also summarised by Maretti et al, many of which are relevant to the protection, conservation and management of cultural landscapes. In the context of cultural landscape conservation, point two in this list of ‘ingredients’, namely,

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252 Phillips, n162 at 22.
253 Discussed in chapter 8.
... an understanding of the proper place of natural and cultural elements and processes, and the interaction among them, in the building of landscapes — and an interest in their conservation and importance — would require consideration of both the interrelationships between the cultural and natural value of the landscapes, the tensions between those values, the appropriate balance between competing objectives and conservation methods to protect the interrelationships between both sets of values. This would require assessment of both the tangible and intangible values (including religious/spiritual values and practices), stakeholder interests, economic and social opportunities and constraints and the conservation challenges that arise as a result of interrelationships between humans and nature (such as those connected to over-development, over-population, depopulation, tourism etc.).

It is anticipated that as thinking about landscapes matures, the ‘landscape’ concept will also continue to evolve. This is already evident from the emergence of new scientific understanding about protected areas management and new governance approaches, such as the landscape approach.

3.1.5 Definition of ‘culture’

The above review of the definition of ‘landscape’, from its German and Dutch origins as a ‘worked place’ to its meaning as a ‘composition of man-made spaces on the land’, has revealed that ‘culture’ is embedded in the meaning of landscape. It is therefore necessary to consider the scope of the meaning of the word ‘culture’.

Haber records that the term culture (or cultural) stems from the Latin word *colere*, which has several meanings. It is used to describe the work of farmers ploughing fields, sowing and harvesting wheat and erecting farmsteads and villages, but it is also used to refer to the transformation of fields into large cities, losing all agricultural connotations. In addition, *colere* means careful maintenance, adornment and even veneration.

Various definitions of culture reflect differing theories for understanding, or criteria for evaluating, human activity. Writing from the perspective of social anthropology, culture was identified and defined as early as 1871 by Tylor as including ‘knowledge, belief, art, morals, law, custom, and any other capabilities and habits acquired by man as a member of society’. A modern definition of culture is given by anthropologist William Haviland as follows: ‘Culture is

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257 Discussed in chapter 8.
258 See chapter 6 for further discussion on the governance of cultural landscapes.
259 Haber, n223 at 38.
260 i.e. where culture is separated from its agrarian roots (‘agri-culture’).
261 Haber, n223 at 38-39.
a set of rules or standards that, when acted upon by the members of a society, produce behaviour that falls within a range of variance the members consider proper and acceptable.\textsuperscript{263} In other words, culture does not refer to the behaviour that is observed, but rather to values and beliefs which generate that behaviour.

Some modern definitions of culture tend to be inclusive of the ‘emerging culture’ of society. For instance, Verma defines culture as ‘a system of the patterns and the modes of expectations, expressions, values, institutionalisation and enjoyment habits of people in general’.\textsuperscript{264}

More recently, UNESCO has observed:

[C]ulture should be regarded as the set of distinctive spiritual, material, intellectual and emotional features of society or a social group, and that it encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs.\textsuperscript{265}

While the above definitions cover a range of meanings, they do not exhaust the many uses of the term ‘culture’. Indeed, in 1952, Kroeber and Kluckhohn compiled a list of 164 definitions of ‘culture’ in \textit{Culture: A Critical Review of Concepts and Definitions}.\textsuperscript{266}

However, Haviland observes that four basic characteristics of culture are apparent. Namely, culture is \textit{shared} by a group of people (that constitutes a society); culture is \textit{learned} rather than biologically inherited from parents; culture is based on \textit{symbols} such as a cross, an image, an object of worship, etc.; and culture is an \textit{integration} of economic, political and social aspects.\textsuperscript{267}

To this list should be added that culture is based on a system of values and beliefs.

In summary, culture is generally accepted to encompass an inheritance of uncountable experiences, experiments and endeavours that evolve over time. People, families, societies and civilisations develop, change or end with the flow of time, but culture is not built or changed in one era: it is ‘nurtured through time and enfolds innumerable phases of rise, fall, obstructions, destructions, reconstructions, trends and tides of social, national and global history, and geographic, economic, political, scientific, artistic, psychological and spiritual developments’.\textsuperscript{268}


\textsuperscript{267} Haviland, n263 at 31.

\textsuperscript{268} Haviland, n263 at 31-32.
Conceplualising Cultural Landscapes

Denyer observes that most cultural landscapes reflect cultural attributes that may be tangible physical attributes or intangible practices or associations. Physical attributes may encompass landscape patterns, both natural and man-made; forms of settlement; the impact of mining; buildings; urbanisation; roads; canals; and so on. Intangible practices may include building methods; use of local materials; land tenure; harvesting practices; woodland management; management of pastures and meadows; mining practices; cultural guilds or associations. Intangible associations could include rituals, spiritual practices or association with writers or artists. Overlaps between these categories will also exist. These characteristics are considered further in the following analysis of the evolution of the cultural landscape concept.

3.1.6 The cultural landscape concept

It is clear from the above review of the evolution of the definitions of 'landscape' and 'culture' that both concepts are dynamic, broadly applied, and have varying meanings when used by different disciplines and societies in different contexts. Nevertheless, drawing on the above definitions and the following discussion on the evolution of the cultural landscape concept itself, it is important in the context of this thesis to generate a clear and certain understanding of what cultural landscapes in fact are, so as to effectively design and implement laws and policies to conserve them.

The definition of cultural landscape had its origins in the 1870s and 1880s in the writings of German historians and French geographers. The concept 'Kulturnandschaft' appears to have been defined by social geographer Friedrich Ratzel in the 1890s as an academic term meaning 'an area modified by human activity as opposed to the primeval natural landscape'. Scholars such as Michelet in mid-nineteenth century France, while not actually using the phrase 'cultural landscape', were thinking of landscape not only as nature, but as the product of a long process involving people and natural circumstances. The most cited early definition of cultural landscape, generated by Sauer in 1926 (set out at the beginning of this thesis), is somewhat similar to the concept as it is applied to World Heritage today. However, it took almost 70 years before this definition was, in essence, adopted in the international World Heritage conservation arena.

Various definitions of cultural landscape have been put forward since the concept first emerged. Throughout the 1900s, the cultural landscape concept was influential in the fields of

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269 See also Denyer S, 'Authenticity in World Heritage Cultural Landscapes: Continuity and Change' in Morales L & Javier F (eds), Nuevas Miradas Sobre la Authenticidad e Integridad en el Patrimonio Mundial de las Americas (meaning 'new views on authenticity and integrity in the World Heritage of the Americas'), ICOMOS, Paris, 2007 at 57-60.

270 Denyer, n269.

271 Lockwood et al, n137 at 54.

272 Fowler, n233 at 15.
human geography, cultural anthropology and related fields. For example, Fowler notes that the 'landscapes with personality' of Fox (1933) and the 'field of archaeology' of Crawford (1953) were not dissimilar.\footnote{Fowler, n233 at 15.}

In 1952, Jackson proffered that 'cultural landscapes will always remain elusive expressions of a persistent desire to make the earth over in the image of some heaven'.\footnote{Jackson, n230.} Ten years later, Wagner and Mikesell suggested the following definition, which, as with the Sauer definition, underpins the World Heritage concept of cultural landscape today:

Cultural Landscape – a concrete and characteristic product of the interplay between a given human community, embodying certain cultural preferences and potentials, and a particular set of natural circumstances. It is a heritage of many eras of natural evolution and of many generations of human effort.\footnote{Wagner PL and Mikesell MW (eds), Readings in Cultural Geography, University of Chicago Press, Chicago, 1962 at II.}

Melnick in 1984 reinvigorated the definition put forward by Sauer in stating that 'the cultural landscape is a tangible manifestation of human actions and beliefs set against and within the natural landscape'.\footnote{Melnick RZ, Cultural Landscapes: Rural Historic Districts in the National Park System, National Park Service, US Department of the Interior, Washington DC, 1984.}

Fowler records that the concept attracted renewed academic interest over the next ten years, in particular, as a result of a major conference in Sogndal, western Norway in July 1986, which resulted in a book entitled *The Cultural Landscape – Past, Present and Future*.\footnote{Fowler, n233 at 17 citing Birks H, Birks HJB, Kaland PE & Moe D (eds), The Cultural Landscape – Past, Present and Future, Cambridge University Press, Cambridge, 1988.} Although the book is almost entirely European in its geographical coverage, Birks observes in the conclusion that the cultural landscape concept is 'global', with the inference that it should be globally applied.\footnote{Birks et al, n277 at 466.}

Finally, a philosophical definition put forward by Svobodova in 1990 highlighted that cultural landscapes are the product of a process of change, an interaction between nature and culture: 'Cultural landscape is a transformed part of free nature resulting from man's intervention to shape it according to particular concepts of culture...'.\footnote{Svobodova H (ed) Cultural Aspects of Landscape, Wageningen, Pudoc, 1990.} Again, this acknowledgment and understanding of the defining feature of a cultural landscape also remains in operation in defining World Heritage cultural landscapes today.

From the 1960s, the cultural landscape concept became increasingly adopted in disciplines other than geography and art, as architects, landscape architects, environmental managers,
ethnologists, archaeologists, historians, botanists, zoologists, agricultural economists and others began to use the phrase in their discourse.²⁸⁰

More recently, one of the most commonly cited definitions of cultural landscape is that proffered by Rössler who describes cultural landscapes as being:

... at the interface between nature and culture, tangible and intangible heritage, biological and cultural diversity – they represent a closely woven net of relationships, the essence of culture and people’s identity'... [They] are a focus of protected areas in a larger ecosystem context, and they are a symbol of the growing recognition of the fundamental links between local communities and their heritage, humankind and its natural environment.²⁸¹

This description is very similar to the definition of cultural landscapes now adopted in the Operational Guidelines.²⁸² Fowler adds that the notion of cultural landscapes as World Heritage sites embraces ideas of ‘belonging, outstanding, significance, locality, meaning, value and singularity of place’.²⁸³

Clearly, as a consequence of the adoption of the concept by various disciplines, it has come to be used in a number of related ways with different shades of meaning. Jones observes that the divergent meanings are not in all cases irreconcilable and the use of the cultural landscape concept may have several connotations at the same time.²⁸⁴ Phillips aptly points out that the multifaceted meaning of ‘landscape’ is both its strength and its weakness. The strength of the concept is that, because it embodies many facets, it appeals to us in all sorts of ways. Its weakness is that, ‘because it is a ‘meeting ground, no single profession owns it or can champion it unaided’.²⁸⁵ Consequently, the proper understanding of ‘landscape’ calls for contributions from many disciplines. Further, Phillips points out that, as ‘landscape’ is a cultural construct, it is often culturally contested: ‘different groups will see it differently, and ideas about it are not constant but change over time’.²⁸⁶ Similarly, Rowntree observes that while the concept of the cultural landscape is frequently used in human geography, the term is ambiguous and carries a variety of meanings. Again, Rowntree considers that this etymological elusiveness is both a liability and an asset:

²⁸² The definition in the Operational Guidelines is set out later in this chapter.
²⁸³ Fowler, n233 at 1.
²⁸⁵ Phillips, n162 at 19-20.
²⁸⁶ Phillips, n162 at 20.
[To some, the notion of cultural landscape is an appropriate bridge between space and society, culture and environment, while to others, its definitional fluidity weakens the concept and disqualifies it from serious analytical usage.  

Taking into account the difficulties arising from these shades of meaning, one of the objectives of this thesis is to identify some parameters and key characteristics of the cultural landscape concept.

3.1.7 The appropriate scope and construction of the cultural landscape concept

Clearly, one of the inherent problems with the cultural landscape concept is its definitional fluidity, which has resulted in a variance in approach to the scope of its meaning. Many writers adopt a very broad view of landscape, submitting that seemingly ‘untouched’ lands are, in fact, cultural landscapes. This point is made poignantly by Brown et al. who summarise the varying perspectives taken to the cultural landscape concept in the evaluation by several authors of various human interrelationships with the environment.

Lennon observes that Aboriginal and Torres Strait Islander peoples modified the Australian environment through the use of fire and hunting, gave the landscape its creation stories, and left behind evidence of their culture in rock art and sacred sites. On the basis of these historical events, Lennon goes so far as to suggest that the whole of Australia can be considered a cultural landscape. In a similar vein, Jones et al write about the ‘mind maps’ of pastoralists in Africa, which shape their view of the landscapes they inhabit. Their mind maps do not have fixed boundaries or specific land use designations, but rather reflect the pastoralists’ mobile way of life and flexible resource management regimes. Sarmiento et al, writing about Andean South America, describe a view of the landscape in which ‘identity and ethnicity go hand-in-hand with mythical concepts of sacred hills’, and in which the mountain deities are seen as offering protection to the communities living below them. Maretti et al, in discussing remote areas in the Amazon and coastal wetlands, argue that these places are also cultural landscapes:

...[they] may not be ‘classical’ examples of cultural landscapes (or ‘European types’ of landscape) – for the marks are less visible to the ‘non-local’ and ‘untrained’ eye, which may not be prepared in these settings to see the long interactions between humans and nature over

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287 Rowntree, n238 at 127.
289 Brown et al, n288 at 18.
time... But what then are lands that are divided by paths, shaped by use, with their limits defined by customs and respected by local communities (as, for example, with the significance of trees) if not landscapes — cultural landscapes...²⁹³

Accordingly, while the cultural landscape concept is clearly meant to describe landscapes that are not purely natural landscapes, but which are the result of human interactions with the environment, it is now widely recognised that humans have had a pervasive environmental influence and, therefore, much of the world’s terrestrial surface is, to a greater or lesser extent, an agglomeration of cultural landscapes.²⁹⁴ As Jackson observes: ‘[Landscape] is never simply a natural space, a feature of the natural environment...[E]very landscape is the place where we establish our own human organization of space and time’.²⁹⁵

Adopting the view that essentially all landscapes have a human dimension to them, Plachter also observes that in a ‘broad definition’ almost all landscapes of the world can be viewed as cultural landscapes.²⁹⁶ This view is shared by Buggey, who concludes that ‘most of the earth’s land surface would qualify as cultural landscapes’ and Phillips who states that, in light of the above, we are, in effect, ‘only concerned with landscapes where there is a spectrum of human impacts varying from negligible to comprehensive’.²⁹⁷ Rössler similarly states that World Heritage cultural landscapes are ‘but tiny, carefully selected samples from this global phenomenon’.²⁹⁸ In the same vein, Schama also observes that ‘it is difficult to think of a single such natural system that has not, for better or worse, been substantially modified by human culture’.²⁹⁹

The only question then that arises is, the form that human influence must take for a site to be deemed a cultural landscape. In particular, it is not clear whether that cultural influence must be a tangible one or whether an intangible influence is sufficient. There is very little commentary on this issue. However, as with the observations of the above writers and for the reasons which follow, it is submitted that essentially any form of human influence can constitute cultural heritage.³⁰⁰

In light of the above multiplicity of meanings of cultural landscape, lack of agreement about the meaning of the concept and the reality that all of the world’s landscapes have been the subject

²⁹³ Maretti et al, n255 at 47.
²⁹⁷ Cited in Phillips, n162 at 27.
³⁰⁰ The value of that cultural heritage being a separate question.
of some cultural influence in one form or another, it could be suggested that the cultural landscape concept serves little purpose. This proposition is supported by writers such as the Swedish geographer Mats Widgren, who states:

Concepts such as cultural landscape and cultural environment ... belong to the administrative sphere – they function in a unifying political program declaration that wants to show that the cultural aspects of the landscape have greater importance than one until now has been prepared to see. The insight that human influence is found everywhere in the Nordic landscape has as a result laid the basis for doing away with the cultural landscape concept, since it has been shown that the opposite of cultural landscape – untouched nature – does not exist as a real category. There is an increased understanding for the landscape of meaning – that landscape has a cultural content beyond its humanly created physical expressions... In keeping with this development, in the context of cultural landscapes, cultural landscape researchers have gone over to talk of their field of study as landscape or landscape history.301

Similarly, in his book on the Norwegian landscape, the ethnologist Arne Lie Christensen writes:

The concept of cultural landscape is newer than the concept of landscape, and shows itself in practice to be more problematical ... It has become more and more clear how humans have physically influenced the landscape to such a degree and over such large areas that the whole earth is in the process of becoming a cultural landscape. Cultural historians have also increasingly focused on the total environment of human beings, regardless of whether it simply physically is influenced by humans. [They have] become steadily more aware of the landscape's cognitive sides ... As a consequence many scholars within the cultural disciplines stopped talking of cultural landscape; instead they talk of landscape or of human surroundings.302

In addition to the above definitional difficulties, interpretative problems are also apparent. For example, there was a concern for some time that the World Heritage Committee may be interpreting the cultural landscape concept too narrowly.303 This is evidenced by the fact that most cultural landscape listings have been predominantly of rural sites, although significant efforts have been undertaken to redress this.304 Further, the Committee has apparently primarily only accepted cultural landscapes that epitomise the ‘positive’ interaction between people and the

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302 Christensen AL, Det Norske Landskapet: Om Landskap Og Landskapsforståelse I Kulturhistorisk Perspektiv, Pax, Oslo, 2002 as cited in Palang & Fry, n249 at 23.
303 Fowler, n21 at 27. See also n22 and associated recommendations of the International Congress.
304 For example, the Global Strategy, see section 2.5 and various thematic studies as set out in chapter 8.
environment, and has perhaps in the past been less willing to recognise destructive impacts of human intervention on landscapes.  

Beyond interrelationships between cultural and natural values, the other core features of cultural landscapes in a World Heritage context must also be the subject of further detailed consideration in order to clarify past and present confusion about the meaning of the concept.

3.1.8 The core characteristics of cultural landscapes: a summary

For the purpose of understanding and applying the cultural landscape concept to World Heritage conservation, drawing on the above review of the etymology of the concept, some key characteristics of cultural landscapes can be identified to arrive at a commonly accepted meaning.

Within the field of political science, Sartori emerges as one of the most quoted authorities in concept analysis. In order to define a term with 'a modicum of discipline', Sartori recommends that a list of definitions be developed from the existing literature and a set of common characteristics extracted. These characteristics can then be used to develop a definition or, in this instance, give meaning to a concept.

The above review of the various definitions ascribed to the cultural landscape concept have one recurring theme – namely, that such sites exemplify and embody interrelationships between human society and nature. For the purpose of this thesis, this is the key defining characteristic of cultural landscapes. Other components or characteristics of the cultural landscape concept as it has been applied by various disciplines over time include:

- natural evolution, change and human effort;
- identity;
- place of value (e.g. social, biological and/or aesthetic) and significance shaped by social and natural processes;
- tangible and intangible attributes; and
- symbolising links between human culture and the environment.

It is suggested that it is these characteristics and the emphasis on interrelationships between human society and the environment that should be applied in interpreting the definition of cultural landscape in the World Heritage context.

The above characteristics, in particular the understanding that cultural landscapes exemplify the integration of social and natural processes and interaction between humans and nature,

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305 UNESCO, n129 at 117.
Conceptualising Cultural Landscapes

supports the proposition in this thesis that cultural landscapes are neither cultural nor natural heritage alone, but are in fact both. That is, they embody a nature-culture continuum. If this proposition is accepted, there are a range of significant implications which will be explored in this thesis. However, before turning to the conservation of cultural landscapes in practice, it is necessary to understand the way in which cultural landscapes came to be protected under the World Heritage regime.

3.2 The evolution of the cultural landscape concept under the World Heritage regime

3.2.1 Genesis of the international protection of cultural landscapes

The decision to include cultural landscapes on the World Heritage List in 1992 was the result of developments that took place over many years. These developments are briefly considered here.

Following the end of the First World War in 1919, the peace process led to the establishment of the League of Nations, which took key initiatives that were later continued by the United Nations. In 1922, the Council of the League of Nations established the Intellectual Cooperation Committee. Due to budget constraints, the Committee collapsed, but was soon re-established in Paris in 1926 as the International Institute of Intellectual Cooperation (IIIC).307

The International Museums Office (IMO) was also established in 1926 as part of the IIIC. During its existence, the IMO organised a number of key events that set the scene for the development of an international movement for cultural heritage conservation. This included the Athens Conference of 1931 on the protection and conservation of monuments of art and history, which was attended by 118 specialists from twenty four nations.308

Among other things, the Athens Charter for the Restoration of Historic Monuments of 1931 (Athens Charter) set forth the first statements on the aesthetics of the surrounding areas of ancient monuments by calling for care in the development of constructions nearby and submitting that "surroundings should be given special consideration".309 Settings were to be preserved with picturesque intent, avoiding power poles, signs and other competing elements to preserve the "ancient character" of the monuments.310

At the end of the Second World War, representatives of fifty countries met in San Francisco to draw up the Charter of the United Nations, which officially came into existence on 24 October

308 UNESCO, n129 at 26-27.
1945. The conference for the creation of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) was set up in the same year to continue the work of the IIC. Among its early tasks, UNESCO collaborated in the organisation of meetings of experts in the preservation of heritage resources. These included a conference on the preservation of monuments held in 1964, which adopted the *International Charter for the Conservation and Restoration of Monuments and Sites* of 1964 (Venice Charter). The Venice Charter sets out the importance of defining and preserving not only the monument, but also the urban or rural setting around it as an expression of the culture.\(^{311}\) For example, Article 1 of the Venice Charter states that the concept of an historic monument embraces not only the single architectural work, ‘but also the urban or rural setting in which is found the evidence of a particular civilization, a significant development or an historic event…’.\(^{312}\) Finally, the ICOMOS-IFLA International Committee for Historical Gardens framed the Florence Charter on 21 May 1981 as an addendum to the Venice Charter, addressing the value of historic gardens as monuments in and of themselves.\(^{313}\)

From the above it can be seen that in both the Athens Charter and the Venice Charter, setting is defined as important, but is clearly secondary to the designated historical monument. That is, setting was only important where it was relevant to the conservation of the historical monument, rather than something to be protected and conserved in its own right. However, these initiatives were important precursors to the debate on the amendment to the Operational Guidelines under the World Heritage Convention and the ultimate recognition of cultural landscapes in 1992.

### 3.2.2 The amendments to the Operational Guidelines

Following the discussion in chapter 2 concerning the classification of ‘combined works of nature and man’ as cultural heritage under Article 1 of the World Heritage Convention,\(^{314}\) Whitby-Last also suggests that the emphasis on landscapes as cultural is a consequence of the definitional apparatus of the Convention.\(^{315}\) She similarly suggests that this is because the mixed cultural and natural heritage values of many landscapes are not accommodated by the definition of natural heritage in Article 2 of the World Heritage Convention and submits that this can be seen in the evolution of the development of the cultural landscape concept through the revisions to the Operational Guidelines.\(^{316}\) In providing the following summary of the evolution of the

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\(^{311}\) For example, Articles 1, 6 and 14. See: [http://www.icomos.org/venice_charter.html](http://www.icomos.org/venice_charter.html); accessed 22 March 2008.

\(^{312}\) UNESCO, n27.

\(^{313}\) See: [http://www.international.icomos.org/charters/gardens_e.htm](http://www.international.icomos.org/charters/gardens_e.htm); accessed 22 March 2008.

\(^{314}\) See section 2.5.

\(^{315}\) Relevantly, Whitby-Last observes that the categorisation of landscapes as purely cultural may be problematic when considering the associative landscape: ‘Different sectors of society may place emphasis on different aspects of a landscape, one perhaps emphasizing cultural traditions associated with the site and another emphasizing the natural heritage value of the area’. Whitby-Last, n65 at 52 in footnote 9.

\(^{316}\) Whitby-Last, n65 at 52.
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Operational Guidelines, it is acknowledged that Whitby-Last\textsuperscript{317} has also canvassed many of the factual events set out below.

In the first Operational Guidelines of 1977, the criteria for natural properties included 'man's interaction with his natural environment' and the example of terraced agricultural landscapes was given in criterion (ii).\textsuperscript{318}

In addition, criterion (iii) included 'exceptional combinations of natural and cultural elements'.\textsuperscript{319} Accordingly, cultural landscapes could have been listed as natural properties at that time.

The 1980 revision to the Operational Guidelines emphasised the importance of recognising the outstanding universal value of sites with a combination of cultural and natural features, then known only as 'mixed sites'.\textsuperscript{320} However, the changes to the criteria for natural properties meant that there was no longer a reference to terraced agricultural landscapes in criterion (ii).\textsuperscript{321}

In 1984, the Report of the Rapporteur argued that criterion (iii) for natural properties would have to be expanded to facilitate the identification of landscapes because the Operational Guidelines did not give sufficient guidance to States Parties regarding mixed properties. Consequently, in October 1985, a task force met to review the World Heritage Convention and the criteria for inscription of natural and cultural properties. While the Task Force made various recommendations, reservations of the World Heritage Committee at the 10th Session in 1986 and concerns about subsequent criteria considered in 1991 and 1992 meant that conservation of landscapes remained a live issue.\textsuperscript{322}

An expert meeting on cultural landscapes was held in France in September and October 1992. The purpose of the meeting was to consider cultural landscapes as a potential type of World Heritage site and to advise the World Heritage Committee accordingly. The delegates agreed that cultural landscapes:

\ldots are illustrative of the evolution of human society and settlement over time, under the influence of the physical constraints and/or opportunities presented by their natural environment, and of successive social, economic and cultural forces, both external and internal. They should be selected [for World Heritage status] on the basis both of their outstanding universal value and

\textsuperscript{317} Whitby-Last, n65 at 51-62.
\textsuperscript{319} Note 318.
\textsuperscript{321} Whitby-Last, n65.
\textsuperscript{322} Whitby-Last, n65.
of their representativity in terms of a clearly defined geographical region, and also for their capacity to illustrate the essential and distinct cultural elements of such regions. 323

The expert group proposed amendments to the six existing selection criteria for cultural properties, to enable the accommodation of cultural landscapes within the existing criteria, and recommended new interpretative paragraphs in the Operational Guidelines relating to cultural landscapes. 324 In addition, three categories of cultural landscapes were developed, which were subsequently adopted by the 16th Session of the World Heritage Committee in Santa Fe in December 1992. 325 The Committee also adopted the revised criteria along with a German proposal for an additional interpretative paragraph. 326 The Committee further recommended that States Parties be informed of the new criteria and be asked to submit tentative lists of cultural landscapes.

In addition to the above steps, the Committee adopted revised natural heritage criteria (considered by the World Heritage Committee at its 15th Session) that excluded references to interactions between man and nature. It was considered that ‘the reference to man’s interaction with nature’ (criterion ii) and ‘exceptional combinations of natural and cultural elements’ (criterion iii) were inconsistent with the legal definition of natural heritage under Article 2 of the World Heritage Convention. 327 These changes stand in the subsequent revisions to the Operational Guidelines, including the 2008 revision.

Accordingly, in 1992, in the context of the World Heritage Convention, landscapes were transferred from being natural heritage to being cultural heritage. This can now be seen in the current Operational Guidelines which state in the opening paragraph on cultural landscapes that they are cultural properties. 328

An International Expert Meeting on Cultural Landscapes of Outstanding Universal Value, held in October 1993 in Templin, Germany, gave illustrations and examples of cultural landscapes around the world. 329 This expert meeting was organised by the World Heritage Centre at the request of the World Heritage Committee, in close collaboration with the IUCN and ICOMOS, and with the support of the environmental foundation ‘Deutsche Bundesstiftung Umwelt’. The results of the meeting provided the basis for the inscription of the first cultural

323 Fowler, n25 at 18.
324 These recommendations were designed to replace paragraph 34 of the Operational Guidelines, UNESCO Doc. WHC/2 (1992 Revision), which said that with respect to rural landscapes, ‘the Committee has recommended further study’: http://whc.unesco.org/archive/opguide92.pdf; accessed 22 November 2008.
325 Discussed in detail in chapter 4.
328 Operational Guidelines, Annex 3, paragraph 6, n15.
329 Plachter & Rössler, n219 at 17.
Conceptualising Cultural Landscapes


In 1996, it was recommended that the Operational Guidelines be amended so as to have one set of criteria for both cultural and natural heritage. It was considered that the four categories (cultural, natural, mixed and cultural landscapes) were dividing the definition of World Heritage and failed to recognise 'the continuum and complexity of interactions between culture and nature'. Consequently, in September 1998, the World Heritage Centre prepared a revised draft of the Operational Guidelines. This drew on three sources: the recommendations of the Global Strategy Expert Meeting; the recommendations of the Consultative Body; and, finally, the 22nd Session of the World Heritage Committee and revisions proposed by the Advisory Bodies at a meeting held at the World Heritage Centre in September 1998. The draft revisions sought to consolidate the ten criteria into a single list and to develop conditions of integrity (incorporating the concept of authenticity) for cultural as well as natural properties. These proposals went through a number of revisions before being adopted in the 2005 revision of the Operational Guidelines.

3.2.3 The current World Heritage definition of cultural landscape

The World Heritage Committee responded to the new appreciation of cultural landscapes in 2005 by building on the phrase 'works of man or the combined works of nature and man' in the definition of cultural heritage in Article 1 of the World Heritage Convention. These words have now become the basis for the definition of 'cultural landscape' presently contained in the Operational Guidelines, namely:

Cultural landscapes are cultural properties and represent the ‘combined works of nature and of man’ designated in Article 1 of the Convention. They are illustrative of the evolution of human society and settlement over time, under the influence of the physical constraints and/or opportunities presented by their natural environment and of successive social, economic and cultural forces, both external and internal and as a diversity of manifestations of the interaction between humankind and its natural environment.

This definition of cultural landscapes sets out the criteria against which all proposed World Heritage listings are considered. It clearly contains characteristics of the cultural landscape.

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311 UNESCO Doc. WHC-98/CONF.203/INF.7 (1998) at 2. This was reflected in the view of the Advisory Bodies at the World Heritage Global Strategy Natural and Cultural Heritage Expert Meeting in March 1998. They also recommended the abolition of the formal distinction between cultural and natural criteria and their amalgamation into a single list of ten criteria. As a consequence, the focus was to be on areas inscribed as 'World Heritage sites' rather than as World Heritage cultural and/or natural sites.
312 Whitby-Last, n65.
concept in the analysis set out in chapter 3 in establishing that these areas are a meeting ground in establishing that these areas are a meeting ground between:

(a) nature and people — and how these have interacted to create a distinct place;

(b) past and present — and how, therefore, landscape provides a record of our natural and cultural history; and

(c) tangible and intangible values — and how these come together to give us a sense of identity.

Accordingly, the cultural landscape concept in the World Heritage context appears to apply to those parts of the land surface which have been significantly modified by human activity. That is, they are distinguishable from natural or wilderness landscapes, which have little or no apparent evidence of human intervention. However, this distinction is somewhat ambiguous, as there is not as yet a common understanding of what ‘significantly modified’ means, and neither is there general agreement about what is or was ‘natural’.

There is also virtually no untouched landscape on Earth. Finally, as this chapter has identified, the word ‘landscape’ itself clearly has a cultural element to it. For these reasons, it is submitted that the prefix ‘cultural’, to describe cultural landscapes, is superfluous. Furthermore, it is submitted that the current formulation (except for the first and last sentences) is in fact potentially detrimental to the conservation of the nature-culture interaction in these landscapes, as it emphasises the influence of nature on culture and not culture on nature, with the potential result being the oversight of the significance of the natural heritage of these places and the influence of culture on nature. In short, the concept fails appropriately to encapsulate the fundamental fact that these areas are examples of nature-culture interactions of outstanding universal value. It is suggested that this again risks the subordination of nature to culture and potentially undermines the objective to protect the interrelationships between these values.

Having regard to the above, it is suggested that the Operational Guidelines should refer to both impacts, that is the impact of nature on human evolution and the impact of humans on the evolution of the natural environment. A site need only embody an interrelationship of

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335 This is similar to the ELC definition of a landscape as: ‘an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors’. See n213.


337 Blair & Truscott, n336 at 3.

338 See, for example, Report of the Expert Meeting on European Cultural Landscapes of Outstanding Universal Value, UNESCO Doc. SC/85/CONF.008/3 (1985) at paragraph 3.2, which highlighted the fact that ‘untouched nature no longer exists’. See also Whithy-Last, n65 at 61.

339 See the above definition, in particular, the words: ‘They are illustrative of the evolution of human society and settlement over time, under the influence of the physical constraints and/or opportunities presented by their natural environment and of successive social, economic and cultural forces...’. As noted in chapter 2, no mention is made of the evolution of nature under the influence of the physical constraints and/or opportunities presented by human society.
outstanding universal value in one form (e.g. the impact of humans on the evolution of nature) to be categorised appropriately as a cultural landscape, but it may also well demonstrate various interrelationships. By referring to both types of influences in the Operational Guidelines, we can begin to move away from the emphasis on culture to place greater emphasis on the nature-culture continuum in cultural landscapes. This might also encourage States Parties to consider the impacts of interrelationships between humans and the environment from both perspectives (i.e. to think holistically) when identifying and nominating cultural landscapes for World Heritage listing. Properly identifying such interrelationships at the outset will also assist in effectively directing conservation efforts to ensure the preservation of the landscape for future generations.

3.3 Advancing global understanding of cultural landscapes

3.3.1 Geographical imbalance on the World Heritage List

One of the implications of an inadequate understanding about the cultural landscape concept and a narrow application of the concept is that the representation of cultural landscapes on the World Heritage List is arguably geographically unbalanced. The various forms that an interrelationship between culture and nature might take (some being more overt than others, such as those referred to by Maretti et al earlier in this thesis)\(^\text{340}\) may not be well understood, resulting in inappropriate classifications and listings of cultural landscapes as cultural heritage, natural heritage or mixed sites, or, worst of all, a failure to nominate the site for World Heritage listing at all. The impacts on the geographical representation of inscribed cultural landscapes, said to arise as a result of inadequate understanding of the cultural landscape concept, is sometimes referred to as ‘Eurocentrism’.\(^\text{341}\) This issue has received, and is continuing to be the subject of, significant international attention, as evidenced by the Global Strategy and various expert meetings.\(^\text{342}\)

The so-called ‘Cairns Decision’,\(^\text{343}\) adopted by the World Heritage Committee at its 24th Session, limited the number of nominations that may be submitted to the Committee by a State Party each year, with preferential treatment accorded to those Parties which had no properties on

\(^{340}\) Maretti et al, n255.


the List. However, it is doubtful that this initiative alone would achieve global representativity on the World Heritage List, particularly in respect of the less well understood cultural landscape category and, accordingly, the ongoing thematic studies will play an important part in achieving this goal.

Sirisrisak and Akagawa advance the argument that the current categories of cultural landscapes may not be well understood in regions other than in Europe and North America, which, in part, might explain the historical imbalance in the representation of listed World Heritage cultural landscapes. Perhaps this is because some stakeholders consider that classification of a site as a cultural landscape primarily requires the presence of strong cultural values. This proposition is arguably supported by the very fact that almost all World Heritage cultural landscapes listed to date have been listed only on the basis of their cultural values.

Certainly, as noted by Francioni and Lenzerini:

...concepts such as ‘value’, ‘significance’, and ‘outstanding character’ are inherently subjective, and their objectivisation inescapably leads to the creation of a stereotyped vision of cultural and natural heritage which may not be sufficiently inclusive of the richness of pluralism and cultural diversity.

Francioni and Lenzerini observe that this has led to the Committee focusing on representativity on the World Heritage List, as evidenced by the Cairns Decision.

Table 2 sets out the statistics on the present geographical representation of inscribed cultural landscapes in each of the UNESCO regions. It reveals that more than half of all inscribed landscapes are from Europe. While the first inscriptions of cultural landscapes were from non-European countries, inscriptions during the late 1990s and the early part of the twenty-first century were primarily from Europe. However, more recent listings have been more evenly spread between European and non-European areas. This can be seen in Table 3, which orders the currently listed World Heritage cultural landscapes on the basis of their year of inscription and notes the region in which they are situated.

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344 It was proposed that the number of new nominations examined by the World Heritage Committee would be limited to a maximum of 30 new sites and that no States should submit more than one site, with the exception of those States Parties that had no sites inscribed on the World Heritage List. These States Parties could submit two or three nominations. Note 343, see paragraph 3.

345 See Table 5 in section 4.7.2, for example, which identifies that of the 65 listed cultural landscapes, 61 have been listed for their cultural values only and none have been listed solely on the basis of their natural values.


347 Francioni & Lenzerini, n347.

348 There are no inscribed cultural landscapes in North America.
Table 2: Number of cultural landscapes and World Heritage sites in each of the World Heritage regions

<table>
<thead>
<tr>
<th>Region</th>
<th>No. of Cultural Landscapes Inscribed on the World Heritage List</th>
<th>% of All Inscribed Cultural Landscapes (approx)</th>
<th>Total Number of Sites Inscribed on the World Heritage List</th>
<th>% of All Inscribed Sites on the World Heritage List (approx)</th>
</tr>
</thead>
<tbody>
<tr>
<td>EUR – Europe and North America</td>
<td>35</td>
<td>54%</td>
<td>435</td>
<td>49%</td>
</tr>
<tr>
<td>LAC – Latin America and the Caribbean</td>
<td>5</td>
<td>8%</td>
<td>120</td>
<td>14%</td>
</tr>
<tr>
<td>APA – Asia and the Pacific</td>
<td>14</td>
<td>21%</td>
<td>182</td>
<td>21%</td>
</tr>
<tr>
<td>AFR – Africa</td>
<td>9</td>
<td>14%</td>
<td>76</td>
<td>9%</td>
</tr>
<tr>
<td>ARB – The Arab States</td>
<td>2</td>
<td>3%</td>
<td>65</td>
<td>7%</td>
</tr>
</tbody>
</table>

In Table 3, the abbreviated region references have the meaning given to them in Table 2.

Table 3: Cultural landscape inscriptions on the World Heritage List 1993-2008

<table>
<thead>
<tr>
<th>No</th>
<th>Year</th>
<th>State</th>
<th>Cultural Landscape</th>
<th>Region</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1993</td>
<td>New Zealand</td>
<td>Tongariro National Park</td>
<td>APA</td>
</tr>
<tr>
<td>2</td>
<td>1994</td>
<td>Australia</td>
<td>Uluru-Kata Tjuta National Park</td>
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</tr>
<tr>
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<td>1995</td>
<td>Philippines</td>
<td>Rice Terraces of the Philippine Cordilleras</td>
<td>APA</td>
</tr>
<tr>
<td>4</td>
<td></td>
<td>Portugal</td>
<td>Cultural Landscape of Sintra</td>
<td>EUR</td>
</tr>
<tr>
<td>5</td>
<td></td>
<td>Chile</td>
<td>Rapa Nui National Park</td>
<td>LAC</td>
</tr>
<tr>
<td>6</td>
<td>1996</td>
<td>Czech Republic</td>
<td>Lednice-Valtice Cultural Landscape</td>
<td>EUR</td>
</tr>
<tr>
<td>7</td>
<td>1997</td>
<td>France/Spain</td>
<td>Pyrénées – Mont Perdu</td>
<td>EUR</td>
</tr>
<tr>
<td>8</td>
<td></td>
<td>Austria</td>
<td>Hallstatt – Dachstein Salzkammergut Cultural Landscape</td>
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</tr>
<tr>
<td>9</td>
<td></td>
<td>Italy</td>
<td>Portovenere, Cinque Terre, and the Islands (Palmaria, Tino and Tinetto)</td>
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</tr>
<tr>
<td>10</td>
<td></td>
<td>Italy</td>
<td>Costiera Amalfitana</td>
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<tr>
<td>11</td>
<td>1998</td>
<td>Italy</td>
<td>Cilento and Vallo di Diano National Park with the Archaeological sites of Paestum and Velia, and the Certosa di Padula</td>
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</tr>
<tr>
<td>12</td>
<td></td>
<td>Lebanon</td>
<td>Ouadi Qadisha (the Holy Valley) and the Forest of the Cedars of God (Horsh Arz el-Rab)</td>
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<td>1999</td>
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<td>14</td>
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<td>Cuba</td>
<td>Viñales Valley</td>
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<td>15</td>
<td></td>
<td>Poland</td>
<td>Kalwaria Zebrzydowska: the Mannerist Architectural and Park Landscape Complex and Pilgrimage Park</td>
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</tr>
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<td>16</td>
<td></td>
<td>France</td>
<td>Jurisdiction of Saint-Emilion</td>
<td>EUR</td>
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<td>17</td>
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<td>Nigeria</td>
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</tr>
<tr>
<td>18</td>
<td>2000</td>
<td>Germany</td>
<td>Garden Kingdom of Dessau-Wörleitz</td>
<td>EUR</td>
</tr>
</tbody>
</table>

580 For details of each of the cultural landscapes in Table 3 and for copies of the applicable Advisory Body Evaluations and other associated documents, see UNESCO World Heritage Centre, World Heritage List: http://whc.unesco.org/en/list; accessed 2 November 2008. See also n10 on how this list was generated.
<table>
<thead>
<tr>
<th>No</th>
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<th>State</th>
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<th>Region</th>
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</thead>
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<tr>
<td>19</td>
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<td>France</td>
<td>The Loire Valley between Sully-sur-Loire and Chalonnes</td>
<td>EUR</td>
</tr>
<tr>
<td>20</td>
<td>1998</td>
<td>Sweden</td>
<td>Agricultural Landscape of Southern Öland</td>
<td>EUR</td>
</tr>
<tr>
<td>21</td>
<td>1999</td>
<td>Austria</td>
<td>Wachau Cultural Landscape</td>
<td>EUR</td>
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<td>22</td>
<td>1999</td>
<td>UK</td>
<td>Blaenavon Industrial Landscape</td>
<td>EUR</td>
</tr>
<tr>
<td>24</td>
<td>2000</td>
<td>Cuba</td>
<td>Archaeological Landscape of the First Coffee Plantations in the Southeast of Cuba</td>
<td>LAC</td>
</tr>
<tr>
<td>25</td>
<td>2001</td>
<td>Lao People’s Democratic Republic</td>
<td>Vat Phou and Associated Ancient Settlements within the Champassak Cultural Landscape</td>
<td>APA</td>
</tr>
<tr>
<td>26</td>
<td>2001</td>
<td>Austria/ Hungary</td>
<td>Fertő/Neusiedlersee Cultural Landscape</td>
<td>EUR</td>
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<tr>
<td>27</td>
<td>2001</td>
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</tr>
<tr>
<td>28</td>
<td>2001</td>
<td>Spain</td>
<td>Aranjuez Cultural Landscape</td>
<td>EUR</td>
</tr>
<tr>
<td>29</td>
<td>2001</td>
<td>Portugal</td>
<td>Alto Douro Wine Region</td>
<td>EUR</td>
</tr>
<tr>
<td>30</td>
<td>2002</td>
<td>Hungary</td>
<td>Tokaj Wine Region Historic Cultural Landscape</td>
<td>EUR</td>
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<tr>
<td>31</td>
<td>2002</td>
<td>Germany</td>
<td>Upper Middle Rhine Valley</td>
<td>EUR</td>
</tr>
<tr>
<td>32</td>
<td>2003</td>
<td>Afghanistan</td>
<td>Cultural Landscape and Archaeological Remains of the Bamiyan Valley</td>
<td>APA</td>
</tr>
<tr>
<td>33</td>
<td>2003</td>
<td>Argentina</td>
<td>Quebrada de Humahuaca</td>
<td>LAC</td>
</tr>
<tr>
<td>34</td>
<td>2003</td>
<td>India</td>
<td>Rock Shelters of Bhimbetka</td>
<td>APA</td>
</tr>
<tr>
<td>35</td>
<td>2003</td>
<td>Italy</td>
<td>Sacri Monti of Piedmont and Lombardy</td>
<td>EUR</td>
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<td>36</td>
<td>2003</td>
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<td>Mapungubwe Cultural Landscape</td>
<td>AFR</td>
</tr>
<tr>
<td>37</td>
<td>2003</td>
<td>UK</td>
<td>Royal Botanic Gardens, Kew</td>
<td>EUR</td>
</tr>
<tr>
<td>38</td>
<td>2003</td>
<td>Zimbabwe</td>
<td>Matobo Hills</td>
<td>AFR</td>
</tr>
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<td>39</td>
<td>2004</td>
<td>Andorra</td>
<td>Madriu-Perafita-Claror Valley</td>
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</tr>
<tr>
<td>40</td>
<td>2004</td>
<td>Germany</td>
<td>Dresden Elbe Valley</td>
<td>EUR</td>
</tr>
<tr>
<td>41</td>
<td>2004</td>
<td>Iceland</td>
<td>Pingvellir National Park</td>
<td>EUR</td>
</tr>
<tr>
<td>42</td>
<td>2004</td>
<td>Iran</td>
<td>Bam and its Cultural Landscape</td>
<td>APA</td>
</tr>
<tr>
<td>43</td>
<td>2004</td>
<td>Italy</td>
<td>Val d’Orcia</td>
<td>EUR</td>
</tr>
<tr>
<td>44</td>
<td>2004</td>
<td>Japan</td>
<td>Sacred Sites and Pilgrimage Routes in the Kii Mountain Range</td>
<td>APA</td>
</tr>
<tr>
<td>45</td>
<td>2004</td>
<td>Kazakhstan</td>
<td>Petroglyphs within the Archaeological Landscape of Tamgaly</td>
<td>APA</td>
</tr>
<tr>
<td>46</td>
<td>2004</td>
<td>Lithuania</td>
<td>Kernave Archaeological Site (Cultural Reserve of Kernave)</td>
<td>EUR</td>
</tr>
<tr>
<td>47</td>
<td>2004</td>
<td>Mongolia</td>
<td>Orkhon Valley Cultural Landscape</td>
<td>APA</td>
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<tr>
<td>48</td>
<td>2004</td>
<td>Norway</td>
<td>Vegaøy – The Vega Archipelago</td>
<td>EUR</td>
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<tr>
<td>49</td>
<td>2004</td>
<td>Portugal</td>
<td>Landscape of the Pico Island Vineyard Culture</td>
<td>EUR</td>
</tr>
<tr>
<td>50</td>
<td>2005</td>
<td>Togo</td>
<td>Koutammakou, the Land of the Batammariba</td>
<td>AFR</td>
</tr>
<tr>
<td>51</td>
<td>2005</td>
<td>Germany/ Poland</td>
<td>Muskauer Park/Park Muzakowski</td>
<td>EUR</td>
</tr>
<tr>
<td>52</td>
<td>2005</td>
<td>Israel</td>
<td>Incense Route: Desert Cities in the Negev</td>
<td>ARB</td>
</tr>
<tr>
<td>53</td>
<td>2005</td>
<td>Nigeria</td>
<td>Osun-Osogbo Sacred Grove</td>
<td>AFR</td>
</tr>
<tr>
<td>54</td>
<td>2005</td>
<td>UK</td>
<td>St Kilda</td>
<td>EUR</td>
</tr>
<tr>
<td>55</td>
<td>2006</td>
<td>Mexico</td>
<td>Agave Landscape and Ancient Industrial Facilities of Tequila</td>
<td>LAC</td>
</tr>
</tbody>
</table>
There are now 35 listed cultural landscapes in the UNESCO region of Europe and North America (all of which are in fact located in Europe, as there are no inscribed cultural landscapes in North America), against 30 in locations in other parts of the world.\footnote{As at 1 June 2009. This Eurocentrism is also evident in the World Heritage List generally, as can be seen in columns 3 and 4 of Table 2, with over 49% of all inscribed World Heritage being located in Europe and North America (primarily cultural heritage). See: http://whc.unesco.org/en/list/stat; accessed 1 June 2009.} Only two of those sites are located in the Arab States, namely, Incense Route: Desert Cities in the Negev (Israel) and Ouadi Qadisha (the Holy Valley) and the Forest of the Cedars of God (Horsh Arz el-Rab) (Lebanon). Finally, there are presently only five sites in Latin America and the Caribbean that have been inscribed as cultural landscapes on the World Heritage List: Quebrada de Humahuaca (Argentina), Viñales Valley (Cuba), Rapa Nui National Park (Chile), Agave Landscape and the Ancient Industrial Facilities of Tequila (Mexico) and the Archaeological Landscape of the First Coffee Plantations in the South-East of Cuba (Cuba).

The locations and geographical spread of the cultural landscapes inscribed on the World Heritage List to date are depicted in Figure 1, below, which clearly demonstrates the ongoing issue of Eurocentrism.
Figure 1: World Heritage Cultural Landscapes 1993-2008

Map prepared by Philip Stickler, University of Cambridge, on the basis of the author’s compilation of the 65 inscribed cultural landscapes as at 1 June 2009.352

352 The map does not reflect the recent inscription of Mt Wutai (China) and the removal of Dresden Elbe Valley (Germany) from the World Heritage List following the 33rd Session of the World Heritage Committee in 2009, see n10 for explanation.
<table>
<thead>
<tr>
<th>Country</th>
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<th>Year(s)</th>
</tr>
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<tbody>
<tr>
<td>Argentina</td>
<td>Quebrada de Humahuaca (2003)</td>
<td>2003</td>
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<tr>
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<td>Hallstatt-Dachstein Salzkammergut Cultural Landscape (1997)</td>
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</tr>
<tr>
<td>Chile</td>
<td>Rapa Nui National Park (1995)</td>
<td>1995</td>
</tr>
<tr>
<td>Croatia</td>
<td>Stari Grad Plain (2008)</td>
<td>2008</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>Lednice-Valtice Cultural Landscape (1996)</td>
<td>1996</td>
</tr>
<tr>
<td>France</td>
<td>Jurisdiction of Saint-Emilion (1999)</td>
<td>1999</td>
</tr>
<tr>
<td>Germany</td>
<td>Dresden Elbe Valley (2004)</td>
<td>2004</td>
</tr>
<tr>
<td>Germany</td>
<td>Upper Middle Rhine Valley (2002)</td>
<td>2002</td>
</tr>
<tr>
<td>Hungary</td>
<td>Hortobágy National Park - the Puszta (1999)</td>
<td>1999</td>
</tr>
<tr>
<td>India</td>
<td>Rock Shelters of Bhirbhetra (2003)</td>
<td>2003</td>
</tr>
<tr>
<td>Israel</td>
<td>Incense Route - Desert Cities in the Negev (2005)</td>
<td>2005</td>
</tr>
<tr>
<td>Italy</td>
<td>Sacri Monti of Piedmont and Lombardy (2003)</td>
<td>2003</td>
</tr>
<tr>
<td>Italy</td>
<td>Cilento and Vallo di Diano National Park with the Archaeological Sites of Paestum and Velia, and the Certosa di Padula (1998)</td>
<td>1998</td>
</tr>
<tr>
<td>Japan</td>
<td>Costiera Amalfitana (1997)</td>
<td>1997</td>
</tr>
<tr>
<td>Kazakhstan</td>
<td>Petroglyphs within the Archaeological Landscape of Tamgaly (2004)</td>
<td>2004</td>
</tr>
<tr>
<td>Lao</td>
<td>Val Phou and Associated Ancient Settlements within the Champasak Cultural Landscape (2001)</td>
<td>2001</td>
</tr>
<tr>
<td>Lebanon</td>
<td>Ouadi Qadisha (the Holy Valley) and the Forest of the Cedars of God (Horsh Arz el-Rab) (1998)</td>
<td>1998</td>
</tr>
<tr>
<td>Lithuania</td>
<td>Lithuania Archaeological Site (Cultural Reserve of Kernave) (2004)</td>
<td>2004</td>
</tr>
<tr>
<td>Nigeria</td>
<td>Sukur Cultural Landscape (1999)</td>
<td>1999</td>
</tr>
<tr>
<td>Norway</td>
<td>Osun-Obogo Sacred Grove (2005)</td>
<td>2005</td>
</tr>
<tr>
<td>Philippines</td>
<td>Rice Terraces of the Philippine Cordilleras (1995)</td>
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<tr>
<td>Portugal</td>
<td>Alto Douro Wine Region (2001)</td>
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<td>Cultural Landscape of Sintra (1995)</td>
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<tr>
<td>South Africa</td>
<td>Richtersveld Cultural and Botanical Landscape (2007)</td>
<td>2007</td>
</tr>
<tr>
<td>Spain</td>
<td>Aranjuez Cultural Landscape (2001)</td>
<td>2001</td>
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<td>Togo</td>
<td>Koutammakou, the Land of the Batammariba (2004)</td>
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</tr>
<tr>
<td>UK</td>
<td>Blaenavon Industrial Landscape (2000)</td>
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<td>Switzerland</td>
<td>Cornwall and West Devon Mining Landscape (2006)</td>
<td>2006</td>
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<td>Transboundary Sites</td>
<td>Fertő/Neusiedlsee Cultural Landscape (2001)</td>
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<td>France/Spain</td>
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<tr>
<td>Germany/Poland</td>
<td>Muskauer Park / Park Muzakowski (2004)</td>
<td>2004</td>
</tr>
<tr>
<td>Lithuania</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The current geographical spread of cultural landscapes is also set out diagrammatically below.

The above graph sets out the regions in which each of the presently listed cultural landscapes are located and the number of listings in each region in each year between the period 1993-2008. The graph clearly shows that the majority of listings have been from Europe, with Latin America and the Arab States having the smallest number of listings. It also reveals that, notwithstanding the introduction of the Global Strategy in 1994, the number of cultural landscape listings from Europe has continued to out number the listings from other regions, particularly between 1997-2004. However, post-2004, there appears to be a levelling in the number of new European listings with an emerging balance in the number of listings of cultural landscapes from each of the regions. The cause of this new balance in listings from each of the regions is unclear, but is perhaps, at least in part, the result of recognition of the geographical imbalance of World Heritage sites on the World Heritage List and the cumulative effects of awareness-raising from the various thematic and expert meetings over the past decade, including the Global Strategy.

See chapter 8 for a list of these meetings.
The above figure again demonstrates the manifestation of Eurocentrism in the context of World Heritage cultural landscape listings (albeit that the phenomenon may now be abated). There are many reasons why this could be the case, including: lack of understanding of the scope of the cultural landscape concept as discussed in chapter 3; land mass area between the regions; the number of States Parties in each of the regions; and the length of history of each of the States in each of the regions.

No doubt, there are many other relevant factors. Land mass and the number of States Parties in each of the regions is considered below. Lack of understanding about the cultural landscape classification and the impact of the length of history of each of the States are much harder to analyse meaningfully. For example, Australia’s human history is one of the most ancient and, while it has 17 World Heritage sites, which is a comparatively high number, it has only one listed cultural landscape. Italy has the highest number of listed cultural landscapes (5), followed by the United Kingdom (4) and Portugal (3). China and Egypt, being among the oldest civilisations and countries in the World, have no cultural landscape listings, although they have

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354 This is somewhat surprising given that Australia potentially has other sites that could be appropriately categorised as cultural landscapes, such as Kakadu National Park and the Tasmanian Wilderness. See chapter 7. Indeed, Decision 32.COM 7B.41 of the 32nd Session of the World Heritage Committee in 2008, n10, requests that Australia consider, at its own discretion, the extension of the Tasmanian Wilderness to ‘include appropriate cultural sites reflecting the wider context of Aboriginal land-use practices, and the possibility of renominating the property as a cultural landscape’. It is yet to be seen whether the Australian government will act on this request, although the management plan for the site is due for a full review in 2009 and this may prompt consideration of this request: http://www.parks.tas.gov.au/index.aspx?base=391; accessed 27 January 2009.

355 See Table 2.
Conceptualising Cultural Landscapes

numerous other listed World Heritage sites. Russia (having the largest land mass) and North America have no listed cultural landscapes to date. Canada and Brazil, being the next largest countries by land mass, also have no listings and India has only one.

Based on global land mass, the land mass division between regions is as follows:

Figure 4: UNESCO regions by land mass

The above graph assumes a total land mass of 129,029,231.49km². It can be seen that the UNESCO region of Europe and North America comprises 32% of the world’s surface.

The land mass of the United States of America is 9,161,923km², being 7.1% of the total land mass. Consequently, 35 of the 65 cultural landscapes listed to date (i.e. approximately 54% of all cultural landscapes) located in Europe are located on 24.9% of the world’s land surface.

It is beyond the scope of this thesis to explore these relationships in detail, but ongoing research should be conducted on the representativity of cultural landscapes on the World Heritage List, to ensure that all cultural landscapes of World Heritage value globally are being afforded the due level of recognition and protection they deserve under the World Heritage regime. Such research should be conducted in conjunction with research on World Heritage

356 China also has the second highest land mass.
357 Figure 4 has been extrapolated by using the approximate land areas by country taken from: http://www.nationmaster.com/red/pie-Tgeo_are_lan-geography-area-land, with the exception of the following countries, whose land areas are taken from the Encyclopaedia of the Nations: France (http://www.nationsencyclopedia.com/Europe/FRANCE-LOCATION-SIZE-AND-EXTENT.html); Mongolia (http://www.nationsencyclopedia.com/Asia-and-Oceania/Mongolia-LOCATION-SIZE-AND-EXTENT.html); Myanmar (http://www.nationsencyclopedia.com/Asia-and-Oceania/Myanmar-LOCATION-SIZE-AND-EXTENT.html); and Lithuania (http://www.nationsencyclopedia.com/Europe/Lithuania-LOCATION-SIZE-AND-EXTENT.html); accessed 7 June 2008.
358 i.e. 32%-7.1% = 24.9%.
representativity on the World Heritage List generally and the political, social, economic and cultural barriers to the achievement of the World Heritage Convention’s conservation objectives. The conduct of this research is imperative to ensure that a global cross-section of all types of World Heritage from all regions of the world is protected, conserved and transmitted for future generations.

3.3.2 The distinction between cultural landscapes and other types of World Heritage

Having regard to an apparent lack of understanding of the cultural landscape concept, writing in 2002 on his review of the listings of cultural landscapes between 1992 and 2002, Fowler comments:

[T]he cultural landscape category, far from being a liberating mechanism, has actually been avoided...Perhaps this reluctance to use this category has something to do with a perception that it is more challenging to put together a successful World Heritage cultural landscape Nomination Dossier than one for an ordinary cultural or natural site. 359

This proposition finds support in the fact that, in 2008, of the 27 new properties inscribed on the World Heritage List, only four new sites were inscribed as cultural landscapes, namely, Stari Grad Plain (Croatia), Le Morne Cultural Landscape (Mauritius), Kuk Early Agricultural Site (Papua New Guinea) and Chief Roi Mata’s Domain (Vanuatu). 360

At least one other newly inscribed site could arguably have been inscribed as a cultural landscape, namely the Rhaetian Railway, in the Albula/Bernina Landscapes (Switzerland/Italy), which was in fact originally nominated as a cultural landscape. 361 The Rhaetian Railway brings together two historic railway lines that cross the Swiss Alps through two passes. Ultimately, the site was not listed as a cultural landscape because the landscapes were removed from the nominated property and included in the buffer zone (with the result that the nominated property comprised the railway only). 362 It is submitted that this ignored the context of the railway, which is very much the reason for its World Heritage listing. Indeed, the outstanding universal values of the site are very much based on this interrelationship between the railway line and its natural setting, which is clearly evident from the following statement of the site’s significance taken from the Advisory Body Evaluation:

The Rhaetian Railway in the Albula/Bernina Landscapes represents an exemplary railway development for the disenclavement of the Central Alps at the beginning of the 20th century.

359 Fowler, n21 at 39.
The railway's socio-economic consequences were substantial and lasting for mountain life, the interchange of human and cultural values, and changes in the relationship between man and nature in the West. The Rhaetian Railway offers a wide diversity of technical solutions for the establishment of the railway in often severe mountain conditions. It is a well designed construction that has been realised with a high degree of quality and it has remarkable stylistic and architectural homogeneity. The railway infrastructure moreover blends in particularly harmoniously with the Alpine landscapes through which it passes.³⁶³

Drawing upon the elucidation of the origins and evolution of the cultural landscape concept and the understanding of cultural heritage, natural heritage and mixed sites, it is possible to set out a basic framework for characterising landscape sites which may be nominated as World Heritage. Table 4 seeks to do this and to suggest potential types of cultural landscapes, which may assist States Parties and key stakeholders in thinking about the appropriate classification of a tentative landscape site.

**Table 4: World Heritage – types and characteristics**

<table>
<thead>
<tr>
<th>World Heritage Type</th>
<th>Characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cultural Heritage</td>
<td>Sites that possess cultural characteristics of outstanding universal value in accordance with Article 1 of the Convention and one or more of criteria (i) to (vi) of the Operational Guidelines.</td>
</tr>
<tr>
<td>Natural Heritage</td>
<td>Sites that possess natural characteristics of outstanding universal value in accordance with Article 2 of the Convention and one or more of criteria (vii) to (x) of the Operational Guidelines.</td>
</tr>
<tr>
<td>Mixed Sites</td>
<td>Sites that possess both cultural and natural characteristics of outstanding universal value.</td>
</tr>
<tr>
<td>Cultural Landscapes</td>
<td>Features:</td>
</tr>
<tr>
<td></td>
<td>Tangible and/or intangible values</td>
</tr>
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<td>A record of a process of evolution between past and present</td>
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<td>An embodiment of an interaction/s (historical or ongoing) between humans and the environment of outstanding universal value.</td>
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<td>Examples of types:</td>
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<td>Industrial and remnant mining landscapes; submerged landscapes; agricultural landscapes; non-agricultural landscapes associated with hunter-gatherer societies; vernacular landscapes; long linear landscapes (e.g. communications and transport routes, such as railway lines); historic urban landscapes; forest landscapes; routes associated with war or commerce; and bodies of water that are significant in a spiritual, religious or sacred sense.</td>
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<td>Designed:</td>
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<td>Gardens and intentionally created landscapes.</td>
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<td>Organic:</td>
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<td>Relict – Characterised by an evolutionary process that has come to an end, either abruptly or over a period of time.</td>
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<td>Continuing – Characterised by an evolutionary process that is still in progress.</td>
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<td>Associative:</td>
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<td>Characterised by 'powerful religious, artistic or cultural associations of the natural element rather than material cultural evidence, which may be insignificant or even absent'.³⁶⁴</td>
</tr>
</tbody>
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³⁶³ Note 362.
³⁶⁴ Derived from Annex 3, paragraph 10 of the Operational Guidelines, n15.
3.3.3 Classification of cultural landscapes and the nature-culture interaction and divide

The distinction between a ‘natural’ landscape and a ‘cultural’ one is the subject of ongoing debate. Some authors argue that landscapes are purely cultural phenomena. For example, in the Report of the Expert Meeting on European Cultural Landscapes of Outstanding Universal Value, it was stated that ‘all landscapes are cultural and even nature conservation is a cultural task’. However, this should not derogate from the fact that all landscapes inherently have natural values, some being more ‘natural’ than others, such as Kew Gardens (England). Accordingly, cultural landscapes can and should be seen as both natural and cultural heritage, indeed, they should be recognised as illustrations of the interface between nature and culture.

That is, their outstanding universal value derives from this interface between the two forms of heritage, being not just representations of the ‘best’ of culture and the ‘best’ of nature, but of exceptional and valuable examples of the interrelationships between humans and the environment from which many lessons can be learned and which must be preserved for future generations. This is a point made by Whitby-Last who observes that the Report of the Asia Pacific Regional Workshop on Associative Cultural Landscapes stated that ‘a cultural landscape, in reflecting the interactions of people and their environment, is defined by its cultural and natural elements which may be inseparable’. This echoes the conclusions of the 1985 task force that in landscapes ‘the cultural and natural elements were combined and were not separate. Neither “culture” nor “nature” predominated’. This notion of intrinsic combination has been referred to as ‘the nature-culture continuum’.

Whitby-Last makes the following further important observation:

The distinction between culture and nature has been argued to stem from Descartes’ work on rationalism, which separated the physical from the conscious. The view of nature that is perpetuated by this approach is one of wilderness, untouched by man. Such an approach leads to the characterization of landscapes as a cultural phenomenon, because most landscapes show evidence of human interaction with the environment. Taken to its extreme, the consequence is that the definition of nature is severely limited. Focusing upon the cultural aspects of

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367 For example, Lowenthal, n247 at 4; and Jones, n280.

368 Lucas, n239 at 2.


371 Whitby-Last, n65 at 61.
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landscapes, as happens in the Operational Guidelines, ignores their dual status as both cultural and natural heritage and perpetuates this nature/culture dichotomy...

In addition, the separation of ‘cultural’ and ‘natural’ under the World Heritage Convention makes it difficult to achieve the sustainable conservation of landscapes of outstanding universal value where people and their environment are not mutually exclusive. Blair et al identify a number of reasons why this separation of the cultural and natural is not a reflection of reality, namely:

• it ignores the fact that many areas classified as wilderness areas have in fact been modified by people over long periods of time;
• it ignores evidence that in many areas, disturbance of natural systems can be good for nature and that many rural communities have shown great respect for nature;
• it overlooks the rich genetic heritage of crops and livestock associated with farming in many parts of the world;
• the exclusion of people from the land (or water) for nature conservation purposes often meets with resistance from local communities; and
• nature conservation has to be concerned with the lived-in landscape. It cannot be achieved sustainably within ‘islands’ of strict protection surrounded by areas of environmental neglect.

The natural qualities of cultural landscapes are expressly recognised and summarised in the Operational Guidelines in the following way:

Cultural landscapes often reflect specific techniques of sustainable land use, considering the characteristics and limits of the natural environment they are established in, and a specific spiritual relation to nature. Protection of cultural landscapes can contribute to modern techniques of sustainable land use and can maintain or enhance natural values in the landscape. The continued existence of traditional forms of land use supports biological diversity in many regions of the world. The protection of traditional cultural landscapes is therefore helpful in maintaining biological diversity.

At the Experts’ Meeting in Vanoise in 1996, it was acknowledged that the ‘use of terminologies such as natural, cultural, mixed and cultural landscapes to distinguish World Heritage sites was undermining the World Heritage Convention’s uniqueness in its recognition of

372 Whitby-Last, n65 at 61.
373 Blair & Truscott, n336 at 3.
the nature-culture continuum'. It is also generally acknowledged that although the 'natural' and 'cultural' selection criteria in the Convention have now been combined, they have not been truly integrated.\textsuperscript{376} At the 23\textsuperscript{rd} Session of the World Heritage Committee, the amalgamation of the ten criteria into one consolidated list was criticised by ICCROM and ICOMOS as falling short of the potential that exists to fuse consideration of cultural and natural values within individual criteria.\textsuperscript{377} This is reflected in the recent listings of World Heritage properties. In 2006, 10 new properties were added to the World Heritage List at the 30\textsuperscript{th} Session of the World Heritage Committee. These sites were listed for their cultural or natural values, but not both.\textsuperscript{378} Similarly, at the 31\textsuperscript{st} Session of the World Heritage Committee in 2007, only one site out of 38 new listings and re-nominations was listed for both natural and cultural criteria.\textsuperscript{379} Finally, at the 32\textsuperscript{nd} Session of the World Heritage Committee in 2008, none of the 27 new sites were listed for both their cultural and natural values.\textsuperscript{380} Further, the four cultural landscapes inscribed in 2008 have all been inscribed for cultural criteria only.\textsuperscript{381} While this may be because these sites do not possess natural values of World Heritage value, the role of nature in giving these places their cultural values of outstanding universal value (i.e. the interrelationships between these values)\textsuperscript{382} has been given limited consideration in the Advisory Body Evaluations. There is limited recognition of the fact that the outstanding cultural values of these sites would not have been possible without the influence of the natural values of the site.

Even a ‘mixed site’ status is itself insufficient to protect and conserve cultural landscapes. A ‘mixed site’ is not necessarily a cultural landscape simply because it contains both cultural and natural values. It is submitted that the key distinction between the two types of World Heritage is that the outstanding universal value of cultural landscapes lies in the interrelationships between humans and the environment embodied in the landscape, with evidence of this interrelationship being the key prerequisite to a classification of a site as a cultural landscape. Mixed sites simply possess both cultural and natural outstanding universal values.

\textsuperscript{373} Whitby-Last, n65 at 61.
\textsuperscript{374} Whitby-Last, n65 at 61.
\textsuperscript{377} This trend appears to be continuing. Following the 33\textsuperscript{rd} Session of the World Heritage Committee in 2009, again, none of the 13 new sites have been inscribed as mixed sites. See n10.
\textsuperscript{378} See the 2008 cultural landscape listings in Table 2. The inscription of Mt Wutai (China) in 2009 has also been on the basis of cultural criteria only, see n10.
\textsuperscript{379} For example, the role of nature was clearly integral in formulating the land use system adopted at Kuk Early Agricultural Site as with the land use system adopted by the Greeks in the 4\textsuperscript{th} century BC at Stari Grad Plain. The centerpiece of Le Morne Cultural Landscape is a rugged, dramatic mountain and Chief Roi Mata’s Domain is set in the context of a magnificent marine environment, with many cultural practices shaped around or influenced by the natural environment, as demonstrated by cave paintings of wildlife and the role of the caves in the history of the island.
While, historically, there may have been a failure to recognise the cultural values of natural or wilderness areas, such as landscapes, the 65 cultural landscapes presently inscribed on the World Heritage List have almost all been listed for their cultural values only.\textsuperscript{383} This is a cause for concern given that, by their very nature, cultural landscapes must also comprise natural values,\textsuperscript{384} at least some of which will, to a greater or lesser extent, form part of the features/characteristics that give these areas their outstanding universal value. The failure to recognise the natural values of these areas may well mean that these values are unprotected or inadequately considered in the formulation of management plans. Recognition of the range of cultural and natural values in cultural landscapes and, the interrelationships between these values is essential to the sustainability of these landscapes and the protection of all of the features and characteristics which collectively give these areas their outstanding universal value. As part of this process, it is critical that the natural and cultural selection criteria are fully integrated in assessing and identifying cultural landscapes and other types of World Heritage, and that IUCN and ICOMOS collaborate to ensure the identification and protection of both natural and cultural values of cultural landscapes globally.

3.4 The nature-culture continuum and intangible heritage

The counter argument to the proposition that there is a semantic difficulty with the term ‘cultural’ in the cultural landscape concept is that a landscape only truly becomes ‘cultural’ by virtue of a certain amount of change, type of change or influence on the landscape.\textsuperscript{385} That is, if a cultural landscape is meant to be a reference to something other than a natural landscape that is the subject of an intangible appreciation or influence, then the only distinction that can be made between a ‘cultural’ landscape and a ‘natural’ one, is that the ‘cultural’ landscape has been the subject of some physical change as a result of human influence. Aside from the problematic questions this argument gives rise to (How significant the change must be? What types of change will fit within the cultural landscape classification? Whether an interrelationship between cultural and natural values is ‘cultural enough’?), for the reasons set out below, it is submitted that any assessment of the merits of a site nominated for inscription as a cultural landscape based on the ‘amount’, ‘extent’ or ‘type’ of evident physical change or influence is fundamentally flawed and should not be accepted.

First and foremost, it should be rejected on the basis that it discounts the fact that intangible heritage, in many cases, will have had an important physical impact on the landscape (albeit, not

\textsuperscript{383} With the exception of Uluru-Kata Tjuta National Park (Australia), St Kilda (UK), Pyrénées – Mont Perdu (France/Spain), Tongariro National Park (New Zealand) and the Ecosystem and Relict Cultural Landscape of Lopé-Okanda (Gabon), which are also listed under natural criteria of outstanding universal value.

\textsuperscript{384} There may be exceptions with respect to urban cultural landscapes, but many would embody some natural values.

\textsuperscript{385} See, for example, Plachter, n296 at 393 and Farina A, Principles and Methods in Landscape Ecology, Springer, New York, 1998 at 129.
necessarily readily apparent). Further, such assessments are potentially disrespectful to the cultural practices of Indigenous people and other local stakeholders and may have significant environmental consequences. For example, where a landscape is regarded as sacred for spiritual reasons, this often has ecological consequences, usually beneficial, as the landscape is conserved by practices that aim to preserve its sacredness. Indeed, a UN Workshop on Traditional Knowledge and Biological Diversity reasoned that:

...there [is] a direct relation between cultural diversity, linguistic diversity and biological diversity and that the quickening pace of loss of traditional knowledge [is] having a corresponding devastating impact on all biological diversity.  

The cultural distinctiveness of Indigenous people includes the aspects of language, social organisation, religion and spiritual values, modes of production, laws and institutions. All of these factors will affect the interrelationships between Indigenous people and their natural environment and will necessarily shape the impacts of those interrelationships. Tongariro National Park (New Zealand), being a sacred area to the Maori people, is a good example of this.

Indeed, it is now recognised that nearly all landscapes bear the imprint of past or present human activity or influence, including tropical forests, savannas and high mountain regions. The more that we learn about the evolution of landscapes, the more apparent it has become that human influences are very widespread and are often of great antiquity. Many landscapes, which had previously been considered to be ‘natural’, turn out to have been modified by humans over centuries and millennia. As Phillips asserts, it can well be argued that the view that a landscape is natural is a by-product of an imperialistic view of the world that found it hard to recognise the influence of cultures which came before those of the Europeans. This is supported by numerous writers who have observed that Indigenous lifestyles can and have resulted in significant ecological transformations, which may or may not be readily discernible.

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386 This was noted in the UNEP, Workshop Report on Traditional Knowledge and Biological Diversity, UNEP/CBD/TKBD/1/3, 1997 at 2.
388 See section 4.7.1(a), which provides an outline of the relationship between the Maori people and Tongariro National Park.
Indigenous peoples have harvested tropical forests and subtly altered their structures; herdsman have burnt the pastures of the African savannas, thus changing the ecology; and in Australia, the fire regimes of Aboriginals have had dramatic effects on the native vegetation across the Australian continent over several thousand years. These are just a few examples of landscapes that have, at one time or another, been considered natural.

The critical role of Indigenous people in the shaping of so-called 'natural’ areas in the modern day was noted at the Tenth International Seminar of Forum UNESCO on Cultural Landscapes in the 21st Century, Laws, Management and Public Participation: Heritage as a Challenge of Citizenship, held in April 2005 in the United Kingdom, which had as its goal the development of knowledge on cultural landscape management and protection. To this end, Rössler stated in her speech to the seminar that:

The maintenance of the social fabric, traditional knowledge, land-use systems and indigenous practices are essential to their [i.e. cultural landscape] survival. In many cases, cultural landscapes are also of critical importance to the protection of intangible values and heritage. World Heritage cultural landscapes can be models in effective landscape management, excellence in conservation practices and innovation in legal protection. They are places where we can learn about the relation between people, nature and ecosystems and how this shapes culture, identity and enriches cultural and biological diversity.

Richardson and Craig also observe that there is a burgeoning literature that has praised the environmental knowledge and practices of Indigenous peoples, and Posey highlights seminal features of Indigenous livelihood systems as including cooperation, concern for the well-being of future generations, local-scale self-sufficiency, and restraint in resource exploitation. The commonly strong spiritual base to traditional livelihood systems and the fact that Indigenous peoples often view themselves as guardians and stewards of nature has been noted in a study by the IUCN Inter-Commission Task Force on Indigenous Properties, which declared that they are the sole guardian of vast habitats critical to modern societies...[and] their ecological
knowledge is an asset of incalculable value. It is such ecological practices and core values that have resulted in many places that have been inhabited by Indigenous peoples for years to appear 'untouched' by human hands.

Even where there is no direct Indigenous or other association with a particular landscape, a so-called 'natural' landscape that is valued through a process of acculturation can also be considered a cultural landscape. The very fact that a landscape is identified as being of outstanding universal value means that it has been culturally appreciated and this necessarily has had a physical impact on its evolution. This is because, if a landscape is so appreciated, some control (be it of a religious or regulatory nature) will be exercised over human relationships with that environment. This very act of imposing controls on human behaviour in relation to that environment, even where directed at preserving its 'natural' state, has had and will have an impact on its evolution. In this respect, the work of Schama is highly relevant. Writing about Yosemite National Park, Schama observes:

The wilderness, after all, does not locate itself, does not name itself. It was an Act of Congress in 1864 that established Yosemite Valley as a place of sacred significance for the nation, during the war which marked the moment of Fall in the American Garden. Nor could the wilderness venerate itself. It needed hallowing visitations from New England preachers like Thomas Starr King, photographers like Leander Weed, Eadward Muybridge, and Carleton Watkins, painters in oil like Bierstadt and Thomas Moran, and painters in prose like John Muir to represent it as the holy park of the West; the site of a new birth; a redemption for the national agony; an American re-creation.

Similarly, the 2008 IUCN Guidelines for Applying Protected Area Management Categories state that ‘...few if any areas of the land, inland waters and coastal seas remain completely unaffected by direct human activity’. The Guidelines add ‘terms such as “natural” and “cultural”

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399 For example, for some African hunter-gather communities harvesting is tempered by declarations of closed and superstitious beliefs such as Africa’s animal totems and taboo species: Omari CK, ‘Traditional African Land Ethics’ in Engel JR & Engel JR (eds), Ethics of Environment and Development: Global Challenge, International Response, University of Arizona Press, Tucson, 1990, 167 at 169. Ghana’s Ahafo people treat their lakes as sacred, restricting fishing and waste deposition: Appiah-Opoku S and Hyma B, ‘Indigenous Institutions and Resource Management in Ghana’ (1999) 7(I) Indigenous Knowledge and Development Monitor at 3. Similarly, Kenya’s Bukusu protect wetlands for their role in holding cultural rites such as male circumcision ceremonies: Kareri RW, ‘The Sociological and Economic Values of Kenya’s Wetlands’ in Crafter SA, Njuguna SG & Howard GW (eds), Wetlands of Kenya: Proceedings of a Seminar on Wetlands of Kenya, IUCN, Gland, 1992, 99 and 102. It is acknowledged that not all Indigenous associations with nature have been harmonious or sustainable, but the author is concerned here with those Indigenous lifestyles that have facilitated today's so-called 'natural' areas, which may include past hostile relationships with nature.

399 See, for example, Aldenderfer M & Maschner DG (eds), Archaeology, Space and Geographic Information Systems, Oxford University Press, Oxford, 1996 and Ashmore W & Knapp AB (eds), Archaeologies of Landscape: Contemporary Perspectives, Blackwell, Oxford, 1999 and the various writings in these texts that demonstrate that the way landscapes are perceived and interpreted by different cultures has structured landscape and land use patterns. See also Center for International Forestry Research (CIFOR), World Heritage Forests: The World Heritage Convention as a Mechanism for Conserving Tropical Forest Biodiversity, CIFOR, Government of Indonesia, UNESCO, Berastagi, 1999 at 33 and the associated commentary on the fact that present-day ecosystem structure and composition of old-growth forests appears in many cases to have been strongly affected by past and present anthropogenic activities.

400 Schama, n299 at 7.
are approximations' and that '[t]o some extent we could describe all protected areas as existing in “cultural” landscapes in that cultural practices will have changed and influenced ecology, often over millennia'.

In response to arguments that this cultural influence is not 'significant' enough to warrant the listing of a site as a cultural landscape, the observations of Schama are again relevant:

Even the landscapes that we suppose to be most free of our culture may turn out, on closer inspection, to be its product...The brilliant meadow-floor [of Yosemite National Park] which suggested to its first eulogists a pristine Eden was in fact the result of regular fire clearances by its Ahwahneechee Indian occupants. So while we acknowledge (as we must) that the impact of humanity on the earth's ecology has not been an unmixed blessing, neither has the long relationship between nature and culture been an unrelied and predetermined calamity. At the very least, it seems right to acknowledge that it is our shaping perception that makes the difference between raw matter and landscape.

Similarly, de Cuéllar refers to the creation of cultural landscapes in the following way:

Humanity’s relation to the natural environment has so far been seen predominantly in biophysical terms; but there is now a growing recognition that societies themselves have created elaborate procedures to protect and manage their resources. These procedures are rooted in cultural values that have to be taken into account if sustainable and equitable human development is to become a reality.

Finally, the proposition that it is artificial to make a division between culture and nature in landscapes is supported by the observations of Tress et al, who write:

...all landscapes consist of both a natural and a cultural dimension. The perceived division between nature and culture has dominated the academic world. In the case of landscapes, this divide is counter-productive and must be overcome since all landscapes are multidimensional and multifunctional.

The common theme of the above passages is that essentially all landscapes are cultural, subject to cultural influences, and are a source of cultural knowledge. Bridgewater & Bridgewater add that we cannot understand and manage the ‘natural’ environment unless we understand the human culture that shaped it. In this way, ‘our management itself becomes...
expression of that culture. The environment must also be understood to determine how it, in turn, reshapes that culture through feedback processes. Accordingly, it is critical that we do not ignore or overlook the cultural factors that have shaped what appears to be a pristine natural landscape.

Having regard to the above, it is submitted that an assessment of the significance and impact of intangible associations on the natural environment is likely to be a matter that is highly subjective. Very careful consideration should be given to dismissing, or making assessments about the significance of, the impact of intangible associations with the natural environment, not least because of the respect due to Indigenous people and other local stakeholders, but also because of the real risk of significant environmental implications of ignoring the impacts of these intangible associations on the evolution of landscapes and other sites. For example, Tongariro National Park in New Zealand and Chief Roi Mata's Domain in Vanuatu, as well as other World Heritage listed areas that are not characterised as cultural landscapes, such as Kakadu National Park and the sacred groves in Ghana, Zimbabwe and Mexico, protected by religious taboos, are just a few areas that have been conserved as a result of cultural practices.

3.5 Conclusions: Developing international understanding of cultural landscape conservation

If the influence of people on landscapes has indeed been so pervasive, then the adjective 'cultural' can only be applied in a way that has little terminological value. All-embracing definitions of cultural landscapes are now common. For example, Parks Canada in 1990 defined cultural landscapes as 'any geographical area that has been modified or influenced by human activity'. Similarly, the US National Park Service in 1994 defined cultural landscapes as 'a geographic area, including both cultural and natural resources, and the wildlife and domestic

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406 Bridgewater & Bridgewater, n405 at 194.
407 For this reason, Bridgewater & Bridgewater submit that equal emphasis should be given to the cultural aspects of ecosystems in their management - the concept of 'biocultural landscapes', n405 at 194. See also Bridgewater P & Arico S, 'Conserving and Managing Biodiversity Sustainably: The Roles of Science and Society' (2002) 26(3) Natural Resources Forum 245.
408 See chapters 4 and 6.
409 See chapter 6.
410 See section 4.6.3(b).
411 For example, Gómez-Pompa A & Kaus A, 'Taming the Wilderness Myth' (1992) 42(4) Bioscience 271.
412 As intersections between people and nature, cultural landscapes have been referenced to as the finest distillation of what is known as the 'Total Human Ecosystem'. See Naveh Z & Lieberman AS, Landscape Ecology: Theory and Application (2nd ed), Springer, New York, 1994 following Egler FE, 'Vegetation Science Concepts: Initial Floristic Composition - A Factor in Old Field Vegetation Development' (1954) 4 Vegetatio 412. Tress et al, n404 also note that the Total Human Ecosystem was suggested as a guiding conceptual principle for the holistic meaning of landscape in a series of recommendations from a conference on multifunctional landscapes held in Roskilde, Denmark in 2000. Summarised from Bridgewater & Bridgewater, n405 at 196.
413 Phillips, n162 at 27.
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animals, associated with an historic event, activity or persons, or exhibiting other cultural or aesthetic values.415

Responding to past deficiencies in the protection and conservation of cultural landscapes requires a fundamental shift in conceptual approach. It must be recognised that the effective conservation of these areas requires an understanding that these landscapes are not simply cultural sites nor are they mixed sites. Rather, these sites embody unique interactions between humans and nature worthy of World Heritage status.

Accordingly, having regard to the above discussion concerning the potentially negative, arguably imperialistic, and confusing use of the prefix ‘cultural’ in defining cultural landscapes, it is suggested that these World Heritage areas should now be simply referred to as ‘World Heritage landscapes’. Removing the reference to ‘cultural’ in defining these sites would go a long way towards assisting global understanding that it is both the cultural and natural values and, more particularly, the interrelationships between these values, that must be protected and conserved.

Further, the focus should not be on the ‘extent’ of the culture-nature interaction, i.e. how significantly culture has influenced nature and vice versa. Such assessments about the significance of associations with a landscape, in particular, intangible associations, are clearly value-loaded, likely to be highly contestable or wrong, and are difficult to rationally and consistently apply. Rather, the focus should be on whether the interrelationship/s embodied in the landscape are of outstanding universal value, having regard to very broad and objective criteria. It is submitted that abandoning the cultural landscape terminology and simply referring to these areas as ‘World Heritage landscapes’ is a practical means of achieving this outcome. The meaning of this phrase is likely to be much more easily understood and explained, it respects the nature-culture continuum in landscapes and it allows us to bring the focus back on to the interrelationships between cultural and natural values in these sites. In this way, we might begin to see more landscapes being listed for both their cultural and their natural values, or at least begin to see more structure around a thorough appraisal of both sets of values and the interrelationships between those values at the time of nomination of these landscapes for World Heritage listing.

Decision makers would, accordingly, be expected to have regard to both sets of values and their interrelationships in all decisions concerning the protection and conservation of their cultural landscapes.416 Referring to such areas as World Heritage landscapes, rather than cultural

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416 Indeed, they are so obliged to consider all criteria in preparing the Nomination Dossier. See paragraph 132 of the Operational Guidelines, n15.
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landscapes, would also assist in reducing the risk of the ascendancy of one set of values over the other.

Additionally, the meaning of 'outstanding universal value' should be revisited in the context of cultural landscapes. In determining whether a cultural landscape is of outstanding universal value, the Operational Guidelines provide the following, somewhat vague, definition:

Outstanding universal value means cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity. As such, the permanent protection of this heritage is of the highest importance to the international community as a whole... 417

Having regard to the above discussion, this paragraph could be amended so as to make express reference to a culture/nature interaction of exceptional significance. This would again assist in focusing States Parties on the task of identifying interrelationships between cultural and natural values that give rise to the outstanding universal values of the site.

Put simply, the key message to States Parties should be that cultural landscapes (or 'World Heritage landscapes') are areas of land that comprise interrelationships between culture and nature of outstanding universal value. If evidence of an interrelationship of outstanding universal value is not evident, then such sites should not be listed as cultural landscapes, but should be listed as either natural or cultural or mixed sites, as appropriate, subject to satisfaction of either or both of the natural and/or cultural selection criteria in the Operational Guidelines. Interrelationships may be relict, designed, continuing and/or associative, as per the current classifications of cultural landscapes and determining outstanding universal value can still be assessed using the appropriate selection criteria set out in Chapter II.D of the Operational Guidelines. In time, it is hoped that truly integrated selection criteria will be developed that would allow States Parties to nominate a cultural landscape on the basis of criteria that are specifically designed for cultural landscapes and that specifically refer to sites that are comprised of interrelationships between culture and nature of outstanding of universal value.

Finally, more attention needs to be given to the meaning of an interrelationship between cultural and natural values. What relationships between culture and nature may constitute an interrelationship for World Heritage purposes? What interrelationships should be deemed to be of outstanding universal value? On what basis should such decisions be made? Can some guiding principles be developed to assist States Parties in determining whether a particular site should be classified as a cultural landscape?

417 Paragraph 49 of the Operational Guidelines, n15.
As States Parties become more familiar with the notion of World Heritage landscapes (or cultural landscapes, if this concept is to continue to be used) and are encouraged to think more broadly about the interrelationships between the cultural and natural values in their cultural landscapes, the selection criteria and management plans for currently listed cultural landscapes will hopefully be reconsidered so as to clearly recognise and protect both their cultural and their natural values and the interrelationships between these values. It is also hoped that in the listing of future cultural landscapes, proper consideration will be given to all of the criteria for selection of these areas as World Heritage in the Nomination Dossier, and not simply cultural criteria (whether or not the site is inscribed for both cultural and natural values). In this regard, it is suggested that, in the future, where a cultural landscape is not nominated for its natural values, the State Party should, at a minimum, be required to detail in the Nomination Dossier the natural values of the site, the interrelationships between those values and the cultural values and, if appropriate, why inscription on the basis of both cultural and natural criteria is not sought. This would greatly enhance conservation and monitoring efforts. Similarly, if the cultural landscape concept is to be retained, the requirement for interrelationships between values must be emphasised and it is recommended that clear guidance (e.g. by reference to examples) be developed on the characteristics of sites that demonstrate interrelationships between human society and nature, as against characteristics that simply demonstrate a mere co-existence or non-influential relationship between culture and nature.

In summary, the key finding of this chapter is that the prefix ‘cultural’ to describe cultural landscapes is unhelpful, unnecessary and, arguably, potentially damaging, as it does not focus States Parties on the interrelationships between cultural and natural values in nominating and conserving their landscapes.

Adopting the simple premise that World Heritage cultural landscapes must embody interrelationships between humans and the environment of outstanding universal value, chapter 4 of this thesis undertakes a review of the cultural landscapes presently inscribed on the World Heritage List. It identifies the major features of these landscapes and sets out, by way of example, the types of interrelationships between cultural and natural values embodied in these sites.
4 World Heritage Cultural Landscape Listings

This chapter outlines the significance of cultural landscapes and the importance of taking steps to ensure their conservation. It then reviews the World Heritage classifications of cultural landscapes and considers the merits of recognising and formally identifying emerging sub-categories. Finally, the chapter undertakes an analytical review of the World Heritage listed cultural landscapes to date, their classification, criteria for listing and key features, and identifies the types of interrelationships between the cultural and natural values that they embody to provide practical examples of the form that such interrelationships might take.

4.1 The significance of cultural landscapes

World Heritage cultural landscapes provide important examples of the evolution of human society and settlement over time and of the interaction between humankind and its natural environment. Conservation of cultural landscapes is therefore essential for protecting living traditions and cultures and preserving traces of those which have disappeared. In addition to their tangible and physical qualities, they possess intangible or ‘associative’ values, among them, spiritual, cultural, and aesthetic values, and they often ‘represent a tightly-woven net of relationships that are the essence of culture and people’s identity’. As observed in chapter 3, cultural landscapes also often provide important lessons in sustainable development.

Developing an understanding of the significance of cultural landscapes and appropriate protection and conservation measures has been assisted by cultural landscape studies, which offer a starting point for examining how humans interact with, influence, and are influenced by the natural environment. Such studies also assist in developing recognition of the value of ecological and cultural heritage as part of the social and economic development of communities. However, currently, cultural landscape studies and regulatory regimes continue to prioritise landscapes that have been heavily influenced by humans (for example, agricultural and peri-urban landscapes) and struggle to define and envisage how to protect broader categories of landscapes that are wilder and more ‘natural’, that is, less influenced by human forces.

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418 Brown et al, n288.
419 See also UNESCO, n129 at 115.
422 Carlame, n201 at 164.
While cultural landscape studies have initiated a new era that has broadened the conceptualisation of the interaction between humans and their environment, there are still gaps in both the literature and the practice. As a next step, the focus must be on developing the legal, economic, planning and political tools necessary to identify and protect interrelationships between cultural and natural heritage to ensure that they are environmentally, economically and socially sustainable.\textsuperscript{424}

4.2 The inscription of cultural landscapes on the World Heritage List

The inscription of sites as cultural landscapes on the World Heritage List appears overall to have had beneficial effects on the interpretation, presentation and management of the properties.\textsuperscript{425} For example, the nomination process has generally helped to raise awareness among local communities and has led to new pride in their heritage and to rehabilitation and revival of traditions. In some cases, new threats have emerged including unregulated tourism and related developments.\textsuperscript{426} In other cases, stakeholders are moving towards models for sustainable land use and community stewardship, including the marketing of specific agricultural products or traditional arts and crafts.\textsuperscript{427}

The introduction of cultural landscapes into the World Heritage arena has also made the conservation community aware that heritage sites are not isolated islands. Rather, they must be understood in relation to the existing ecological systems and cultural linkages, beyond single monuments and strict nature reserves.\textsuperscript{428} This category of World Heritage is therefore paradigmatic for the evolution of protected area thinking and heritage conservation as a whole.\textsuperscript{429}

Some other significant benefits for conservation efforts arising from the inclusion of cultural landscapes on the World Heritage List include:

- recognition of intangible values and of the heritage of local communities and Indigenous people (particularly the category of associative landscapes);
- recognition of the value of land use systems that represent the continuity of people working the land over time (including any ongoing use of the land) to adapt the natural environment while maintaining biological diversity; and

\textsuperscript{424} The devastating consequences of past failures to integrate culture and nature conservation (the failure to transform conservation ideals to action) are exemplified poignantly in Bonyhady T, The Colonial Earth, Melbourne University Press, Melbourne, 2000, which reviews the environmental consequences of the colonisation of Australia.


\textsuperscript{426} See chapter 8 for examples of such threats and challenges.

\textsuperscript{427} As demonstrated at the IUCN 5 th World Parks Congress in 2003; http://www.iucn.org/themes/wcsp/issp2003/index.htm; accessed 12 March 2007. See also UNESCO, n129 at 116 and Lockwood et al, n137.

\textsuperscript{428} Rössler, n70.

\textsuperscript{429} UNESCO, n427.
developing and improving the interpretation, presentation and management of the properties.

It has also been observed that the listing of World Heritage cultural landscapes could be better used as a tool for regional development and poverty eradication.\(^{430}\)

### 4.3 Categories of cultural landscapes

As noted previously, there are three main classifications of cultural landscapes:\(^{431}\)

(a) Landscapes designed and intentionally created;

(b) Associative cultural landscapes; and

(c) Organically evolved landscapes (continuing and relict).\(^{432}\)

Most of the cultural landscapes that have been inscribed on the World Heritage List are organically evolved cultural landscapes and, primarily, continuing cultural landscapes.\(^{433}\) However, it is not always clear from the Advisory Body Evaluations whether a particular site has been listed as a relict or continuing cultural landscape. Designation of sites in the other two categories is, on the other hand, generally made explicit. The information collated in Appendix 6 of this thesis, which has been prepared from a review of each of the Advisory Body Evaluations for the presently listed cultural landscapes, suggests that there are currently 53 organically evolved cultural landscapes, 8 associative cultural landscapes and 7 designed and intentionally created landscapes (see Figure 5 below). In providing these estimates of the present number of each of the types of cultural landscape, Le Morne Cultural Landscape (Mauritius) is included as both a relict (i.e. organically evolved) and an associative cultural landscape;\(^{434}\) Uluru-Kata Tjuta National Park (Australia) is included as both an organically evolved and an associative cultural landscape;\(^{435}\) and Sintra Cultural Landscape (Portugal) is included as both an organically evolved and a designed cultural landscape, although it could arguably be included in all three categories.\(^{436}\)

\(^{430}\) UNESCO, n129 at 117.


\(^{432}\) Annex 3 of the Operational Guidelines is contained in Appendix 2, which sets out in detail the definition and above categories of cultural landscapes, and the process for the inscription of these areas on the World Heritage List.

\(^{433}\) This assessment is made from a review of the Advisory Body Evaluations and the decisions of the World Heritage Committee inscribing the landscapes. See Appendix 6. Each of the categories of cultural landscapes are explained in section 4.3 of this chapter.


4.3.2 Landscapes designed and intentionally created

This first category includes garden and parkland landscapes constructed for aesthetic reasons which are often, but not always, associated with religious or other monumental buildings and ensembles.437

Intentionally created cultural landscapes most closely resemble other types of World Heritage. This is because the primary conservation objective for this type of landscape is essentially to protect and conserve the landscape in its specifically designed form, which is consistent with the traditional World Heritage protection and conservation regime (to protect and conserve World Heritage 'as is' and rehabilitate where possible).

4.3.3 Associative cultural landscapes

Associative cultural landscapes are characterised by 'powerful religious, artistic or cultural associations of the natural element rather than material cultural evidence, which may be insignificant or even absent'.438 Their attributes include not only the light, colours, shapes and other matters capable of being viewed, but also such intangible qualities as the acoustics of bird songs or falling water, kinetic properties of air movements, and distinctive scents and smells that

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437 For example, Lednice-Valtic Cultural Landscape (Czech Republic): http://whc.unesco.org/en/list/763; accessed 11 November 2007; the Palace and Park of Versailles (France): http://whc.unesco.org/en/list/763; accessed 11 November 2007; and the Cultural Landscape of Sintra (Portugal): http://whc.unesco.org/en/list/723; accessed 11 November 2007. Delineating the boundaries of these largely 'man-made' landscapes is not generally an issue and appropriate management measures are usually in place.

438 Annex 3, paragraph 10(iii) of the Operational Guidelines, n15.
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identify the cultural properties of natural resources. Non-material evidence may take such forms as poetry, songs, paintings and photographs, rather than the conventional physical features of architecture or archaeology.

To date, the only listed associative cultural landscapes are exclusively spiritual in their associations. However, the associative cultural landscapes category has been crucial in the recognition of intangible values and the heritage of local communities and Indigenous people. The category symbolises the acceptance and integration of communities and their relationship to the environment, even if such landscapes are linked to powerful religious, artistic or cultural associations of the natural elements rather than material cultural evidence. This recognition has also had significant environmental benefits. For example, unique land-use systems testifying to the continued work of people over centuries to adapt to the natural environment have been recognised as enhancing biological diversity. The building techniques, vernacular architecture and ingenious schemes of these systems have also received attention, as they often relate to complex social and contractual arrangements.

In 1994, Uluru-Kata Tjuta National Park (Australia) became the second World Heritage property after Tongariro National Park (New Zealand) to be listed for its associative cultural values. It had already been listed for its natural values, but it was also subsequently recognised as an outstanding example of traditional land use for hunting and gathering purposes. Relatively few contemporary hunting and gathering cultures now exist throughout the world. The World Heritage values include the continuing cultural landscape of the Anangu Tjukurpa that constitutes the landscape of Uluru-Kata Tjuta National Park, which is discussed in depth in chapter 7.

441 Rössler, n281.
442 UNESCO, n129 at 115.
445 There is no single word in English that encompasses the meaning of Tjukurpa. However, in summary, the term encompasses Anangu religion, law and moral systems; the past, the present and the future; the creation period when ancestral beings, Tjukurpa/Waparitja, created the world as it is now; the relationship between people, plants, animals and the physical features of the land; and the knowledge of how these relationships came to be, what they mean and how they must be maintained in daily life and in ceremony. Australian Government Department of Environment, Water, Heritage and the Arts, 'Tjukurpa – The Foundation of Anangu Life': http://www.environment.gov.au/parks/uluruculture-history/culture/tjukurpa.html; accessed 5 January 2009. See also Lennon J., 'Identifying and Assessing Cultural Landscapes: Australian Practice in a Global Context' in Cotte MM, Boyd WE & Gardiner J., Heritage Landscapes: Understanding Place and Communities, Southern Cross University Press, Lismore, 2001 and Lennon, n214.
4.3.4 Organically evolved landscapes

Organically evolved landscapes result from an initial social, economic, administrative, and/or religious imperative and have developed their present form by association with and in response to the natural environment. Such landscapes reflect the process of evolution in their form and component features. They fall into two sub-categories:

(a) Relict (or fossil) landscapes, in which an evolutionary process came to an end at some time in the past, either abruptly or over a period. Its significant distinguishing features are, however, still visible in material form. This type of cultural landscape also has a number of synergies with traditional forms of World Heritage, with the primary conservation objective being to conserve 'as is' and rehabilitate where possible.

(b) Continuing landscapes, which are landscapes that retain an active social role in contemporary society closely associated with the traditional way of life and in which the evolutionary process is still in progress. For example, the irrigation systems in the steep terrain of the Philippine Cordilleras, which show the interdependence of people and the environment in the cultural landscape. If the physical or the social structure collapses, the whole landscape and ecological system is threatened. Simultaneously, continuing landscapes exhibit significant material evidence of evolution over time.

Continuing landscapes are the most frequently nominated type of landscape and most nominations of organically evolved landscapes are European. Research suggests that the main reason for this is the growing awareness on the part of European heritage institutions and agencies of this category of heritage. This has been the result of recent changes in national and regional instruments and regulations, such as the European Landscape Convention and the Pan-European Biological and Landscape Diversity Strategy, which have paved the way for a number of nominations from this region.

The challenge for managing continuing cultural landscapes is to avoid 'mummifying' present human activity to a specific time in the past to 'protect' the landscape. It requires finding a balance between the past, the present and the future through sustainable practices that are consistent with and, ideally, promote, the outstanding universal values of the site.

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447 This interdependence is discussed in numerous texts. See, for example: Fowler, n233 at 38-41.
448 Other examples include: Hallstatt-Dachstein Salzkammergut Cultural Landscape (Austria); Loire Valley between Sully-sur-Loire and Chalonnes (France); and Alto Douro Wine Region (Portugal). Details about each of these sites are available at: http://whc.unesco.org/en/list/; accessed 4 December 2008.
449 UNESCO, n129.
450 See n213. The aim of the Convention is not to draw up a list of assets of exceptional universal value, but to introduce protection, management and planning rules for all landscapes based on a set of principles.
451 See n208. Discussed in chapter 2.
Within the category of continuing landscapes, there are sub-categories of landscapes that will require additional and different evaluation processes. For example:

(a) traditional landscapes associated with rice cultivation;\textsuperscript{452}
(b) landscapes associated with non-agricultural societies;\textsuperscript{453}
(c) agricultural landscapes;\textsuperscript{454} and
(d) vernacular settlements.\textsuperscript{455}

Each of these sub-categories of cultural landscapes are discussed in the context of the following review of emerging sub-categories of cultural landscapes.

4.4 Sub-categories of cultural landscapes

Within the above formally recognised categories of cultural landscapes, sub-categories of cultural landscapes are emerging, all of which have specific protection and conservation requirements that must be considered in the context of tailoring and applying traditional and new forms of World Heritage conservation measures. Examples of these sub-categories of cultural landscapes include:

- Industrial cultural landscapes and remnant mining landscapes;
- Submerged cultural landscapes;
- Agricultural landscapes;
- Long linear (transfrontier) landscapes;
- Historic urban landscapes;
- Non-agricultural landscapes;
- Vernacular landscapes;
- Forest landscapes; and
- Pastoral landscapes.

Each of these sub-categories is briefly explained below.

\textsuperscript{452} For example, the Rice Terraces of the Philippine Cordilleras (Philippines), n86. Another sub-category of a single staple crop in the future may be vineyards, which often embody significant historical and cultural value.

\textsuperscript{453} For example, Kakadu National Park (Australia): \url{http://whc.unesco.org/en/list/147}; accessed 13 December 2007 (not presently inscribed as a cultural landscape); and Uluru-Kata Tjuta National Park (Australia), n440.

\textsuperscript{454} For example, Kuk Early Agricultural Site (Papua New Guinea): \url{http://whc.unesco.org/en/list/887}; accessed 28 November 2008.

\textsuperscript{455} Vernacular landscapes demonstrate continuity of settlement over long periods. They are ‘landscapes of the everyday’ that are ‘identified with local custom, pragmatic adaptation to circumstances, and unpredictable mobility’: see Jackson, n295. For example: the Old Village of Hollokö and its Surroundings (Hungary): \url{http://whc.unesco.org/en/list/401}; and Vlkolinec (Slovakia): \url{http://whc.unesco.org/en/list/622}; accessed 16 December 2007 (although neither of these sites are presently inscribed as cultural landscapes).
4.4.1 Industrial cultural landscapes and remnant mining landscapes

Industrial landscapes are a category of relict landscapes. Industrial activities such as mining, quarrying and the production of metals, glass, paper, ceramics and alcohol, have left profound and ineradicable traces on large tracts of land, many of which have not been re-used since industrial operations ceased. For example, the classic silver mines of Lavrion (Greece);\textsuperscript{456} the ‘Gold Rush’ settlement of Klondike (USA/Canada);\textsuperscript{457} and Agave Landscape and Ancient Industrial Facilities of Tequila (Mexico) where tequila has been mass produced for over 1,000 years.\textsuperscript{458} Other examples of this type of landscape might include Blaenavon Industrial Landscape (Wales), which is the result of the early production of iron and coal in its mines and ironworks;\textsuperscript{459} Ironbridge Gorge (England), which is considered to be symbolic of the industrial revolution;\textsuperscript{460} Cornwall and West Devon Mining Landscape (England);\textsuperscript{461} Sewell Mining Town (Chile);\textsuperscript{462} and Iwami Ginzan Silver Mine and its Cultural Landscape (Japan).\textsuperscript{463}

4.4.2 Submerged cultural landscapes

Rising sea levels since the last glacial maximum\textsuperscript{464} have resulted in vast areas of what were once terrestrial cultural landscapes being transformed into submerged (or underwater) cultural landscapes (e.g. Sundaland – the lowlands of the greater Southeast Asian Peninsula).\textsuperscript{465} Inundated terrestrial archaeological sites can also result from a number of other natural processes, such as earthquakes (e.g. Port Royal in Jamaica) and volcanoes (e.g. The island of Santorini in the Mediterranean). Cultural landscapes can also become submerged as a result of human actions, for instance, where a site becomes inundated as a result of a reservoir or dam construction. Large-scale dam construction in the United States during the twentieth century provides an example of where many Indigenous archaeological sites were inundated, prompting

456 Lavrion is not World Heritage listed, but for more details about the mines, see: http://www.rjhome.com/Main_HTM/silver-mines_main-page.htm; accessed 12 January 2008.
464 ‘Last glacial maximum’ refers to the time of maximum extent of the ice sheets (i.e. glaciers of ice that cover surrounding terrain and are greater than 50,000km\textsuperscript{2}) during the last glaciation, approximately 20,000 years ago. This extreme persisted for several thousand years.
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the United States National Parks Service to conduct the Reservoir Inundation Studies Project during the 1970s. Similarly, in Australia, the making of Lake Kununurra and Lake Argyle flooded many Aboriginal sites in the north of Western Australia. Flatman et al suggest that it is also possible to subdivide submerged cultural landscapes into three major groups on the basis of age and time of inundation, material remains and the cause of inundation. Such factors will also have a significant bearing on the appropriateness of certain research, exploration, protection and conservation measures adopted in an effort to conserve these sites.

4.4.3 Agricultural landscapes

Agricultural landscapes present some of the most formidable management problems. Examples of agricultural landscapes include Viñales Valley (Cuba) (primarily for tobacco) and the Agricultural Landscape of Southern Öland (Sweden) (primarily for arable farming and animal husbandry). Studies have already been carried out and designation procedures initiated in certain countries, including Austria, Finland, France, Slovenia and Sweden, while Norway and United Kingdom planning law makes provision for various forms of landscape protection.

While some regional studies have been undertaken, extensive consultation and further comparative studies on a regional basis are necessary.

Within the sub-category of agricultural landscapes, it would be highly beneficial to identify the various sub-types of agricultural landscapes and their specialist needs. For example, as with the focus on rice cultivation, such as in the Philippines, studies should be undertaken on coffee plantations, such as the Archaeological Landscape of the First Coffee Plantations in the Southeast Cuba (Cuba), and vineyards of outstanding historical cultural and natural value. Examples of World Heritage vineyards listed as cultural landscapes include Tokaj Wine Region Historic


467 In response to this, the Western Australian government funded the Kimberley Land Council to initiate a consultation process whereby the impacts of Ord Stage 1 could be addressed. In June 2004 the Aboriginal Social and Economic Impacts Assessment Report was produced and, under the auspices of the Ord Enhancement Scheme, is now being used to address those impacts. See: http://www.corroongcorp.com.au/oes/oes.html, accessed 11 January 2009.

468 Flatman et al, n465.


471 Flatman et al, n465.

472 Note 452.

4.4.4 Non-agricultural landscapes

Cleere suggests that the category of cultural landscapes associated with non-agricultural societies also requires further research. The landscapes of hunter-gatherer societies, such as the Aboriginals of Australia, were studied during an ICOMOS mission in 1994 that visited Kakadu National Park (Australia) and Uluru-Kata Tjuta National Park (Australia). As a result, basic evaluation criteria were developed for future application.475

4.4.5 Vernacular landscapes

The World Heritage List already contains several villages of traditional houses, such as the Old Village of Holloko and its Surroundings (Hungary)476 and Vlkolinec (Slovakia),477 although these sites are not formally listed as cultural landscapes. Vinales Valley (Cuba) and Bam and its Cultural Landscape (Iran) are examples of cultural landscapes featuring vernacular architecture and settlements.478 The importance of these settlements from the landscape perspective lies in the fact that they are surrounded by land-holding patterns of medieval form that are still in use. Cleere suggests that the reservations on the part of the Committee in the past towards the inscription of this type of settlement, on the basis of architecture and street pattern alone, might be mitigated if they were to be presented in the future as the nuclei for extensive landscapes that demonstrate continuity of settlement over long periods.479 Indeed, the growing appreciation for and recognition of vernacular heritage is evident from the 1999 Charter on the Built Vernacular Heritage480 and the numerous properties on the World Heritage Tentative List that have been nominated in whole or part for their vernacular features.481

4.4.6 Long linear (transfrontier) landscapes

This is a new and emerging theme in World Heritage conservation and primarily relates to the conservation of cultural routes and itineraries, which have been included in the Operational

475 Cleere, n152 at 55.
479 Cleere, n152 at 55. Cleere suggests that the Markim-Orkesta cultural landscape (Sweden) is an excellent example of this approach to landscape definition and assessment.
481 For example: mta Tusheti (Georgia); Vitis Cabá National Park and Triangulo Xel Vernacular Architecture (Guatemala); and Mardin Cultural Landscape (Turkey), to name just a few properties on the Tentative Lists Database: http://whc.unesco.org/en/tentative_lists/; accessed 6 October 2008.
Guidelines. Disused canals, roads, railways, communications lines and other similar industrial monuments have also been recognised as a form of ‘linear’ World Heritage. One example on the World Heritage List is the Incense Route – Desert Cities in the Negev (Israel).

In May 2001, the President of Peru launched an initiative to inscribe on the World Heritage List the Qhapaq Nan ‘Camino Principal Andino’ (Main Andean Road), which passes through six countries: Argentina, Bolivia, Colombia, Chile, Ecuador and Peru. This trail system developed under the Inca Empire in the Andes covers a distance of about 6000 km from the city of Pasto in Colombia to the city of Talca in central Chile. The system included the roads themselves and associated architectural and engineering structures. It also connected human settlements, administrative centres, agricultural and mining areas and religious and sacred places. The project is seen as a powerful tool for promoting sustainable development for Indigenous people and communities united by the Qhapaq Nan. If inscribed on the World Heritage List, its classification as a cultural landscape should most certainly be considered.

4.4.7 Historic urban landscapes

The World Heritage Committee has approved several cultural landscapes with significant extents of urban settlement, notwithstanding the general application of the concept to rural landscapes. The Loire Valley (France), for example, includes several significant urban centres such as Orléans and Tours. Small towns, like Chinon on a tributary of the Loire, are also characteristic of many World Heritage cultural landscapes.

This category could be divided into two sub-categories, being built-up areas (such as city centres) and landscape areas (including designed open spaces, agricultural fields etc.). Concerned by the multitude of World Heritage cities facing difficulties in reconciling conservation and development, UNESCO has been engaged since 2006 in a process to arrive at a new ‘Recommendation on the Conservation of Historic Urban Landscapes’. Among other things, the major objectives are to clarify the phrase ‘Historic Urban Landscape’ and the meaning of ‘place’ and to introduce guidelines regarding the character and extent of the change or evolution.
that is permitted in Historic Urban Landscapes, as well as to clarify the application of buffer zones in the age of high-rise buildings. 489

The World Heritage Committee has considered cases involving high-rise and/or contemporary architectural interventions in World Heritage cities that were considered a threat to the outstanding universal value of the landscape, for example, in Beijing, Kathmandu, Cologne, Riga, Potsdam, Avila, and Guatemala City. 490 A first attempt at this resulted in the Vienna Memorandum on World Heritage and Contemporary Architecture - Managing the Historic Urban Landscape (Vienna Memorandum). 491 This was followed by the Declaration on the Conservation of Historic Urban Landscapes. 492 The Vienna Memorandum contains an outline of recommendations promoting an integrated approach linking contemporary architecture, urban development and heritage landscape integrity.

In order to receive expert input related to either an updated or a new UNESCO Recommendation on the subject of historic urban landscapes, the World Heritage Centre organised six meetings during 2007 and 2008 in the various geo-cultural regions of the world. It is anticipated that the final results will then be submitted to the UNESCO General Conference for adoption in late 2009.

4.4.8 Forest landscapes

The forest as a landscape type has traditionally been regarded in Western history as a wilderness, a place of darkness and evil spirits. 493 However, evidence now shows how pre-Christian era populations have manipulated forests for their own use by fire, and modern day forested landscapes are the result of these long term impacts. Lennon observes that forest landscapes have provided symbols of antiquity and group identification, for example, the hillside hermitages of the Maronite Monks in Qadisha Valley (Lebanon), which are inscribed as a cultural landscape on the World Heritage List. 494
Pastoral landscapes

Pastoralism is defined as a system of cattle breeding that generally uses spontaneous vegetation resources for pasture, mostly in an extensive fashion, either on the farm site itself or in the context of transhumance of nomadism. The pastoral system is characterised by interactions between a society and cattle breeding activities in the natural environment. Examples include: Madriu-Perafita-Claror Valley (Andorra); Hortobágy National Park – the Puszta (Hungary); Richtersveld Cultural and Botanical Landscape (South Africa); and Pyrénées Mont Perdu (France/Spain).\(^\text{495}\)

The Recommendation from the Thematic Meeting of Experts on the Agro-Pastoral Cultural Landscapes in the Mediterranean\(^\text{496}\) observes that, as well as representing one of the major geopolitical ensembles and contributing to global biodiversity and socio-economic and local development, pastoral landscapes display a large variety of means of highlighting and developing:

(a) natural and anthropozoogenic environments (nomadism, transhumance, agro-pastoralism, agro-forestry, sedentary farming etc.);
(b) bred species (bovine, ovine, caprine, equidae, camelidae etc.); and
(c) regional ensembles (the Central Asian and African steppes, the Saharan and Arabic deserts, the Mediterranean basin, the alpine meadows, the Andean altiplano, the Argentinean pampas, the Great Plains of North America, Scottish heathland etc.).\(^\text{497}\)

The Recommendation also states that the evaluation of these cultural landscapes must be carried out by ICOMOS and IUCN jointly,\(^\text{498}\) analysing the proposed property as a heritage entity and not as an addition of natural and cultural values:

The complexity of the relationships between agro-pastoral activities and natural resources, the role of biodiversity on the agro-pastoral potentialities, the composition of natural heritage values directly linked to those activities are inseparable for an assessment measuring the outstanding universal value of a proposed landscape as a world heritage property.\(^\text{499}\)

497 World Heritage Centre, n496. See description of characteristics of pastoralism at 1.
498 The use of the word ‘must’ here is different to the language used in Annex 6 of the Operational Guidelines, n15, which suggests that whether an examination of a cultural landscape nomination is undertaken jointly by both the IUCN and ICOMOS is at ICOMOS’ discretion.
499 World Heritage Centre, n496.
The above list of potential sub-categories of cultural landscapes is not exhaustive. Many other sub-categories and variations to the existing cultural landscape categories have been proposed by various writers. For example, Sirisrisak and Akagawa propose the adoption of seven types of cultural landscapes based on a split between rural and urban settings, having regard to their particular use or characterisation. Namely:

1. Rural-setting landscape: Designed garden
2. Rural-setting landscape: Associated with spectacular natural setting
3. Rural-setting landscape: Associated with agriculture/forestry/fishery
4. Rural-setting landscape: Associated with human faith/religion
5. Rural-setting landscape: Associated with Indigenous group
6. Urban-setting landscape: Historic urban landscape
7. Urban-setting landscape: Industrial/Modern period landscape

While somewhat similar to the sub-categories identified above, the difficulty with creating such prescriptive 'functional' categories of cultural landscapes, rather than conceptual categories, is the risk of exclusion. For example, the above list would not appear to accommodate linear landscapes or submerged or water-based cultural landscapes. It also does not distinguish between those that are 'relict' landscapes or landscapes of a kind that should be protected and conserved largely 'as is' and those that are more dynamic, where change is an integral part of their conservation, such as organic-continuing landscapes. This is significant given the important difference in the conservation and management measures that must be applied to protect and conserve the outstanding universal values of each of these types of cultural landscapes.

In undertaking his review on cultural landscapes in 2002, Fowler stated that:

The three categories of cultural landscape have so far stood up well to ten years' use. There has been no great demand to change them, nor any apparent need. Almost certainly this is because they are conceptual rather than functional categories, dealing with the nature of landscapes rather than the uses which made them what they are. Discussions about whether they are agricultural, industrial or urban are therefore dealing with second order issues, for all or none such descriptors can fit inside one or more of 'designed', 'organically evolved' or 'associative' models. Although in practice many cultural landscapes have characteristics of more than one of the World Heritage categories, each can without much difficulty be ascribed to a principal category.

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500 Sirisrisak and Akagawa, n341.
501 Fowler, n21 at 28.
Although this assessment of the success of the cultural landscape categories has much force, the identified sub-categories and other sub-categories of cultural landscapes could be developed to facilitate the design and tailoring of more sophisticated conservation measures to specifically address the conservation challenges and opportunities presented by each type of cultural landscape. This should be done under the existing functional categories, as it would greatly assist States Parties in making decisions about the appropriate listing criteria for their World Heritage, the appropriate cultural landscape classification and the appropriate protection and conservation measures, having regard to the type of cultural landscape in question.

As noted above, it has already been recognised that the cultural landscape concept should be expanded to allow the inclusion of urban landscapes, not just within a cultural landscape, but as a cultural landscape. While the World Heritage Committee has approved several cultural landscapes containing whole or significant extents of urban settlement, the concept has historically been used in practice by the Committee to mean 'rural landscape'.

Other types of cultural landscapes that should also be considered are:

(a) associations of a commercial nature (e.g. trade routes);
(b) military or 'campaign cultural landscapes' (e.g. the route of a decisive military campaign or a great war leader);
(c) desert landscapes and oases; and
(d) cultural landscapes that are not terrestrial, but completely comprised of water on the basis that the water has been significant in a spiritual, religious or sacred sense. No entirely water-based World Heritage cultural landscape has yet been included where water of its own has been significant in any of these ways.

4.5 The authenticity and integrity of cultural landscapes

'Authenticity' and 'integrity' are basic requirements for new nominations to the World Heritage List. These prerequisites to establishing outstanding universal value are not new. The initial evaluation criteria declared in the early preparatory meetings in Morges, Switzerland (in 1976) and in Paris (in 1977), included the 'test of authenticity' for cultural heritage sites and the 'conditions of integrity' for natural heritage sites as conditions which must be met for inscription. However, global understanding of the meaning of these concepts has been confused.

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502 Fowler, n25 at 27.
503 Fowler, n25 at 28.
504 See, for example, Laureano P, 'Oases and Other Forms of Living Cultural Landscape' in UNESCO, n22 at 71.
505 For example, rivers such as the sacred Ganges River in India might be an example of such a water-based cultural landscape.
This confusion has persisted over time and with the addition of ‘integrity’ as a formal World Heritage requirement for cultural properties, along with the parallel rejection of the concept of ‘authenticity’ in the 2003 Convention for the Safeguarding of the Intangible Heritage, the potential for confusion has increased considerably.

Although the requirements for authenticity and integrity are now spelled out in great detail in the Operational Guidelines, many States Parties to the World Heritage Convention have not grasped precisely what is being requested. Stove! records that many have written about something called ‘integrity/authenticity’, treating the two concepts as if they were one and many of those that have realised that the two concepts are different have displayed very little clear understanding of what the differences might involve, and virtually none have supplied the requested ‘Statements of Authenticity and Integrity’.

Accordingly, this section of the thesis evaluates the application and meaning of these concepts in the context of the identification, nomination and assessment of cultural landscapes of World Heritage value.

4.5.1 Authenticity

Each cultural property must meet the test of ‘authenticity’. The Operational Guidelines state that meeting the test of authenticity involves matters of form and design; materials and substance; use and function; traditions; techniques and management systems; location and setting; language and other forms of intangible heritage; spirit and feeling; and other internal and external factors. In the case of cultural landscapes, it also includes their ‘distinctive character and components’. Reconstruction is only acceptable if it is carried out on the basis of complete and detailed documentation of the original and to no extent on conjecture.

The emphasis on physical form in the past in undertaking the test of authenticity has created an imbalance in the World Heritage List in favour of societies with a monumental culture, with an under-representation of cultural expressions of living, traditional cultures. As a result, the

507 See the UNESCO, Report and Recommendations on Integrity and Authenticity of World Heritage Cultural Landscapes, Aranjuez, Spain, UNESCO, 2007: http://whc.unesco.org/uploads/events/documents/event-450-1.pdf; accessed 26 April 2008. The Report states at 2: 'While cultural landscapes have been the medium to integrate culture and nature, the use and application of the terms of authenticity and integrity have note [sic] been fully adapted to the merging of the criteria. Today the uses and applications of the terms authenticity and integrity for natural and cultural heritage are not fully or comprehensively integrated. The inclusion of integrity for cultural properties offers an opportunity to further explore the links between the conditions of integrity and authenticity'.

508 This rejection arises because intangible cultural heritage is constantly being recreated and, therefore, cannot be seen in the light of historical authenticity, which is generally deemed to be 'static'. See Jokilehto J, 'Considerations on Authenticity and Integrity in [sic] World Heritage Context' (2006) 2(1) City & Time 7.

509 Section II.E of the Operational Guidelines, n15.

510 Stovel H, 'Effective Use of Authenticity and Integrity as World Heritage Qualifying Conditions' (2007) 2(3) City & Time 3: http://www.citytime.org; accessed 4 September 2008. This was also evident from the author’s review of the Advisory Body Evaluations for each of the 65 inscribed cultural landscapes.

511 Paragraphs 79-86 of the Operational Guidelines, n15.

512 Fowler, n233 at 5.

513 Fowler, n233 at 5-6.
expert meeting on authenticity in Nara, Japan in November 1994 identified the need for the concept of authenticity to embrace the diversity of the World Heritage Convention, to make it more relevant to the diversity of world culture and to elaborate a conservation concept better adapted to the needs of the present and the future.514 The outcome of this meeting was the Global Strategy, discussed in chapter 2, which has endeavoured to respond to the past over-representation of European cultural properties, historic centres, religious properties, particularly Christian properties and the under-representation of prehistoric properties and contemporary 20th century properties.515

There have also been a number of subsequent regional meetings on the authenticity concept, including the European ICOMOS Conference in October 1995, which took place in Český Krumlov, Czech Republic and brought together 18 European members of ICOMOS to present national views of the application of the authenticity concept by 14 countries.516 A number of presentations affirmed the importance of authenticity within the analytical processes applied to conservation problems as a means of assuring truthful, sincere and honest approaches to these problems, and gave emphasis to strengthening the notion of dynamic conservation in order to apply authenticity analysis appropriately to cultural landscapes and urban settings.517

Before considering the application of the authenticity concept to cultural landscapes (in section 4.5.3 below), it is important first to understand the concept of integrity.

4.5.2 Integrity

'Integrity' is usually taken to mean physical and/or contextual and/or environmental integrity, matters often blurred into issues of authenticity. The term is equated with 'wholeness, completeness, unimpaired or uncorrupted condition, continuation of traditional uses and social fabric'.518 For example, development around a site or within a landscape that is injurious to the outstanding universal values of the site, may be considered to have diminished the integrity of the site. Fowler gives the following example:

A main road dividing an architectural masterpiece from its park and gardens, for example, would have caused a property to have lost much of its integrity. On the other hand, appropriate development, say for example, a sequence of buildings erected over time and all performing the

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515 Fowler, n25 at 17.
517 Note 516.
518 Fowler, n21 at 20.
traditional functions of a site, could be considered to have maintained the integrity (and added significantly to its historical interest).\footnote{Fowler, n233 at 5.}

Put another way, ‘integrity’ is the extent to which the layered historical evidence, meanings and relationships between elements remain intact and can be interpreted in the landscape.\footnote{Fowler, n21 at 20-21.}

Paragraph 88 of the Operational Guidelines states that:

Integrity is a measure of the wholeness and intactness of the natural and/or cultural heritage and its attributes. Examining the conditions of integrity therefore requires assessing the extent to which the property:

(a) includes all elements necessary to express its outstanding universal value;

(b) is of adequate size to ensure the complete representation of the features and processes which convey the property’s significance;

(c) suffers from adverse effects of development and/or neglect.\footnote{Operational Guidelines, n15.}

Cultural landscapes by their very nature, in particular, continuing cultural landscapes, embody some elements of human development.\footnote{This recognition was the result of numerous regional and thematic expert meetings that have been held on cultural landscapes and related issues. A complete list of these meetings from the introduction of the Global Strategy to date is provided in chapter 8 of this thesis. There were also two relevant meetings pre-dating the Global Strategy, namely: The Expert Group on Cultural Landscapes, France, October, 1992 and the International Expert Meeting on Cultural Landscapes of Outstanding Universal Value, Germany, October 1993.}

This issue is now the subject of international attention and a workshop was held in December 2007 in Aranjuez, Spain on the theme of integrity and authenticity of cultural landscapes.\footnote{Paragraph 78 of the Operational Guidelines, n15, specifically states that, to be of ‘outstanding universal value’, proposed World Heritage listings must satisfy at least one of the criteria in paragraph 77 (which contains the 10 selection criteria) and must also meet the conditions of integrity and/or authenticity in section II.E of the Operational Guidelines. Adequate protection and management measures are also a component of any assessment of ‘outstanding universal value’.} Following this workshop, the Operational Guidelines were revised in early 2008 to provide further guidance in paragraphs 89 and 90 on the assessment of the integrity of prospective World Heritage sites, including cultural landscapes. The Operational Guidelines now expressly stipulate that such areas need not be pristine or wholly intact:

\footnote{International Expert Workshop on Integrity and Authenticity of World Heritage Cultural Landscapes, 11-12 December 2007, Aranjuez, Spain.}
For properties nominated under criteria (i) to (vi), the physical fabric of the property and/or its significant features should be in good condition, and the impact of deterioration processes controlled. A significant proportion of the elements necessary to convey the totality of the value conveyed by the property should be included. Relationships and dynamic functions present in cultural landscapes, historic towns or other living properties essential to their distinctive character should also be maintained.525

For all properties nominated under criteria (vii) - (x), bio-physical processes and landform features should be relatively intact. However, it is recognized that no area is totally pristine and that all natural areas are in a dynamic state, and to some extent involve contact with people. Human activities, including those of traditional societies and local communities, often occur in natural areas. These activities may be consistent with the outstanding universal value of the area where they are ecologically sustainable.526

While this guidance in the 2008 revision to the Operational Guidelines is helpful, further specific direction on the proper application of the authenticity and integrity tests to cultural landscapes is needed to overcome residual confusion about the meaning of these terms and their application to these areas.

4.5.3 A new framework for the authenticity/integrity analysis for cultural landscapes

Stovel, Jokilehto and others have sought to clarify the application of the concepts of authenticity and integrity to cultural landscapes.527 Stovel suggests that both of these concepts are ultimately concerned with the ‘ability of a property to convey significance’ and the integrity concept is also concerned with the ‘ability of site managers to secure or sustain the significance of the site’.528 Accordingly, he suggests that these concepts, ‘ability to convey significance’ and ‘ability to secure/sustain significance’, may be much more useful during nomination analysis and during post-inscription management/conservation treatment analysis than the words authenticity and integrity have proven to date.529 Stovel deconstructs these new concepts into six sub-aspects of authenticity/integrity (wholeness, intactness, material genuineness, organisation of space and form, continuity of function and continuity of setting) in relation to four cultural heritage typologies, as a framework to stimulate further discussion about improving the existing system. In respect of cultural landscapes, Stovel gives the following hypothetical suggestions as to how

525 Examples of the application of the conditions of integrity to properties nominated under criteria (i) – (vi) are under development.
526 Operational Guidelines, n.15.
528 Stovel, n.506.
529 Stovel, n.510.
this approach could possibly be developed and presented in future revisions to the Operational Guidelines:

Wholeness: A cultural landscape should include all those features, patterns and dynamic use and management processes which are directly associated with the OUV [i.e. outstanding universal value] of the nominated property. The limits of the property nominated should be established to include all those constituent areas which support the OUV of the property.

Intactness: As well, a cultural landscape should generally be in a good physical state of repair and functioning. All physical, social and economic conditions necessary to ensure maintaining the quality of the state of conservation of the landscape should be in place.

Material genuineness: Surviving historic fabric which contributes to the OUV of the cultural landscape should be protected. In some cases this may mean efforts to protect original features or patterns perceived as important; in other cases, this may mean efforts to protect evidence of successive phases of use over time, if landscape “evolution” is linked to OUV.

Genuineness of organization of space and form: The particular patterns of spatial organization (landscape layout and organization — movement systems [rail, road, water, infrastructure systems etc.] which contribute to the OUV of the property should be present and legible. If a landscape’s heritage value lies in its continuity of occupation for several centuries, then it should be possible to read the evolution and transformation of built form and patterns of spatial arrangement in the surviving layers of the landscape.

Continuity of function: If the primary historic function(s) of a landscape contribute to its OUV, then every effort should be made to ensure continuity of these functions over time. Landscapes valued for their design qualities or their associative qualities are particularly vulnerable to changes of function; landscapes valued as evolving landscapes (for the most part, agricultural landscapes) are best managed where character defining functions are maintained.

Continuity of setting: Nominations should demonstrate the extent to which the current setting of the cultural landscape maintains the quality of the setting directly associated with the OUV of the property. Development controls in an associated buffer zone should be sufficient to protect the existing setting in ways compatible with the OUV of the cultural landscape.530

It is beyond the scope of this thesis to propose a new framework for the application of the ‘authenticity’ and ‘integrity’ tests to cultural landscapes, although there is certainly merit in the Stovel framework. Consideration would, however, need to be given to the relevance/weight of some of the tests in the Stovel framework, such as ‘intactness’ and ‘continuity of function’, having regard to the type of cultural landscape being nominated. This thesis supports additional amendments to the Operational Guidelines to clarify further the meaning of these concepts in

530 Stovel, n510 at 34.
nominating various forms of natural heritage, cultural heritage, mixed sites and cultural landscapes and their various typologies.

What is certain is that there is a need to build capacity at all levels to enhance developed understanding of the proper application of the concepts of authenticity and integrity. Such capacity-building programs would necessarily be contingent on the availability of funding, administrative and educational resources. However, enhancing understanding of these concepts would advance States Parties' capacity to prepare their inventories of World Heritage sites, as well as their ability to focus and monitor cultural landscape conservation efforts, and would ultimately strengthen initiatives to maintain the outstanding universal value of these sites.

4.6 Cultural landscapes and the World Heritage List

4.6.1 Cultural landscape inscriptions: 1993-2008

The same ten basic selection criteria apply to cultural landscapes as to any other potential cultural World Heritage sites. Ultimately, it is the significant characteristics and features of each cultural landscape or combination of such characteristics and features that will connote outstanding universal value and, accordingly, result in World Heritage significance.

As stated at the outset of this thesis, at the time of writing, 65 properties on the World Heritage List appear to have been included as cultural landscapes. Table 3 in chapter 3 identifies these World Heritage cultural landscapes, the countries in which they are located, the date of their inscription and the selection criteria for which each of the sites have been listed. Table 5 later in this chapter makes it clear that, for the most part, cultural landscapes have been inscribed on the World Heritage List on the basis of cultural heritage criteria.

Only in a few cases have the properties also been recognised for their outstanding natural values, namely the transboundary site of the Pyrénées – Mont Perdu between France and Spain, Uluru-Kata Tjuta National Park (Australia), Tongariro National Park (New Zealand), Ecosystem and Relict Cultural Landscape of Lope-Okanda (Gabon), and St Kilda (United Kingdom).

See Appendix 6 or Table 5 of this thesis. The outstanding universal value of the cultural landscapes that have been World Heritage listed to date and the justification for this status is summarised in Appendix 6. The details of the evaluation process by the Advisory Bodies are discussed in chapter 8.

As at 1 June 2009.

4.6.2 The distinction between cultural landscapes, mixed sites and other types of World Heritage

The first two cultural landscapes included on the World Heritage List came from the Pacific, being Tongariro National Park (New Zealand) and Uluru-Kata Tjuta National Park (Australia). Both of these properties had earlier been inscribed on the World Heritage List solely on the basis of their natural values. It was subsequently realised that the outstanding universal value of these landscapes is also a result of their cultural values and the interrelationships between these values and the natural values of these sites. Consequently, the sites were re-nominated under cultural criteria and the criteria for the listing of these landscapes has been updated to recognise and protect both their natural and cultural values. The only other listed World Heritage sites, to date, that have subsequently been listed as cultural landscapes are Pyrénées - Mont Perdu (France/Spain) and St Kilda (United Kingdom).\(^{536}\) It appears that while each of the above sites have been re-nominated as cultural landscapes, the ‘mixed site’ status of the landscapes also continues. This is a matter that needs to be clarified by the World Heritage Centre. As discussed earlier in this thesis, these two classifications are entirely different: the cultural landscape classification being reserved for sites that possess an interrelationship between cultural and natural values of outstanding universal value; and the mixed site classification being reserved for those sites that possess both cultural and natural values, but do not demonstrate an interrelationship between those values that is of outstanding universal value within the meaning of the World Heritage regime. Certainly, many sites with a mixed site status, particularly those listed prior to 1992, should be re-examined as potential cultural landscapes, as discussed, for example, by Fowler.\(^{537}\)

While a cultural landscape is also a mixed site, it would be incorrect to state that a mixed site is also necessarily a cultural landscape, unless that site does in fact also demonstrate an interrelationship between cultural and natural values that is of outstanding universal value. However, in order to clarify the distinction between mixed sites and cultural landscapes, it is suggested that it is perhaps confusing and misleading to continue to refer to cultural landscapes as mixed sites. The objective should be to draw a clear distinction between the two classifications in order to focus the attention of stakeholders on the meaning of the cultural landscape classification and the obligations under that classification to protect and conserve the interrelationships between the cultural and natural values of the site. This is also integral to ensuring that appropriate protection and conservation measures are adopted that will retain and, ideally, enhance, the site's unique features and characteristics of World Heritage significance.

\(^{536}\) Note 535
\(^{537}\) Fowler, n21 at 42.
4.6.3 The World Heritage List and the cultural landscape classification

In his review of World Heritage cultural landscapes in 2002, Fowler stated:

...conceptually-speaking, and in fact, clearly there are many other cultural landscapes on the [World Heritage] List. World Heritage is much richer in cultural landscapes than it has perhaps recognised and certainly than has been openly admitted. There can be much argument about exactly which World Heritage sites are, or contain, these cultural landscapes, what types of cultural landscapes they are, and indeed what sort of cultural landscapes can legitimately be included [on the World Heritage List]. 538

Similar questions may also arise in relation to properties on the Tentative List that have not been nominated as cultural landscapes, but perhaps should have been or, alternatively, have been nominated as cultural landscapes, but incorrectly so. A thematic search of the Tentative List Database reveals that 55 of the 1463 sites on that list have been nominated as cultural landscapes. 539 However, there is insufficient information readily available about each of these sites to make any considered assessment as to the appropriateness or otherwise of their tentative classification as cultural landscapes.

Further, similar research should be undertaken in relation to each State’s ‘inventory’ (to the extent that such inventory exists beyond the sites identified by each State on the Tentative List) of World Heritage sites, to consider which of those have or have not been appropriately identified as cultural landscapes, and whether there are obvious others that do not appear on the inventory.

Little work has been done in relation to these questions. Identifying potential cultural landscapes that have not been recognised as such in even a preliminary way is an impossible task to undertake in a meaningful, systematic and rational way, without extensive research. Any comprehensive review of the Tentative List would also need to be the subject of further research, as the details, nature and context of each of the 1463 sites on the Tentative List would need to be carefully considered. 540

In undertaking his review of World Heritage cultural landscapes in 2002, Fowler identified a list of 105 World Heritage sites (i.e. sites inscribed on the World Heritage List) that he considered could potentially be classified as cultural landscapes (Fowler’s Provisional List). 541

Since 2002, a further 149 sites have been World Heritage listed, 33 of which have been listed as cultural landscapes. 542 It is not within the scope of this thesis to review the World Heritage

538 Fowler, n21 at 42.
540 As at 31 August 2008. See Tentative List Database in n539.
541 Fowler, n21 at 15.
542 As at 1 October 2008.
List and to assess what sites on the List should be listed as cultural landscapes, but currently are not. This would require an in-depth understanding of each of the sites and a panel of experts from various fields qualified to consider the values of each site and the merits of a renomination of that site as a cultural landscape. However, such research might encourage States Parties that have World Heritage sites not presently inscribed as cultural landscapes, but that should be, to renominate the sites accordingly.

It might be expected that, since 1992 and certainly post-2002, as a result of the World Heritage Centre’s review of the application of the cultural landscape classification, greater consideration would be given by States Parties to this classification in identifying the type and category of World Heritage being nominated. Consequently, any assessment of the merits of updating the listings of certain sites as cultural landscapes may be, primarily, an historical exercise directed at sites World Heritage listed prior to 1992.

However, it is useful to undertake an analysis of Fowler’s Provisional List of potential cultural landscapes to consider developments since 2002 and to elucidate the cultural landscape concept further. Certainly, there are several sites on Fowler’s Provisional List that might arguably be considered to not, prima facie, appear to possess an interrelationship or interrelationships between culture and nature of outstanding universal value. Two examples follow.

- **Everglades National Park (USA):** This site is located at the southern tip of Florida and has been called ‘a river of grass flowing imperceptibly from the hinterland into the sea’. The exceptional variety of its water habitats has made it a sanctuary for a large number of birds and reptiles, as well as for threatened species such as the manatee.543 While the park has a pre-historic and historic heritage containing some 200 archaeological sites as well as sites of individual historic significance, it seems that the view has been taken that this human influence has not significantly modified the natural landscape so as to warrant classification of the site as a cultural landscape. Indeed, the site is listed solely for its natural values and not for its cultural values or as a result of a significant interrelationship between humans and the environment.

- **uKhahlamba/Drakensberg Park (South Africa):** While this site has exceptional natural beauty with high altitude grasslands, rocky gorges, steep river valleys, soaring basaltic buttresses, incisive dramatic cutbacks and golden sandstone ramparts, its cultural values (e.g. the presence of rock paintings) are less manifest. In that respect, the Advisory Body Evaluation for this site states that:

ICOMOS is not convinced that the Drakensberg qualifies as a cultural landscape, as defined in paragraph 39 of the Operational Guidelines for the Implementation of the World Heritage Convention. It is difficult to argue that the long San occupation has significantly modified the natural landscape.\(^{544}\)

Ultimately, this thesis argues that whether the above sites should be re-nominated as cultural landscapes is entirely contingent on whether the interrelationship between the cultural and natural values of the sites gives, or strongly contributes to, the sites’ outstanding universal values, and not on the extent of the influence of nature on culture or vice versa.

From Fowler’s Provisional List, 21 sites were already in fact formally recognised by States Parties as cultural landscapes. Of the remaining 84 sites, most of which were World Heritage listed prior to 1992,\(^{545}\) subject to an appropriate merits assessment, it is agreed by the author that many of these probably should have their listing criteria updated to now be classified as cultural landscapes. For example:

- **Kakadu National Park (Australia):** Among other reasons for its justification for listing on the World Heritage List, the site presents outstanding examples of significant ongoing geological processes, biological evolution and human interaction with the natural environment. The archaeological remains and rock art, in particular, represent an example of an interrelationship between cultural and natural values of outstanding universal value.\(^{546}\)

- **Historic Sanctuary of Machu Picchu (Peru):** Machu Picchu stands 2,430m above sea-level in an extraordinarily beautiful setting in the middle of a tropical mountain forest. It was probably the most striking urban creation of the Inca Empire at its height; its giant walls, terraces and ramps appear as if they have been cut naturally in the continuous rock escarpments. The Advisory Body evaluation states that Machu Picchu covers some 32,500ha and is of considerable archaeological and architectural importance:

  ...the stonework of the site remains as one of the world’s greatest examples of the use of a natural raw material to provide outstanding architecture which is totally appropriate to the surroundings. The surrounding valleys have been cultivated continuously for well over a thousand years, providing one of the world’s greatest examples of a productive man-land


\(^{545}\) One of which has been renominated as a cultural landscape, St Kilda (United Kingdom) – renominated in 2005.

relationship; the people living around Machu Picchu continue a way of life which closely resembles that of their Inca ancestors, being based on potatoes, maize and llamas...547

- Sewell Mining Town (Chile): Largely abandoned in the 1970s, Sewell’s extensive remains are testimony to the fusion between human and mineral resources, a technological revolution in smelting and huge investments of American capital that allowed large-scale copper production and fostered Chile’s dominant role in that industry. It also reflects the profound social and economic role that copper mining has played, and continues to play, in national life.548

- Mountain Resort and its Outlying Temples, Chengdu (China): The Advisory Body Evaluation records, among other things, that the landscape of the Mountain Resort and its Outlying Temples is an outstanding example of Chinese integration of buildings into the natural environment, which had and continues to have a profound influence on landscape design.549

Having regard to the characteristics of cultural landscapes identified in chapter 3, all of the above World Heritage sites clearly appear to demonstrate an interrelationship between natural and cultural values, a process of evolution, and tangible and intangible values, that are the hallmark characteristics of cultural landscapes. The first two of these sites, namely, Kakadu National Park and Machu Picchu are discussed in more detail below to examine the interrelationships between their cultural and natural values and to consider whether some of the challenges they confront may be linked to the fact that the sites have not been appropriately classified as cultural landscapes.

548 Advisory Body Evaluation (2006): http://whc.unesco.org/archive/advisory_body_evaluation/1214.pdf; accessed 3 January 2008. Indeed, the Advisory Body Evaluation stated that the site “could also be a cultural landscape” and ICOMOS has, on this basis, included it as a cultural landscape. However, it is not officially recognised by the World Heritage Centre as a cultural landscape and, therefore, it is not included in this thesis as one of the 65 cultural landscapes that have been inscribed on the World Heritage List as such.
Kakadu National Park\textsuperscript{550}

Figure 6: Kakadu National Park

(i) The inscription of Kakadu National Park on the World Heritage List

Kakadu National Park (Kakadu) was originally inscribed on the World Heritage List in 1981, with two extensions to its boundaries in 1987 and 1992. It has been inscribed on the World

World Heritage Cultural Landscape Listings

Heritage List on the basis of both natural and cultural values of outstanding universal value.\textsuperscript{551} However, unlike Uluru-Kata Tjuta National Park which was also inscribed on the World Heritage List prior to the introduction of the cultural landscape concept, the site has not been re-nominated as a cultural landscape.\textsuperscript{552}

Kakadu is a landscape of cultural, religious and social significance to local Aboriginal people. Special places in the landscape include ceremonial places, sites of religious significance, archaeological and rock art sites and other areas that have significant meaning to Aboriginal people. These sites both reflect the long history of Aboriginal occupation of the landscape and remain central to Aboriginal culture in the region.\textsuperscript{553} A strong association exists between Aboriginal cultural sites (including rock art sites) and the living traditions and beliefs of Aboriginal people in the Park. This association continues in the social and cultural activities of communities today. Paintings reflect the history of Aboriginal occupation of the landscape, often portray the spiritual figures that created the landscape and embody the cultural beliefs and traditions of Aboriginal people in the region.

Kakadu is also rich in natural values. Its large size, its diversity of habitats and its position in an area of northern Australia, subjected to considerably less disturbance by European settlement than many other parts of the continent, have resulted in the protection and conservation of many significant habitats, including those where threatened species of plants and animals of outstanding universal value from the point of view of science and conservation still survive. Kakadu National Park also has features of exceptional natural beauty and aesthetic importance and contains superlative natural phenomena.\textsuperscript{554}

In addition to the separate natural and cultural values of the site, strong interrelationships between values are apparent. For example, the ongoing, active management of the landscapes by Aboriginal people through the use of fire, including fire-assisted hunting and the creation of environmental mosaics which contribute to species diversity, provide an important example of people’s interaction with the environment. Further, the Aboriginal archaeological remains and rock art represent an outstanding example of people’s interaction with the natural environment and bear remarkable and valuable witness to past environments in northern Australia and to the

\textsuperscript{551} Namely, criteria, (i), (vi), (vii), (ix) and (x). See Appendix 6 for the meaning of these selection criteria.

\textsuperscript{552} In this respect, the Presentation by Franchioni Prof P (Italy) Concerning the World Heritage Mission to Kakadu National Park (Australia), 26 October-1 November 1998; \url{http://whc.unesco.org/archive/reports/98a6.html}; accessed 11 January 2009, states: ‘The mission was made constantly aware that the living cultural tradition of Kakadu, recognised through World Heritage inscription, is underpinned by the special relationship between the Aboriginal people and their land. However, at the time of the December 1992 Stage III inscription of Kakadu National Park on the World Heritage List, Kakadu was not assessed or evaluated as a potential World Heritage cultural landscape as, at that time, the World Heritage cultural landscape categories had not yet been approved by the Committee’.


\textsuperscript{554} Commonwealth Government, n553.
interaction of people with these environments. Finally, the Aboriginal people have an important
spiritual bond with the land. Their spiritual belief centres on spirit beings from the creation era,
who emerged to give form and life to earth. At the end of their work, these beings departed or
rested in the landscape. They retained their powers to influence the life of humans and are
considered to be a vital force in the continuation of human life, local Aboriginal culture and the
productivity of the land. Throughout Kakadu lies a collection of places and landscapes
associated with these spirit beings which are of significant cultural, religious or social importance
to the Aboriginal people. The continuing ability of these communities to undertake and
develop the cultural practices, traditions and customs associated with ‘caring for country’,
contributes to the values of Kakadu as a World Heritage Area.

When placed alongside Uluru-Kata Tjuta National Park, there appears to be no continuing
logical reason why Kakadu is not inscribed on the World Heritage List as a cultural landscape.
Both sites are the result of strong interrelationships between Aboriginal people and the
environment and, in both cases, such interrelationships are integral to the future of the landscapes
and form part of the outstanding universal values of the site. Indeed, Kakadu is often referred to
as a cultural landscape, and is an excellent example of a continuing and an associative cultural
landscape.

Relevantly, the 2003 Periodic Report for the site states:

Although not inscribed on the World Heritage List as a cultural landscape, the current Plan of
Management identifies Kakadu National Park as a cultural landscape, shaped by many
generations of Aboriginal people. The Kakadu Board of Management has previously discussed
the possibility of Kakadu National Park being nominated to the World Heritage List as a cultural
landscape. The Australian Government continues to emphasise the need for consultation with
Aboriginal people before a decision is made on any possible nomination of Kakadu National
Park, the greater Kakadu Region or Kakadu National Park and the East Alligator River
catchment as a World Heritage cultural landscape.

Despite several inquiries with the Kakadu National Park Manager (Department of the
Environment, Water, Heritage and the Arts), the current status of such ‘consultation’ is

555 Environment Australia, Australia’s Kakadu: Protecting World Heritage-Response by the Government of Australia to the UNESCO
World Heritage Committee Regarding Kakadu National Park, Environment Australia, Canberra, 1999 at 11.
556 Note 555.
557 A detailed analysis of Uluru-Kata Tjuta National Park is undertaken in chapter 7 of this thesis.
558 See, for example, the 2003 Periodic Report (Cycle 1), Section II Summary:
National Park Management Plan, n550 at 14, 57, 121 and 189.
559 The 2003 Periodic Report (Cycle 1), Section II: http://whc.unesco.org/archive/periodicreporting/apa/cycle01/section2/147.pdf;
accessed 9 January 2009 at 9 citing Environment Australia; Australia’s Commitments: Protecting Kakadu - Progress Report to the
Bureau of the World Heritage Committee; 15 April 2000 at 8-9. See also page 38 of the Periodic Report.
560 Emails sent to Kakadunationalpark@environment.gov.au, dated 4 November 2008 and 14 May 2009.
unknown, but the latest Plan of Management for 2007-2014 refers to the site as a ‘cultural landscape’ in four places.\textsuperscript{561} In particular, the Plan of Management states that, among other ‘key messages’, the following message will be ‘promoted and interpreted at Kakadu’, namely: ‘Kakadu is an Aboriginal place and a cultural landscape’.\textsuperscript{562}

(ii) Conservation challenges

Arguably, in part, as a result of a failure to focus conservation efforts at the conservation of the fragile interrelationships between nature and culture, Kakadu confronts a number of conservation challenges. Understanding the causes of many of the current challenges would require an extensive review of the historical literature associated with the site, but set out below are several of the most significant challenges confronting the site that are directly linked to nature-culture interactions.

The current management needs and priorities for Kakadu are set out in the Kakadu National Park Plan of Management. Some important management issues and needs that have been identified include: the role of sustainable and appropriate tourism in Kakadu; helping to secure better economic futures for the Aboriginal people of Kakadu; the need to examine current and projected tourism levels and to develop tourism futures and cultural tourism products that benefit the park; the management of intellectual and cultural property rights; enhancing the framework for monitoring of cultural values in Kakadu; and the on-going impacts of introduced feral weeds and animals and the development of effective programs to control them (for example, cane toads).\textsuperscript{563}

Another threat to the site is that of fire. This risk arises purely as a result of an historical oversight of the interrelationships between the cultural and natural values of the site. For hundreds of generations, the Bininj/Mungguy people have used fire as an important way of managing and expressing ownership of country. However, traditional Aboriginal ways of burning were greatly disrupted when Europeans occupied the land, and the fine mosaic of burnt and unburnt patches, which previously protected the area from damaging hot fires, was lost. Other factors include the build-up of fuel, and the threat from fires outside the boundaries of Kakadu. A number of species and communities are recognised as being sensitive to fire, and are therefore particularly threatened by frequent intense fires.\textsuperscript{564} Now, Aboriginal people are taking charge of conducting traditional burning in particular areas of Kakadu, with assistance from Parks Australia as required. The undertaking of these activities has made a positive contribution
to the management of fire and biodiversity within Kakadu and is assisting the intergenerational transfer of traditional knowledge through action learning as family groups are involved. Work is continuing on the expansion of such cultural land-management programs.

Similarly, working with Aboriginal people, rehabilitation plans are also being put in place to address the impacts of past uranium mining activities on both the cultural and natural values of the site. Aboriginal peoples' knowledge of the land also forms a fundamental component of native plant and feral animal strategies that have been adopted for Kakadu.\footnote{See section 5 of the Kakadu National Park Management Plan, n550.}

The critical importance of the conservation of the intangible cultural heritage of the Aboriginal people for the conservation of the natural values of Kakadu has also now been duly recognised. The Aboriginal people have detailed knowledge of the flora, fauna, habitats, seasonal changes, landscapes, places and history of Kakadu and religious beliefs regarding the creation era. This immense body of knowledge is the oral cultural heritage of Kakadu. It is also a fragile resource, as people who have important traditional knowledge age and pass away. There is now a realisation that it is urgent to record this knowledge so that future generations of Bininj/Mungguy can benefit and so that Kakadu can continue to be managed in an informed way. The Bininj/Mungguy people have stressed that they need to be in control of programs to manage Aboriginal oral cultural heritage in Kakadu to address issues of appropriate access and storage. The inter-generational transfer of knowledge has also been acknowledged as a key issue in the maintenance and preservation of traditional knowledge and culture. Parks Australia has developed a range of management responses to address this important conservation issue.\footnote{Commonwealth Government, n553.}

Having regard to the above, it is clear that the protection of the interrelationships between the cultural and natural values of the site is integral to the ongoing status of the site as one of outstanding universal value. Accordingly, it is suggested that, as such interlinkages are plainly evident, an assessment of the status of the site as a World Heritage cultural landscape should be undertaken as a matter of urgency to ensure that conservation efforts are appropriately directed.
The Historic Sanctuary of Machu Picchu (Peru)\textsuperscript{567}

Figure 7: The Historic Sanctuary of Machu Picchu (Peru)

(i) The inscription of Machu Picchu on the World Heritage List

Machu Picchu was inscribed on the World Heritage List in 1983 under both cultural and natural criteria\textsuperscript{508} 'for man's interaction with his natural environment and for the beauty of its landscape'.\textsuperscript{569} Unlike Kakadu, there is very little literature to suggest that any serious consideration has been given to nominating the site as a cultural landscape. This is so notwithstanding that Machu Picchu is undoubtedly a representation of a culture-nature interrelationship of outstanding universal value, albeit, primarily of a relict nature. However, the Concept Paper arising from the Meeting of Experts on Cultural Landscapes in the Caribbean: Identification and Safeguarding Strategies, in discussing the paucity of inscribed cultural landscapes from the Caribbean and Latin America, records the following observations of the Peruvian President in 2002:

In 2002, the Peruvian expert Elias J. Mujica, while regretting that only two cultural landscapes from the region had been included in the list at that moment, had accurately pointed out: "Nevertheless, some World Heritage sites inscribed on the List prior to the development and approval of the cultural landscape concept, such as the mixed site of the Historic Sanctuary of Machu Picchu (Peru), comprise significant cultural landscapes, while others such as the Lines and Geoglyphs of Nasca and Pampas de Jumana (also in Peru) may be considered as 'the most


\textsuperscript{508} Namely, criteria (i), (iii), (vii) and (ix). See Appendix 6 for the meaning of these selection criteria.

dramatic relic cultural landscape of all on the World Heritage List’, according to Henry Cleere\(^\text{570}\).

The Advisory Body Evaluation states that Machu Picchu is ‘one of the most important cultural sites in Latin America’ and adds that the stonework of the site remains as one of the world’s greatest examples of the use of a natural raw material to provide outstanding architecture which is totally appropriate to the surroundings.\(^\text{571}\) The valleys have been cultivated continuously for well over a thousand years, ‘providing one of the world’s greatest examples of a productive man-land relationship’.\(^\text{572}\)

Finally, the Incas and pre-Incas also shared a strong spiritual connection with the mountains and surrounding area. The geographical location of Machu Picchu reveals that it is not only at an ecological centre between the mountain highlands and the forest lowlands, but it is located among the most Sacred Mountains of the region. In addition, it is virtually encircled by the sacred Urubamba River.\(^\text{573}\)

(ii) Conservation challenges

The National Institute for Natural Resources (INRENA) report of 2006, evaluated by the UNESCO Report on the Reactive Monitoring Mission to the Historic Sanctuary of Machu Picchu in 2007,\(^\text{574}\) identifies various threats to the cultural and natural heritage of the sanctuary. These threats include those that clearly arise as a result of interrelationships between culture and nature that are not currently being properly managed, such as the construction of the Carilluchayoc access road and bridge on the western boundary of the Sanctuary without an environmental impact study or design approval, even in the face of strong opposition from the Instituto Nacional de Cultura (INC) and a restraining order by the District Court of Urubamba. There has also been an expansion of the Machu Picchu Village beyond the boundaries that had been set, construction of buildings on the banks of the Vilcanota River, and construction of buildings in excess of three stories without requisite construction licences. This has caused concerns over the lack of due process, the general failure of governance, increased flooding and landslide risk. The UNESCO Report stated that the population living in the core and buffer areas have ‘only a limited notion of the risks they face, little cultural inclination to appreciate risk, and no respect for the application

\(^{570}\) UNESCO (2005), citing Mujica E, ‘Cultural Landscapes and the Challenges of Conservation in Latin America and the Caribbean in UNESCO, n.22 at 82-91.


\(^{572}\) Note 571.

\(^{573}\) Reinhard, n.571 at 27. See also Burger RL & Salazar LC (eds), Machu Picchu: Unveiling the Mystery of the Incas, Yale University Press, New Haven, 2004.

of norms and rules’. While the Master Plan included activities on participatory risk management, this has never been taken seriously.

Further, the 31st Session of the World Heritage Committee reported that, while many advances have been made by INC and INRENA in implementing the Master Plan, particularly with respect to reforestation, fire control, monitoring of key species, management of the main Inca trail, cadastral surveys, information and communication, rehabilitation of the botanical garden, maintenance of the citadel, reintroduction of native plants, development of a site museum and awareness programs for children, the Integrated Sanctuary Management Unit remains ineffective. The Committee also expressed ongoing concerns regarding: the uncontrolled growth of Machu Picchu Village accompanied by an ever-increasing level of risks from landslides, fires, structural failure, health threats, and social crisis; the absence of a public use plan and associated analysis of access and risks; the difficulties in getting budgetary approval for maintenance work on the archaeological structures of the Sanctuary, and the uncontrolled Western access to the site and consequences of significant recent landslides.

Many of the above issues arguably arise as a result of the lack of appropriate management measures to conserve the site’s expressions of interrelationships between culture and nature. It is difficult to say whether there would be a significant improvement in the conservation of Machu Picchu if the site were managed as a cultural landscape and conservation efforts were guided by the principle of conserving the interrelationships between cultural and natural values embodied in the site. However, given that such interrelationships were the premise for the site’s listing, there is little doubt that conservation efforts should be directed at achieving the maintenance of these interrelationships. Certainly, renominating the site as a cultural landscape would assist in promoting knowledge of this understanding and ensuring that conservation efforts are more appropriately directed.

(d) Summary comments on Kakadu National Park and Machu Picchu

There has been almost no analysis undertaken to date of what impact a failure to classify a site as a cultural landscape may have on its conservation or what impact a failure to protect and conserve interrelationships between cultural and natural values embodied in the site may have on its protection and conservation for future generations. While the above brief analysis of Kakadu National Park and Machu Picchu arguably provides some evidence of the potential devastating

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574 UNESCO, n574.
575 UNESCO, n574.
576 Decision 31 COM 7B.45, n10.
577 Note 577.
Implications of these matters, it is clear that this is an important issue that warrants further in-depth consideration.

Ideally, drawing on the provisional list of cultural landscapes prepared by Fowler discussed earlier, a priority list of sites for renomination as cultural landscapes should be prepared for the purpose of reviewing the adequacy of current conservation measures in the context of the special needs and conservation challenges presented by cultural landscapes, especially continuing and associative landscapes that cannot be strictly conserved ‘as is’. In particular, regard should be had to whether implementation measures are appropriately directed, or are in fact undermining (albeit, inadvertently or unwittingly), the interrelationships between cultural and natural values that give the site its World Heritage status.

4.7 Identifying interrelationships between cultural and natural values of outstanding universal value

4.7.1 Manifestations of interrelationships of outstanding universal value

The Operational Guidelines explicitly recognise that cultural landscapes embrace ‘a diversity of manifestations of the interaction between humankind and its natural environment’. In an effort to create some understanding of interrelationships between natural and cultural values that might well be deemed to be of outstanding universal value, it is useful to review those interrelationships that have achieved World Heritage status as cultural landscapes to date. To this end, Appendix 6 to this thesis identifies all of the World Heritage listed cultural landscapes to date, provides a description of each of those sites; identifies what type of cultural landscape each site appears to be or has been nominated as, and sets out the criteria for the listing of each site and details of the interrelationships between the cultural and natural values of the site, as specified in the Advisory Body Evaluations.

Appendix 6 reveals that there are a number of defining characteristics and features of cultural landscapes through which tangible or intangible relationships (or both) between culture and nature are demonstrated. While it is impossible to analyse the variant forms of all of these interrelationships within the confines of this thesis, it is worthwhile reviewing an example of a cultural landscape from each of the categories of cultural landscapes identified in this chapter, to demonstrate the diversity and types of interrelationships that have been recognised as being of World Heritage value.

579 Paragraph 37 of the Operational Guidelines, n15.
World Heritage Cultural Landscape Listings

(a) Interrelationships in an associative cultural landscape – Tongariro National Park (New Zealand)

In 1993 Tongariro National Park (New Zealand)\(^{580}\) became the first property to be inscribed on the World Heritage List under the revised criteria describing cultural landscapes. The mountains at the heart of the park have cultural and religious significance for the Maori people and symbolise the spiritual links between this community and its environment.\(^{581}\) The park has active and extinct volcanoes, a diverse range of ecosystems and some spectacular landscapes.

Figure 8: Tongariro National Park\(^{582}\)

The Periodic Report for Tongariro National Park provides the following summary of how the cultural values of the Park are completely interwoven with its natural values:\(^{583}\)

The power of the unbroken association of Ngati Tuwharetoa with the mountains since the landing of the Arawa canoe; the strong association is both a physical (Pacific ‘ring of fire’) and a cultural connection through the tribe’s ancestor, Ngatoroirangi (the high priest and navigator of the Arawa canoe who brought his people from their Pacific origins in the Hawaikis). The cultural links are clearly demonstrated in the oral history, which is still a pervasive force for Ngati Tuwharetoa. The peaks are spoken of with the same reverence and feeling as tribal ancestors, ensuring that the connection is one of spirituality as well as culture.

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The linkage of cultural identity with the mountains; Tongariro, Ngati Tuwharetoa and Te Heuheu are inextricably linked in the tribal pepeha (proverb) recited at any occasion hosted by the Ngati Tuwharetoa iwi (tribe):

The cultural significance of the gift by Te Heuheu Tukino IV and his people of the sacred mountain tops to the people of New Zealand in 1887, formed the nucleus of the first national park in New Zealand (and then only the fourth in the world). Significantly, this was the first such gift from an Indigenous people anywhere in the world. The Periodic Report states that the 'spirit of this gift fostered the formation of the national park network in New Zealand, and thus has safeguarded some of the most outstanding landscapes in the world from development'.

The high recognition, throughout New Zealand, of the rich cultural tapestry woven between Ngati Tuwharetoa and the Park has been clearly demonstrated in the 1987 centennial celebrations held throughout the country, World Heritage celebrations in 1998, the opening of the Whakapapa Visitor Centre and the prominence given to cultural values in the centre and in its audio visual presentations. The Visitor Centre provides a mechanism for reflection on the importance of the gift and of continuing to preserve and protect the mountains.

(b) Interrelationships in a designed cultural landscape – Royal Botanic Gardens of Kew (England)

The Royal Botanic Gardens of Kew (England) form an historic landscape garden whose elements illustrate significant periods of the art of gardens from the 18th to the 20th centuries. The gardens are situated on the south bank of the Thames River in the southwest of London and extend over 132ha. They include landscape features, edifices and collections which bear witness to a continuous development from the creation of the pleasure gardens in the 16th century to the current site, including the creation of the botanic gardens in 1759. The landscape consists of gardens, wooded glades, ornamental ponds and vistas. The gardens have made a significant and uninterrupted contribution to the study of plant diversity and botanical economics.

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584 UNESCO, n583.
In justifying the site for inscription as a designed cultural landscape, the Advisory Body Evaluation records that the State Party submitted that, from the early 18th century through to the present day, Kew has been situated at the heart of architectural, technological, scientific and landscape design developments due to its association with the British Royal Family, the British Empire and its role as the world’s premier botanic gardens and research centre. Kew’s exceptional and diverse living collections, supported by the comprehensive preserved collections, exemplify the active European cultural tradition of collecting and cultivating exotic plants for aesthetic, scientific and economic purposes. This tradition has also led to recording and monitoring of the very rich local biodiversity for over 120 years. The biodiversity includes an exceptional range of birds, insects, lichens and fungi; some of the latter have proved to be new to science.  

Finally, the Advisory Body Evaluation observes that the architectural ensemble at Kew includes a number of unrivalled buildings, including the 17th century Kew Palace, the 18th century Pagoda and the 19th century Palm House. The historic landscape within which these buildings are situated is said to be ‘a remarkable palimpsest of features from the 18th, 19th and 20th centuries’.

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586 Photo taken by the author on 9 August 2006.
587 Note 585.
588 Note 585.
Interrelationships in several examples of continuing cultural landscapes

Upper Middle Rhine Valley (Germany)

The 65km stretch of the Upper Middle Rhine Valley, with its castles, historic towns, and vineyards, graphically illustrates the long history of human involvement with a dramatic and varied natural landscape. It is intimately associated with history and legend and for centuries has exercised a powerful influence on writers, artists and composers.589

Since prehistoric times the Upper Middle Rhine Valley has been one of the most important transport routes in Europe, serving to promote the migration and exchange of ideas, products, and culture between the Mediterranean region and the northern part of the continent. The valley, which lies in the heart of the continent and has served on occasion both as a divide and as a bridge between East and West, boasts a strategic importance that has irrevocably linked it to the chequered history of the West.590

Figure 10: Middle Rhine Valley591

The Upper Middle Rhine Valley is a cultural landscape that has developed organically for over 2000 years, but whose character is still today determined by the inherited structural elements of the landscape such as settlements, transport infrastructure, and land-use. In a patchwork of

590 Note 589.
591 Photo taken by the author on 15 March 2008 at the ferry crossing on the banks of the Rhine River. Katz castle is on the hill top in the background.
small natural places legacies from all periods of its history and exceptional monuments have been preserved in numbers and a concentration that "no other European cultural landscape can rival." In its justification for the inscription of the site on the World Heritage List, the Advisory Body Evaluation records that the State Party submitted that:

The Middle Rhine Valley is an exceptional example of an evolving traditional way of life and means of communication in a narrow river valley. What is more, human transformation of the profile of its steep slopes into terracing constitutes an outstanding example of human land use handed down through the ages: the crops grown there and the designated land usage have influenced and shaped the landscape in many ways down through history.

(ii) Costiera Amalfitana (Italy)

Similarly, in its justification for inscription of the Costiera Amalfitana on the World Heritage List, the Advisory Body Evaluation records that the State Party submitted that:

The Amalfi coast can rightly be defined as an area of outstanding cultural value, the astonishing work of both nature and man. In this area, nature is both unspoilt and harmoniously fused with the results of man's activity. The landscape is marked by rocky areas, wood, and maquis, but also by citrus groves and vineyards, grown wherever human beings could find a suitable spot...The coastal areas have retained their distinctive features over the course of the centuries, and have played a major role in the history and culture of mankind.

Figure 11: Costiera Amalfitana

The Costiera Amalfitana is an outstanding cultural landscape covering an area of dramatic scenery rising steeply from the coast to rugged mountains. In assessing its outstanding universal

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592 Note 589.
593 Note 589.
595 Note 594.
value, the Advisory Body Evaluation records that within it there is an exceptional diversity of landscape types, ranging from ancient urban settlements through areas of intensive land-use and cultivation and pastoralism to areas untouched by human intervention. The complex topography and resulting climatic variations provide habitats for an exceptional range of plant species within a relatively confined area.

(iii) Rice Terraces of the Philippine Cordilleras (Philippines)

Finally, in relation to the Rice Terraces of the Philippine Cordilleras, Villalón provides two specific examples of the interrelationships between culture and nature. First, the harvesters’ ability to stand erect while harvesting and simultaneously chanting the hud-hud is only possible because of the waist-high highland variation in the rice strain, which is different from the lowland rice variety that requires bending to harvest stalks. Secondly, the non-shattering panicles (i.e. the rice stalks and flowers), make it possible to bundle the rice and transport the bundles manually on shoulder poles or on tops of heads for storage in granaries.

Villalón adds:

More culture-nature connectors are evident. Terraces are commonly built in three ways. Walls are constructed completely of stone. The second method is by building walls of packed mud. The third variation mixes a foundation course of stone and packed mud wall above ... A ring of private forests (muyong) caps each ... terrace group. The management of the muyong are closely regimented through traditional tribal practices. The owners of the forest parcels are fully conscious that they are participating in a collective effort. Their forests are essential in maintaining ecological balance and each owner knows that any negative intervention brings disadvantage not only to him, but also to the other terrace owners.

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597 Note 594.
598 Note 86.
Kuk Early Agricultural Site (Papua New Guinea), World Heritage listed as a relict cultural landscape in 2008, consists of 116ha of swamps in the southern highlands of New Guinea 1,500 metres above sea-level. Archaeological excavation has revealed the landscape to be one of wetland reclamation worked almost continuously for 7,000, and possibly for 10,000 years. It contains well-preserved archaeological remains demonstrating the technological leap which transformed plant exploitation to agriculture around 6,500 years ago. It is an excellent example of the transformation of agricultural practices over time, from cultivation mounds to draining the wetlands through to the digging of ditches with wooden tools. Kuk is one of the few places in the world where archaeological evidence suggests independent agricultural development and changes in agricultural practice over such a long period of time.601

The statement on outstanding universal value on the World Heritage Centre website for the site records the interrelationships between the natural and cultural values of the site in the following way:

The Kuk Early Agricultural Site, a well-preserved buried archaeological testimony, demonstrates an independent technological leap which transformed plant exploitation to

agriculture around 7,000-6,400 years ago, based on vegetative propagation of bananas, taro and yam. It is an excellent example of transformation of agricultural practices over time from mounds on wetland margins around 7,000-6,400 years ago to drainage of the wetlands through digging of ditches with wooden tools from 4,000BC to the present. The archaeological evidence reveals remarkably persistent but episodic traditional land-use and practices where the genesis of that land-use can be established and changes in practice over time demonstrated from possibly as early as 10,000BC to the present day.602

Figure 13: Kuk Early Agricultural Site603

4.7.2 Interrelationship themes in World Heritage cultural landscapes

The above mini case studies of cultural landscapes from each of the four cultural landscape categories demonstrate that interrelationships between culture and nature can be many and varied.604 The range in types of interrelationships is even more apparent on close review of Appendix 6. Clearly there can be no strict limit or rules around what types of interrelationships might be of World Heritage Value, but establishing some of the common themes and features in cultural landscapes will assist States Parties in identifying future potential listings and in developing further thematic studies to enhance conservation efforts. This is considered below.

Table 5 below provides a short-form analysis of Appendix 6 and builds on the work undertaken by Fowler in 2002605 in analysing the characteristics of each of the World Heritage cultural landscapes inscribed to date. It sets out the criteria for which each of the cultural landscapes has been inscribed on the World Heritage List and the key features of each of the landscapes.

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604 Such interrelationships range from the spiritual to the scientific and have evidently also arisen for varying practical land use reasons.
605 Fowler, n25 at 18.
Table 5: World Heritage cultural landscapes: 1993-2008 – analysis

In Table 5:
Year – Year of inscription on the World Heritage List as a cultural landscape.
State – The State Party nominating the cultural landscape for inscription on the World Heritage List.
Name – Name of the cultural landscape (generally shortened).
Criteria for listing –
(i) To represent a masterpiece of human creative genius;
(ii) To exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town-planning or landscape design;
(iii) To bear a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared;
(iv) To be an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history;
(v) To be an outstanding example of a traditional human settlement, land-use, or sea-use which is representative of a culture (or cultures), or human interaction with the environment especially when it has become vulnerable under the impact of irreversible change;
(vi) To be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance. (The Committee considers that this criterion should preferably be used in conjunction with other criteria);
(vii) To contain superlative natural phenomena or areas of exceptional natural beauty and aesthetic importance;
(viii) To be outstanding examples representing major stages of earth's history, including the record of life, significant on-going geological processes in the development of landforms, or significant geomorphic or physiographic features;
(ix) To be outstanding examples representing significant on-going ecological and biological processes in the evolution and development of terrestrial, fresh water, coastal and marine ecosystems and communities of plants and animals;
(x) To contain the most important and significant natural habitats for in-situ conservation of biological diversity, including those containing threatened species of outstanding universal value from the point of view of science or conservation.

Cultural Landscape Features – The following features are present in the cultural landscape
A Aesthetic/artistic beauty is a significant feature of the landscape.
B Buildings and/or monuments are present on the landscape.
C Continuity of life/land use is an important feature of the landscape.
D Agricultural, farming or pastoral use is a significant feature of the landscape.
E The landscape comprises in whole or part a park, garden or reserve.
F Industrial or mining purposes are a significant feature of the landscape.
G The landscape is or contains elements of which are significant for group identity.
H A mountain or mountains including monoliths are an integral part of the landscape.
P A locally-resident population is a significant part of the landscape and its management.
R The landscape possesses religious/spiritual value.
S Survival of people is a significant theme of the landscape.
T Towns or villages exist within the landscape.
V A vineyard/ viticultural landscape is a significant feature of the landscape.
W Water is an integral, or at least significant, part of the landscape (W1 – irrigation; WR – rivers; WL – lakes; WS – sea).
Z Commercial, trade, communication or other network is a significant feature of the landscape.
Other FW (Forest/Woodland), RA (Rock art).
* This list is subjective and neither all inclusive nor definitive.
<table>
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<tr>
<th>Year</th>
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### World Heritage Cultural Landscape Listings

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<td>Kii Mountain Range</td>
<td>✓ ✓ ✓ ✓ ✓</td>
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<tr>
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<td>Pico Island</td>
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<td>Koutammakou</td>
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<td>RA</td>
</tr>
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<td>Muskauert/ Muzakowski</td>
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<td>✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓</td>
<td>RA</td>
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<tr>
<td>2005</td>
<td>Israel</td>
<td>Incense Route</td>
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<td>✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓</td>
<td>RA/WR</td>
</tr>
<tr>
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<td>Osun-Osogbo</td>
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<tr>
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<tr>
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<td>Gobustan</td>
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<td></td>
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<td>Lopé-Okanda</td>
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<td>✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓</td>
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<td>Richtersveld</td>
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<td></td>
<td>Switzerland</td>
<td>Lavaux</td>
<td>✓ ✓ ✓ ✓ ✓</td>
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<tr>
<td>2008</td>
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<td>Stari Grad Plain</td>
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<tr>
<td></td>
<td>Mauritius</td>
<td>Le Morne</td>
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<td>✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓</td>
<td>RA/WR</td>
</tr>
<tr>
<td></td>
<td>Papua New Guinea</td>
<td>Kuk Early Ag. Site</td>
<td>✓ ✓ ✓ ✓ ✓</td>
<td>✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓</td>
<td>RA/WR</td>
</tr>
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<td></td>
<td>Vanuatu</td>
<td>Chief Roi</td>
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<td>✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓</td>
<td>RA/WR</td>
</tr>
<tr>
<td></td>
<td>Totals</td>
<td></td>
<td>6 21 40 41 33 15 4 2 3 2 38 62 39 37 31 8 29 32 23 25 27 44 10 47 9</td>
<td></td>
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</tr>
</tbody>
</table>
The review of each of the Advisory Body Evaluations, as summarised in Appendix 6, suggests a diversity of manifestations of culture-nature interrelationships. Table 5 highlights several particular themes. Certainly, there is an emphasis on primarily rural landscapes (mainly, with built structures), but there are also inscribed industrial and mining landscapes and landscapes with town centres and commercial elements. In addition, many landscapes have a locally-resident population (indicating that many landscapes are very much continuing landscapes), a large number of landscapes have aesthetic beauty, many have been used for farming practices, many contain a water body or water is otherwise a significant feature of the landscape, and many have spiritual values. Interestingly, by far and away the most common feature of all of the presently inscribed cultural landscapes is some built structure on the surface of the land, suggesting that tangible associations with the natural environment of outstanding universal value are or have been much easier to inscribe as cultural landscapes.

Table 5 also reveals that most cultural landscapes to date (41 out of 65) have been inscribed (often with other inscription criteria) on the basis of cultural criterion (iv), followed closely by criterion (iii) (40 out of 65). A review of the meaning of inscription criteria (iii) ('an exceptional testimony to a cultural tradition or civilization') and (iv) ('outstanding example of a type of building, architectural or technological ensemble'), in large part explains why the presence of a built form on the site is the central feature of most presently inscribed cultural landscapes.

Finally, the review confirms that the interrelationships between people and nature that have been deemed to be of outstanding universal value are many and varied, but that, as a guide, accepted or recognised forms of such interrelationships include:

- spiritual or other associations with mountains and forests;
- associations with water, such as lakes, rivers and the ocean or for irrigation purposes;
- rock art and cavernous living;
- agricultural and other farming practices, including viticulture and rice terraces;
- use of the land for mining and other industrial purposes;
- development of land for scenic or artistic purposes;
- creative use of the land to survive harsh environments;
- buildings and monuments that are derived from and form part of the surrounding natural environment;

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606 See columns I, T and Z of Table 5.
World Heritage Cultural Landscape Listings

- creative use of architecture that blends with the environment to create aesthetically pleasing outcomes;
- cultural routes (primarily commercial, but also spiritual); and
- national parks and sacred sites with cultural elements (generally structures).

However, there are some apparent gaps in the forms of interrelationships that have been recognised to date, albeit, primarily, at the extreme ends of a nature-culture continuum. For example, there presently appears to be very minimal recognition of entirely intangible interrelationships with the environment (e.g. spiritual). On the other hand, while towns and villages do form part of some cultural landscapes, there is almost no recognition of large urban (both historical and current) landscapes or city centres being listed as cultural landscapes. All presently listed cultural landscapes are also only terrestrial (albeit, that some involve bodies of water) and there are still very few linear cultural landscapes where the interrelationship with the environment arises as a result of a cultural route, such as a transportation or communications route or network. It is suggested that these sub-types of cultural landscapes should continue to be the subject of further research and thematic studies.

With an understanding of the background to the World Heritage conservation regime, the evolution of the cultural landscape concept and the defining characteristics of these areas, Part III of this thesis undertakes a review of the duties owed by States Parties to World Heritage and the types of implementation measures adopted by States Parties to fulfil these duties. It provides practical examples of the successes or failures of these implementation measures by undertaking case studies of Uluru-Kata Tjuta National Park (Australia)\footnote{Note 440.} and the Rice Terraces of the Philippine Cordilleras (Philippines).\footnote{Note 86.}
Part III

The Protection and Conservation of Cultural Landscapes
5 The Conservation of Cultural Landscapes: Clarifying the Obligations of States Parties

Cultural landscapes are at the interface between nature and culture. They represent the permanent interaction between humans and their environment, shaping the surface of the earth. With rapid social and economic development, cultural landscapes belong to the most fragile and threatened sites on earth. Adapted protection and proper management is urgently needed.609

This statement poignantly captures the importance of ensuring that appropriate measures are in place for the conservation of our fragile landscapes. In order to facilitate the effective conservation of these areas, it is first important to understand States Parties’ conservation obligations under the World Heritage Convention. This chapter identifies the provisions of the Convention that detail the obligations of States Parties to protect and conserve World Heritage. It identifies various ambiguities in the appropriate interpretation of the various obligations, and seeks to outline a framework for the provision of further details in relation to the principal elements of each of the duties under the Convention.

5.1 Understanding the obligations of States Parties

The World Heritage Convention places a number of obligations on States Parties that have ratified the document. In particular, Article 4 of the Convention establishes that each State Party has an active duty to ‘ensure the identification,610 protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in Articles 1 and 2’ [emphasis added].

Table 6 sets out the other major obligations of States Parties which, in many respects, flow from the broad nature of the duties under Article 4.611

609 Plachter & Rössler, n219.
610 In Australia, the identification duty has been expressly acknowledged by Dawson J in Queensland v Commonwealth (1989) 167 CLR 232 at 238, who commented that: ‘What emerges from the terms of the Convention with clarity is that it is for a State Party to identify for itself the cultural and natural heritage on its territory...an identification which the State Party is under a duty to make’.
611 In Australia, the duties of States Parties to the Convention have been considered in detail in Commonwealth v Tasmania (1983) 158 CLR 1 at 132-136 per Mason J, and Richardson v Forestry Commission (1987-88) 164 CLR 261 at 332—334 per Toohey J. These decisions are discussed in chapters 5 and 7. Appendix I contains the complete text of the Convention.
Table 6: Duties of States Parties under the World Heritage Convention

<table>
<thead>
<tr>
<th>Articles</th>
<th>Duty</th>
</tr>
</thead>
</table>
| 3        | Article 3 states that '[i]t is for each State Party to th[e] Convention to identify and delineate the different properties situated on its territory mentioned in Articles 1 and 2...'

In *Richardson v Forestry Commission*\(^{612}\) Mason and Brennan JJ indicated that Article 3 of the Convention imposed the duty of identification and delineation exclusively on the State Party, and not on any international or other body. However, as to what factors could be considered in this process, they stated that, read in conjunction with Article 4, the opening words of Article 5, and the acknowledgment of State sovereignty in Article 6, in carrying out this duty, the State Party ‘will naturally have to take account of competing considerations, economic and otherwise’.\(^{613}\)

| 4        | Article 4 states that each State Party ‘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 situated on its territory, belongs primarily to that State’. Article 4 adds that each State Party ‘will do all it can ..., 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, to protect, conserve, present and transmit world cultural and natural heritage’.

Clearly, there is a discrepancy between Articles 3 and 4. Article 3 implies that it is solely the duty of the State Party to identify and delineate World Heritage within its jurisdiction, whereas Article 4 indicates that the duty belongs primarily to that State.\(^{614}\) Further, Lenzerini submits that Article 4 refers only to a ‘duty’ and not a technical obligation to protect and conserve World Heritage in a manner that can be translated into specific requirements. He adds that Article 4 simply entails a commitment to not act in ways which are manifestly at odds with the purpose of the Convention.\(^{615}\) In one of the few domestic cases concerning the World Heritage Convention, Boer observes that the High Court of Australia in *Richardson v Forestry Commission*,\(^{616}\) indicated that the lack of qualification of the words ‘identification’ and ‘delineation’ reinforce the imposition of the duty of identification, ‘by making it plain that in the matter of identification and delineation the obligation rests exclusively, not primarily with that State’.\(^{617}\)

| 5        | Article 5 provides that each State Party has a further responsibility to take active and effective measures to protect, conserve and present their respective cultural and natural heritage, by, among other things, adopting policy measures, setting up territories, conducting research and taking appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of World Heritage; and fostering the establishment or development of national or regional centres for training in the protection, conservation and presentation of World Heritage.

Lenzerini submits that the obligations under Article 4 above are effectively ‘annihilated’ by Article 5 by virtue of the joint presence of the terms ‘shall endeavour’, ‘in so far as possible’ and ‘as appropriate’.\(^{618}\) While this position is certainly arguable, it is submitted that this is not the way that the Convention has been generally interpreted by most stakeholders and this was clearly not the intention of those responsible for the drafting of the Convention.

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\(^{612}\) Note 611.

\(^{613}\) Note 611 at paragraph 19. See also Dawson J in *Queensland v Commonwealth*, n610 at 245-6.

\(^{614}\) See Boer B, ‘Article 3: Identification and Delineation of World Heritage Properties’ in Francioni, n34 at 87-88.


\(^{616}\) Lenzerini, n615.

\(^{617}\) Boer, n614 at 87 citing *Richardson v Forestry Commission*, n611 at paragraph 19.

\(^{618}\) Lenzerini, n615 at 207.
The Conservation of Cultural Landscapes: Clarifying Obligations of States Parties

<table>
<thead>
<tr>
<th>Articles</th>
<th>Duty</th>
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</thead>
<tbody>
<tr>
<td>6</td>
<td>Article 6 states that &quot;...it is the duty of the international community as a whole to co-operate&quot; for the protection of World Heritage. Under Article 6, States Parties undertake to:</td>
</tr>
<tr>
<td></td>
<td>• give their help in the identification, protection, conservation and presentation of the cultural and natural heritage on the World Heritage List and the List of World Heritage in Danger, if the States on whose territory it is situated so request; and</td>
</tr>
<tr>
<td></td>
<td>• not to take any deliberate measures which might damage directly or indirectly the cultural and natural heritage situated on the territory of other States.</td>
</tr>
<tr>
<td></td>
<td>Lenzerini argues that the principle of cooperation entailed by Article 6 is inherently incapable of producing definite legal obligations which may be legally enforceable. 619</td>
</tr>
<tr>
<td>11 and 29</td>
<td>Under these Articles, each State Party has the duty to submit to the World Heritage Committee an inventory of property forming part of the cultural and natural heritage, as defined in Articles 1 and 2 of the Convention, which it considers as having outstanding universal value in terms of such criteria as it has established. 620 Further, each State Party has a duty to submit a periodic report to the General Conference of UNESCO, giving information on the legislative and administrative provisions which they have adopted and other measures they have taken for the application of the Convention, together with details of the experience acquired in this field.</td>
</tr>
<tr>
<td>16(1)</td>
<td>Under this Article, each State Party undertakes every two years to pay to the World Heritage Fund, contributions, the amount of which is determined by the General Assembly of States Parties to the Convention, meeting during the sessions of the General Conference of UNESCO.</td>
</tr>
<tr>
<td>17</td>
<td>Article 17 provides that each State Party must 'consider or encourage the establishment of national public and private foundations or associations whose purpose is to invite donations for the protection of the cultural and natural heritage as defined in Articles 1 and 2 of [the] Convention'.</td>
</tr>
<tr>
<td>18</td>
<td>Article 18 states that each State Party must give their assistance to international fund-raising campaigns organised for the World Heritage Fund under the auspices of UNESCO.</td>
</tr>
<tr>
<td>27</td>
<td>Article 27 requires that States Parties establish &quot;educational and information programs to strengthen appreciation and respect by their peoples of the cultural and natural heritage defined in Articles 1 and 2 of the Convention&quot;. 621</td>
</tr>
</tbody>
</table>

5.2 The Article 4 duties

Lenzerini’s observation concerning the impact of Article 5 aside, essentially all of the above duties and obligations clearly serve the overarching duties under Article 4 to ‘identify, protect, conserve, present and transmit’ the World Heritage for future generations. The scope of each of the duties under Article 4 is considered below.

5.2.1 Identification

To be included on the World Heritage List, sites must be of outstanding universal value and meet at least one out of ten selection criteria. These criteria are explained in the Operational Guidelines. The criteria are regularly revised by the Committee to reflect the evolution of the World Heritage concept itself. 622

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619 Lenzerini, n615 at 207.
620 Article II.
621 This includes information on the dangers threatening World Heritage and of the activities carried on in pursuance of the Convention.
622 Section II.D of the Operational Guidelines, n15. Until the end of 2004, World Heritage sites were selected on the basis of six cultural and four natural criteria. With the adoption of the revised Operational Guidelines in 2005, only one set of ten criteria exists. The selection criteria is set out in Appendix 6.
Article 3 of the World Heritage Convention states that the duty to identify and delineate the different World Heritage (as defined in Articles 1 and 2) is the duty of the States Parties to the Convention. The Operational Guidelines contain detailed provisions for the identification and delineation of specific types of properties, including cultural landscapes, towns, canals and routes.623

Identified properties are included in an ‘indicative list’ to be submitted under Article 11 to the World Heritage Committee, which is normally followed by the nomination of properties on the indicative list to the World Heritage List. The World Heritage Committee carefully considers the nomination document and reports prepared by the IUCN and ICOMOS.624 The Committee will then either accept the nomination, delay it until any queries are addressed, or reject it altogether. During this process of assessment, the precise point at which the duties under the World Heritage Convention become effective is unclear.

The question of whether the duty to protect World Heritage arises before or after identification was considered by the High Court of Australia in Richardson v Forestry Commission.625 The High Court of Australia found that protective action taken during assessment, but before official identification, was part of the carrying out and giving effect to the World Heritage Convention, as it is incidental to the duty to ensure that the property is protected while its status is being resolved.626 However, whether the obligation to protect World Heritage sites arises before or after World Heritage listing is by no means settled. Francioni and Lenzerini, for example, state that the Convention’s system of ‘safeguarding and protection is extended only to properties inscribed on the World Heritage List’.627 They go on to submit that, although Article 12 demands protection also for properties ‘...belonging to the cultural or natural heritage...not...included in either of the two lists mentioned in paragraphs 2 and 4 of Article 11...’, in practice, this provision has proved too soft for translating into practical outcomes.628

Establishing appropriate boundaries for World Heritage also forms part of the identification duty. Paragraphs 99-102 of the Operational Guidelines provide guidance on the appropriate delineation of World Heritage areas for their effective protection and conservation. Paragraph 99 provides that boundaries ‘should be drawn to ensure the full expression of the outstanding universal value and the integrity and/or authenticity of the property’.629 Paragraphs 100 and 101

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624 Namely, the IUCN, ICOMOS and ICCROM.
625 Mason and Brennan J, n611 at 290.
626 See Boer & Witten, n79 at 74-75 who similarly interpret the High Court’s judgment. See also Peek M & Reye S, ‘Judicial Interpretations of the World Heritage Convention in the Australian Courts’ in Hoffman, n425.
627 Francioni & Lenzerini, n347 at 407.
628 Francioni & Lenzerini, n347 at 407.
629 ‘Authenticity’ and ‘integrity’ are defined in Chapter 11E of the Operational Guidelines, n15.
The Conservation of Cultural Landscapes: Clarifying Obligations of States Parties

then identify specific considerations in determining boundaries, having regard to the selection criteria for which the World Heritage was listed.

Having regard to all the above, in short, the ‘identification’ duty as it relates to cultural landscapes should, ideally, comprise several considerations. First, implementation of a systematic process of nomination and assessment of potential cultural landscapes, including a formal process of review of the criteria for selection and the factors leading to the delineation of the boundaries and buffer zone of the cultural landscape. Secondly, identification of the category and sub-category within which the cultural landscape should be categorised and identification of the cultural and natural values of the landscape and the interrelationship between these values. Thirdly, identification of the stewards of the landscape (i.e., its owners and occupiers) and a thorough understanding of the history, use and significance of the cultural landscape over time, which will inform boundary, buffer zone and conservation decisions.

5.2.2 Protection and Conservation

The term ‘protection’ is not expressly defined in the World Heritage Convention. However, the Convention does define the composite term ‘international protection’ in Article 7:

For the purpose of this Convention, international protection of the world cultural and natural heritage shall be understood to mean the establishment of a system of international cooperation and assistance designed to support States Parties to the Convention in their efforts to conserve and identify that heritage.

Nevertheless, there is little guidance on what protection is appropriate at the domestic level. This has given rise to debate about whether the obligation is to the World Heritage property as a whole or to the outstanding values for which it is listed. This debate is considered in some detail later in this section.

The word ‘conservation’ is also not defined in the World Heritage Convention or in the Operational Guidelines. However, it appears generally accepted that conservation infers a maintenance obligation. Lucas, for example, suggests that conservation means: ‘...all the processes of looking after a place so as to retain its cultural significance which is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and objects’. The 1994 Nara Document on Authenticity contains the following definition in the context of cultural heritage: ‘Conservation: all efforts designed to understand cultural heritage, know its history, and meaning, ensure its material safeguard and, as required, its presentation, restoration

630 Having regard to paragraphs 99-102 of the Operational Guidelines, n15.
631 Lucas, n239.
and enhancement...". These definitions of conservation clearly contemplate some level of development in specific areas of natural and cultural heritage. The Operational Guidelines also refer to the idea of 'sustainable use' of World Heritage.

As noted earlier, on the 30th anniversary of the World Heritage Convention, it was confirmed that principles of international law are relevant to the interpretation of the Convention. Accordingly, the notion of sustainable development is relevant to understanding the conservation obligation, although the extent to which development is permissible in a World Heritage area remains controversial, particularly in the context of the continuing use of many cultural landscapes by Indigenous peoples and other local stakeholders and in light of the debate about whether the conservation duty relates to the World Heritage property or its values.

Having regard to the above, this thesis suggests that, at a minimum, the protection and conservation duty imposes several obligations. At the outset, on nomination and inscription of a cultural landscape, the state of conservation of the site must be clearly described. Any subsequent permitted development that may impact on the landscape must not change or alter the inherent natural and cultural factors that created the World Heritage and, in this respect, the duties are owed to the cultural landscape as a whole and not just the values for which it was listed (subject to the comments later in this chapter concerning the values approach versus the property approach). Further, the principles of international law (discussed below), in particular, the precautionary principle and the concept of sustainable development, must be applied in assessing any action that may pose a risk to the cultural landscape. In addition, maintenance to conserve the landscape should be proactive, involving a process of consultation with Indigenous peoples and other occupiers and owners of the land. Finally, a management plan should be in place for the cultural landscape setting out guidelines for the assessment of any activities within the boundaries of the landscape and the specifics of the measures for protection and conservation. The management measures set out in the management plan must be clearly defined, but must also be adaptive.

5.2.3 Presentation and Transmission

The World Heritage Convention and the Operational Guidelines also offer no direct guidance as to the meaning of 'presentation'. However, it is now generally understood that presentation

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632 Note 514.
633 Paragraph 119, n15.
634 See also the Preamble and Articles 31(1), 31(3) and 52 of the Vienna Convention on the Law of the Treaties.
635 As evidenced, for example, by the 2008 'World Heritage and Sustainable Development International Conference'. While not a UNESCO event, the conference was supported by the World Heritage Centre: http://whc.unesco.org/en/events/431, which follows earlier initiatives such as the 2006 'Heritage Conservation and Sustainable Development Conference' in Shaoxing, China: http://whc.unesco.org/en/events/316; accessed 15 January 2009.
636 This debate is discussed later in this chapter.
must not override the obligations to protect and conserve the property/area. Any damage to World Heritage purported to be for the purpose of its presentation must be restricted to creating access to the property/area or improving its amenity and does not mean that development will be generally permissible.

‘Transmission’ to future generations essentially requires that the property be protected and conserved through time in the same condition as it was (or as near to as possible) at the time of listing and at the time of any renomination and reassessment of the criteria for which the area is listed.

In summary, in the context of cultural landscapes, it appears that the duties to present and transmit require that measures to present the cultural landscape must not derogate from the dominant duty to protect and conserve. Accordingly, such presentation measures must only be taken in compliance with the principles of international law, in particular, the precautionary principle and the principle of sustainable development. There must be a formal process of consultation with Indigenous and other local communities living in or around a World Heritage landscape and consultation with the World Heritage Committee, recognising that the heritage is both of local and global significance. Any proposed development for the purpose of presenting the site must not breach the global trust held by each Party to the World Heritage Convention for the benefit of present and future generations and each generation must leave the cultural landscape in a basically unchanged condition from that existent at the time of nomination. In this respect, rehabilitation of damaged landscapes must be a proactive concern. Finally, selection criteria and protection, conservation, management and presentation measures should be regularly reviewed to ensure ongoing appropriateness and inclusiveness as the landscape and the surrounding environment continue to evolve over time.

5.2.4 Education, monitoring and review and public participation

Implicit in any effective implementation of the above duties, but also worthy of separate discussion, are the obligations under the World Heritage Convention for education and the facilitation of public participation in World Heritage conservation. Article 27(1) requires States Parties, by ‘appropriate means’, including ‘educational and information programs’ to ‘strengthen appreciation and respect’ for cultural and natural heritage. Article 27(2) further requires that States Parties keep the public informed about threats to this heritage and activities

637 Article II (4) of the Convention specifically refers to the threat to a World Heritage area or property by ‘large scale public or private projects or rapid urban or tourist development projects’.
638 Boer & Wiffen, n79 at 82.
639 Article 27.
640 See also paragraphs 14 and 15 (in particular, sub-paragraphs (c), (e), (g) and (m) of paragraph 15) of the Operational Guidelines, which also refer to the responsibility of States Parties to facilitate heritage protection and conservation by way of training, scientific and technical studies, research and education and information programs.
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carried out under the World Heritage Convention. Article 5(5) also specifically requires States Parties to establish or develop 'national or regional centres for training in the protection, conservation and presentation of cultural and natural heritage and to encourage scientific research in this field'. Public participation is clearly integral to this process, although the extent to which the public has a right to actively be involved in World Heritage conservation initiatives and decisions affecting cultural and natural heritage is not outlined in the World Heritage Convention. Paragraph 12 of the Operational Guidelines merely states that Parties to the Convention are 'encouraged' to ensure the participation of a wide variety of stakeholders, including 'site managers, local and regional governments, local communities, non-governmental organisations and other interested parties and partners in the identification, nomination and protection of World Heritage properties'.

Finally, the World Heritage Convention also contemplates a process of monitoring and review of the conservation status of World Heritage. In particular, Article 29 requires States Parties, in reports given to the World Heritage Committee, on dates determined by UNESCO, to 'give information on the legislative and administrative provisions which they have adopted' and 'other action taken to implement the Convention, together with any experience gained in the process.

5.2.5 Complying with the Duties

The Articles of the World Heritage Convention relating to the provision of international assistance to protect and conserve World Heritage recognise that World Heritage areas exist in developed and developing countries. The duties do not vary between developed nations with ample resources and developing nations with less capacity and resources. That is, regardless of a Party's resources, the duties to identify, protect, conserve, present and transmit the World Heritage in the condition it was at the time of entry on the World Heritage List or, to enhance its condition (subject to natural deleterious phenomena that cannot be stopped), remain the same.

While the existence of the duties under the World Heritage Convention is readily recognisable, the lack of certainty about the elements of the duties means that what is actually required to comply with the Convention (in particular Articles 4 and 5) is less than clear. Indeed, Justice Brennan of the High Court of Australia stated in the Tasmanian Dams Case, that:

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641 See Appendix 1.

642 In addition, Article 11(7) encourages 'studies and research' to establish the World Heritage List and List of World Heritage in Danger. See also section VI of the Operational Guidelines on encouraging support of the World Heritage Convention (including by capacity-building and research) and section 5(i) of Annex 5 on 'implementation of policies and programs'.

643 Article 29.

644 Article 29 is expanded upon in various paragraphs of the Operational Guidelines, including, but not limited to: paragraphs 15(n) (concerning the state of conservation of sites), 24(h) (which refers to the report by the World Heritage Committee every two years to the States Parties), 108-118 (which relate to management plans) and 189-174 (which set out the process for reactive monitoring by the Secretariat, other sectors of UNESCO and the Advisory Bodies). See also, generally, Annex 5 (in particular, sections 5(i) and 6) and Annex 7 of the Operational Guidelines.

645 See Articles 4, 13 and 18-26.
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The language of [Articles 4 and 5] is non-specific; the Convention does not spell out either the specific steps to be taken for the protection, conservation and presentation of the cultural and natural heritage situated on a State Party's territory nor the measure of resources which are to be committed by the State Party to that end.646

Justice Brennan also noted the discretion allowed in enacting legislation to protect World Heritage areas:

...the taking of appropriate legal measures necessary for the protection and conservation of the property is one of the appropriate steps mentioned in Art. 5. It is clear, however, that the selection of the appropriate legal measures is left by the Convention to the Party who is to discharge the obligation ...647

Notwithstanding these uncertainties, it is necessary to arrive at some conclusions about what actions taken by States Parties can reasonably be viewed as giving effect to their duties under the World Heritage Convention.

5.3 Action that fulfils the duties

Article 5 of the World Heritage Convention, as set out in Table 6 of this chapter, sets out a number of 'measures' for the 'effective and active' protection and conservation of World Heritage. In providing guidance on the proper interpretation of Article 5, Chapter l.C of the Operational Guidelines, in particular, paragraph 15, sets out further details in respect of each of the above responsibilities.

Under Chapter l.C of the Operational Guidelines, countries are:

• encouraged to become a Party to the Convention;648

• encouraged to ensure the participation of a wide variety of stakeholders, including site managers, local and regional governments, local communities, non-governmental organisations and other interested parties and partners in the identification, nomination and protection of World Heritage properties;649

• required to provide the Secretariat with the names and addresses of the governmental organisation(s) primarily responsible as national focal point(s) for the implementation of the Convention;650

646 Commonwealth v Tasmania, n611 at 158.
648 Paragraph 10 of the Operational Guidelines, n15.
649 Paragraph 12 of the Operational Guidelines, n15.
650 Paragraph 13 of the Operational Guidelines, n15.

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• encouraged to bring together their cultural and natural heritage experts at regular intervals to discuss the implementation of the Convention;\textsuperscript{651} and

• encouraged to attend sessions of the World Heritage Committee and subsidiary bodies.\textsuperscript{652}

In much more obligatory terms, paragraph 15 of the Operational Guidelines adds that States Parties, in acting cooperatively for the protection of World Heritage, must:

(a) ensure the identification, nomination, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage found within their territory, and give help in these tasks to other States Parties that request it;

(b) adopt general policies to give the heritage a function in the life of the community;

(c) integrate heritage protection into comprehensive planning programs;

(d) establish services for the protection, conservation and presentation of the heritage;

(e) develop scientific and technical studies to identify actions that would counteract the dangers that threaten the heritage;

(f) take appropriate legal, scientific, technical, administrative and financial measures to protect the heritage;

(g) foster the establishment or development of national or regional centres for training in the protection, conservation and presentation of the heritage and encourage scientific research in these fields;

(h) not take any deliberate measures that directly or indirectly damage their heritage or that of another State Party to the Convention;

(i) submit to the World Heritage Committee an inventory of properties suitable for inscription on the World Heritage List (referred to as a Tentative List);

(j) make regular contributions to the World Heritage Fund, the amount of which is determined by the General Assembly of States Parties to the Convention;

(k) consider and encourage the establishment of national, public and private foundations or associations to facilitate donations for the protection of World Heritage;

(l) give assistance to international fund-raising campaigns organised for the World Heritage Fund;

\textsuperscript{651} Paragraph 14 of the Operational Guidelines, \textit{n}15.

\textsuperscript{652} Paragraph 16 of the Operational Guidelines, \textit{n}15.
(m) use educational and information programs to strengthen appreciation and respect by their peoples of the cultural and natural heritage defined in Articles 1 and 2 of the Convention, and to keep the public informed of the dangers threatening this heritage; and

(n) provide information to the World Heritage Committee on the implementation of the World Heritage Convention and state of conservation of properties.

The Operational Guidelines further provide that the protection and management of World Heritage properties should ensure that the outstanding universal values of the site and the conditions of integrity and/or authenticity at the time of inscription are maintained or enhanced in the future. Paragraphs 97 and 98 of the Operational Guidelines add that all properties inscribed on the World Heritage List must have adequate long-term legislative, regulatory, institutional and/or traditional protection and management to ensure their safeguarding. Such measures are required to ‘assure the survival of the property and its protection against development and change that might negatively impact the outstanding universal value, or the integrity and/or authenticity of the property’. Ultimately, however, the non-specific language of Article 5 leaves to each Party the right and the responsibility to determine what measures will be used to effect its response.

5.4 Breaches of the duties

Any assessment of the measures taken to comply with the duties under the World Heritage Convention is difficult due to the non-specific language in Article 5 and the lack of certainty in relation to the components of the duties under Article 4. However, the language in Articles 4 and 5 and paragraph 15 of the Operational Guidelines supports the conclusion that protection is a positive duty and that its reason for being is to maintain and enhance the World Heritage legacy for future generations.

Confirmation of the positive nature of the duties and that the World Heritage List is not merely an ‘honour list’ to attract tourism revenue, is evidenced by the procedure in the Operational Guidelines for the deletion of a heritage item from the List and the obligations in respect of the management and maintenance of items on the World Heritage in Danger List.

Understanding that there are positive duties to protect and conserve World Heritage, it then becomes necessary to determine what in fact comprises the World Heritage in order to appropriately apply the duties and to determine when a breach of those duties has occurred. This is considered in detail below.

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653 Paragraph 96 of the Operational Guidelines, n15.
654 Paragraphs 177-191 of the Operational Guidelines, n15.
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5.5 Determining when a breach of the World Heritage Convention has occurred

5.5.1 World Heritage listing: values approach v property approach

Over the last decade and-a-half, a debate has ensued regarding the application of the duties under the World Heritage Convention. Primarily, this debate, which appears to have originated in Australia as outlined below, has revolved around whether the duties are owed in relation to the values for which a property, area, place or landscape is World Heritage listed or whether the duties are owed in relation to the property, place, area or landscape as a whole.

5.5.2 The values approach

The values approach to the duties requires that only the values of World Heritage are protected and conserved, not the property or area itself. Under this approach, activities that may harm the World Heritage area or property are permissible, provided that they do not significantly impact on the World Heritage values of that property or area.

Values attach to an object, building, place or landscape because it holds meaning for a social group due to its age, beauty, artistry or association with significant persons or events, or otherwise contributes to processes of cultural affiliation.

The High Court case of Commonwealth v Tasmania initiated World Heritage jurisprudence in Australia and squarely considered the obligation to protect and conserve, in particular, whether the duty under the World Heritage Convention was to protect World Heritage property or the values for which that property was listed.

It was submitted in several cases before the Court that what was defined as property under the World Heritage Properties Conservation Act 1983 (Cth), since repealed, was capable of having two meanings: an area with boundaries or, alternatively, some attribute or quality common to the concept of World Heritage. The High Court accepted the Commonwealth submissions that ‘property’ meant an ‘attribute’ or ‘value’ in World Heritage terms, although a case for the contrary approach was not put. This decision narrowed the focus of management from the World Heritage area boundaries to specific parts within those boundaries.

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655 Lennon J, ‘Values as the Basis for Management of World Heritage Cultural Landscapes’ in n22 at 120.
656 Note 611.
658 Commonwealth v Tasmania, n611.
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The Commonwealth submissions were plainly guided by legal and constitutional factors as well as an economically motivated political will to allow development in World Heritage areas. For example, the need to accommodate exploitative fishing interests and a substantial tourist industry within the Great Barrier Reef World Heritage Area meant that management revolved around whether or not these, and other like industries, were presently damaging or were likely to damage 'World Heritage values'. The narrow interpretation of property to values within property was necessary to ensure the continuation of these various interests.

Advocates of the values approach to World Heritage conservation and protection point out that the World Heritage Convention and the Operational Guidelines emphasise the protection of 'heritage'. The Convention in defining heritage does not make reference to property. These advocates, such as Lennon, are generally those who wish to see ongoing development in World Heritage areas, usually for tourist revenue purposes. They argue that the obligation to 'present' the World Heritage allows damage to the area for this purpose. This argument is strongly criticised by supporters of the property approach who differentiate between damage for presentation purposes and other types of damage (see below).

Critics of the values approach to the duties argue that this approach necessarily affords a lesser standard of protection to World Heritage areas and, accordingly, falls short of a States Party's obligation to 'do all it can' to fulfil the duties.

5.5.3 The property approach

The property approach endorses the view that the duties are owed in relation to the property as a whole. Supporters of this view refer to Article 11 and the Operational Guidelines as clearly establishing that the duties are owed to the whole of the property.

Further, support for the property approach can be found in the fact that the entry of a property on the World Heritage List gives protection to 'natural features', 'geological and physiographical formations', and to spatial concepts such as 'sites' and 'precisely delineated areas'. The Operational Guidelines and the conditions of integrity also broaden the spatial concept in the

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660 The WHPC Act was based on three grounds of constitutional power: external affairs, corporations and race (ss 51(xxix), 51(xx) and 51(xxvi) of the Constitution of Australia).
661 Note 659. See also Haigh D, 'Marine World Heritage Sites' (1997) 2 Asia Pacific Journal of Environment Law 133 at 142.
662 Articles I and 2.
663 Lennon, n655.
664 Lennon, n655.
665 Article 5 of the Convention.
666 See also the discussion in Boer & Wiffen, n79 at 76-79.
667 Article 11(1) specifically refers to World Heritage 'property'.
668 Articles 2 and 3.
World Heritage Convention by reference to a ‘coral reef’, ‘ecosystems’,\textsuperscript{669} sites such as ‘an ice age area’,\textsuperscript{670} and sites such as a ‘tropical rainforest’\textsuperscript{671} or a ‘tropical savannah’.\textsuperscript{672}

Under the property approach, ‘damage’ to World Heritage is only permissible for the purpose of presenting the site.\textsuperscript{673} For example, lighting or access or other amenities could be provided because these ‘presentation’ activities would not sacrifice conservation. Similarly, in a natural area, a fire trail, observation deck and toilet facility may be seen as a conservation measure. Viewing platforms for tourists and tracks would come under ‘presentation’. Other more major activities such as highways, resorts, dams, marinas and channels, would be categorised as ‘development’ not ‘presentation’. These activities fail the test of presentation (and the duty to protect and conserve World Heritage) because they are not so imperative to presentation of the area that their location cannot be on an alternative site removed from the World Heritage area.

Adopting the property approach, Haigh postulates that an appropriate test for assessing a breach of the duties to protect the World Heritage is as follows:

A Party shall ask whether the particular activity is for the protection, conservation or presentation of the property or area...

A Party shall not take any measures that might cause damage directly or indirectly to the property or delineated area determined by the Committee to be necessary to protect the integrity of World Heritage.

‘Damage’ shall mean ‘some damage’ for the purposes of the protection and the presentation of the property subject to the duty to transmit the area to future generations in essentially the same condition existent at the time of its entry on the World Heritage List.\textsuperscript{674}

While there is no doubt that the property approach affords greater protection to World Heritage areas, it is submitted that a strict application of the property approach to cultural landscapes could be detrimental. Consequently, a tailored form of this approach, that incorporates aspects of the values approach, is necessary. This is discussed in further detail below.

\subsection*{5.5.4 Current understanding of the nature of and the proper approach to the duties}

The issue of whether the duties are owed to the identified values or the property as a whole was canvassed during discussions for the redrafting of the Operational Guidelines in 2002 and

\textsuperscript{669} Paragraph 95 of the Operational Guidelines, n15.

\textsuperscript{670} Paragraph 93 of the Operational Guidelines, n15.

\textsuperscript{671} Paragraph 94 of the Operational Guidelines, n15.

\textsuperscript{672} Paragraph 95 of the Operational Guidelines, n15.


\textsuperscript{674} Haigh, n673 at 206.
2003. The IUCN, in a legal opinion submitted through its Environmental Law Program, indicated that the Operational Guidelines ‘should reflect the World Heritage Convention’s requirement that States Parties take all appropriate measures to protect all of the listed property, without limiting protection to particular areas, characteristics, values or elements’. Accordingly, it argued that the protection of World Heritage property refers to the protection of the whole of the inscribed property.\textsuperscript{675} The IUCN further submitted that:

‘Outstanding Universal Value’ is a ‘holistic concept’ i.e. it is based upon a careful consideration of a combination of issues, conditions and factors...it may be that many sites possess particular characteristics of note, but it is the combination of them, and the presence of factors relevant to site integrity, which mean that this particular property has Outstanding Universal Value. The entire property must be protected and managed, without singling out particular portions of it, or particular attributes or characteristics.\textsuperscript{676}

The Committee agreed that the World Heritage Convention does not refer to the concept of ‘values’ being in need of protection. On the contrary, it specifically refers to the World Heritage ‘property’. Accordingly, the Committee determined that the words ‘outstanding universal value’ are to be assessed according to Articles 1 and 2 of the World Heritage Convention, incorporating a judgment about the property’s integrity/authenticity. This approach recognises that there are a multiplicity of factors present in a World Heritage area, rather than specific values. It reflects the fact that the property is inscribed on the World Heritage List, not its values.\textsuperscript{677}

While the nature of the duty remains controversial, it is now largely agreed that the obligation is in respect of the property as a whole and not merely the values for which the property is listed. This can be seen in the latest version of the Operational Guidelines which recognise the necessity of delineating adequate boundaries to ensure the full expression of the outstanding universal value and the integrity and/or authenticity\textsuperscript{678} of the World Heritage property.\textsuperscript{679}

5.5.5 Difficulties with the property approach for the protection and conservation of cultural landscapes

One difficulty with the property approach for the conservation of cultural landscapes is that the boundaries of these landscapes are not always easy to delineate and may not be well defined at the time of nomination.\textsuperscript{680} Consequently, it is not necessarily safe to assume that an area within delineated boundaries reflects the extent of the outstanding values in every case.

\textsuperscript{676} IUCN, n675 at 11.
\textsuperscript{677} Francioni & Lenzerini, n347 at 392.
\textsuperscript{678} Operational Guidelines, paragraphs 79-95 concerning the conditions of integrity and/or authenticity, n15.
\textsuperscript{679} Paragraphs 99-102 of the Operational Guidelines, n15.
\textsuperscript{680} This is considered in detail in chapter 8.
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Nevertheless, there is little doubt that the property approach affords greater protection to cultural landscapes than the values approach. This means, however, that careful consideration must be
given to the appropriate boundaries of cultural landscapes and the basis upon which those boundaries should be determined.

Another problem with strictly applying the property approach to cultural landscapes is that many cultural landscapes, such as continuing and associative cultural landscapes, cannot be perceived as museums, as a level of change is an integral part of their conservation and evolution. In this respect, Louka's observations in relation to the design and operation of the World Heritage Convention are relevant: '[t]he problem with the Convention is that it has not been able to disassociate itself from conservation models that mandate the separation of natural sites from the populations that live in them'.\(^{681}\) Louka adds that this artificial separation of human activity from the 'natural environment' propagates myths of pristine natural areas that have been responsible for the evictions of local populations and human rights violations in the developing world.\(^{682}\) It also, arguably, does not have regard to the reality that an ongoing human presence is very much a feature of many World Heritage sites, including cultural landscapes. Accordingly, while the property approach should continue to apply to cultural landscapes, as it affords the greatest level of protection, the application of a tailored form of this approach to cultural landscapes requires further consideration. Such a tailored approach might incorporate sustainable development practices\(^{683}\) and emphasise the importance of stewardship and local governance where local populations are very much a part of and continue to play a critical role in the maintenance of the outstanding universal values of the site.\(^{684}\)

5.6 Setting the standard

In circumstances where the nature of the duties under the World Heritage Convention for the conservation of cultural landscapes is not entirely clear and not well understood, it becomes more difficult for States Parties to demonstrate compliance with these duties. This also makes systematic monitoring of World Heritage, as envisaged by Article 29, difficult.\(^{685}\)

However, on the understanding that the overarching duties under the World Heritage Convention are to 'identify, protect, conserve, present and transmit' the world's cultural and

\(^{681}\) Note 182 at 318.

\(^{682}\) Note 182 at 318-319.

\(^{683}\) Such practices would be premised on the other relevant principles of international law set out in this chapter.

\(^{684}\) Having regard to the observations of Louka, the strict application of the property approach to natural areas might also require reconsideration in some contexts to consider if there is in fact greater benefit to the preservation of the outstanding universal values of such sites in incorporating sustainable development practices. However, it is acknowledged that this is a contentious proposition and it is beyond the scope of this thesis to consider this further here.

natural heritage, and from the above review of the debates regarding the nature and application of the duties, for the purpose of this analysis, this thesis has adopted the following assumptions:

(a) the duties are owed in relation to the World Heritage property and not just in respect of the values for which the World Heritage is listed;

(b) that some development is permissible within 'World Heritage' cultural landscapes, but only where this development is necessary for the presentation of the landscape or is in keeping with the evolution of its outstanding universal values; and

(c) education, public participation and monitoring and review form part of the above duties.

It is against these points that the effectiveness of measures to implement and comply with the World Heritage Convention will be assessed in the analysis of the two case studies considered by this thesis in chapter 7.

5.7 Principles of international law as they relate to World Heritage

In adopting the above points, as foreshadowed in chapter 2, various principles of international law are also relevant to the interpretation of the World Heritage Convention and the proper application of the duties to cultural landscapes. Accordingly, it is important to understand how these principles have and should be applied to the protection and conservation of cultural landscapes and other forms of World Heritage.

5.7.1 The common heritage of humankind

This principle of common heritage gives the international community a legitimate interest in resources of global significance and a common responsibility to assist in their sustainable development. Accordingly, insofar as States continue to enjoy sovereignty over their own natural resources and the freedom to determine how they will be used, this sovereignty is not unlimited or absolute. It must be exercised within the confines of the global responsibilities of international conventions, such as the World Heritage Convention.

Although still important conceptually, the principle today is largely limited to the deep seabed, the oceans, the atmosphere, Antarctica, outer space and the moon, certain cultural landmarks, and possibly certain genetic resources. Nevertheless, its application to World Heritage conservation remains important and this is implicit in the Preamble to the World Heritage Convention, which states:


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Deterioration or disappearance of any...cultural and natural heritage constitutes a harmful impoverishment of the heritage of all nations of the world...[P]arts of the cultural and natural heritage...need to be preserved as part of the world heritage to mankind.

5.7.2 The principle of intergenerational equity

Similarly, the principle of intergenerational equity requires each generation to use and develop its natural and cultural heritage in such a manner that it can be passed on to future generations in no worse condition than it was received. 688 Central to this idea is the need to conserve options for the future use of resources, including their quality, and that of the natural environment. 689 It is submitted that the principle of intergenerational equity is implicit in the extract from the Preamble to the World Heritage Convention set out above and it is also evident in Article 4(1) of the Convention, which stipulates that each State Party recognises a duty to ensure the ‘transmission to future generations’ of World Heritage. 690

5.7.3 The principle of cooperation

The obligation upon States to cooperate in addressing international issues is a binding rule of international law. 691 Securing the aims of the World Heritage Convention requires that States cooperate on the widest possible basis in subjecting national sovereignty to the necessary international obligations of cooperation. 692 Zacharias argues that the principle of cooperation can be deduced from the sum of the provisions in the World Heritage Convention, which indicates that the World Heritage Committee can only act on an initiative of the State Party concerned or with the consent of the States Parties or must, at least, consult the States Parties. 693 Indeed, Meyer states that Article 7, which imposes a duty on the international community to ‘cooperate’ in the ‘protection’ of World Heritage, ‘in effect sets forth the essential purpose of the convention and was once proposed as the lead Article of the convention. The suggestion was not adopted however because the convention also covers national means of protection’. 694 Meyer adds that the system of international cooperation and assistance referred to in Article 7 is established by Articles 8 through to 29 of the Convention, which relate to the World Heritage Committee, the


690 See also Zacharias, n647 at 1859.

691 Hunter et al, n687 at 525.


693 Article 11(1), (3) and (6) and Article 13(1)-(3) and Article 19 of the Convention. Zacharias writes that the principle is applied vertically, rather than horizontally, in the Convention, with the exception of Article 7. Zacharias adds that the closely related principle of subsidiarity is also laid down in recitals 3 and 5 of the Preamble and in Articles 4, 7, 21(1) and 25 of the Convention, n647 at 1860.

694 Meyer, n17 at 52.
two World Heritage Lists, the World Heritage Fund, Conditions and Arrangements for International Assistance and Educational Programs and Reports.695

Good neighbourliness and the duty to cooperate are reflected, in part, in Article 1.3 of the 1945 Charter of the United Nations, which includes among the purposes of the United Nations ‘to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character’.696 However, this is not to derogate from the prohibition on intervention in matters essentially within the jurisdiction of States (Article 2(7)). In this respect, the UN Declaration on Principles of International Law, Friendly Relations and Cooperation Among States in Accordance with the Charter of the United Nations (1970), which, in elaborating the general obligation to cooperate, sets out that:

c. States shall conduct their international relations in the economic, social, cultural, technical and trade fields in accordance with the principles of sovereign equality and non-intervention.697

This confirms that the principle of cooperation is subject to the principle of sovereignty, which is also very clear from the terms of Article 6 of the World Heritage Convention. Article 6 states:

While fully respecting the sovereignty of the States on whose territory the cultural and natural heritage mentioned in Articles 1 and 2 is situated, and without prejudice to property rights provided by national legislation, the States Parties to this Convention recognise that such heritage constitutes a World Heritage for whose protection it is the duty of the international community as a whole to co-operate.

5.7.4 The principle of sustainable development

The principle of sustainable development refers to the sustainable utilisation of natural resources, the integration of environmental protection and economic development, the right to development, the pursuit of equitable allocation of resources both within the present generation and between present and future generations, and the internalisation of environmental costs through application of the ‘polluter pays’ principle.698 An early and widely accepted definition is found in the Brundtland Report: ‘development that meets the needs of the present without compromising the ability of future generations to meet their own needs’.699

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695 Note 694.
697 See generally the paragraph on ‘The duty of States to co-operate with one another in accordance with the Charter’.
699 Note 12.
Stephens observes that, in one of the most environmentally significant passages to be found in any of its decisions, the International Court of Justice 'identified the development of international environmental law in tandem with growing scientific awareness of environmental risks' and expressly referred to the principle of sustainable development in the *Case Concerning the Gabčíkovo-Nagymaros Project* in the following way:700

> Throughout the ages, mankind has, for economic and other reasons, constantly interfered with nature. In the past, this was often done without consideration of the effects upon the environment. Owing to new scientific insights and to a growing awareness of the risks for mankind — for present and future generations — of pursuit of such interventions at an unconsidered and unabated pace, new norms and standards have been developed, set forth in a great number of instruments during the last two decades. Such new norms have to be taken into consideration, and such new standards given proper weight, not only when States contemplate new activities but also when continuing with activities begun in the past. This need to reconcile economic development with protection of the environment is aptly expressed in the concept of sustainable development.701

Judge Weeramantry, in his separate opinion, explored the principle in greater detail, but stopped short of recognising the notion as a binding norm.702 However, for Judge Weeramantry, sustainable development ‘was more than a mere concept’ and was ‘a principle with normative value’.703 Judge Weeramantry concluded that sustainable development was ‘one of the most ancient ideas in the human heritage’704 and it reconciled what he considered to be two human rights: the right to environment and the right to development.705

The principle of sustainable development has applied and continues to apply to those World Heritage sites that espouse natural heritage values.706 An important philosophical and practical question that arises when considering the impact of developmental activities on the environment is whether and how the concept of sustainable development can be applied to both the natural environment and the cultural environment and how the principle influences the law relating to heritage conservation in both its natural and cultural aspects. In this respect, Boer and Wiffen observe that a number of recent international instruments have sought to expand upon the link between cultural heritage and sustainable development.707 For example, one of the principles of

701 From the Opinion of the Court in *Case Concerning the Gabčíkovo-Nagymaros Project* [1997] ICJ Rep 7 at 140.
702 Stephens, n700 at 183.
703 Note 701. Separate opinion of Vice-President Weeramantry at 88.
704 Note 701. Separate opinion of Vice-President Weeramantry at 110.
705 Stephens, n700 at 184.
706 This is so notwithstanding the objective of the Convention to protect and conserve a World Heritage from any harm, not simply unsustainable harm.
707 Boer & Wiffen, n79 at 16.
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The Convention on the Protection and Promotion of the Diversity of Cultural Expressions of 2005 relates to the sustainability of cultural development:

Cultural diversity is a rich asset for individuals and societies. The protection, promotion and maintenance of cultural diversity are an essential requirement for sustainable development for the benefit of present and future generations.708

The link between cultural heritage and sustainable development is also recognised in the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage, where it is stated that, for the purpose of the Convention:

...consideration will be given solely to such intangible cultural heritage as is compatible with existing international human rights instruments, as well as with the requirements of mutual respect among communities, groups and individuals, and of sustainable development.709

In addition, Boer and Wiffen note that the Preamble to the above Convention identifies ‘the importance of the intangible heritage as a mainspring of cultural diversity and a guarantee to sustainable development’.710

The application of sustainable development to both cultural and natural heritage is most clearly made in the current version of the Operational Guidelines under the World Heritage Convention. In defining ‘sustainable use’ in the context of World Heritage, the Operational Guidelines state that ‘any uses [of World Heritage properties] should be ecologically and culturally sustainable’.711

While the relevance of the principle of sustainable development for World Heritage in the past may have been questionable, the principle should now play an important role in cultural landscape conservation, in particular, the conservation of continuing cultural landscapes where important decisions will need to be made about appropriate and acceptable levels and types of change and development.

Having regard to the above, it is submitted that the principle of sustainable development is implicit in the World Heritage Convention, notwithstanding the fact that the principle was not recognised as such at the time of its inception.712 Indeed, Zacharias submits that the principle is prominent in all of the recitals of the Preamble of the Convention, ‘since they suggest the

710 Boer & Wiffen, n79 at 16. See also paragraph 6 of the Operational Guidelines, n15, which states: ‘Since the adoption of the Convention in 1972, the international community has embraced the concept of "sustainable development". The protection and conservation of the natural and cultural heritage are a significant contribution to sustainable development'.
711 Paragraph 119 of the Operational Guidelines, n15.
712 This proposition is supported by writers such as French who states that ‘…to suggest that the concept, or the principles underlying it, were unknown in international law prior to [the 1987 Brundtland Report] is to neglect the historical evolution of the concept within domestic and international law and policy’, n698 at 37.
increasing threats to the stock of world cultural and natural heritage' by the 'traditional causes of
decay, changing social and economic conditions and the need to preserve this heritage as part of
the common heritage of mankind'.713 Zacharias also points to Article 5(a) of the World Heritage
Convention, which states that World Heritage must be given a 'function in the life of the
community', and Article 5(d) of the Convention stipulates that it must be 'identified, protected,
conserved, presented and rehabilitated'.714

Without doubt, the implications of the principle of sustainable development for the
conservation and management of World Heritage is somewhat controversial. Environmental
management and the notion of sustainability essentially involve the acceptance of a certain level
of risk to the environment. Accepting some level of risk to a World Heritage area would seem to
be inconsistent with the premise of the World Heritage Convention that World Heritage areas
encompass the most outstanding values in the world and, therefore, deserve the highest level of
protection. However, Boer and Fowler note that the Convention provides for 'conservation' as
well as 'presentation'. Accordingly, they suggest that, adopting a wide interpretation, this could
be taken to allow ecologically sustainable use, but only if that use was consistent with the
conservation of World Heritage values.715 Article 5 of the World Heritage Convention arguably
supports this view by requiring that 'scientific and technical studies and research' be developed
'capable of counteracting the dangers' to the area.

It is clear that many World Heritage areas cannot be entirely locked away.716 To do so would
be contrary to the World Heritage Convention's obligation to present the areas and to give them a
place in the life of the community. However, what constitutes an acceptable level of damage, or
even what constitutes damage is a matter for assessment and judgment by each State Party. In
the spirit of the Convention's objectives, the aim should be to minimise damage and ensure that
World Heritage values are not diminished.

5.7.5 The precautionary principle

The precautionary principle reflects the recognition that scientific certainty often comes too
late to design effective legal and policy responses for preventing many potential environmental
threats.717 The precautionary principle addresses how environmental decisions are made in the
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face of uncertainty. The International Court of Justice implicitly referred to the precautionary principle in its judgment in the Case Concerning the Gabčíkovo-Nagymaros Project in the following way:

The Court is mindful that, in the field of environmental protection, vigilance and prevention are required on account of the often irreversible character of damage to the environment and of the limitations inherent in the very mechanism of reparation of this type of damage.

Like the principle of prevention, the principle is concerned with taking anticipatory actions to avoid environmental harm before it occurs. Accordingly, compliance with the precautionary principle means that to allow ‘deliberate’ action that ‘might’ damage a World Heritage area would be a breach of the World Heritage Convention. The only means to avoid this outcome would be a detailed assessment of the likely environmental impacts on the area. Once known, these impacts would only be permissible if there was minimal damage to the area to further its presentation. The precautionary principle also requires that the ‘management’ of World Heritage be proactive and not reactive.

The precautionary principle has been applied to World Heritage in Australia by the High Court in Richardson v Forestry Commission, which held that the Commonwealth Government has the power to take interim protective measures for the purpose of determining whether it has an obligation to protect and preserve World Heritage under the World Heritage Convention. While Mason CJ and Brennan J did not specifically refer to the principle, their Honours held that:

If part of an area might possess world heritage characteristics and if that part might be damaged unless the area is protected by legislative measures appropriate to preserve that part, a failure to take those measures involves a risk that the Convention obligation will not be discharged. It is only by taking those measures that the risk of failing to discharge the Convention obligation can be avoided.

In the case of Friends of Hinchinbrook Society Inc v Minister for the Environment (No 2), the Court took the view that, acting prudently, that is, within the ordinary workings of harm prevention, may be sufficient for precautionary purposes. In that case, Justice Sackville of the

719 Note 701.
720 The principle of preventative action is closely related to the precautionary principle and involves taking steps to avoid environmental harm. See, for example, the discussion in Stephens, n700, in which Stephens examines the application of the principle in various international environmental law disputes.
722 Note 611.
723 Note 611 at 33.
724 Note 657.
725 Peel, n718 at 204.
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Federal Court was satisfied that any requirement on the Environment Minister to consider the precautionary principle in authorising development adjacent to a World Heritage listed area would have been met as:

[B]efore making a final decision, he took steps to put in place arrangements designed to address the matters of concern identified in the scientific reports and other material available to him. The implementation of these arrangements...indicate that the Minister accepted that he should act cautiously in assessing and addressing the risks to World Heritage values. 726

The benefits of the application of the precautionary principle to the protection and conservation of World Heritage is obvious and Zacharias submits that the principle is implicit in Article 5(c) of the World Heritage Convention, which stipulates that each State Party shall endeavour to develop 'scientific and technical studies and research' and to work out the necessary operating methods as well as making it 'capable of counteracting dangers' that threaten its cultural or natural heritage. 727 This suggests that the State Party is not allowed to take deliberate action that might damage the World Heritage site and that a detailed assessment of the likely environmental impacts on the site must be conducted. 728

The adoption of the precautionary principle by the World Heritage Committee as a consideration in decision making in general will encourage States Parties and the Advisory Bodies to use existing and emerging knowledge relating to the implementation of the precautionary approach to deal more effectively and proactively with risk and uncertainty on the impact of certain actions and activities, human-induced or natural, on cultural landscapes and other World Heritage sites. 729 The precautionary principle should also be explicitly incorporated in the Operational Guidelines so as to assist in decision-making about acceptable change or development within cultural landscapes. 730

726 Note 724 at 79. See also Greenpeace New Zealand Inc v Minister of Fisheries, Unreported, High Court of New Zealand, CP492/93, 27 November 1995.

727 Zacharias, n647 at 1859.

728 Zacharias, n647 at 1859-1860.


731 The removal of Dresden Elbe Valley (Germany) from the World Heritage List on account of the construction of a four lane road through the cultural landscape is just one example of why the application of the precautionary principle must be clearly identified in the Operational Guidelines as forming part of the conservation obligations under the World Heritage Convention. See n10. Similarly, a decision by the Oman government to reduce the size of the Arabian Oryx Sanctuary Oman by 90% to pursue hydrocarbon exploration activities within the boundaries of the property was considered by the World Heritage Committee as leading the property to [deteriorate] to the extent of losing its outstanding universal value and integrity'. The site was consequently removed from the World Heritage List. See Decision 31COM 7B.11, available in Doc. WHC-07/31.COM of 31 July 2007 at 50.
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5.7.6 The inter-temporal rule

The inter-temporal rule has traditionally been understood to mean that the validity and interpretation of provisions of a treaty are determined by reference to the law as it was when the instrument was drafted. However, human rights and environmental provisions have come to be regarded as exceptions to this general rule. For example, in the International Court of Justice in the 1997 Case Concerning the Gabčíkovo-Nagymaros Project, Judge Weeramantry’s separate opinion argued that the inter-temporal rule could not be applied to prevent the application of current environmental norms when interpreting the 1977 Danube River Treaty. His Honour noted that ‘no action should be permissible which is today considered environmentally unsound, even though it is taken under an instrument of more than 20 years ago’. On the basis of this dictum, Boer has argued that the World Heritage Committee may consider the interpretation of the World Heritage Convention in the light of modern scientific and legal understandings of World Heritage values.

5.7.7 The principle of sovereignty

State sovereignty, in a legal sense, signifies the right to exercise, within a State’s boundaries and to the exclusion of other States, the functions of a State such as the exercise of jurisdiction and enforcement of laws and persons therein. In short, sovereignty reflects ‘the broad sweep of responsibilities, rights, authorities and powers that international law bestows when it confers “Statehood”’. A principal constraint to the effectiveness of the World Heritage Convention is the principle of sovereignty, in particular, impingement of sovereignty, transfer of sovereignty and the endangerment of properties due to internal conflict. However, Hunter et al suggest that State sovereignty is subject to the general duty not to harm the interests of other States. Further, more broadly, the emergence of the principle of intergenerational equity also arguably challenges the supremacy of the principle of State sovereignty. In a World Heritage context, this means that a State’s sovereign right to pursue its own development path may now be conditioned to reflect

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732 Island of Palmas Arbitration (The Netherlands v. United States of America) (1928) 2 RIAA 829.
734 Note 701.
735 Paragraph 141, n701.
736 Boer B, ‘World Heritage Disputes in Australia’ (1992) 7 Journal of Environmental Law and Litigation 247-279. This is also evident by the fact that cultural landscapes have been embraced by the international community as a form of World Heritage.
739 Hunter et al, n687 at 475.
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the common goal of World Heritage conservation.\textsuperscript{740} This view is supported, for example, by Bosselmann who states that the designation of protected areas under the World Heritage Convention 'effectively restrict[s] the permanent sovereignty over national resources'.\textsuperscript{741} Meyer similarly observes that the Convention does make an inroad into sovereignty to the extent that, 'the States Parties recognize an international “interest” or “right” in purely national real estate'.\textsuperscript{742}

The final text of the World Heritage Convention, although largely inspired by the fundamental idea that cultural and natural heritage of outstanding universal value must be protected in the general interest of humanity, remains secondary to the recognition of the supreme sovereignty of States with respect to the properties located within their respective territories.\textsuperscript{743}

A further problem linked to the sovereignty-oriented approach followed by the drafters of the World Heritage Convention lies in the fact that the Convention is applicable only to areas subject to national sovereignty. This prevents the consideration for World Heritage inscription of sites located in areas over which sovereignty is claimed by more than one State (unless the States concerned decide to proceed to a joint nomination),\textsuperscript{744} over areas considered by many States to be beyond State sovereignty, such as Antarctica,\textsuperscript{745} and over areas of the commons such as the high seas. These problems are not easily surmountable and, therefore, the principle of international cooperation becomes critical where assertions of sovereignty threaten to undermine World Heritage cultural landscape conservation efforts. This issue is important in the context of World Heritage cultural landscape conservation, as several of these sites are transboundary.\textsuperscript{746}

Complementing the above principles is the duty concerning State responsibility for breaches of international law, the duty to assess environmental impacts, the obligation not to cause

\begin{itemize}
\item \textsuperscript{740} In an environmental context, State sovereignty might be conditioned to reflect the common goal of sustainable development under the Rio Declaration. See Hunter et al, n887 at 475. In a similar way, the ‘right to development’ (see 1986 UN Declaration on the Right to Development, UNGA Res. 41/128, Annex) should arguably also be the subject of some conditioning.
\item \textsuperscript{742} Meyer, n17 at 51 who refers to preambular paragraphs 2 and 6 and Article 6(1) of the World Heritage Convention. Although Meyer also observes that the Convention remains primarily a convention for international cooperation and assistance: ‘In no way is it a “World Heritage Trust” in the sense that the UN of an international body may act as a “Trustee” administering in trust a corpus of internationalized property having extra-territorial status, with restrictions on the power of the State where it is situated to affect it’.
\item \textsuperscript{743} For example, this is reflected in the rigid requirement of the territorial State’s consent for the inscription of a property on the World Heritage List, as explicitly dictated by Article 11(1). See Francioni F, ‘Thirty Years On: is the World Heritage Convention Ready for the 21st Century?’ (2002) 13 XII Italian Yearbook of International Law 30.
\item \textsuperscript{744} For example, notwithstanding Article 11, paragraph 3 of the Convention (providing a protection against prejudice arising from a listing by a State Party of a property the subject of a territorial dispute), the disputes involving the Karkorosum mountains between India and Pakistan and Mount Zion between Israel and the Arab States hindered the inscription of these properties on the World Heritage List. See Francioni & Lenzerini, n347 at 406. See also Francioni, n743 at 32 where Francioni notes how ‘[t]he disputes stem from a profound misconception of the World Heritage Convention, which is not an instrument for the advancement of national goals, prestige or territorial claims, but rather a tool for promoting cooperation and for safeguarding heritage of exceptional intrinsic value, not only for the community concerned, but for humanity as a whole, independently of where it is located’.
\item \textsuperscript{745} See Mosley G, Antarctica: Securing Its Heritage For the Whole World, Envirobook, Sydney, 2007, who calls for steps to be taken to make the World Heritage Convention applicable to Antarctica and provides an outline of alternative ways in which this might occur, including by the adoption of a protocol to the Convention.
\item \textsuperscript{746} For example, the four transboundary sites currently inscribed on the World Heritage List. See n85.
\end{itemize}
environmental harm and the principles of pollution prevention, polluter pays and public participation. These principles will also be directly or indirectly relevant in certain contexts.

5.8 Conclusions: the application of the duties to cultural landscapes

In light of the above review of the duties of States Parties under the World Heritage Convention, complemented by the obligations under principles of international law, there is no doubt that compliance with the duties of the Convention presents a complex challenge for States Parties. This is particularly so in respect of the protection and conservation of cultural landscapes. Unlike traditional understanding of heritage as something that should be protected for its reflection of what 'was' and should, therefore, be preserved 'as is' to retain its outstanding universal value, many cultural landscapes continue to evolve. They reflect heritage in the making, or are a form of 'living' heritage. It is this special character of cultural landscapes that makes them so difficult to protect and conserve, but also makes it so vitally important to do so.

As the duties under the Convention are broadly worded, it is essential that there is a common global recognition and understanding of how cultural landscapes can be managed through time to conserve the past, but allow the continued development of the outstanding values presented in the cultural landscapes by the present and future use and management of the landscape. Time does not stand still and as reflections of the passing of time, nor should cultural landscapes. This understanding of cultural landscapes is critical to ensuring that their outstanding universal values are not lost by efforts to restrict any ongoing change to the landscape after World Heritage listing. However, this does not in any way mean that cultural landscapes should, therefore, be developed or changed without restriction. Rather, it means that guidelines must be developed to assist States Parties with fulfilling their duties to conserve their cultural landscapes in a manner that retains and, ideally, enhances their outstanding universal values.

As part of this global education about proper cultural landscape management, having regard to the duties set out in this chapter, the importance of recognising that nature and culture in these landscapes are fundamentally intertwined and that such values need to be managed with this understanding, must be a central focus.

Given the discretion and flexibility which the World Heritage Convention affords States Parties in respect of how each State implements the Convention, it will always be a difficult task to measure and assess the adequacy and effectiveness of the various measures adopted by each State to comply with its Articles. While this flexibility is essential to ensure that national sovereignty is infringed to the least extent possible and that the specific political, legal, social,
religious, economic, anthropological and cultural considerations in each country have been considered in selecting methods and mechanisms to protect cultural landscapes as effectively as possible, a clear understanding of the duties under the Convention is required.

Responding to the above challenges in the discharge of States Parties’ duties to conserve their cultural landscapes clearly requires that further guidance be provided on the proper application of those duties in the context of the special conservation challenges presented by cultural landscapes. Only in this way can any rational assessment be made against clear and precise criteria so as to assess States Parties’ compliance with the World Heritage Convention in the conservation of their cultural landscapes. Such guidance would also facilitate much more effective evaluation and monitoring of management measures over time.

With an understanding of the duties of States Parties under the World Heritage Convention, chapter 6 undertakes a review of the various governance typologies and the main types of implementation measures adopted for the conservation of the cultural landscapes presently inscribed on the World Heritage List.
6 Governance of Cultural Landscapes and Implementation Measures

This chapter reviews and evaluates the main types of measures adopted by States Parties to implement their obligations under the World Heritage Convention, focusing on the protection of the cultural landscapes within their State boundaries. It considers the merits of each of these measures and draws on several examples of the adoption of each of the measures by States Parties for the conservation of their inscribed cultural landscapes. Chapter 7 then undertakes a comprehensive evaluation of the effectiveness of implementation measures and conservation efforts in the context of two case study cultural landscapes, Uluru-Kata Tjuta National Park (Australia) and the Rice Terraces of the Philippine Cordilleras (Philippines).

6.1 Cultural landscape governance

Governance can be described as the means by which society defines goals and priorities and advances cooperation at global, regional, national and local levels. Governance arrangements are expressed through legal and policy frameworks, strategies and action plans. They include the organisational arrangements for following up on policies and plans, and monitoring performance. Governance also covers the rules of decision making, including who gets access to information and participates in the decision making process, as well as the decisions themselves.749

As with governance of protected areas generally, there are many important decisions to be made about cultural landscapes. These include:

- determining the existence of a cultural landscape, delineating its boundaries and what type of status it should have;
- determining who is entitled to have a say about matters relevant to the cultural landscape (i.e. specific powers and responsibilities);
- creating rules about the land, access and resource uses allowed within the cultural landscape;
- enforcing the agreed land, access and resource use rules;
- deciding how financial and other resources will be spent to support specific conservation activities concerning the cultural landscape;
- generating revenues and deciding how those revenues are to be distributed and used for the protection and conservation of the cultural landscape; and

entering into agreements with other parties to share or delegate some of the above powers and responsibilities and decision making processes.\textsuperscript{750}

The effective protection and conservation of cultural landscapes requires that governance at all levels, local, national, regional and global, be mutually reinforcing. Good governance also depends, in large part, upon formal mandates, institutions, processes and relevant legal and customary rights.

There appear to be four main types of governance evident in protected area management that are applicable to cultural landscape management, namely: government protected or co-managed areas (government agencies at various levels make and enforce decisions); collaboratively protected areas (various actors together make and enforce decisions); private protected areas (private landowners make and enforce decisions); and community conserved areas (Indigenous peoples or local communities make and enforce decisions).\textsuperscript{751}

This chapter identifies that the governance structures of cultural landscapes involves a mix of some or all of the above governance typologies.

6.2 Overview of the implementation measures adopted by States Parties to the World Heritage Convention

6.2.1 The broad categories of implementation measures adopted to date

Cultural landscapes, with their unique complex of cultural and natural values, are subject to different legal protection frameworks and diverse national management systems and institutional arrangements. The two case studies set out in chapter 7 illustrate the complexity of the values and protection systems and various conservation and management challenges in the context of local conditions. In addition, the World Heritage Convention affords a wide measure of discretion to States in deciding how they will give national effect to their international obligations.\textsuperscript{752} Consequently, the ways in which these obligations have been implemented are many and varied, but several themes are apparent.

A review of the Advisory Body Evaluations for all currently listed cultural landscapes reveals that there are several general categories of implementation measures that have been adopted by States Parties in their efforts to protect and conserve their landscapes.\textsuperscript{753} These categories are set out in Table 7. In short, they are as follows:

\begin{table}[h]
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\begin{tabular}{|c|c|}
\hline
\textbf{Cultural landscapes with their unique complex of cultural and natural values, are subject to different legal protection frameworks and diverse national management systems and institutional arrangements. The two case studies set out in chapter 7 illustrate the complexity of the values and protection systems and various conservation and management challenges in the context of local conditions. In addition, the World Heritage Convention affords a wide measure of discretion to States in deciding how they will give national effect to their international obligations. Consequently, the ways in which these obligations have been implemented are many and varied, but several themes are apparent.}
\end{tabular}
\end{table}
Governance of Cultural Landscapes and Implementation Measures

1. **Community conservation measures**: including stewardship and traditional and customary measures.

2. **Legislation and policy**: including decrees, national, State, provincial and municipal based legislation and regulations, resolutions, declarations, development plans, tourism plans, master plans, rehabilitation plans, charters, conservation zones and designated areas and other similar policy measures.

3. **Contractual measures and joint management plans**: including partnerships and other collaborative conservation efforts.

4. **Other**: other general international measures for protection of the site. See footnote explanation in each instance.

5. **Management plans**: the letter ‘Y’ indicates that a management plan is in place, the letter ‘N’ indicates that no current management plan is in place and the letter ‘U’ means the present status of any pre-existing (but dated) or any anticipated management plan is unknown.

Listing which are not noted here. It is also possible that certain measures referred to in the Advisory Body Evaluations are no longer in place. Consequently, this table is provided as a guide only and should not be relied upon as necessarily being entirely accurate. Considerable resources would be required to ensure currency and accuracy to facilitate reliability. Copies of all of the Advisory Body Evaluations are available on the World Heritage website: [http://whc.unesco.org/en/list/](http://whc.unesco.org/en/list/), accessed 11 May 2009.

As noted in n753, the information in this column is based on that contained in the Advisory Body Evaluations, unless otherwise stated. Many of these management plans may or may not be current. Emails sent to the relevant World Heritage contact for each of the countries in Table 7 on 18 June 2007 and 5 January 2009, requesting current information on management and other conservation/implementation measures adopted for the conservation of the inscribed cultural landscapes within their territorial boundaries, received a modest response. The updated information has been included and noted, where relevant. After several inquiries, it appears that neither ICOMOS nor the World Heritage Centre have a database with current management information, nor do they hold copies of current management plans for all of the World Heritage listed sites.
## Governance of Cultural Landscapes and Implementation Measures

### Table 7: Implementation measures adopted by States Parties to the World Heritage Convention[

<table>
<thead>
<tr>
<th>Country</th>
<th>World Heritage Cultural Landscapes</th>
<th>Implementation Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afghanistan</td>
<td>Cultural Landscape and Archaeological Remains of the Bamiyan Valley</td>
<td>X</td>
</tr>
<tr>
<td>Andorra</td>
<td>Madriu-Perafita-Claror Valley</td>
<td>X</td>
</tr>
<tr>
<td>Argentina</td>
<td>Quebrada de Humahuaca</td>
<td>X</td>
</tr>
<tr>
<td>Australia</td>
<td>Uluru-Kata Tjuta National Park</td>
<td>X&lt;sup&gt;760&lt;/sup&gt; X&lt;sup&gt;761&lt;/sup&gt; X&lt;sup&gt;762&lt;/sup&gt;</td>
</tr>
<tr>
<td>Austria</td>
<td>Hallstatt-Dachstein Salzkammergut Cultural Landscape</td>
<td>X</td>
</tr>
<tr>
<td>Austria</td>
<td>Wachau Cultural Landscape</td>
<td></td>
</tr>
<tr>
<td>Azerbaijan</td>
<td>Gobustan Rock Art Cultural Landscape</td>
<td>X</td>
</tr>
<tr>
<td>Chile</td>
<td>Rapa Nui National Park</td>
<td>X</td>
</tr>
<tr>
<td>Croatia</td>
<td>Stari Grad Plain</td>
<td>X&lt;sup&gt;772&lt;/sup&gt; X</td>
</tr>
</tbody>
</table>

<sup>755</sup> As at 1 May 2009, the 2008 cultural landscape listings had not been incorporated into the World Database on Protected Areas, n138.

<sup>756</sup> Listed as a proposed ‘protected area’ on the World Database on Protected Areas, n138.

<sup>757</sup> At its 32<sup>nd</sup> Session in 2008, the World Heritage Committee urged the State Party to continue its work on the completion of the management plan for the property adopted at its 31<sup>st</sup> Session in 2007. Decision 32 COM 7A.21 in n10.

<sup>758</sup> At its 32<sup>nd</sup> Session in 2008, the World Heritage Committee noted the delay in finalising the management plan while awaiting the outcome of legal challenges. Decision 32 COM 7B.80 in n10.

<sup>759</sup> At its 27<sup>th</sup> Session in 2003, the World Heritage Committee requested that the management plan be submitted once the detailed management plan process, outlined in the Advisory Body Evaluation (2003), was finalised (see Decision 27 COM 8C.17 at the 27<sup>th</sup> Session of the World Heritage Committee: <http://whc.unesco.org/en/sessions/27COM; accessed 6 March 2008>). From a review of subsequent World Heritage Committee Meeting decisions, it is not clear whether the plan was submitted.

<sup>760</sup> The Advisory Body Evaluations (1987, 1994) state that traditional conservation is afforded by the Agangu through the practice of ‘Tukurpa’, see n440.

<sup>761</sup> The inalienable freehold title of Uluru-Kata Tjuta National Park was handed back to the Agangu in 1985 following a successful land rights claim under the Aboriginal Land Rights (Northern Territory) Act 1976. The Aboriginal Land Trust subsequently leased the area back to the Director of National Parks to be jointly managed under a board of management with a majority of Agangu owners.

<sup>762</sup> Uluru-Kata Tjuta National Park is a Biosphere Reserve under the UNESCO Man and Biosphere Program. Further information on the Man and Biosphere Program can be found at: <http://www.unesco.org/mab/; accessed 12 October 2007>. The site is also listed as an IUCN Category II protected area on the World Database on Protected Areas, see n138.

<sup>763</sup> The 2000 plan of management is expected to be replaced shortly by the new draft plan (see discussion in section 7.1).

<sup>764</sup> General principles and measures for protecting the landscape as a whole are laid down in the 1991 Convention on the Protection of the Alps (Alpine Convention): <www.cipra.org/pdfs/2_en/; accessed 12 October 2007>. The Convention has been ratified by Austria, France, Germany, Italy, Liechtenstein and Switzerland.

<sup>765</sup> There is no management plan in place, but the 2006 Periodic Report concludes that existing management arrangements are sufficient and that guidelines are expected to be prepared. See: <http://whc.unesco.org/archive/periodicreporting/EUR/cycleI/section2/806-summary.pdf; accessed 13 November 2008>.

<sup>766</sup> The Convention on the Regulation of Navigation on the Danube 1960 applies to the Wachau. This site is also an awarded area under the European Diploma of Protected Areas of the Council of Europe and is listed as a ‘landscape protection area’ and a ‘national reserve’ (IUCN category ‘unset’) on the World Database on Protected Areas, n138.

<sup>767</sup> It is not clear whether there is a current management plan in place, although a report from the Advisory Body Evaluation (2000) for the site suggests that there is not: <http://whc.unesco.org/en/list/970/documents/; accessed 27 December 2008>.

<sup>768</sup> Gobustan is listed as a ‘State nature reserve’ (IUCN category ‘unset’) on the World Database on Protected Areas, n138.


<sup>770</sup> There is a joint technical agreement between Corporacion Nacional Forestal – CONAF, Departamento de Patrimonio Silvestre and the National Centre for Conservation and Restoration of the Dirección de Bibliotecas, Archivos y Museos. Collaborative projects are also in progress with the University of Chile: Advisory Body Evaluation (1995), n10.


<table>
<thead>
<tr>
<th>Country</th>
<th>World Heritage Cultural Landscapes</th>
<th>Implementation Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cuba</td>
<td>Archaeological Landscape of the First Coffee Plantations in the Southeast of Cuba</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Viñales Valley</td>
<td>X</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>Lednice-Valtice Cultural Landscape</td>
<td>X</td>
</tr>
<tr>
<td>France</td>
<td>Jurisdiction of Saint-Emilion</td>
<td>X</td>
</tr>
<tr>
<td>Gabon</td>
<td>Ecosystem and Relict Cultural Landscape of Logé-Okanda</td>
<td>X</td>
</tr>
<tr>
<td>Germany</td>
<td>Dresden Elbe Valley</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Garden Kingdom of Dessau-Wörlitz</td>
<td>X</td>
</tr>
<tr>
<td>Hungary</td>
<td>Hortobágy National Park—the Pusztas</td>
<td>X</td>
</tr>
</tbody>
</table>


774 While there is a tourism plan in place and several plans at different administrative levels covering soil and economic use, there is no single management plan. See the Advisory Body Evaluation (2008): http://whc.unesco.org/en/list/1008/documents; accessed 12 November 2008.

775 The site is also listed as an IUCN 'Category V landscape protection area' on the World Database on Protected Areas, n.138.

776 It is not clear whether there is a current management plan in place.

777 The Lednické rybníky (Lednice fishponds) are designated as a wetland under the Ramsar Convention. Pastivisko u Lednice is also listed as IUCN Category IV ‘national natural monument’ as listed on the World Database on Protected Areas, n.138.

778 The 2006 State of Conservation Report states that no management plan is being implemented, but one was expected to be in place by December 2007. The current status of that plan is unknown. See: http://whc.unesco.org/en/list/763/documents; accessed 15 December 2008.

779 Eight communes make up the Jurisdiction of Saint-Emilion. Only three communes have in place a land-use planning instrument known as a plan d’occupation des sols, which require that all proposals for development of any kind are scrutinised so as to maintain the quality of the landscape. The Advisory Body Evaluation (1999) also records that a conservation plan was being prepared to coordinate 'works and services of common interest for all communes'. The status of this plan is not known. See: http://whc.unesco.org/en/list/932/documents; accessed 13 December 2008.

780 The Advisory Body Evaluation (2000) states that the French government decided in 1994 to implement a ten year master plan for the ‘coherent planning and management of the Loire Valley (Plan Loire Grandeur Nature)’. This plan covers the protection of the environment and the economic development of the area. See: http://whc.unesco.org/en/list/933/documents; accessed 12 December 2008. It is understood, from an email received from Chloé Campo, Val de Loire Mission, dated 29 January 2009, that a new management plan is currently being prepared.


782 There does not appear to be a single management plan in place. However, the Advisory Body Evaluation (2004) states that the entire landscape area is included in the territorial land use plan (FNP) of the Capital of Saxony. This plan is legally binding and takes into account the significance and values of the protected area. All sensitive zones have special protection plans, including meadows, vineyards, and villa areas. In addition to the general master plan, there are detailed, legally binding plans and regulations for specified areas (by plans). See: http://whc.unesco.org/en/list/1156/documents; accessed 14 December 2008.

783 More than 80% of the nominated area is situated within the Vessertal and Steeby-Lodditz Forest Biosphere Reserve under the UNESCO Man and Biosphere Program, n.762.

784 The Advisory Body Evaluation (2000) records that no plan was in force at that time for the study, analysis and overall reclamation of the nominated area. However, it was hoped at that time that a draft plan would be completed ‘within the next two years’. See: http://whc.unesco.org/en/list/534/documents; accessed 12 December 2008. The present status of the plan is not known.

785 The Advisory Body Evaluation (2002) states: ‘No management plan as such exists for the entire area covered by the nomination, and it is unrealistic to expect that there should be one, given the diversity of properties, communities, and agencies involved. The federal structure of the German state also militates against the production and approval of a single management plan’, n.589.

786 Hortobágy National Park is a Biosphere Reserve under the UNESCO Man and Biosphere Program, n.762. Hortobágy National Park is also a Ramsar wetland under the Ramsar Convention: http://www.ramsar.org/world_heritage.htm; accessed 9 August 2008.
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787 An email from Gábor Soós, World Heritage International Relations Officer, Secretariat of the Hungarian World Heritage Commission, National Office of Cultural Heritage, Budapest, dated 12 June 2007, confirms that there is a current management plan in place.


789 The site is also listed as an IUCN Category V landscape protected area on the World Database on Protected Areas, n138.


791 The site is also listed as an IUCN Category II protected area on the World Database on Protected Areas, n138.


794 See World Heritage Committee Decision 31 COM 7A.22 in n10, which called for the legal adoption of the management plan by late 2007. The current status of the plan is unknown.

795 The Advisory Body Evaluation (2005) states that there is no management plan for the whole nominated areas. However, the Nomination Dossier states that the component parts of a management plan do exist. Each national park and nature reserve has a master plan for the whole accompanied by local plans for smaller areas. Various sites also have development plans, staffing plans and annual work plans. See: http://whc.unesco.org/en/list/1107/documents/; accessed 14 December 2008.

796 The Advisory Body Evaluation (2005) states that those properties designated ‘Special Nature Reserves’ (Varallo, Crea, Orta, Ghiffa, Domodossola, and Valperga) are covered by plans drafted and approved under the provisions of Regional Law No 12/90. These plans are integrated with the master plans of the surrounding communes. Only the Oropo Sacro Monte has its own restoration and organisation plan, approved in 1999. See: http://whc.unesco.org/en/list/1068/documents/; accessed 13 January 2009.

797 Cilento and Vallo di Diano is a Biosphere Reserve under the UNESCO Man and Biosphere Program, n762.

798 The Advisory Body Evaluation (1998) states that no evidence was supplied in the Nomination Dossier for any management plan for the Park. However, a plan is in the final stages of preparation and information about it was supplied to the ICOMOS expert mission, which requested that further details be supplied to Paris. The present status of the plan is unknown. See: http://whc.unesco.org/en/list/942/documents/; accessed 13 January 2009.


800 The Periodic Report (Cycle 1, Section II Summary) (2006) records that a management plan was under preparation at that time, with implementation due to commence in December 2006. See: http://whc.unesco.org/en/list/826/documents/; accessed 12 February 2009. The present status of this plan is unknown.

801 The site is also listed as an ‘other protected natural regional area’ on the World Database on Protected Areas, n138.


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<td>Philippines</td>
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804 The Advisory Body Evaluation (2004) states that, at the time of listing, there was no agreed plan for the property, apart from the tourist development plan for Zhambyl District that mentions Tamgaly as an object of tourism. The NIPPI PMK has acknowledged the need to develop a specific management plan for Tamgaly. The plan was due to be finished in 2003 and to be submitted to UNESCO by the end of March 2004. See: [http://whc.unesco.org/en/list/1145/documents/](http://whc.unesco.org/en/list/1145/documents/); accessed 3 January 2009. The present status of the plan is unknown.


812 These measures incorporate consultation with the community and Maori interests are represented.

813 The site has also been declared an IUCN Category II national park as listed on the World Database on Protected Areas, n138.


817 The current management plan is in place for the period 2004-2009. Email from Siri Kloster, Senior Adviser, Ministry of the Environment, Department for Cultural Heritage Management, Norway, dated 17 January 2009.


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<td>Great Britain</td>
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820 Part of the park crosses the German border. Accordingly, a key element of its management is the joint collaboration between Germany and Poland at the national and local level.

821 The site has also been declared an IUCN Category IV nature reserve as listed on the World Database on Protected Areas, n138.

822 According to the Advisory Body Evaluation (1999), while there is no overall management plan for the park, there is a rolling program of conservation and restoration projects agreed between those responsible for its management, which are approved by the scientific council. See: [http://whc.unesco.org/en/list/905](http://whc.unesco.org/en/list/905); accessed 29 February 2009.

823 The Advisory Body Evaluation (2001) states that, at the time of listing of the site, no management plan specific to the nominated area accompanied the nomination, nor was one proposed in the nomination, but the ICOMOS mission found that one was in active preparation: [http://whc.unesco.org/en/list/1046/documents/](http://whc.unesco.org/en/list/1046/documents/); accessed 17 March 2009. The present status of this plan is unknown.

824 The site is also listed as an IUCN Category V nature park on the World Database on Protected Areas.


826 Montanha da lha do Poco has been listed as an IUCN Category IV nature reserve on the World Database on Protected Areas, n138.


828 The site is also listed as a national park (IUCN category unset) on the World Database on Protected Areas, n138.


830 The site is also listed as an IUCN Category II national park on the World Database on Protected Areas, n138.


833 The current management plan is in place for the period 2008-2015. Email from Rolf Lögren, Swedish Environmental Protection Agency, dated 12 January 2009.


835 See the Advisory Body Evaluation (2004), n56.

836 In order to coordinate the approach to management of the heritage resources, the Blaenavon Partnership, which has direct management responsibilities, was established in August 1997: [http://whc.unesco.org/en/list/984/documents/](http://whc.unesco.org/en/list/984/documents/); accessed 19 February 2009.

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From Table 7, broadly speaking, in addition to management plans, there are three main categories of implementation measures, namely:


840 St Kilda has been designated an IUCN Category IV national nature reserve, site of special scientific interest and marine nature area (IUCN category unset) on the World Database on Protected Areas, n138.


842 Parts of Devon and Cornwall have been listed as an IUCN Category V ‘area of outstanding natural beauty’ and ‘heritage coast’ and sites of special scientific interest on the World Database on Protected Areas, n138.


847 UNESCO designated the Neusiedler See – Österreichisch 7 Teil Biosphere Reserve in 1977 and the Lake Ferto7 Biosphere Reserve on the Hungarian side of the border in 1979. The Neusiedler See, Seewinkel and Hunság Ramsar Site was established in 1982 on the Austrian side, and the Lake Ferto7 Ramsar Site in 1989 on the Hungarian side. The lake and its surroundings are also designated as a Council of Europe biogenetic reserve. The Austrian side is designated as a Special Protection Area under the EU Birds Directive of 1979 and a Special Area of Conservation under the EU Habitats Directive of 1992. The Austrian side of the site has also been accepted as a Natura 2000 site. See n846.


849 The site is situated in France within the Parc National des Pyrénéés Occidentales and in Spain it includes the entire of the Parque Nacional del Ordesa y Monte Perdido. A joint declaration relating to management has been produced: [http://whc.unesco.org/en/list/773/documents/](http://whc.unesco.org/en/list/773/documents/); accessed 12 February 2009.


851 As a cross-border nomination, the key management element is the arrangement for joint collaboration for strategy and management. This is currently conducted at five different levels: National Trustees, Working Group, Park Management Group and Coordination Group. The Trustees are those of the Prince Puckler-Park and the Muskau Foundation, set up jointly by both countries in 2003 as the Centre for Historic Monuments Studies and Documentation: Advisory Body Evaluation (2004): [http://whc.unesco.org/en/list/1127/documents/](http://whc.unesco.org/en/list/1127/documents/); accessed 6 March 2009.

852 Muskauer Parklandschaft and NeiBeaué is listed as an IUCN Category V ‘landscape protection area’ on the World Database on Protected Areas, n138.

853 See the Advisory Body Evaluation (2004), n851.

854 The southern part of the site is also protected under the 1994 Helsinki Convention.

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- community conservation and protection measures;
- legislation and policy; and
- collaboratively managed protected areas (i.e. contractual arrangements and joint management plans).

Table 7 reveals that the conservation strategy for many World Heritage sites involves a mix of some or all of the above. Such measures are also generally complemented by appropriate administrative, scientific and technical resources, as required by Article 5 of the World Heritage Convention. Interestingly, it is also clear from Table 7 that several cultural landscapes also benefit from additional protection measures afforded by other international and regional instruments, supporting the case for synergies between these various conservation measures.

As an aside, in preparing Table 7, most surprising from the author’s perspective is that there is no repository for past and current management plans. Given that a management plan is generally a strict pre-condition to the inscription of a site on the World Heritage List, it was expected that such documents would be available either from the Advisory Bodies, on the World Heritage Centre website or from the relevant contact agency in each country. This was not the case. While it is acknowledged that this would involve a commitment of resources, it is suggested that the set up of a database with these plans would greatly assist developing countries in their World Heritage conservation efforts by providing a handy resource on governance typologies, management standards and enforcement measures. It is further suggested that it would also assist the World Heritage Centre and the World Heritage Committee in monitoring the effectiveness of conservation efforts.

Having identified the three main categories of implementation measures adopted by States Parties for the conservation of their cultural landscapes in Table 7, this chapter provides a brief review of each of these measures and comments on examples of implementation efforts in several cultural landscapes located in various regions. It is beyond the scope of this thesis to provide an in-depth analysis of the effectiveness or otherwise of each of the measures that have been adopted for the protection and conservation of all cultural landscapes on the World Heritage List, other than to comment on several themes concerning the strengths and weaknesses of each of these measures. However, chapter 7 provides an in-depth analysis of the effectiveness of implementation measures adopted for the conservation of two case study cultural landscapes, Uluru-Kata Tjuta National Park (Australia) and the Rice Terraces of the Philippine Cordilleras (Philippines).
6.2.2 Community conservation and protection measures

(a) Characteristics of community conservation measures

Many cultural landscapes are protected in whole or in part by traditional conservation measures adopted by local communities and Indigenous peoples. Such community conservation measures are of diverse kinds, but all contain three essential characteristics:

(i) One or more communities closely relate to the ecosystems and/or species because of cultural livelihood, economic or other ties.

(ii) Community management decisions and efforts lead to the conservation of habitats, species, ecological benefits and associated cultural values, although the conscious objective of management may not be conservation per se and could be related to livelihoods, water security or cultural values.

(iii) Communities are the major players in decision-making and implementing actions related to ecosystem management, implying that some form of community authority exists and is capable of enforcing regulations.\textsuperscript{856}

(b) The importance of community conservation

The importance of local involvement in the processes and decision making related to cultural landscapes, from identification to description of their values, to nomination, implementation, education, and long-term outcomes, is crucial to their sustainability and is fundamental to an effective process for both the short and the long term management of these places.\textsuperscript{857}

The values, priorities, needs, concerns, and aspirations of the associated communities will also shape their working relationship with conservation objectives. The cultural landscape product itself is also an embodiment of their history, and it is they who have been, and will continue to be, their stewards.

(c) Types of measures

Various forms of community conservation measures have historically been applied, each with their various benefits and problems. Two examples of participatory and stewardship-based management measures are integrated conservation and development projects (ICDPs) and community based conservation (CBC), including the establishment of community conservation areas (CCAs).

\textsuperscript{856} Kothari, 'Community Conserved Areas' in Lockwood et al, n137 at 549.
\textsuperscript{857} Kothari, n856.
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(i) Integrated Conservation and Development Projects (ICDPs)

ICDPs began as an alternative to centralised, exclusionary conservation efforts. They employed techniques such as community participation and rapid socio-economic analysis. ICDPs are primarily biodiversity conservation projects with rural development components. They attempt to combine social development with conservation goals. These projects look to deal with biodiversity conservation objectives through the use of socio-economic investment tools. The World Wide Fund for Nature first introduced ICDPs in the mid-1980s.

The progressive nature of ICDPs initiated a new era in conservation. However, their goals of joining conservation and development objectives also instigated a new set of philosophical and practical issues. In particular, four main problems characterise past ICDPs: tension between conservation and development objectives; dependence on external organisations for expertise and funding; a tendency to view communities in oversimplified terms; and a failure to define clear project objectives and evaluation indicators. As a consequence, CBC and CCAs are now the key measures used in joint management efforts.

(ii) Community Based Conservation (CBC) and Community Conservation Areas (CCAs)

CCAs became globally recognised relatively recently. In particular, two events that marked this recognition were the 5th IUCN World Parks Congress in 2003 and the Seventh Conference of Parties to the Convention on Biological Diversity in 2004. A definition of CCAs that emerged from the Congress was:

...natural and modified ecosystems with significant biodiversity, ecological and related cultural values, voluntarily conserved by Indigenous and local communities through customary laws or other effective means.

There is a diverse array of CBC measures and types of CCAs that have been applied to the whole or part of cultural landscapes for various purposes, including: Indigenous peoples' territories managed for sustainable use; territories (terrestrial or marine) over which mobile or nomadic communities have traditionally roamed; sacred spaces, resource catchment areas; nesting or roosting sites, or other critical habitats of wild animals, conserved for ethical or other reasons explicitly oriented towards protecting these animals; and landscapes with mosaics of

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859 Hughes & Flintan, n858.
860 Hughes & Flintan, n858.
861 Kothari, n856 at 549.
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natural and agricultural ecosystems, containing considerable cultural and biodiversity value, and managed by farming communities or mixed rural-urban communities.\(^{864}\)

Key issues in classifying and analysing the effectiveness of CBC and CCAs are: the size of the cultural landscape being protected; the biodiversity being conserved; motivations for conservation; origins and history of the local community and environment; the type of management institution in place; the type of community rules and regulations being enforced; the type of social and economic benefits; the nature of ecological benefits; the legal or tenurial relationship of the community to the CCA; and the length of time that the initiative has been sustained.\(^{865}\)

In Australia, a strong form of CCA, known as an ‘Indigenous Protected Area’ (IPA) was officially recognised by the Federal Government in 1998.\(^{866}\) An IPA is an area of land and/or water that Aboriginal people have voluntarily declared to be a protected area, as defined by the IUCN, and to which they have made a public commitment to manage for the conservation of its biodiversity and associated cultural values. In exchange for this declaration, the Australian Government, through the Indigenous Protected Area Program of the Department of the Environment, Water, Heritage and the Arts, provides financial support and technical assistance to develop and implement a management plan for the declared area.\(^{867}\) Once declared, IPAs are formally recognised as part of the National Reserve System, which has the goal of establishing a comprehensive, adequate and representative system of protected areas, encompassing all bioregions of Australia. It is classed as being a world first formation of a united conservation partnership by a national government with State and local governments, Indigenous landowners, conservation NGOs, community associations and private land owners.\(^{868}\)

In 2006, the Australian Government initiated an evaluation of the Indigenous Protected Area Program. The evaluation considered the extent to which the Program has contributed to meeting Australian Government policy priorities to date and the capacity for enhancing these priorities. It also considered the effectiveness of the Program’s delivery of conservation, economic, cultural and social benefits in the context of sustainable natural resource management at landscape, regional and national scales.

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\(^{864}\) Adapted from Kothari, n856 at 550.

\(^{865}\) Kothari, n856 at 550-551.

\(^{866}\) Smyth D, ‘Indigenous Protected Areas, Australia’ (case study) as cited in n856 at 565.


\(^{868}\) The National Reserve System is Australia’s network of protected areas, conserving examples of natural landscapes and native plants and animals for future generations. The Reserve System includes more than 9,000 protected areas, comprising more than 11% of the continent. See: http://www.environment.gov.au/parks/nrs/index.html; accessed 22 March 2009.
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The evaluation hailed the Program as the nation’s ‘most successful innovation in Indigenous conservation’. The independent review recognised the value of the Australian Government’s $14.8 million investment in this Program and found that: it contributes significantly to the National Reserve System and has been extremely cost effective in contributing to national conservation goals; provides meaningful work opportunities for Indigenous Australians; and operates robust monitoring and evaluation systems. The review also found that, in addition to important biodiversity and conservation outcomes, communities involved in the IPA Program reported significant benefits, in particular, pathways to meaningful jobs looking after land and a framework for skills development.

There are many benefits of CCAs. For example, they allow for multiple approaches to conservation where officially protected or reserved areas are now seen as components of much wider human-used and protected landscapes and they acknowledge the importance of how people manage and conserve their land and areas of conservation value. CCAs also help in larger landscape and waterscape level planning by maintaining essential ecosystem functions, providing corridors, ecological connectivity and linkages for animal and gene movement, and synergistic links between agricultural biodiversity and wildlife. In addition, CCAs ensure that local stakeholders are central to such integrated landscape management, offer crucial lessons for participatory governance and for integrating customary and statutory laws, and formal and non-formal institutions, for more effective conservation. They can also assist in sustaining the cultural and economic survival of tens of millions of people, especially communities directly dependent upon natural resources for survival and livelihoods and are frequently part of community resistance to destructive development, such as mining, dams, logging, tourism, overfishing and so on. Finally, CCAs can help to create a greater sense of community identity and cohesiveness and they assist in biodiversity conservation at relatively low financial cost. For all of the above reasons, CCAs raise the importance of conservation to that of being a critical element in livelihood security and poverty reduction.

However, there are also many limitations to the effectiveness of CBC and CCAs. CCAs face serious challenges to their continued existence and growth. Many CCAs are disappearing because of inappropriate financial or developmental interventions, inappropriate educational models, intrusions of dominant and fundamentalist religions, and changing socio-economic and

870 Note 869.
871 Kothari, n856 at 550.
872 Barrow E & Pathak N, "Conserving "Unprotected" Protected Areas – Communities Can and Do Conserve Landscapes of All Sorts' in Brown et al, n70.
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value systems. Often traditional institutions for managing CCAs have been undermined by centralised political systems, where governments or their representatives have taken over most of the relevant powers. Even decentralised policies and participatory schemes may end up sabotaging well-functioning community action by imposing new and uniform institutional structures and unfamiliar rules, rather than building on existing systems and knowledge. CCAs are also often encroached on or threatened by commercial users or by community members under the influence of market forces. Because CCAs remain unrecognised in many countries, they are often exposed to the intrusions and impacts of neighbouring communities, development threats and business and they often are afforded little or no support and protection from the government or the law.873

CBC has also often failed to deliver sustainable resource use, economic benefits or biodiversity protection.874 In some areas, loss of traditional knowledge, increase in population, lifestyle changes, adoption of new technologies, breakdown of traditional norms, generational change and increased consumerism are eroding the willingness and capacity of some communities to maintain sustainable practices.875 Advocates of more top-down management have also questioned decentralised approaches on the grounds that locals are often divided, poorly organised and may not possess a conservation ethic.876

There are many factors that need to be taken into account in recognising and improving CBC and CCAs. In the context of cultural landscape management, those factors that are particularly important include the size of the area being protected and the type of nature/culture interrelationship being protected. Other highly relevant factors include: the motivations for conservation; the origins and history of the landscape; the type of management institutions/practices in place; the type of community rules and regulations being enforced; the type of social and economic benefits; the nature of the ecological benefits; the legal or tenurial relationship of the community to the CBC/CCA and the length of time that the initiative has been sustained. Traditional management and belief systems have also been eroded in many places due to the introduction of CBC with inadequate local involvement.

873 Barrow & Pathak, n872 at 65.
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Notwithstanding the above, the key outputs of the IUCN 5th World Parks Congress in Durban, South Africa in 2003: the Durban Accord, the Action Plan and the Recommendations and the Message to the Convention on Biological Diversity, all supported CBC conservation. Better governance and alleviating poverty are the two keys to making CBC work more effectively. In part, this can be done by establishing robust partnerships among governments, NGOs and communities.

(d) CBC measures and World Heritage cultural landscapes

There are many examples of the use of CBC measures for the protection and conservation of World Heritage cultural landscapes. The following is a brief discussion of several of those examples, which, in summary form, highlight the benefits and limitations of CBC measures.

(i) Chief Roi Mata’s Domain (Vanuatu)

The Republic of Vanuatu legislation acts as a complement to the chiefly system of customary law. Land rights and customary ownership in Vanuatu follow other Pacific Island patterns of custodianship rather than ownership. The clan is the custodian and individuals are designated certain areas by the chief for gardening for sustenance. The result of this system is that land is not a commodity, but is seen as sacred and held in trust for future generations.

The core area of the landscape is under the control of several chiefs (related by family line) that agreed to the nomination of the landscape. Prominent positions in the World Heritage Tourism Committee are held by family members. While this results in collaboration and cooperation, it also creates problems when part of an area needing protection is under the jurisdiction of another chief.

877 Documents and details of the outcome of the Congress are available at: http://cms.iucn.org/about/unions/commissions/wcpa/wcpa_work/wcpa_wnc/index.cfm; accessed 9 August 2008. The next IUCN World Parks Congress will be held in 2013.

878 A declaration of celebration and intent for the future of protected areas by the 3,000 participants from 154 countries.

879 The mechanism to realise the goals of the Durban Accord, which requires action from the many stakeholders involved in and around protected areas and for people to work together in a committed way at global, regional, national and local levels.

880 The Congress was organised around seven workshop streams with three cross-cutting themes. The workshop streams were: linkages in the landscape/seascape; mainstreaming protected areas – building awareness and support; governance – new ways of working together; capacity-building – building the capacity to manage; management effectiveness – maintaining protected areas for now and the future; finances and resources – building a secure financial future; comprehensive global systems – building a comprehensive protected area system; and gaps in the system. See n877.


While this form of CBC has undoubtedly been and continues to be an important consideration of the cultural landscape, traditional tabu restrictions, although powerful, have not been sufficient to stop commercial leases on Artok Island, on part of the sea in the core areas, on Tukutuku Point, Efate Island (visible from Artok Island) or on the east of Lelepa Island, parts of which are visible from Roi Mata’s grave on Artok Island.

(ii) Koutammakou, the Land of the Batammariba (Togo)

The Nomination Dossier for Koutammakou, the Land of the Batammariba (Togo), states that the Koutammakou area benefits from two types of protection: modern legal protection and traditional protection. Modern legal protection is provided by registration under the Law for the Protection of Cultural Heritage in Togo 1990, which supports traditional conservation practices.

883 Map extracted from the Advisory Body Evaluation (2008), n885.


For the site to be registered, a decree must be issued which identifies the qualities of the site. The decree was issued in October 2003 and identifies the site as consisting of both tangible and intangible elements, including sacred rocks, forests, houses, fields, sources of building material, animals, both wild and domesticated, and intangible components such as beliefs, artisanal skills, songs, dances, traditional sports, etc.

In addition, the Nomination Dossier refers to the following traditional practices, which cover not only technical processes, but also social observances that impact on land management, including: respect for ancestral spirits; observance of taboos and restrictions; absolute obeisance to elders, religious and clan chiefs; continuation of traditional rules reaffirmed through initiation ceremonies; the carefully proscribed roles every member of a clan has; and the perpetuation of respect for tangible and intangible values associated with the landscape. 886

Notwithstanding the above, as with many rural areas, the Koutammakou is subject to pressures for change. Accordingly, as with Chief Roi Mata’s Domain, the Advisory Body Evaluation notes that traditional land management practices need to be supported by an overall protective legal framework within which they can operate. 887

Figure 15: Koutammakou, the Land of the Batammariba 888

It is clear from the above brief examples that CBC can and often does have a critical role to play in cultural landscape conservation. CBC is integral to ensuring proper recognition of and the adoption of appropriate protection measures for cultural values and their interrelationship with the natural values of the landscape. Important lessons can also be learned from the land

887 Note 886.
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management practices that have ensured sustainable development and the retention of the outstanding universal values of the site over time. However, there is no doubt that development pressures that have come with modernisation are placing CBC measures under increasing strain and, consequently, such measures need to be supported by an overarching legal and management framework that respects and strengthens CBC measures.

Mechanisms also need to be developed for the effective participation of communities in the management and development of cultural landscapes and protected landscapes as well as in the development of sustainable approaches for them. In this respect, management approaches that are based on principles and values (e.g. public benefit, understanding, integrity and respect), rather than on regulations, can encourage community involvement. Requiring environmental assessments to include traditional environmental and cultural knowledge as an integral part of the knowledge base links the processes and outcomes more closely to the community. Issues will often be multi-jurisdictional and multi-cultural, with a need for processes to help stakeholders deal with conflicting interests and objectives. In the context of cultural landscapes, funding, technical and administrative support, and community understanding, through information dissemination of the interrelationships between the cultural and natural values of the landscape, will be critical to the success of CBC measures.

6.2.3 Legislation and policy

(a) Characteristics of legislative instruments for the conservation of cultural landscapes

Like other protected areas, effective conservation of cultural landscapes must be supported by a sound legal framework. This is especially necessary for transboundary initiatives and as a basis for cooperation between local authorities and other interested parties. Accordingly, a range of federal, provincial and municipal legislative instruments have been developed to protect World Heritage.

Regulatory instruments are often referred to as 'command and control' measures, and have traditionally been favoured by governments in environmental protection generally. Regulations may be directed towards a range of purposes, such as preventing action, requiring action and establishing institutions and processes.

Legislation has, and will continue to have, an important role in heritage conservation and environmental protection. However, command and control regulation has been increasingly

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viewed as slow, over-prescriptive, politicised, inequitable, unnecessarily intrusive, inefficient, unduly expensive and of limited success in reducing environmental problems. This has created resentment in certain circumstances and has therefore failed to foster a culture of compliance. Finally, regulatory solutions to one environmental threat have, at times, had a perverse effect on others. The failure of legislation may also arise from faulty design, poor implementation, lack of enforcement resources and lack of political will.

Table 7 identifies that legislative and policy regulatory measures are the most common tools used for the conservation of cultural landscapes. Such legislation and policy takes many and varied forms at national, State, regional and local levels. Several examples follow.

(b) Legislation and policy and World Heritage cultural landscapes

(i) Hallstatt-Dachstein Salzkammergut Cultural Landscape (Austria)

Hallstatt-Dachstein Salzkammergut Cultural Landscape is accorded protection under the provisions of a range of federal, provincial, and municipal legislative instruments. Individual buildings and archaeological sites are protected under the 1923 Austrian Monument Protection Act (as amended in 1978 and 1990), when designated by the Federal Monuments Office.

The townscape regulations, building codes, and spatial planning provisions of the Province of Upper Austria regulate all forms of building and development within the cultural landscape. Matters relating to nature conservation and their funding are administered jointly by federal and provincial authorities, by means of the federal 1959 Water Management Act and the 1975 Forestry Act. Further, the 1995 Upper Austrian Nature and Landscape Conservation Act designates landscape conservation zones, protected parts of landscapes, nature reserves, and individual natural sites. Various regulations support the above Acts.

Provincial Regulation No 25/1963 declares the central karst mountains of the Dachstein group, with their glaciers, barren land, and high alpine flora, to be a nature reserve. The Koppenwinkel and the Gosau lakes have also been declared nature reserves by regulation. Similar protection is afforded to those parts of the buffer zone lying within their territories by the 1993 Salzburg Nature Conservation Act and the 1976 Styrian Nature Conservation Act.

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990 Cunningham N, 'Biodiversity: Economic Incentives and Legal Instruments' in Boer et al, n715 at 226.
The 2006 Periodic Report analysed the effectiveness of the existing conservation measures and concluded that, in this instance, the adopted measures have been successful:

... there have been no significant changes since the Cultural Landscape was inscribed in the World Heritage List 1997. The values of the site have not changed. The protective legislation can be judged as sufficient. There were no changes in legislation. In addition, more than 60%...
of the core zone was nominated as “Natura 2000 Europe Protection Area” and the four local communities have adopted restrictive development plans based upon the Upper Austrian Regional Planning Act. The management forum “Round Table – World Heritage Hallstatt-Dachstein-Salzkammergut” proved to be an efficient managerial instrument for sustainable development and financing. The cooperation between the World Heritage Cultural Landscape and the Province of Upper Austria is supporting strategies and measures for the necessary protection, maintenance and care of the World Heritage ... No need for international support. 892

(ii) Portovenere, Cinque Terre, and the Islands (Palmaria, Tino and Tinetto) (Italy)

Individual buildings and urban ensembles within Portovenere, Cinque Terre, and the Islands (Palmaria, Tino and Tinetto) are protected under the provisions of the basic Italian cultural property protection Law No 1089 of 1939. The entire area of the communes of Cinque Terre and Portovenere are covered by the basic Law No 1497 of 1939 on the protection of natural and panoramic beauty. As a result, all interventions require the approval of the relevant national heritage organisations.893

Regional Law No 12/1985 is concerned with the protection of areas of natural environmental interest. Regional Law No 12/1995 designated the area as part of the Regional Natural Park of Cinque Terre (Parco Regionale Naturale delle Cinque Terre). This designation brought with it compliance with the provisions of the national Law No 394/1991 on protected areas, which imposes stringent controls over all forms of activity within the designated park. The Advisory Body Evaluation also records that a proposal for the creation of a marine reserve along much of the coastline was, at the time of the evaluation of the site, being studied by the Italian Parliament.894

Overall supervision is the responsibility of the national Ministry for Cultural and Environmental Property (Ministero per i Beni Culturali e Ambientali), working through its Ligurian Soprintendenza based in Genoa. This body works closely with the Provincial Administration of La Spezia, the relevant commune administrations, and the administration of the Regional Park.

Protected buildings such as the churches of St Peter in Portovenere and St Venerius (Tino) and the Castle in Portovenere are the subject of systematic restoration campaigns by the Soprintendenza. There are also regular maintenance programs for all the protected monuments.895

894 Note 893.
895 Note 893.
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There are strict limitations on the establishment of tourist facilities. No new hotels are permitted outside those existing in Monterosso and Portovenere. The commune in Riomaggiore is investigating the possibility of providing bed-and-breakfast facilities. It is also providing subventions to permit the refurbishment of viticulturists’ huts on the terraces to provide simple tourist accommodation.

While there is no management plan per se for the site, the 1997 Advisory Body Evaluation states the various forms of statutory protection ensure that the status quo of the cultural and environmental heritage of the area will not be further disturbed, and that the threat from speculative investment for mass tourism that loomed large in the 1960s and 1970s is now permanently averted. Further, there is also a Regional Plan for Landscape Coordination, resulting from Regional Law No 431/1985, which operates at regional, provincial, and municipal level to coordinate landscape conservation, and each of the commune administrations has its own plan.\textsuperscript{896}

The Periodic Report (2006) states that the territory of the Islands of Palmaria, Tino and Tinetto, the marine area in the southwest direction of these isles (marine protected area) and a significant section of the land surface which includes the medieval village of Porto Venere, have been included in the Regional Park of Porto Venere. For this area there is specific plan according to the Regional Law of 2001. The town of Porto Venere is subject to the detailed plan of the historic centre approved in 1992, which requires some particular recovering strategies. The village, the Isles of Tino e Tinetto and the area of Villa Romana of Varignano are also subject to archaeological controls.\textsuperscript{897} Finally, the Plan of the Cinque Terre National Park, adopted in 2002, has introduced some specific regulations to protect the site and the introduction of the Regulation of the Cinque Terre Marine Protected Area 2005 has as its aim the protection of the sea area. The 2006 Periodic Report concluded that the above protection arrangements are considered sufficiently effective to protect and conserve the landscape for future generations.\textsuperscript{898}

\textsuperscript{896} Note 893.
\textsuperscript{898} Note 897.
Accordingly, the above examples demonstrate that, as with other forms of World Heritage, legislation plays an important role in ensuring the adequate protection and conservation of cultural landscapes. Such legislation must, however, be flexible and sensitive to traditional conservation mechanisms and the evolving values of the landscape and associated management practices.

### 6.2.4 Collaboratively Managed Protected Areas (CMPAs)

Collaborative management of natural resources, broadly speaking, involves management by two or more partners. It is a rapidly spreading and evolving conservation approach, increasingly favoured by governments and civil society for being, under many circumstances, more robust than single agency management approaches. Applied to protected areas, including cultural landscapes, it normally means the partnership of government agencies with other sections of society, most often Indigenous peoples or local communities, but also frequently NGOs or the private sector.

CMPAs are defined as:

...officially designated protected areas where decision-making power is shared between State agencies and other partners, including Indigenous peoples and local communities, and/or NGOs and individuals or private sector institutions.  

The terms collaborative management, co-management, joint management and multi-stakeholder management are often used synonymously and interchangeably. That said, it is

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900 Kothari, n856 at 528.
recognised that in many cases in collaborative management arrangements, formal decision making authority, responsibility and accountability may rest with one agency, but the agency is required, by law or policy, to collaborate with other stakeholders. In joint management, decision making authority, responsibility and accountability is shared in a formal way, with various actors entitled to one or more seats in a management body.901

A wide range of CMPA arrangements are evident around the world due to widely varying interpretations of what co-management actually means. These range from one partner being dominant and involving other partners only in occasional consultations or for benefit-sharing, to all partners being equally represented in decision-making and implementation. Usually, but not necessarily, co-management includes multiple partners being involved in making or negotiating plans for the protected areas, taking on conservation responsibilities, sharing benefits and costs, and participating in relevant international structures.902

(a) Characteristics and benefits of CMPAs

Kothari identifies that CMPAs are based on some clearly identified interests that all the partners share, or at least recognise and respect.903 They involve clearly laid out institutional structures and rules of partnership in which all partners have a role to play. Generally, CMPAs are situations of social engagement, encounter and experimentation that capitalise on multiplicity and diversity. Co-management is not only multi-party; it is also multi-level and multi-disciplinary. CMPAs are also based upon a negotiated, joint decision-making approach and some degree of power-sharing and fair distribution of benefits among all institutional actors. They are described as being more a 'process' than a stable and definitive end point or 'product'.904

(b) Limitations of CMPAs

CMPAs are not without their limitations. In short, these include: potential denial of cultural identity and rights of communities; inadequate or absent policies/laws; inflexible arrangements not suitable to local situations and partnerships; local and national inequities in power; inadequate, short-term or inconsistent government commitment; inadequate capacity; and continuing threats from external sources905

902 Kothari, n856 at 528.
903 Kothari, n856 at 528-533.
904 Note 901.
905 Adapted and summarised from Kothari, n856 at 541-544.
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(c) CMPAs and World Heritage cultural landscapes

(i) Uluru-Kata Tjuta National Park (Australia)\(^6\)

One example of the use of a CMPA to protect and manage a World Heritage cultural landscape is at Uluru-Kata Tjuta National Park. Uluru-Kata Tjuta National Park is known throughout the world as a 'symbol of and forum for cooperative management and intercultural communication'.\(^7\) The Uluru-Kata Tjuta Aboriginal Land Trust owns Uluru-Kata Tjuta as inalienable freehold land. The Land Trust represents the traditional Aboriginal owners and the land has been vested in them since 26 October 1985. The Uluru-Kata Tjuta Board of Management was established in April 1986\(^8\) with an Anangu majority representing Aboriginal people of land in the Park. As a part of the joint management arrangements, the Land Trust leases the land to the Director of National Parks as a National Park. Five years prior to the lease expiry on 25 October 2084, the Land Trust and the Director will negotiate for its renewal or extension.

Joint management of the Park has been in place since 1985 when the title of the Park was handed back to Traditional Aboriginal owners, to be held in trust for them. From this time Anangu (Aboriginal people) and Piranpa (non-Aboriginal people) have worked together to manage the Park’s natural and cultural values. The joint management arrangements are underpinned by the principles of working together, sharing (ngapartji-ngapartji) and Tjukurpa.\(^9\)

In 1995, Uluru-Kata Tjuta National Park was extended the Picasso Gold Medal, the highest UNESCO award for outstanding efforts to preserve the landscape and Anangu culture and for setting new international standards for World Heritage management. It was awarded jointly to Parks Australia and the Uluru-Kata Tjuta Board of Management.\(^10\)

(ii) Tongariro National Park (New Zealand)

In New Zealand, the Tongariro Taupo Conservation Management Strategy outlines the strategic priorities and key sites for biodiversity conservation and visitor access to Tongariro National Park\(^11\) for a ten year period.

The current Tongariro Taupo Conservation Management Strategy was approved in May 2002.\(^12\) It involved extensive public consultation and, in particular, discussion with Maori to

\(^6\) See Figure 22 in chapter 7 of this thesis for a map of the location of Uluru-Kata Tjuta National Park and photographs.
\(^7\) Layton R & Titchen S, 'An Outstanding Australian Aboriginal Cultural Landscape' in Von Droste et al., n152 at 174.
\(^8\) By notice issued under section 14C of the National Parks and Wildlife Conservation Act 1975.
\(^9\) See n445 for an explanation of 'Tjukurpa'.
\(^11\) Figure 18 shows the location of Tongariro National Park at the centre of the North Island.
\(^12\) Copy available at the New Zealand Department of Conservation.
reach agreement on how the principles of the Treaty of Waitangi 1840 would be applied to the management of the Tongariro Taupo Conservancy. In addition, the current Tongariro National Park Management Plan was approved in 2006 after being reviewed through a full public process. The plan sets out the World Heritage natural and cultural values of the National Park and provides a set of principles to guide specific policies. The plan has been prepared by the team in the Tongariro/Taupo Conservancy and is consistent with the General Policy for National Parks 2005 and with the National Parks Act 1980. The park community and Tongariro/Taupo Conservation Board also participated actively in the development of this plan to ensure the park's ongoing protection for future generations.

Figure 18: Tongariro National Park

Having regard to the above examples, it is clear that, properly funded and administered, CMPAs involving full public consultation, government commitment and regulatory support, can and do play an important role in selecting appropriate conservation measures for cultural landscapes.

6.2.5 Other opportunities to enhance conservation of cultural landscapes

(a) Other international instruments and the promotion of synergies between international instruments

Table 7 also reveals that cultural landscapes benefit from overlapping international conservation instruments with similar or related objectives. Such international measures include


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IUCN protected areas, Biosphere Reserves under the Man and Biosphere Program, Ramsar wetlands under the Ramsar Convention and various other Conventions, such as the 1996 Convention on the Protection of the Alps and the 1960 Convention on the Regulation of Navigation on the Danube 1960. These instruments all afford further protection to landscapes or parts of landscapes.

The logistical benefits of promoting synergies are readily apparent. Better coordination between international instruments can provide a number of practical advantages, particularly in the area of capacity development. Although coordinating and integrating international instruments into national development plans is challenging for all countries, the significant potential benefits of this process means that efforts to promote synergy between international heritage and environmental conservation obligations needs to be encouraged.

Generally speaking, the rationale for enhanced coordination between international instruments includes, among other things: efficient use of collective resources – information sharing, financial resources and expertise; reduction of duplication and overlaps; emphasis on program and policy coherence; and averting fragmented sectoral initiatives. At the national level, the concerns are for reduction of governments' burden of reporting under different international obligations; assisting governments in establishing priorities, implementing international conventions and treaties through policies, administrative and legal tools, and allocating resources in an era of shrinking budgets; and supporting governments in coordinating monitoring to reinforce decisions taken under various international instruments and intergovernmental processes. The case for enhanced collaboration is also strengthened by the requirements for coherent global and regional environmental management in the face of an expanding global trade regime.

While the promotion of synergies among environmental conventions would appear to make common sense, it might be submitted that the mandate of each convention should be considered in isolation. That is, regimes are generally perceived to exist in order to address specific problems requiring continued cooperation in a given issue-area. Consequently, their negotiation usually deals with problems where there is an accepted body of knowledge on a particular issue. This has led some writers, such as Haas, to conclude that 'All other things being equal, the narrower the scope of issues to be negotiated, the higher the degree of certainty about efficient solutions'. Further, Jonsson argues that ‘...neither issues nor the linking of issue into issue-
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areas [is] inherent in international subject matters but are human artefacts which vary over time and across actors. This line of thinking suggests that the ability to achieve effective outcomes may be lost if the subject matter of various international regimes is merged.

Among the major constraints to the promotion of synergies is insufficient technical, logistical and financial resources, particularly in less-developed countries. At a more detailed and technical level, a report of the Ad Hoc Technical Expert Group on Biodiversity and Climate Change was published in 2006, which identifies a number of obstacles, challenges and gaps on biodiversity and climate change adaptation planning. These obstacles include constraints relating to tools and data needs, research, participation and collaboration, communication and consultation. Finally, the legal basis for promoting synergies is presently uncertain. This has also resulted in arguments about the validity of synergistic efforts.

The World Heritage Convention is silent on the question of its relationship with other treaties. This leaves the resolution of any dispute as to the priority of the World Heritage Convention over another, equally silent, instrument to be determined in accordance with general international law principles. However, conflict in the application of international norms is not a new phenomenon. Where a conflict between rules of international law arises, the conflict should be resolved in accordance with the 'principle of harmonisation'. This principle provides that 'when several norms bear on a single issue they should, to the extent possible, be interpreted so as to give rise to a single set of compatible obligations'. The problem with the interpretation of environmental principles, as observed by Stephens in an environmental context, is that divergences in interpretation of their meaning by various bodies (in particular, non-environmental bodies) may well result in the fragmentation of international law:

As environmental principles are relatively open-textured and flexible they are amenable to interpretation and change, and it is possible that non-environmental bodies will appropriate soft-law norms in to their decision-making in a way that challenges their original objects and purposes. In so doing they may undermine the consensus that emerges as to their meaning, and

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920 Arguably, the legal basis for promoting synergies primarily must be found in the Articles of the Conventions and the documents supporting the Conventions. For example, collaboration is specifically mentioned in Articles 7.2(1) and 8.2(e) of the UNFCCC, Articles 5 and 24(d) of the CBD and Articles 8.1 and 23(2)(d) of the UNCCD.


922 Note 921 at 3.
thereby weaken their relevance for advancing global action to address environmental problems.923

Notwithstanding this, the principle of harmonisation retains an important role in resolving compatibility between instruments where the instruments are silent as to conflicts between their objectives and the objectives of other conventions.

In the specific context of treaties, Article 30 of the 1969 Vienna Convention on the Law of the Treaties (Vienna Convention) regulates the application of successive treaties on the same subject matter on the basis of the specific provisions of those treaties or, by default, of the prevalence of a later treaty over preceding treaties to the extent of the conflict with the earlier one (the lex posterior rule). However, as Redgwell observes, ‘relating to the same subject matter’ is likely to be interpreted strictly so it is unlikely that this rule would furnish a conclusive outcome to the legal question of the dominant lex posterior as between, say, the World Heritage Convention and a biodiversity-related convention. Nor does the application of the accepted principle that a lex specialis prevails over a lex generalis, regardless of their priority in time, furnish a clear-cut solution in the face of ‘specialist’ instruments such as these.924

In practice, the issue tends to be one of interpretation of the existing texts rather than which treaty text prevails.925 In this respect, Articles 31 and 32 of the Vienna Convention again set out the test which is generally considered to be reflective of customary law. Article 31(2) provides recourse to the ordinary meaning of the words used, in their context, and in the light of the object and purpose of the treaty. While, consistent with the inter-temporal rule,926 the International Court of Justice has accepted ‘the primary necessity of interpreting an instrument in accordance with the intentions of the drafters at the time of its conclusion’,927 it has also acknowledged that treaties are to be ‘interpreted and applied within the framework of the entire legal system prevailing at the time of the interpretation’.928 The crucial point in these cases was that the terms sought to be defined had an inherently evolutionary character by suggesting recourse to general international law for their interpretation; not that the Court was reinterpreting or revising the entirety of the treaty text. This can be seen in the decision of Court in plenary in the Case Concerning the Gabčíkovo-Nagymaros Project, which held that:

Throughout the ages, mankind has, for economic and other reasons, constantly interfered with nature. In the past, this was often done without consideration of the effects upon the

923 Stephens, n700 at 310.
924 Redgwell, n103. See also n921 at 3 and Stephens, n700, chapter 10.
925 Stephens, n700 at 310.
926 See section 5.7.6.
928 Agean Continental Shelf Case (1978) ICJ Rep 3 at 32-33.
environment. Owing to new scientific insights and to a growing awareness of the risks for mankind – for present and future generations – of pursuit of such interventions at an unconsidered and unabated pace, new norms and new standards have been developed, set forth in a great number of instruments during the last two decades. Such new norms have to be taken into consideration, and such new standards given proper weight, not only when States contemplate new activities but also when continuing activities begun in the past.929

It is hoped that, in the context of contemporary conservation concerns, such as biodiversity conservation, climate change and sustainable development, and emerging concepts under the World Heritage Convention, such as cultural landscapes, an evolutionary approach will be taken to the interpretation of the obligations under and the objectives of the World Heritage Convention.

Finally, Article 31(3)(c) of the Vienna Convention also refers to 'any relevant rules of international law applicable in the relations between the parties' among the elements to be taken into account in the interpretation of a treaty.930 In view of the proliferation in recent times of global treaties on subject matters that cut across many areas of international relations (e.g. climate change and biodiversity), two further principles of treaty drafting and interpretation have become widely adopted, namely:

(i) The principle of mutual supportiveness between treaties and the consequential presumption against conflicts. That is, when the interpretation of two treaties may lead to different solutions, the interpretation should be chosen which better preserves the positions of the parties under both treaties and which creates synergies rather than conflicts between them.

(ii) The principle of not adding to or diminishing the rights and obligations provided for by other treaties.931

Notwithstanding the above potential limitations to the promotion of integration of international instruments and their objectives, synergies are fast becoming an important feature of enhancing international conservation efforts. Indeed, synergies are readily apparent among the World Heritage Convention and the five international Conventions that focus on biodiversity issues, namely: the 1993 Convention on Biological Diversity (CBD), the 1979 Convention on the Conservation of Migratory Species and Wild Animals (CMS), the 1975 Convention on

929 Note 702 at 140. See also discussion in Stephens, n700 at 173-87 and the preceding chapter on the inter-temporal rule.
Support for cooperation among the Biodiversity Conventions also arises as a result of the 2010 target. In short, the 2010 target was set in April 2002 when the parties to the World Heritage Convention committed themselves to achieve, by 2010, a significant reduction of the current rate of biodiversity loss at the global, regional and national level as a contribution to poverty alleviation and to the benefit of all life on earth. This target was subsequently endorsed by the World Summit on Sustainable Development and the United Nations General Assembly and was incorporated as a new target under the Millennium Development Goals. The respective Conferences of the Parties (CoPs) to the Biodiversity Conventions have each recognised the 2010 target and the need for enhanced cooperation among the Conventions.935

The mechanisms by which these synergies are realised include partnerships,936 Memoranda of Cooperation937 and Joint Work Programs938 with partners, outlining formally agreed activities or...
targets. The Secretariat of the CBD also established formal liaison groups among the secretariats of the Rio Conventions (Joint Liaison Group)\(^9\) and those of the Biodiversity Conventions (Biodiversity Liaison Group)\(^4\) and a consortium of Scientific Partners on Biodiversity.\(^9\) There are also trilateral meetings between the CBD, World Heritage Convention and Ramsar on protected areas.\(^9\)

The above discussion demonstrates that while there is certainly the potential for divergence, conflict and fragmentation of international law in promoting synergies between international instruments, there is scope for the beneficial integration of work programs under the above instruments to enhance conservation efforts. The positive results of the initiatives outlined above, arising from the synergies between overlapping and related conservation measures, should form the subject of future research initiatives for enhancing the conservation of cultural landscapes and other forms of World Heritage.\(^9\) This could be done, for example, by way of a

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\(^9\) See, for example: [http://www.cbd.int/cooperation/related-conventions/mandates.shtml](http://www.cbd.int/cooperation/related-conventions/mandates.shtml); accessed 27 March 2008. The MoU between CMS and UNESCO “provides for the future development of joint activities, including inventories, assessments and monitoring of migratory species in biosphere reserves and natural world heritage sites, and in situ conservation and integrated ecosystem management in these sites, particularly in transboundary areas”: Redgwell, n105.

\(^9\) See, for example, among the Biodiversity Conventions, the following joint programs of work/joint work plans exist: CBD and the Ramsar Convention; CBD and CITES; CBD and CMS, African-Eurasian Migratory Waterbirds Agreement and the Ramsar Convention.


\(^9\) The Biodiversity Liaison Group comprises representatives of the secretariats of the CBD, the CMS, CITES, Ramsar and the World Heritage Conventions. The Group was set up because it was recognised that while each Convention stands on its own, with its own specific objectives and commitments, inter-linkages between the issues each addresses, and potential complementarities in their monitoring and implementation processes, provide a basis for cooperation. Copies of the reports of the Biodiversity Liaison Group and further details can be found at: [http://www.cbd.int/cooperation/related-conventions/blog.shtml](http://www.cbd.int/cooperation/related-conventions/blog.shtml); accessed 24 March 2008.

\(^9\) Through the CBD process an Ad hoc Technical Expert Group on Biological Diversity and Climate Change (CBD Technical Expert Group) was created in February 2005. The group is mandated to undertake an assessment of the integration of biodiversity considerations in the implementation of climate change adaptation activities, and subsequently to prepare guidance under the thematic areas of the CBD for use in planning and/or implementing activities to address adaptation to climate change and links between climate change, biodiversity conservation and sustainable use, and land degradation and desertification. See, for example, 13th meeting of the CBD Subsidiary Body on Scientific, Technical and Environmental Advice (CBD SBSTTA-13) in Rome, February 2008: [http://www.cbd.int/doc/meetings/cop/cop-09/official/cop-09-02-en.pdf](http://www.cbd.int/doc/meetings/cop/cop-09/official/cop-09-02-en.pdf); accessed 21 March 2008, which identified a number of initiatives to promote synergies among Conventions.


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new strategic target to enhance landscape conservation set by a joint liaison group between the CoPs to the World Heritage Convention, the Biodiversity Conventions and the Climate Change Conventions. Such an initiative might even provide a platform for the first global convention on landscape conservation that might further benefit the conservation of cultural landscapes under the World Heritage regime.

(b) Economic instruments

Economic instruments are potentially a more flexible and effective regulatory tool than the command and control approach and may offer more cost-effective ways of achieving conservation objectives. Economic measures promote conservation either by increasing the cost of activities that damage heritage areas, or by increasing the returns gained from conservation activities. Economic measures include, for example, environmental taxes, subsidies, levies and tradeable property rights. Indeed, biodiversity conservation efforts have been furthered globally through measures such as systems of trading and market creation, removing perverse incentives, economic incentives, financial incentives, and charges.

Market-based instruments are, however, not without their limitations, including, in some cases, high transaction costs. Further, the use of market mechanisms as a means of environmental policy is invariably as a supplement and not as a replacement for more conventional environmental governance techniques, such as planning assessment measures and pollution controls. Finally, the ability of market-based measures to value the environment adequately is the subject of much debate. Consequently, such measures should be used with caution, should only be complementary to legislation and policy, must also have the objective of achieving complete protection of the cultural landscape, and not be used to allow development that would otherwise be prohibited.


945 For example, subsidies in the water, forestry, or agricultural sectors, which encourage over-exploitation. See, for example, Farrier D, 'Policy Instruments for Conserving Biodiversity on Private Land' in Bradstock RA, Auld TD, Keith DA, Kingsford RT, Lunney D & Sivertsen DP (eds), Conserving Biodiversity: Threats and Solutions, Surrey Beatty & Sons, Sydney, 1995.

946 Including payments for the conservation and sustainable use of biological diversity, debt for nature swaps and tax allowances.

947 Including taxation of resources, user charges (such as park entry fees), non-compliance fees, and fines for damages. See Gunningham N & Sinclair D, Leaders & Laggards: Next Generation Environmental Regulation, Greenleaf Publishing, Sheffield, 2002 at 60-69.

948 While markets tend to be able to promote allocative efficiency in resource use, there are doubts about the ability of markets to address the problem of scale, or aggregate resource use within biosphere limits. Daly H, 'Allocation, Distribution and Scale: Towards an Economics that is Efficient, Just and Sustainable' (1992) 6 Ecological Economics 185. Further, there is a significant link between global pressures and local impacts arising from market failures: Carter M, 'A Revolving Fund for Biodiversity Conservation in Australia', paper prepared for the OECD Experts Group on Economic Aspects of Biodiversity, Sydney, 1998.
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(c) Education and capacity building

Awareness and education are key tools for shifting attitudes and behaviours of society as a whole in ways that can improve cultural landscape management and bottlenecks to such improvement. Research, often carried out by universities and research institutes, provides managers with vital information on the social characteristics of resident and neighbouring communities; the presence or absence of species and their ecological requirements; the geophysical characteristics of the area; the economic potential of various resources and activities; new interpretations of cultural resource material; trends in ecosystem change; and so forth.

Education is also often used to assist capacity building efforts. For example, education has played a key role in improving the governance of protected areas in the Philippines, including the Rice Terraces of the Cordilleras. A senate committee on natural resources and ecology, forming part of the National Protected Area Program (NIPAP), admitted that there was a problem with managing the system, providing the impetus to launch organisational reforms, including the legal establishment of local management boards for each individual park. These boards were met with much scepticism and there was little progress until five years later when NIPAP recognised that the boards had to be linked to community interests. NIPAP then undertook internal training of its staff and launched a process of dialogue and workshops on protected areas for local community leaders, using local languages and dialects. As a result, local leaders became involved and local governments started to provide direct financial support. This top-down driven institutional change followed by a bottom-up outreach, and a communication and training process, led to the improved effectiveness of the protected area system in the Philippines.

It is clear that education alone is insufficient to promote the effective protection and conservation of cultural landscapes and other protected areas. Capacity development at the individual, organisational and societal levels is also required. Building capacity is much more than just training or institution building. It involves an ongoing process of change or transformation that aims to induce various actors to adopt new responsibilities, skills, behaviours, approaches, values and policies.

There are various ways in which capacity building can be achieved, including: formal education and professional training, involving both vertical (mentoring and organised training) and horizontal skills (peer exchange) transfer; short courses and in-service training;

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950 Hough J, "Developing Capacity" in Lockwood et al, n137 at 180.
952 Hough, n950, Case Study 7.4 at 181.
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apprenticeships, internships, mentoring and coaching; exchanges; study visits; meetings and workshops; publications, professional societies and networking.954 At the organisational and societal levels, education programs, lobbying and high-level policy change is required.

Unfortunately, there are inevitably various constraints to capacity building at the individual, organisational and societal levels, such as: financial and time resources; limitations on the extent to which learning and adoption of new practices is encouraged and accepted; inadequate management, infrastructure and human resources; and ineffective structural, economic, managerial, regulatory and accountability systems.955

Acknowledging the above constraints to capacity building, the UNDP has put forward a framework that includes five essential areas of capacity that should ideally be incorporated in cultural landscape conservation capacity building efforts. These are: capacity to conceptualise and formulate policies, legislations, strategies and programs; capacity to implement policies, legislations, strategies and programs; capacity to engage and build consensus among all stakeholders; capacity to mobilise information and knowledge; and capacity to monitor, evaluate, report and learn.956

There is no universal framework that specifies what capacities are required for the effective management of all cultural landscapes. Ultimately, methods of inducing change in capacity building efforts will need to be considered on a case by case basis. Each method has its own advantages and disadvantages and works differently in different contexts. Capacity requirements and capacity development needs will depend upon a large number of external and internal influences, such as: neighbouring communities and interested and affected parties around the landscape; leadership; skills within the landscape; and political support.

It is imperative that capacity building initiatives and formal education programs form part of cultural landscape conservation efforts by States Parties and that details around this requirement are formalised in an express obligation either as part of amendments to the Operational Guidelines contemplated by this thesis or in informal guidelines developed to assist stakeholders in improving cultural landscape management. Such efforts should continue to be supported by Articles 19-26 of the World Heritage Convention in relation to the conditions and arrangements for international assistance.957

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954 Hough, n950 at 173.
955 Hough, n950 at 173-174.
956 Hough, n950 at 168-169.
957 The text of these Articles of the Convention is reproduced in Appendix I.
Private land ownership and cultural landscape conservation

Many cultural landscapes are wholly or partly in private ownership, presenting an additional conservation challenge. Conservation arrangements between private landowners and the relevant government are many and varied. Landowners willing to manage their land for some conservation objectives have shown a tendency to pool their land together to form collaborative reserves and conservancies over larger units. Landowners can also join forces in non-profit land trusts, often established through conservation easements. Partnerships are also occurring between private landowners and the governmental agencies managing adjacent national parks. However, a difficulty with such arrangements is that they are often not enforceable and there is often little consultation and accountability to the general public.

The protection and conservation of Portovenere, Cinque Terre, and the Islands (Palmaria, Tino and Tinetto) (Italy) is one example of private land owners actively supporting conservation efforts. The Ligurian coastal region between Cinque Terre and the Portovenere in Italy is a scenic and historic landscape. The form and siting of the five small towns and the shaping of their surrounding landscape, overcoming the disadvantages of a steep and broken terrain, graphically encapsulate the continuous history of human settlement over the past millennium.

Legal ownership of various components of the Cinque Terre is varied. Water resources, coastal waters, railway lines and main roads are the property of the Italian State. Secondary roads belong to the Province of La Spezia, while minor roads and public buildings and open spaces belong to the relevant commune administrations (Monterosso, Vernazza, Riomaggiore, and Portovenere). The whole area of cultivated terraces and woodland and all the dwellings are owned by many private individuals.

The landscape was seriously damaged by post-World War II external changes that disrupted the traditional system: people emigrated, the land was abandoned, terraces were collapsing due to lack of maintenance, and viticulture on an economic scale broke down. Revitalisation has come from within the five communities. People concerned about loss of identity formed a cooperative to produce and market the traditional wine of the region, and to redevelop the landscape. This requires complexity in design to preserve the whole: zoning the terraces according to soil capacity and drainage; prescribing building and housing upgrades; new subdivision; connecting tourists with the terraced landscapes through trekking and education; and being able to purchase abandoned terraces so that external funds flow into site restoration.

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958 Borrini-Feyerabend et al, n75 at 130.
959 See discussion in section 6.2.3(b).
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The 5000 residents asked for national park status to protect their World Heritage listed landscape. Now, skilled Albanian refugees are moving to repair the stone terraces, house prices have risen 300% since inscription, and the new threat is tourism. A management plan for the park integrates protection and conservation of the landscape and its continuing use for cultivation. Survival of the landscape and its inscribed values is dependent upon its continuing economic vitality.\(^\text{961}\)

As private land owners continue to enhance their involvement in protected areas including cultural landscapes, there is a need for them to build upon their strengths while improving their governance system as much as possible. They could, for instance, promote community involvement in their work, share benefits by offering employment, or provide communities with a sense of ownership and pride in the local environment and wildlife. At the same time, governments need to strengthen the legal framework for private land conservation, so that individuals and groups can more easily establish and manage protected areas through easements, concessions, conservation trusts or financial incentives. Governments can also play a proactive role in monitoring and evaluating the effectiveness and equity of private conservation efforts.\(^\text{962}\)

6.2.6 Measures to protect and conserve transboundary cultural landscapes

(a) Complexities in the conservation of transboundary cultural landscapes

There are several cultural landscapes on the World Heritage List that are transboundary, that is, the sites straddle State borders. These sites perhaps present some of the most complex conservation challenges as a result of the increase in the number of stakeholders, the varying political will and commitment of the involved countries, concerns regarding State sovereignty and security as well as the financial, institutional, administrative and technological capacities of the relevant parties.

(b) Transboundary cultural landscapes on the World Heritage List

A brief analysis of the following two transboundary cultural landscapes exemplifies some of the protection, conservation and management challenges confronting cultural landscapes that straddle State borders.

\(^{961}\) Lennon, n214 at 461.
\(^{962}\) Borrini-Feyerabend et al, n751 at 130.
The Advisory Body Evaluation for Fertő/Neusiedlersee Cultural Landscape records that the Fertő-Neusiedler Lake area, located on the Austrian-Hungarian border, is a diverse ecosystem that has had a very long tradition of harmonious interaction between people and nature. The lake itself, which normally has no outlet, is the largest saline water body in Europe (309,000ha). The water surface and surrounding lands are subject to a variety of climatic effects, and contain unique assemblages of species from different regions, as well as a number of rare endemic plant. It is a crucial habitat for many resident and migratory bird species. Adjoining the lake is Seewinkel, with its 80 or so shallow saline ponds that attract thousands of geese arriving in late autumn. Other natural habitats include saline grassland and marshlands, steppe-relics, bogs and xerotherm oak stands. Many of the modified habitats are also important for nature conservation, although this depends on maintaining traditional land management practices. Its cultural values are of many kinds, including Roman stone quarries and villages of medieval origin which used the resources of the lake and adjoining lands, the Esterhazy palace where Joseph Haydn wrote much of his music and the nearby home of the hero of Hungarian independence, Count Istvan Széchenyi.

965 Phillips, p162 at 32-33.
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One example of the challenges of the transboundary management of the site is that presented by the fact that ownership of Fertő/Neusiedlersee Cultural Landscape is complex. In the Austrian part of the nomination, less than 1% is owned by the State, the bulk of the 41,590ha belonging to private owners and communities. In the Hungarian part, within the Fertő-Hanság National Park, the State owns 10,790ha (86%), with other owners there and elsewhere in the nominated areas being local government, the Church, and private individuals.966

Nevertheless, the whole of the landscape has been a nature and landscape protection area since 1965, and the protection area has been classified as a reserve under the Ramsar Convention since 1983. The Fertő/Neusiedler lake is also a MAB Biosphere Reserve. In Austria, the Neusiedlersee/Seewinkel has been established as a national park since 1993. The Southern (Hungarian end) of the lake Fertő region has been a landscape protection area since 1977. In 1992, the Fertő-Hanság National Park was established. Furthermore, the Neusiedlersee as well as the South Eastern part of the Leitha Mountain Range has been recognised as a Natura 2000 region.967 The lake and its surroundings are also designated as a Council of Europe biogenetic reserve (the area is almost identical to the hydrographic catchment of the lake). The Austrian side is designated as a Special Protection Area under the European Union Council Directive 79/409/EEC on the Conservation of Wild Birds and a Special Area of Conservation under the European Union Council Directive 92/43/EEC on Habitats. There is hardly any other region in Europe which has collected so many designations as a protected area of primary importance.968

On the Austrian side, cultural property, including outstanding monuments, groups of buildings, and objects, is protected by the Austrian Monument Protection Act 1923, as amended. The entire historic centre of the free town of Rust is under a preservation order.969

On the Hungarian side, Law No 65 of 1990 made the protection of the built environment a task of both the communities and county-level local government. Law No 54 of 1997 endeavours to promote the interests of monument preservation within a holistic concept of protecting the built environment with due consideration to numerous other factors, including the promotion of public awareness of the cultural heritage. The Széchenyi Palace, Nagycenk, and the whole assembly of historic monuments come under this law. The same applies to the Fertőd Esterhazy Palace as well as the former Bishop’s Palace and its garden in the protected area of Fertőrákos.

966 Note 964.
969 Note 964.
In addition, an objective of Law No 78 of 1997 is the protection of village-scapes and landscapes.\footnote{970}

The Hungarian part of the landscape is also covered by the \textit{National Land Use Plan}, which recognises the Fertő Hanság National Park as a priority area that is extremely sensitive in terms of cultural heritage. The Park has recently been successful in attracting significant foreign funding for infrastructural development.\footnote{971} Overall, the objective is to preserve the entire heritage as a single entity.

Responsibilities for conserving the existing cultural properties on both sides of the frontier are distributed between federal, provincial, and local levels. The combined effects of the \textit{Austrian Monument Protection Act 1923} and village renewal regulation within a tourist context encourage sustainable tourism. In practice, work and resources are in the hands of the cultural office of the Provincial Government, the Burgenland tourist association, provincial museums, and village renewal advisory boards. The advisory boards produce binding village renewal plans which provide the framework for management and development.\footnote{972} Management is designed to supervise and monitor the state of preservation. A complete inventory of monuments and sites compiled at State level is available for conservation and management. Similar arrangements exist on the Hungarian side.\footnote{973} In 1987, the Austro-Hungarian National Park Commission was established to oversee transboundary cooperation in the management of the two national parks. There is also an international commission dealing with the water level of the lake.

Overall, the Advisory Body Evaluation states that credit is due to the authorities of both countries for the excellent work now being done for conservation and for the degree of cooperation that has occurred across the international border.\footnote{974} The Mission Report of the ICOMOS, UNESCO and IUCN Reactive Monitoring Mission to Fertő/Neusiedlersee Cultural Landscape, 25-26 February 2007, arising from a mission to determine whether a proposed 73 metre high hotel in a development zone near Parndorf would impact adversely on the site,\footnote{975} commented that ‘there is in place a very good management plan for the property that stresses the need for protection of the wider landscape’.\footnote{976}

The joint management plan was assessed by ICOMOS and approved by the World Heritage Committee in 2004. The Committee decision commended the ‘Austrian and Hungarian
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management authorities as well as States Parties for the quality of the revised management plan and the good cooperation process’ and ‘encourage[d] the Austrian and Hungarian authorities to continue their cooperation in the implementation of the management plan for this transboundary cultural landscape’.977

(ii) Curonian Spit (Lithuania/Russian Federation)

Figure 20: Curonian Spit978

Collaboration in managing transboundary areas is also evident in the case of the Curonian Spit. The Curonian Spit is located at the shores of the Baltic sea and features an unusual geomorphological phenomenon of a sandy peninsula, which is constantly changed by waves and wind. Following a stakeholders’ and planning meeting, a joint management plan was produced and the area was nominated for inclusion on the World Heritage List under both natural and cultural criteria. Human habitation of this elongated sand dune peninsula dates back to prehistoric times. Even today, unique traditions such as traditional fishing farmsteads and the production of Krikstai (wooden grave markers) are still alive. The site was inscribed in 2000 as a cultural landscape and has benefited from the international recognition and also from financial assistance for its visitor centre. Notwithstanding this, protection has not been absolute, as evidenced by the construction of an oil platform in the Baltic Sea by the Russian authorities and the difficulties in creating joint preventative protection measures, despite international meetings.

and UNESCO missions and consultations.\textsuperscript{979} The site exemplifies the fragility of heritage landscapes and the need for collaborative approaches in management and risk prevention. It also illustrates the point that addressing conservation needs in a transboundary context can be difficult, particularly where challenges such as rapid economic development and exploitation of natural sources arise.

At the 32nd Session in 2008, the World Heritage Committee commended the continued collaboration between the States Parties and the progress made in the Joint Lithuanian-Russian Post-project Environmental Impact Assessment (EIA) of the D-6 oil platform, in the bilateral Agreement Concerning Co-operation in Case of Pollution Accidents, Pollution Prevention, Mitigation and Compensation Measures and in the joint Lithuanian and Russian Action Plan for Co-operation in Case of Pollution Accidents in the Baltic Sea, and encouraged them to continue bilateral environmental monitoring. The Committee also expressed disappointment regarding the delay in signing the above agreements and urged both States Parties to sign the Agreement and Action Plan and to initiate their implementation as a matter of urgency.\textsuperscript{980}

6.2.7 Conclusions: improving the governance of cultural landscapes

From the above review of the various implementation measures adopted by States Parties, it can be seen that there are diverse ways of meeting the challenges of conservation of dynamic cultural landscapes. Integrating cultural and natural protection measures to protect the interrelationships between natural and cultural values in cultural landscapes is a complex task that will, in most instances, require a range of complementary instruments to be employed.

The adoption of a mix of different systems and management structures illustrates one of the future visions of cultural landscapes; namely, sharing of responsibilities among the stakeholders, national and international, local and regional, community-based and regional/national park authority management. Responding to challenges also requires that linkages be developed beyond the site, including: involvement of research and university institutions, training and educational centres and the promotion of opportunities for future partnerships to transmit knowledge and best practices.

The challenge for governments and management agencies is to develop integrated packages that are sensitive to the local, social, economic and political context of the particular cultural landscape. Such packages may incorporate: traditional and community based conservation measures; legislation or regulations that can be used to create an institutional framework for management, set aside areas of land, and enforce standards and prohibitions; formal agreements

\textsuperscript{979} Rossler, n70 at 43-44.

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between agencies and landholders (public and private) and other partnerships and collaboration efforts at regional and international levels, including among States Parties willing to realise synergies among convention objectives and the mandates of international organisations; and economic measures, such as subsidies and tradeable permits, to encourage landholders to provide conservation benefits to the community, assist efficient allocation of resources, and allow for the equitable distribution of costs and benefits of conservation activities.\(^981\)

From the above discussion, it is apparent that improving the governance of cultural landscapes and enhancing the effectiveness of implementation measures requires an analysis of a number of factors, including: the nature and scope of the organisational structure in place for the governance of the cultural landscape and the distribution of powers and responsibilities; where and why disputes and conflicts happen and appropriate resolution methods; education and capacity-building efforts and where these are required;\(^982\) means of enhancing capacities of local government institutions to interact with civil society; appropriate processes to better inform local communities, community-based organisations, private sectors and civil society about their rights and obligations with respect to the cultural landscape conservation and participation in the governance of cultural landscapes; and a review of fiscal arrangements for the protection and conservation of each particular cultural landscape.\(^983\)

Finally and most importantly perhaps, in the context of cultural landscapes, is the need for an ongoing review of management and governance processes to ensure that both processes are adaptive to change, in particular, human-induced change. For example, rapid environmental changes, such as from climate change, overexploitation of resources and pollution, will all alter the cultural attributes and natural features and cycles and processes that constitute or contribute to the landscape’s outstanding universal value. Similarly, rapid socio-cultural and economic change means that the protection and conservation of many cultural landscapes must also respond to globalisation, technological advances, changing needs of local communities and the impacts of these changes.


\(^982\) Borrini-Feyerabend et al, n751 at 143. For instance, new skills may be needed for technical services, including for engaging in participatory diagnosis and planning, negotiating consensus solutions, managing resources and finance, and collecting and storing data.

\(^983\) Summarised from Borrini-Feyerabend et al, n751 at 143-144.
This chapter provides an in-depth review of the implementation measures adopted generally and specifically by Australia and the Philippines for the protection and conservation of their World Heritage, in particular, for their cultural landscapes, Uluru-Kata Tjuta National Park and the Rice Terraces of the Philippine Cordilleras. These case studies have been selected because they are among the earliest original listings of cultural landscapes and, accordingly, their conservation over time can be more usefully analysed. These sites are also extensively discussed in the literature and provide poignant examples of the successes and failures of various governance approaches and implementation measures, which are assessed having regard to the objectives of the World Heritage Convention and the duties of States parties under the Convention.

7.1 Case study of an ‘associative’/‘organically evolved’ cultural landscape: Uluru-Kata Tjuta National Park, Australia

7.1.1 Description and background

**Date of Inscription on the World Heritage List:** 1987 (renominated in 1994)

**Criterion for listing:** C (v)(vi) and N (ii)(iii)

Uluru-Kata Tjuta National Park (Uluru-Kata Tjuta) (formerly called Uluru – Ayers Rock Mount Olga National Park) covers an area of 132,566 hectares of arid land. It is 1420 kilometres

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*Photo taken by the author on 8 September 2007.*
south of Darwin and 335 kilometres south-west of Alice Springs in the Northern Territory. Uluru-Kata Tjuta was originally listed in 1987 only for its natural values. It was then re-nominated under the 'associative cultural landscape category' in 1994, in recognition of its close associations with the Aboriginal people of the area, the Anangu Aboriginal people.

Figure 22: Uluru-Kata Tjuta National Park

7.1.2 Justification for Inscription

The 1994 Nomination Dossier noted:

The cultural landscape of the Anangu Tjukurpa is an outstanding example of the traditional human type of settlement and land use known as hunting and gathering. It is directly and tangibly associated with events, living traditions, ideas and beliefs of outstanding universal significance, and it is a potent example of imbuing the landscape with the values and creative powers of cultural history through the phenomenon of sacred sites.
The landscape also features spectacular geological formations that dominate the vast red sandy plain of central Australia. Uluru, an immense monolith, and Kata Tjuta, the rock domes located west of Uluru, are central to the traditional belief system of one of the oldest human societies in the world.\footnote{Uluru-Kata Tjuta National Park, n440.}

Uluru-Kata Tjuta is one of the few World Heritage properties listed for both its natural and cultural values. Specifically, it was listed for the following outstanding universal values:

Natural values:
- as an example of on-going geological processes; and
- as an example of exceptional natural beauty and combination of natural and cultural elements.

Cultural values:
- as an outstanding example of traditional human land use; and

\footnote{Photo taken by the author on 8 September 2007.}

Figure 23: Kata Tjuta\footnote{Photo taken by the author on 8 September 2007.}
Aboriginal people and their culture have an association with Uluru stretching back many thousands of years. According to Anangu, the landscape was created at the beginning of time by ancestral beings. Anangu are the direct descendants of these beings and they are responsible for the protection and appropriate management of these lands. The knowledge necessary to fulfil these responsibilities has been passed down from generation to generation through Tjukurpa. ⁹⁹³

During the 1870s, expedition parties headed by explorers Ernest Giles and William Gosse were the first Europeans to visit the area. As part of the colonisation process, Uluru was named ‘Ayers Rock’ and Kata Tjuta, named ‘The Olgas’ by these explorers in honour of political figures of the day. ⁹⁹⁴ Further exploration soon followed with the aim of establishing the possibilities of the area for pastoral expansion. It was soon concluded that the area was unsuitable for pastoralism and few Europeans visited over the following decades.

In the 1920s, the Commonwealth, South Australian and Western Australian Governments declared the great central reserves, including the area that is now Uluru-Kata Tjuta, as sanctuaries for a nomadic people who had virtually no contact with white people. ⁹⁹⁵

From the 1940s, Aboriginal welfare policy and the promotion of tourism at Uluru brought permanent European settlement to the area. In 1948 the first vehicular track to Uluru was constructed, responding to increasing tourism interest in the region. Tour bus services began in the early 1950s and later an airstrip, several motels and a camping ground were built at the base of the Rock. In 1958, in response to pressures to support tourism enterprises, the area that is now the park was excised from the Petermann Aboriginal Reserve to be managed by the Northern Territory Reserves Board as the Ayers Rock – Mt Olga National Park. ⁹⁹⁶

Post-war assimilation policies assumed that Pitjantjatjara and Yankunytjatjara people had begun a rapid and irreversible transition into mainstream Australian society and would give up their nomadic lifestyle, moving to specific Aboriginal settlements developed by welfare authorities for this purpose. By the early 1970s Anangu found their traditional country suddenly accessible with roads, motor cars, radio communications and an extended network of settlements. At a time of major change in government policies, new approaches to welfare policies promoting economic self-sufficiency for Aboriginal people began to conflict with the then-prevailing park

⁹⁹³ See n445 for an explanation of Tjukurpa.
⁹⁹⁴ In separate expeditions, William Ernest Powell Giles and William Christie Gosse were the first European explorers to this area. In 1872 while exploring the area, Giles sighted Kata Tjuta and called it Mount Olga, while the following year Gosse saw Uluru and named it Ayers Rock after Sir Henry Ayers, the Chief Secretary of South Australia. Website of the Australian Government Department of the Environment, Water, Heritage and the Arts, Early European History: http://www.environment.gov.au/parks/uluru/culture-history/history/early-european-history.html; accessed 8 January 2009.
management policies. The establishment in 1972 of the Ininti Store as an Aboriginal enterprise on a lease within the park offering supplies and services to tourists, became the nucleus of a permanent Anangu community at the Rock.997

The ad hoc development of tourism infrastructure adjacent to the base of Uluru that began in the 1950s soon produced adverse environmental impacts. It was decided in the early 1970s to remove all accommodation-related tourist facilities and re-establish them outside the park. In 1975, a reservation of 104 square kilometres of land beyond the park’s northern boundary, 15 kilometres from Uluru, was approved for the development of a tourist facility and an associated airport, to be known as Yulara. The campground within the park was closed in 1983 and the motels finally closed in late 1984, coinciding with the opening of the Yulara resort.998

Confusion about representation of Anangu in decision-making associated with the relocation of facilities to Yulara led to decisions being made which were adverse to Anangu interests. It was not until the formation of the Central Land Council and the Pitjantjatjara Council in the 1970s that Anangu began to influence the ways in which their views were represented to government.999

On 24 May 1977 the park became the first area declared under the National Parks and Wildlife Conservation Act 1975 (now repealed), adopting the name “Uluru (Ayers Rock-Mount Olga) National Park”. The park was declared over an area of 132,550 hectares and included the subsoil to a depth of 1,000 metres. The declaration was amended on 21 October 1985 to include an additional area of 16 hectares. The Territory Parks and Wildlife Commission (the successor to the Northern Territory Reserves Board) continued with day-to-day management. During this period Anangu indicated their interest in the park and its management, including requests for protective fencing of sacred sites and permission for houses to be built for older people to camp at the Rock to teach young people.1000

In February 1979, a claim was lodged under the Aboriginal Land Rights (Northern Territory) Act 1976 by the Central Land Council (on behalf of the Aboriginal people) for an area of land that included the park. The Aboriginal Land Commissioner, Toohey J, found there were Aboriginal people for the park, but the park could not be claimed as it had ceased to be unalienated Crown land upon its proclamation in 1977.1001
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The decision to establish the park as a Commonwealth Park heightened tension between the Commonwealth and Northern Territory Governments of the day. Negotiations were undertaken over a joint management arrangement between the Northern Territory Government and Anangu based on grant of title to the park, but agreement on mutually satisfactory arrangements could not be reached. Anangu were also unwilling to accept Commonwealth Government proposals for establishment of an advisory committee to make recommendations to the Director of National Parks and Wildlife on park management. Finally, in line with commitments made by the newly-elected Commonwealth Government in 1983, legislation amending the *National Parks and Wildlife Conservation Act 1975* (now repealed) and the *Aboriginal Land Rights (Northern Territory) 1976* came into force on 2 September 1985 to put in place joint management of the park between Anangu and the Commonwealth. These amendments provided for the area of the park to be granted as inalienable freehold land to the Uluru-Kata Tjuta Aboriginal Land Trust and to be simultaneously leased back to the Director of National Parks and Wildlife, to be managed under a Board of Management with an Anangu majority. During negotiations on these arrangements, Anangu achieved payment of a share of park revenue as annual rental for use of their land as a park.

The Governor-General formally granted title to the park to the Uluru-Kata Tjuta Aboriginal Land Trust on 26 October 1985. The inaugural Board of Management was gazetted on 10 December 1985 and held its first meeting on 22 April 1986. In 1993, at the request of Anangu and the Board of Management, the official name of the park was changed to its present name, Uluru-Kata Tjuta National Park.

Because of continuing opposition from the then Northern Territory Government to the new management arrangements for the park, the management of the park by the Conservation Commission of the Northern Territory on behalf of the Director became untenable. During 1986 the arrangements that had been in place since 1977 were terminated, and staff of the Australian National Parks and Wildlife Service have carried out day to day management since that time.

Although Anangu played a strong role in park management since receiving title to the park in 1985, they have remained somewhat dissatisfied with their level of participation and influence in the tourist industry. Consequently, in late 1995, traditional landowners instructed the Central Land Council to pursue, on their behalf, a native title claim over the Yulara town site. A claim

1002 Note 1001.
1003 Note 1001.
1004 Note 1001.
1005 Note 1001.
Case Studies

was lodged and eventually accepted by the National Native Title Tribunal, without alterations, on 18 November 1997, but was dismissed by Sackville J in the Federal Court on 31 March 2006. 1006

7.1.4 The duties under the World Heritage Convention and Australian World Heritage implementation measures

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) is the primary legislation implementing Australia’s obligations under the World Heritage Convention.

(a) Identification

(i) Selection

Section 14(1) of the EPBC Act states that the Minister may declare a specified property to be a World Heritage property by notice in the Government Gazette if:

(a) the property is a property submitted by the Commonwealth to the World Heritage Committee under Article 11 of the World Heritage Convention as suitable for inclusion in the World Heritage List; or

(b) the Minister is satisfied that:

(i) the property has, or is likely to have, world heritage values; and

(ii) some or all of the world heritage values of the property are under threat.

This declaration remains in force until the earliest of the end of the period specified in the declaration; the revocation of the declaration or a decision by the World Heritage Committee to include the property on the World Heritage List. 1007 The Minister may revoke the declaration if the Commonwealth elects not to submit the property to the World Heritage Committee for inclusion in the list or decides to withdraw the submission. 1008 The ability to revoke a declaration means the protection afforded to the potential World Heritage will no longer apply, consequently exposing this potential World Heritage to risk.

(ii) Boundaries and buffer zones

In Australia, the exercise of this discretion to identify and declare World Heritage rests primarily with the Commonwealth Government and the Minister for Planning. Under section 386(2) of the EPBC Act, the ‘Uluru region’ is defined as the area of land described under the heading ‘Uluru’ in Schedule 1 to the Aboriginal Land Rights (Northern Territory) Act 1976. The land is defined in Schedule 1 by reference to its location using latitude and longitude coordinates.

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1006 Jango v Northern Territory [2006] FCA 318. See also National Native Title Tribunal, ‘Compensation Application Over Yulara – Jango Case’ (2006) 19 Native Title Hot Spots 15. The case was dismissed on the basis that the Applicants failed to satisfy the Court that, at the time the ‘compensation acts’ were done, the group held native title rights and interests over the area.

1007 Section 14(5) of the EPBC Act.

1008 Section 15(1) and (3)(b) of the EPBC Act.
Case Studies

While the Commonwealth has, over the past two decades, successfully identified Uluru-Kata Tjuta as World Heritage (recognising both its cultural and natural values), there has been a general ongoing failure to delineate the boundaries of the area accurately and precisely.

At the time of the IUCN evaluation of Uluru-Kata Tjuta as World Heritage in 1987, it was apparent ‘that the rectangular boundaries of the Uluru-Kata Tjuta were artificial and other natural features lay outside the area’. Further, while Uluru-Kata Tjuta is a Biosphere Reserve under the UNESCO Man and Biosphere Program, ‘formal zoning of the buffer and transition zones has not yet been instituted’. Surprisingly, there is almost no discussion of the boundaries and buffer zones of the cultural landscape in the current management plan.

(b) Protection and conservation

(i) A critique of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

Australia was one of the first of the States Parties to enact specific World Heritage legislation to implement the World Heritage Convention, by way of the World Heritage Properties Conservation Act 1983 (Cth) (WHPC Act). In the Minister for the Environment’s Second Reading Speech to Parliament, the WHPC Bill was said to be for the ‘protection only where property of universal value is being or is likely to be damaged or destroyed’. If the property was being damaged or threatened, the Governor-General could issue a Proclamation to ensure its protection. Consequently, only actions consented to by the Minister could take place on the property.

Following the jurisprudence on the property approach v the values approach to the conservation of World Heritage, the WHPC Act was repealed and replaced by the EPBC Act in 1999. The current conservation strategy for Uluru-Kata Tjuta is now very much the result of the application of the provisions of the EPBC Act. Accordingly, it is necessary to briefly consider the strengths and weaknesses of this Act.

1010 Note 988. There is no apparent reason why this cannot be done.
1011 Note 998. This is also the case in the Commonwealth of Australia, Uluru-Kata Tjuta National Park Draft Management Plan 2009-2019, Uluru-Kata Tjuta Board of Management and Parks Australia, 2009: http://www.environment.gov.au/parks/publications/uluru/draft-plan.html; accessed 22 August 2009. This draft plan was released for public comment in July 2009 and is expected to be finalised later this year.
1013 WHPC Act, ss 6, 7, 8.
1014 WHPC Act, ss 9, 10, 11.
1015 Section 5.5.1 discusses the two approaches.
Haigh argues that the fact that heritage was subsumed in the broad provisions of the EPBC Act, and not in specific separate legislation, has been viewed as underscoring the Commonwealth’s unwillingness to comply with all obligations under the World Heritage Convention.\textsuperscript{1016} On the other hand, it is also arguable that the EPBC Act endeavoured to extend conservation efforts by integrating cultural and natural heritage conservation with environmental protection generally. That said, it should be noted that the EPBC Act, unlike the repealed WHPC Act, refers specifically to ‘world heritage values’ as the only component of a ‘world heritage property’ which attracts protection.\textsuperscript{1017} The EPBC Act states that the ‘World Heritage values’ of the property are the ‘natural heritage and cultural heritage of the property’.\textsuperscript{1018} This issue was canvassed most recently in Booth \textit{v} Bosworth,\textsuperscript{1019} in which Branson J found that the impact on flying foxes of electric grids installed by a farmer of a lychee farm was an action which impacted on ‘world heritage values’ of the area (i.e. not the World Heritage area as a whole).

In addition, the EPBC Act not only requires that World Heritage values be, or be likely to be, damaged, it also requires that the damage be ‘significant or be likely to be significant’.\textsuperscript{1020} An action taken that is or is likely to have a significant impact on World Heritage is punishable by fine and/or imprisonment.\textsuperscript{1021} This requirement that the impact be, or be likely to be, significant, fails to recognise the requirement of the World Heritage Convention that protection be of the highest level to ensure that future generations continue to perpetually benefit from the World Heritage site. The ‘significant’ damage test raises the threshold to trigger protection to such a high level that it protects only some of the World Heritage against certain types of damage.\textsuperscript{1022} It allows actions which, while small in themselves, may become cumulatively significant. This fact, combined with the fact that Australia’s protection of its World Heritage is concerned with only the protection of particular values, appears to fall short of the duty to protect and conserve World Heritage as intended by the World Heritage Convention.

Further, it might also be submitted that the EPBC Act shifts the focus of World Heritage management to the States via the mechanisms of bilateral agreements and accredited management plans, without, arguably, prescribing adequate criteria, monitoring or third Party

\textsuperscript{1016} Haigh, n659. The question of compliance with the World Heritage Convention is obviously highly subjective and ultimately turns on the interpretation of the Commonwealth government’s and other States Parties’ obligations under the Convention and the implementation measures adopted to address those obligations.

\textsuperscript{1017} EPBC Act, s 12(1).

\textsuperscript{1018} EPBC Act, s 12(3).

\textsuperscript{1019} Note 657.


\textsuperscript{1021} EPBC Act, ss 12(1) and 15A.

\textsuperscript{1022} The meaning of ‘significant’ is not defined in the EPBC Act, but it has been taken to mean ‘important, notable or of consequence having regard to its context or intensity’. See McGrath C, ‘Avoid the Legal Pitfalls in the EPBC Act by Understanding its Key Concepts’ (2005) 3 National Environmental Law Review 32.
enforcement processes. A bilateral agreement is a written agreement between the Commonwealth and a State or Territory which relates to virtually any matter connected with the environment. A key purpose of such bilateral agreements is to allow accreditation of State environmental processes and systems by the Commonwealth. In this context, an accredited process is one that is run by a State for which the Commonwealth first agrees satisfies its own legal and/or policy requirements, thus doing away with the need for a separate process. However, the matters that the Minister must satisfy him or herself of before entering into a bilateral agreement arguably do not comprehensively address matters relating to ongoing monitoring and enforcement. Having regard to the above, it is suggested that the EPBC Act can only be in conformity with the Convention if ministerial approval is granted on the basis that the whole area or property is protected rather than the specific World Heritage values.

(ii) Other legislative and non-legislative protection measures

In addition to the EPBC Act, other legislation is directly and indirectly relevant to the protection and conservation of Uluru-Kata Tjuta, namely:

National

- **Aboriginal Land Rights (Northern Territory) Act 1976** (Cth).
- **Aboriginal and Torres Strait Islander Heritage Protection Act 1984** (Cth).
- **Australian Heritage Council Act 2003** (Cth).
- **Native Title Act 1993** (Cth).

Territorial

- **Heritage Conservation Act 1991** (NT).
- **Aboriginal Sacred Sites Act 1989** (NT).

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1024 Martyn A, Assessment Bilateral Agreement [sic] under the Environmental Protection and Biodiversity Conservation Act 1999, Research Note 16, Canberra, Parliament of Australia Parliamentary Library, 1999. See also EPBC Act, s 137 and Boer & Wiffen, n79 at 76-79.

1025 The standards that apply to bilateral agreements are set out in ss 34A and 34B of the EPBC Act. Section 34B does refer to ‘management’ of the property in compliance with Australia’s obligations under the World Heritage Convention and the Australian World Heritage Management Principles, but no specific details on monitoring and enforcement requirements are set out. See also regulation 28.01 in the Environmental Protection and Biodiversity Conservation Regulations 2000, which sets out the criteria for accreditation of management plans for World Heritage properties. This regulation refers only very generally to a requirement that the management plan make provision for continuing monitoring and reporting on the state of the relevant World Heritage or National Heritage values and also requires that the plan be reviewed at intervals of not more than five years. The effectiveness of such bilateral agreements must be evaluated before any assessment of the implications of bilateral agreements for World Heritage conservation can be made.
The major current conservation challenges confronting Uluru-Kata Tjuta are those presented by tourism, industry development and damage caused by visitors. However, since its original listing in 1977 and, more particularly, since the transfer of the site to the Anangu and its subsequent leaseback to the Director of National Parks and Wildlife, a number of important steps have been taken to protect the park. These include:

- Commercial activities, research and certain recreational activities within Uluru-Kata Tjuta generally require a permit issued by the Director of National Parks.
- Activities must be consistent with the ‘Uluru-Kata Tjuta National Park Plan of Management’.
- Tourist accommodation and airport facilities have been moved outside the park, and roads in the park have been sealed.
- A fire control program based on traditional Anangu burning techniques and scientific research has been introduced.
- Feral animal populations have been controlled.
- Walking tracks created by ad hoc visitor use have been closed, and a regeneration program has been implemented.
- A study of visitor use, experiences and perceptions of the park was commissioned and the findings have been taken into account in the current plan of Management.
- A fauna survey has been conducted with Anangu participation.
- Restrictions have been imposed on the importation of exotic flora into the park.
- A Board of Management with an Anangu majority has been appointed.
- Anangu personnel have been trained in the preservation and conservation of the park and the presentation of its values to visitors.
- The Plan of Management was developed with public participation and has been implemented.
- Sacred sites have been identified and visitors are advised of the access restrictions in these areas.

Note 1009.

Note 988.


There are six introduced mammal species in the Park: mice, camels, foxes, cats, dogs and rabbits.

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Interpretive and educational programs have been introduced to inform visitors of the uniqueness and conservation value of Uluru-Kata Tjuta.

Guidelines for film crews and photographers have been prepared to protect sites of significance.

Programs now exist for the reintroduction of locally extinct animals such as nganamara (mallee fowl), wayuta (brush tail possum), mala (rufous hare wallaby), ninu (bilby), mitika (burrowing bettong) and waru (black-footed rock wallaby).

It is the result of the above initiatives that, despite some concerns about the wording of particulars provisions and the arguably narrow interpretation of the scope of the protection obligations under the EPBC Act by the Courts, Uluru-Kata Tjuta is recognised as one of the world's best protected and conserved World Heritage cultural landscapes. The park is also ranked as one of the most significant arid land ecosystems in the world. As a Biosphere Reserve under the UNESCO MAB Program, it joins at least 11 other reserves in Australia and an international network aiming to preserve the world's major ecosystem types. However, this may also be the result of the relative isolation of the landscape and the absence of development or other external pressures, for the present time. Accordingly, it is essential that proactive measures are in place to respond to change and the associated potential risks such change presents to the landscape.

(c) Presentation and Transmission

The High Court has confirmed in the Australian context that 'presentation' does not mean unlimited 'development'. The question of presentation was considered by the High Court in Commonwealth v Tasmania. Justice Brennan, after noting that the 'travaux preparatoires' to the World Heritage Convention evidenced the removal of the word 'development' and its replacement with 'presentation', stated:

The duty of 'presentation' may thus require the provision of lighting or access or other amenities so that the outstanding universal values of the property can be perceived; nevertheless, conservation of the property is an element of its 'presentation' and is not to be sacrificed by presentation.
However, Brennan J’s interpretation of ‘presentation’ was later considered by the Federal Court in 1997 in *Friends of Hinchinbrook Society Inc v Minister for the Environment*, which refused to recognise the pre-eminence of ‘protection’ over ‘presentation’ and the limitations upon ‘presentation’, preferring to endorse the power of the decision maker to balance these factors.\(^{1035}\)

In relation to the presentation of Uluru-Kata Tjuṯa, numerous steps have been taken to ensure that presentation initiatives do not conflict with the obligation to protect and conserve the area, including: the adoption of environmentally sensitive visitor infrastructure; the purpose built Cultural Centre; the limitation of infrastructure development to the area bounded by the sealed road which encircles the monolith; the change of the location of the carpark due to cultural sensitivities; the distance of tourist facilities from the park; and the steps taken to discourage tourists climbing Uluru as a mark of respect of the Anangu cultural values.\(^{1036}\)

Ownership of the land is vested in the Uluru-Kata Tjuṯa Aboriginal Land Trust, representing the traditional Aboriginal owners. The land was leased on 26 October 1985 for a period of 99 years to the Director of National Parks and Wildlife to be managed as a national park.\(^{1037}\)

The Federal Government annually makes an allocation of money specifically for the operation of the park to cover staff salaries, building and research and survey programs. Overall the presentation and transmission measures that have been adopted for the conservation of Uluru-Kata Tjuṯa are commendable and development within the World Heritage site has been appropriately restricted to development for presentation purposes.

**(d) Monitoring and Review**

**(i) Management plans under the EPBC Act**

The EPBC Act requires management plans to be made for managing a property included in the World Heritage List.\(^{1038}\)

For properties in a Commonwealth area, the plan must be consistent with Australia’s obligations under the World Heritage Convention and the Australian World Heritage Management Principles, which are prescribed in regulations made under the legislation (see Appendix 4).\(^{1039}\) Principle 1.01 of the Australian World Heritage Management Principles states that:

\(^{1035}\) Note 657.

\(^{1036}\) These steps have been taken from the Australian National Periodic Report 2002: Section II ‘Report on the State of Conservation of Uluru-Kata Tjuṯa National Park’, n1009 at 14-15.


\(^{1038}\) Part 15, see, in particular, s 316.

\(^{1039}\) Section 323. Part 10, Division 1, 10.01 and Schedule 5 of the Regulations.
The primary purpose of the management of natural heritage and cultural heritage of a declared World Heritage property must be, in accordance with Australia’s obligations under the World Heritage Convention, to identify, protect, conserve, present, transmit to future generations and, if appropriate, rehabilitate the World Heritage values of the property.

Principle 2.01 states that at least one management plan should be prepared for each World Heritage property and Principle 2.02 sets out the matters which the management plan must address. These matters are fairly generic and do not make any distinction between conservation requirements in respect of conventional forms of World Heritage and the challenges of managing change in the conservation of a cultural landscape, such as Uluru-Kata Tjuta. Finally, Principle 3 sets out various matters in relation to the environmental impact assessment and approval process for any activity that is ‘likely to have’ a significant impact on the World Heritage values of the property. Here, the words ‘likely to have’ afford a considerably lower standard of protection to Australia’s World Heritage than the use of the words ‘may have’ would afford, if applied, and again suggests that Australia may not be giving full effect in its legislation to its obligations under the World Heritage Convention.

Where a property included in the World Heritage List is not entirely within a Commonwealth area, the legislation requires that the Commonwealth use its ‘best endeavours’ to cooperate with the relevant State or Territory to ensure a plan for managing the property is made.1040

The Minister must cause a review of a management plan made under section 316 of the EPBC Act to be carried out at least once in each 5 year period after the plan is made.1041 The Act requires that a management plan not be inconsistent with ‘Australia’s obligations under the World Heritage Convention or the Australian World Heritage Management Principles’.1042

(ii) The management of Uluru-Kata Tjuta

The key principles providing guidance on how Uluru-Kata Tjuta should be managed, as set out in the current applicable Plan of Management prepared in 2000 (Management Plan), are as follows:

• Any use of the park must be culturally sustainable and not adversely affect Anangu cultural aspirations.
• Anangu knowledge and best practice park management approaches are to be applied.

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1040 EPBC Act, s 321.
1041 EPBC Act, s 319.
1042 See ss 316(3), 319 and 321.
1043 Note 988.
Nguraritja economic and community aspirations and benefits from the land must be supported.

The interpretation of the natural and cultural features of Uluru-Kata Tjuta by Anangu must be promoted to visitors.\(^{1044}\)

The Management Plan focuses on wildlife, vegetation, water quality and quantity, fire, the control of weeds and introduced animal populations, cultural heritage (with an emphasis on rock art and other archaeological sites) and patterns and trends in visitor use.\(^ {1045}\)

Importantly, the renomination of Uluru-Kata Tjuta in 1994 as a cultural landscape site has facilitated changing priorities in managing Uluru-Kata Tjuta. This is reflected in the current Management Plan, which states that acknowledgement of the place as a cultural landscape is fundamental to the success of the joint management arrangement.\(^ {1046}\) This Management Plan for Uluru-Kata Tjuta is the first to recognise the primacy in land management of the cultural practice of the Aboriginal people, a point highlighted by its bilingual presentation (English and Anangu).

The Management Plan details how Aboriginal people and the Australian Government work as partners by combining Anangu natural and cultural management skills with conventional park practices.\(^ {1047}\) In the context of Tjukurpa (Anangu law), the actions of ancestral animals have important roles in the evolution of the landscape. For example, Aboriginal people say that they learned how to patch burn the country from the Tjukurpa of Lungkata, the Centralian blue-tongued lizard (Tiliqua multifasciata). Although modern methods are now used, the practice of lighting small fires close together during the cool season continues to leave a mosaic of burned and unburned areas. This traditional knowledge and practice has been adopted as a major ecological management tool in the park. Tjukurpa also teaches about the care of rock holes and other water sources.\(^ {1048}\)

The 2001 Cultural Heritage Action Plan and Cultural Landscape Conservation Plan, which operates under the Management Plan, provides a more detailed operational guide for implementing cultural site and landscape management programs. It was compiled through a series of community workshops in the park.\(^ {1049}\) It is understood that this plan provides for the conservation of the cultural values of specific sites, storylines and story places, including sacred

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\(^{1044}\) Page xx [i.e. page 20] of the Executive Summary, n988. These objectives have now been refined and expanded on in section 2.5 of the new draft management plan, see n1011.

\(^{1045}\) Note 1009.

\(^{1046}\) Note 988 at 1.

\(^{1047}\) Note 988 at 8-9.

\(^{1048}\) Note 988 at 8-9.

\(^{1049}\) See Case Study 17.8 at 466 in Lennon J., n214. Several inquiries were made with Uluru-Kata Tjuta National Park, but a copy of this Plan could not be obtained.
sites, birthplaces, rock art, camping places, rock holes and places important in the recent Anangu and Piranpa ('white fella') history of the area.

Equally important, Lennon observes that this plan also provides for the conservation of the cultural landscape in which these places exist and from which they are inseparable. It requires both physical conservation actions and attention to the maintenance of cultural heritage values that enliven it. This is expected to be achieved through training of young Anangu, involvement of Aboriginal people who live outside the park and are keepers of important oral history, providing privacy for ceremonies, explaining cultural restrictions to visitors, and recording oral history connected to people's early experiences in the park, including the struggle to win back their land. In addition to this park-wide cultural landscape plan, there are plans for specific sites, such as Mutitjulu Kapi (Mutitjulu waterhole), associated rock art sites and the physical features of the Kuniya and Liru stories, which require actions for managing visitor use, as well as for vegetation, fire, rock art and the restoration of trampled areas and the waterhole.\footnote{1050}

Indigenous people guide tourists around the base of the rock and explain its significance, its ecology and their management role. The park offers access to some sites, including information about their history and significance (available at the cultural centre), but access to other sacred sites is not granted. Some sites are restricted to women and some to men. A large proportion of the area of Kata Tjuta is associated with ritual information and activities that must remain the exclusive prerogative of senior men.\footnote{1051}

As noted earlier in this chapter, Anangu regard the popular climb up the dangerously steep monolith as inconsistent with their spiritual veneration of the site, as the tourist climbing route follows that of a spiritual Dreaming ancestor. They request tourists not to climb Uluru and hope to educate people through interpretive programs, but choose to leave the decision of whether or not to climb to the tourists.\footnote{1052} The numbers of tourists climbing the rock fell by 40% during the three years to 2000, showing that understanding brings respect.\footnote{1053}

The evolution and current practice of planning and management at Uluru-Kata Tjuta illustrates how cultural heritage values now underpin land management, and it is a positive example of Aboriginal people reclaiming their ways of living.\footnote{1054} It also represents reconciliation between non-Aboriginal Australians, whose practices often damaged the land, and the Anangu, whose traditional methods can assist ecological restoration.

\footnote{1049}{Note 1049.}
\footnote{1050}{Note 1049.}
\footnote{1051}{Note 988. See also earlier discussion at pages 229-230.}
\footnote{1052}{A news report by Jones Z, 'Aboriginal people May Ban Uluru Climb', ABC News, 1 December 2007, reports that the number of visitors climbing the rock has continued to steadily decline. See also Case Study 17.8 at 466 in Lennon J, n214.}
\footnote{1053}{Lennon, n214 at 466.}
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Nonetheless, there is an established need for improved monitoring of cultural values and the interrelationship between cultural values and natural values. Work is in progress to develop, with Anangu, a clearer framework for the monitoring of values and to identify appropriate joint management responses, acknowledging that many of the pressures and issues involved are not entirely within the park and will require coordinated, cross-jurisdictional responses.1055

Enhanced presentation of the World Heritage values of the park through development of new visitor infrastructure based on presentation of World Heritage values (especially cultural values) rather than ease of access or ‘scenic values’, through on-going revision of park educational materials, improved tour operator training and improvements to on-site interpretation of the park, is also a priority.1056

Notwithstanding these issues, from the above it can be seen that many positive steps have been taken to comply with the World Heritage Convention and to keep damage to Uluru-Kata Tjuta to a minimum by permitting limited development within the confines of the park for presentation purposes only.

(e) Enforcement of the EPBC Act

The EPBC Act makes provision for law enforcement in relation to the offences set out in the Act and Regulations. Wardens and rangers are appointed by the Minister under section 392 and their powers are set out in the Act. Members of the Australian Federal Police and officers of the Australian Customs Service are ex-officio wardens by force of the Act.1057

Northern Territory authorities cooperate with wardens and rangers in Uluru-Kata Tjuta in relation to such matters as protection of sacred sites, emergency-response operations and enforcement of the Regulations.1058

After appropriate experience and training, and upon nomination by the Park Manager, Parks Australia staff will be appointed rangers or wardens. Law enforcement is carried out as a routine operation by all park staff appointed as rangers or wardens.

The Management Plan reports that, in the past, breaches of the EPBC Act and Regulations have involved unauthorised entry to a sacred site, graffiti offences, and off-road driving by a road train. These incidents resulted in successful prosecutions. Minor breaches have been dealt with

1055 Note 1009.
1056 Note 1009.
1057 Section 394 of the EPBC Act.
1058 Note 988 at 161.
by issuing infringement notices or simple cautions, this being considered more appropriate than Court prosecutions in some instances. 1059

The Management Plan identifies the following enforcement and compliance issues in relation to the park: ensuring that rangers and wardens are properly trained in law enforcement procedures; the amount of time and the process involved in a successful prosecution; and visitors’ lack of understanding of why regulations are necessary. 1060

The EPBC Act contains several compliance and enforcement mechanisms. These include: Court injunctions; required environmental audits; strict civil and criminal penalties (civil penalties up to $5.5 million or criminal penalties up to seven years imprisonment); remediation of environmental damage; liability of executive officers; and publicising contraventions. 1061

Notwithstanding the above provisions, the reality is that very few enforcement actions have been taken under the EPBC Act. Macintosh and Wilkinson consequently suggest that the EPBC Act has done little to promote the protection of Australia’s World Heritage, commenting that: ‘since the...regime commenced, the condition of Australia’s natural and cultural heritage has continued to decline and the...provisions have not made a noticeable contribution to stopping or reversing this trend’. 1062 On the other hand, McGrath suggests that the EPBC Act and associated case law on World Heritage issues have been invaluable in enhancing the conservation of Australia’s World Heritage and considers that Macintosh and Wilkinson’s critique of the EPBC Act is ‘too harsh’ in making the above conclusion. 1063

The effectiveness of the EPBC Act is presently the subject of a Federal Government review pursuant to the requirement under s522A of the Act. 1064 An interim report on the outcome of the first review has recently been released. 1065

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1059 As reported in the Uluru-Kata Tjuta National Park Plan of Management, 1988 at 162.
1060 Note 988 at 162.
1061 See Part 17 of the EPBC Act.
1063 McGrath C, ‘Key Concepts of the Environment Protection and Biodiversity Conservation Act 1999 (Cth)’ (2004) 22 Environmental and Planning Law Journal 20 at 38-39, who cites the decision in Booth v Bosworth, n657, together with the refusal by the Minister to approve the operation of the electric grid to kill Spectacled Flying Foxes and the subsequent termination by the Queensland government of the issue of permits for the operation of electric grids (although enforcement of the ban is difficult) as illustrating that the existence of the EPBC Act has made a major contribution to protecting a threatened species and the World Heritage values of the Wet Tropics World Heritage Area to which the species contributes.
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(f) Public Participation

The EPBC Act contemplates a process of consultation in the nomination of properties that are not wholly within Commonwealth areas.\(^{1066}\) The Commonwealth must use ‘its best endeavours’ to reach agreement with the person who owns or occupies the land or the State or Territory in relation to: the proposed submission of the property; and management arrangements for the property.\(^{1067}\) Cooperation and consultation is also required for the preparation and implementation of management plans.\(^{1068}\)

The Australian Government implements its national obligations under the World Heritage Convention in cooperation with the State and Territory governments, through the *Intergovernmental Agreement on the Environment* (IGAE).\(^{1069}\) The IGAE is not a binding legal document, but is intended to set ground rules for the consideration of World Heritage matters. Under the IGAE, the States and Territories recognise the Commonwealth’s international obligations to protect World Heritage properties, and the Commonwealth agrees to consult with the relevant State or Territory concerning possible nominations.\(^{1070}\) In the IGAE, State and Territory governments also agree to consult with local communities or interest groups which may be affected by a nomination. Finally, the World Heritage Management Principles set out in the EPBC Regulations further expressly stipulate requirements for ongoing public consultation.\(^{1071}\)

In relation to Uluru-Kata Tjuta, the current Management Plan sets out in detail the process of joint management of the landscape with the Anangu people and other interested stakeholders.\(^{1072}\) This process of consultation and communication has been working very effectively.\(^{1073}\)

7.1.5 Summary and critical evaluation

Australia can improve its compliance with the World Heritage Convention by affording greater protection to all potential World Heritage areas once nominated (even if that nomination is subsequently withdrawn or the property/area is not ultimately submitted for listing).
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Having regard to the issues raised in this section concerning the strengths and weaknesses of the EPBC Act, the appropriate boundaries and buffer zone of Uluru-Kata Tjuta (and other World Heritage situated in Australia) should also be carefully reviewed, adopting the most appropriate method of delineating the boundaries in each instance.

It is yet to be seen whether, in light of the World Heritage Committee’s confirmation that the duties under the World Heritage Convention (as discussed in chapter 5) are owed to the property as a whole, Australian Courts will now interpret the obligations under the EPBC Act consistently with the clarified obligations under the Convention, or whether the Act will need to be amended to address the identified shortcomings. Such reform might not be required if the Australian Courts interpret the EPBC Act in a manner consistent with Australia’s obligations under the World Heritage Convention. Any proposed activity that threatens to damage or destroy those values could prima facie be contrary to the duty of protection, and, therefore, domestically, could be an offence under section 15A of the EPBC Act. 1074 In addition, any threatening action could be the basis for an application for an injunction under section 475 of the Act, including additional orders to repair or mitigate damage to the property. 1075

Consideration should be given to amending the current provisions of the EPBC Act to state expressly that the protection afforded by the Act is to the World Heritage ‘property’, defined as the area declared as World Heritage at the time of nomination, or by subsequent amendment. The amendment should make clear that any action that may potentially have an impact on the outstanding universal value of the property by threatening its integrity and/or authenticity, rather than only the particular values determined at the date of nomination or at a subsequent date, is prohibited. 1076

The ‘significant’ damage test under the EPBC Act should be the subject of review and possible reform to reflect World Heritage Convention requirements that damage must be allowed only for the purpose of ‘presentation’ and must be kept to an absolute minimum. Further, whether the failure to recognise the pre-eminence of the protection obligation under Australian case law proves to be detrimental to the protection of Australian World Heritage is yet to be seen, but should be given due consideration in assessing damage caused by alleged ‘presentation’ measures.

Within Uluru-Kata Tjuta, there is a need to develop new visitor infrastructure for the presentation of the landscape's cultural and natural values. There is also a need to review

1074 Section 15A deals with offences relating to declared World Heritage properties. It provides that a person is guilty of an offence if an action is taken that results in a significant impact on the World Heritage values of a declared World Heritage property.
1076 Haigh, n1023.
regularly the natural and cultural values of the landscape. A clearer framework for identifying pressures, issues and responses, in consultation with Anangu, also represents a management challenge.\textsuperscript{1077}

The integrated approach taken by the EPBC Act to environmental and heritage conservation of protected areas can, if interpreted in accordance with Australia's obligations under the World Heritage Convention, work effectively to protect and conserve Australia's cultural landscapes, such as Uluru-Kata Tjuta. The benefit of this integrated approach is that the recognition of the interrelationships between cultural and natural values in Australia's World Heritage sites and the challenges associated with managing necessary and appropriate change, are processes that fit within the framework of this legislation. Strategies around compliance and enforcement of the EPBC Act must be the subject of ongoing monitoring and review.\textsuperscript{1078}

Finally, as Australia moves to nominate new cultural landscapes or to renominate existing World Heritage as cultural landscapes, specific legislative and policy guidance will be required to ensure that appropriate conservation measures are adopted for these landscapes as against conventional forms of World Heritage. In particular, it will be critical that stakeholders understand that such sites are not 'ecomuseums' and that a level of dynamism and change consistent with the evolution of the landscape and its core values will need to be carefully managed, particularly in Australia's continuing cultural landscapes. Express obligations to protect and conserve the interrelationships between natural and cultural values in these landscapes will also be critical.

7.2 Case study of a ‘continuing’ cultural landscape: Rice Terraces of the Philippine Cordilleras, Philippines

7.2.1 Description and background

Date of inscription on the World Heritage List: 1985

Criterion for listing: C (iii)(iv)(v)

The Rice Terraces of the Philippines Cordilleras (Rice Terraces) are inscribed both on the World Heritage List and on the List of World Heritage in Danger. The threats for which the property has been inscribed on the list of World Heritage in Danger are discussed in detail below.

The Rice Terraces were inscribed as the first continuing cultural landscape on the World Heritage List in 1995 with the justification that the site is: ‘...an outstanding example of a living

\textsuperscript{1077} Importantly, the new draft management plan for the site has indeed taken into account new pressures on the landscape, such as those associated with climate change and increased tourism. See sections 5.4 and 6 of the draft management plan, n1011.

cultural landscape. The terraces illustrate traditional techniques and a remarkable harmony between humankind and the natural environment'.

Records show that rice has been cultivated in Asia for 7,000 years. The rice-growing landscape interlocks agriculture, environment, and cultural practices that sustain traditional methods of site management. Rather than blending into the landscape, rice cultivation sculpts the landscape to suit the crop's needs, creating an unmistakable landscape pattern. As Villalón observes, the paddy landscape is unquestionably a cultural landscape, being a unifying visual and cultural icon that ties Southeast Asian countries together in the rice culture that they share.

7.2.2 Justification for inscription

The Rice Terraces in the Cordillera mountain range in the north of Luzon Island, the largest island in the Philippine archipelago, are at altitudes varying from 700m to 1,500m above sea level.

Figure 24: Ifugao Province

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1079 In 2001, the property was the first cultural landscape to be inscribed on the List of World Heritage In Danger and this has led to renewed efforts to sustain and protect this landscape.
1080 Villalón, n599.
1081 Villalón, n599.
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These dramatic, beautiful compositions of small rice paddies framed by low walls on steep slopes were shaped by rice farming peoples over time and are thought to be some 2,000 years old. They are spread over 20,000 square kilometres, or 7% of the Philippine land area, in the provinces of Kalinga-Apayao, Abra, Benguet and Ifugao.  

Although the World Heritage inscription refers to the 'Rice Terraces of the Philippine Cordilleras', the Rice Terraces referred to in the Nomination Dossier are five clusters of the Ifugao Rice Terraces identified in Figure 25. This thesis, accordingly, limits its discussion to the Ifugao Rice Terraces. Ifugao is a landlocked province, nestled deep in the Cordillera mountain range. The province’s topography is marked by rugged mountains and massive forests, sloping into gently rolling hills in the south and southeast. Steep slopes and mountainous areas with more than 50% slope comprise more than half of the province’s land area and this is where the Rice Terraces are located. The elevation reaches 2,523 metres above sea level in these mountain areas with the rice terraces located at least 500 metres above sea level.

The terraced rice paddies are scattered in this province specifically in the upland municipalities of Asipulo, Banaue, Hingyan, Hungduan, Kiangan, Mayoyao and Tinoc, including the upland barangays of Aguinaldo and Lagawe. There is no available information on the exact area occupied by all the Rice Terraces abounding the province, although the province itself is approximately 271,778 hectares with a population numbering a little over 160,000. The only available description referring to the size of the Rice Terraces is the often-cited statement that ‘... if the terraces were placed end to end, it would encircle half the globe’. Conservation efforts and current use and integrity of these terraced areas vary widely.

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1084 Malingon-Sapody MTN, The Evolving Management of the Rice Terraces of the Philippine Cordilleras, Focus on the Ifugao Rice Terraces, undated:

1085 Malingon-Sapody, n1084.


The fragile terraced landscape owes its preservation to the strong spiritual values of the Ifugao culture that has been guiding all aspects of daily life for over 1,000 years. The spirit world of the tribal mountain culture is deeply rooted in the highland lifestyle and environment, expressed in a wealth of artistic output and in the traditional environmental management system and agricultural practices that remain in place today. The special high-altitude rice is traditionally harvested by women chanting the *hud hud*, a chant proclaimed by UNESCO as one of the 19 masterpieces of the Oral Intangible Heritage of Humanity in 2001.1089

IUCN and ICOMOS together undertook the original assessment of the nomination of the site in 1995 and, in recommending the site for inscription on the World Heritage List on the basis of cultural criteria (iii), (iv) and (v), stated that:

The rice terraces of the Philippine Cordillera are outstanding examples of living cultural landscapes devoted to the production of one of the world’s most important staple crops, rice. They preserve traditional techniques and forms dating back many centuries, but which are still viable today. At the same time they illustrate a remarkable degree of harmony between humankind and the natural environment of great aesthetic appeal, as well as demonstrating

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1088 Extracted from page 5 of Malingon-Sapody, n1084.

1089 Villalón, n599 at 93. Discussed in detail in section 4.7.1(c) of this thesis.
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sustainable farming systems in mountainous terrain, based on a careful use of natural resources.\textsuperscript{1090}

The statement of significance for the listing of the site on the World Heritage List is also set out in Appendix 6.

7.2.3 The Rice Terraces system and production cycle

The Rice Terraces system encompasses a whole gamut of interrelating systems of different land uses that cover, in a mutually exclusive manner, all major vegetation types and agriculturally significant land-form types.\textsuperscript{1091} These eight (8) intermediate level categories revolve around rice production and subsistence of the Ifugao. Starting from the highest elevation, the existing land uses normally include: public or communal forests (lnalah, alah or hinu-ob); privately-owned forests or woodlots (muyong or pinugo); kaingin or swidden farms (um or habaf); cogon land or communal grasslands (mogulun); cane grasslands (mabilau); rice terraces or pond fields (payo); settlement area (bob/e); and the outflow in river or brooks (wangwang). These sub-ecosystems are connected by the flow of water that travels from the forests down to the Cagayan river.\textsuperscript{1092}

As observed by Conklin, the Ifugao society is agriculture-based and agricultural activities are governed by established practices that include the management of all the components of the rice terraces system – protection of the communal forests; management of privately-owned forests; gathering of wild fruits, hunting of wild game, and gathering of building and craft materials from the grasslands; swidden cultivation of sweet potatoes and other vegetables; pond-cultivation of rice; and the raising of livestock at the settlement area.\textsuperscript{1093} The activities are closely intertwined with the rice production cycle. Work in the swidden farms as well as in the private forests is done after activities in the rice fields have been completed. This becomes a cycle from planting to cultivating to harvesting, not only on the rice terraces but also for the swidden farms and forests.\textsuperscript{1094}

Rice production is a long and laborious process with two phases, four seasons, fifteen periods, twenty two events and twenty three rituals and sub-rituals. The phases are field preparation and grain production. The field preparation phase occupies about two-thirds of the cycle. The seasons in this phase are the \textit{iwang} or off-season and \textit{lawang} or planting season. The seasons in the grain preparation phase are \textit{tiyalgo} or dry season and \textit{ahitulu} or harvest season. In each of the seasons are periods within which there are events and specific rituals or sub-rituals for every


\textsuperscript{1091} Conklin HC, Ethnographic Atlas Of Ifugao, American Geographic Society of New York, New York, 1980.

\textsuperscript{1092} Central Agricultural Program and Banaue, Ifugao and Philippine Research Institute, Highland Production in the Philippine Cordillera, Central Agricultural Program and Banaue, Ifugao and Philippine Research Institute, Maligaya, Munoz, Nueva Ecija, 2000.

\textsuperscript{1093} Conklin, n\textsuperscript{1091} at 47.

\textsuperscript{1094} Conklin, n\textsuperscript{1091} at 47.
event. Almost half of the rituals of the Ifugao are rice production-related. Social and personal activities other than rice production-related events are dependent on unused time for rice production activities.

The exact end of an Ifugao agricultural year is determined not by the Gregorian calendar but on the conclusion of harvest rites. The agricultural cycle is closely linked to the natural cycle of the environment such as the start of the rainy season or a lunar cycle. One cycle can be estimated to be about a year for single cropping and half a year for double cropping.¹⁰⁹⁵

From the above, it can be seen that the Rice Terraces system is a complex interplay of both tangible and intangible variables where environment and people interact to sustain the former while meeting the economic and subsistence needs of the latter. This includes, among others, the physical attributes of the Rice Terraces and its support systems such as the watershed and the biodiversity existing in the rice paddies; the processes, traditions and rituals that are involved in rice production, forest management, irrigation management, and land ownership; the culture of the people that has evolved over the centuries; and the values that were brought about by the culture and traditions. Managing the interrelationships between these variables is critical for ensuring the continued existence of the Rice Terraces as they evolve and conservation priorities and external influences change.

7.2.4 The Duties

(a) Identification

(i) Protected areas

The Philippine Government passed the *National Integrated Protected Areas System Act* (NIPAS Act) in 1992¹⁰⁹⁶ to protect: strict nature reserves; natural parks; natural monuments; wildlife sanctuaries; protected landscapes and seascapes; resource reserves; and national biotic areas.¹⁰⁹⁷

A ‘National Integrated Protected Areas System’ is defined as:

...the classification and administration of all designated protected areas to maintain essential ecological processes and life-support systems, to preserve genetic diversity, to ensure sustainable use of resources found therein, and to maintain their natural conditions to the greatest extent possible.¹⁰⁹⁸

‘Protected landscapes/seascapes’ are defined as:

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¹⁰⁹⁵ Conklin, n1091 at 47-48.
¹⁰⁹⁶ The text of the NIPAS Act is contained in Appendix 5.
¹⁰⁹⁷ Section 3 of the NIPAS Act. These categories are not dissimilar from the IUCN Protected Area categories.
¹⁰⁹⁸ Section 4(a) of the NIPAS Act.
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...areas of national significance which are characterized by the harmonious interaction of man and land while providing opportunities for public enjoyment through recreation and tourism within the normal lifestyle and economic activity of these areas.\(^{1099}\)

The classifications and land use definitions are relevant to the protection of the Rice Terraces as they could be used to enforce conservation obligations. The latter classification is particularly relevant, being of similar meaning to the cultural landscape classification under the World Heritage Convention.\(^{1100}\)

Unfortunately, contrary to early reports, the Philippine Rice Terraces are not under the initial component of the NIPAS Act according to the Protected Areas and Wildlife Bureau (PAWB) of the Department of Environment and Natural Resources (DENR).\(^{1101}\) Why this is the case is not clear.\(^{1102}\) However, the Ifugao province also hosts one national park with 13 other forest areas identified by the NIPAS Act for biodiversity conservation.\(^{1103}\) Also, the area is part of the watershed for the Magat Dam, a major water and hydropower source for the country.\(^{1104}\) As such, the NIPAS Act is still very relevant to the conservation of the Rice Terraces, albeit, indirectly. In addition, the President may designate new areas as protected areas on an ongoing basis under section 5(f) of the NIPAS Act.\(^{1105}\) Consequently, it is hoped that the Rice Terraces may yet come to be designated as a protected landscape under the Act.\(^{1106}\)

(ii) Boundaries and buffer zones

Since property ownership is determined by traditional practices, traditional boundaries still delineate the Rice Terraces. ICOMOS and/or IUCN and the World Heritage Committee accepted the traditional boundaries when the Nomination Dossier was submitted. However, to reinforce traditional knowledge with technology, a UNESCO-aided project is underway for geographic information system mapping of the site to generate the non-existent baseline data needed for site management planning.\(^{1107}\) This is important as the traditional boundaries are proving inadequate

\(^{1099}\) Section 4(i) of the NIPAS Act.
\(^{1100}\) See section 3.2.3.
\(^{1102}\) Inquiries were made, with DENR-PAWB on 11 December 2008 and 13 March 2009, but no specific response was provided. See: http://www.pawb.gov.ph/; accessed 13 March 2009.
\(^{1103}\) Guimbatan & Bagurlat, n1086.
\(^{1105}\) Section 6 of the NIPAS Act adds: 'Notwithstanding the establishment of the initial component of the System, the Secretary shall propose the inclusion in the System of additional areas with outstanding physical features, anthropological significance and biological diversity ...
\(^{1106}\) Further, it is noted that the disestablishment of protected areas under the System can only take effect pursuant to an Act of Congress under section 7 of the NIPAS Act.
\(^{1107}\) The output of this project will fuse the traditional boundary system with mapping of the terraces site. It will also provide the first detailed inventory of the site.
to conserve the Rice Terraces in the face of current environmental pressures. While traditional practices must be respected, these measures need to be supported by regulatory measures and protection as the Rice Terraces come under increasing development pressure.

Should the NIPAS Act come to apply to the Rice Terraces, the provisions under this legislation for the identification of the protected area are analogous to the identification duty under the World Heritage Convention. Section 5(b) of the Act requires the DENR to submit to the Senate and the House of Representatives, within one year of the Act’s effect, a map and legal description of, or natural boundaries of, each protected area initially comprising the ‘System’. Under section 5(d) of the NIPAS Act, the areas comprising the System are then the subject of review three years from the date of the Act’s commencement. Section 5(f) of the NIPAS Act further provides that, thereafter, the President is required to send to the Senate and the House of Representatives his recommendations with respect to the designations as protected areas or reclassification of each area on which a review has been completed, together with maps and legal descriptions of boundaries.

The President may under section 5(f) of the NIPAS Act alter existing boundaries of protected areas on an ongoing basis. Section 8 of the NIPAS Act establishes a requirement for ‘buffer zones’ for protected areas, ‘when necessary’. ‘Buffer zones’ are defined as ‘identified areas outside the boundaries of and immediately adjacent to designated protected areas pursuant to section 8 that need special development control in order to minimise harm to the protected area’. The buffer zone is established to provide protection from activities that will directly and indirectly harm a protected area. Section 8 requires that such buffer zones are included in the individual protected area management plan that is prepared for each protected area.

The above provisions of the NIPAS Act would greatly assist in defining and improving the conservation of the Rice Terraces. In addition, land use zones, including the buffer area for each cluster of the World Heritage site should be completed to help determine the potential impact of development projects. Local land use maps should also reflect the irrigation system of the terraces in the five clusters. Environmental impact assessments must also become mandatory for all development within the boundaries and buffer zone of the landscape. This is particularly important as development pressures continue to increase over time.

As it stands, environmental impact assessments are not used in development planning in Ifugao. Incomplete community based land use mapping for the clusters is also a problem and there is no doubt that, although the Rice Terraces are also categorised as uncategorised forests due

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108 Unfortunately, this section does not contemplate public participation in this process.

109 Section 4(c) of the NIPAS Act.
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to the more than 50% slope, they are claimed, possessed, occupied, and tilled by families and individuals. Consequently, the final decision on the disposition, rice production, and maintenance rests with these owners through the ancestral rights concept of ownership and tribal law and government intervention can only do so much.

Figure 26: Rice Terraces of the Philippine Cordilleras: Banaue Rice Terraces

Protection and conservation

Traditional governance

The Ifugao people have their traditional government system and set of traditional laws that predate existing national laws and are believed to have existed in pre-colonial times. The rice terraces are essentially community-conserved areas that have been subjected to these traditional laws. Pertinent traditional laws relating to ownership, management, and inheritance of rice lands and forest lands as well as water rights and use are complex, yet they have been effective in sustaining the rice terraces for centuries.

These traditional laws on land and property are strengthened by community attitudes toward family property as this relates to sustainability of the terraces directly. Individual terraces are privately owned and protected through the ancestral rights concept of ownership. Ownership is vigorously enforced by tribal law, which is administered by mumbaki (holy men).

Malingon-Sapody has observed that, to the Ifugao, lands and articles of value that have been handed down from generation to generation cannot be the property of any individual. Their possession is more of the nature of a trust or stewardship than an absolute ownership – a holding

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Photo taken from the website of the Heritage Conservation Society Online Database of Built Heritage Resources in the Philippines.
in trust for the future generations. Inherited property is not to be alienated without exhausting every effort to keep it within the family, nor must it ever be relinquished for trivial reasons.\textsuperscript{1111}

Though ownership of the Rice Terraces and the forest lands has been challenged time and again under national laws because they are classified as public lands, traditional laws on land ownership have always prevailed. The Republic Act 8371, introduced in 1997 and better known as the ‘Indigenous Peoples’ Rights Act’ (IPR Act), recognises that the Rice Terraces and the forests are part of the ancestral domain of the Ifugao people.\textsuperscript{1112}

(ii) Legislation and policy

Traditional conservation measures are undoubtedly becoming increasingly less effective in the face of development pressures. However, there are presently limited statutory measures in place for the protection, conservation and management of the Rice Terraces and none specifically directed at ensuring compliance with the World Heritage Convention.

The Rice Terraces were inscribed on the World Heritage List in 1995 as a ‘living cultural landscape’. Long before their inscription the Philippine Government had recognised the high cultural value of these rice terraces. In 1973, the late President Ferdinand E Marcos issued Presidential Decree (PD) No. 260 identifying the Ifugao Rice Terraces as a ‘national landmark having a high value of world culture [that] are considered irreplaceable treasures of the country’. This status was strengthened with the amendment of PD 260 by PD 1501 in 1978 with the insertion of a provision that ‘penalises the modification, alteration, repair, or destruction of the original features of the national landmark’.\textsuperscript{1113}

All lands in the Philippines with a slope of 18° and above are considered forest lands held by the State. The lands, therefore, unless titled or classified as alienable and disposable, are under the jurisdiction of the DENR. These forest lands are governed by PD 705 (revised forestry code) issued in 1975 and all its subsequent amendments.

As stated above, the NIPAS Act is the main legislation directed at the conservation and protection of Philippines protected areas. While it does not presently apply to the Rice Terraces, a review of its provisions in the context of the protection duty under the World Heritage Convention is useful in the hope that the legislation does come to apply in due course.

\textsuperscript{1111} A field or any property may be properly sold and may depart from the family if it be in order to provide animals to accompany the spirit of a deceased ancestor to the spirit world or in order to provide animals for sacrifice to ensure the recovery from dangerous sickness of some family member: Malingon-Sapody, n1084.

\textsuperscript{1112} Guimbatan & Baguriam, n1086. See also Beyer O, The Origin and History of the Philippine Rice Terraces. National Research Council of the Philippines, University of The Philippines, Quezon City, 1955.

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The overriding obligation of the DENR in administering the NIPAS Act is to ‘manage protected areas and promote the permanent preservation, to the greatest extent possible, of their natural conditions’. A list of the powers of the DENR is provided in section 10 of the NIPAS Act. These powers include, among other things: powers to conduct studies on various characteristic features and conditions of the different protected areas and define them into categories and prescribe permissible or prohibited human activities in each category; to adopt and enforce a land-use scheme and zoning plan; to cause the preparation of and exercise the power to review all plans and proposals for the management of protected areas; to take various steps to implement and enforce the Act; to fix and prescribe reasonable NIPAS fees from those deriving benefits from the protected areas; to exact administrative fees and fines; to enter into contracts and/or agreements with private entities or public agencies as may be necessary to carry out the purposes of the NIPAS Act; to accept funds or gifts to further the objectives of NIPAS; to call on various agencies and institutions to accomplish the objectives of the NIPAS; to control the construction, operation and maintenance of roads, trails, waterworks, sewerage, fire protection, and sanitation systems and other public utilities within the protected area; to control occupancy of suitable portions of protected areas and resettle outside of said area forest occupants therein, with the exception of the members of Indigenous communities areas; and to perform such other functions as may be directed by the President of the Philippines or are otherwise incidental to achieving the objectives of NIPAS.

From the above it can be seen that the DENR has broad powers to control activities within and in the vicinity of protected areas. In particular, the DENR is afforded broad controls to determine permissible and prohibited development in identified protected areas. The Act also establishes a trust fund, known as the Integrated Protected Areas Fund, for purposes of financing projects of the System. Under section 20, among other things, the NIPAS Act prohibits the following activities in protected areas: hunting, destroying, disturbing, or mere possession of any plants or animals or products derived from a protected area without a permit from the Management Board; dumping of any waste products detrimental to the protected area, or to the plants and animals or inhabitants therein; use of any motorised equipment without a permit from the Management Board; mutilating, defacing or destroying objects of natural beauty, or objects of interest to cultural communities (of scenic value); damaging and leaving roads and trails in a damaged condition; squatting, mineral locating, or otherwise occupying any land; constructing or

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1114 Section 10 of the NIPAS Act.
1115 Section 10 is reproduced in full in Appendix 5 to this thesis.
1116 Section 16 of the NIPAS Act.
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maintaining any kind of structure, fence or enclosures, conducting any business enterprise without a permit; leaving in exposed or unsanitary conditions refuse or debris, or depositing in ground or in bodies of water; and altering, removing, destroying or defacing boundary marks or signs.\textsuperscript{1117}

A person who is guilty of an offence under section 20, or who violates the Act or any rules and regulations issued by the Department of Justice pursuant to the Act, may be fined, imprisoned and/or ordered to rehabilitate or restore the site as determined by the Court. The Court must evict the offender from the land and require the forfeiture of any offensive equipment, devices, constructions or improvements etc. that are the responsibility of the offender. If the offender is an association or corporation, the president or manager will be directly responsible for the act of the association's or corporation's employees. The DENR may also impose administrative fines and penalties.\textsuperscript{1118}

The above protection and enforcement measures for the conservation of Philippines' protected areas under the NIPAS Act are clearly quite comprehensive. Accordingly, these measures could, if the Rice Terraces were designated as a protected area under that Act, be used to enhance significantly the protection and conservation of the landscape.

As it currently stands, existing regulations, policy and traditional conservation measures are proving inadequate in the face of multiple and complex threats. A brief outline of these threats is provided below.

(iii) Manual labour and maintenance of traditional values

A critical threat is the loss of manual labour. Increasing emigration of human power is the result of: limited economic opportunities; low income returns; poor access to social services; pests and diseases; labour intensive farming; disturbed ecosystems; rough conditions; and absence of policies to regulate the introduction of new species and technology.\textsuperscript{1119}

Loss of interest in culture has also arisen as a result of: erosion of Indigenous knowledge and values; the high cost of rehabilitation/maintenance of the damaged Rice Terraces; a weak Indigenous education system and loss of Indigenous labour practices; harsh living conditions and unprotected ownerships and rights over land.\textsuperscript{1120} This loss of interest and appreciation in the Ifugao culture has resulted in loss of interest in maintaining the Rice Terraces. Consequently, it

\textsuperscript{1117} Section 20 of the NIPAS Act.
\textsuperscript{1118} Section 21 of the NIPAS Act.
\textsuperscript{1119} Phillips A, 'Cultural Landscapes: IUCN's Changing Vision of Protected Areas' in n22 at 40.
may result in the Rice Terraces eventually becoming abandoned or converted to other uses.\textsuperscript{1121} Parents now send their children to the lowlands for education and many remain there to pursue employment opportunities not available on the Rice Terraces.\textsuperscript{1122}

(iv) External Forces

In addition to limited economic opportunities, life on the Rice Terraces is extremely difficult. It is impossible to bring farm animals or machinery to the site because of limited access. Therefore, planting, harvesting, maintenance of the walls and all other activities must be done manually, without any mechanical aid. The cold weather, monsoon rains and typhoons, earthquakes\textsuperscript{1123} and tremors are some of the unpredictable natural forces that must be contended with.

In addition, the irrigation system, a fine-tuned web of natural streams, catchments, ditches, sluices and bamboo pipes that deliver water downhill, providing water evenly to each terrace, has suffered extensive damage from the cyclical earthquakes that occur in the area.\textsuperscript{1124} The frequent slight tremors are enough to misalign the distribution system. Therefore constant repair is necessary to keep the distribution system functional. The traditional system, constructed of natural materials that possessed a pliability that allowed the irrigation network to adjust to minor earth movements due to rain or slight earthquakes, was lost as a result of experiments in repairing the system with rigid concrete.\textsuperscript{1125} The mistaken rationale was that concrete pipes are cheaper and easier to lay when compared to a system built from natural materials that are no longer available.

(v) Architectural qualities

The architectural qualities of the cultural landscape are disappearing as well. Clusters of villages with houses that had steep, pyramidal roofs of thatch were the most striking features of the landscape. They have practically disappeared in recent years.\textsuperscript{1126}

(vi) Erosion, siltation and poor water management

Erosion and siltation is a result of destruction of the watershed. There is continued deforestation by swidden farming and tree cutting in the individual and communal watersheds.

\textsuperscript{1121} Note 1090.
\textsuperscript{1122} See n.1090 at 98 and discussion in Malingon-Sapody, n.1084.
\textsuperscript{1123} A major earthquake in 1990 altered the course of the Cordilleras mountain streams. This caused areas formerly covered with thick upland forests to become denuded, eroding the landscape. The situation was exacerbated by forest fires and with forests no longer protecting watersheds, irrigation became less efficient. Dabbs T, "Rice Terraces Of The Philippine Cordilleras: A Cultural Landscape in Danger of Demise" (2005) (?) The Cultured Traveller Newsletter: http://www.crossculturedtraveler.com/Heritage/Archives/Rice_Terraces.htm; accessed 23 October 2008.
\textsuperscript{1124} Note 1090 at 99.
\textsuperscript{1125} Note 1090 at 99. The reason these natural resources are no longer available is not specifically stated by Villalón.
\textsuperscript{1126} Note 1090 at 99.
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Cutting of trees in the individual watershed has been traditionally done, but needs to be the subject of some form of regulation. There is less management control by the local people in the communal watersheds. The introduction and continued use of exotic species of trees for reforestation may also be affecting the watershed functions of the remaining forest areas.

(vii) Introduction of exotic species and biodiversity loss

Loss of biodiversity, the introduction of new species and bio-piracy are all serious challenges confronting the Rice Terraces. For example, to supplement protein needs of the farming communities, the Department of Agriculture in the mid-1980s introduced a species of shellfish, the golden apple snail. Popularly called ‘golden kuhol’, it is now a pest perceived to have caused the disappearance of almost all the existing edible shellfishes, insects, and plants in the rice paddies. In the muyong, exotic-fast growing trees were likewise introduced to provide enough firewood and wood requirements for housing and furniture. Lately, the local people blame these trees for the lowering of the water table and the drying up of water springs. In addition, local forest products, especially orchids, are harvested and sold. There are no existing policies and guidelines to regulate the introduction of new exotic species and awareness of the importance of biological diversity is very weak.

(viii) Modernisation and change

On the national level, maintaining traditional values, whether spiritual or physical, is under severe threat due to the pressing demands of modernisation, the urgent socio-economic needs of the community, and the lack of support from national authorities who are not aware that preservation of the cultural values that reinforce the continuation of the traditional agricultural system must be supported along with the physical conservation of the terraces. Airports, highways and tourism infrastructure are also threatening the endangered site and its community.

(c) Presentation and transmission

(i) Management obligations under the NIPAS Act

Should the Philippine Government move under section 9(f) of the NIPAS Act to designate the Rice Terraces as a protected area for the purpose of this Act, the Rice Terraces would benefit from the comprehensive management requirements under this legislation. These requirements are briefly summarised below.

1127 Malingon-Sapody, n1084 at 10-11.
1128 Malingon-Sapody, n1084. See also Medina SC, Terraces of Banaue, Philippine Expressions, Los Angeles, 1989.
1129 Villalon, n599. See also Medina CR., Understanding the Ifugao Rice Terraces, Saint Louis University, Cordillera Research and Development Foundation, Baguio City, 2003.

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Section 9 of the NIPAS Act requires the implementation of a general management planning strategy to serve as a guide in formulating individual plans for each protected area. The management planning strategy must, at a minimum:

...promote the adoption and implementation of innovative management for techniques, including, if necessary, the concept of zoning, buffer zone management for multiple use and protection, habitat conservation and rehabilitation, diversity management, community organising, socioeconomic and scientific researches [sic], site-specific policy development, pest management and fire control.

In addition, the management planning strategy must provide guidelines for the protection of Indigenous cultural communities, other tenured migrant communities and sites and for close coordination between and among local agencies of the government as well as the private sector. \(^{1130}\)

A management manual must also be developed for each protected area that contains the following:

... an individual management plan prepared by 3 experts, basic background information, field inventory of the resources within the area, an assessment of assets and limitations, regional interrelationships, particular objectives for managing the area, appropriate division of the area into management zones, a review of the boundaries of the area, and a design of the management programs. \(^{1131}\)

A Protected Area Management Board is created for each of the established protected areas, \(^{1132}\) which by majority vote, decides the allocations for budget, approves proposals for funding, decides matters relating to planning and peripheral protection, and is responsible for the general administration of the area in accordance with the general management strategy.

Proposals for activities which are outside the scope of the management plan for protected areas must be the subject of an environmental impact assessment before they are adopted, and cannot be conducted without an 'Environmental Compliance Certificate'. \(^{1133}\) Exploration in protected areas is, however, permissible for the purpose of 'gathering information on energy resources' but 'only if such activity is carried out with the least damage to surrounding areas'. \(^{1134}\)

Section 13 of the NIPAS Act adds that ancestral lands and customary rights and interests must also be accorded recognition. \(^{1135}\)

\(^{1130}\) Section 9 of the NIPAS Act.
\(^{1131}\) Section 9 of the NIPAS Act.
\(^{1132}\) Section 11 of the NIPAS Act.
\(^{1133}\) Section 12 of the NIPAS Act.
\(^{1134}\) Section 14 of the NIPAS Act.
\(^{1135}\) Section 13 of the NIPAS Act.
The analogies with the requirements for a management plan under the World Heritage Convention are apparent. However, for so long as the NIPAS Act does not apply to the Rice Terraces, there is no strong impetus to have in place a comprehensive and effective management plan.

(ii) The management of the Rice Terraces

Managing and monitoring the Ifugao rice terraces, even just the inscribed heritage sites, poses a challenge. The Ifugao Rice Terraces are located in clusters at various sites in the province. This means working with different communities with different levels of needs and aspirations and coordinating with various leaders. Plans cannot be common to all since every site has its own characteristics and concerns. 1136

Except for the cluster in Hungduan, there are no regulations as to the entry and exit of visitors to the Rice Terraces. The local community in Battad, possibly one of the most visited clusters is attempting to record the visitors that come to their area. There is no mechanism for the local community to capture the revenues and benefits from tourism for use in maintaining the Philippine Rice Terraces World Heritage property. There are also no measures to regulate tourist behaviour or development of tourist facilities in the five clusters.

Sharing of knowledge systems among the various tribes in the Cordilleras on their conservation and management mechanisms would not only help in protection efforts, but may also strengthen kinship. The challenges presented by tourism must ultimately be addressed by regulation and an actively implemented and enforced management plan.

(d) Monitoring and review

The Philippine Tourism Agency was the main government agency that coordinated programs and projects relevant to the Rice Terraces in the early years after the inscription of the site on the World Heritage List. Since inscription, several agencies have been established and disbanded over the years as a result of insufficient funding, including the Banaue Rice Terraces Taskforce, which was replaced by the Ifugao Rice Terraces Cultural and Heritage Office (IRTCHO). Consequently, few projects were completed and the Rice Terraces deteriorated rapidly, due to site mismanagement.

However, in 2006, the Provincial Government, through Provincial Ordinance No. 2006-032, purported to abolish the IRTCHO and create the Ifugao Cultural Heritage Office (ICHO) 1137 that is mandated to:

1136 Summarised from Villalón, n599, Malingon-Sapody, n1084 and n1090.
1137 Provincial Ordinance No. 2006-032 states that culture has been identified as the fulcrum of any form of sustainable development that is economic, social, political, and moral, making cultural development an imperative responsibility of the government. See,
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(a) safeguard the tangible and intangible cultural heritage of the Ifugao People;
(b) ensure the protection, preservation, and conservation of the local cultural and historical heritage of the people of Ifugao;
(c) ensure the implementation of the activities for the promotion, development, protection, transmission, and conservation of local culture and arts including the transmission of intangible heritage within the local communities in Ifugao; and
(d) encourage the development of culture and arts down to the grassroots level.\textsuperscript{1138}

The ICHO is now part of the reorganised structure of the Provincial Government by virtue of the ordinance creating it. However, no positions to manage the office have yet been created, since the local government has already reached the maximum allowable percentage of budget for personnel services. The head of ICHO and all other personnel are hired on a contractual basis. Nevertheless, the Provincial Government is hopeful that the ICHO will soon have regular employees once its annual share of the franchise tax from the Magat Dam through the National Power Corporation, as payment for use of natural resources, is granted.\textsuperscript{1139}

In addition, in 2007, a bill was put before Parliament to establish the Cordillera Terraces Authority for the purpose of coordinating efforts to formulate and administer a 10-year Cordillera Terraces Master Plan for the conservation and restoration of the Terraces in the region. The major components of the master plan are the restoration of the terraces, the protection and maintenance of ecological balance, the rehabilitation of the age-old irrigation systems and massive reforestation.\textsuperscript{1140} This bill has not yet been passed.\textsuperscript{1141}

With the transfer of responsibilities and functions to the Provincial Government in 2002, the management of the Rice Terraces has gone back to the people. Responsibilities have cascaded from the provincial level to the municipal and barangay (local) levels and with this process, the problems have become clearer and strategies to address them are more focused.\textsuperscript{1142} The municipalities and barangays are beginning to take on a more active role in governance and

\textsuperscript{1138} Malingon-Sapody, n1084 at 16.
\textsuperscript{1139} Bulayungan, n1137.
\textsuperscript{1142} Malingon-Sapody, n1084 at 7.
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administration of the Rice Terraces. The quality of the interactions of local government units and traditional community leadership varies from one community to the next.1143

Although physical restoration projects still receive a bulk of allocated finances, other significant projects which were completed or started when the local government units took reign are the following:

(a) completion of the existing Ifugao Rice Terraces Master Plan, 2003-20121144 where biodiversity conservation, cultural heritage and Indigenous knowledge systems, and social development are of the same priority as infrastructure development;

(b) continued partnership with other government agencies, non-government organisations, and the communities. This resulted in the marketing of the traditional Ifugao rice varieties as ‘heritage rice’ and the organisation of participating farmers;

(c) documentation of cultural practices, including those relating to rice production and forest management;

(d) documentation of the histories of the various municipalities;

(e) local research on potential local solutions to existing agricultural problems such as those caused by the golden apple snail and the earthworms;

(f) promotion of traditional agricultural practices to support the marketing of the ‘heritage rice’;

(g) policy support to address existing challenges; and

(h) continuing education on the Ifugao culture through the School of Living Traditions.1145

Most recently, on 24 January 2008, pursuant to Executive Order No.16, a Provincial Council on Cultural Heritage was established to function in cooperation with the ICHO to promote, protect and preserve/conserve, the tangible and intangible cultural heritage of the people.1146

1143 Malingon-Sapody, n1084 at 7.
1144 The Ifugao Rice Terraces Master Plan 2003-2012, which was submitted to the World Heritage Committee by the State Party at its 29th Session in 2004, was developed in consultation and with the participation of the local peoples in the five cluster terraces of the Philippine Rice Terraces World Heritage Site: Office of the President, Ifugao Terraces Commission, Final Report: The Three-Year Master Plan for the Restoration and Preservation of the Ifugao Rice Terraces, Orient Integrated Development Consultants Inc and Planning Resources and Operations Systems Inc, Manila, 1995; and Office of the President, Ifugao Terraces Commission, The Six Year Masterplan (1995 to 2001) for the Restoration and Preservation of the Ifugao Rice Terraces: Draft Final Report, Orient Integrated Development Consultants and Planning Resources and Operations Systems Inc, Manila, 1994. See also Executive Order No 158, 5 March 1999. The Master Plan recognised the need to continue the existing culture-based traditional practices to assure the maintenance of the site. In addition to inadequate and failed funding arrangements, implementing the Master Plan was also a difficult challenge. The community participated in preparing the Master Plan, but did not feel any ownership towards it: Malingon-Sapody, n1084.
1145 Malingon-Sapody, n1084 at 7-8.
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The ongoing status of the IRTCHO is unclear. Despite its apparent disbandment by Provincial Ordinance No.2006-032, media releases in October 2008 indicate that the IRTCHO is moving to rehabilitate damaged portions of the Rice Terraces in the Hungduan and Mayoyao towns.\textsuperscript{1147} However, the 29\textsuperscript{th} Session of the World Heritage Committee records that the IRTCHO might no longer be in existence as an entity as the national government funding support from the NCCA was terminated.\textsuperscript{1148}

Leadership also continues to be a concern. The three year term of the elected provincial and municipal local officials mean possible changes or fast turnover in leadership, which, in most cases, bring in new development priorities and influences the allocation of funds and personnel for the Rice Terraces.\textsuperscript{1149}

(e) World Heritage Committee recommendations and recent developments

At the 25\textsuperscript{th} Session, in 2001,\textsuperscript{1150} as a result of an IUCN/ICOMOS Reactive Monitoring Mission in September 2001,\textsuperscript{1151} the World Heritage Committee noted that about 25-30\% of the Rice Terraces are now abandoned, which has led to damage of some walls.\textsuperscript{1152}

Accordingly, as noted above, the World Heritage Committee decided to inscribe the site on the List of World Heritage in Danger and endorsed the following recommendations made by the IUCN/ICOMOS:\textsuperscript{1153}

- Establish a permanent and effective body to co-ordinate and lead efforts to restore and protect the Ifugao Rice Terraces.
- Develop short and long-term strategies to finance the conservation of the Rice Terraces, drawn from national and international sources and from tourism.
- Develop a long term sustainable conservation policy to redress the problem and enhance management capacity.
- Develop a sustainable tourism industry that supports the future conservation of the rice terraces, placing priority on improving access to and within the site.


\textsuperscript{1149} Malingon-Sapody, n1084 at 11.


\textsuperscript{1152} Paragraph VIII.112 of the World Heritage Committee made at its 25\textsuperscript{th} Session. See UNESCO World Heritage Centre, Report of the World Heritage Committee arising from its 25\textsuperscript{th} Session in 2001: http://whc.unesco.org/archive/reponum01.htm#riceterraces; accessed 7 June 2007.

\textsuperscript{1153} Paragraph VIII.113, n1152.
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• Establish an exchange program with other World Heritage sites which share similar conservation challenges.

The World Heritage Committee noted that the Reactive Monitoring Mission recommended the following benchmarks for corrective measures to be taken by the Philippine authorities within a timeframe of 2-3 years between 2006 and the end of 2008:

(i) Establish a functioning management mechanism at the provincial and municipal levels, and ensure that adequate human/financial resources are made available to implement the Conservation and Management Plan of the Rice Terraces of the Philippine Cordilleras (June 2004) (hereafter referred to as the Conservation Management Plan) for the property.

(ii) Put in place zoning and land-use plans responding to community-based activities and traditional value systems.

(iii) Provide regulations over tourism and infrastructure developments to encourage community based tourism which benefits the Rice Terraces and the local communities.

(iv) Develop a resource strategy at the national, provincial, municipal and village (barangay) levels and put in place a five year plan, according to the management objectives determined in the Conservation and Management Plan, with top priority given to the regular maintenance and stabilisation of the rice terraces and lifeline irrigation systems so as to reverse their deterioration.

(v) Establish appropriate development control procedures for development projects in the Rice Terraces of the Philippine Cordilleras, including by designating the World Heritage cluster sites of the Rice Terraces and their supportive eco-system (i.e. watershed system) as ‘environmentally critical areas’, where an environment impact assessment is required for any proposed development projects. Cultural heritage conservation expertise should be also included in the environmental impact assessment review committee.

(vi) Strengthen the reforestation program to include a wider range of endemic tree species to protect the watershed system for the rice terraces and prevent the introduction of exotic species in the private or communal watersheds of the rice terraces.1154

The Conservation and Management Plan, developed with assistance from the World Heritage Fund, seeks to reverse the current deterioration of the property. It also includes the conservation and management of other clusters of rice terraces proposed for inscription. The work plan draws from and is primarily based on the ten year Ifugao Rice Terraces Master Plan, 2003-2012 that was developed and formulated parallel to the development of the Conservation and Management Plan.

The six year Conservation and Management Plan defines the overall framework and integrated intervention scheme for restoring and preserving the Rice Terraces and identifies the following issues, problems and constraints to the conservation of the Rice Terraces: geological hazards, watershed management, agricultural development; socio-cultural and economic pressures; tourism; urban functions; and social and institutional limitations. Accordingly, the plan identifies nine major components for integrated investment programming within a six-year time frame. These programs include: the natural hazard management program, the agricultural management program, watershed management program, water management and irrigation, transport development program, spatial restructuring and tourism development, socio-cultural enhancement program and institutional strengthening. Under the plan, management of the property involves all levels of administration from international institutions to local communities, with the General Stakeholders Conference as the highest policy-making body operating through the Ifugao World Heritage Conservation Council.

The World Heritage Committee observed in 2005 that the success of the Conservation Management Plan will be dependent upon two factors: the commitment and cooperation of local communities and the availability of adequate funds for its implementation. While the Plan addresses many of the foregoing concerns, the IUCN expressed concerns at the 29th Session that the Plan does not address the need for strong land use controls over tourism development, and further notes that the Plan lacks clarity on financing mechanisms.

More recently, at its 32nd Session in 2008, the World Heritage Committee noted the progress that had been achieved in implementing the corrective measures identified by the World Heritage Committee in 2006, including by restoring and maintaining 42 communal irrigation systems within the property and by setting up a Project Development Unit to mobilise financial resources. The Committee also welcomed steps towards the development of a twinning program of

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1155 Malingon-Sapody, n1084 at 49.
1156 UNESCO, n148.
1157 UNESCO, n148.
exchange and cooperation between the World Heritage property of the Rice Terraces and Cinque Terre (Italy). 1158

Among other recommendations, the Committee urged the Philippine Government to continue its work on the corrective measures adopted at its 30th Session in 2006, particularly with regard to the implementation of the Conservation and Management Plan, the development of a resource strategy, of tourism at the property and the establishment of appropriate control procedures for development projects within the property. 1159

Finally, the Philippine Government was requested to submit to the World Heritage Centre, by 1 February 2009, a report on the state of conservation of the property and the implementation of the various recommendations identified by the Committee, for examination at the 33rd Session in 2009. 1160

(f) Public participation

From the above analysis, it emerges that community participation is essential to striking the appropriate balance between tradition and modernisation. The management of the Rice Terraces was initially a national government initiative that failed because of the minimal participation of the local stakeholders who were not made to feel that they were the custodians of their heritage. After inscription of the site on the List of World Heritage In Danger, the national government handed over management to the local stakeholders. With local government and residents joining efforts, there is now renewed involvement in site management. The future existence of the Rice Terraces requires the continuance of the existing culture-based traditional practices that assure site maintenance.

(g) The future: protecting and conserving the interrelationships between the cultural and natural values of the Rice Terraces

The lessons to be drawn from this analysis are that governance needs to remain at a community level, supported by municipal, provincial and national government initiatives. Given the complexity of the above issues, responding to the governance challenges confronting the Rice Terraces requires a multifaceted response. At a minimum, the whole of the Rice Terraces should be classified as a protected area under the NIPAS Act. Governance measures and responsibilities must be integrated and clear across local, regional and national levels and supported by appropriate funding. There is also a need to institutionalise a multi-stakeholder coordinating

1159 UNESCO, n1158.
1160 A draft of the state of conservation report was tabled at the 33rd Session of the World Heritage Committee in 2009. The Committee has now requested that it be reviewed by the Advisory Bodies and the World Heritage Centre (Decision 33 COM 7A.24). See n10.
body at the provincial level. This multi-stakeholder coordinating body can help coordinate, link and support the various efforts at the five Rice Terraces clusters. In addition, the local government should be used to complement and support the ancestral domain claims of the local farmers. The community-based land use plans developed now should feed into the future ancestral domain sustainable development and protection plan required under the IPR Act. Coordination with the NCIP should also be encouraged.

While the Rice Terraces are not presently recognised under national law as a protected area within the IUCN system,1161 Phillips observes that they manifest many of the characteristics of a Category V protected area.1162 Accordingly, strategies for its future management should draw on experience in the management of many Category V protected areas elsewhere in the world.1163 Many other Category V protected areas contain landscapes that bear a strong imprint of the work of previous generations. As well as other terrace landscapes, there are irrigation systems and other farmland worked in physically adverse conditions, all representing many hundreds of years of perseverance in the struggle to survive. These often have an added significance when they are the creation by the ancestors of the very people who live there and work the land to this day along similar lines. In such cases, the present generation may well have a true stewardship role: inheriting, caring for, and passing on a land whose physical features, and the cultural traditions associated with it, testify to that struggle. Their management should be guided by many of the same principles that will need to be applied to conserve the Rice Terraces.1164 The synergies between continuing, organically evolved cultural landscapes and IUCN Category V protected areas and the lessons that can be learned from these synergies (and differences) are considered in further detail in chapter 8.

7.3 Conclusions: the cultural landscape classification in practice

From the above analysis of the two case studies, it can be seen that there is a stark contrast between the state of conservation of each of the landscapes. Australia has generally been effective in adopting appropriate implementation measures for the protection and conservation of Uluru-Kata Tjuta and the interrelationships between the cultural and natural values embodied in that site. The adoption of a mix of legislation, policy, traditional conservation measures and joint management measures, accompanied by an appropriate governance structure and tourism management measures, has ensured, and improved, the conservation of the site for future generations. World Heritage listing of the site and the renomination of Uluru-Kata Tjuta as a cultural landscape has also renewed local pride in the site and promoted awareness of both the

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1161 As discussed in section 7.2.4(a).
1162 A Category V protected area is discussed in chapter 8.
1164 Phillips, n162 at 43.
cultural and natural values of the site that are integral to its World Heritage value. Accordingly, it is reasonable to conclude that the renomination of Uluru-Kata Tjuta as a cultural landscape has been highly beneficial and has greatly improved the conservation of the site and the interrelationships between its tangible and intangible cultural and natural values.

To date, the inscription of the Rice Terraces of the Philippine Cordilleras as a cultural landscape has not, unfortunately, been anywhere near as successful in improving the protection and conservation of that landscape. While it is apparent that the conservation of the Rice Terraces presents a somewhat greater challenge than that presented by Uluru-Kata Tjuta, the state of conservation of the Rice Terraces is also the result of present management arrangements. Primarily protected by traditional conservation measures that are under increasing pressure and poorly supported by legislative measures, the adequacy of present conservation efforts clearly needs to be the subject of ongoing review. While the site confronts many ongoing conservation challenges, the analysis in this chapter reveals that many of these challenges stem directly from a failure by the Philippine Government to recognise, promote and support both the interrelationships between the cultural and natural values of the landscape. This is demonstrated by the devastating impacts that the transfer of the governance of the site by the local people to the national government has had on the management of the landscape. The management authorities instituted by the national government authorities have lacked financial, legislative and administrative commitment, resulting in a failure to properly implement past management plans for the site. The consequence has been a loss of local pride and interest in the landscape and a reduced ability to achieve a reasonable economic return from maintaining the Rice Terraces, all of which has also contributed to their destruction. Sadly, World Heritage listing has probably further increased the degradation of the site, with the tourism it has encouraged and an expectation of funding assistance.

Only now is there a realisation that the future of the Rice Terraces rests in reasserting and protecting both the tangible and intangible values of the site and in handing back the management of the site to the local stakeholders, supported by adequate technical, financial, legislative and administrative resources. The cultural landscape classification may have played a role in promoting this understanding, particularly in light of thematic studies undertaken by the World Heritage Centre over the past fifteen years. For example, the relative isolation of Uluru-Kata Tjuta and the fact that its conservation requires far less manual labour, as against the Rice Terraces which are very much lived in and the conservation of which is highly contingent on significant ongoing human action, are factors specific to each of the sites which differentiate them and contribute to their present state of conservation. See chapter 8 of this thesis for a listing of these studies, but, in particular, the regional thematic meeting on Asian Rice Culture and its Terraced Landscapes, held in the Philippines, March-April 1995.
In light of the above, on a critical view, the cultural landscape classification has had limited success in improving the conservation of the Rice Terraces. However, it does appear to have raised, and is arguably continuing to raise, awareness of the conservation complexities of a continuing landscape. Given the impact of the adoption of inappropriate conservation measures on the Rice Terraces, further guidance on the conservation of this category of landscape was required, which has come in the form of thematic studies and policy papers. While the challenges confronting the Rice Terraces are numerous, many of these challenges clearly stem from past failures to identify and protect the interrelationships between the site's natural and cultural values. Such failures might be avoided in the future by comprehensive conservation guidance and pre-emptive research on present and impending conservation issues and challenges.

The case studies in this chapter have established that the protection, conservation and management of cultural landscapes clearly requires a coordinated and integrated approach that is properly administered and has the support of local stakeholders. The Rice Terraces of the Philippines are an important example of how cultural landscapes can become endangered when inappropriate conservation measures are adopted or are inadequate and the fragile interrelationships between the nature and culture components of the landscape are disturbed or lost. The management arrangements for Uluru-Kata Tjuṯa, on the other hand, demonstrate that it is possible to protect and conserve the nature-culture continuum in cultural landscapes in a manner that is consistent with the objectives of the World Heritage Convention.

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Part IV

Key Issues, Recommendations, Future Directions and Conclusions
8 The Identification, Nomination, Evaluation, Protection, Conservation and Management of Cultural Landscapes

This chapter explores in greater depth some of the common key challenges confronting those charged with the responsibility of protecting and conserving cultural landscapes. It considers both the practical difficulties in fulfilling the duties for the effective conservation of cultural landscapes and then draws on actual examples of conservation difficulties confronting many of the presently listed cultural landscapes. The chapter identifies that these conservation challenges are many and varied (including socio-cultural, socio-economic, environmental and managerial challenges) and, consequently, to enhance cultural landscape conservation, multi-faceted responses are required.

8.1 Identification

8.1.1 Identifying cultural landscapes of outstanding universal value

As discussed in chapter 5, the onus of identifying cultural landscapes (and other types of World Heritage) essentially rests with the State Party in whose territory the cultural landscape is located. This means that it is critical that States Parties are fully informed about the considerations that must be taken into account in identifying and delineating their World Heritage. Unlike some other forms of World Heritage, determining the extent of cultural landscapes is not a straightforward exercise and is often done poorly, resulting in inadequate protection for the site. While, in some cases, subsequent boundary adjustments occur, this is often reactive to actual damage or likely damage. Delineating the boundaries of cultural landscapes is also often a challenging exercise because of the difficulties that arise in discerning the appropriate basis on which to delineate such boundaries. In addition, there is also an increased number of interests and values (and interrelationships between those values) that must be considered in conservation management and boundary delineation decisions. This is considered in further detail below.

8.1.2 Boundaries of cultural landscapes

The determination of the appropriate boundaries of a cultural landscape will necessarily be circumstance-specific and will ultimately be contingent on a host of factors including geographical, political, economic, social, ecological, religious and other considerations, such as private land ownership and stakeholder interests.

The primary consideration is the physical extent to which the property should be regarded as including outstanding universal values. This is sometimes a difficult issue, involving the exercise of technical expertise, stakeholder consultation and aesthetic judgment.
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States Parties' difficulties in delineating appropriate boundaries for sites is evident even in recent World Heritage listings. For example, in respect of the Stari Grad Plain (Croatia), ICOMOS in its Advisory Body Evaluation stated that:

ICOMOS considers that it is necessary to reconsider the boundaries of the nominated property on the basis of the definitely established archaeological data, and more generally to establish a carefully considered link between the boundaries of the property, its management and the scientific data.1168

Defining where a cultural landscape begins and ends is often contentious. Not only is it difficult to define where the values or the physical area itself begin and end, but land outside the boundaries can be interpreted by communities and managers as being of less value than those lands within. Mayne-Wilson observes that the result is that less care may be given to components of the landscape outside its boundaries.1169 This is particularly concerning where boundaries have been derived without rationale foundation or have been determined for reasons other than World Heritage conservation. For example, arbitrary national boundaries do not define the extent of landscapes and the area worthy of protection. However, they directly impact on the quality of conservation because of the differences between national legislation on different sides of State borders. In order to achieve a high standard of cooperation across borders, minimum standards and guidelines for the conservation of cultural landscapes must be in place and those guidelines must encourage quality cooperation. In this respect, much can be learned from the work that has been done in relation to transboundary protected areas.1170

There are many other circumstances in which the determination of a boundary may be grounded in reasons other than heritage. For example, the following is a summary of five types of boundaries identified by Mayne-Wilson:1171

(a) Literal boundaries:

Literal boundaries are discernible where a landscape is isolated within a different type of landscape, which shares few qualities. Boundaries are clear and easily defined by cadastral features or land tenure boundaries, such as scientific or historical sites and urban landscapes.

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1168 Note 773.
1170 For example, see IUCN/WCPA, Parks for Life: Transboundary Protected Areas in Europe. Study prepared at the request of the Federal Ministry of Environment, Youth and Family Affairs – Republic of Austria (Final Report), Ljubljana, 1999; and IUCN, Guidelines for Planning and Managing Mountain Protected Areas, synthesised and edited by Hamilton L and McMillan L, Geneva, IUCN Publications Unit, 2004.
1171 Mayne-Wilson, n1169.
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(b) Natural (biophysical) boundaries:

Natural boundaries are apparent where physical landscape elements/structures form an appropriate boundary. For example, a river gorge may be bounded by enclosing walls or the landscape may be bounded by mountains and a valley.

(c) Ecological boundaries:

Ecological boundaries arise where boundaries are referable to biophysical features and ecological processes of importance. The cultural landscape has been structured, changed and shaped by natural processes and human activity, each working at their inherent scales. Farina observes that crop cultivation, forest harvesting, fishing and hunting and other discrete human disturbance events change the structure of ecosystems, communities and populations and modify the resource availability, the soil and the physical environment. Further, cyclic human disturbance produces a seasonally changing environment with consequences for the migration movement of many species of animals. Similarly, the structural and functional characters of the landscape, species hierarchy and scaling, landscape fragmentation, animal dispersal, the fractal dimension of the landscape, spatial dynamics and ecotones must also be considered in management decisions regarding the conservation of landscapes and the delineation of their boundaries.

(d) Scenic boundaries:

Quite simply, this is where a boundary is considered most appropriately placed to encompass the visual catchment containing the scenic qualities of heritage value.

(e) Non-continuous boundaries:

For example, 'group listings', where a number of landscapes that form part of a biophysical region are amalgamated, and where a quality or heritage value is discontinuously distributed in space, either naturally or by, for example, intervening land practices. In these cases, important

1172 Farina A, 'Cultural Landscapes and Fauna' in von Droste et al, n152 at 60.

1173 Complex modelling forces acting on different spatial and temporal dimensions require multi-scalar investigations, so that the observer does not misinterpret the ecological relationships occurring at different scales: Milne BT, 'Measuring the Fractal Geometry of Landscapes' (1988) 27 Applied Mathematics and Computation 67-79. The complexity of the landscape changes according to the area measured. This has important implications in terms of management strategies for fauna that perceives the landscape according to an inherent species-specific scale, n1172 at 63.

1174 Ecotones are structural and functional discontinuities between two habitats, or the place in which the energy exchange reaches the maximum, or as a tension area between systems at two different maturity levels, n1172 at 68.

1175 For a detailed discussion of the impact of each of these factors on ecological processes, see n1172 at 60-73.
values may attach to the continuity of natural, visual or historical values between these isolated sites.

8.1.3 Other factors impacting on the identification and delineation of cultural landscapes

In addition to the five common boundary types identified by Mayne-Wilson, many other factors also impact on the identification and delineation of cultural landscapes. For example, political and economic crises, civil wars and natural disasters will all have an impact to a greater or a lesser extent on potential listings and subsequently the conservation of such sites. Sirisrisak and Akagawa consider such factors in their review of the causes of the historical imbalance of the global representation of World Heritage sites on the World Heritage List, noting that, in the Africa region, civil wars in some parts of Africa, such as the Congo, Somalia, Mozambique, Angola and the Ivory Coast, would have impacted on national identity with subsequent implications for heritage and environmental conservation generally. In the Arab States and the Asia and the Pacific region, the wars in Iraq (2003-present) and Afghanistan (2001-present) have devastated many heritage sites. For example, parts of the Bamiyan Valley in Afghanistan, which was inscribed on the World Heritage List immediately after the war, were damaged during conflict in March 2001. Consequently, upon listing, the site was simultaneously registered on the World Heritage in Danger List.

Similarly, natural disasters have had negative effects on World Heritage and, therefore, impact on World Heritage listings, such as the earthquake off the northwest coast of Sumatra on 26 December 2004, which caused the subsequent tsunami that devastated parts of South Asia, South-East Asia and East Africa.

Delineation of the boundaries of cultural landscapes and mixed properties also present difficulties when dealing with Indigenous and local communities. This is so particularly where there are conflicts between development interests and Indigenous and local communities concerning the legally-recognised boundaries of traditionally-owned land or difficulties defining physical limits of traditional spiritual and religious practices on land that is the subject of an


1177 This event resulted in the 2003 UNESCO Declaration Concerning the Intentional Destruction of Cultural Heritage.


1180 Richardson v Forestry Commission, n611 at 95.
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associative landscape category.\textsuperscript{1181} The Asia Pacific Workshop on Associative Cultural Landscapes held in Australia in 1995 observed that, for traditional Indigenous associative cultural landscapes, it is necessary to define boundaries with reference to, for example, spirituality, cultural tradition and practice, language, kinship and social relationships and/or the interactions (including use and care of plants and animal species) that exist between people and their natural environment.\textsuperscript{1182}

There is no doubt that landscapes can be studied and conserved at many scales, ranging from the single element of the landscape mosaic, such as individual meadows or woodland stands, to the entire landscape mosaic consisting of different patches, corridors and matrix elements.\textsuperscript{1183} Birks et al submit that a major challenge for the future is incorporating and integrating temporally precise (i.e. data from a specific period in history) and spatially defined palaeoecological data (i.e. ancient ecological data) into landscape ecology, as a means of testing and validating current concepts in landscape ecology and management.\textsuperscript{1184} Responding to this challenge requires interdisciplinary integration.\textsuperscript{1185}

To ensure that boundaries are appropriately selected, Lennon argues that the values within a cultural landscape should be identified through historical research and then compared to the features on the ground, rather than the reverse, which is often the case.\textsuperscript{1186} Certainly, the selection of the appropriate boundaries of a cultural landscape will necessarily be contingent on the specific features of that landscape. No hard and fast rules can apply. However, in selecting the appropriate boundaries, regard must be had to maintaining the integrity and authenticity of the landscape (acknowledging some of the conceptual and practical difficulties with these terms).\textsuperscript{1187} Ultimately, it is clear that States Parties require further guidance on all of the factors that must be considered in delineating their cultural landscapes.

8.1.4 Buffer zones

As discussed briefly earlier in this thesis, just as identifying the appropriate boundaries of a cultural landscape is often difficult where the landscape seemingly has no readily discernible

\textsuperscript{1181} For example, an adjustment to the boundary of the Willandra Lakes Region in Australia reduced the total area of the listed property by some 30%. The reduction was seen to assist in better defining the area containing the World Heritage values and to facilitate the management of the property: http://whc.unesco.org/archive/repcom95.html#167; accessed 22 May 2008.


\textsuperscript{1185} Birks et al, n277 at 466.

\textsuperscript{1186} Lennon, n214 at1-24.

\textsuperscript{1187} Paragraphs 79-95 of the Operational Guidelines, n15. As discussed in section 4.5 of this thesis.
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beginning or end, the identification of an appropriate buffer zone is also challenging for similar reasons.

The Operational Guidelines define a buffer zone as:

... an area surrounding the nominated property that has complementary legal and/or customary restrictions placed on its use and development to give an added layer of protection to the property. This should include the immediate setting of the nominated property, important views, and other areas or attributes that are functionally important as a support to the property and its protection.\textsuperscript{1188}

Paragraph 103 of the Operational Guidelines indicates that an 'adequate buffer zone' should be provided whenever necessary for the conservation of the property.\textsuperscript{1189} The size and characteristics of an adequate buffer zone will clearly depend on the surroundings of the World Heritage property.\textsuperscript{1190} Ultimately, the objective of the provision for buffer zones is to make the integrity of the boundaries of the nominated property stronger, both at the time of listing and for the longer term.\textsuperscript{1191}

Boer observes that, for natural properties, the considerations include the need to ensure that related ecosystems remain intact, in order to promote the protection of the listed area. For both natural and cultural sites, visual and aesthetic issues concerning planned development are crucial matters. The incidental effect of a generous buffer zone may involve the protection of heritage properties which would not necessarily qualify under the criterion for outstanding universal value, and that otherwise may be threatened by the development.\textsuperscript{1192} The rationale for a buffer zone in the urban context is mainly to reduce the visual impact of new development on the historic buildings in the vicinity.

As with assessments concerning appropriate cultural landscape boundaries, lack of understanding about the appropriate considerations in delineating buffer zones is particularly problematic in the context of cultural landscapes. Again, this is primarily the result of uncertainty or mixed opinions about the appropriate delineation of these areas and inadequate consideration of the full range of site values and the interrelationships between these values. The Advisory Body Evaluation for Aranjuez Cultural Landscape (Spain) provides just one example of an inadequate buffer zone for a cultural landscape. In recommending the reconsideration of the boundaries of the nominated property at the time of listing of the site on the World Heritage List,

\textsuperscript{1188} Operational Guidelines, paragraph 104. See also paragraphs 103 and 105-107, n15.
\textsuperscript{1189} Operational Guidelines, n15.
\textsuperscript{1190} Richardson v Forestry Commission, n611 at 96.
\textsuperscript{1191} Boer & Wiffen, n79 at 78.
\textsuperscript{1192} Note 1180 at 96.
ICOMOS noted that some buildings were 'inexplicably omitted' and that the 'outer boundaries of the buffer zone across the river on the north-west of the site need rethinking'.

Even as recently as the 2008 listings, the Advisory Body Evaluations record concerns regarding inadequate buffer zones. For example, the Advisory Body Evaluation for Chief Roi Mata's Domain (Vanuatu) records ICOMOS' concerns regarding the present lack of legal protection for the core and buffer zone. The Advisory Body Evaluation also records a comment by the IUCN that:

... a major portion of the proposed core and buffer zones are located in the marine environment and yet there is relatively little description of the marine components or prescription for their monitoring and management.

Finally, the Advisory Body Evaluation adds that the Management Plan needs extending to cover the buffer zone more specifically.

Similarly, the Advisory Body Evaluation for Kuk Early Agricultural Site (Papua New Guinea), also listed in 2008, observes that:

... [t]he setting of the site clearly extends beyond the rectangular lines of the buffer zone in the plain to the hills beyond. Currently these areas do not seem to present development threats in the short and possibly medium term, but without any protection, the wide setting and the context for the swamp as part of a highland landscape valley could be vulnerable in the long term.

Paragraph 11.2 of the Operational Guidelines does contemplate the possible revision or extension of a buffer zone in response to a review of a World Heritage property contained in the Periodic Reports required by the Operational Guidelines. However, such adjustment to a buffer zone is likely to be reactive to impending or actual damage to the integrity of a site. Accordingly, it is important that proactive steps are taken at the time of nomination of a cultural landscape and other World Heritage property to ensure full conservation and protection of the authenticity and integrity of the site from potential short term and long term risks associated with current and potential future surrounding development.

The ongoing concerns regarding the adequacy of buffer zones, even in the most recent cultural landscape listings, clearly indicate that, as with the concerns around appropriate boundary delineation, States Parties also require further guidance on the factors to be considered in

1193 Richardson v Forestry Commission, n511 at 95.
1194 Note 885.
1195 Note 885.
1197 Note 15.
delineating the buffer zones for their cultural landscapes. Those factors are somewhat similar to the boundary considerations identified above, but with an assessment of actual and potential short term, medium term and long terms human induced and natural threats.

8.2 Nomination

8.2.1 Tentative Lists

As with other types of World Heritage, cultural landscapes are not considered for inclusion on the World Heritage List unless they are on a Tentative List. Indeed, it is incumbent on States Parties to submit an inventory of property forming part of the cultural and natural heritage situated in its territory and suitable for inclusion on the World Heritage List. Article I of the World Heritage Convention, and paragraphs 7 and 8 and Annex 1 of the Operational Guidelines, provide some guidance as to what Tentative Lists are, who prepares them and for what purpose they are prepared. Nonetheless it is apparent that many States Parties have found it difficult to prepare Tentative Lists.

Following the development of the cultural landscape categories at La Petite Pierre in 1992, the World Heritage Centre requested, by way of Circular Letter, that all States Parties submit a new Tentative List to include cultural landscapes. New Tentative Lists were to be submitted by August 1993. The World Heritage Centre's Circular Letter was met with a poor response and, consequently, an ‘Action Plan for the Future of (Cultural Landscapes)’ was devised at Templin in Germany in October 1993 at the International Expert Meeting on Cultural Landscapes of Outstanding Universal Value.

The Action Plan was adopted by the 17th Session of the World Heritage Committee meeting in Cartagena, Colombia in December 1993 and it called for the difficulties encountered by States Parties in developing Tentative Lists to be identified and addressed. The Action Plan also identified the need for States Parties to review the cultural criteria for which properties have been included on the World Heritage List and to review their boundaries.

Acknowledging the general lack of experience and understanding concerning the identification, assessment, nomination and management of cultural landscapes of outstanding universal value, the Action Plan also called for the development of a thematic study on cultural landscapes to be initiated by the World Heritage Centre in association with ICOMOS and the

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1198 Article 11, paragraph 1 of the World Heritage Convention.
1200 A copy of the Action Plan is contained in Appendix 7 to this thesis.
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IUCN, possibly as part of the broader initiative, now known as the Global Strategy (formerly known as the Global Study).\textsuperscript{1203}

Consequently, since the introduction of the Global Strategy, various thematic studies of cultural landscapes have been undertaken to enhance international understanding of, and to develop appropriate protection and conservation strategies for, various types of cultural landscapes, including:

- Expert Meeting on Routes as part of the Cultural Heritage (Spain, November 1994).
- Heritage Canals (Canada, September 1994).
- Asia-Pacific Workshop on Associative Cultural Landscapes (Australia, April 1995).
- Asian Rice Culture and its Terraced Landscapes (regional thematic study meeting, Philippines, March-April 1995).
- Expert Meeting on Cultural Landscapes in Eastern Europe (Poland, September-October 1999).
- Thematic Expert Meeting in Potential Natural World Heritage in the Alps (Hallstatt, Austria, 2000).
- Expert Meeting on Desert Landscapes and Oasis Systems (Oasis Kharga, Egypt, 2001).
- Thematic Expert Meeting on Asia-Pacific Sacred Mountains (Wakayama City, Japan, September 2001).
- Meeting of Experts on Cultural Landscapes in the Caribbean: Identification and Safeguarding Strategies (Santiago de Cuba, November 2005).
- Thematic Meeting of Experts on the Agro-Pastoral Cultural Landscapes in the Mediterranean (Meyrueis, Lozère, France, September 2007).

\textsuperscript{1203} See section 2.5 for a discussion of the Global Strategy.
These expert meetings have developed methodologies for identifying, classifying and nominating cultural landscapes. Specific legal, management, socioeconomic and conservation issues have also been discussed.

Tentative Lists now provide the foundation working documents for comparative thematic studies. In turn, Tentative Lists are generated by or are derived from thematic comparative studies. For this reason, Titchen and Rössler contend that Tentative Lists form one of the central elements in the process of identifying and assessing cultural landscapes for inclusion on the World Heritage List.1204

Accordingly, integral to improving the protection and conservation of cultural landscapes is the undertaking of many more regional thematic studies on the classifications, categories and sub-categories of cultural landscapes and an ongoing review of the process of the listing of sites on the Tentative List. Given the significance of the Tentative List and thematic studies in the past in identifying cultural landscapes of World Heritage value, it is also critical that States Parties fully understand the cultural landscape concept and the key characteristics of cultural landscapes, to enable them to appropriately identify and nominate their cultural landscapes of outstanding universal value. The knowledge arising from the further regional and thematic studies will assist in promoting such awareness and the information arising from these studies should, ideally, be incorporated in future versions of the Operational Guidelines.

8.2.2 Nomination documentation

Annex 5 of the Operational Guidelines sets out the ‘Format for the Nomination of Properties for Inscription on the World Heritage List’. The template document provides some guidance to States Parties on what information needs to be provided in nominating a site to the World Heritage List.

In relation to nominations of cultural landscapes, the template document states that, in describing the cultural landscape, it is necessary to provide information concerning both the significant natural and cultural features of the site and ‘[s]pecial attention should be paid to the interaction of man and nature’.1205 The template document adds that ‘all aspects of the history of human activity in the area need to be covered’.1206 This is the only specific guidance given in the Operational Guidelines on the information that should be included in the nomination documentation for cultural landscapes.

1205 Annex 5, n15.
1206 Annex 5, n15.
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It is submitted that this guidance is inadequate and further specific details should be expressly set out in the nomination form to inform States Parties of items for consideration in assessing the World Heritage value of their cultural landscapes. It would also greatly assist the assessment processes of the World Heritage Committee and the Advisory Bodies if nomination documentation was more comprehensive. Finally, the World Heritage Centre’s conservation efforts would also be enhanced by greater knowledge of synergies and differences in the key features, characteristics, history, development and protection and conservation challenges confronting cultural landscapes. In particular, it is suggested that the following additional information should be sought and provided in any future nomination documentation:

- The basis upon which the boundaries of the nominated landscape have been determined (and not simply a description of those boundaries). Ideally, a checklist should be inserted to ensure that the State Party has given due consideration to all relevant considerations in determining the boundaries (e.g. ecological, social, economic, political and cultural considerations).

- The basis upon which the buffer zones of the nominated boundary have been determined and actual and potential short, medium and long term threats.

- Justification of outstanding universal value and the proposed statement of outstanding universal value (item 3b of Annex 5) should require express reference to be made to the interrelationships between the cultural and natural values embodied in the site.

- The explanation of the criteria under which the landscape is nominated should include a complete discussion of both the cultural and the natural values of the site and the interrelationships between those values, even if the site is nominated for its cultural values only.

- The explanation of the criteria under which the landscape is nominated should also include an express statement that the site is nominated as a cultural landscape, the classification of the landscape under paragraph 77 of the Operational Guidelines and the type of cultural landscape (e.g. ‘agricultural’, with the subtype identified, i.e. a vineyard, a rice terrace, a coffee plantation etc.).

- The identification of the landscape (item 1 of Annex 5 of the Operational Guidelines) should include a clear description of its boundaries and a statement should be included as to what consultation took place in determining those boundaries. This is particularly important for large scale, continuing, associative and transboundary cultural landscapes.
The description of the landscape, according to item 2a of Annex 5 should include comments on 'the interaction of man and nature'. Such discussion in items 2a and 2b should include both tangible and intangible forms of that interrelationship, how it arose, how it has evolved, whether it is likely to continue to change over time and what factors are relevant to ensuring the positive maintenance of that interrelationship (or interrelationships).

A thorough analysis of the authenticity and integrity of the site (item 3d of Annex 5) should be provided, having regard to the definition of these concepts under the Operational Guidelines and, ideally, the cultural landscape should be assessed against a sensible framework, such as that put forward by Stovel as discussed in chapter 4.

Information on the present state of conservation and factors affecting the landscape (items 4a and 4b of Annex 5) should include identification of the risks as they affect both tangible and intangible cultural values, the natural values and the interrelationships between the cultural and natural values of the landscape. Such information should also consider the causes of both natural and human induced change and processes to control and manage that change, particularly where change is a necessary part of the conservation process, such as in relation to continuing landscapes.

Information on the protection and management of the property (item 5 of Annex 5) should be very detailed and provide specific information about what traditional, legislative and regulatory, and contractual controls are in place, and how those controls interrelate. The strengths and weaknesses of those controls should be identified as well as measures to improve the effectiveness of the existing conservation regime. Finally, discussion should also be included on the existing governance typology/ies in place (at a local, regional and national level) and the appropriateness and effectiveness of that typology. Details of the involvement of the local community and stakeholders participating in decision making and conservation processes should also be provided.

Details of the ownership of the landscape (item 5a of Annex 5) should include information in relation to coordination between public, private and Indigenous people, likely changes to existing ownership structures, challenges arising from the ownership structures and methods of responding to such challenges, particularly in relation to large landscapes or sites that are not contiguous, are transboundary or involve many stakeholders.

If a landscape does not benefit from a protective designation (item 5b of Annex 5), this needs to be made express. Where the landscape does benefit from a protective
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designation, the purpose of that designation should be identified as well as its impacts on the interrelationship between the cultural and natural values of the landscape and its outstanding universal values. The limitations of the protective designation, including any potential negative consequences and options to address those limitations and consequences should also be considered.

- Items 5d and 5e of Annex 5 require the nominating Party to identify existing conservation plans, tourism plans and the management plans that apply to the site. Such plans, in particular, the management plan, should identify the manifestations of the nature-culture interrelationships within the landscape and what mechanisms are in place to manage and protect those interrelationships and the outstanding universal values of the site. In particular, it should include, at a minimum: the history of the landscape; the key stakeholders; the objectives of the management plan; the distinguishing features and characteristics of the landscape; the natural values, cultural values and interrelationships between the values of the landscape; key conservation risks and challenges; protection mechanisms; presentation controls (see also item 5i of Annex 5); monitoring and review processes; governance mechanisms and the parties administering those measures; administrative, technical and financial sources for the implementation of the management plan; expertise of those managing the site; and stakeholder and local community involvement.

- In addition to information about the skills of those managing the site, information should also be provided on how those skills will assist in ensuring that the often fragile relationships between the cultural and natural values of the site will be retained and, hopefully, improved.

- Finally, the key indicators for measuring the state of conservation (item 6a of Annex 5) must include the protocols and processes around which decisions concerning acceptable levels and types of change will be made; the review processes to ensure that protection and management measures continue to respond to the changing values of the landscape arising as a result of evolution and other natural and human-induced factors; and the processes to review and manage the implications of changing tangible and intangible cultural values.

Only by establishing these facts up front can future decisions about the impacts of development, both within the nominated landscape and in surrounding areas, be properly made. That is, a clear understanding of the principal features and outstanding universal values of each site is required at the time of nomination of the site, so that informed assessments can be made about acceptable levels of change, the evolution of the site's values and the effectiveness of conservation efforts.
over time. Administrative and financial resources to collate this information and to manage the site might also be relevant factors in determining suitability of the site for World Heritage listing. The State Party should identify capacity limitations and what commitment it can and is willing to make to ensure conservation of the landscape for future generations. The appropriateness of calling upon, and the availability of, international assistance, should then be the subject of World Heritage Committee consideration and assessment.

8.3 Evaluation

8.3.1 Evaluating the natural values of cultural landscapes

Cleere, writing in 1995, argued that ‘the procedures for evaluating nominations to the World Heritage List are clearly laid down in the Operational Guidelines and there is no justification for making any significant changes to these in respect of cultural landscapes’.

Further, in his review of the evaluation process, Cleere added that there is a role for both ICOMOS and the IUCN in the evaluation of mixed use sites, but considered that, in practical terms, it is appropriate that a single advisory body is approached in the first instance to initiate the evaluation procedure. In particular, Cleere expressed the view that designed landscapes are wholly creative cultural artefacts and, therefore, the IUCN has no assessment role with respect to this category of landscapes.

Contrary to these views, which were expressed some 16 years ago at a time prior to recent learnings about cultural landscapes, this thesis argues that the evaluation process for cultural landscapes is neither comprehensive nor certain under the current version of the Operational Guidelines. While the criteria in the Operational Guidelines for assessing the cultural values in interactions between humankind and the natural environment are explicit and clear, the criteria for assessing the natural values in interactions between humankind and the natural environment are not. Consequently, the IUCN has developed informal guidance with recommended criteria for assessing the natural values of cultural landscapes. This guidance is set out in an informal paper, ‘The Assessment of Natural Values in Cultural Landscapes’.

Importantly, this informal paper sets out that the following natural criteria are likely to be relevant to each of the categories of cultural landscape (and, in so doing, highlights the potential significance of natural values in cultural landscapes):

1207 Note 152 at 52-53.
1208 Note 152.
1209 Annex 3, paragraphs 6 and 7 of the Operational Guidelines, n15. The text of Annex 3 is set out in Appendix 2.
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### Table 8: Natural criteria most likely to be relevant to each category of cultural landscapes

<table>
<thead>
<tr>
<th>Cultural landscape type</th>
<th>Natural considerations most likely to be relevant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Designed landscape</td>
<td></td>
</tr>
<tr>
<td>Organically evolving landscape – continuous</td>
<td>(vii) (viii) (ix) (x)</td>
</tr>
<tr>
<td>Organically evolving landscape – fossil</td>
<td>(viii)</td>
</tr>
<tr>
<td>Associative landscape</td>
<td>(vii)</td>
</tr>
</tbody>
</table>

Of particular interest, the informal paper contains the following statement: ‘...the concept of integrity obviously has a different application in lived-in landscapes. It is integrity of the relationship with nature that matters, not the integrity of nature itself'. This statement is quite important as it is submitted that many States, in considering criteria for the nomination of their cultural landscapes, would be focusing on the integrity of the natural and cultural characteristics of the site and not the integrity of the relationship between these characteristics.

The various natural qualities of cultural landscapes are summarised in the Operational Guidelines as follows:

Cultural landscapes often reflect specific techniques of sustainable land use, considering the characteristics and limits of the natural environment they are established in, and a specific spiritual relationship to nature. Protection of cultural landscapes can contribute to modern techniques of sustainable land use and can maintain or enhance natural values in the landscape. The continued existence of traditional forms of land use supports biological diversity in many regions of the world. The protection of traditional cultural landscapes is therefore helpful in maintaining biological diversity.

The IUCN’s informal paper on the assessment of natural qualities also identifies the following additional natural qualities that may be present in a cultural landscape: outstanding natural beauty and aesthetic values; existence of a uniquely informative past relationship between humanity and nature; and important biodiversity resources.

In assessing the natural qualities of certain cultural landscapes identified in Annex 3, paragraph 11 of the Operational Guidelines, the IUCN’s evaluation is concerned with the following factors:

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1211 Source: Annex 6 of the Operational Guidelines, n15.
1210 Note 1210 at 4.
1213 Annex 3, paragraph 9 of the Operational Guidelines, n15.
1214 Note 1210 at 2.
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(i) Conservation of natural and semi-natural systems, and of wild species of fauna and flora;
(ii) Conservation of biodiversity within farming systems;
(iii) Sustainable land use;
(iv) Enhancement of scenic beauty;
(v) Ex-situ collections;
(vi) Outstanding examples of humanity's interrelationship with nature; and
(vii) Historically significant discoveries. 1215

Table 9 sets out each of the features from the above list in the context of each of the categories of cultural landscapes, indicating where each consideration is most likely to occur.

Table 9: Natural values in cultural landscapes – likely occurrences 1216

<table>
<thead>
<tr>
<th>Cultural landscape type</th>
<th>Natural considerations most likely to be relevant</th>
</tr>
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<tbody>
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<td>Designed landscape</td>
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<tr>
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<td></td>
<td>(vi)</td>
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<td></td>
<td>(vii)</td>
</tr>
</tbody>
</table>

This assessment clearly provides support for the proposition that natural values are a feature of all types of cultural landscapes and that, therefore, recalling the IUCN's mandate as discussed in chapter 2, the IUCN should, at a minimum, have a preliminary assessment role in the evaluation of all cultural landscapes nominated for World Heritage listing, most especially, organically evolved and associative cultural landscapes.

8.3.2 Evaluating the cultural values of cultural landscapes

As set out earlier in this thesis, the Operational Guidelines characterise cultural landscapes as being cultural properties that represent the 'combined works of nature and of man' designated in Article 1 of the World Heritage Convention.

The Operational Guidelines add that they should be selected on the basis both of their outstanding universal value and of their representativity in terms of a clearly defined geo-cultural

1215 Annex 6, paragraph 16 of the Operational Guidelines, n.15. The criteria for assessing each of these factors are set out in the IUCN's informal paper, n.1210 at 3.
1216 Source: Annex 6 of the Operational Guidelines, n.15.
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region and also for their capacity to illustrate the essential and distinct cultural elements of such regions. 1217

The very fact that all cultural landscapes, by their nature, possess interrelationships between cultural and natural values makes it somewhat curious that they are described as being cultural properties. It also means that, at least as a starting point, both ICOMOS and the IUCN (perhaps represented by a hybrid body/sub-body of experts from both organisations) should be involved in the preliminary assessment about the appropriate process for the evaluation of all cultural landscapes and whether a joint mission is required.

In practice, ICOMOS receives Nomination Dossiers relating to cultural landscapes from the Secretariat in November each year. Copies of the relevant parts of certain of those Dossiers are then transmitted by ICOMOS to IUCN and a decision reached as to whether a site evaluation mission should be joint or whether it can be handled by ICOMOS or IUCN alone. 1218 This decision is largely dependent upon the category of cultural landscape concerned. 1219

In this respect, paragraph 18 of Annex 6 of the Operational Guidelines adds:

Properties nominated as cultural landscapes are evaluated by ICOMOS under criteria (i) – (vi) (see Paragraph 77 of the Operational Guidelines). IUCN is called upon by ICOMOS to review the natural values and the management of the nominated property. This has been the subject of an agreement between the Advisory Bodies. In some cases, a joint mission is required.

Finally, paragraph 15 of Annex 6 of the Operational Guidelines states that the IUCN has an interest in many cultural properties, especially those nominated as cultural landscapes. For that reason, it will ‘on occasion’ participate in joint field inspections to nominated cultural landscapes with ICOMOS. 1220

From the above, it seems that the IUCN’s participation in the assessment of the natural values of cultural landscapes is discretionary. Certainly, there will be instances where the IUCN’s role in the evaluation of particular landscapes, such as designed cultural landscapes, would be very limited and perhaps, in many instances, ultimately required only for a preliminary evaluation purpose, but the IUCN’s involvement in this initial assessment process is nonetheless critical as States Parties need to be encouraged to consider fully both the natural and cultural values of the particular cultural landscape and the interrelationships between these values in order to facilitate

1217 Annex 3, paragraph 6 of the Operational Guidelines, n15.
1218 As discussed in section 2 in this thesis, paragraph 146 of the Operational Guidelines, n15, simply states: ‘In the case of nominations of cultural properties in the category of “cultural landscapes”, as appropriate, the evaluation will be carried out by ICOMOS in consultation with IUCN. For mixed properties, the evaluation will be carried out jointly by ICOMOS and IUCN’.
1219 Cleere, n152 at 53 and Boer B, ‘Article 29: Reports’ in Francioni, n34 at 341-342.
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A proper assessment as to whether the site should also be nominated for its natural values. ICOMOS is also, arguably, not best placed or qualified to make any initial assessment about the need for the IUCN's involvement in the assessment process. Accordingly, it is critical that the IUCN is involved in the initial appraisal of all cultural landscapes, and no less so where the cultural values of the site predominate, as this may be the result of an oversight by the State Party in identifying the values of the landscape due to a focus on the site's cultural values. Where it is appropriate that the cultural landscape is listed only for its cultural values, the natural values of the site still need to be well understood and documented to ensure their proper conservation, even purely for the purpose of ensuring the effective conservation of the interrelationships between the natural and cultural values of the site as contemplated by the cultural landscape classification.

The fact that, to date, only five of the 65 listed World Heritage cultural landscapes have been nominated for both cultural and natural values is prima facie of concern and suggests that perhaps States Parties are not fully considering the interrelationships between the cultural and natural values of the particular landscape when identifying selection criteria for the nominations of the site as World Heritage. Even more concerning is the fact that most of the Advisory Body Evaluations contain minimal to no information on the assessment of the natural values of the sites at all. While it may be the case that the natural values of cultural landscapes are not of World Heritage status, an assessment of the natural values of the cultural landscape at the time of listing is critical to monitoring and managing those values and their interrelationships with the site's cultural values over time. Ultimately, this is a matter for further consideration by the World Heritage Centre, the World Heritage Committee and the Advisory Bodies. In particular, the cultural landscape concept needs to be better defined and the importance of the natural values of cultural landscapes in assessments about interrelationships between culture and nature in the form of cultural landscapes of outstanding universal value needs to be emphasised. Ideally, a thematic study should be conducted on the various types of natural values identified in cultural landscapes listed to date and the interactions between humans and the environment which they display.

8.3.3 Selecting cultural landscapes for World Heritage status

Phillips states that the most difficult questions facing the World Heritage Committee and its advisers in assessing cultural landscapes for World Heritage status are: the need for a typology of landscapes; the need for methods of evaluating landscapes; and the need to find ways to manage

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1221 See n383.

1222 Some of these natural values and their interrelationships with cultural values can be discerned from Table 5 in chapter 4.
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landscapes. Phillips’ analysis of these three basic prerequisites to landscape protection is considered below.

(a) Typology

This thesis supports the view that a typology should be developed for cultural landscapes that, through a process of analysis, identifies and classifies landscapes by their types, taking account of the landscape type itself (as discussed in chapter 4) and cultural and natural factors. Natural factors might include, for example, geology, landform, drainage, soils, ecosystems and species (flora and fauna). Cultural factors might include, for example, farming systems, forestry, agricultural land use systems, communication and transport systems and land associations (historic, artistic, religious etc.). The resulting categorisation of the different landscape types can be used to identify and compare individual landscapes.

In addition to the Tentative List, national studies of landscape resources, such as those undertaken in Australia and Sweden, and regional typologies, such as the identification in Europe of some 30 ‘pan-European’ landscape types, offer an excellent starting point for the consideration of candidate areas for World Heritage status. A periodic review of these studies is imperative to ensure that States Parties are not overlooking the merits of certain sites as potential World Heritage cultural landscapes. In addition, where a national and/or regional landscape analysis has been undertaken, it will be easier for ICOMOS and IUCN to advise the World Heritage Committee on candidate cultural landscapes for World Heritage status. To this end, IUCN and ICOMOS should develop guidance for countries on landscape typologies as a basis for the submission of cultural landscapes for World Heritage recognition.

(b) Evaluating landscapes

While the development of a typology is descriptive and analytical, the evaluation of landscapes involves the exercise of a value judgment of what constitutes outstanding universal value in World Heritage terms.

Phillips observes, in this respect, that landscape evaluation involves the exercise of judgment which differs in two important respects from that for natural or cultural qualities alone:

(i) the subject matter is landscape, that has its own set of qualities which are independent of the cultural and natural resources it contains; and

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1223 Phillips, n390 at 388.
1224 Phillips, n390 at 389.
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(ii) landscape evaluation should be concerned with the interrelationships between cultural and natural elements, as well as with the value of these elements in their own right.\textsuperscript{1226}

Some suggestions proffered by Phillips and derived from work in the United Kingdom on the factors which might be considered in evaluating cultural landscapes for World Heritage status quality are set out in Table 10.

Table 10: Checklist of items for evaluating cultural landscapes for World Heritage status\textsuperscript{1227}

<table>
<thead>
<tr>
<th>Landscape as a Resource</th>
<th>The landscape should be a resource of world importance in terms of rarity and representativeness</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scenic Quality</td>
<td>The landscape should be of the highest scenic quality, with pleasing or dramatic patterns and combinations of landscape features, and important aesthetic or intangible qualities</td>
</tr>
<tr>
<td>Unspoilt character</td>
<td>The landscape within the area should be unspoilt by large-scale, visually intrusive or polluting industrial or urban development, or infrastructure</td>
</tr>
<tr>
<td>Sense of place</td>
<td>The landscape should have a distinctive and common character, including topographic and visual unity</td>
</tr>
<tr>
<td>Harmony with Nature</td>
<td>The landscape should demonstrate an outstanding example of a harmonious interaction between people and nature, based upon sustainable land-use practices, thereby maintaining a diversity of species and ecosystems</td>
</tr>
<tr>
<td>Cultural Resources</td>
<td>The landscape should contain buildings and other structures of great historical and architectural interest; the integrity of these features should be apparent</td>
</tr>
<tr>
<td>Consensus</td>
<td>There should be a consensus among professional and public opinion as to the world importance of the area; reflected, for example, through associations with writings and paintings about the landscape which are of international renown.</td>
</tr>
</tbody>
</table>

The elements in this checklist are not meant to be mandatory nor is the checklist meant to be exhaustive. For example, different criteria may be necessary for industrial or semi-urban landscapes.

Having regard to the above, the need for both ICOMOS and IUCN to continue to refine guidance and assessment criteria for cultural landscapes is once again emphasised. This proposition is supported by Cameron who, in a keynote speech at the Special Expert Meeting of the World Convention: The Concept of Outstanding Universal Value, observes that living cultural landscapes:

\[...\] are complex webs of inter-related structures, processes and people, all set within a ‘natural’ framework. If more satisfactory nominations are to be put forward, more specific guidance is

\textsuperscript{1226} Phillips, n390 at 389. See also Dearden P & Sadler B (eds), Landscape Evaluation: Approaches and Applications, Department of Geography, University of Victoria and Institute of the North American West, 1989.

\textsuperscript{1227} This table is reproduced from Phillips, n390 at 389.
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needed on how to identify cultural qualities in cultural landscapes and on how to sustain these qualities. 1228

Cameron also stated in her speech that, if the development of countries' inventories of potential World Heritage is properly to reflect the wealth of cultural landscapes in various regions, they need to be underpinned by a deep understanding of the way qualities and value can be identified and assessed. In this respect, Cameron commented that workshops to build capacity in this field are urgently needed, as suggested in ICOMOS’ Gap Report. 1229 Further, as Phillips observes, it will initially be possible to develop only broad guidelines, supported by illustrative examples, but, as experience in the operation of the World Heritage Convention with landscapes accumulates, more precise advice and clearer assessment criteria should emerge. 1230 While it is in the nature of evaluations of landscapes that there will always be a large element of subjective judgment, the extent to which that is an informed judgment should increase over time.

(c) The management of landscapes

Requirements for the management of cultural landscapes and principles to guide the management of cultural landscapes, this being the third prerequisite for landscape protection identified by Phillips, are considered below. However, it is first necessary to consider some of the major conservation issues and challenges confronting cultural landscapes.

8.4 Protection and conservation

8.4.1 Protecting and conserving cultural and natural values in cultural landscapes

Understanding the significance or value of a heritage resource drives the conservation process. 1231 The term ‘significance’ is used in heritage conservation to mean the degree to which the heritage resource possesses defined values. 1232 Value is embodied in the heritage resource itself, in its fabric, setting, use, associations, meanings, records, related places and objects, and its tangible 1233 and intangible 1234 properties. The aim of conservation is to protect these qualities and


1228 Cameron, n1228.

1229 Phillips, n390 at 390.

1231 See further the discussion in section 4.1 of this thesis.

1232 Lennon, n214 at 450.

1233 Tangible properties might include the importance or significance of materials, workmanship, art, buildings, design and setting of a site, that is, its physical environment.

1234 Intangible properties might include philosophical, scientific, historical, political, religious and economic aspects of the landscape.
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values of the cultural landscape, to protect the landscape itself and to ensure its integrity for future generations.

This thesis has identified that, while cultural landscapes embody both cultural and natural values, most cultural landscapes have been World Heritage listed and are primarily recognised for their cultural values only. This appears to be so notwithstanding the fact that the Operational Guidelines state that attention should be paid to the 'full' range of values represented in the landscape. 

While it may be the case that the natural values inherent in cultural landscapes are not of outstanding universal value so as to warrant World Heritage listing on the basis of those values, a study should be undertaken to determine whether this is really the case for all. There are many World Heritage cultural landscapes that coincide in whole or in part with established protected areas, which suggests that they possess significant natural values. However, as the list of cultural landscapes inscribed on the World Heritage List presently stands, the sites that have been recognising as containing both natural and cultural values of outstanding universal value comprise only some 7.7% of all World Heritage listed cultural landscapes. That is, only 7.7% of cultural landscapes have natural values that are considered sufficiently important to merit listing on the basis of both natural and cultural criteria. This is somewhat surprising given that the cultural landscape concept was developed to protect areas that comprise an interrelationship between cultural and natural values of outstanding universal value. An interrelationship of outstanding universal value would, it is suggested, require World Heritage cultural landscapes to possess both cultural and natural values of some significance and an assessment and determination to be made about whether both sets of values are worthy of World Heritage listing. At the very least, it is imperative to understand what those values are. It is also theoretically possible for such sites to possess neither cultural nor natural values of outstanding universal value in isolation, but rather to be listed on the basis of criteria that require an interrelationship of outstanding universal value between these values. While the interrelationships between cultural and natural values are, in some instances (particularly in more recent listings) recorded in Nomination Dossiers and Advisory Body Evaluations, these interrelationships are not readily identifiable by virtue of the selected listing criteria. This raises a concern as to whether natural values and the interrelationship between the natural and cultural values are being conserved under appropriate management regimes for the sites or whether they are being overlooked in

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1235 Operational Guidelines, paragraph 85, n15.
1236 See the World Database on Protected Areas, n138.
1237 I.e. Five out of the 65. See n383.
1238 This does not mean that such sites could not possess one set of values, i.e. either cultural or natural, of outstanding universal value and then also possess values of the alternative kind that are not in a form that satisfies the outstanding universal value test in isolation.
ensuring the conservation of the cultural values for which the landscape has been World Heritage listed.

In circumstances where 92.3% of all cultural landscapes have been listed for their cultural values only, in conjunction with the knowledge that the cultural and natural values of cultural landscapes are interrelated, it is suggested that there is a very real possibility that there are cultural landscapes with World Heritage natural values that remain unrecognised, many of which are also without protected area designations. One particular example of this is that recorded in the Advisory Body Evaluation for the Agave Landscape and Ancient Industrial Facilities of Tequila (Mexico), which notes that the IUCN undertook a desk review of the nomination and noted a number of concerns relating to the maintenance and restoration of the natural values of the nominated property:

For instance, a descriptive logical inventory of the area was not provided in the nomination document nor was the conservation status of the remaining isolated forest remnants, especially on Mount Tequila explained ... Reductions in the habitats for nectar-feeding bats and hummingbirds require management actions that would improve the environmental and aesthetic integrity of the area.

IUCN recognises that the importance of the interplay between nature and culture is a major rationale underpinning this nomination, and needs increased attention in the management plan for the property.\(^{1239}\)

Having regard to the above, it is suggested that an assessment of the natural values embodied in already listed cultural landscapes should be undertaken as soon as possible to ensure that these values are also recognised and protected. Failure to do so may well mean that the natural values of these areas, whether or not they are of World Heritage significance, are being or will be degraded as a result of insufficient attention to the protection and conservation of those values. This analysis is necessary not only to protect those values in their own right, but also because proper conservation of those values will directly impact on the interrelated cultural values for which the landscape was World Heritage listed. As a consequence, without a proper assessment of the natural values of the landscape, notwithstanding the listing of the particular landscape for its cultural values of outstanding universal value, the aims and objectives of the World Heritage Convention for the conservation of the landscape may well be undermined. The Rice Terraces of the Philippine Cordilleras illustrate the potential devastating consequences of a failure to protect and conserve both the tangible and intangible natural and cultural values (and the

interrelationship between these values) within cultural landscapes. By the undertaking of a thorough assessment of the natural values and the interrelationships between the natural and cultural values in all presently-listed World Heritage cultural landscapes, such consequences can be avoided.

8.4.2 The interrelationship between cultural and natural values in World Heritage cultural landscapes

(a) The nature-culture continuum

The meaning and importance of the nature-culture continuum embodied in World Heritage cultural landscapes cannot be truly understood without a review of the origin and original objectives of the World Heritage Convention. Unfortunately, the entire archives of UNESCO comprising the ‘pre-history’ of the World Heritage Convention were destroyed by fire. This has meant that the history of the Convention has been largely limited to the precious recollections of those that were active in its inception, such as Michel Batisse.

Batisse considers whether the inception of the World Heritage Convention for the conservation of both cultural and natural heritage, as opposed to two separate conventions, has been a successful venture. He acknowledges that the ‘haunting problem of balance between the two parts would not have arisen’ and that ‘[s]eparate conventions could have avoided a certain incongruity that some found in the mingling of the works of man with the immanent creations of the material universe’. However, Batisse makes the following very important observation in rejecting this philosophical objection to the World Heritage Convention:

...the Convention, in fact, is entirely of ‘cultural’ nature. To be sure, the definition of the World Heritage may have been worded so as to give equal value to both sides, while its implementation may have reinforced and perpetuated a distinction, even rivalry, between culture and nature, backed up by the interests of the two major supporting NGOs. However, it is cultural motivations that place national parks (essentially human creations), and spectacular or unusual sites on the List of ‘natural’ sites. These motivations may be of aesthetic, scientific or political origin. They may also be of mainly economic origin as seen in the increasing number of sites which serve as tourism ‘baits’, a major phenomenon of our time, completely ignored by the authors of the Convention.

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1240 See chapter 7.
1241 Batisse, n52.
1242 Batisse, n52 at 33-35.
1243 Batisse, n52 at 34.
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Batisse adds that this fundamentally cultural dimension to the World Heritage Convention is expressed by the very term and concept of ‘heritage’ and the reference in the text to ‘properties’. The idea that nature, as a whole or in parts, could continue to be considered as the property of humankind and under their domination (an idea, Batisse notes, was tempered by Francis Bacon), is contrary to contemporary understanding of ecology which sees in this ‘Promethean attitude’ the first cause of environmental degradation. It is for this reason that Batisse considers that it is not surprising that a cultural dimension (of World Heritage value) can be found in practically all natural sites on the World Heritage List, such as national parks and spectacular sites. On the other hand, most cultural sites on the List, although not all, have no natural component (of World Heritage value).

Finally, in commenting on the effectiveness of the World Heritage Convention for the protection of the culture-nature interaction, Batisse makes the following highly relevant observation:

It would have been desirable that the Convention should also promote the protection of the environment of cultural sites, their natural environment. It is regrettable that the potential of the Convention to integrate culture and nature in our happy-go-lucky, mercantile civilization has not been properly exploited. This may be due to the fact that the two sides remained too isolated and even opposed when it came to the criteria of inscription on the List or perhaps because many countries and their representatives on the Heritage Committee do not fully appreciate the natural dimension of the common heritage.

It is this lack of appreciation that the cultural landscape concept in many ways can and does seek to redress. However, as this thesis has identified, there is an ongoing need to ensure the focus of conservation efforts on the protection of the various manifestations of the integration of culture and nature.

Batisse concludes that the ‘irreplaceable contribution of our Convention is that it opened the minds of men to the duality of our existence, and that it introduced a new idea, namely that nature is not only environment, but also heritage’. Despite the practical difficulties in the implementation of one convention rather than two, the merits of having a single convention to address cultural and natural heritage conservation are obvious by virtue of the very fact that often cultural and natural heritage do not just simply overlap, they are interrelated, as demonstrated by the nature-culture continuum in cultural landscapes. In making this point, Batisse refers to the

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1244 Batisse, n52 at 35.
1245 Batisse, n52 at 35.
1246 Batisse, n52 at 36.
1247 Batisse, n52 at 37.
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speech of René Maheu (a former Director-General of UNESCO) before the 1972 Stockholm Conference:

For long the subject of separate - even of rival - forms of study and devotion, nature and culture now appear to be simultaneously threatened with death if they remain separated, and along with them man himself, who can exist only when the two are combined. 1248

Unfortunately, for reasons considered below, this ‘marriage’ between culture and nature at an international level has not been widely recognised. While the national administrations in the United States, Canada and Australia have long been integrated for both categories of sites, other national administrations have remained separate, with cooperation not as effective as it could be. 1249

Early institutional and governmental efforts to develop integrated cultural and natural protection schemes have revealed three critical challenges. First, cultural heritage and environment protection have historically been addressed in isolation from each other despite recognition of symbiotic links between cultural and natural heritage resources that suggest that they should be addressed in an integrated fashion. 1250 Second, cultural and ecological resources are highly endemic, and their physical area, land, is often subject to private ownership and control, leading to conflicts between the private and public use of land, especially in relation to protection of the cultural and ecological resources. 1251 These relationships result in a complex set of issues of private-public land use and access management, the resolution of which is still in its infancy. 1252 Finally, even when the land containing the cultural and ecological heritage resources is in the public domain, conflicts may exist between the need to protect the cultural and natural heritage and the necessity of safeguarding the livelihoods and the ways of life of populations inhabiting the area, especially Indigenous peoples. 1253 This is a critical economic and social development issue, as the long-term sustainability of an area depends on the continuing survival and advancement of these populations, as well as the long-term protection of the ecological and cultural resources on which these populations rely. 1254

1248 Batisse, n52 at 37.
1249 Bolla G, ‘Episodes of a Painstaking Gestation’ in n52 at 93.
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As scholars, regulators and activists increasingly recognise the links and overlaps between areas of cultural and natural heritage, they are beginning to come together to develop new regimes for joint cultural and environmental protection.1255

Early efforts to jointly protect cultural and natural heritage vary significantly in character and success. The variations in these efforts reflects a still vague and evolving understanding of the interplay between culture and nature, the relationship between public and private land ownership, and significant regional differences in existing legal regimes, economic development, and environmental agendas.

Further, there is currently very little comprehensive research examining global efforts to develop heritage protection areas that integrate both cultural and natural resource conservation. There is even less analysis of how relationships between land ownership and social conceptions of culture and nature impact the development of future cultural and natural heritage programs.

There is no doubt that the connections between natural and cultural heritage are numerous and varied, and only in recognising these connections can we effectively go about the task of conservation. Indeed, it has been declared that ‘conservation of cultural and biological diversity together holds the key to ensuring resilience in both social and ecological systems’.1256 Similarly, natural and cultural conservationists alike note that:

...sacred natural sites, cultural landscapes and traditional agricultural systems cannot be understood, conserved and managed without taking into account the cultures that have shaped them and continue to shape them today.1257

Blake adds that there is inevitably an aspect of natural heritage which forms a part of the cultural heritage given the importance of certain landscapes and natural features to particular groups and cultures.1258 This line of thinking has prompted a reconceptualisation of the environment in international environmental law to include: human life; health and social well being; flora, fauna, and all other components of ecosystems; landscape and cultural heritage; and natural resources.1259

1255 Carlame, n201 at 154.
1256 Declaration on the Role of Sacred Natural Sites and Cultural Landscapes in the Conservation of Biological Diversity, International Symposium ‘Conserving Cultural and Biological Diversity: The Role of Sacred Natural Sites and Cultural Landscapes’, Tokyo, Japan, 30 May – 2 June 2005.
1258 Blake, n1257.
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As this thesis has identified, the links between cultural and natural heritage are not merely theoretical or definitional.\textsuperscript{1260} Thinking more deeply about the various forms of these links reveals just how broadly the cultural landscape could be defined. For example, in Europe, many landscapes have been densely populated, and intensely used by humans, for many hundreds of years, resulting in the shaping of landscapes that are largely man-made.\textsuperscript{1261} Similarly, in developing countries such as those in South America, Indigenous people live in and around some of the world’s biodiversity ‘hot spots’\textsuperscript{1262} (for example, the Chachi in Ecuador\textsuperscript{1263} and the Kayapó in Brazil\textsuperscript{1264}), creating areas where the tangible and intangible cultural heritage, resulting from hundreds or thousands of years of human traditions, is intricately linked with ecosystems rich in flora and fauna that are highly valued natural heritage.

On a smaller scale, irrigation systems such as the mud channels in the steep terrain of the Philippine Cordilleras,\textsuperscript{1265} the Qanat structures in Northern Africa\textsuperscript{1266} or the dry stone walls in the Mediterranean\textsuperscript{1267} also show the interdependence of people and the maintenance of the cultural landscape. If the physical or the social structure collapses, the whole landscape and ecological system is threatened. Often these knowledge systems are intertwined with belief systems, rituals and ceremonies.\textsuperscript{1268}

Notwithstanding efforts to promote global awareness of the interrelationships between culture and nature, not least by the introduction of the cultural landscape concept and the subsequent thematic studies, it is clear that misunderstanding persists among States Parties in assessing prospective World Heritage sites and their values. This is exemplified even by one the recent cultural landscape listings (2008). ICOMOS’ Advisory Body Evaluation (prepared in consultation with the IUCN) for Le Morne Cultural Landscape (Mauritius), records that:

IUCN stated that: While the property is nominated as a cultural landscape, and the terrestrial natural and cultural values are detailed, there is no definition of how these resources interact to present a "combined work of man and nature". Indeed, the management plan for the natural

\textsuperscript{1260} Carlame, n201 at 162.
\textsuperscript{1265} See n1090.
\textsuperscript{1268} Rösler, n281.
values of the area is oriented to restoring the native vegetation and eradicating the introduced species that are a product of the interaction of humans and the environment. This brings into question the objectives of management. **If the site is to be managed as a cultural landscape, the "combined work of man and nature" needs to be defined, preserved, presented, and interpreted for the visiting public.**

ICOMOS considers that, although it could be argued that the invasive plants were introduced as part of the human use of the mountain, they cannot be seen to be part of the outstanding universal value which reflects the maroons interaction with the native vegetation of the mountain, as modified through the removal of trees.¹²⁶⁹ [emphasis added]

This passage evidences the different perspectives of IUCN and ICOMOS about the values, conservation objectives and management regime for the site having regard to its classification as a cultural landscape. It is submitted that the IUCN's observation in added emphasis above is critical. In order to ensure the appropriate protection, conservation and transmission of the interrelationships in cultural landscapes of outstanding universal value, those interrelationships need to be clearly defined and understood. While States Parties are now asked to comment on the interrelationships between values in nominating sites for World Heritage listing, a review of the Advisory Body Evaluations and Nomination Dossiers for the presently listed cultural landscapes reveals that many States Parties are separating the cultural and natural values of the sites in providing their case for World Heritage listing. Accordingly, States Parties must be provided with specific guidance on how to identify and define the interrelationships between humans and nature in nominating their cultural landscapes for World Heritage listing.¹²⁷⁰

(b) Cultural landscapes and the integration of culture and nature

As chapter 4 has demonstrated, the relationships between cultural and natural values in cultural landscapes are clearly complex. Sometimes the two sets of values share the same scale (e.g. high cultural values are found in association with high natural values), but there are also many cases where the scales operate independently (e.g. places of high cultural value are not always of great importance for the conservation of biodiversity).

In intentionally designed landscapes (such as parks and gardens of outstanding universal value), natural qualities are usually present only by design, such as the introduction of exotic species of trees, flowers, birds or mammals (e.g. botanic gardens or zoos). Such areas may, therefore, be important for ex situ conservation. However, in this category, the factors that would

¹²⁶⁹ Note 809.
¹²⁷⁰ On this point, see Cameron, n1228.
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normally be used to determine suitability for World Heritage status are most likely to be those concerned with artistic achievement or influence on landscape design.\(^{1271}\)

In the case of associative landscapes, natural values may be of the highest order or not present at all. Examples of the former would be Tongariro National Park (New Zealand) or Uluru-Kata Tjuta National Park (Australia). Both are culturally very important places to the Indigenous peoples concerned; but both also have outstanding, universal natural qualities which have already been recognised under the World Heritage Convention. On the other hand, Plachter observes that there will be other places, such as sites of some former battlefields or places associated with great religious events, where there is effectively little or no natural interest.\(^{1272}\)

Many organically evolved landscapes, and especially those which continue to evolve to the present day, are important for nature conservation.\(^{1273}\) Often such places have been subject to non-intensive forms of land use which create very favourable conditions for biodiversity. However, there are also organically evolved landscapes where there is little biodiversity. Examples might include some terraced vineyards or rice terraces, which may produce dramatic scenery, but where intensive forms of production have largely destroyed the wildlife and natural qualities of the landscape.\(^{1274}\)

Perhaps the biggest dilemma with identifying and conserving interrelationships between values in cultural landscapes is the process of change. Indeed, Hughes describes landscapes as 'constantly enduring through a combination of natural processes and human activities that are inextricably interwoven'.\(^{1275}\) Since cultural landscapes are, by definition, the product of a particular human society living in a particular way at a particular population density, changes in that society (and especially in the land use practices which it follows) will inevitably bring about changes in the landscape itself that will often affect its biodiversity and other natural values. It is not enough, therefore, to attempt to protect the landscape as such.\(^{1276}\) Attention must be given to the ways of life of those who are the architects of the landscape, and upon whom the survival of the natural values within it depends.

Indeed, critical to the conservation of these areas is that they are not 'fossilised' but, rather, that human interaction with the landscape is sustainable and in keeping with the promotion of the values of the landscape. This is perhaps the greatest challenge facing many of the cultural

\(^{1271}\) Plachter, n296 at 393.
\(^{1272}\) Plachter, n296 at 393.
\(^{1273}\) See Table 9.
\(^{1274}\) Plachter, n296 at 395.
\(^{1275}\) Hughes E, 'Building Leadership and Professionalism: Approaches to Training for Protected Landscape Management' in Brown et al, n70 at 219.
\(^{1276}\) Hughes, n1275.
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landscapes on the World Heritage List, especially those which are very clearly continuing to evolve.1277

In developing guidelines for the assessment of cultural landscapes, a mandatory component, and perhaps the starting point of the assessment, should be the identification of the presence of a nature – culture interaction. In this regard, the work of Plachter is relevant. He observes that interaction always means a two-way approach and therefore only those parts of the earth’s surface should be looked upon as cultural landscapes where:

• humankind and nature really shapes or has shaped each other;
• humans are or were conscious of this influence in terms of defined aims, so that the material structure of the landscape reflects an overall creative principle of humans with respect to a specific culture or a certain span of time of this culture, and
• ecological mechanisms of control, reconstruction and decomposition are still at work and human’s interaction with nature makes use of these mechanisms.1278

Plachter adds that landscapes should only be defined as cultural if the overall image not only reflects specific qualities of a culture but also the ‘conscious interaction with nature’.1279 If there had not been any awareness of the functional entity on a landscape level, if there was no intellectual idea or concept which was consciously transferred to the landscape, or if the distinct impact was carried out for one specific and restricted reason only, regardless of eventual ecological consequences and counter-effects, the result should not be called a cultural landscape.1280 From this point of view, Plachter submits that even some fundamentally changed landscapes, like open-cast mining landscapes or landscapes spoilt by environmental catastrophes, are not cultural landscapes. That is, it is not the extent of change that counts, but the degree of insight provided by that change into the qualities of a certain landscape and the framework of a certain culture.

Plachter acknowledges that identifying this interrelationship is not simple and developing appropriate guidelines to assist in the identification and evaluation process will be a difficult task. Ultimately, establishing functional criteria for the assessment of cultural landscapes will

1277 A view shared by Phillips, n162.
1278 Plachter, n296 at 394.
1279 Plachter, n296 at 394.
1280 Plachter, n296 at 394.
necessarily depend upon the type of landscape being considered for World Heritage listing. In this regard, Plachter identifies four types of cultural landscapes.\textsuperscript{1281}

In \textit{natural and semi-natural landscapes}, humans may have changed structures fundamentally, but the natural qualities of self-regulation and self-development of the particular ecosystems are fairly pristine. Humans depend fully on those ecological functions. Their culture reflects the natural qualities of the region. There is normally no awareness of what we call a landscape, but only of selected important resources of the environment.

In \textit{traditional cultural landscapes}, humans are still fully integrated in, and dependent on, the functional services and limits of the natural system, although they directed many of these functions for their own purposes. The natural functions of competition, predation and regulation are still at work and humans are a part of these. The ecological functions of the region clearly determine the appropriate land use techniques. The limiting factors are well known within the associated culture. The development of land use techniques strives to maximise the consumption of resources not by import but by the change of functional pathways. There is awareness within the local cultures of their surrounding landscape, leading to the goal of shaping it in line with specific technical visual or religious concepts. Changes in human population and culture conform with changes of the land use and habitat pattern. Accordingly, these landscapes still have a very distinct dynamic to which plants and animals can adapt.

In contrast to this, \textit{modern agricultural landscapes} depend on imports of resources and energy. Although often ignored, there remains a considerable dependence of humans on natural qualities. The image of landscapes is no longer shaped by the knowledge of the local nature and the long-term experiences of the local culture. It is often determined by international principles for production and an international market and, consequently, at best reflects the attitude of a 'global culture'. Humans believe themselves to be emancipated from the limits of nature. In view of the importance of stochastic events, this substitution of long-term experience of local populations by short-term scientific results considerably raises the rate of the risk of failures, as even in those landscapes, natural processes ultimately determine development.

Finally, Plachter suggests that in \textit{urban landscapes}, man is fully emancipated from the limits of nature. An even higher import of resources and energy as well as refined techniques for distribution and regulation enable this. Towns often reflect much more cultural authenticity than modern agricultural landscapes, and nature is not at all without meaning, but Plachter suggests that towns and cities should not be considered as cultural landscapes as there is no real

\textsuperscript{1281} Plachter, n296 at 394.
"interaction" between humans and nature because "humans act like a dominating abiotic factor". The local population is no longer functionally dependent on urban nature. The ecological interdependence is more or less completely substituted by other forms of "interaction", for example, in the field of visual qualities or in the expression of artistic or philosophical attitudes. Those interactions might be as "valuable" as those in organically evolved cultural landscapes, but they are of a fundamentally different quality.

From a review of the above, it appears that Plachter is suggesting that only the second category should be considered as cultural landscapes. This is a rather narrow interpretation of the cultural landscape concept, which may operate to preclude certain landscapes where nature does still play an important role, albeit less overtly, such as in city centres and other urban landscapes where important elements of the interrelationships with the natural environment have been retained and are a significant component of the outstanding universal value of the cultural landscape. It also, arguably, overlooks the role that nature has played in the construction of the urban landscape through the use of natural materials, such as wood, glass, stone, brick, cement etc. For example, Bam and its Cultural Landscape (Iran), as the name indicates, is appropriately inscribed as a cultural landscape. Bam is situated in a desert environment on the southern edge of the Iranian high plateau. During the 7th to 11th centuries, Bam was at the crossroads of important trade routes and was known for the production of silk and cotton garments. Arguably, Bam is the most representative example of a fortified medieval town built in vernacular technique using mud layers (Chineh) combined with mud bricks (Khest). It is also an outstanding representation of the interaction between humans and the environment in a desert environment using irrigation canals known as qanats. Similarly, the Aranjuez Cultural Landscape (Spain) is described as being an "entity of complex relationships: between nature and human activity, between sinuous watercourses and geometric landscape design, between the rural and the urban, between forest landscape and the delicately modulated architecture of its palatial buildings". More industrialised landscapes presently inscribed on the World Heritage List – as cultural landscapes, for example, Agave Landscape and Ancient Industrial Facilities of Tequila (Mexico) and Cornwall and West Devon Mining Landscape (United Kingdom), would be especially at risk of exclusion under Plachter’s definition of cultural landscape.

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1182 Plachter, n296 at 394.
1183 Plachter, n296 at 394.
1184 Although Plachter suggests that a "functional approach" may, therefore, be a key for better understanding cultural landscapes. He asserts that, by comparing traditional cultural landscapes with those created by modern, globally standardised agriculture and forest plantations, the functional changes are clearer and more fundamental than material ones. Note 296 at 394.
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There would have to be a complete emancipation from nature, that is, where the interrelationship between humans and the environment has been entirely lost, for a site not to be characterised appropriately as a cultural landscape. It is difficult to think of an example of where this may have occurred, but perhaps the real consideration is the proper characterisation of highly urbanised sites. It may be that such World Heritage is best characterised as a ‘group of monuments’ or a ‘site’ within the meaning of cultural heritage under Article I of the World Heritage Convention, but not a cultural landscape (that is, the group of monuments or site does not possess an interrelationship between culture and nature of outstanding universal value but possesses cultural values of outstanding universal value).

The same type of assessment of the values of a particular site should be made in relation to other sites with clearly distinct cultural and/or natural characteristics. The principal test in applying the cultural landscape classification should always be whether or not the site embodies an interrelationship between culture and nature of outstanding universal value. Where no interrelationship of outstanding universal value exists, the site (if of World Heritage value) should be characterised as cultural or natural heritage or as a mixed site, as appropriate, within the meaning of the World Heritage Convention and the Operational Guidelines.

8.4.3 The relationship between cultural landscapes and protected area designations

(a) Cultural landscapes and IUCN Category V and Category II Protected Areas

The ascendency of one set of values over another, rather than an appropriate balance of recognition and protection for all relevant values, is a common issue in properties and areas with multiple values. Recognising that the natural values of cultural landscapes were not being protected and conserved to the same extent that cultural values are by States Parties, the IUCN established a new protected area category known as the ‘Category V Protected Landscape/Seascape’ (being one of the six designated protected areas categories established by the IUCN to date).

Category V landscapes are landscapes whose exceptional natural and cultural values have led to measures for their protection. They are natural landscapes that have been transformed by

1290 Cornwall and West Devon Mining Landscape: http://whc.unesco.org/en/list/1215; accessed 7 February 2009.
1291 This narrow definition of cultural landscape is also at odds with the recommendations made at the International Congress in 2003, set out in the introduction of this thesis. See n19, recommendation 2.
1292 As noted above, any cultural (i.e. man-made) materials always incorporate natural elements because they are made from natural products, such as stone, brick, mud, grass etc.
1294 Details of the other protected area categories can be found on the IUCN website at: http://www.iucn.org/themes/wcpa/theme/categories/what.html; accessed 13 March 2008.

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human action, but also places where the natural setting has shaped the way in which people live, their types of settlement and their way of life. These protected landscapes provide some important lessons on how to achieve sustainable living. They are usually places of outstanding visual quality, rich in biodiversity and cultural value because of the presence of people. Importantly, they represent a practical way of achieving conservation objectives on private working lands.

In May 2007, over 100 experts from about 40 countries gathered for the Protected Areas Categories Summit' in Almeria, Spain, to improve the internationally-recognised IUCN Categories System. As part of this process, based on the papers prepared for the Summit and the comments sent to the electronic discussion forum that took place before the Summit, draft Guidelines for Applying Protected Area Management Categories were prepared and field tested in a number of different countries before being published at the World Conservation Congress in Barcelona in October 2008.

The final draft of the Guidelines sets out the following new definition of ‘Protected Area’:

A clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values.

In defining ‘Category V Protected Landscapes/Seascapes’, the IUCN has now adopted the following definition, which also refers to an ‘interaction’:

A protected area where the interaction of people and nature over time has produced an area of distinct character with significant ecological, biological, cultural and scenic value: and where safeguarding the integrity of this interaction is vital to protecting and sustaining the area and its associated nature conservation and other values.

This definition again highlights some of the distinctions and similarities between cultural landscapes and Category V protected areas, as it retains an emphasis on ecological and biological value as well cultural and scenic value as separate processes. However, the importance of the designation for sustainability of the area now sits much more comfortably with a simultaneous emphasis on heritage conservation, as can be seen by the use of the words ‘vital to protecting and sustaining the area’.

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1293 Lennon, n214 at 459.
1294 Since 1994, this system has created a ‘common language’ for the world’s protected areas.
1295 Dudley, n401.
1296 Dudley, n401 at 8.
1297 Dudley, n401 at 20.
Category V protected areas are designated as such for their natural environment value, biodiversity conservation value and ecosystem integrity. It is these values that are often ignored or subsumed by the emphasis to conserve and protect the cultural values of cultural landscapes.

As noted above, any listed World Heritage cultural landscapes coincide in whole or in part with established protected areas. In one sense, protected landscapes are cultural landscapes, that is, they have co-evolved with human societies. They are areas where the natural landscape has been transformed by human actions and the landscape qualities have shaped the way of life of the people. All management approaches to these areas must be based on a clear understanding of this often complex interrelationship. In particular, many of the most common category of cultural landscapes, being organically evolved cultural landscapes, coincide with the Category II (National Park) and V (Protected Landscape/Seascape) protected areas.

Category V protected areas are concerned with both people and their environment, and with a range of natural and cultural values. They focus on areas where people/nature relationships have produced a landscape with high aesthetic, ecological, biodiversity and/or cultural values, and which retain integrity. Communities and their traditions are fundamental to the success of the approach. Consequently, stakeholder and partnership approaches are required, for example, in co-management. Such areas need to recognise the value of, and the importance of, supporting the stewardship role of the private landowner or manager (including that of Land Trusts or similar bodies). Usually they involve management arrangements that are determined by local circumstances and needs, and resolved through decision-making at local government or community levels. Special emphasis is placed on effective land-use planning.

The success of such areas depends on the presence of transparent and democratic structures which support people’s active involvement in the shaping of their own environment. They can then bring social, economic and cultural benefits to local communities, and also environmental, cultural, educational and other benefits to a wider public. Well managed Category V protected areas can offer models of sustainability for wider application. However, like all protected areas, they require effective management systems, including objective setting, planning, resource allocation, implementation, monitoring, review and feedback. Finally, as with cultural landscapes, Category V protected areas have a similar emphasis on an interaction between humans and nature.

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1298 For example, Tongariro National Park (New Zealand), Uluru-Kata Tjuta National Park (Australia) and Pyrénées-Mont Perdu (France/Spain).


1300 For further details, see Phillips, n162 at 29.

1301 Phillips, n162 at 42.

1302 Phillips, n162 at 42.
Accordingly, Category V Protected Landscapes and cultural landscapes share much common ground, especially their focus on landscapes where human relationships with the natural environment over time define their essential character. However, Mitchell and Buggey correctly observe that there are also important differences. In protected landscapes:

... the natural environment, biodiversity conservation and ecosystem integrity have been the primary emphases. In contrast, the emphasis in the World Heritage cultural landscape designation has been on human history, continuity of cultural traditions, and social values and aspirations.}

Further, Phillips observes that World Heritage cultural landscapes include designed landscapes, which are not reflected in the IUCN notion of a Category V protected area (although a protected landscape may include important designed features). Finally, the fundamental criterion for recognition of a World Heritage cultural landscape is that of outstanding universal value, which is not a prerequisite for the designation of Category V protected areas, although the areas should generally be nationally or sub-nationally significant to merit protection.

Table 11 below, prepared by Phillips, summarises the main similarities and differences between the two concepts.

Table 11: Comparison of World Heritage cultural landscapes (continuing) and IUCN Category V Protected Areas (Protected Landscape/Seascape)

<table>
<thead>
<tr>
<th>Feature compared</th>
<th>Cultural landscapes</th>
<th>Category V</th>
</tr>
</thead>
<tbody>
<tr>
<td>Status</td>
<td>Operational Guidelines under World Heritage Convention</td>
<td>International Framework for Protected Area Management Categories, endorsed by IUCN General Assembly</td>
</tr>
<tr>
<td>Level of designation</td>
<td>Globally, by the World Heritage Committee</td>
<td>Nationally (or sub-nationally) often through legislation</td>
</tr>
<tr>
<td>Key concept</td>
<td>People and nature create landscape of outstanding universal value</td>
<td>People and nature create landscape of national or sub-national merit deserving protection</td>
</tr>
<tr>
<td>Key principles</td>
<td>People and nature; cultural values, cultural integrity; authenticity</td>
<td>People and nature, biodiversity; sustainability; ecosystem integrity</td>
</tr>
<tr>
<td>Main management aims</td>
<td>Protection of heritage values, processes and resources</td>
<td>Protection of the nature/culture balance and associated values and ecological services</td>
</tr>
<tr>
<td>Main management means</td>
<td>Strong community involvement</td>
<td>Strong community involvement</td>
</tr>
</tbody>
</table>

1303 Mitchell & Buggey, n889
1304 Phillips, n162 at 27.
1305 For a fuller discussion of the relationship between the two categories, see: Mitchell & Buggey, n889 and Phillips, n162 at 28.
1306 Phillips, n119.
Nevertheless, it is clear that the relationship between cultural landscapes and Category V protected areas is symbiotic and the cultural landscape designation can also assist in achieving the objectives of protected area designations generally. This might occur, for example, where a State has not yet taken action to identify and protect natural values of a site in a formal way under protected area legislation, but World Heritage implementation measures have the same or at least a beneficial effect. In this example, the measures adopted for the conservation of World Heritage cultural landscapes can demonstrate the principles of sustainable land use and of the maintenance of local diversity, which should pervade the management of the surrounding environment as a whole.

It follows from the above review that there are synergies between Category V protected areas and cultural landscapes warranting cooperation and partnership between those working on each of these areas. With its emphasis on the value of interactions between people and nature over time, the Category V designation can be used to develop guidelines for the protection and conservation of both cultural and natural values and the interrelationships between these values in cultural landscapes. In particular, Oviedo and Brown observe that this designation assists with:

- linking people's needs and livelihoods to the conservation and sustainable use of natural resources and hence biodiversity;
- identifying a mosaic of land ownership patterns, including private and communally-owned property;
- accommodating and increasing respect for diverse management regimes, including customary laws and religious observance governing resource management;
- identifying specific objectives related to conservation of cultural heritage;
- bringing benefits to local communities and contributing to their well-being, through the provision of environmental goods and services; and
- the conservation of certain places where strict protected areas have failed because of the difficulties of securing support from local communities (particularly in developing countries).\textsuperscript{1307}

Consistently with some of the objectives of cultural landscape conservation, Mitchell, Brown and Beresford similarly summarise the benefits of a protected landscape approach as including

\textsuperscript{1307} Oviedo G & Brown J, 'Building Alliances with Indigenous Peoples to Establish and Manage Protected Areas' in Stolton & Dudley, n421.
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the enhancement and development of ecological services, cultural traditions, civic engagement, community-building and economic improvement.¹³⁰⁸

Not to detract from the above, it is important to note that the inclusion of Category V in the protected areas categories does not have complete support. Locke and Dearden, for example, argue that wild biodiversity will not be well served by protected areas Categories V and VI,¹³⁰⁹ which they suggest will devalue conservation biology, undermine the creation of more strictly protected reserves, inflate the amount of area in reserves and place people at the centre of the protected area agenda at the expense of wild biodiversity.¹³¹⁰ Consequently, Locke and Dearden submit that only IUCN Categories I-IV should be recognised as protected areas and Category V and Category VI, should be reclassified as sustainable development areas.¹³¹¹ This argument is analogous to the property approach versus values approach to World Heritage conservation, the former requiring strict conservation of the site within its boundaries, the latter affording development within the site’s boundaries that does not detract from the values of the site. If there is some consensus that the World Heritage community should move away from a strict application of the property approach to cultural landscape conservation, the principle of sustainable development will become critically important. Similarly, any adoption of Locke and Dearden’s call for the reclassification of Categories V and VI as ‘sustainable development areas’ will be highly relevant to cultural landscape conservation and the development of any tailored form of the property approach to these areas that permits human induced change where that change has the effect of conserving, and, ideally, enhancing the cultural landscape.

(b) Cultural landscapes and other protected area designations

Other protected area designations can also play an important role in protecting landscapes, although their management objectives differ. One example is Category VI, which shares with Category V an emphasis on sustainable use of natural resources.¹³¹² However, they differ in that Category V protected areas involve landscapes that typically have been modified extensively by people over time. With Category VI protected areas, the focus is on areas with predominantly

¹³⁰⁸ Mitchell et al., n255 at 231 and the summary table at 248 on the details of each of these identified benefits of a protected landscape approach.

¹³⁰⁹ Category VI being ‘Managed Resource Protected Areas’.


¹³¹¹ Relevantly, among other sites, Locke and Dearden, suggest that the Rice Terraces of the Philippines should not be designated as a protected area as they have been ‘heavily modified on a regular and sustained basis to meet human needs’, n1310 at 4.

¹³¹² See, for example, Marcetti et al., n255 at 47 who discuss the role of Category VI in protecting landscapes, drawing on two case studies from Brazil (The Chico Mendes Extractive Reserve, Brazilian Amazon and Mandra Extractive Reserve, South-Eastern Brazil). See also Dudley, n401 at 46.
unmodified natural systems, which are to be managed so that at least two-thirds remain that way.\textsuperscript{1313}

As discussed earlier in this thesis, another important relevant protected area designation is the Biosphere Reserves under UNESCO's Man in the Biosphere Program. Dedicated to education, research, and the monitoring of the most important natural areas of the world,\textsuperscript{1314} designation of cultural landscapes as Biosphere Reserves under this Program will also be relevant to, and, where synergies are managed properly, will assist in, cultural landscape conservation.

(c) Summary

In light of the benefits that can be realised from synergies with protected areas, further analytical work should be undertaken to establish in detail the similarities and differences between cultural landscapes and other protected area designations. In this respect, Phillips has suggested some areas of common interest to the IUCN and the World Heritage system, which might be explored further. In summary, these areas include:

- the joint promotion of the IUCN guidelines on the management of Category V protected areas and guidelines prepared by the World Heritage Centre on World Heritage cultural landscapes;

- joint IUCN, ICOMOS and UNESCO study of Category V protected areas that may merit inclusion in the World Heritage List, based on results from global and regional meetings on this subject;

- the development and dissemination by IUCN, ICOMOS, ICCROM and UNESCO of case studies on how to maintain and reinvigorate traditional farming systems that are vital to the survival of both Category V protected areas and continuing organically evolved cultural landscapes;

- joint preparation of guidance by IUCN, ICOMOS, ICCROM and UNESCO on how management lessons learned in both Category V protected areas and continuing organically evolved World Heritage cultural landscapes can be applied more widely in the broader countryside beyond;


\textsuperscript{1314} In Lino LF & Britto de Moraes M, ‘Protecting Landscapes and Seascapes: Experience From Coastal Regions of Brazil’ in Brown \textit{et al}, n70 at 163, the authors consider experience from the Mata Atlantica Biosphere Reserve to explore how this designation supports large-scale conservation and, at the same time, helps us to sustain traditional landscapes and seascapes in Brazil’s coastal zone.
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- greater involvement of the IUCN-WCPA Task Force on Non-Material Values of Protected Areas (now known as the Cultural and Spiritual Values Task Force) in the assessment of cultural landscape nominations in the associative landscape category;
- production of a short paper by IUCN and UNESCO on the IUCN protected area categorisation system and World Heritage sites (going beyond cultural landscapes). This would be similar to a booklet on the relationship between the categories system and Biosphere Reserves; and
- a joint strategy between IUCN (WCPA and the Commission on Environmental Law and the Environmental Law Centre), ICOMOS and UNESCO, based on the experience of implementing the World Heritage Convention, on how to promote and implement the recently-adopted European Landscape Convention. 1315

More recently, other authors have also observed the gains that can be had by collaborating on conservation efforts that link culture and nature. For example, Beresford writes of the importance of developing a management approach "based on an understanding of the interrelationship [between nature and culture] .... [since] ... the landscape we see is the tip of the iceberg, underpinned by these unseen complex interactions, based on a series of past and ongoing decisions." 1316 Maretti concurs, noting that understanding the relationships among social, cultural and natural elements and processes is critical since "landscapes are mostly process, defined economically and culturally by people". 1317 Finally, Taghi Farvar, former chair of IUCN's Commission and on Environmental, Economic and Social Policy, observes that "... cultural and biological diversity are natural, powerful allies and it is this alliance that may eventually succeed in saving both." 1318

Further research also needs to be undertaken on the relationship between tangible and intangible values in cultural landscapes. This is clearly evidenced by the case study of the Rice Terraces of the Philippine Cordilleras (Philippines) where conservation of the landscape will clearly require the continuing of the culture-based traditional practices that have created and maintained them. 1319 In many parts of the world, changing economies and land uses, poverty as well as rapid growth from development and recreation, put these places and the interrelationships...
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between the environment and people at risk. Indeed, according to Phillips and Partington, one of the largest challenges ahead is to integrate conservation fully with all aspects of social and economic endeavours.

The need to challenge perceptions of conservation also presents a challenge. Beresford writes that:

...the main challenges lie with creating or reinforcing a positive social perception of protected areas as positive assets for communities and building a broad constituency which includes local people, politicians, land owners and the business community.

There is no doubt that collaboration in conservation efforts becomes increasingly important as human influence on the natural environment becomes ever more pervasive. However, there is no doubt that such collaboration is also becoming increasingly complex, notwithstanding the benefits of synergies arising from collective action. As Hughes observes, ‘never before has protected area management been so complex, embracing a wide range of disciplines, requiring multiple skills, involving many different interest groups and often demanding a highly sensitive approach’. This approach involves unprecedented cooperation and partnerships across many sectors of a landscape and among many organisations at the local, regional, national and international levels.

8.4.4 Recent conceptual developments

The modern designation of protected areas is generally considered to have begun in 1872 with the declaration of the Yellowstone National Park in the United States. Such parks were generally defended against hunters, loggers and miners, as well as from the activities of Indigenous peoples and local communities. Towards the end of the 20th century, this State based ‘top-down’ exclusionary model of protected area governance and management became the subject of increasing criticism. This was primarily the result of: greater scientific understanding of the role of humans in shaping environments and landscapes; cultural and social awareness of local and Indigenous communities; acknowledgment of human rights, especially of Indigenous people and local communities to their environments, as well as the rights of women and minorities; recognition of multicultural perspectives of protected areas and their management; recognition of

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1320 See, for example, Steele P, Oviedo G & McCauley D (eds), Poverty, Health, And Ecosystems: Experience from Asia, Asian Development Bank & IUCN, Gland, 2007, which provides case studies of the links between poverty, health and ecosystems in various regions throughout Asia, such as Sri Lanka, China, South India, Nepal, Malaysia, Mongolia, Vietnam, Pakistan, Thailand and Bangladesh.


1322 Beresford, n1299.

1323 Hughes, n1275.

The rights of people to have a say in decisions that affect them; democratisation and devolution of central government power; and economic forces leading to more business-like approaches to protected area management.  

In modern thinking about protected areas, three main views have emerged. First, landscape ecologists point out that natural processes and organisms do not respect anthropogenic land-use boundaries, and the connectivity between protected areas and other regional land uses must be recognised. 

Second, from a pragmatic perspective, managers and supporters of protected areas note that some State-run protected areas in some parts of the world suffer from ineffective management; inadequate allocation of resources; lack of local support; and incursions from local communities, including poaching and sabotage, that are very difficult to counter. 

Finally, from an ethical perspective, it has been recognised that protected area establishment and management have caused unjust suffering and disadvantage to some people, particularly Indigenous and local communities. For example, in certain circumstances, strict preservation of ecosystems will involve a consequential prohibition on traditional activities and, because of the characteristics of the nominated site, it may be preferable to moderate that activity rather than outlaw it altogether. This could be done by the use of zones in cultural landscape management, which could be promoted to regulate activity within cultural landscapes. For example, zones such as a moderate use zone, ecological reserve and special use zone. 

8.4.5 Stewardship 

The above discussion of protected area conservation identifies the important role of stewardship in assessing the effectiveness and appropriateness of conservation measures. The role of stewardship is no less important in the conservation of cultural landscapes. Cultural landscapes typically encompass a mosaic of land ownership: private, public and, in many

1326 Lockwood & Kothari, n881 at 67-68. 
1327 See, for example, Sandwith T and Lockwood M, 'Linking the Landscape' in Lockwood et al, n137 at 574. 
1329 Ghimare KB & Pimbert MP, Social Change and Conservation: Environmental Politics and Impacts of National Parks and Protected Areas, Earthscan, London, 1997; Hess K, 'Parks Are For People – But Which People?' in n239. See also n1325 and n1328. 
1330 Ghimare & Pimbert, n1329.
countries, customary or communal ownership. Cultural landscapes can also be transboundary, expanding the variety of ownership and occupier interests.

‘Stewardship’ means, simply speaking, people taking care of the earth. In its broadest sense, it refers to the essential role individuals and communities play in the careful management of our common natural and cultural wealth for now and for future generations. Brown et al offer the following more specific definition of stewardship: ‘efforts to create, nurture and enable responsibility in landowners and resource users to manage and protect land and its natural and cultural heritage’.1333

Careful consideration of the integral role and interests of those who own, live in or relate to cultural landscapes must form part of any modern understanding of the effective protection and conservation of these areas. Similarly, private land conservation tools (such as conservation easements and management agreements) and public-private partnerships play an important role in protecting landscapes.

The Category V Protected Landscape approach recognises that the cultural and natural values of landscapes are inextricably linked and that the communities living in or near these landscapes are central to sustaining them. It embraces the central role of Indigenous and local communities as stewards of the landscape, and puts them at the heart of management of these protected areas, sharing in the benefits and responsibilities of conservation.1334 It relies on participatory processes and partnerships that link a diverse array of stakeholders in stewardship and sustainable management. For example, the Sacred Valley of the Incas (Peru), an agricultural landscape shaped by pre-Colombian Inca cultures, today is managed by the Quechua communities who have created El Parque de la Papa.1335 The traditional patterns of land use that have created this landscape contribute to biodiversity and support ecological processes, and have proven sustainable over centuries.

Relevantly to enhancing the protection and conservation of cultural landscapes, the Category V Protected Landscape approach takes a holistic and interdisciplinary view of the environment and emphasises the integration of humans and nature. It presents an opportunity to learn where harmonious relationships can occur and sustainable use can be modelled. It accommodates different concepts of nature conservation and strategies for protection.1336 Accordingly, the

1332 Brown et al, n288 at 5-6.
1333 Brown et al, n288 at 5-6.
1334 Brown et al, n288 at 5-6.
1335 Meaning, ‘Potato Park’.
1336 Brown et al, n288.
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Category V protected landscape approach, in addressing stewardship and private land conservation tools, should be considered in conjunction with other efforts directed at recognising the important role of stewardship in the protection and conservation of cultural landscapes.  

8.4.6 Pre-empting and managing threats and change

Improving the conservation of cultural landscapes also requires an in-depth understanding of the key challenges confronting these areas. Responding to these challenges must be the subject of further in-depth research directed at the underlying causes of each of these challenges. An explanation of each of the many threats confronting World Heritage generally and some responses and appropriate management responses was considered in the UNESCO publication, *World Heritage Challenges for the Millennium*. Tailoring these strategies to cultural landscapes, having regard to the vastness of many cultural landscapes, the number of stakeholders, the interrelationships between the cultural and natural values of these sites and their evolving status, will be the next challenge.

Threats to cultural landscapes and their structural features result from both natural processes and human activities. It is useful to understand what form these challenges take in any discussion about cultural landscape conservation. Accordingly, set out in Table 12 below are examples of the main conservation challenges confronting the cultural landscapes currently inscribed on the World Heritage List:

<table>
<thead>
<tr>
<th>Conservation Challenge</th>
<th>Examples</th>
</tr>
</thead>
</table>
| Wind or water damage, deforestation and erosion | • The humidity of the microclimate of the Cultural Landscape of Sintra (Portugal), combined with the strong northwest winds from the sea make the buildings of the area susceptible to continuous deterioration.  
  • At the Rice Terraces of the Philippine Cordilleras (Philippines), the environment has been severely damaged by deforestation and, as a result, some streams have run dry.  
  • An ongoing problem at Mapungubwe National Park (South Africa) is the erosion of old excavations through the effect of wind and rain.  |

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1337 See, for example, the discussion of the ‘Tokyo Declaration’ in section 8.5.
1339 The following list of threats has been collated from a review of the Advisory Body Evaluations for the listed cultural landscapes to date and a review of the World Heritage Committee Reports for the 31st and 32nd Sessions. See also Lennon, n214 at 468.
1340 Note 436.
1341 Note 1090.
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#### Wildfires, flooding, drought, cyclones, earthquakes and other potentially devastating natural phenomena:

- At the Rice Terraces of the Philippine Cordilleras (Philippines), earthquakes have changed the locations of water sources. As a result, terrace dams have had to be moved and the water distribution systems re-routed.\(^{1343}\)
- At Southern Öland (Sweden), drought is one of the greatest threats.\(^{1344}\) Similarly, at Matobo Hills (Zimbabwe), droughts are also a problem and every ten years or so, cyclones travel inland, bringing heavy rainfall events. The natural vegetation is not sufficiently robust to absorb the impact of these extremes, and soil erosion is becoming a serious problem.\(^{1345}\)
- The main threat to Gobustan (Azerbaijan) from natural phenomena is the Kaniza Volcano in the buffer zone, which is active.\(^{1346}\)
- Flooding is also a problem at many sites. For example, at Mapungubwe National Park (South Africa), flooding has occurred periodically for thousands of years. Most of the sites near the river have been extensively damaged before they were discovered.\(^{1347}\) At Pingvellir National Park (Iceland), subsidence of the land below the assembly site by some 3-4 metres over the past 1,000 years, creates problems with flooding from a nearby river.\(^{1348}\) Dresden Elbe Valley (Germany) is also affected by flooding.\(^{1349}\)
- At Stari Grad Plain (Croatia) forest fire risk is considerable.\(^{1350}\)

#### Undermining of foundations, earthworks or natural habitats by feral animals

- This was a problem, for example, at Uluru-Kata Tjuta National Park (Australia) until steps were taken post-1985 to control feral animal populations such as the house mouse, camels, foxes, dogs, cats and rabbits.\(^{351}\)

#### Decay, rot, weed invasion and neglect

- Neglect is a major issue at several sites, such as Sacri Monti of Piedmont and Lombardy (Italy). Systematic conservation of this group of monuments did not begin until 1980. Before that time they were subject to intermittent interventions, some of which made radical changes to the original designs. They also experienced long periods of neglect, which resulted in serious deterioration of the structures and dilapidation owing to the harsh climatic conditions of the region.\(^{1352}\)

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\(^{1343}\) Note 1090. Tamgaly (Kazakhstan) and Bam and its Cultural Landscape (Iran) are other examples of landscapes exposed to earthquake risk: Tamgaly (Kazakhstan) Advisory Body Evaluation (2004), n804; Bam and its Cultural Landscape (Iran) Advisory Body Evaluation (2004, 2007), n1285.


\(^{1347}\) Note 1342.


\(^{1350}\) Note 773.

\(^{1351}\) See chapter 7 of this thesis.


\(^{1353}\) Note 436.


\(^{1355}\) Note 1354. In recent years tea has given way to more traditional crops and the eucalyptus trees are being felled. It was recommended by ICOMOS that no new eucalyptus trees should be planted.
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- At the Cultural Landscape of Sintra (Portugal), the parks, gardens and forest have been seriously damaged through neglect, abandonment and fires. Poor maintenance policies have resulted in the invasion of strong and hardy plants to the detriment of existing species of greater value.\textsuperscript{1353}

- At Kuk Early Agricultural Site (Papua New Guinea) deep rooted crops could cause damage to buried remains.\textsuperscript{1354} Villagers mostly cultivate traditional root crops, but in some places more deep-rooted coffee is grown. Since 1998 the Kawelka clan has voluntarily agreed not to plant deep-rooted plants or dig deep drains. The Advisory Body also records that, when the research station was operating, tea crops were grown and eucalyptus trees planted along the roadways, both damaging to remains.\textsuperscript{1355}

<table>
<thead>
<tr>
<th>Road construction and associated works</th>
<th>One of the major threats to the Garden Kingdom of Dessau-Wörlitz (Germany) at the time of listing was the main road that passed only a few metres away from Rousseau Island, one of the most beautiful and representative landscapes in the nominated area. While re-routing the road is impractical, ICOMOS noted that a plan should be designed to minimise its environmental impact.\textsuperscript{1356}</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trampling and vandalism</td>
<td>Many of the temple structures at Orkhon Valley (Mongolia) were extensively damaged in the 1930s as a result of deliberate ideological destruction of religious buildings.\textsuperscript{1359} Vandalism has also been a problem at Mapungubwe National Park (South Africa),\textsuperscript{1360} Bam and its Cultural Landscape (Iran)\textsuperscript{1361} and the Incense Route – Desert Cities in the Negev (Israel).\textsuperscript{1362}</td>
</tr>
<tr>
<td>Badly sited and designed</td>
<td>Construction of unsympathetic tourist buildings has been a problem in the past at Costiera Amalfitana (Italy).\textsuperscript{1363} Similarly, at Kuk Early Agricultural Site (Papua New Guinea), buried</td>
</tr>
</tbody>
</table>

\textsuperscript{1356} Decision 33 COM 7A.26 at the 33rd Session of the World Heritage Committee in N10.
\textsuperscript{1360} Note 1342.
\textsuperscript{1361} Note 1285.
\textsuperscript{1363} Note 595.
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| buildings | archaeological remains may be damaged by modern building materials and the digging of latrines.  
| Climate Change 1366 | The Advisory Body Evaluation for the Ecosystem and Relic Cultural Landscape of Lope-Okanda (Gabon) records that the fragile nature of the savannah area around the river valley could be adversely affected by changes in climate that either bring drier or much wetter weather.  
| Pollution and other environmental risks | Pollution is a problem at Iwami Ginzan Silver Mine (Japan), arising from the dispersal of spoil heaps from other mining sites.  

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1364 Note 1354.
1365 Note 434.

1367 Note 781.
1368 Note R34.
1369 Note 1342.
### Destructive management techniques

- At Stari Grad Plain (Croatia), a tendency towards illegal construction has developed since the 1960s, particularly because of the sudden expansion in Mediterranean tourism and the resulting need for accommodation capacities and, therefore, land. These pressures increase the threats facing the property and tend to transform the land, to damage and remove boundary walls, and lead to the re-use of their stones.\(^{1372}\)

- At Gobustan (Azerbaijan), in 2003, it was noted that there was an external development threat from an oil pipeline which was then under construction across the northeast corner of the property’s buffer zone. The pipeline is part of the line from Azerbaijan to Turkey, which was brokered by the United States Government. The trench is 10m wide and 4m deep. The pipeline is now complete, but during its construction, further archaeological sites were identified. The pipeline has, therefore, impacted on the integrity of the property by damaging as yet unrecorded archaeological remains.\(^{1373}\)

### Farming practices that destroy heritage values

- At Stari Grad Plain (Croatia) states that part of the land is currently farmed. The ancient land division system, its network of boundary wells, the width of the paths and the hydraulic equipment, are conducive to the traditional agricultural use of the plain. Pressure for agricultural renewal through technical modernisation and mechanisation raises several threats.\(^{1374}\)

- At the Rock Shelters of Bhimbetka (India), illegal cattle grazing is a major issue affecting the values of the nominated area.\(^{1375}\)

- At Mapungubwe National Park (South Africa), intensive and potentially detrimental agriculture is being practised on irrigation lands along the Limpopo River in and in the south of the park. Historical grazing of cattle has also had a substantial impact, but this has been halted.\(^{1376}\)

### War and armed conflict

- At Dresden Elbe Valley (Germany), the historic town centre was subject to heavy destruction by bombing towards the end of the Second World War. However, after the war, many of the remaining historic buildings have been restored and rebuilt, including the Castle, the Opera House, and the Court Church.\(^{1377}\)

- The Bamiyan Valley (Afghanistan) has also been damaged by military action and dynamite explosions.\(^{1378}\)

### Uncontrolled mining and

- In South Africa, there are two mining operations that may potentially impact Mapungubwe National Park, the small Riedel diamond mine, and the major Venetia mine.\(^{1379}\) Similarly at

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\(^{1372}\) Note 773.

\(^{1373}\) Note 1346.

\(^{1374}\) Note 773.

\(^{1375}\) Note 792.

\(^{1376}\) Note 1342.

\(^{1377}\) Note 1349.


\(^{1379}\) Note 1342.
### The Identification, Nomination, Evaluation, Protection, Conservation and Management of Cultural Landscapes

<table>
<thead>
<tr>
<th>quarying</th>
<th>Tokaj Wine Region Historic Cultural Landscape (Hungary), mining and quarrying is carried out in the buffer zone, although extractions and emissions are regulated.1380</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• At Richtersveld Cultural and Botanical Landscape (South Africa), the World Heritage Committee has expressed concerns that a mineral prospecting licence was issued for a considerable part of the property and its buffer zone two months after the inscription.1381</td>
</tr>
<tr>
<td>Poorly designed new infrastructure such as pipelines and power lines</td>
<td>• Overhead wires and electricity poles at Iwami Ginzan Silver Mine (Japan),1382 Lavaux, Vineyard Terraces (Switzerland),1383 and Osun- Osogbo Sacred Grove (Nigeria)1384 are noted as being undesirable.</td>
</tr>
<tr>
<td>Population growth</td>
<td>• At Kuk Early Agricultural Site (Papua New Guinea) the population of the area is increasing and this has already had an effect on the vegetation of the surrounding hills. In the future, more people could lead to a demand for more intensive agriculture and, even outside the nominated area, this could impact on the overall water table of the valley.1385</td>
</tr>
<tr>
<td></td>
<td>• At Matobo Hills (Zimbabwe) a significant increase in the number of people living in the area over the past 100 years has had a negative impact on the environment. Agriculture in some areas has resulted in deforestation. Illegal hunting also takes place and uncontrolled burning has damaged vegetation and animals. It is also clear from the management plan that, despite this encroachment, the cultivation of the communal lands is failing to provide adequate food for the occupants of the park. The increasing need for building materials for traditional pole and <em>dagga</em> houses is adding to the deforestation problem.1386</td>
</tr>
<tr>
<td></td>
<td>• At Southern Öland (Sweden), an increase in population is leading to increased pressure on land and other resources and there is no immediate way of countering this.1387 By way of final example, at Pico Island (Portugal), there is a danger that, despite planning controls, growth of the town of Magdalena could easily lead to undesirable development within existing reticulation on the town's margins and, in particular, around the edges of the Criação Velha. The presence of new housing south of Magdalena and west of Criação Velha is already potentially serious.1388</td>
</tr>
<tr>
<td>Depopulation and consequent loss of skilled</td>
<td>• The Cinque Terre (Italy) retained a traditional way of life for much longer than other parts of Italy because of its relative isolation. Since the construction of a road in 1976, the interest of the local communities in sustaining their traditional way of life has diminished rapidly.</td>
</tr>
</tbody>
</table>

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1380 Note 1357.
1381 Decision 32 COM 7B.52 in n10.
1382 Note 1370.
1383 Note 834.
1384 Note 816.
1385 Note 1354.
1386 In response to these challenges the government has set up a resettlement program to move farmers from the communal areas and outreach programs, with a view to encouraging knowledge and understanding of the cultural importance of the area. Note 1345.
1387 Note 1344.
1388 Note 827.
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| traditional workforce | Approximately 85% of the terraces have fallen into disrepair and been abandoned, and the traditional skills required to build and repair dry-stone walls now reside solely in the hands and memories of a few elderly men.  
- As outlined in section 7.2, many terrace clusters of the Rice Terraces of the Philippine Cordilleras (Philippines) are being abandoned and left to decay. Depopulation has also arisen as a result of economic pressures and better employment prospects in the city areas.  
- Abandonment of considerable areas of terraced vineyards is also a threat to the Rhine Valley (Germany) and at Stari Grad Plain (Croatia), gradual disappearance of knowledge and customary practices and lack of knowledge in relation to the maintenance and repair of the dry stone walls are becoming problematic.  
- At the Ecosystem and Relict Cultural Landscape of Lope-Okanda (Gabon) the inability of the local people to make a living from the surrounding forest is a problem and a sustainable development project has been launched to try to address this risk.  
- Depopulation, loss of knowledge and atrophying of interest in traditional beliefs are also issues that threaten the future of Vega (Norway), Pico Island (Portugal), Gobustan Rock Art Landscape (Azerbaijan), Matobo Hills (Zimbabwe) and Lavaux, Vineyard Terraces (Switzerland).

| Development pressure | • Development pressures affect many, if not arguably all, cultural landscapes, such as Muskauer Park/Park Muzakowski (Germany/Austria), Gobustan Rock Art Landscape (Azerbaijan), Kuk Early Agricultural Site (Papua New Guinea), Rhine Valley (Germany), Pingvellir National Park (Iceland), Bhimbetka (India), Val d'Orcia (Italy), Matobo Hills (Zimbabwe), Lope-Okanda (Gabon), Cornwall and West Devon Mining Landscape (United Kingdom), Le Morne Cultural Landscape (Mauritius) and the Incense Route-Desert Cities in the Negev (Israel). Following is a discussion of several examples.  
- At the Rock Shelters of Bhimbetka (India), risk to the integrity of local *advisari* culture in the surrounding villages is high, as mounting economic and developmental pressures encourage people to move to the towns.  
- At Matobo Hills (Zimbabwe), development pressure comes mainly from the demand for |
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A dense network of new roads, hotels, lodges, camping sites and caravan parks are all beginning to contribute to changes to the appearance of the landscape.1397

- Finally, at Le Morne Cultural Landscape (Mauritius), development and land use changes are the biggest threats to the integrity of the property, as has been demonstrated by the impact of recent development in the core and buffer zones, in particular, hotels along the coast and houses on the lower slopes of the mountain. While the government has turned down several major projects, others are still being considered in modified form.1398

From the above, it can be seen that, in addition to the various natural external forces, there are clearly many human-induced forces that threaten good heritage management outcomes. Accordingly, adopting a globally-coordinated approach and ensuring that effective proactive management practices are in place is essential to mitigating the impact of these external forces, to the greatest extent possible. Clearly, globalisation, economic pressure and rapid development threaten the existing or ongoing mix of land use practices, which support the maintenance of many cultural landscapes. This is evident from the effects of development and economic change on agriculture and the impacts of mining and oil exploration.1399 Many of these issues are clearly outside the control of planners and decision makers at the local level. However, other external forces, such as rapid social changes through continued urbanisation and sprawl, pollution, and environmental degradation, can, in whole or in part, be proactively managed by locally and internationally based (as appropriate) planners, managers and decision makers. This will only occur if specific guidance is provided to States Parties on alternative options and steps that can be taken to proactively manage the above potential risks in a cultural landscape context. Again, further regional and thematic studies would also be of assistance in encouraging States Parties to adopt appropriate proactive and mitigatory measures to properly conserve their cultural landscapes for future generations.

8.5 ‘Our inability to fully fathom heritage landscapes’

Perhaps the most serious threat to cultural landscapes is the current lack of knowledge and understanding about appropriate conservation and management practices for heritage landscapes. The special character of cultural landscapes was recognised at the 7th Symposium of

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1397 Note 1345.
1398 Note 434.
US/ICOMOS and, in March 2004, the Natchitoches Declaration on Heritage Landscapes was concluded (see Appendix 3). The Declaration stated that the greatest threat to cultural landscapes is 'our inability to fully fathom heritage landscapes' and acknowledged the need for:

... actions to deepen the understanding of the complexity of heritage landscapes, whether productive, commemorative, inspirational, rural or urban, countryside, seascapes, cityscapes, industrial landscapes, routes, or linear corridors, needed at the international, national and regional levels.

The Declaration also warned that threats are multiple and pervasive, and require urgent attention. It stressed the need:

- to recognize and pursue planning for global changes in land use that pose special challenges to cultural landscapes, such as agricultural change and tourism pressure,
- develop a stronger system to ensure rapid intervention and mobilizing resources for heritage landscapes under threat, and
- focus additional attention on the issues of heritage landscapes in the response to catastrophic events.

The Tenth International Seminar of Forum UNESCO on Cultural Landscapes in the 21st Century – Laws, Management and Public Participation: Heritage as a Challenge of Citizenship (2005) had as its major goal the development of knowledge on cultural landscape management and protection. It also focused on landscapes, in all their manifestations, through an interdisciplinary approach and through the voices of those who live in or interact with landscapes.

Within the context of the 2005 World Exposition in Aichi, Japan, an international symposium was dedicated to natural sites and cultural landscapes. As a result of the symposium, the 'Tokyo Declaration' was concluded, which recommended:

...the promotion of the role of Indigenous peoples and local communities, as custodians of sacred natural sites and cultural landscapes, through the rights-based approach, in order to
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contribute to their well-being and to the preservation of cultural and biological diversity of such sites and landscapes; and

...the participation of intergovernmental and non-governmental organizations, the scientific community and the private sector, to enhance cooperation and to continue collaborative work for safeguarding the cultural and biological diversity embodied in sacred natural sites and cultural landscapes, and to better understand nature-culture interaction through comparative research. [emphasis added] 1407

Among other important aspects, it also requested from UNESCO: '... the establishment, in order to ensure the holistic protection of sacred natural sites and cultural landscapes, of a mechanism of cooperation between the 1972 and 2003 Conventions'. 1408

Having regard to the above, the adoption of an interdisciplinary and holistic approach to cultural landscape conservation, that embraces stewardship, must form part of the current understanding of States Parties' obligations and duties in implementing measures to protect and conserve cultural landscapes. Only in this way will States Parties begin to fathom the complexity of the conservation challenges presented by their cultural landscapes.

8.6 Presentation and transmission challenges

8.6.1 Tourism

Tourism presents both significant benefits and challenges for the protection and conservation of cultural landscapes. Tourism is one of the world's largest industries with an estimated US$3 trillion in annual revenues and is expected to expand at an average rate of 4-5% annually. 1409

The benefits of tourism include the enhancement of economic opportunities through increasing jobs for local residents, increasing incomes and the stimulation and creation of local and regional markets. Tourism also assists in protecting natural and cultural heritage, transmitting conservation values through education and interpretation and helping to support research and development of good environmental practices. In addition, tourism can help to enhance quality of life through improved infrastructures, enhanced intercultural understanding and the valuation by local people of their culture, their heritage and traditions.

However, World Heritage sites have also been the subject of reports to the World Heritage Committee for a number of issues relating to tourism, including:

1407 Note 1406.
1409 UNESCO, n129 at 187.

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impacts of the development of tourism-related facilities, including on-site facilities, parking and souvenir shops, hotels, roads or airports;

• physical and environmental impacts, such as accelerated erosion of ground, floor surfaces and walls; pollution; and destruction of ecosystems or risks to wildlife;

• social impacts including exploitation of local populations or mass consumption of sites and monuments by tourists; and

• intrusive or excessive presentation and related works, including inappropriate reconstruction. 1410

For example, at the cultural landscape known as Tamgaly (Kazakhstan), between 1991 and 2001, lack of funds prevented the control of visitors on foot or in cars. Such uncontrolled access had severe consequences, with visitors causing graffiti and climbing on the rocks. Since 2001, visitor controls have been put in place and car access blocked. 1411

Similarly, one of the main factors affecting Mapungubwe National Park (South Africa) is inadequately controlled tourism pressure, which could have a substantial impact on the site through trampling of deposits, graffiti, damage to paintings and removal of archaeological material, such as pottery and beads. A Tourism Master Plan has been developed to manage these pressures. 1412

The overriding importance of tourism to World Heritage, both as an opportunity and as a threat if poorly managed, was recognised by the World Heritage Committee when it authorised the World Heritage Centre, in 2001, to develop a World Heritage Sustainable Tourism Program. 1413 The aim of the Program is to aid the Committee and site management, using tourism as a positive force to retain site values and to help mitigate the threats. In general, the Program facilitates linkages between the key participants in the sustainable tourism and conservation sectors, and develops tools and methods for practical application. As part of the program, management policies for tourism are being developed, including determining visitor limits, visitor interpretation, facilitating the involvement of the private sector, developing tourism-related activities in communities, and exploring methods to aid sites with their operational costs. Relevant to cultural landscape conservation, the Program encourages the development of planning methodologies so that tourism development remains within the limits of

1410 UNESCO, n129 at 187.
1411 See Advisory Body Evaluation (2004), n804.
1412 Note 1342.
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acceptable change to those values for which the sites were listed as World Heritage.\textsuperscript{1414} This will provide a platform for developing guidance on managing tourism pressures confronting cultural landscapes.

8.6.2 Responding to presentation, management and transmission challenges

Certainly, various challenges arise in the presentation, management and transmission of cultural landscapes. In summary, these include:

(a) widespread suspicion among rural people that landscape conservation initiatives could be another way to extend protected areas and control over resource use;

(b) difficulty in coordination between various stakeholders;

(c) inadequate institutional capacity, human resources and necessary skills to deliver diverse responsibilities;

(d) programs with high conservation focus are driven by conservation agencies and inadequately engage local people;

(e) unsustainable reliance on external rather than internal funding sources;

(f) inadequate legal and institutional frameworks to coordinate diverse and complex conservation interventions at the landscape level; and

(g) the ongoing misconception that heritage is a ‘dot on the map’, consisting only of isolated buildings or objects.\textsuperscript{1415}

Responding to these challenges requires a global understanding of the presentation of and management objectives for cultural landscapes. The key management objective for cultural landscapes is to sustain landscapes, while simultaneously facilitating their continuing use by local communities, who are dependent on them for their livelihood, and the continued flourishing of natural ecosystems. The reality is that both cultures and landscapes are dynamic. Change, either fast or slow, is inevitable. Effectively managing, rather than entirely prohibiting, this change is critical to the successful protection and conservation of these areas (in particular, for continuing landscapes). As Willis and Garrod note:


\textsuperscript{1415} Summarised from Lucas, n239.
Protecting our landscape heritage for future generations does not necessarily mean that the past and present heritage will be the future one too. There is a fundamental problem to overcome: the contradiction between the static character of protection or conservation measures, and the dynamic processes of landscape development or evolution. 1416

Ultimately, it is submitted that the key presentation objective is to ensure that the authenticity, integrity and sustainability of the cultural landscape are not compromised, while simultaneously facilitating access to these areas of outstanding universal value.

As Lennon observes, management measures must assess how much of the 21st century should be permitted to intrude in the landscape before its values are compromised and changed in meaning. 1417 This may largely depend on whether a property approach or a values approach is taken to achieve the protection and conservation of cultural landscapes for future generations. 1418 In either case, for cultural landscapes, it is the integrity of the landscape that is paramount, that is, the extent to which the layered historical evidence, meanings and relationships between elements remain intact and can be interpreted or deciphered in the landscape. 1419

8.7 Managing change

A review of the Advisory Body Evaluations for all currently listed World Heritage cultural landscapes reveals varying types of management structures. There are various levels of management, and management responsibility is often vested in more than one body. The Rice Terraces of the Philippine Cordilleras (Philippines), discussed in chapter 7, provides one example of the devastation that an inadequate, ill-informed and unstructured management system can have on the conservation of a cultural landscape.

8.7.1 The role of land use and landscape histories

In making decisions about the management of cultural landscapes, it is important to have regard to the history and use of a particular landscape, as this may have an influence on the success of certain management decisions. 1420 In particular, Anderson notes that landscape histories can: help us to understand the diversity of land uses in the past; provide information regarding vegetation types and patterns over time; help us to decipher what land uses and vegetative patterns were adapted to specific climates; help us to estimate the human impact on native flora and fauna; help us to understand the effect of non-human disturbances on the

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1417 Lennon, n655.
1418 The difference between the two approaches is considered in detail in section 5.5.
1419 Lennon, n655 at 120.
1420 Anderson, n224 at 174.
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forest and the interaction of those disturbances with those caused by human shaping; help us to understand the effect of changing ownership regimes and private property rights; provide models of sustainable and non-sustainable land use; help us understand our present decisions and motivations; and help us to overcome the contradiction between the static character of protection or preservation measures, and the dynamic processes of landscape evolution.

An understanding of ecology, geology, vegetation, water, past management regimes, patterns of past land use, architecture, the use of local materials, archaeological evidence of past occupation, current use patterns, and socio-economic factors is required. Characterisation is a way of defining patterns and drawing together data on different types of uses to assist management. The significance and integrity of heritage features in protected areas largely derive from the relationship between the landscape and the historical elements within that landscape.

8.7.2 The management planning process for cultural landscapes

With an understanding of the land-use history, the management of cultural landscapes can then become a process based on a set of principles. Drawing on the principles set out in the Venice Charter and its offspring charters, Lennon identifies a series of management principles relevant to cultural landscapes. In summary, these principles require: use of the best available knowledge, skills and standards; respect for all values of the place; use and presentation of the site in a manner consistent with the conservation of its heritage values; timely and appropriate provision for community involvement; and Indigenous people as the primary source of information on the value of their heritage and their involvement in the protection of their values.

The author suggests that important issues in the management of cultural landscapes include:

- the form that interrelationships between cultural and natural values take and the processes required to maintain these interrelationships;
- the extent to which present and future activities should be permitted to impact on these areas before their values are compromised; and
- what modern day and future activities are in fact critical to the conservation of the outstanding universal value of these areas and, if properly managed, could well enhance the values of these areas;

1421 Anderson, n224 citing Foster D, Knight DL & Franklin JF, 'Landscape Patterns and Legacies Resulting From Large, Infrequent Forest Disturbances' (1998) 1 Ecosystem 497.
1424 Willis & Garrod n1416 and n423.
1425 Lennon, n214 at 467.
1426 Lennon, n214 at 468-469.
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- the framework that will be used for defining the management objectives and priorities; developing management actions; implementing these; and monitoring their impact;\textsuperscript{1427} and
- a process of review and reporting on the conservation of the heritage values of the landscape as they evolve and change over time.

Decisions about the appropriate management techniques should be incorporated in the management plan. Information required for developing this component of the management plan includes requirements for retaining heritage values; a description of the physical condition of the historic components of the landscape; the external requirements and constraints; community interests; resources and costs; and a list of priorities. Indirect\textsuperscript{1428} or direct\textsuperscript{1429} management strategies, or a combination of both, will generally need to be applied.

8.7.3 Objectives and actions in cultural landscape management plans

Building on the work of Lennon,\textsuperscript{1430} management plans for cultural landscapes should outline objectives and actions covering the following elements:

(a) \textit{Types and degree of physical intervention in the historic fabric to retain significance:} Fabric refers to the physical material of the place, including components, fixtures, contents and objects. It also refers to subsurface remains and spaces in the landscape.

(b) \textit{Use:} The suitability of current uses needs to be assessed, along with likely changes and whether these uses are compatible with the retention of the cultural significance of the protected area.

(c) \textit{Interpretation:} Methods for revealing the significant values of the place to the public should be outlined. This may involve highlighting the fabric to show historical meanings; treating the place in a way that is consistent with its original use; using introduced interpretative material; or employing local people as guides.

(d) \textit{Constraints on investigation:} There may be cultural, social, ethical or religious reasons that prevent or limit investigation of the landscape or access to historic sites by researchers, workers or the public.

\textsuperscript{1427} In this respect, see Lennon, n214 at 469.

\textsuperscript{1428} Indirect management strategies include: protection by heritage legislation and planning provision; protection by land tenure; private ownership; public ownership; Aboriginal ownership; visible and invisible sites (i.e. where the location of a site is intentionally not specifically identified).

\textsuperscript{1429} Direct management strategies include: physical mechanisms (e.g. car parks, pathways, boardwalks and paving, grouping areas, barrier structures, and signposts); financial mechanisms (e.g. ticketing or pricing, sales outlets, photography); and educative mechanisms (publicity and promotion, name changes, visitor centres, on-site interpretative signs, maps and brochures and guides).

\textsuperscript{1430} Lennon, n214 at 469-471.
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(e) **Future developments:** The conservation plan must examine possible future values.

A sound legal basis for the management of the area, based in national law, but reflected in site-specific regulations, must also underpin the management system. A national authority with expertise and resources to oversee policy and implementation for the protection of cultural landscapes should be set up, with a managing body at the local level, able to call on a range of professional expertise. Such regulatory measures must be flexible and respect the rights, interests and needs of local people.

8.7.4 **Guidelines for evaluating management effectiveness**

Once established, the effectiveness of management measures must be assessed. Hockings *et al* observe that, based on experience over the past decade, a number of general guidelines have been developed to evaluate management effectiveness. 1431

In short, it is clear that effective evaluation requires support and participation by key stakeholders, a clearly defined purpose, objective and scope of the evaluation process, an evaluation methodology and a process for analysing and reporting results, which must then be applied and fed back into the management system. 1432

8.7.5 **Conclusions and recommendations**

A widely understood conservation and management planning process aimed at sustainability is the starting point for managing cultural landscapes. Accordingly, the Nomination Dossier, all state of conservation reports and the applicable management plan should detail the outstanding universal values as well as other values in the inscribed landscape and the policies chosen to conserve these values. The plan should also contain a framework for defining management priorities, developing management actions, implementation and monitoring of their impact. 1433

All policies must relate to the statement of significance for the heritage values exhibited in the designated cultural landscape. These values will also have been reinforced in the management vision and site objectives.

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1432 Hockings *et al* in Lockwood *et al*, n1431.

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In short, several issues have been identified in this chapter as integral to enhancing cultural landscape management. First, it is imperative that awareness of and general education about outstanding universal values in cultural landscapes and their relationship to society is increased. This requires the promulgation of information about various types of cultural and natural values, and interrelationships between these values, that have been identified in current cultural landscape listings and examples of the adoption of effective measures that conserve these interrelationships. Such information must be used to inform the guiding principles of any management plan.

Secondly, there is clearly a need for site-specific training for those working in World Heritage cultural landscapes to ensure that all the values of a place are managed sensitively. Local stakeholders must be guided by policies (such as farming, forestry and planning policies) to define what changes can be permitted in the landscape, while still maintaining (and preferably enhancing) the site's outstanding universal values. Guidance must also be provided on what techniques can be used to achieve this outcome and on how tourism can be managed to ensure continuing visitor access and appreciation of the landscape, without compromising the values of the site.

Thirdly, administrative, financial and technical resourcing must be carefully considered. Resources that ensure economic viability of operations to maintain the values of the cultural landscape, including 'user pays' concepts and other external income, must be identified at the time of listing of cultural landscapes. Further, local communities which maintain heritage values within the cultural landscapes must be supported, especially where the associative values of the landscape reside with those communities.

Fourthly, landscape conservation treatments and new techniques for managing essential components in the designated landscape must be developed to proactively address and to mitigate impacts caused by processes and events or developments external to the site (both natural and human induced) affecting or threatening the integrity of the designated cultural landscape.

Finally, along with improving the participation and capacity of local communities, support from other kinds of institutions is needed, such as non-governmental organisations, universities, research groups, governmental agencies responsible for environment, and international institutions. Ultimately, any management system must be adaptive in order to address all of the above issues.

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1435 Lennon, n655 at 120.
9 Future Directions

9.1 A summary of the thesis observations and recommendations

This thesis has made a number of recommendations to address various theoretical and practical difficulties that it has identified with the cultural landscape concept and cultural landscape conservation. This chapter reiterates that, for the reasons set out in chapter 3, the cultural landscape concept is inappropriate and such places should now be simply referred to as ‘World Heritage landscapes’. Those cultural landscapes that are not of outstanding universal value are simply ‘heritage landscapes’ and should be referred to as such. In addition, it is submitted that, for the reasons set out in chapters 5-8, there is a need to provide more detailed guidance to States Parties on their duties under the World Heritage Convention in respect of these areas. This additional guidance could be provided by way of amendments to the Operational Guidelines, in conjunction with further research and workshops, on the various aspects of and challenges presented by cultural landscape conservation and management, as outlined in this chapter.

The need for additional specific guidance on cultural landscape conservation was readily acknowledged by the World Heritage Committee at its 23rd Session, in July 1999. The Committee considered the Synthesis Report of an Expert Meeting on Management Guidelines for Cultural Landscapes (Draft Management Guidelines Report) for which participants developed a draft outline for management guidelines and their operation. While the Draft Management Guidelines Report proposed that the guidelines would be finalised by the end of December 2000 (see Annex III), no such guidelines have been prepared to date.

9.1.1 The cultural landscape concept

(a) Defining and identifying cultural landscapes

It is clear that there is no unanimously recognised method of studying, identifying and describing landscapes, nor is there an agreed system of assessing landscape components. As a starting point, further guidance is required on the meaning and objectives of the cultural landscape concept. In particular, it must be emphasised that, for a site to be appropriately
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classified as a World Heritage cultural landscape, it is axiomatic that the site display an interrelationship between culture and nature of outstanding universal value and that conservation measures are directed at protecting that interrelationship.

To advance cultural landscape conservation, and to assist in resolving past and current confusion about the World Heritage cultural landscape concept, it is suggested that the prefix 'cultural' should no longer be used in the Operational Guidelines and other documents describing these sites, so that World Heritage of this type are simply referred to as ‘World Heritage landscapes’.1439 It is suggested that this is a more appropriate description of these areas and would greatly assist in ensuring that both cultural and natural values and the interrelationships between these values are considered at the time of nomination and listing of these sites. In addition, as noted below and for the reasons set out in this thesis, all nominations of World Heritage landscapes should be automatically referred to both ICOMOS and the IUCN to ensure a full evaluation of the values of these sites. The Operational Guidelines might also be amended to emphasise further the requirement for a nature/culture interaction and to provide examples of interrelationships between cultural and natural values of outstanding universal value, so as to assist States Parties in identifying and nominating such sites within their State boundaries.

A legal definition of cultural landscapes at a national level is also essential to ensuring protection at local, regional and national levels. In Europe and North America, some States, such as France, Norway, Germany, the United States and Canada, are already advanced in their legal recognition and protection of cultural landscapes.1440 However, legislative and institutional frameworks, particularly in many developing countries, are insufficient1441 and further regional and national workshops on the cultural landscape concept are clearly still required.

(b) Categories of cultural landscapes

Both the existing functional categories and the descriptive categories of cultural landscapes should be reviewed, with a view to encouraging States Parties to think more broadly about the appropriate classification and conservation regime for their World Heritage. While the functional categories appear to be working quite well, providing further information on descriptive categories that fit within those functional categories would greatly enhance States Parties' understanding of the scope of the cultural landscape concept.1442 It may also encourage further thematic workshops and regional cooperation, and may help redress the present regional imbalances in the World Heritage List. Literature on examples of sub-types of cultural

1439 Chapter 3 sets out the reasoning behind this submission in detail.
1440 See chapter 3 for examples of definitions that have been adopted in some of these countries.
1441 UNESCO, n129 at 151 (for example).
1442 See chapter 4.
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landscapes, their conservation issues and challenges and effective management measures should also continue to be developed. For instance, within the category of ‘agricultural landscapes’, rice terraces, coffee plantations, vineyards and other specific landscape forms might be the subject of further thematic studies and regional workshops to enhance the sophistication of conservation efforts and to promote learning.

The role of the cultural landscape concept in the conservation of historic urban landscapes also needs to be further explored to develop thinking about, and appreciation of, the various forms that interrelationships of outstanding universal value between cultural and natural values can take. The significance of historic urban landscapes will become an increasingly important issue as most areas of the earth have in some way or other now been affected and shaped by human activity and will continue to be so. In this context, the proper interpretation and responsible application of the sustainable development principle and the precautionary principle will increasingly become critical to landscape conservation. Consensus on the appropriate application of these principles must be reached and documented to assist States Parties in making sound decisions about acceptable levels of change and development, particularly within their continuing cultural landscapes.

9.1.2 Identification

(a) Tentative listings

The interlinkages between the Tentative List of World Heritage and the awareness raised by regional and thematic meetings indicate that further regional and thematic studies will be integral to improving the protection and conservation of cultural landscapes. Such studies will be important in encouraging States Parties to think more broadly about their national heritage and to ensure that no cultural landscapes of World Heritage value are overlooked as a result of a lack of understanding or misunderstanding about the scope and meaning of the cultural landscape concept.

Following the Meeting of Experts in late 2005 on Cultural Landscapes in the Caribbean: Identification and Safeguarding Strategies, it is now recognised that enhancing the credibility of cultural landscapes nominated for World Heritage listing requires: establishing projects and programs to identify, document and inventory cultural landscapes of national, regional and potentially international interest and to promote their acknowledgment and safeguarding; and including in countries’ Tentative Lists all cultural landscapes with potential outstanding universal value for the purpose of evaluating and, where appropriate, nominating them at the earliest
opportunity for inclusion on the World Heritage List. These goals and objectives must be pursued to ensure the Tentative List of World Heritage is current, complete and credible, and that all potential World Heritage cultural landscapes are safeguarded to the greatest extent possible.

(b) Nomination Dossier

As set out in detail in chapter 8, it is suggested that more detailed guidance should be provided to States Parties on the information that must be included in the Nomination Dossiers regarding the features and values of cultural landscapes nominated for listing. Developing and implementing methodologies to identify sites to be considered as cultural landscapes of outstanding universal value, as required by the World Heritage Convention, is a difficult task. At a minimum, it is submitted that guidance should be provided on the economic, political, legal, biological, geographic, geological, anthropological, religious, cultural, archaeological, scientific, historical and aesthetic factors that must be taken into consideration and the appropriate weight that should be placed on each of these factors in identifying cultural landscapes of outstanding universal value.

Ultimately, the World Heritage Committee and the Advisory Bodies must have sufficient information to enable them to properly assess each particular nominated site and the classification of that site as a cultural landscape. In this respect, clear reasons for nominating a particular cultural landscape as a certain type in a specific category or categories must also be given. The quality of information provided to the World Heritage Committee on the values of nominated cultural landscapes will ultimately inform the benchmark for measuring the effectiveness of conservation measures. It will also enable the World Heritage Committee to make a fully-informed decision about whether the site is of outstanding universal value so as to warrant World Heritage listing and, if so, listing as a cultural landscape. This will become increasingly important as the World Heritage Centre’s resources continue to be stretched to deal with an ever-increasing list of sites.

(c) The role of ICOMOS and the IUCN in the evaluation of cultural landscapes

The review in this thesis of the nomination and evaluation procedures for cultural landscapes has established that such procedures are often unsatisfactory. Clear definitions and adequate guidelines appear to be lacking.


1446 See chapter 8.
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ICOMOS has been primarily responsible for the evaluation of cultural landscapes as World Heritage, with the IUCN commenting on certain aspects of the nomination. It is submitted that this process fails to ensure that a comprehensive evaluation is undertaken, at the outset, of the natural values of the nominated cultural landscape and the interrelationships between those natural values and the cultural values of the site. Such an evaluation must be undertaken for all World Heritage cultural landscapes, whether they are nominated for both their natural and cultural values or on the basis of one set of values, in order to ensure the protection and management of the outstanding universal value of the landscapes over time.

While ICOMOS might still lead the evaluation process, it is critical that the IUCN becomes more closely involved in the evaluation of cultural landscapes, even simply for the purpose of undertaking a preliminary review to determine whether or not the IUCN needs be actively involved in the full assessment of the site. In this respect, evaluation procedures for protected area designations and the work of national governments in assessing the values of their landscapes would assist.

(d) Boundaries

Further guidance on the matters that must be taken into account in determining appropriate boundary delineation is imperative to ensure that boundaries of cultural landscapes are appropriately defined. This is a particularly difficult issue in the context of cultural landscapes that often have no readily discernible boundaries. The reasons for the selection of particular boundaries must also form a mandatory component of Nomination Dossiers to enable an assessment to be made by the Advisory Bodies about the appropriateness of the basis (e.g. ecological, geographic, political considerations etc., or a combination of all) upon which such boundaries are determined. Only in this way can ongoing problems regarding the inadequacies of nominated boundaries in cultural landscape listings begin to be redressed. Through this process, States Parties will develop a deeper understanding of the considerations that must factor into boundary delineation decisions and the importance of appropriately determining site boundaries to ensure conservation of the landscape against present and future development threats.

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144 The IUCN's evaluation would be undertaken in accordance with its informal guidelines on the assessment of natural values in cultural landscapes, see n1210.


144 Such guidance should be based on the Xi'an Declaration of the Setting of Heritage Structures, Sites and Areas, adopted in Xi'an, China by the 13th General Assembly of ICOMOS on 21 October 2005. See also chapter 8 of this thesis.
(e) Buffers

Similarly, it is suggested that States Parties require further direction on the importance of buffer zones, how such zones should be determined, the extent of activity that should be permissible in the buffer zone, and the implications of an inadequate buffer zone.\(^{1450}\) Again, only by providing this guidance are States Parties likely to understand fully the importance of a carefully and clearly defined buffer zone, and the need to restrict any potentially harmful activities (be they State or private activities) within these boundaries. Ultimately, the buffer zone must reflect and conserve the ‘significance and distinctive character’ of the landscape setting.\(^{1451}\)

Stakeholder input and community engagement in the selection of both cultural landscape boundaries and buffer zones will be critical to ensure buy-in, particularly where Indigenous traditional ownership or privately owned lands are involved.

(f) Authenticity and Integrity

It is imperative that the concept of authenticity in the Operational Guidelines encompasses all of the different cultural expressions throughout the world, monumental and vernacular, in all their manifestations, be they stone, wood, earth, straw or other materials. It should also extend the concept beyond technique and material, to include the intangible, such as the know-how and the context of the natural and social environment, in an effort to safeguard the context of cultural landscapes. The concept of authenticity must also be applied openly and flexibly, on a case by case basis and in a site specific way, with full understanding of the socio-economic, ecological, cultural and historical context.\(^ {1452}\)

As a result of the Workshop in Aranjuez, Spain in 2007,\(^ {1453}\) the concepts of integrity and authenticity in the context of cultural landscapes have been reviewed and further guidance has been provided on the concept of integrity in the latest revision to the Operational Guidelines, but further clarification is still required. In this respect, frameworks, such as that of Stovel,\(^ {1454}\) should be explored to assist in further clarifying the meaning of the concepts of authenticity and integrity in nominating cultural landscapes to the World Heritage List.

\(^{1450}\) See chapter 8.
\(^{1451}\) Note 1449.
\(^{1453}\) Notes 524.
\(^{1454}\) Notes 506, 510 and 527.
(g) Analysis of values

This thesis also submits that more work must be undertaken to clarify the meaning and nature of interrelationships of outstanding universal value between cultural and natural values, both tangible and intangible. In particular:

- the factors that will be taken into account in determining whether particular interrelationships should be deemed to be of outstanding universal value;
- principles that should be applied by States Parties and the Advisory Bodies in assessing such interrelationships; and
- the basis upon which such decisions should be made.

Examples and case studies of interrelationships of World Heritage value might also be developed to promote awareness and education about the importance of and the fragility of balances between values and how to appropriately identify, protect and manage such interrelationships. In this respect, ICOMOS and IUCN must continue to work together to amalgamate their research initiatives and guidelines on the identification of cultural and natural values, to provide assistance in the identification of the interrelationships between these values and appropriate measures to conserve these interrelationships.

9.1.3 Protection and Conservation

(a) The duties of States Parties and the property approach v values approach

It is clear that further guidance is required as to how the duties of States Parties under the World Heritage Convention apply to cultural landscapes. In particular, while it is clear that a property approach to World Heritage conservation affords the greatest level of protection, a values approach to the conservation of cultural landscapes remains relevant. Short of transforming cultural landscapes into ‘ecomuseums’, a modified form of the property approach must be developed to ensure strict, but adaptive, controls are in place to protect and conserve cultural landscapes. Such controls must be flexible enough to facilitate the proper evolution of the site by permitting, where appropriate having regard to the values of the site, proposed uses that are consistent with the history and the future of the particular landscape. This is particularly critical for continuing landscapes and for some associative landscapes where change and ongoing evolution is an integral part of the outstanding universal value of the site. It is also important in circumstances where local stakeholders, who depend on the landscape for their livelihood, are critical to the conservation of the landscape. Economic, social, cultural and religious impacts of

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1436 See chapter 5.
1437 See, for example, the case studies in chapter 7.
proposed activities and modification to the landscape must be considered in the context of environmental and heritage impact assessments and the ultimate goal of conserving the identified interrelationships between the cultural and natural values of the site.

(b) Implementation measures

The legal protection of cultural landscapes in accordance with the requirements for listing as a World Heritage site clearly presents regulatory challenges. This is because the protective regime must preserve and facilitate the dynamism of the interactions between humans and nature that are manifested in cultural landscapes and contribute to, or are responsible for, their outstanding universal values. As Mumma observes, 'the law cannot, in the name of protecting the landscape, reify it as it would cease to be a living landscape, which is its essence'.

In this respect, States Parties would benefit from further guidance on the adoption of alternative implementation measures, in conjunction with legislation and policy. Information about the importance of tailoring implementation measures to ensure adequate conservation of their cultural landscapes, having regard to local conditions and considerations, would also be of assistance. For example, the use of zones to control land use and environmental and heritage impact assessments to regulate activity and to ensure sustainable and compatible development within cultural landscapes should perhaps be investigated.

Details and guidance on the appropriateness of recognising legal pluralism might also be considered. In this respect, Mumma observes that, where traditional conservation measures apply, a cultural landscape regime should include several matters. First, community management of cultural landscapes, clearly involving the promotion of stewardship, must be a key feature. Secondly, participation by the community concerned and the public generally in plan making and environmental impact assessment, and the implementation of these plans, is integral. Finally, the regime must make provision for mechanisms for conflict avoidance and resolution.

Further, legislation on the protection of cultural landscapes must grapple with the legal issues surrounding community management of cultural landscapes. In so doing, it is suggested that such legislation should clearly define the community entity that has management authority over the landscape. It must also clearly set out ownership and use rights over the cultural landscape and delimit the jurisdiction of State law over cultural landscapes. Finally, where relevant, it must

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1458 See chapter 6.
1459 Mumma A, 'Legal Aspects of Cultural Landscape Protection in Africa' in UNESCO, n22 at 156.
1460 The regime should also, ideally, include a heritage impact assessment.
1461 Mumma, n1459.
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carve out a place and a role for traditional law and institutions in the management and protection of cultural landscapes and clearly set out how the two systems are to support each other.\textsuperscript{1462}

Typically, State law has vested ownership of natural resources in the State, such as wildlife and national treasures. In a similar way, where appropriate and possible, cultural landscape law could vest ownership and use rights in the community and provide the community with incentives to protect the landscape and reverse the decline in their local management systems.\textsuperscript{1463}

Finally, the protection of cultural landscapes through traditional management systems necessitates that the community participates in decision making and in the implementation of those decisions. In this respect, community participation has two components: a right of access to information and a right to participate in decision making.\textsuperscript{1464} Community based conservation measures must also be supported by appropriate legislation and policy to ensure respect for, compliance with, and resilience of such systems over time.

c (c) Conservation and identifying risks and challenges

The present and future risks and challenges confronting a particular cultural landscape must be fully identified at the time of listing of the site, with continuous long term monitoring to identify new threats or variances in existing challenges.\textsuperscript{1465} In developing guidance on this issue, the recommendations for the conservation of cultural landscapes made at the Meeting of Experts on Cultural Landscapes in the Caribbean: Identification and Safeguarding Strategies, held in Santiago de Cuba, in 2005, are highly relevant.\textsuperscript{1466} This thesis concurs that the following issues are particularly pertinent:

- identification of the factors and threats of natural and human origins affecting cultural landscapes and their setting;
- promotion of pilot conservation projects;
- promotion of the use of archaeology as one of the basic approaches for an intervention;
- preparation of guidelines for the comprehensive management of the cultural landscapes in the area; and

\textsuperscript{1462} UNESCO, n22 at 157.

\textsuperscript{1463} The importance of this is aptly demonstrated by the conservation challenges confronting the Rice Terraces of the Philippine Cordilleras.

\textsuperscript{1464} This is clearly set out in the 1998 United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, usually known as the 'Aarhus Convention'.

\textsuperscript{1465} See chapter 8 for examples of major conservation challenges.

\textsuperscript{1466} Summarised from n1445 at 4.
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- promotion of the creation, updating and implementation of comprehensive management and monitoring plans for cultural landscapes.\(^\text{1467}\)

(d) Managing external forces

Strategies for improving the risk-preparedness of World Heritage cultural landscapes, for example, through environmental and heritage impact assessment processes, would assist in reducing the impact of natural disasters, armed conflict, industrial pollution, climate change and other hazards. In this respect, it is noted that there is a developing literature on both emergency preparedness and disaster management and long-term cumulative threats, such as salinity impact and climate change, on World Heritage sites, which is and will be highly relevant to the conservation of cultural landscapes.\(^\text{1468}\)

(e) Restoration and rehabilitation

Although not directly considered by this thesis, guidance on restoration and rehabilitation programs for cultural landscapes would greatly improve their conservation and management. Conservation treatment actions can range from cyclical maintenance to varying degrees of consolidation, restoration, continuing traditional ways of living, or even adaptive reuse and reintroduction of species. Selecting the appropriate treatment will vary depending on the type and scale of the cultural landscape. In designed landscapes, reconstruction of missing elements and rehabilitation may be appropriate.\(^\text{1469}\)

9.1.4 Presentation, Transmission, Monitoring and Management

(a) Tourism

Tourism is one of the most significant threats to cultural landscapes.\(^\text{1470}\) However, it can also be a value-adding activity to the economic activities that have given rise to the distinctive cultural landscape, as can be seen by Uluru-Kata Tjuta.\(^\text{1471}\) In addition, it can also assist in the transition to a more complex and diversified economic base for some communities, especially those more remote from metropolitan cities. Relationships between the environment and the economy have to be further explored — testing issues such as reinvestment of benefits into local communities, promotion of authentic local products and strategic alliances in provision of transport and accommodation. Tourism, if managed properly, should be a positive influence on the management of cultural landscapes and can build support for the conservation of cultural and natural heritage and provide income to assist those living in or managing the landscape.

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\(^{1467}\) Note 1445 at 4.

\(^{1468}\) UNESCO, n129.

\(^{1469}\) For example, Lednice Valtice (Czech Republic).

\(^{1470}\) See the discussion in chapter 8.

\(^{1471}\) See the discussion in chapter 7.
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Again, specific guidelines on managing tourism in the context of cultural landscapes should be developed, drawing on work that has already been done by ICOMOS and the IUCN in identifying key management elements to be taken into consideration when designing and implementing tourism projects, but with management objectives focused on the conservation of the interrelationships between the cultural and natural values in cultural landscapes. Such guidelines would need to drill down into tourism management issues and appropriate responses in the context of each of the categories and sub-categories of cultural landscapes.

(b) Management plans

Conventional heritage approaches focus on the state of conservation of particular heritage features and elements. Management plans for cultural landscapes must adopt a landscape approach that focuses on the very processes that have shaped, and continue to shape, the character of the landscape. Cultural landscapes are not preserved by conventional conservation tools, such as development control, but by a recognition of the forces that govern the dynamics of change, such as, in a negative context, government policy set without any regard for its impact on the processes that give the cultural landscape its outstanding universal value.

Ultimately, it seems clear that the management of cultural landscapes would benefit greatly from the adoption of adaptive management strategies that are now a feature of other protected area management strategies. In this regard, in-depth research on the application of adaptive management measures to cultural landscapes would be highly beneficial.

(c) Managing change

Many cultural landscapes are the result of productive use of the land, such as farming. Given that cultural landscapes reflect various cultures of different periods (and local adaptations to prevailing techniques and conditions), change must be permitted to continue in the category of continuing cultural landscapes, with the other categories of cultural landscapes being the subject of natural processes of evolution and less human induced change. To inform this process, new partnerships and integrated management must be enhanced to ensure sustainable development.

Questions must still be asked about the limits of acceptable change in land-use and agricultural production in cultural landscapes. This is a major global issue in cultural landscape maintenance and the answer depends largely on local conditions, where some trial and error may be acceptable, as long as the patterns and features of the landscape which exhibit its outstanding universal values are not compromised.

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1472 For example, UNESCO, n129 at 187.
1473 See chapter 8.
1474 See chapter 6.
1475 See chapter 6 (in particular, in relation to adaptive management strategies) and chapter 8.
Over time, specific guidelines on managing change should be developed for each of the categories of landscape, to ensure that new built elements and conservation/management measures do not detract from the significant components and features in the landscape. This would inform the development of legislation and management plans directed at the fulfillment of the States Parties’ duties under the World Heritage Convention and would assist local managers in decision making at the landscape level.

Interaction with a cultural landscape and subsequent change must be planned, controlled and sustainable. It is also imperative that it is aligned with interests in the maintenance of the features and values of the landscape sought to be protected by World Heritage listing. It is submitted that developing guidance on the management of cultural landscapes and, in particular, managing change, is one of the most pressing priorities for improving the conservation of this form of World Heritage. In this respect, the draft management guidelines contained in Appendix 8 are a helpful starting point for preparing such guidance.

Review of listing criteria

The World Heritage Convention requires periodic reporting on the condition of the values for which a site has been listed. It is critical that, in this reporting process, States report on whether the values for the listing of a particular site have changed. This is particularly pertinent in the context of cultural landscapes where the ongoing process of evolution and thinking about these areas and the processes that have shaped them necessitates regular reassessment of the values of the landscape to ensure that States Parties adjust management measures to conserve new or updated values.

Process of monitoring and review

Options to enhance monitoring systems and methodologies should also be further explored. Relevantly, at the 2002 Shared Legacy and Common Responsibility Workshop, it was proposed that a thematic, online network for World Heritage monitoring be established in order to exchange experience and to create an accessible knowledge system driven by the interests of stakeholders. This would be particularly helpful in enhancing cultural landscape conservation efforts. Among other beneficial options put forward, in the context of cultural landscapes, further consideration should be given to designing and implementing training courses and activities.

\[\text{For example, in relation to city centres/urban landscapes, the focus group on ‘Partnerships for World Heritage Cities: Culture as a Vector for Sustainable Urban Development’ at the Shared Legacy, Common Responsibility Workshop in 2002, UNESCO, n72, identified three fundamental guidelines for the implementation of safeguarding and development projects, namely: taking into account the territorial dimension of historic centres; elaboration of an economic and social development strategy; and the strengthening of institutions and political framework.}\]

\[\text{Focus group on ‘Monitoring World Heritage’, Vicenza in UNESCO, n72. See also chapter 8.}\]
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Concerning monitoring (with field components) with regional partners and donors. In addition, the Operational Guidelines or other specific guidelines to be developed should, ideally, provide user-friendly management assistance to site managers. For example, by using examples of best practice, to ensure consistency and completeness in the procedures applied and information obtained through monitoring processes. Finally, monitoring processes will only be effective if adequate information was provided in the Nomination Dossier concerning the World Heritage values of the site and their composition and key characteristics, so as to facilitate an effective and comprehensive assessment of the conservation of those values over time.

(f) Partnerships, collaboration and creating institutional linkages

While this thesis has identified that the promotion of partnerships and collaborative efforts is fraught with difficulties, the multi-dimensional nature of cultural landscapes requires that options to promote partnerships and collaboration continue to be explored. In this respect, the recommendations of the ‘World Partnerships Initiative’ should provide a platform for identifying ways of promoting collaborative efforts. Regional and thematic meetings will also be important in identifying synergies in the conservation challenges confronting cultural landscapes in certain UNESCO regions or conservation challenges that are of a particular category. Models of positive public/private partnerships might also be explored as the ownership of land comprising many cultural landscapes is split between traditional landowners, the State and private landowners.

While the legal basis for the promotion of synergies among conventions and other legal instruments will continue to be the subject of debate, which needs to be further explored to ensure that the legitimacy of international law is not undermined, there is strong support for working collaboratively to achieve the objectives of conventions with similar goals.

Creating new institutional linkages between international instruments and networks among particular protected area agencies would assist in fully exploring the relationships between the different categories and protection systems. Such complementary relationships might be established through close links between the World Heritage Convention and other international and regional agreements.

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1478 Note 1477.
1479 See chapter 2 and chapter 6.
1481 See discussion in chapter 6.
1482 See chapter 8.
1483 Note n213.
In working to reinforce the overall architecture of UNESCO’s cultural heritage protection instruments and the other key environmental treaties as outlined in chapter 2 of this thesis (e.g. the 1971 *Convention on Wetlands of International Importance, Especially as Waterfowl Habitat*, the 1992 *Convention on Biological Diversity* and the 1992 *United Nations Framework Convention on Climate Change* etc.), there is a need to ensure the proper place of the World Heritage Convention (for example, by increasing visibility, coordination and harmonisation of activities, sharing of information etc.), not only as a heritage convention, but also as a relevant and powerful environmental treaty. In this respect, it is tentatively suggested that UNESCO further coordinate its work under the various UNESCO cultural heritage conventions (in particular, the 1954 *Convention for the Protection of Cultural Property in the Event of Armed Conflict* and its two Protocols, the 1970 *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*, the 2001 *Convention on the Protection of the Underwater Cultural Heritage*), the 2003 *Convention for Safeguarding of the Intangible Cultural Heritage* and the 2005 *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* as well as the major environmental conventions), to achieve greater synergies for the benefit of World Heritage cultural landscapes and the protection of other forms of cultural and natural property.

As part of this process, linkages between the cultural landscape concept and other designation systems, notably, IUCN Category V protected areas and the UNESCO Biosphere Reserve network, should also continue to be strengthened to promote the necessary simultaneous consideration of cultural and natural values.

Finally, it is suggested that further guidance on partnership options at local, regional and international levels and ways to realise those partnerships, with examples of best practice, would assist in promoting awareness and fostering community and corporate interest in collaboration. Such guidance would, ideally, refer to both synergies between the goals of particular conservation instruments and the roles of particular bodies and authorities.

(g) Creating institutional linkages

Economic, social, institutional and legal arrangements must be put in place to pave the way for future partnerships to transmit knowledge and stewardship practices. While there are questions about the basis upon which synergies and partnerships can and should be promoted, local, regional, national and international cooperation in fulfilling the mandates of international

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1485 Indeed, international cooperation with the stakeholders of the other UNESCO international instruments on cultural heritage, including the World Heritage Convention, and consistency with the objectives of these instruments, are keystones of achieving the objectives of the 2005 UNESCO Convention for the Protection and Promotion of the Diversity of Cultural Expressions: see n125.

1486 See discussion on the similarities and differences between cultural landscapes and protected areas in chapter 8.

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instruments, such as the World Heritage Convention, is undoubtedly necessary. As noted above, the means by which these synergies and linkages are promoted will be critical to ensuring the ongoing legitimacy of international law and such partnerships.

9.1.5 Public Participation and Community Consultation

(a) Community involvement and awareness

This thesis has identified that greater awareness and general education about World Heritage values in cultural landscapes and their value to society is necessary.\textsuperscript{1487} This can be addressed through mass media promotion, visitor centres at the properties with exhibitions and displays or guided tours, brochures and booklets, film and video.\textsuperscript{1488} Popular community support for the conservation of the heritage values of a place often then translates into political support when the values are threatened, for example, by pressure for development or lack of resources for maintenance. The use of the World Heritage logo as an awareness-raising device and marketing brand is also to be encouraged in promoting the inscribed cultural landscapes. As part of this process, stewardship of cultural landscapes should be encouraged and responsibilities among the national and international, regional and local community based stakeholders and park authority management shared.

(b) Stewardship

The role of stewardship in the formation and maintenance of cultural landscapes must be duly recognised.\textsuperscript{1489} For many cultural landscapes, maintaining local cultural knowledge will be paramount. However, traditional social settings and cultures that have disappeared cannot be successfully recreated, they can only be revitalised. The challenge then, is to create new and alternative structures that allow revitalisation as opposed to turning the landscape into a form of outdoor museum. Revitalisation of local knowledge may occur when older knowledge is rediscovered and still-existing forms of local knowledge are re-evaluated. This was highlighted in the restoration program for the Kasubi Tombs in Uganda, in sustainable development policies for the Swedish archipelago fishing industry, and in Indigenous knowledge of fire in vegetation management at Uluru-Kata Tjuta in central Australia.\textsuperscript{1490}

There is a large amount of literature on community participation in planning and protected area management. However, cultural landscapes confront some very specific challenges, namely:

\textsuperscript{1487} Lennon, n655. See also chapter 8.
\textsuperscript{1488} Here, the recommendations of the Meeting of Experts in 2005 for fulfilling the strategic objective of 'communication' are relevant. Note 1445 at 6. These recommendations might form the basis of a plan for the dissemination of information about, and the involvement of stakeholders in, cultural landscape conservation.
\textsuperscript{1489} See chapters 3 and 8.
\textsuperscript{1490} Note 1484.
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• working with farming communities resident on the inscribed property to ensure continuing sustainability of production and way of life;

• maintaining associative values in the landscape despite pressures such as youth migration and new technologies, and involving Indigenous peoples who are the traditional custodians of the cultural values which are expressed in the landscape; and

• assisting with the maintenance of traditional activities and rituals where there are changed local circumstances, different local community wishes or other socio-economic, political or other factors at play.\textsuperscript{1491}

It is submitted that greater guidance on the promotion of stewardship in cultural landscape conservation would be highly beneficial, given the critical involvement of local stakeholders in conserving interrelationships between the cultural and natural values in cultural landscapes. Without such stewardship, many cultural landscapes would quickly become endangered, as demonstrated by the Rice Terraces of the Philippine Cordilleras. In particular, awareness should be generated about the dangers of protectionist ‘top down’ conservation approaches and the critical importance of local stakeholder control, consultation and involvement in the conservation of the site’s interrelated culture-nature processes. Such stewardship may well require technical, administrative and financial support as well as other social assistance to re-create pride and interest in traditional practices.

9.1.6 Administrative, Technical, Financial and Educational Resources

Finally, to be successful, conservation efforts must be supported by education, capacity building and appropriate funding and resourcing.\textsuperscript{1492}

(a) Education

The high number of stakeholders, the breadth of cultural landscapes and the various types of cultural landscapes, requires that the protection of landscape values and the management of changes takes place in a broad and diffused manner, to promote an understanding of the forms that landscapes and their values can take. This will not only inform government decisions, but will also assist in educating people about site values. Accordingly, communicating knowledge and assessments must be an integral part of preserving, planning, enhancing and managing landscapes.\textsuperscript{1493}

\textsuperscript{1491} For example, Indigenous youth at Uluru falling prey to drugs and alcohol and youth in the Philippines moving away from the Rice Terraces to pursue employment and other opportunities in the city.

\textsuperscript{1492} See discussion in chapter 8.

\textsuperscript{1493} Lockwood & Kothari, n881 at 59. See also chapter 6.
The information arena relating to protected area systems and cultural landscapes, focusing on synergies, achievements and success stories, should also be enlarged. In this respect, research institutions, training and educational centres play a critical part in promoting education about cultural landscapes.

Finally, a range of skills is needed for the proper management of cultural landscapes. Some generic management and planning skills are required in all areas of site management, such as technical, administrative and financial skills. In addition, specialist skills (e.g. archaeological, ecological, paleological, anthropological etc.) will also be required depending on the natural, cultural and social features of the cultural landscape and its historical land use/s.

(b) Capacity building

Many cultural landscapes have and will be identified in places where capacity-building is necessary. Where this occurs, capacity building efforts need to ensure that cultural landscapes are included in local, regional and national development policies. The creation or consolidation of conservation agencies dedicated to the treatment of heritage, guaranteeing within them a section devoted to cultural landscapes, is also imperative. These agencies ought to contribute to the adoption of a comprehensive approach to the conservation of cultural landscapes by evaluating the relationships between cultural diversity and biological diversity and between tangible and intangible heritage.

Further, the development of systematic training on cultural landscapes applicable to the specific circumstances of the particular State Party must be facilitated. In so doing, a network of practitioners, universities and schools, should be established to construct mechanisms to update and exchange wise practices and successful experiences. As part of this network, local, regional and national economic and financial means to advance cultural landscapes through wise tourism, adequate agricultural production and relevant cultural industries should be explored.

Finally, extensive international cooperation contributing to funding, technical assistance and emergency assistance to identify and safeguard cultural landscapes, especially endangered ones, will inevitably need to continue to be promoted.1494

(c) Funding and resourcing

While this thesis has not generally considered the role of funding in cultural landscape conservation in detail, the importance of funding was highlighted in the case study of the Rice Terraces of the Philippine Cordilleras. Generating income in ways that do not conflict with

1494 The above observations concerning capacity building are largely a summary of the major recommendations of the Meeting of Experts in 2005 (M1445 at 4-5) for fulfilling the strategic objective of "capacity-building" with respect to the conservation of cultural landscapes. The recommendations of that meeting are all supported by this thesis.
heritage conservation and are culturally sensitive is a significant management challenge. In this respect, McNeely, Lockwood and Chapman¹⁴⁹⁵ suggest several ways in which the conservation of World Heritage can be resourced, including by various sources of public and private funding.

Generally speaking, resource constraints are now increasingly becoming quite a serious concern. It has been suggested that the enormous success of the World Heritage Convention is generating signs of 'institutional fatigue' which may become a threat to the whole system.¹⁴⁹⁶ The concern being that the number of sites inscribed on the List is constantly increasing and is, on the basis of current resource allocation, becoming too high to permit adequate and effective monitoring by the World Heritage Centre.

9.1.7 Enforcement

As with other forms of World Heritage, enforcement of the obligations of the World Heritage Convention is critical to its ongoing effectiveness. Enforcement is undoubtedly difficult as a result of State sovereignty, but the international community can exert pressure on States Parties in breach of their obligations to prevent despoliation of an area. It is also expected that, as the number of properties on the World Heritage List grows, the World Heritage Committee will begin to more readily exercise its power to remove properties from the World Heritage List where it is not satisfied that the property is being adequately conserved.¹⁴⁹⁷

Finally, since each State Party undertakes the duty to do its utmost to preserve the heritage within its borders,¹⁴⁹⁸ and not to take 'deliberate measures' to damage the heritage within the borders of other States Parties,¹⁴⁹⁹ international obligations arise which could be settled by the International Court of Justice. However, this is subject to the disputing parties accepting the compulsory jurisdiction of the Court, pursuant to Article 36(2) of the 1945 Statute of the International Court of Justice and the duties under the World Heritage Convention being found to be sufficiently specific so as to be capable of enforcement.

9.2 Alternative options

This thesis has argued that further guidance should be provided on the above various aspects of cultural landscape conservation. In particular, it recommends that the Operational Guidelines be amended to provide such guidance (e.g. by expanding on Annex 3), given that the Operational Guidelines constitute the most important instrument directly supporting the World Heritage

¹⁴⁹⁷ See, for example, n731.
¹⁴⁹⁸ Article 4 of the World Heritage Convention.
¹⁴⁹⁹ Article 6(3) of the World Heritage Convention.
Convention. Such guidance would also need to be supported by conservation and management guidelines specific to cultural landscapes.

While it is submitted that this would be the most sensible manner in which to provide the required additional guidance, alternative options are briefly noted below.

9.2.1 Amending the World Heritage Convention or adopting a Protocol

If considered appropriate, the World Heritage Convention could be amended or a Protocol could be adopted to address the issues raised in this thesis. For example, Articles 1 and 2 of the Convention could be amended to address the concern regarding the classification of cultural landscapes as 'cultural'. In particular, the definition of 'site' in Article 1 (which defines 'cultural heritage') could be amended to replace the words 'combined works of man and nature', with the words 'sites possessing an interrelationship between culture and nature'. The words '...which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view' would then follow. Article 2 (which defines 'natural heritage') would be similarly amended to insert the words 'sites possessing an interrelationship between culture and nature' in the definition of 'natural sites'. The words '...of outstanding universal value from the point of view of science, conservation or natural beauty' would then follow.

In the alternative, a new Article 3 could be inserted that deals specifically with World Heritage landscapes (i.e. cultural landscapes) as a separate category of World Heritage. It is submitted that the World Heritage Convention probably would have contained such an Article if this category of heritage had existed in 1972 at the time of the inception of the Convention. This new Article would simply identify that these areas must possess an interrelationship between culture and nature of outstanding universal value, from an historical, aesthetic, ethnological, anthropological, scientific or conservational point of view.

However, it is recognised that amending the Convention would be difficult and is unlikely to be widely supported. It is also not necessarily desirable to amend the Convention as it may result in the whole document being opened up for discussion. In addition, beyond clarifying the appropriate classification of World Heritage landscapes, the specific and detailed guidance needed to improve the conservation of these areas is of a technical nature. It is not appropriate subject matter for insertion in the Convention or any Protocol.

1500 This may necessitate ancillary amendments to Article 1 and possibly Article 2 of the Convention.
1501 It is noted that there may be other points of view that are also important and should, therefore, be included in this new Article.
Future Directions

9.2.2 The adoption of further non-binding instruments specific to cultural landscape conservation

Further guidance on the protection and conservation of cultural landscapes could alternatively be promulgated by the adoption of further declarations, agreements, resolutions, principles, statements, codes of conduct, codes of practice, action plans or other forms of quasi-legal instruments adopted by UNESCO.

One difficulty with such further soft law instruments is the sheer number of these instruments already in existence. Where such guidance is not centrally located or there is no clear direction about where further guidance can be found, there is a real risk of it being ignored, forgotten about or otherwise not widely known about. Further, the promulgation of numerous instruments on the topic of cultural landscape conservation could result in inconsistencies and confusion about what instrument applies and when.

In international law, the status of 'soft law' instruments also remains relatively controversial. Accordingly, while some international practitioners refuse to accept the status of these instruments as 'law', for many international practitioners, development of soft law instruments is an accepted part of the compromises required under an international legal system. Further, while the demarcation between legal and soft law principles is often blurred, creating legal uncertainty, Beyerlin observes that 'the detrimental effects of this uncertainty are mitigated by the fact that soft law norms, especially in international relations, quite often produce significant effects on the behaviour of States in political-moral terms'.

Certainly, over time, it is possible that any such soft law instruments directed at cultural landscape conservation might eventually become 'hard law'. In the interim, such non-binding instruments would at least provide more specific guidance to States Parties about their conservation obligations in the context of cultural landscapes and would be important steps in continuing to enhance the preservation of these areas.

For the immediate future, further thematic studies and other targeted research should also be undertaken, with the ultimate outcomes of this research and studies set out in a fulsome declaration, set of principles, guidelines etc. that duly reflect the importance of the outcomes for improving the conservation of cultural landscapes.

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9.3 Implications of the status quo

Preserving the status quo does not resolve existing confusion and lack of understanding about the cultural landscape concept, nor does it address the numerous other existing issues confronting cultural landscapes identified by this thesis. It does not draw to the attention of States Parties that conservation efforts, if inappropriately directed or directed primarily at natural or cultural values, may in fact undermine the often fragile interrelationships between culture and nature of which the cultural landscape is comprised. It will mean that such interrelationships continue to be inadequately assessed in many Advisory Body Evaluations, with the consequence that ineffective (and potentially damaging) conservation measures are adopted under management plans. The Rice Terraces of the Philippine Cordilleras are only one sad example of the implications of such consequences. Without providing further specific direction on cultural landscape conservation, there are likely to be other examples over time.

In addition, in developed countries, outdated regulatory measures and conflicting economic priorities mean that safeguarding the environment and cultural heritage are not always high on government agendas. In developing countries, intense competition over human and financial resources, legal uncertainties and fragmented policies, frequently result in ineffective cultural heritage and environmental protection policies. These varying agendas will also clearly significantly impact on the state of conservation of States Parties’ cultural landscapes.

Developing new strategies that combine cultural and natural heritage protection and consolidating existing measures will help planners and policy makers balance social and ecological needs. The experience of ongoing projects in the United States, United Kingdom and Canada show that integrated conservation projects can provide tangible benefits to communities and promote community participation in conservation.\textsuperscript{1504} Integrated cultural and natural heritage conservation projects can also help planners in a number of ways. In particular, planners will be better able to set conservation priorities in collaboration with local communities, understand local socio-economic contexts, determine rights and responsibilities for cultural heritage and natural resource management, develop sustainable development practices, and build the management skills of NGOs and community organisations to ensure the long term sustainability of the projects.\textsuperscript{1505}

Integrating cultural and natural heritage necessarily involves trade-offs, land use conflicts and economic challenges. However, these limitations are not insurmountable. Both the developed and the developing world need to bridge traditional boundaries; boundaries between cultural heritage and environmental protection, between layers of government and between public and

\textsuperscript{1504} Carlanne, n201 at 187.

\textsuperscript{1505} Carlanne, n201 at 187.
private land. That is, truly sustainable integrated cultural and natural heritage protection projects must move beyond the traditional regulatory sphere. They must involve multiple levels of government working with civil society in all of its forms. This is particularly so in the context of continuing cultural landscapes and associative cultural landscapes that are the subject of ongoing change.

9.4 Looking ahead

In drawing this thesis to a conclusion, it is appropriate to reflect upon the original rationale for the World Heritage Convention. As the travaux preparatoires reveal, the Convention was the result of a realisation that certain cultural sites and natural areas of outstanding universal value belong to humankind as a whole. The purpose of the World Heritage Convention is to conserve the diversity of the manifestations of such outstanding universal values. Although most of the world’s landscapes are to a considerable extent human artifacts, representing numerous generations of human activity and creativity, many of these landscapes have, for the most part, been ignored since they lack the monumental elements inseparable in the European mind from the traditional cultural heritage. The geographical imbalance in the spread of the listed cultural landscapes also suggests that the World Heritage List is presently unrepresentative of the totality and diversity of examples of interrelationships between culture and nature (from the most rural to the most urban forms) of outstanding universal value.

Over the 37 years during which the World Heritage regime has operated, a broadening in the interpretation of heritage is evident. The inclusion of cultural landscapes (although small in number), in particular those associated with natural elements rather than material cultural elements, which may be insignificant or even absent, has changed the perception and the practice of the Convention. This evolution in the interpretation of the World Heritage Convention is a giant leap forward, but represents only the beginning of a still very recent recognition of the complexity and wealth of diverse values, including intangible values within protected areas, and, in particular, in cultural landscapes of outstanding universal value. There is still a long way to go.

As a starting point, for the reasons set out in this thesis, the cultural landscape concept itself needs re-thinking. If the concept is to continue to be applied, at a minimum, regular reviews of its successes and failures are imperative to ensuring that the effective conservation of the various interrelationships between culture and nature is achieved, as intended by the introduction of the concept in World Heritage thinking. Whether or not there is a change to the label we attach to these areas, it is critical that ‘culture’ and ‘nature’ are not treated as separate processes in the

1506 Meyer, n 17 at 46.
1507 As noted by UNESCO in n22.
evaluation and conservation of cultural landscapes, regardless of how large or small the role of one or the other process might apparently seem in shaping the landscape's outstanding universal values. Cultural practices involving restraint or sustainable practices that have seemingly left the natural landscape in a pristine condition and, on the other hand, natural physical and environmental conditions giving rise to cultural ingenuity, must not be disregarded. There must be no parameters, other than the outstanding universal value test, around the form or extent of an interrelationship, notwithstanding that, in some landscapes, such as those that appear completely natural or entirely urbanised, such interrelationships are not prima facie discernible. This should not be a barrier to listing, but may well be relevant to the question of the type of World Heritage being nominated (e.g. the site may be more appropriately characterised as natural heritage or cultural heritage – such as a series of monuments). In making such assessments, the heritage context, history and any ongoing evolution of the site will need to be carefully considered. The critical question that must be asked is 'Does the landscape embody a nature-culture continuum of outstanding universal value?' In this respect, there is much to be gained from applying the Landscape Approach to cultural landscapes. Only in understanding the past can impacts of globalisation, development, technological change and natural evolution be managed in such a way as to preserve and adapt, as appropriate, these fragile balances between culture and nature.

As constructs of nature-culture interactions, the future of cultural landscapes also lies in ensuring the sharing of responsibilities among key stakeholders and balancing international, national, regional and local interests and conservation priorities. Cultural landscapes demonstrate that culture and nature are very much interconnected processes, and have been for millenia. This realisation will become increasingly important as human influence on 'natural' landscapes becomes ever more pervasive and protected areas come under increasing development pressures. In this respect, the application of the principle of sustainable development and the precautionary principle to both protected and productive landscapes, in collaboration with various interest groups, will be particularly critical to the successful management of these areas. Among various other social, cultural, economic and development pressures in many parts of the world, the success of cultural and natural heritage linkages will largely depend on careful integration of ecological benefits with the socio-economic interests of local stakeholders. Site managers must adopt a sensitive and supportive attitude to local communities and local communities must be directly engaged in conservation activities.

It is also critical that there is an ongoing process of review and monitoring of the heritage values of cultural landscapes, involving research institutions and other educational centres, to transmit knowledge and to ensure the ongoing adoption and implementation of the most

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1508 The Landscape Approach is discussed in section 3.1.4 of this thesis.
appropriate and best practice conservation measures. A great deal of scientific research will need to be carried out in many fields in order to strengthen the knowledge base for the management of various types of cultural landscapes. Ultimately, conservation efforts are generally more successful when people understand the reasons behind them and are actively engaged.

At the landscape level, successful conservation will depend not only on productive collaboration with local people (i.e. those that have largely created and are also directly dependent on the landscape), but also on coordinated, integrated planning at provincial, regional and national levels. In particular, managers of cultural landscapes must know what cultural and natural values are found in the listed area and ensure that the management measures in place simultaneously protect and enhance these values and the interrelationships between these values. They must also recognise that values continue to change over time and that, consequently, knowledge about site values must be continuously updated.

As landscape thinking continues to evolve, it is hoped and anticipated that a comprehensive international conservation regime will be developed to address specifically and directly the conservation of landscapes and the plethora of challenges presented by their scale and context. Such a regime would and should be far more detailed and prescriptive in respect of States Parties' obligations in relation to the identification, protection, conservation, presentation and transmission to future generations of these areas (including in relation to transboundary sites), having regard to the classification and type of landscape, to ensure appropriate conservation measures are adopted. It should also build on the foundations in the World Heritage Convention in relation to integrating natural and cultural heritage conservation by avoiding all artificial distinctions between culture and nature. Moreover, such sites should be deemed neither cultural nor natural, but rather as embodying valuable interrelationships between human society and the environment. Being the only international instrument directed at both cultural and natural heritage conservation, the World Heritage Convention and its supporting regime are well placed to take the next steps in developing detailed guidance on, interrelationships between culture and nature, the influence and dependence of each on the other, and the conservation and transmission of these interrelationships for future generations.

The beginnings of international developments of this character can already be seen at a regional level with the introduction of the European Landscape Convention. The use of such instruments at the regional level might help support and advance the momentum for the development of more extensive global measures for the protection of the landscapes of our world that are of outstanding universal value and other protected areas. It is imperative that it is now

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1509 See n213 and the discussion in section 2.6.7.
Future Directions

recognised that essentially all cultural landscapes constitute a nature-culture continuum, shaped by past, present and future interrelationships between culture and nature. Only in identifying and understanding those interrelationships, and what is unique about them, can we ensure the conservation and transmission of these landscapes for future generations.
Appendices
Appendix 1

Convention Concerning the Protection of the World Cultural and Natural Heritage

THE GENERAL CONFERENCE of the United Nations Educational, Scientific and Cultural Organization meeting in Paris from 17 October to 21 November 1972, at its 17th Session,

Noting that the cultural heritage and the natural heritage are increasingly threatened with destruction not only by the traditional causes of decay, but also by changing social and economic conditions which aggravate the situation with even more formidable phenomena of damage or destruction,

Considering that deterioration or disappearance of any item of the cultural or natural heritage constitutes a harmful impoverishment of the heritage of all the nations of the world,

Considering that protection of this heritage at the national level often remains incomplete because of the scale of the resources which it requires and of the insufficient economic, scientific, and technological resources of the country where the property to be protected is situated,

Recalling that the Constitution of the Organization provides that it will maintain, increase, and diffuse knowledge, by assuring the conservation and protection of the world’s heritage, and recommending to the nations concerned the necessary international conventions,

Considering that the existing international conventions, recommendations and resolutions concerning cultural and natural property demonstrate the importance, for all the peoples of the world, of safeguarding this unique and irreplaceable property, to whatever people it may belong,

Considering that parts of the cultural or natural heritage are of outstanding interest and therefore need to be preserved as part of the world heritage of mankind as a whole,

Considering that, in view of the magnitude and gravity of the new dangers threatening them, it is incumbent on the international community as a whole to participate in the protection of the cultural and natural heritage of outstanding universal value, by the granting of collective assistance which, although not taking the place of action by the State concerned, will serve as an efficient complement thereto,

Considering that it is essential for this purpose to adopt new provisions in the form of a convention establishing an effective system of collective protection of the cultural and natural heritage of outstanding universal value, organised on a permanent basis and in accordance with modern scientific methods,
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Having decided, at its 16th Session, that this question should be made the subject of an international convention,

Adopts this sixteenth day of November 1972 this Convention.

I. DEFINITION OF THE CULTURAL AND NATURAL HERITAGE

Article 1
For the purposes of this Convention, the following shall be considered as ‘cultural heritage’:
- monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science;
- groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science;
- sites: works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view.

Article 2
For the purposes of this Convention, the following shall be considered as ‘natural heritage’:
- natural features consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view;
- geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation;
- natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty.

Article 3
It is for each State Party to this Convention to identify and delineate the different properties situated on its territory mentioned in Articles 1 and 2 above.

II. NATIONAL PROTECTION AND INTERNATIONAL PROTECTION OF THE CULTURAL AND NATURAL HERITAGE

Article 4
Each State Party to this Convention recognises that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and
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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.

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 State Party to this Convention shall endeavour, in so far as possible, and as appropriate for each country:

a. to adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programs;

b. to set up within its territories, where such services do not exist, one or more services for the protection, conservation and presentation of the cultural and natural heritage with an appropriate staff and possessing the means to discharge their functions;

c. to develop scientific and technical studies and research and to work out such operating methods as will make the State capable of counteracting the dangers that threaten its cultural or natural heritage;

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

e. to foster the establishment or development of national or regional centres for training in the protection, conservation and presentation of the cultural and natural heritage and to encourage scientific research in this field.

Article 6

1 While fully respecting the sovereignty of the States on whose territory the cultural and natural heritage mentioned in Articles 1 and 2 is situated, and without prejudice to property right provided by national legislation, the States Parties to this Convention recognise that such heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to co-operate.

2 The States Parties undertake, in accordance with the provisions of this Convention, to give their help in the identification, protection, conservation and presentation of the cultural and natural heritage referred to in paragraphs 2 and 4 of Article 11 if the States on whose territory it is situated so request.

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3 Each State Party to this Convention undertakes not to take any deliberate measures which might damage directly or indirectly the cultural and natural heritage referred to in Articles 1 and 2 situated on the territory of other States Parties to this Convention.

Article 7

For the purpose of this Convention, international protection of the world cultural and natural heritage shall be understood to mean the establishment of a system of international co-operation and assistance designed to support States Parties to the Convention in their efforts to conserve and identify that heritage.

III. INTERGOVERNMENTAL COMMITTEE FOR THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

Article 8

1 An Intergovernmental Committee for the Protection of the Cultural and Natural Heritage of Outstanding Universal Value, called 'the World Heritage Committee', is hereby established within the United Nations Educational, Scientific and Cultural Organization. It shall be composed of 15 States Parties to the Convention, elected by States Parties to the Convention meeting in general assembly during the ordinary session of the General Conference of the United Nations Educational, Scientific and Cultural Organization. The number of States members of the Committee shall be increased to 21 as from the date of the ordinary session of the General Conference following the entry into force of this Convention for at least 40 States.

2 Election of members of the Committee shall ensure an equitable representation of the different regions and cultures of the world.

3 A representative of the International Centre for the Study of the Preservation and Restoration of Cultural Property (Rome Centre), a representative of the International Council of Monuments and Sites (ICOMOS) and a representative of the International Union for Conservation of Nature and Natural Resources (IUCN), to whom may be added, at the request of States Parties to the Convention meeting in general assembly during the ordinary sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization, representatives of other intergovernmental or non-governmental organizations, with similar objectives, may attend the meetings of the Committee in an advisory capacity.
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Article 9

1 The term of office of States members of the World Heritage Committee shall extend from the end of the ordinary session of the General Conference during which they are elected until the end of its third subsequent ordinary session.

2 The term of office of one-third of the members designated at the time of the first election shall, however, cease at the end of the first ordinary session of the General Conference following that at which they were elected; and the term of office of a further third of the members designated at the same time shall cease at the end of the second ordinary session of the General Conference following that at which they were elected. The names of these members shall be chosen by lot by the President of the General Conference of the United Nations Educational, Scientific and Cultural Organization after the first election.

3 States members of the Committee shall choose as their representatives persons qualified in the field of the cultural or natural heritage.

Article 10

1 The World Heritage Committee shall adopt its Rules of Procedure.

2 The Committee may at any time invite public or private organizations or individuals to participate in its meetings for consultation on particular problems.

3 The Committee may create such consultative bodies as it deems necessary for the performance of its functions.

Article 11

1 Every State Party to this Convention shall, in so far as possible, submit to the World Heritage Committee an inventory of property forming part of the cultural and natural heritage, situated in its territory and suitable for inclusion in the list provided for in paragraph 2 of this Article. This inventory, which shall not be considered exhaustive, shall include documentation about the location of the property in question and its significance.

2 On the basis of the inventories submitted by States in accordance with paragraph 1, the Committee shall establish, keep up to date and publish, under the title of 'World Heritage List,' a list of properties forming part of the cultural heritage and natural heritage, as defined in Articles 1 and 2 of this Convention, which it considers as having outstanding universal value in terms of such criteria as it shall have established. An updated list shall be distributed at least every two years.
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The inclusion of a property in the World Heritage List requires the consent of the State concerned. The inclusion of a property situated in a territory, sovereignty or jurisdiction over which is claimed by more than one State shall in no way prejudice the rights of the parties to the dispute.

The Committee shall establish, keep up to date and publish, whenever circumstances shall so require, under the title of ‘List of World Heritage in Danger’, a list of the property appearing in the World Heritage List for the conservation of which major operations are necessary and for which assistance has been requested under this Convention. This list shall contain an estimate of the cost of such operations. The list may include only such property forming part of the cultural and natural heritage as is threatened by serious and specific dangers, such as the threat of disappearance caused by accelerated deterioration, large-scale public or private projects or rapid urban or tourist development projects; destruction caused by changes in the use or ownership of the land; major alterations due to unknown causes; abandonment for any reason whatsoever; the outbreak or the threat of an armed conflict; calamities and cataclysms; serious fires, earthquakes, landslides; volcanic eruptions; changes in water level, floods and tidal waves. The Committee may at any time, in case of urgent need, make a new entry in the List of World Heritage in Danger and publicise such entry immediately.

The Committee shall define the criteria on the basis of which a property belonging to the cultural or natural heritage may be included in either of the lists mentioned in paragraphs 2 and 4 of this article.

Before refusing a request for inclusion in one of the two lists mentioned in paragraphs 2 and 4 of this article, the Committee shall consult the State Party in whose territory the cultural or natural property in question is situated.

The Committee shall, with the agreement of the States concerned, co-ordinate and encourage the studies and research needed for the drawing up of the lists referred to in paragraphs 2 and 4 of this article.

Article 12

The fact that a property belonging to the cultural or natural heritage has not been included in either of the two lists mentioned in paragraphs 2 and 4 of Article 11 shall in no way be construed to mean that it does not have an outstanding universal value for purposes other than those resulting from inclusion in these lists.
Article 13

1. The World Heritage Committee shall receive and study requests for international assistance formulated by States Parties to this Convention with respect to property forming part of the cultural or natural heritage, situated in their territories, and included or potentially suitable for inclusion in the lists mentioned referred to in paragraphs 2 and 4 of Article 11. The purpose of such requests may be to secure the protection, conservation, presentation or rehabilitation of such property.

2. Requests for international assistance under paragraph 1 of this article may also be concerned with identification of cultural or natural property defined in Articles 1 and 2, when preliminary investigations have shown that further inquiries would be justified.

3. The Committee shall decide on the action to be taken with regard to these requests, determine where appropriate, the nature and extent of its assistance, and authorise the conclusion, on its behalf, of the necessary arrangements with the government concerned.

4. The Committee shall determine an order of priorities for its operations. It shall in so doing bear in mind the respective importance for the world cultural and natural heritage of the property requiring protection, the need to give international assistance to the property most representative of a natural environment or of the genius and the history of the peoples of the world, the urgency of the work to be done, the resources available to the States on whose territory the threatened property is situated and in particular the extent to which they are able to safeguard such property by their own means.

5. The Committee shall draw up, keep up to date and publicise a list of property for which international assistance has been granted.

6. The Committee shall decide on the use of the resources of the Fund established under Article 15 of this Convention. It shall seek ways of increasing these resources and shall take all useful steps to this end.

7. The Committee shall co-operate with international and national governmental and non-governmental organizations having objectives similar to those of this Convention. For the implementation of its programs and projects, the Committee may call on such organizations, particularly the International Centre for the Study of the Preservation and Restoration of cultural Property (the Rome Centre), the International Council of Monuments and Sites (ICOMOS) and the International Union for Conservation of Nature and Natural Resources (IUCN), as well as on public and private bodies and individuals.
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8 Decisions of the Committee shall be taken by a majority of two-thirds of its members present and voting. A majority of the members of the Committee shall constitute a quorum.

Article 14

1 The World Heritage Committee shall be assisted by a Secretariat appointed by the Director-General of the United Nations Educational, Scientific and Cultural Organization.

2 The Director-General of the United Nations Educational, Scientific and Cultural Organization, utilizing to the fullest extent possible the services of the International Centre for the Study of the Preservation and the Restoration of Cultural Property (the Rome Centre), the International Council of Monuments and Sites (ICOMOS) and the International Union for Conservation of Nature and Natural Resources (IUCN) in their respective areas of competence and capability, shall prepare the Committee’s documentation and the agenda of its meetings and shall have the responsibility for the implementation of its decisions.

IV. FUND FOR THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

Article 15

1 Fund for the Protection of the World Cultural and Natural Heritage of Outstanding Universal Value, called ‘the World Heritage Fund’, is hereby established.

2 The Fund shall constitute a trust fund, in conformity with the provisions of the Financial Regulations of the United Nations Educational, Scientific and Cultural Organization.

3 The resources of the Fund shall consist of:

a. compulsory and voluntary contributions made by States Parties to this Convention;

b. contributions, gifts or bequests which may be made by:

i. other States;

ii. the United Nations Educational, Scientific and Cultural Organization, other organizations of the United Nations system, particularly the United Nations Development Programme or other intergovernmental organizations;

iii. public or private bodies or individuals;
iv. any interest due on the resources of the Fund;

v. funds raised by collections and receipts from events organised for the benefit of the fund; and

vi. all other resources authorised by the Fund’s regulations, as drawn up by the World Heritage Committee.

4 Contributions to the Fund and other forms of assistance made available to the Committee may be used only for such purposes as the Committee shall define. The Committee may accept contributions to be used only for a certain program or project, provided that the Committee shall have decided on the implementation of such program or project. No political conditions may be attached to contributions made to the Fund.

Article 16

1 Without prejudice to any supplementary voluntary contribution, the States Parties to this Convention undertake to pay regularly, every two years, to the World Heritage Fund, contributions, the amount of which, in the form of a uniform percentage applicable to all States, shall be determined by the General Assembly of States Parties to the Convention, meeting during the sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization. This decision of the General Assembly requires the majority of the States Parties present and voting, which have not made the declaration referred to in paragraph 2 of this Article. In no case shall the compulsory contribution of States Parties to the Convention exceed 1% of the contribution to the regular budget of the United Nations Educational, Scientific and Cultural Organization.

2 However, each State referred to in Article 31 or in Article 32 of this Convention may declare, at the time of the deposit of its instrument of ratification, acceptance or accession, that it shall not be bound by the provisions of paragraph 1 of this Article.

3 A State Party to the Convention which has made the declaration referred to in paragraph 2 of this Article may at any time withdraw the said declaration by notifying the Director-General of the United Nations Educational, Scientific and Cultural Organization. However, the withdrawal of the declaration shall not take effect in regard to the compulsory contribution due by the State until the date of the subsequent General Assembly of States Parties to the Convention.

4 In order that the Committee may be able to plan its operations effectively, the contributions of States Parties to this Convention which have made the declaration referred to in paragraph 2 of this Article, shall be paid on a regular basis, at least every
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two years, and should not be less than the contributions which they should have paid if they had been bound by the provisions of paragraph 1 of this Article.

5 Any State Party to the Convention which is in arrears with the payment of its compulsory or voluntary contribution for the current year and the calendar year immediately preceding it shall not be eligible as a Member of the World Heritage Committee, although this provision shall not apply to the first election.

The terms of office of any such State which is already a member of the Committee shall terminate at the time of the elections provided for in Article 8, paragraph 1 of this Convention.

Article 17

The States Parties to this Convention shall consider or encourage the establishment of national public and private foundations or associations whose purpose is to invite donations for the protection of the cultural and natural heritage as defined in Articles 1 and 2 of this Convention.

Article 18

The States Parties to this Convention shall give their assistance to international fund-raising campaigns organised for the World Heritage Fund under the auspices of the United Nations Educational, Scientific and Cultural Organization. They shall facilitate collections made by the bodies mentioned in paragraph 3 of Article 15 for this purpose.

V. CONDITIONS AND ARRANGEMENTS FOR INTERNATIONAL ASSISTANCE

Article 19

Any State Party to this Convention may request international assistance for property forming part of the cultural or natural heritage of outstanding universal value situated within its territory. It shall submit with its request such information and documentation provided for in Article 21 as it has in its possession and as will enable the Committee to come to a decision.

Article 20

Subject to the provisions of paragraph 2 of Article 13, sub-paragraph 1 of Article 22 and Article 23, international assistance provided for by this Convention may be granted only to property forming part of the cultural and natural heritage which the World Heritage Committee has decided, or may decide, to enter in one of the lists mentioned in paragraphs 2 and 4 of Article 11.

Article 21

1 The World Heritage Committee shall define the procedure by which requests to it for international assistance shall be considered and shall specify the content of the request, which should define the operation contemplated, the work that is necessary, the expected cost thereof, the degree of urgency and the reasons why the resources of the

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State requesting assistance do not allow it to meet all the expenses. Such requests must be supported by experts’ reports whenever possible.

2 Requests based upon disasters or natural calamities should, by reasons of the urgent work which they may involve, be given immediate, priority consideration by the Committee, which should have a reserve fund at its disposal against such contingencies.

3 Before coming to a decision, the Committee shall carry out such studies and consultations as it deems necessary.

Article 22

Assistance granted by the World Heritage Committee may take the following forms:

a. studies concerning the artistic, scientific and technical problems raised by the protection, conservation, presentation and rehabilitation of the cultural and natural heritage, as defined in paragraphs 2 and 4 of Article 11 of this Convention;

b. provisions of experts, technicians and skilled labour to ensure that the approved work is correctly carried out;

c. training of staff and specialists at all levels in the field of identification, protection, conservation, presentation and rehabilitation of the cultural and natural heritage;

d. supply of equipment which the State concerned does not possess or is not in a position to acquire;

e. low-interest or interest-free loans which might be repayable on a long-term basis;

f. the granting, in exceptional cases and for special reasons, of non-repayable subsidies.

Article 23

The World Heritage Committee may also provide international assistance to national or regional centres for the training of staff and specialists at all levels in the field of identification, protection, conservation, presentation and rehabilitation of the cultural and natural heritage.

Article 24

International assistance on a large scale shall be preceded by detailed scientific, economic and technical studies. These studies shall draw upon the most advanced techniques for the protection, conservation, presentation and rehabilitation of the natural and cultural heritage and shall be consistent with the objectives of this Convention. The studies shall also seek means of making rational use of the resources available in the State concerned.
Article 25
As a general rule, only part of the cost of work necessary shall be borne by the international community. The contribution of the State benefiting from international assistance shall constitute a substantial share of the resources devoted to each program or project, unless its resources do not permit this.

Article 26
The World Heritage Committee and the recipient State shall define in the agreement they conclude the conditions in which a program or project for which international assistance under the terms of this Convention is provided, shall be carried out. It shall be the responsibility of the State receiving such international assistance to continue to protect, conserve and present the property so safeguarded, in observance of the conditions laid down by the agreement.

VI. EDUCATIONAL PROGRAMS

Article 27
1. The States Parties to this Convention shall endeavour by all appropriate means, and in particular by educational and information programs, to strengthen appreciation and respect by their peoples of the cultural and natural heritage defined in Articles 1 and 2 of the Convention.

2. They shall undertake to keep the public broadly informed of the dangers threatening this heritage and of the activities carried on in pursuance of this Convention.

Article 28
States Parties to this Convention which receive international assistance under the Convention shall take appropriate measures to make known the importance of the property for which assistance has been received and the role played by such assistance.

VII. REPORTS

Article 29
1. The States Parties to this Convention shall, in the reports which they submit to the General Conference of the United Nations Educational, Scientific and Cultural Organization on dates and in a manner to be determined by it, give information on the legislative and administrative provisions which they have adopted and other action which they have taken for the application of this Convention, together with details of the experience acquired in this field.

2. These reports shall be brought to the attention of the World Heritage Committee.
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3. The Committee shall submit a report on its activities at each of the ordinary sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization.

VIII. FINAL CLAUSES

Article 30

This Convention is drawn up in Arabic, English, French, Russian and Spanish, the five texts being equally authoritative.

Article 31

1. This Convention shall be subject to ratification or acceptance by States members of the United Nations Educational, Scientific and Cultural Organization in accordance with their respective constitutional procedures.

2. The instruments of ratification or acceptance shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Article 32

1. This Convention shall be open to accession by all States not members of the United Nations Educational, Scientific and Cultural Organization which are invited by the General Conference of the Organization to accede to it.

2. Accession shall be effected by the deposit of an instrument of accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Article 33

This Convention shall enter into force three months after the date of the deposit of the twentieth instrument of ratification, acceptance or accession, but only with respect to those States which have deposited their respective instruments of ratification, acceptance or accession on or before that date. It shall enter into force with respect to any other State three months after the deposit of its instrument of ratification, acceptance or accession.

Article 34

The following provisions shall apply to those States Parties to this Convention which have a federal or non-unitary constitutional system:

a. with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of the federal or central legislative power, the obligations of
the federal or central government shall be the same as for those States Parties which are not federal States;

b. with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of individual constituent States, countries, provinces or cantons that are not obliged by the constitutional system of the federation to take legislative measures, the federal government shall inform the competent authorities of such States, countries, provinces or cantons of the said provisions, with its recommendation for their adoption.

Article 35

1 Each State Party to this Convention may denounce the Convention.

2 The denunciation shall be notified by an instrument in writing, deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

3 The denunciation shall take effect twelve months after the receipt of the instrument of denunciation. It shall not affect the financial obligations of the denouncing State until the date on which the withdrawal takes effect.

Article 36

The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform the States members of the Organization, the States not members of the Organization which are referred to in Article 32, as well as the United Nations, of the deposit of all the instruments of ratification, acceptance, or accession provided for in Articles 31 and 32, and of the denunciations provided for in Article 35.

Article 37

1 This Convention may be revised by the General Conference of the United Nations Educational, Scientific and Cultural Organization. Any such revision shall, however, bind only the States which shall become Parties to the revising convention.

2 If the General Conference should adopt a new convention revising this Convention in whole or in part, then, unless the new convention otherwise provides, this Convention shall cease to be open to ratification, acceptance or accession, as from the date on which the new revising convention enters into force.
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Article 38

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Done in Paris, this twenty-third day of November 1972, in two authentic copies bearing the signature of the President of the 17th Session of the General Conference and of the Director-General of the United Nations Educational, Scientific and Cultural Organization, which shall be deposited in the archives of the United Nations Educational, Scientific and Cultural Organization, and certified true copies of which shall be delivered to all the States referred to in Articles 31 and 32 as well as to the United Nations.
Appendix 2
Annex 3 and Chapter II.F of the Operational Guidelines

Annex 3
GUIDELINES ON THE INSCRIPTION OF SPECIFIC TYPES OF PROPERTIES ON THE WORLD HERITAGE LIST

INTRODUCTION

This annex provides information on specific types of properties to guide States Parties in preparing nominations of properties for inscription on the World Heritage List. The following information constitutes guidelines that should be used in association with Chapter II of the Operational Guidelines, which contains the criteria for inscription of properties on the World Heritage List.

2 The Committee has endorsed the findings of expert meetings on the subject of cultural landscapes, towns, canals and routes (Part I, below).

3 The reports of other expert meetings requested by the World Heritage Committee, in the framework of the Global Strategy for a representative, balanced and credible World Heritage List, are referred to in Part II.

4 Part III lists various comparative and thematic studies prepared by the Advisory Bodies.

1 CULTURAL LANDSCAPES, TOWNS, CANALS AND ROUTES

The World Heritage Committee has identified and defined several specific types of cultural and natural properties and has adopted specific guidelines to facilitate the evaluation of such properties when nominated for inscription on the World Heritage List. To date, these cover the following categories, although it is likely that others may be added in due course:

a) Cultural Landscapes;

b) Historic Towns and Town Centres;

c) Heritage Canals;

d) Heritage Routes.
CULTURAL LANDSCAPES

Definition

6 Cultural landscapes are cultural properties and represent the "combined works of nature and of man" designated in Article 1 of the Convention. They are illustrative of the evolution of human society and settlement over time, under the influence of the physical constraints and/or opportunities presented by their natural environment and of successive social, economic and cultural forces, both external and internal.

7 They should be selected on the basis both of their outstanding universal value and of their representativity in terms of a clearly defined geo-cultural region and also for their capacity to illustrate the essential and distinct cultural elements of such regions.

8 The term "cultural landscape" embraces a diversity of manifestations of the interaction between humankind and its natural environment.

9 Cultural landscapes often reflect specific techniques of sustainable land-use, considering the characteristics and limits of the natural environment they are established in, and a specific spiritual relation to nature. Protection of cultural landscapes can contribute to modern techniques of sustainable land-use and can maintain or enhance natural values in the landscape. The continued existence of traditional forms of land-use supports biological diversity in many regions of the world. The protection of traditional cultural landscapes is therefore helpful in maintaining biological diversity.

Definition and Categories

10 Cultural landscapes fall into three main categories, namely:

(i) The most easily identifiable is the clearly defined landscape designed and created intentionally by man. This embraces garden and parkland landscapes constructed for aesthetic reasons which are often (but not always) associated with religious or other monumental buildings and ensembles.

(ii) The second category is the organically evolved landscape. This results from an initial social, economic, administrative, and/or religious imperative and has developed its present form by association with and in response to its natural environment. Such landscapes reflect that process of evolution in their form and component features. They fall into two sub-categories:

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1510 This text was prepared by an Expert Group on Cultural Landscapes, La Petite Pierre, France, 24 – 26 October 1992, see document WHC-92/CONF.202/10/Add. The text was subsequently approved for inclusion in the Operational Guidelines by the World Heritage Committee at its 16th Session, Santa Fe, 1992. See document WHC-92/CONF.002/12.
a relict (or fossil) landscape is one in which an evolutionary process came to an end at some time in the past, either abruptly or over a period. Its significant distinguishing features are, however, still visible in material form.

- a continuing landscape is one which retains an active social role in contemporary society closely associated with the traditional way of life, and in which the evolutionary process is still in progress. At the same time it exhibits significant material evidence of its evolution over time.

(iii) The final category is the associative cultural landscape. The inscription of such landscapes on the World Heritage List is justifiable by virtue of the powerful religious, artistic or cultural associations of the natural element rather than material cultural evidence, which may be insignificant or even absent.

Inscription of Cultural Landscapes on the World Heritage List

11 The extent of a cultural landscape for inscription on the World Heritage List is relative to its functionality and intelligibility. In any case, the sample selected must be substantial enough to adequately represent the totality of the cultural landscape that it illustrates. The possibility of designating long linear areas which represent culturally significant transport and communication networks should not be excluded.

12 General criteria for protection and management are equally applicable to cultural landscapes. It is important that due attention be paid to the full range of values represented in the landscape, both cultural and natural. The nominations should be prepared in collaboration with and the full approval of local communities.

13 The existence of a category of “cultural landscape”, included on the World Heritage List on the basis of the criteria set out in Paragraph 77 of the Operational Guidelines, does not exclude the possibility of properties of exceptional importance in relation to both cultural and natural criteria continuing to be inscribed (see definition of mixed properties as set out in Paragraph 46). In such cases, their outstanding universal value must be justified under both sets of criteria.
HISTORIC TOWNS AND TOWN CENTRES

Definition and Categories

14 Groups of urban buildings eligible for inscription on the World Heritage List fall into three main categories, namely:

(i) towns which are no longer inhabited but which provide unchanged archaeological evidence of the past; these generally satisfy the criterion of authenticity and their state of conservation can be relatively easily controlled;

(ii) historic towns which are still inhabited and which, by their very nature, have developed and will continue to develop under the influence of socio-economic and cultural change, a situation that renders the assessment of their authenticity more difficult and any conservation policy more problematical;

(iii) new towns of the twentieth century which paradoxically have something in common with both the aforementioned categories: while their original urban organization is clearly recognizable and their authenticity is undeniable, their future is unclear because their development is largely uncontrollable.

Inscription of Historic Towns and Town Centres on the World Heritage List

15 The significance of Historic Towns and Town Centres can be examined under the factors outlined below:

(i) Towns no longer inhabited

The evaluation of towns that are no longer inhabited does not raise any special difficulties other than those related to archaeological properties in general: the criteria which call for uniqueness or exemplary character have led to the choice of groups of buildings noteworthy for their purity of style, for the concentrations of monuments they contain and sometimes for their important historical associations. It is important for urban archaeological sites to be listed as integral units. A cluster of monuments or a small group of buildings is not adequate to suggest the multiple and complex functions of a city which has disappeared; remains of such a city should be preserved in their entirety together with their natural surroundings whenever possible.

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151 This text was included in the January 1987 version of the Operational Guidelines following the discussion by the Committee at its 8th Session, Buenos Aires, 1984, of the conclusions of the Meeting of Experts to Consult on Historic Towns, which met in Paris from 5 to 7 September 1984 (organised by ICOMOS).
Inhabited historic towns

In the case of inhabited historic towns the difficulties are numerous, largely owing to the fragility of their urban fabric (which has in many cases been seriously disrupted since the advent of the industrial era) and the runaway speed with which their surroundings have been urbanised. To qualify for inscription, towns should compel recognition because of their architectural interest and should not be considered only on the intellectual grounds of the role they may have played in the past or their value as historical symbols under criterion (vi) for the inscription of cultural properties on the World Heritage List (see Paragraph 77 (vi) of the Operational Guidelines). To be eligible for inscription in the List, the spatial organization, structure, materials, forms and, where possible, functions of a group of buildings should essentially reflect the civilization or succession of civilizations which have prompted the nomination of the property. Four categories can be distinguished:

a) Towns which are typical of a specific period or culture, which have been almost wholly preserved and which have remained largely unaffected by subsequent developments. Here the property to be listed is the entire town together with its surroundings, which must also be protected;

b) Towns that have evolved along characteristic lines and have preserved, sometimes in the midst of exceptional natural surroundings, spatial arrangements and structures that are typical of the successive stages in their history. Here the clearly defined historic part takes precedence over the contemporary environment;

c) “Historic centres” that cover exactly the same area as ancient towns and are now enclosed within modern cities. Here it is necessary to determine the precise limits of the property in its widest historical dimensions and to make appropriate provision for its immediate surroundings;

d) Sectors, areas or isolated units which, even in the residual state in which they have survived, provide coherent evidence of the character of a historic town which has disappeared. In such cases surviving areas and buildings should bear sufficient testimony to the former whole.
Historic centres and historic areas should be listed only where they contain a large number of ancient buildings of monumental importance which provide a direct indication of the characteristic features of a town of exceptional interest. Nominations of several isolated and unrelated buildings which allegedly represent, in themselves, a town whose urban fabric has ceased to be discernible, should not be encouraged.

However, nominations could be made regarding properties that occupy a limited space but have had a major influence on the history of town planning. In such cases, the nomination should make it clear that it is the monumental group that is to be listed and that the town is mentioned only incidentally as the place where the property is located. Similarly, if a building of clearly outstanding universal value is located in severely degraded or insufficiently representative urban surroundings, it should, of course, be listed without any special reference to the town.

(iii) New towns of the twentieth century

It is difficult to assess the quality of new towns of the twentieth century. History alone will tell which of them will best serve as examples of contemporary town planning. The examination of the files on these towns should be deferred, save under exceptional circumstances.

Under present conditions, preference should be given to the inscription in the World Heritage List of small or medium-sized urban areas which are in a position to manage any potential growth, rather than the great metropolises, on which sufficiently complete information and documentation cannot readily be provided that would serve as a satisfactory basis for their inscription in their entirety.

In view of the effects which the inscription of a town on the World Heritage List could have on its future, such entries should be exceptional. Inscription in the List implies that legislative and administrative measures have already been taken to ensure the protection of the group of buildings and its environment. Informed awareness on the part of the population concerned, without whose active participation any conservation scheme would be impractical, is also essential.
HERITAGE CANALS

16 The concept of “canals” is discussed in detail in the Report of the Expert Meeting on Heritage Canals (Canada, September 1994).¹¹²

Definition

17 A canal is a human-engineered waterway. It may be of outstanding universal value from the point of view of history or technology, either intrinsically or as an exceptional example representative of this category of cultural property. The canal may be a monumental work, the defining feature of a linear cultural landscape, or an integral component of a complex cultural landscape.

Inscription of Heritage Canals on the World Heritage List

18 Authenticity depends holistically upon values and the relationships between these values. One distinctive feature of the canal as a heritage element is its evolution over time. This is linked to how it was used during different periods and the associated technological changes the canal underwent. The extent of these changes may constitute a heritage element.

19 The authenticity and historical interpretation of a canal encompass the connection between the real property (subject of the Convention), possible movable property (boats, temporary navigation items) and the associated structures (bridges, etc.) and landscape.

20 The significance of canals can be examined under technological, economic, social, and landscape factors as outlined below:

(i) Technology

Canals can serve a variety of purposes: irrigation, navigation, defence, water-power, flood mitigation, land-drainage and water-supply. The following are areas of technology which may be of significance:

a) The lining and waterproofing of the water channel;

b) The engineering structures of the line with reference to comparative structural features in other areas of architecture and technology;

c) The development of the sophistication of construction methods; and

d) The transfer of technologies.

(ii) Economy

Canals contribute to the economy in a variety of ways, e.g., in terms of economic development and the conveyance of goods and people. Canals were the first man-made routes for the effective carriage of bulk cargoes. Canals played and continue to play a key role in economic development through their use for irrigation. The following factors are important:

a) Nation building;

b) Agricultural development;

c) Industrial development;

d) Generation of wealth;

e) Development of engineering skills applied to other areas and industries; and

f) Tourism.

(iii) Social Factors

The building of canals had, and their operation continues to have, social consequences:

a) The redistribution of wealth with social and cultural results; and

b) The movement of people and the interaction of cultural groups.

(iv) Landscape

Such large-scale engineering works had and continue to have an impact on the natural landscape. Related industrial activity and changing settlement patterns cause visible changes to landscape forms and patterns.

HERITAGE ROUTES

21 The concept of "routes" or cultural itineraries was discussed by the expert meeting on "Routes as a Part of our Cultural Heritage" (Madrid, Spain, November 1994).1513

Appendix 2 – Annex 3 and Chapter II.F of the Operational Guidelines

Definition

22 The concept of heritage routes is shown to be a rich and fertile one, offering a privileged framework in which mutual understanding, a plural approach to history and a culture of peace can all operate.

23 A heritage route is composed of tangible elements of which the cultural significance comes from exchanges and a multi-dimensional dialogue across countries or regions, and that illustrate the interaction of movement, along the route, in space and time.

Inscription of Heritage Routes on the World Heritage List

24 The following points should be considered when determining whether a heritage route is suitable for inscription on the World Heritage List:

(i) The requirement to hold outstanding universal value should be recalled.

(ii) The concept of heritage routes:

- is based on the dynamics of movement and the idea of exchanges, with continuity in space and time;

- refers to a whole, where the route has a worth over and above the sum of the elements making it up and through which it gains its cultural significance;

- highlights exchange and dialogue between countries or between regions;

- is multi-dimensional, with different aspects developing and adding to its prime purpose which may be religious, commercial, administrative or otherwise.

(iii) A heritage route may be considered as a specific, dynamic type of cultural landscape, just as recent debates have led to their acceptance within the Operational Guidelines.

(iv) The identification of a heritage route is based on a collection of strengths and tangible elements, testimony to the significance of the route itself.

(v) The conditions of authenticity are to be applied on the grounds of its significance and other elements making up the heritage route. It will take into account the duration of the route, and perhaps how often it is used nowadays, as well as the legitimate wishes for development of peoples affected.
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These points will be considered within the natural framework of the route and its intangible and symbolic dimensions.

II REPORTS OF REGIONAL AND THEMATIC EXPERT MEETINGS

25 The World Heritage Committee, in the framework of the Global Strategy for a representative, balanced and credible World Heritage List has requested a number of regional and thematic expert meetings on different types of properties. The results of these meetings may guide States Parties in preparing nominations. The reports of the expert meetings presented to the World Heritage Committee are available at the following Web address: http://whc.unesco.org/en/globalstrategy.

III THEMATIC AND COMPARATIVE STUDIES BY THE ADVISORY BODIES.

26 To fulfil their obligations concerning evaluations of nominations of cultural and natural properties, the Advisory Bodies have undertaken comparative and thematic studies, often with partner organizations, in different subject areas in order to provide a context for their evaluations.

These reports, most of which are available on their respective Web addresses, include:

Earth's Geological History – A Contextual Framework for Assessment of World Heritage Fossil Site Nominations (September 1996)


A Global Overview of Forest Protected Areas on the World Heritage List (September 1997) http://www.unep-wcmc.org/wh/reviews/forests/


Human Use of World Heritage Natural Sites (September 1997) http://www.unep-wcmc.org/wh/reviews/human/


A Global Overview of Protected Areas on the World Heritage List of Particular Importance for Biodiversity (November 2000) http://www.unep-wcmc.org/wh/reviews/
Les villages ouvriers comme éléments du patrimoine de l'industrie (2001)
http://www.icomos.org/studies/villages-ouvriers.htm

A Global Strategy for Geological World Heritage (February 2002)


CHAPTER II.F – PROTECTION AND MANAGEMENT

96 Protection and management of World Heritage properties should ensure that the outstanding universal value, the conditions of integrity and/or authenticity at the time of inscription are maintained or enhanced in the future.

97 All properties inscribed on the World Heritage List must have adequate long-term legislative, regulatory, institutional and/or traditional protection and management to ensure their safeguarding. This protection should include adequately delineated boundaries. Similarly States Parties should demonstrate adequate protection at the national, regional, municipal, and/or traditional level for the nominated property. They should append appropriate texts to the nomination with a clear explanation of the way this protection operates to protect the property.

Legislative, regulatory and contractual measures for protection

98 Legislative and regulatory measures at national and local levels should assure the survival of the property and its protection against development and change that might negatively impact the outstanding universal value, or the integrity and/or authenticity of the property. States Parties should also assure the full and effective implementation of such measures.

Boundaries for effective protection

99 The delineation of boundaries is an essential requirement in the establishment of effective protection of nominated properties. Boundaries should be drawn to ensure the full expression of the outstanding universal value and the integrity and/or authenticity of the property.

100 For properties nominated under criteria (i) – (vi), boundaries should be drawn to include all those areas and attributes which are a direct tangible expression of the outstanding universal value of the property, as well as those areas which in the light of future research possibilities offer potential to contribute to and enhance such understanding.
Appendix 2 – Annex 3 and Chapter II.F of the Operational Guidelines

101 For properties nominated under criteria (vii) – (x), boundaries should reflect the spatial requirements of habitats, species, processes or phenomena that provide the basis for their inscription on the World Heritage List. The boundaries should include sufficient areas immediately adjacent to the area of outstanding universal value in order to protect the property's heritage values from direct effect of human encroachments and impacts of resource use outside of the nominated area.

102 The boundaries of the nominated property may coincide with one or more existing or proposed protected areas, such as national parks or nature reserves, biosphere reserves or protected historic districts. While such established areas for protection may contain several management zones, only some of those zones may satisfy criteria for inscription.

Buffer zones

103 Wherever necessary for the proper conservation of the property, an adequate buffer zone should be provided.

104 For the purposes of effective protection of the nominated property, a buffer zone is an area surrounding the nominated property which has complementary legal and/or customary restrictions placed on its use and development to give an added layer of protection to the property. This should include the immediate setting of the nominated property, important views and other areas or attributes that are functionally important as a support to the property and its protection. The area constituting the buffer zone should be determined in each case through appropriate mechanisms. Details on the size, characteristics and authorized uses of a buffer zone, as well as a map indicating the precise boundaries of the property and its buffer zone, should be provided in the nomination.

105 A clear explanation of how the buffer zone protects the property should also be provided.

106 Where no buffer zone is proposed, the nomination should include a statement as to why a buffer zone is not required.

107 Although buffer zones are not normally part of the nominated property, any modifications to the buffer zone subsequent to inscription of a property on the World Heritage List should be approved by the World Heritage Committee.
Management systems

Each nominated property should have an appropriate management plan or other documented management system which should specify how the outstanding universal value of a property should be preserved, preferably through participatory means.

The purpose of a management system is to ensure the effective protection of the nominated property for present and future generations.

An effective management system depends on the type, characteristics and needs of the nominated property and its cultural and natural context. Management systems may vary according to different cultural perspectives, the resources available and other factors. They may incorporate traditional practices, existing urban or regional planning instruments, and other planning control mechanisms, both formal and informal.

In recognizing the diversity mentioned above, common elements of an effective management system could include:

a) a thorough shared understanding of the property by all stakeholders;
b) a cycle of planning, implementation, monitoring, evaluation and feedback;
c) the involvement of partners and stakeholders;
d) the allocation of necessary resources;
e) capacity-building; and
f) an accountable, transparent description of how the management system functions.

Effective management involves a cycle of long-term and day-to-day actions to protect, conserve and present the nominated property.

Moreover, in the context of the implementation of the Convention, the World Heritage Committee has established a process of Reactive Monitoring (see chapter IV) and a process of Periodic Reporting (see chapter V).

In the case of serial properties, a management system or mechanisms for ensuring the co-ordinated management of the separate components are essential and should be documented in the nomination (see paragraphs 137-139).

In some circumstances, a management plan or other management system may not be in place at the time when a property is nominated for the consideration of the World Heritage Committee. The State Party concerned should then indicate when such a management plan or system would be put in place, and how it proposes to mobilize the
resources required for the preparation and implementation of the new management plan or system. The State Party should also provide other document(s) (e.g. operational plans) which will guide the management of the site until such time when a management plan is finalized.

Where the intrinsic qualities of a property nominated are threatened by action of man and yet meet the criteria and the conditions of authenticity or integrity set out in paragraphs 78-95, an action plan outlining the corrective measures required should be submitted with the nomination file. Should the corrective measures submitted by the nominating State Party not be taken within the time proposed by the State Party, the property will be considered by the Committee for delisting in accordance with the procedure adopted by the Committee (see chapter IV.C).

States Parties are responsible for implementing effective management activities for a World Heritage property. States Parties should do so in close collaboration with property managers, the agency with management authority and other partners, and stakeholders in property management.

The Committee recommends that States Parties include risk preparedness as an element in their World Heritage site management plans and training strategies.

Sustainable use

World Heritage properties may support a variety of ongoing and proposed uses that are ecologically and culturally sustainable. The State Party and partners must ensure that such sustainable use does not adversely impact the outstanding universal value, integrity and/or authenticity of the property. Furthermore, any uses should be ecologically and culturally sustainable. For some properties, human use would not be appropriate.
Appendix 3

*Natchitoches Declaration*\(^{1514}\)

27 March 2004, Natchitoches (Nak a tish), Louisiana, USA

On the occasion of the 7th International Symposium of US/ICOMOS, Learning from World Heritage: Lessons from International Preservation & Stewardship of Cultural & Ecological Landscapes of Global Significance, 123 delegates from all over the United States, twelve nations and several disciplines met in Natchitoches, Louisiana, from 25 to 27 March 2004, to share experience, draw lessons and address issues surrounding the interface of nature and culture in the landscape.

The symposium benefited from the continuing reflection carried through World Heritage international and regional meetings addressing cultural landscapes, and the ICOMOS General Assembly, Zimbabwe, 2002, the World Parks Congress, Durban, South Africa, 2003, the review of IUCN categories of protected areas and the recent revision of the World Heritage Operational Guidelines merging the cultural and natural criteria.

The World Heritage Operational Guidelines were amended in 1992 to include cultural landscapes and it is apparent that this addition has been instrumental in focusing on the interaction of people and nature over time. Thirty-six evolved continuing or relict, designed and associative landscapes have received World Heritage listing between 1992 and 2003, recognizing their outstanding universal value. The majority of these, twenty-two, are evolved continuing landscapes where people and nature dwell together. There is a convergence of natural and cultural values in the landscape, and a growing recognition that the traditional separation of nature and culture is a hindrance to protection, and is no longer sustainable. Further, heritage landscape protection is required at the local, national and global levels in order to transmit these universally valuable heritage resources to future generations.

Considering the fundamental nature of landscape at the nexus of biodiversity and cultural diversity; taking also into consideration that a series of threats to globally important landscapes include loss of character, degradation, intense use, unregulated tourism, population shifts, economic factors, encroachment, pollution, and that our inability to fully fathom heritage landscapes is the largest threat, therefore the participants of the 7th International Symposium adopt the following declaration of principles and recommendations, addressing them to national

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and local authorities as well as institutions and international organizations in particular to
ICOMOS and to its partners IUCN and ICCROM.

A Concept in Evolution and an Inter-Disciplinary Commitment

Heritage landscapes are unique places that are the prime expression of the richness of the world
and the diversity of its culture. Actions to deepen the understanding of the complexity of
heritage landscapes, whether productive, commemorative, inspirational, rural or urban,
countryside, seascapes, cityscapes, industrial landscapes, routes, or linear corridors, are needed at
the international, national and regional levels. The preservation and conservation of heritage
landscapes is coming into focus, but international bodies have much to do to address their
complexity. Accordingly we stress the need to:

• Pursue an inter-disciplinary approach within the cultural heritage field, in concert with
  natural heritage professionals and organizations, to identify, document, designate and
  manage heritage landscapes, using a holistic model.

• Pursue global theme studies of landscape typologies, such as the project on globally
  important agricultural systems, in an interdisciplinary milieu.

• Strengthen the collaboration of ICOMOS and IUCN in the identification, evaluation,
  monitoring and periodic reporting on heritage landscapes in the context of the World
  Heritage Convention and other cooperative efforts.

• Press forward ICOMOS, ICCROM and IUCN training in understanding and applying
  the revised World Heritage Operational Guidelines to build capacity at the professional
  and community level.

• Improve the preparation processes for ICOMOS heritage landscape evaluation missions
  to include full baseline data and professional reviews.

• Develop model World Heritage nominations for heritage landscapes.

• Develop heritage landscapes model management plans to share with States Parties.

• Call upon ICOMOS, the ICOMOS International Scientific Committees, especially the
  ICOMOS/IFLA Historic Gardens & Cultural Landscapes Committee to take a
  leadership role in these efforts.

Responding to Threats

Threats are multiple and pervasive and require attention. Accordingly we stress the need to:

• Recognise and pursue planning for global changes in land use that pose specific
  challenges to cultural landscapes, such as agricultural change and tourism pressure.
Appendix 3 – Natchitoches Declaration

- Develop a stronger system to ensure rapid intervention and mobilizing resources for heritage landscapes under threat.
- Focus additional attention on the issues of heritage landscapes in the response to catastrophic events.
- Provide guidelines to aid in sustainable tourism for heritage landscapes.

Engaging Communities, Multiple Values, Multiple Voices

Communities and landscape are intertwined. People define and steward place shaping their life ways through time in partnerships with the landscape. Local knowledge and traditional skills both imprint and sustain heritage landscapes and are to be studied, understood and respected in the preservation and conservation process. The full engagement of communities in the protection and sustaining of heritage landscapes is required. Accordingly we stress the need to:

- Foster the development of ICOMOS guidelines and principles of practice for the inclusion of consultative, community-based processes in the planning and management of heritage landscapes.
- Support the understanding and continuation of traditional practices in the stewardship of heritage landscapes.
- Recognise that multi-values are present in heritage landscapes and that multiple voices, including strong community engagement, need to be brought to their protection and management.
- Respect the living traditions and footprints of Indigenous peoples that permeate the heritage landscape.

National & International Cooperation

Constant advocacy and promotion are required by all partners, in particular within the World Heritage system, to forge cooperative partnerships among States Parties and across national boundaries. Accordingly we stress the need to:

- Use heritage landscape conservation to promote sustainable approaches to international cooperation among nations and peoples.
- Encourage nations to conduct national thematic studies of landscape types - agriculture, land and water migration routes, pilgrim trails, etc.
- Encourage international multi-national cooperation to identify and safeguard heritage landscapes that cross national boundaries.
Appendix 3 – Natchitoches Declaration

- Provide guidelines for national legislation for the protection of cultural landscapes, to include watershed management, transboundary areas and buffer zones.

- Demonstrate, in the form of case studies and reporting, how recognition of heritage landscapes can provide economic benefits.

We respect and deeply appreciate the landscape preservation and conservation efforts that have reached fruition. Much work remains to be done and threats are urgent and pervasive. With this declaration, we call for increased commitment to the gamut of preservation and conservation planning and management efforts to preserve the universally significant heritage landscapes of our planet. We extend our thanks to all who have made this symposium a rich exchange and thank our gracious hosts in Natchitoches, Louisiana.

Adopted at the US/ICOMOS 7th International Symposium at Natchitoches, USA, 27 March 2004
Appendix 4

Australian World Heritage Management Principles

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION REGULATIONS 2000

Schedule 5 Australian World Heritage management principles

(Regulation 10.01)

1 General principles

1.01 The primary purpose of management of natural heritage and cultural heritage of a declared World Heritage property must be, in accordance with Australia's obligations under the World Heritage Convention, to identify, protect, conserve, present, transmit to future generations and, if appropriate, rehabilitate the World Heritage values of the property.

1.02 The management should provide for public consultation on decisions and actions that may have a significant impact on the property.

1.03 The management should make special provision, if appropriate, for the involvement in managing the property of people who:

   (a) have a particular interest in the property; and
   
   (b) may be affected by the management of the property.

1.04 The management should provide for continuing community and technical input in managing the property.

2 Management planning

2.01 At least one management plan should be prepared for each declared World Heritage property.

2.02 A management plan for a declared World Heritage property should:

   (a) state the World Heritage values of the property for which it is prepared; and
   
   (b) include adequate processes for public consultation on proposed elements of the plan; and
Appendix 4 – Australian World Heritage Management Principles

(c) state what must be done to ensure that the World Heritage values of the property are identified, conserved, protected, presented, transmitted to future generations and, if appropriate, rehabilitated; and

(d) state mechanisms to deal with the impacts of actions that individually or cumulatively degrade, or threaten to degrade, the World Heritage values of the property; and

(e) provide that management actions for values, that are not World Heritage values, are consistent with the management of the World Heritage values of the property; and

(f) promote the integration of Commonwealth, State or Territory and local government responsibilities for the property; and

(g) provide for continuing monitoring and reporting on the state of the World Heritage values of the property; and

(h) be reviewed at intervals of not more than 7 years.

3 Environmental impact assessment and approval

3.01 This principle applies to the assessment of an action that is likely to have a significant impact on the World Heritage values of a property (whether the action is to occur inside the property or not).

3.02 Before the action is taken, the likely impact of the action on the World Heritage values of the property should be assessed under a statutory environmental impact assessment and approval process.

3.03 The assessment process should:

(a) identify the World Heritage values of the property that are likely to be affected by the action; and

(b) examine how the World Heritage values of the property might be affected; and

(c) provide for adequate opportunity for public consultation.

3.04 An action should not be approved if it would be inconsistent with the protection, conservation, presentation or transmission to future generations of the World Heritage values of the property.
Appendix 4 – Australian World Heritage Management Principles

3.05 Approval of the action should be subject to conditions that are necessary to ensure protection, conservation, presentation or transmission to future generations of the World Heritage values of the property.

3.06 The action should be monitored by the authority responsible for giving the approval (or another appropriate authority) and, if necessary, enforcement action should be taken to ensure compliance with the conditions of the approval.
Appendix 5

National Integrated Protected Areas System Act

1992 (Philippines)

AN ACT PROVIDING FOR THE ESTABLISHMENT AND MANAGEMENT OF NATIONAL INTEGRATED PROTECTED AREAS SYSTEM, DEFINING ITS SCOPE AND COVERAGE, AND FOR OTHER PURPOSES

Republic Act No. 7586

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

Section 1  Title

This Act shall be known and referred to as the National Integrated Protected Areas System Act of 1992.

Section 2  Declaration of Policy

Cognizant of the profound impact of man’s activities on all components of the natural environment particularly the effect of increasing population, resource exploitation and industrial advancement and recognizing the critical importance of protecting and maintaining the natural biological and physical diversities of the environment notably on areas with biologically unique features to sustain human life and development, as well as plant and animal life, it is hereby declared the policy of the State to secure for the Filipino people of present and future generations the perpetual existence of all native plants and animals through the establishment of a comprehensive system of integrated protected areas within the classification of national park as provided for in the Constitution.

It is hereby recognised that these areas, although distinct in features, possess common ecological values that may be incorporated into a holistic plan representative of our natural heritage; that effective administration of these areas is possible only through cooperation among national government, local government and concerned private organizations; that the use and enjoyment of these protected areas must be consistent with the principles of biological diversity and sustainable development.

To this end, there is hereby established a National Integrated Protected Areas System (NIPAS), which shall encompass outstanding remarkable areas and biologically important public lands that are habitats of rare and endangered species of plants and animals, biogeographic zones and related ecosystems, whether terrestrial, wetland or marine, all of which shall be designated as protected areas.

Section 3 Categories

The following categories of protected areas are hereby established:

(a) Strict nature reserve;
(b) Natural park;
(c) Natural monument;
(d) Wildlife sanctuary;
(e) Protected landscapes and seascapes;
(f) Resource reserve;
(g) Natural biotic areas; and
(h) Other categories established by law, conventions or international agreements which the Philippine government is a signatory.

Section 4 Definition of Terms

For purposes of this Act, the following terms shall be defined as follows:

(a) National Integrated Protected Areas Systems (NIPAS) is the classification and administration of all designated protected areas to maintain essential ecological processes and life-support systems, to preserve genetic diversity, to ensure sustainable use of resources found therein, and to maintain their natural conditions to the greatest extent possible;

(b) Protected area refers to identified portions of land and water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation;

(c) Buffer zones are identified areas outside the boundaries of and immediately adjacent to designated protected areas pursuant to Section 8 that need special development control in order to avoid or minimize harm to the protected area;

(d) Indigenous cultural community refers to a group of people sharing common bonds of language, customs, traditions and other distinctive cultural traits, and who have, since time immemorial, occupied, possessed and utilised a territory;
Appendix 5 – National Integrated Protected Areas Systems Act 1992 (Philippines)

(e) **National park** refers to a forest reservation essentially of natural wilderness character which has been withdrawn from settlement, occupancy or any form of exploitation except in conformity with approved management plan and set aside as such exclusively to conserve the area or preserve the scenery, the natural and historic objects, wild animals and plants therein and to provide enjoyment of these features in such areas;

(f) **Natural monument** is a relatively small area focused on protection of small features to protect or preserve nationally significant natural features on account of their special interest or unique characteristics;

(g) **Natural biotic area** is an area set aside to allow the way of life of societies living in harmony with the environment to adapt to modern technology at their pace;

(h) **Natural park** is a relatively large area not materially altered by human activity where extractive resource uses are not allowed and maintained to protect outstanding natural and scenic areas of national or international significance for scientific, educational and recreational use;

(i) **Protected landscapes/seascapes** are areas of national significance which are characterised by the harmonious interaction of man and land while providing opportunities for public enjoyment through recreation and tourism within the normal lifestyle and economic activity of these areas;

(j) **Resource reserve** is an extensive and relatively isolated and uninhabited area normally with difficult access designated as such to protect natural resources of the area for future use and prevent or contain development activities that could affect the resource pending the establishment of objectives which are based upon appropriate knowledge and planning;

(k) **Strict nature reserve** is an area possessing some outstanding ecosystem, features and/or species of flora and fauna of national scientific importance maintained to protect nature and maintain processes in an undisturbed state in order to have ecologically representative examples of the natural environment available for scientific study, environmental monitoring, education, and for the maintenance of genetic resources in a dynamic and evolutionary state;

(l) **Tenured migrant communities** are communities within protected areas which have actually and continuously occupied such areas for five (5) years before the designation of the same as protected areas in accordance with this Act and are solely dependent therein for subsistence; and
Wildlife sanctuary comprises an area which assures the natural conditions necessary to protect nationally significant species, groups of species, biotic communities or physical features of the environment where these may require specific human manipulation for the perpetuation.

Section 5 Establishment and Extent of the System

The establishment and operationalisation of the System shall involve the following:

(a) All areas or islands in the Philippines proclaimed, designated or set aside, pursuant to a law, presidential decree, presidential proclamation or executive order as national park, game refuge, bird and wildlife sanctuary, wilderness area, strict nature reserve, watershed, mangrove reserve, fish sanctuary, natural and historical landmark, protected and managed landscape/seascape as well as identified virgin forests before the affectivity of this Act are hereby designated as initial components of the System. The initial components of the System shall be governed by existing laws, rules and regulations, not inconsistent with this Act;

(b) Within one (1) year from the affectivity of this Act, the DENR shall submit to the Senate and the House of Representatives a map and legal description or natural boundaries of each protected area initially comprising the System. Such maps and legal description shall, by virtue of this Act, constitute the official documentary representation of the entire System, subject to such changes as Congress deems necessary;

(c) All DENR records pertaining to said protected areas, including maps and legal descriptions or natural boundaries, copies of rules and regulations governing them, copies of public notices of, and reports submitted to Congress regarding pending additions, eliminations, or modifications shall be made available to the public. These legal documents pertaining to protected areas shall also be available to the public in the respective DENR Regional Offices, Provincial Environment and Natural Resources Offices (PENROs) and Community Environment and Natural Resources Offices (CENROs) where NIPAS areas are located;

(d) Within three (3) years from the affectivity of this Act, the DENR shall study and review each area tentatively composing the System as to its suitability or non-suitability for preservation as protected area and inclusion in the System according to the categories established in Section 3 hereof and report its finding to the President as soon as each study is completed. The study must include in each area:

- A forest occupants survey;
Appendix 5 – National Integrated Protected Areas Systems Act 1992 (Philippines)

- An ethnographic study;
- A protected area resource profile;
- Land use plans done in coordination with the respective Regional Development Councils; and
- Such other background studies as will be sufficient bases for selection.

The DENR shall:

(i) Notify the public of the proposed action through publication in a newspaper of general circulation, and such other means as the System deems necessary in the area or areas in the vicinity of the affected land thirty (30) days prior to the public hearing;

(ii) Conduct public hearings at the locations nearest to the area affected;

(iii) At least thirty (30) days prior to the date of hearing advise all local government units (LGUs) in the affected areas, national agencies concerned, people’s organizations and non-government organizations and invite such officials to submit their views on the proposed action at the hearing not later than thirty (30) days following the date of the hearing; and

(iv) Give due consideration to the recommendations at the public hearing; and provide sufficient explanation for his recommendations contrary to the general sentiments expressed in the public hearing;

(e) Upon receipt of the recommendation of the DENR, the President shall issue a presidential proclamation designating the recommended areas as protected areas and providing for measures for their protection until such time when Congress shall have enacted a law finally declaring such recommended areas as part of the integrated protected area systems; and

(f) Thereafter, the President shall send to the Senate and the House of Representatives his recommendations with respect to the designations as protected areas or reclassification of each area on which review has been completed, together with maps and legal description of boundaries. The President, in his recommendation, may propose the alteration of existing boundaries of any or all proclaimed protected areas, addition of any contiguous area of public land of predominant physical and biological value. Nothing contained herein shall limit the President to propose, as part of his recommendation to Congress, additional areas which have not been designated proclaimed or set aside by law, presidential decree, proclamation or executive order as protected area/s.
Section 6 Additional Areas to be Integrated to the System

Notwithstanding the establishment of the initial component of the System, the Secretary shall propose the inclusion in the System of additional areas with outstanding physical features, anthropological significance and biological diversity in accordance with the provisions of Section 5(d).

Section 7 Disestablishment as Protected Area

When in the opinion of the DENR a certain protected area should be withdrawn or disestablished, or its boundaries modified as warranted by a study and sanctioned by the majority of the members of the respective boards for the protected area as herein established in Section 11, it shall, in turn, advise Congress. Disestablishment of a protected area under the System or modification of its boundary shall take effect pursuant to an act of Congress. Thereafter, said area shall revert to the category of public forest unless otherwise classified by Congress: Provided, however, That after disestablishment by Congress, the Secretary may recommend the transfer of such disestablished area to other government agencies to serve other priority programs of national interest.

Section 8 Buffer Zones

For each protected area, there shall be established peripheral buffer zones when necessary, in the same manner as Congress establishes the protected area, to protect the same from activities that will directly and indirectly harm it. Such buffer zones shall be included in the individual protected area management plan that shall be prepared for each protected area. The DENR shall exercise its authority over protected areas as provided in this Act on such area designated as buffer zones.

Section 9 Management Plans

There shall be a general management planning strategy to serve as guide in formulating individual plans for each protected area. The management planning strategy shall, at the minimum, promote the adoption and implementation of innovative management techniques including, if necessary, the concept of zoning, buffer zone management for multiple use and protection, habitat conservation and rehabilitation, diversity management, community organizing, socioeconomic and scientific researches, site-specific policy development, pest management, and fire control. The management planning strategy shall also provide guidelines for the protection of Indigenous cultural communities, other tenured migrant communities and sites and for close coordination between and among local agencies of the government as well as private sector.

Each component area of the System shall be planned and administered to further protect and enhance the permanent preservation of its natural conditions. A management manual shall be

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formulated and developed which must contain the following: an individual management plan prepared by three (3) experts, basic background information, field inventory of the resources within the area, an assessment of assets and limitations, regional interrelationships, particular objectives for managing the area, appropriate division of the area into management zones, a review of the boundaries of the area, and a design of the management programs.

Section 10   Administration and Management of the System

The National Integrated Protected Area System is hereby placed under the control and administration of the Department of Environment and Natural Resources. For this purpose, there is hereby created a division in the regional offices of the Department to be called the Protected Areas and Wildlife Division in regions where protected areas have been established, which shall be under the supervision of a Regional Technical Director, and shall include subordinate officers, clerks, and employees as may be proposed by the Secretary, duly approved by the Department of Budget and Management, and appropriated for by Congress. The Service thus established shall manage protected areas and promote the permanent preservation, to the greatest extent possible of their natural conditions.

To carry out the mandate of this Act, the Secretary of the DENR is empowered to perform any and all of the following acts:

(a) To conduct studies on various characteristic features and conditions of the different protected areas, using commonalities in their characteristics, classify and define them into categories and prescribe permissible or prohibited human activities in each category in the System;

(b) To adopt and enforce a land-use scheme and zoning plan in adjoining areas for the preservation and control of activities that may threaten the ecological balance in the protected areas;

(c) To cause the preparation of and exercise the power to review all plans and proposals for the management of protected areas;

(d) To promulgate rules and regulations necessary to carry out the provisions of this Act;

(e) To deputize field officers and delegate any of his powers under this Act and other laws to expedite its implementation and enforcement;

(f) To fix and prescribe reasonable NIPAS fees to be collected from government agencies or any person, firm or corporation deriving benefits from the protected areas;

(g) To exact administrative fees and fines as authorised in Section 21 for violations of guidelines, rules and regulations of this Act as would endanger the viability of protected areas;
Appendix 5 – National Integrated Protected Areas Systems Act 1992 (Philippines)

(h) To enter into contracts and/or agreements with private entities or public agencies as may be necessary to carry out the purposes of this Act;

(i) To accept in the name of the Philippine government and in behalf of NIPAS funds, gifts or bequests of money for immediate disbursement or other property in the interest of the NIPAS, its activities, or its services;

(j) To call on any agency or instrumentality of the government as well as academic institutions, non-government organizations and the private sector as may be necessary to accomplish the objectives and activities of the System;

(k) To submit an annual report to the President of the Philippines and to Congress on the status of protected areas in the country;

(l) To establish a uniform marker for the System, including an appropriate and distinctive symbol for each category in the System, in consultation with appropriate government agencies and public and private organizations;

(m) To determine the specification of the class, type and style of building and other structures to be constructed in protected areas and the material to be used;

(n) Control the construction, operation and maintenance of roads, trails, waterworks, sewerage, fire protection, and sanitation systems and other public utilities within the protected area;

(o) Control occupancy of suitable portions of the protected area and resettle outside of said area forest occupants therein, with the exception of the members of Indigenous communities area; and

(p) To perform such other functions as may be directed by the President of the Philippines, and to do such acts as may be necessary or incidental to the accomplishment of the purpose and objectives of the System.

Section 11 Protected Area Management Board

A Protected Area Management Board for each of the established protected area shall be created and shall be composed of the following: the Regional Executive Director under whose jurisdiction the protected area is located; one (1) representative from the autonomous regional government, if applicable; the Provincial Development Officer; one (1) representative from the municipal government; one (1) representative from each barangay covering the protected area; one (1) representative from each tribal community, if applicable; and, at least three (3) representatives from non-government organizations/local community organizations, and if necessary, one (1) representative from other departments or national government agencies involved in protected area management.
The Board shall, by a majority vote, decide the allocations for budget, approve proposals for funding, decide matters relating to planning, peripheral protection and general administration of the area in accordance with the general management strategy. The members of the Board shall serve for a term of five (5) years without compensation, except for actual and necessary travelling and subsistence expenses incurred in the performance of their duties. They shall be appointed by the Secretary of the DENR as follows:

(a) A member who shall be appointed to represent each local government down to barangay level whose territory or portion is included in the protected area. Each appointee shall be the person designated by the head of such LGU, except for the Provincial Development Officer who shall serve ex officio;

(b) A member from non-government organizations who shall be endorsed by heads of organizations which are preferably based in the area or which have established and recognised interest in protected areas;

(c) The RED/s in the region/s where such protected area lies shall sit as ex officio member of the Board and shall serve as adviser/s in matters related to the technical aspect of management of the area; and

(d) The RED shall act as chairman of the Board. When there are two (2) or more REDs in the Board, the secretary shall designate one (1) of them to be the Chairman. Vacancies shall be filled in the same manner as the original appointment.

Section 12 Environmental Impact Assessment

Proposals for activities which are outside the scope of the management plan for protected areas shall be subject to an environmental impact assessment as required by law before they are adopted, and the results thereof shall be taken into consideration in the decision-making process. No actual implementation of such activities shall be allowed without the required Environmental Compliance Certificate (ECC) under the Philippine Environment Impact Assessment (EIA) system. In instances where such activities are allowed to be undertaken, the proponent shall plan and carry them out in such manner as will minimize any adverse effects and take preventive and remedial action when appropriate. The proponent shall be liable for any damage due to lack of caution or indiscretion.

Section 13 Ancestral Lands and Rights Over Them

Ancestral lands and customary rights and interest arising shall be accorded due recognition. The DENR shall prescribe rules and regulations to govern ancestral lands within protected areas: Provided, That the DENR shall have no power to evict Indigenous communities from their present occupancy nor resettle them to another area without their consent: Provide, however,
That all rules and regulations, whether adversely affecting said communities or not, shall be subjected to notice and hearing to be participated in by members of concerned Indigenous community.

Section 14 Survey of Energy Resources

Consistent with the policies declared in Section 2, hereof, protected areas, except strict nature reserves and natural parks, may be subjected to exploration only for the purpose of gathering information on energy resources and only if such activity is carried out with the least damage to surrounding areas. Surveys shall be conducted only in accordance with a program approved by the DENR, and the result of such surveys shall be made available to the public and submitted to the President for recommendation to Congress. Any exploitation and utilization of energy resources found within NIPAS areas shall be allowed only through a law passed by Congress.

Section 15 Areas Under the Management of Other Departments and Government Instrumentalities

Should there be protected areas, or portions thereof, under the jurisdiction of government instrumentalities other than the DENR, such jurisdiction shall, prior to the passage of this Act, remain in the said department or government instrumentality; Provided, That the department or government instrumentality exercising administrative jurisdiction over said protected area or a portion thereof shall coordinate with the DENR in the preparation of its management plans, upon the affectivity of this Act.

Section 16 Integrated Protected Areas Fund

There is hereby established a trust fund to be known as Integrated Protected Areas (IPAS) Fund for purposes of financing projects of the System.

The IPAS may solicit and receive donations, endowments, and grants in the form of contributions, and such endowments shall be exempted from income or gift taxes and all other taxes, charges or fees imposed by the government or any political subdivision or instrumentality thereof.

All incomes generated from the operation of the System or management of wild flora and fauna shall accrue to the Fund and may be utilised directly by the DENR for the above purpose. These incomes shall be derived from:

(a) Taxed from the permitted sale and export of flora and fauna and other resources from protected areas;

(b) Proceeds from lease of multiple-use areas;
Appendix 5 – National Integrated Protected Areas Systems Act 1992 (Philippines)

(c) Contributions from industries and facilities directly benefiting from the protected area; and

(d) Such other fees and incomes derived from the operation of the protected area.

Disbursements from the Fund shall be made solely for the protection, maintenance, administration, and management of the System, and duly approved projects endorsed by the PAMBs, in the amounts authorised by the DENR.

Section 17 Annual Report to Congress

At the opening of each session of Congress, the DENR shall report to the President, for transmission to Congress, on the status of the System, regulation in force and other pertinent information, together with recommendations.

Section 18 Field Officers

All officials, technical personnel and forest guards employed in the integrated protected area service or all persons deputised by the DENR, upon recommendation of the Management Board shall be considered as field officers and shall have the authority to investigate and search premises and buildings and make arrests in accordance with the rules on criminal procedure for the violation of laws and regulations relating to protected areas. Persons arrested shall be brought to the nearest police precinct for investigation.

Nothing herein mentioned shall be construed as preventing regular enforcers and police officers from arresting any person in the act of violating said laws and regulations.

Section 19 Special Prosecutors

The Department of Justice shall designate special prosecutors to prosecute violations of laws, rules and regulations in protected areas.

Section 20 Prohibited Acts

Except as may be allowed by the nature of their categories and pursuant to rules and regulations governing the same, the following acts are prohibited within protected areas:

(a) Hunting, destroying, disturbing, or mere possession of any plants or animals or products derived there from without a permit from the Management Board;

(b) Dumping of any waste products detrimental to the protected area, or to the plants and animals or inhabitants therein;

(c) Use of any motorised equipment without a permit from the Management Board;

(d) Mutilating, defacing or destroying objects of natural beauty, or objects of interest to cultural communities (of scenic value);
Appendix 5 – National Integrated Protected Areas Systems Act 1992 (Philippines)

(e) Damaging and leaving roads and trails in a damaged condition;
(f) Squatting, mineral locating, or otherwise occupying any land;
(g) Constructing or maintaining any kind of structure, fence or enclosures, conducting any business enterprise without a permit;
(h) Leaving in exposed or unsanitary conditions refuse or debris, or depositing in ground or in bodies of water; and
(i) Altering, removing destroying or defacing boundary marks or signs.

Section 21 Penalties

Whoever violates this Act or any rules and regulations issued by the Department pursuant to this Act or whoever is found guilty by a competent court of justice of any of the offences in the preceding section shall be fined in the amount of not less than Five thousand pesos (P5,000) nor more than Five hundred thousand pesos (P500,000), exclusive of the value of the thing damaged or imprisonment for not less than one (1) year but not more than six (6) years, or both, as determined by the court: Provided, That, if the area requires rehabilitation or restoration as determined by the court, the offender shall also be required to restore or compensate for the restoration to the damage: Provided, further, That the court shall order the eviction of the offender from the land and the forfeiture in favour of the government of all minerals, timber or any species collected or removed including all equipment, devices and firearms used in connection therewith, and any construction or improvement made thereon by the offender. If the offender is an association or corporation, the president or manager shall be directly responsible for the act of his employees and labourers: Provided, finally, That the DENR may impose administrative fines and penalties consistent with this Act.

Section 22 Separability Clause

If any part or section of this Act is declared unconstitutional, such declaration shall not affect the other parts or section of this Act.

Section 23 Repealing Clause

All laws, presidential decrees, executive orders, rules and regulations inconsistent with any provisions of this Act shall be deemed repealed or modified accordingly.
Section 24  Affectivity Clause

This Act shall take effect fifteen (15) days after its complete publication in two (2) newspapers of general circulation.

Approved,

Neptali A. Gonzales
President of the Senate

Ramon V. Mitra
Speaker of the House of Representatives

This Act which is a consolidation of House Bill No. 34696 and Senate Bill No. 1914 was finally passed by the House of Representatives and the Senate on February 6, 1992.

Anacleto D. Badoy, Jr.
Secretary of the Senate

Camilo L. Sabio
Secretary General, House of Representative

Approved: June 1, 1992

Corazon C. Aquino
President of the Philippines
Appendix 6


In Table 13 below, the following letters in the column ‘Type’ indicate that the site has been designated or appears to have been designated as the following type of cultural landscape:

D – Designed
A – Associative
R – Relict
C – Continuing
OE – Organically evolved (where it is not possible to discern if the cultural landscape has been listed as a ‘relict’ landscape or a ‘continuing’ landscape, or where the cultural landscape is both in part a continuing cultural landscape and a relict cultural landscape).

In interpreting the criterion for listing below, it is important to note that until the end of 2004, World Heritage sites were selected on the basis of six cultural and four natural criteria. With the adoption of the revised Operational Guidelines in 2005, only one set of ten criteria exists. For ease of readability, the criterion for the listing of each site below has been updated to accord with the post 2004 consolidated selection criterion numbering.

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1516 The identification of the classification (i.e. ‘type’) of each of the landscapes in the table below has been obtained from the information referred to in n22, a review of the relevant Advisory Body Evaluations and relevant World Heritage Committee decisions, as noted.
Table 13: Changes to the cultural and natural selection criterion between the 2002 and 2005 versions of the Operational Guidelines

<table>
<thead>
<tr>
<th>Operational Guidelines 2002</th>
<th>Cultural Criteria</th>
<th>Natural Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(i)</td>
<td>(ii)</td>
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<tr>
<td></td>
<td>(iii)</td>
<td>(iv)</td>
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<tr>
<td></td>
<td>(v)</td>
<td>(vi)</td>
</tr>
<tr>
<td>Operational Guidelines 2005</td>
<td>(i)</td>
<td>(ii)</td>
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<tr>
<td></td>
<td>(iii)</td>
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<td></td>
<td>(vii)</td>
<td>(ix)</td>
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<td>(x)</td>
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</tr>
</tbody>
</table>

Selection criteria:

i. to represent a masterpiece of human creative genius;

ii. to exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town-planning or landscape design;

iii. to bear a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared;

iv. to be an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history;

v. to be an outstanding example of a traditional human settlement, land-use, or sea-use which is representative of a culture (or cultures), or human interaction with the environment especially when it has become vulnerable under the impact of irreversible change;

vi. to be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance. (The Committee considers that this criterion should preferably be used in conjunction with other criteria);

vii. to contain superlative natural phenomena or areas of exceptional natural beauty and aesthetic importance;

viii. to be outstanding examples representing major stages of earth's history, including the record of life, significant on-going geological processes in the development of landforms, or significant geomorphic or physiographic features;

ix. to be outstanding examples representing significant on-going ecological and biological processes in the evolution and development of terrestrial, fresh water, coastal and marine ecosystems and communities of plants and animals;
x. to contain the most important and significant natural habitats for in-situ conservation of biological diversity, including those containing threatened species of outstanding universal value from the point of view of science or conservation.

In the listing of all World Heritage sites, the protection, management, authenticity and integrity of the sites are also important considerations.\(^{(1517)}\)

### Table 14: Description and identification of the types of cultural landscapes on the World Heritage List and their outstanding universal values\(^{(1518)}\)

<table>
<thead>
<tr>
<th>Country</th>
<th>Cultural Landscape and Archaeological Remains of the Bamiyan Valley</th>
<th>Type</th>
<th>Description(^{(1519)})</th>
<th>Interrelationship of Outstanding Universal Value and Justification for Inscription</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afghanistan</td>
<td>The cultural landscape and archaeological remains of the Bamiyan Valley represent the artistic and religious developments which from the 1(^{st}) to the 13(^{th}) centuries characterised 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.</td>
<td>OE/R</td>
<td>Nominated as a cultural landscape (criterion ii, &quot;organically evolved landscape&quot;), 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...</td>
<td>Outstanding universal value: Bamiyan Valley is an exceptional cultural landscape, resulting from the interaction between man and nature especially from 1(^{st}) to 13(^{th}) centuries CE. It is an outstanding representation of Buddhist art as it developed under the Kushan Empire from the 1(^{st}) century CE, reaching its climax in the 4(^{th}) to 8(^{th}) centuries. The standing Buddha statues of 3(^{rd}) to 6(^{th}) centuries were particularly representative of this art. The valley contains a large number of monastic ensembles and some 1,000 caves; many of them have been richly decorated with paintings and sculptures.</td>
</tr>
<tr>
<td></td>
<td>criterion (iii): 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.</td>
<td></td>
<td>Justification for inscription as a cultural landscape: Criterion (i): 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, Sassanian 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.</td>
<td></td>
</tr>
</tbody>
</table>

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\(^{(1518)}\) In preparing the summary in this Appendix all information has been extracted from the applicable Advisory Body Evaluations for each of the sites, copies of which are available at the UNESCO World Heritage Centre website: http://whc.unesco.org/en/list; accessed 15 September 2008.

\(^{(1519)}\) The description of each of the sites listed in this table is taken from the description of the site on the World Heritage List.
### Andorra

**Country:** Andorra  
**Cultural Landscape:** Madriu-Perafita-Claror Valley  
**Type:** OE  
**Description:**

The cultural landscape of Madriu-Perafita-Claror Valley offers a microcosmic perspective of the way people have harvested the resources of the high Pyrenees over millennia. Its dramatic glacial landscapes of craggy cliffs and glaciers, with high open pastures and steep wooded valleys, covers an area of 4,247 ha, 9% of the total area of the principality. It reflects past changes in climate, economic fortune and social systems, as well as the persistence of pastoralism and a strong mountain culture, notably the survival of a communal land-ownership system dating back to the 13th century. The site features houses, notably summer settlements, terraced fields, stone tracks and evidence of iron smelting.

The valley encapsulates the way people have striven to make a living from the high mountains – settling further up when the climate was warmer in the Middle Ages and retreating as the climate cooled. The geology provided the raw materials: high altitude pastures of rich grass and fescue, water from glacial lakes, and glacial murrain in the middle part of the valley which could be formed into small terraced fields for hay and grain around the two main settlement areas. Steep forests provided building material and fuel, the mountains stone for walls and ore for smelting, while the fast flowing rivers gave energy to transform the ore into iron and later hydroelectricity.

The valley also reflects the persistence of an ancient communal land management by Communes-four of whom own land in the nominated site.

In short, the valley includes evidence of pastoralism; summer settlements; terraced fields; stone tracks; woodland management; and iron smelting.

**Outstanding universal value:**

The site is said to be of outstanding universal value for a combination of the following ‘cultural’ values [the use of the word ‘cultural’ here is curious]:

- As a microcosm of the way people have harvested the resources of the high Pyrenees over the past millennia.
- For the way its dramatic glacial landscapes with high open pastures and steep wooded valleys reflect changing climates, economic fortunes and social systems.
- For the reflection of an ancient communal system of land management that has survived for over 700 years.

**Justification for inscription:**

Criterion (v): The Madriu-Perafita-Claror Valley is a microcosm of the way its inhabitants have harvested the scarce resources of the high Pyrenees over the past millennia to create a sustainable living environment in harmony with the mountain landscape. The Valley is a reflection of an ancient communal system of land management that has survived for over 700 years.

### Argentina

**Country:** Argentina  
**Cultural Landscape:** Quebrada de Humahuaca  
**Type:** OE  
**Description:**

Quebrada de Humahuaca follows the line of a major cultural route, the Camino Inca, along the spectacular valley of the Rio Grande, from its 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 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.

The valley encapsulates the way people have striven to make a living from the high mountains – settling further up when the climate was warmer in the Middle Ages and retreating as the climate cooled. The geology provided the raw materials: high altitude pastures of rich grass and fescue, water from glacial lakes, and glacial murrain in the middle part of the valley which could be formed into small terraced fields for hay and grain around the two main settlement areas. Steep forests provided building material and fuel, the mountains stone for walls and ore for smelting, while the fast flowing rivers gave energy to transform the ore into iron and later hydroelectricity.

The valley also reflects the persistence of an ancient communal land management by Communes-four of whom own land in the nominated site.

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- For the way its dramatic glacial landscapes with high open pastures and steep wooded valleys reflect changing climates, economic fortunes and social systems.
- For the reflection of an ancient communal system of land management that has survived for over 700 years.

**Justification for inscription:**

Criterion (v): The Madriu-Perafita-Claror Valley is a microcosm of the way its inhabitants have harvested the scarce resources of the high Pyrenees over the past millennia to create a sustainable living environment in harmony with the mountain landscape. The Valley is a reflection of an ancient communal system of land management that has survived for over 700 years.

The key aspects of the site are the network of trade routes through the valley. These encompass remains of ancient tracks, revetted roads, a railway and, finally, tarmacked roads. Scattered along the valley’s 150km length are extensive remains of successive settlements whose inhabitants created and used their linear routes. They
Appendix 6 – Cultural Landscapes Currently Inscribed on the World Heritage List (2003-2008) – A Summary

<table>
<thead>
<tr>
<th>Country</th>
<th>Cultural Landscape</th>
<th>Type</th>
<th>Description</th>
<th>Interrelationship of Outstanding Universal Value and Justification for Inscription</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia</td>
<td>Uluru-Kata Tjuta National Park</td>
<td>A</td>
<td>This park, formerly called Uluru (Ayers Rock – Mount Olga) National Park, features spectacular geological formations that dominate the vast red sandy plain of central Australia. Uluru,</td>
<td>include: Prehistoric hunter/gatherer and early farming communities, 9000BC to 400AD; Large structured agricultural societies, 400AD to 900AD; Flourishing pre-Hispanic towns and villages, 900AD to 1430-80AD; Inca Empire, 1430-80 to 1535AD; Spanish towns, villages and churches, 1535-93 to 1810AD; Republican struggles for independence, 18th to 20th centuries. The site also possesses other tangible and intangible cultural qualities including: Rituals and oral traditions; Shrines; Rock paintings. <strong>Outstanding universal value:</strong> The rich cultural remains of this long legacy of movement of peoples, goods, and ideas over some 10,000 years is manifest in a collection of settlement sites, reflecting occupation of the valley from pre-historic times, to the present day. Particularly notable are the pre-Hispanic and pre-Incan remains of large scale agricultural societies at more than a dozen prominent sites in the valley which overall created a landscape of fortified towns and extensive stone walled fields, unrivalled in South America. <strong>Justification for inscription:</strong> The property is inscribed as a cultural route on the basis of: Criterion (ii): The Quebrada de Humahuaca valley has been used over the past 10,000 years as a crucial passage for the transport of people and ideas from the high Andean lands to the plains. Criteria (iv) and (v): The Quebrada de Humahuaca valley reflects the way its strategic position has engendered settlement, agriculture and trade. Its distinctive pre-Hispanic and pre-Incan settlements, as a group with their associated field systems, form a dramatic addition to the landscape and one that can certainly be called outstanding. As a cultural landscape presenting the combined works of nature and man, manifesting the interaction of humankind and its natural environment, the landscape of the Uluru-Kata Tjuta National Park is the outcome of millennia of management under traditional Agangu procedures governed by the Tjukarpa (law). Recent archaeological evidence suggests that the contemporary cultural adaptations of the Agangu people of central Australia were achieved during a period of social and cultural evolution spanning the last 5000 years, and the</td>
</tr>
</tbody>
</table>
Appendix 6 – Cultural Landscapes Currently Inscribed on the World Heritage List (2003-2008) – A Summary

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</thead>
<tbody>
<tr>
<td>Austria</td>
<td>Hallstatt-Dachstein</td>
<td>OE/C</td>
<td>Human activity in the magnificent natural landscape of the Salzkammergut began in prehistoric times, with the salt deposits being exploited as early as the 2nd millennium BC. This resource formed the basis of the area’s prosperity up to the middle of the 20th century, a.</td>
<td>The cultural landscape of the Hallstatt-Dachstein-Salzkammergut region is unique evidence of an epoch of human history. It also reflects the inseparable unity of nature and culture in both its landscape and its historic monuments and sites.</td>
</tr>
</tbody>
</table>

1987

Criterion (vii): Ongoing geological processes: the monoliths of Uluru and Kata Tjuta are exceptional examples of tectonic and geomorphic processes.

Criterion (ix): Exceptional natural beauty and exceptional combination on natural and cultural elements. The immense size of the Uluru monolith and the collection of polished domes at Mt Olga result in a landscape of scenic grandeur. The overlay of the Aboriginal occupation adds a fascinating cultural aspect to the site.

1994

Criterion (v): The cultural landscape of the Uluru-Kata Tjuta National Park is an outstanding illustration of successful human adaptation over many millennia to the exigencies of a hostile arid environment, the integrity of which would be threatened by an change to the present management system based on the practices of its Aboriginal people.

Criterion (vi): The dramatic monoliths of Uluru and Kata Tjuta form an integral part of the traditional belief system of one of the oldest human societies in the world.

Park is therefore illustrative of human society and settlement over time, under the influence of the physical constraints and opportunities presented by their natural environment.

Outstanding universal value:

The outstanding universal value of the Park is established by the presence within it of the huge monoliths of Uluru and Kata Tjuta, which Anangu and non-Anangu acknowledge, together with the unique pattern of traditional land management and its basis in the oral narratives of ancestral beings of the Tjukurpa, an outstanding example of an Indigenous religion creating a spiritual relationship with the land which governs both subsistence practices and celebration of the landscape in ceremony.

As an associative landscape, the Park has powerful religious, artistic and cultural qualities. For the Anangu, this landscape is the product of the heroic ancestors’ actions and can be read as a text specifying the relationship between the land and its Indigenous inhabitants laid down by the Tjukurpa. The very rock of Uluru and Kata Tjuta is proof of the heroes’ actions and being.

Justification for inscription:

1987

Criterion (vii): Ongoing geological processes: the monoliths of Uluru and Kata Tjuta are exceptional examples of tectonic and geomorphic processes.

Criterion (ix): Exceptional natural beauty and exceptional combination on natural and cultural elements. The immense size of the Uluru monolith and the collection of polished domes at Mt Olga result in a landscape of scenic grandeur. The overlay of the Aboriginal occupation adds a fascinating cultural aspect to the site.

1994

Criterion (v): The cultural landscape of the Uluru-Kata Tjuta National Park is an outstanding illustration of successful human adaptation over many millennia to the exigencies of a hostile arid environment, the integrity of which would be threatened by an change to the present management system based on the practices of its Aboriginal people.

Criterion (vi): The dramatic monoliths of Uluru and Kata Tjuta form an integral part of the traditional belief system of one of the oldest human societies in the world.

The cultural landscape of the Hallstatt-Dachstein-Salzkammergut region is unique evidence of an epoch of human history. It also reflects the inseparable unity of nature and culture in both its landscape and its historic monuments and sites.

Outstanding universal value:

This is not specifically stated in the Advisory Body Evaluation. However, the Advisory Body Evaluation
### Cultural Landscape: Wachau Cultural Landscape

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Wachau Cultural Landscape</td>
<td>OE/C</td>
<td>The Wachau is a stretch of the Danube Valley between Melk and Krems, a landscape of high visual quality. It preserves in an intact and visible form many traces – in terms of architecture, (monasteries, castles, ruins), urban design, (towns and villages), and agricultural use, principally for the cultivation of vines – of its evolution since prehistoric times.</td>
<td>provides that: The nominated cultural landscape is one of visual drama, with huge mountains rising abruptly from narrow valleys. It is a landscape to appeal to ‘Gothic’ fantasy, hostile yet beautiful. Nature dominates, from the deep lakes to the permanent glaciers high above, yet humankind has inhabited the valleys here for over three millennia, eking out a living from the traditional natural resources of valley and montane pasture but flourishing at Hallstatt from extracting salt from the Salzberg, the ‘salt mountain’. Although the human impact appears to be relatively slight on such an immense landscape, use of the wider landscape by farmer-miners over the centuries has modified it to a considerable degree, while mining has transformed the interior of the mountain. It is the presence of salt, a natural resource essential to human and animal life, which has made this place different, with a profound association between intensive human activity in the midst of a largely untamed landscape. Justification for inscription: Criteria (iii) and (iv): Considering that the Hallstatt-Dachstein/Salzkammergut alpine region is an outstanding example of a natural landscape of great beauty and scientific interest which also contains evidence of a fundamental human economic activity, the whole integrated in a harmonious and mutually beneficial manner. The Wachau exhibits a rare density of examples of the interaction between human economic and cultural activities within a given landscape. There is a significant correlation between the typology of the architectural monuments and the characteristics of the landscape...Within the existing pattern of European river landscapes, the Wachau has preserved an exceptional degree of historical integrity and authenticity, without industrial and technological interventions or harmful impacts on its environment. The Advisory Body Evaluation also records that the site conserves the fundamental elements of a continuing cultural landscape by virtue of the fact that it retains an active social role in contemporary society closely associated with the traditional way of life and in which the evolutionary process is still in progress. At the same time, it exhibits significant material evidence of its evolution over time. These qualities are manifested in the agricultural and forested landscape, in the layouts of the towns, and in the conservation and authenticity of individual monuments. Outstanding universal value: This is not specifically stated in the Advisory Body Evaluation. However, the Advisory Body Evaluation provides that: The Wachau is a stretch of the Danube valley which has high visual landscape qualities, and which retains to a remarkable degree material evidence of its historical evolution over more than two millennia, in the form of towns and villages, outstanding architectural monuments, and a largely vineyard agriculture. Justification for inscription: Criterion (ii): The Wachau is an outstanding example of a riverine landscape bordered by mountains in which...</td>
</tr>
<tr>
<td>Country</td>
<td>Cultural Landscape</td>
<td>Type</td>
<td>Description</td>
<td>Interrelationship of Outstanding Universal Value and Justification for Inscription</td>
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</tr>
<tr>
<td>Azerbaijan</td>
<td>Gobustan Rock Art</td>
<td>OE</td>
<td>Cultural Landscape</td>
<td>material evidence of its long historical evolution has survived to a remarkable degree.</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>Gobustan Rock Art Cultural Landscape covers three areas of a plateau of</td>
<td>Criterion (iv): The architecture, the human settlements, and the agricultural use of the land in the Wachau vividly illustrate a basically medieval landscape which has evolved organically and harmoniously over time.</td>
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<td>rocky boulders rising out of the semi-desert of central Azerbaijan, with an</td>
<td>The nominated property is set above cliffs, part of a low plateau running north south, parallel to the Caspian Sea, a spur of the lower Caucasus Mountains. The property is approximately 65 km south of Baku and 6 km inland from the coast. The dramatic cliffs are highly visible from the main road south from Baku towards the Iranian border.</td>
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<td>outstanding collection of more than 6,000 rock engraving bearing testimony</td>
<td>The property is set apart from the surrounding cliffs by a curious geological fragmentation in the rocks. The volcanic landscape rises up at the eastern end of the central Shirvan Steppe semi-desert of central Azerbaijan. The property spans three flat-topped hills covered by large calcareous blocks of Absheron limestone, which became detached as softer rocks eroded below them. This collapse formed caves and rock shelters, mostly reached by sunlight, which could be used for shelter and habitation.</td>
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<td>to 40,000 years of rock art. The site also features the remains of</td>
<td>Within the property are upwards of 6,000 rock engravings, as well as the remains of settlement sites and burials, all reflecting an intensive use of the property stretching from the Upper Palaeolithic to the Middle Ages. These sites reflect a warmer and wetter climate than now prevails.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>inhabited caves, settlements and burials, all reflecting an intensive</td>
<td>Outstanding universal value:</td>
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<td></td>
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<td>human use by the inhabitants of the area during the wet period that</td>
<td>The Gobustan Rock Art Cultural Landscape is justified by the State Party as being of outstanding universal value for:</td>
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<td></td>
<td></td>
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<td>followed the last Ice Age, from the Upper Palaeolithic to the Middle</td>
<td>• its rich cultural landscape that reflects millennia of human evolution;</td>
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<td></td>
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<td></td>
<td>Ages. The site, which covers an area of 537 ha, is part of the larger</td>
<td>• the outstanding quality and concentration of the extensive rock engravings, and their state of conservation;</td>
</tr>
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<td></td>
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<td>protected Gobustan Reservation.</td>
<td>• the evidence for habitation from the Upper Palaeolithic to the Middle Ages;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• the way Gobustan is a meeting place between Europe and Asia, which provides evidence for the roots of European and Asian civilisations.</td>
</tr>
<tr>
<td>Chile</td>
<td>Rapa Nui National</td>
<td>OE/C</td>
<td>Park Rapa Nui, the Indigenous name of Easter Island, bears witness to a</td>
<td>Justification for inscription:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>unique cultural phenomenon. A society of Polynesian origin that settled</td>
<td>Criterion (iii): The rock engravings are an exceptional testimony to a way of life that has disappeared in the way they represent so graphically activities connected with hunting and fishing at a time when the climate and vegetation of the area were warmer and wetter than today.</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>there c. 300AD established a powerful,</td>
<td>Rapa Nui National Park contains archaeological evidence, consisting mainly of moai (megalithic statues), ahu (ceremonial structures), houses and ceremonial villages, petroglyphs, and wall paintings. They constitute an outstanding and unique cultural heritage.</td>
</tr>
<tr>
<td>Country</td>
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</tr>
<tr>
<td>Croatia</td>
<td>Stari Grad Plain</td>
<td>OE/C</td>
<td>imaginative and original tradition of monumental sculpture and architecture, free from any external influence. From the 10th to the 16th century this society built shrines and erected enormous stone figures known as moai, which created an unrivalled cultural landscape that continues to fascinate people throughout the world.</td>
<td>Outstanding universal value: Rapa Nui National Park contains the substantial vestiges of a remarkable cultural phenomenon, the evolution without any external influences of a monumental sculptural and architectural tradition of extraordinary power which is without parallel anywhere in the world. Justification for inscription: Criteria (i), (iii) and (v): Rapa Nui National Park contains one of the most remarkable cultural phenomena in the world. An artistic and architectural tradition of great power and imagination was developed by a society that was completely isolated from external cultural influences of any kind for over a millennium. The substantial remains of this culture blend with their natural surroundings to create an unparalleled cultural landscape.</td>
</tr>
<tr>
<td>Cuba</td>
<td>Archaeological Landscape of the First Coffee Plantations in the Southeast of Cuba</td>
<td>OE/R</td>
<td>The remains of the 19th century coffee plantations in the foothills of the Sierra Maestra are unique evidence of a pioneer form of agriculture in a difficult terrain. They throw considerable light</td>
<td>The material culture which survives from the magnificent coffee estates from the early years of the 19th century in the foothills of the Sierra Maestra, lying to the east and west of Santiago de Cuba and Guantanamo, represents the most valuable testimony to the human struggle against nature by the French and Haitian plantation owners and their labour force, to the unique cultural expressions that developed in this region, and to the sweat and blood of the African slaves who increased the wealth of their masters.</td>
</tr>
</tbody>
</table>

Stari Grad Plain on the Adriatic island of Hvar is a cultural landscape that has remained practically intact since it was first colonised by Ionian Greeks from Paros in the 4th century BC. The original agricultural activity of this fertile plain, mainly centring on grapes and olives, has been maintained since Greek times to the present. The site is also a natural reserve. The landscape features ancient stone walls and trims, or small stone shelters, and bears testimony to the ancient geometrical system of land division used by the ancient Greeks, the chora which has remained virtually intact over 24 centuries. The land parcel system set up by the Greek colonisers has been respected over later periods. Agricultural activity in the chora has been uninterrupted for 24 centuries up to the present day, and is mainly based on grapes and olives. The ensemble today constitutes the cultural landscape of a fertile cultivated plain whose territorial organisation is that of the Greek colonisation. Justification for inscription: Criterion (ii): The land parcel system, dating from the 4th century BC, of Stari Grad bears witness to the dissemination of the Greek geometrical model for the dividing up of agricultural land in the Mediterranean world. Criterion (iii): The agricultural plain of Stari Grad has remained in continuous use, with the same initial crops being produced, for 2400 years. This bears witness to its permanency and sustainability down the centuries. Criterion (v): The agricultural plain of Stari Grad and its environment are an example of very ancient traditional human settlement, which is today under threat from modern economic development, particularly from rural depopulation and the abandonment of traditional farming practices.
### Cultural Landscapes Currently Inscribed on the World Heritage List (2003-2008) – A Summary

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<tr>
<td></td>
<td>Viñales Valley</td>
<td>OE/C</td>
<td>The Viñales valley is encircled by mountains and its landscape is interspersed with dramatic rocky outcrops. Traditional techniques are still in use for agricultural production, particularly of tobacco. The quality of this cultural landscape is enhanced by the vernacular architecture of its farms and villages, where a rich multi-ethnic society survives, illustrating the cultural development of the islands of the Caribbean, and of Cuba.</td>
<td>It is necessary to add to the unquestionable architectural and archaeological values of the region the landscape itself, in which paradisical nature combines with the work of man. The most outstanding aspect is the perfect way in which the different elements mingle with one another: the plantation owners made wise use of rivers, streams, and springs, of the rugged topography and woodland, and of fruit trees both to satisfy their own needs and to increase the spirituality of the landscape. Outstanding universal value: The cafetales of eastern Cuba represent the remains of an exceptional historic agricultural industry, installed in a remarkably short period in an area of virgin forest. Because of their inaccessibility, resulting from the rugged topography and the heavy forest cover, very considerable traces of the many plantations established in the 19th and early 20th century, now superseded by more modern techniques of production elsewhere in the world, survive and yield unique evidence of this historic industry. Justification for inscription: Criterion (iii): The remains of the 19th and early 20th century coffee plantations in eastern Cuba are unique and eloquent testimony to a form of agricultural exploitation of virgin forest, the traces of which have disappeared elsewhere in the world. Criterion (iv): The production of coffee in eastern Cuba during the 19th and early 20th centuries resulted in the creation of a unique cultural landscape, illustrating a significant stage in the development of this form of agriculture.</td>
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Table: Cultural Landscapes Currently Inscribed on the World Heritage List (2003-2008) – A Summary

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<tr>
<th>Country</th>
<th>Cultural Landscape</th>
<th>Type</th>
<th>Description</th>
<th>Interrelationship of Outstanding Universal Value and Justification for Inscription</th>
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<tbody>
<tr>
<td>Czech Republic</td>
<td>Lednice-Valtice Cultural Landscape</td>
<td>D</td>
<td>Between the 17th and 20th centuries, the ruling dukes of Liechtenstein</td>
<td>Taking the landscape as a whole, it is the mingling and interplay of Baroque and</td>
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<td>transformed their domains in southern Moravia into a striking landscape. It</td>
<td>Romantic elements that gives it a special character; architecture and landscape</td>
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<td>married Baroque architecture (mainly the work of Johann Bernhard Fischer</td>
<td>are intimately associated with one another. All the buildings are sited with great</td>
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<td>von Erlach) and the classical and neo-Gothic style of the castles of Lednice</td>
<td>care at high points, as in the case of the Koloráda, the Rendezvous, Rybičná</td>
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<td>and Valtice with countryside fashioned according to English romantic</td>
<td>Žámeček (Fishpond Manor), or Polansko, in the centre of major routes (the</td>
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<td>principles of landscape architecture. At 200 km², it is one of the largest</td>
<td>obelisk), or on a border or boundary (Hranický Žámeček on the state boundary</td>
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<td>artificial landscapes in Europe.</td>
<td>between Moravia and Lower Austria).</td>
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<td>Viticulture was introduced to this fertile region of Aquitaine by the Romans,</td>
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<td>France</td>
<td>Jurisdiction of Saint-Emilion</td>
<td>OE/C</td>
<td>and intensified in the Middle Ages. The Saint-Emilion area benefited from its</td>
<td>Outstanding universal value:</td>
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<td>location on the pilgrimage route to Santiago de Compostela and many</td>
<td>Not specifically stated, but the Advisory Body Evaluation records that:</td>
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<td>churches, monasteries and hospices were built there from the 11th century</td>
<td>The Lednice-Valtice cultural landscape is unique by virtue of the way in which its</td>
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<td>onwards. It was granted the special status of a ‘jurisdiction’ during the</td>
<td>architectural, biological and landscape components have been shaped over many years.</td>
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<td>period of English rule in the 12th century. It is an exceptional landscape</td>
<td>It is an exceptional example of a planned cultural landscape, made more</td>
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<td>devoted entirely to wine-growing, with many fine historic monuments in its</td>
<td>impressive by the wealth and diversity of its cultural and natural elements.</td>
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<td>towns and villages.</td>
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**Czech Republic**
- **Lednice-Valtice Cultural Landscape**: Between the 17th and 20th centuries, the ruling dukes of Liechtenstein transformed their domains in southern Moravia into a striking landscape. It married Baroque architecture (mainly the work of Johann Bernhard Fischer von Erlach) and the classical and neo-Gothic style of the castles of Lednice and Valtice with countryside fashioned according to English romantic principles of landscape architecture. At 200 km², it is one of the largest artificial landscapes in Europe.

**France**
- **Jurisdiction of Saint-Emilion**: Viticulture was introduced to this fertile region of Aquitaine by the Romans, and intensified in the Middle Ages. The Saint-Emilion area benefited from its location on the pilgrimage route to Santiago de Compostela and many churches, monasteries and hospices were built there from the 11th century onwards. It was granted the special status of a ‘jurisdiction’ during the period of English rule in the 12th century. It is an exceptional landscape devoted entirely to wine-growing, with many fine historic monuments in its towns and villages.

**Interrelationship of Outstanding Universal Value and Justification for Inscription**
- **Outstanding universal value**: Not specifically stated, but the Advisory Body Evaluation records that:
- The Lednice-Valtice cultural landscape is unique by virtue of the way in which its architectural, biological and landscape components have been shaped over many years. It is an exceptional example of a planned cultural landscape, made more impressive by the wealth and diversity of its cultural and natural elements.

- **Justification for inscription**: Criteria (i), (ii) and (iv): Considering that the site is of outstanding universal value being a cultural landscape which is an exceptional example of the designed landscape that evolved in the Enlightenment and afterwards under the care of a single family. It succeeds in bringing together in harmony cultural monuments from successive periods and both Indigenous and exotic natural elements to create an outstanding work of human creativity.

- **Outstanding universal value**: The Saint-Emilion Jurisdiction and its eight communes constitute an outstanding ensemble of indisputable monumental and landscape value. The many individual monuments in the region, some of them of exceptional value, such as the Pierrefitte menhir or the church of Saint-Emilion, admirably symbolize the course of history in the region and the richness of the different cultures that have left their imprint there, creating a priceless monumental heritage. They derive a special character from the way in which they have been adapted to the needs of human existence. However, the most significant quality is the way in which all these activities have been adapted to conform with the characteristics of the landscape. Without destroying it, human communities have made the most of these characteristics in landscape’s conditionings to develop their work and way of life. Exploitation of material resources by quarrying, the establishment and development of urban settlement, the building of churches, monasteries, and dwelling houses – all have come together to create a brotherhood in perfect harmony with the topography. The search for quality, respect for the soil, and development of production techniques have both ensured the survival and consolidated the beauty of the ensemble.
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<tbody>
<tr>
<td></td>
<td>The Loire Valley</td>
<td>OE/C</td>
<td>The Loire Valley is an outstanding cultural landscape of great beauty, containing historic towns and villages, great architectural monuments (the châteaux), and cultivated lands formed by many centuries of interaction between their population and the physical environment, primarily the river Loire itself.</td>
</tr>
</tbody>
</table>

### Justification for inscription:

**Criterion (iii):** The Jurisdiction of Saint-Emilion is an outstanding example of an historic vineyard landscape that has survived intact and in activity to the present day.

**Criterion (iv):** The intensive cultivation of grapes for wine production in a precisely defined region and the resulting landscape is illustrated in an exceptional way by the historic Jurisdiction of Saint-Emilion.

During the Renaissance the Loire Valley between Sully-sur-Loire and Maine was an important cultural area for meetings and influences between Mediterranean Italy, la douce France, and Flanders. This cultural area witnessed the emergence of a landscape civilization, first French, then European, which produced some of the most perfect models for modern landscapes.

The inhabitants of the Valley certainly cultivated, cared for, and loved to contemplate their land before the Renaissance, managing it according to the classic sequence domus-hortus-agri-salus between the two great natural environments of the river and the surrounding forest. However, it was from the Renaissance, alongside the appearance of the word “landscape” in Europe, that original development of this spatial organization began to be represented in the form of writings, paintings, and gardens created as the aesthetic, and more specifically landscape, models needed to be able to speak of cultural landscapes.

### Outstanding universal value:

The dynamic relationship between the river and the landscape that has grown up along its valley over two millennia is a powerful one. The diversity of settlement reflects both the physical characteristics of different sections of the river and their historical evolution. The settlement pattern ranges from isolated farms through villages to small and important provincial towns. The social and political history of France and of western Europe in the Middle Ages and the Renaissance is illustrated by the series of magnificent great houses (châteaux) for which the Loire Valley is famous. The land-use patterns are also richly indicative of social and economic change over the past millennium.

### Justification for inscription:

**Criterion (i):** The Loire Valley is noteworthy for the quality of its architectural heritage, in its historic towns such as Blois, Chinon, Orléans, Saumur, and Tours, but in particular in its world-famous castles, such as the Château de Chambord.

**Criterion (ii):** The Loire Valley is an outstanding cultural landscape along a major river which bears witness to an interchange of human values and to a harmonious development of interactions between human beings and their environment over two millennia.

**Criterion (iv):** The landscape of the Loire Valley, and more particularly its many cultural monuments, illustrate to an exceptional degree the ideals of the Renaissance and the Age of the Enlightenment on western European thought and design.
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| Gabon   | Ecosystem and Relict Cultural Landscape of Lopé-Okanda | OE/R | The Ecosystem and Relict Cultural Landscape of Lopé-Okanda demonstrates an unusual interface between dense and well-conserved tropical rainforest and relict savannah environments with a great diversity of species, including endangered large mammals, and habitats. The site illustrates ecological and biological processes in terms of species and habitat adaptation to post-glacial climatic changes. It contains evidence of the successive passages of different peoples who have left extensive and comparatively well-preserved remains of habitation around hilltops, caves and shelters, evidence of iron-working and a remarkable collection of some 1,800 petroglyphs (rock carvings). The property's collection of Neolithic and Iron Age sites, together with the rock art found there, reflects a major migration route of Bantu and other peoples from West Africa along the River Ogooué valley to the north of the dense evergreen Congo forests and to central east and southern Africa, that has shaped the development of the whole of sub-Saharan Africa. | The Lopé-Okanda National Park displays remarkable evidence of settlement stretching over 400,000 years from the Palaeolithic, through the Neolithic and Iron Age, to the present day Bantu and Pygmy peoples. The National Park includes the River Ogooué valley, one of the principle migration routes for the diffusion of people and languages, including the Bantu, to Central and Southern Africa, in the Neolithic and Iron Age, as evidenced in an extraordinary number of substantial settlements sites and an extensive collection of rock art petroglyphs. The Lopé-Okanda National Park provides the oldest dates for the extension of the Tshitolien culture towards the Atlantic and it has revealed evidence of the early domestication of plants and animals and the use of forest resources. **Outstanding universal value:** The Lopé-Okanda Park:  
- Is as an open-air museum for the evolution of technology and creative expression by the regions' predecessors.  
- Displays remarkable evidence for settlement stretching over 400,000 years from the Palaeolithic, through the Neolithic and Iron Age, to the present day Bantu and Pygmy peoples.  
- Has a great concentration of archaeological sites suggesting long and intensive human activity.  
- Provides the oldest dates for the extension of the Tshitolien culture towards the Atlantic.  
- Has revealed evidence of the early domestication of plants and animals and the use of forest resources.  
- Includes in the River Ogooué, one of the principle transportation routes for diffusion of Bantu people and languages to Central and Southern Africa. **Justification for inscription:** Criterion (iii): The rich archaeological ensembles of the middle stretches of the River Ogooué Valley demonstrate 400,000 years of almost continuous history. The archaeological sites have revealed the earliest date for the extension of Tshitolien culture towards the Atlantic, as well as detailed evidence for the early use of forest produce, cultivation of crops and the domestication of animals.  
Criterion (iv): The collection of Neolithic and Iron Age sites together with the rock art remains appear to reflect a major migration route of Bantu and other peoples along the River Ogooué valley to the north of the dense evergreen Congo forests from West Africa to central east and southern Africa, that has shaped the development of the whole of sub-Saharan Africa. The subsidiary Iron Age sites within the forest provide evidence for the development of forest communities and their relationship with present day peoples.  
Criterion (ix): The nominated property demonstrates an unusual interface between forest and savannah environments, and a very important manifestation of evolutionary processes in terms of species and habitat adaptation to post-glacial climatic changes. The diversity of species and habitats present are the result of natural processes. |
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<tr>
<td>Germany</td>
<td>Dresden Elbe Valley</td>
<td>OE/C</td>
<td>The 18th and 19th century cultural landscape of Dresden Elbe Valley extends some 18 km along the river from Übigau Palace and Ostragehege fields in the north-west to the Pillnitz Palace and the Elbe River Island in the south-east. It features low meadows, and is crowned by the Pillnitz Palace and the centre of Dresden with its numerous monuments and parks from the 16th to 20th centuries. The landscape also features 19th and 20th century suburban villas and gardens and valuable natural features. Some terraced slopes along the river are still used for viticulture and some old villages have retained their historic structure and elements from the industrial revolution, notably the 147m Blue Wonder steel bridge (1891–93), the single-rail suspension cable railway (1898–1901), and the funicular (1894–95). The passenger steamships (the oldest from 1879) and shipyard (c. 1900) are still in use.</td>
<td>The cultural landscape of Dresden Elbe Valley results from the developments in the 18th and 19th century by the Electors of Saxony. The river valley has retained its characteristic low meadows, and is crowned by the monumental centre of Dresden and the Pillnitz Palace with its gardens, well illustrated in the panoramas of Canaletto. The landscape was integrated by suburban villas and gardens, built on terraced river sides by wealthy merchants of the 19th century. <strong>Outstanding universal value:</strong> The cultural landscape of Dresden Elbe Valley is an outstanding example of urban and suburban development from the 18th through the 19th centuries, representing land use during the process of early industrialisation in Central Europe. Being the capital of the Saxon Kings, then also kings of Poland, Dresden benefited from exceptional cultural and economic resources, resulting to high quality building practice. It was an important cultural capital in Europe, exercising significant influence on the development of architecture, culture and sciences. The river landscape was used as an essential artistic element already in town planning in the 18th century, as recorded by celebrated painters, such as Bernardo Bellotto called Canaletto, as well as by writers and poets. The Elbe Valley was also important in the development of Romantic landscape painting in the 19th century. <strong>Justification for inscription:</strong> Criterion (ii): The Dresden Elbe Valley has been the crossroads in Europe, in culture, science and technology. Its art collections, architecture, gardens, and landscape features have been an important reference for Central European developments in the 18th and 19th centuries. Criterion (iii): The Dresden Elbe Valley contains exceptional testimonies of court architecture and festivities, as well as renowned examples of middle-class architecture and industrial heritage representing European urban development into the modern industrial era. Criterion (iv): The Dresden Elbe Valley is an outstanding cultural landscape, an ensemble that integrates the celebrated baroque setting and suburban garden city into an artistic whole within the river valley. Criterion (v): The Dresden Elbe Valley is an outstanding example of land use, representing an exceptional development of a major Central-European city. The value of this cultural landscape has long been recognised.</td>
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<tr>
<td>Garden Kingdom of Dessau-Wörlitz</td>
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<td>The Garden Kingdom of Dessau-Wörlitz is an exceptional example of landscape design and planning of the Age of the Enlightenment, the 18th century. Its diverse components – outstanding buildings, landscaped parks and gardens in the English style, and subtly modified expanses of agricultural land – serve aesthetic, educational, and economic purposes in an exemplary manner.</td>
<td>but it is now under new pressures for change.</td>
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<td>With the unique density of its landscape of monuments, the Garden Kingdom of Dessau-Wörlitz is an expression of the enlightened outlook of the court at Dessau. The landscape became the idealised world of its day. Through the conscious and structured incorporation of economic, technological, and functional buildings and parks into the artistically designed landscape, the Garden Kingdom of Dessau-Wörlitz became an important concourse of ideas, in that it facilitated the convergence of 18th century grandeur of design with the beginnings of 19th century industrial society. The reforming outlook of this period brought about a huge diversity of change in the garden layout, and this legacy can still be experienced today.</td>
<td><strong>Outstanding universal value:</strong> The Garden Kingdom of Dessau-Wörlitz is an exceptional example of landscape design and planning from the Age of the Enlightenment of the 18th century. Its diverse components – outstanding buildings, landscaped parks and gardens in the English style, and subtly modified expanses of agricultural land – served aesthetic, educational, and economic purposes in an exemplary manner. <strong>Justification for inscription:</strong> Criterion (ii): The Garden Kingdom of Dessau-Wörlitz is an outstanding example of the application of the philosophical principles of the Age of the Enlightenment to the design of a landscape that integrates art, education, and economy in a harmonious whole. Criterion (iv): The 18th century was a seminal period for landscape design, of which the Garden Kingdom of Dessau-Wörlitz is an exceptional and wide-ranging illustration.</td>
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<tr>
<td>Upper Middle Rhine Valley</td>
<td>OE/C</td>
<td>The 65km stretch of the Middle Rhine Valley, with its castles, historic towns and vineyards, graphically illustrates the long history of human involvement with a dramatic and varied natural landscape. It is intimately associated with history and legend and for centuries has exercised a powerful influence on writers, artists and composers.</td>
<td>The Rhine is one of the world’s great rivers and has witnessed many crucial events in human history. The stretch of the Middle Rhine Valley between Bingen and Koblenz is in many ways an exceptional expression of this long history. It is a cultural landscape that has been fashioned by humankind over many centuries and its present form and structure derive from human interventions conditioned by the cultural and political evolution of western Europe. The geomorphology of the Middle Rhine Valley, moreover, is such that the river has over the centuries created a natural landscape of great beauty which has strongly influenced artists of all kinds – poets, painters, and composers – over the past two centuries. <strong>Outstanding universal value:</strong> The Middle Rhine Valley is a cultural landscape of great diversity and beauty which has shaped both by nature and by human intervention. It is rich in cultural associations, both historical and artistic, which are imprinted upon the present-day landscape. <strong>Justification for inscription:</strong> Criterion (ii): As one of the most important transport routes in Europe, the Middle Rhine Valley has for two</td>
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<td>Hungary</td>
<td>Hortobágy National Park – the Puszta</td>
<td>OE/C</td>
<td>The cultural landscape of the Hortobágy Puszta consists of a vast area of plains and wetlands in eastern Hungary. Traditional forms of land use, such as the grazing of domestic animals, have been present in this pastoral society for more than two millennia.</td>
<td>Interrelationship of Outstanding Universal Value and Justification for Inscription: Hortobágy National Park, which extends over a vast territory, represents the continuous existence of traditional land-use forms over several thousand years, maintaining the highest level of biodiversity. Outstanding universal value: Hortobágy is an outstanding example of a harmonious interaction between people and nature, based upon sustainable land-use practices, thereby maintaining a diversity of species and biotopes. The landscape of the Hungarian Puszta as exemplified by the Hortobágy National Park bears exceptional testimony to its evolution over time. The natural resource of vast expanses of grass and other animal foods attracted settlers there from earliest times to practise a nomadic or semi-nomadic pastoral way of life. Abundant traces of their presence from prehistory to the recent past survive intact or as vestiges, and the subsequent economic decline of the region has ensured that they have not been obliterated by more recent development. Justification for inscription: Criterion (iv): The Hungarian Puszta is an outstanding example of a cultural landscape shaped by a pastoral human society. Criterion (v): The landscape of the Hortobágy National Park preserves intact and visible the evidence of its traditional use over more than two millennia and represents the harmonious interaction between human beings and nature.</td>
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<td>Tokaj Wine Region Historic Cultural Landscape</td>
<td>OE/C</td>
<td>The cultural landscape of Tokaj graphically demonstrates the long tradition of wine production in this region of low hills and river valleys. The intricate pattern of vineyards, farms, villages and small towns, with their historic networks of deep wine cellars, illustrates every facet of the production of the famous Tokaj wines, the quality and management of which</td>
<td>The present state of the Tokaj Wine Region reflects a unique land-use civilization that has existed for centuries, with its related cultural traditions. Centuries of experience in viticulture are based on the unique geographical, geological, geomorphological, hydrographic, and climatic conditions of the region. Wine has been produced in the Tokaji region and vineyards have been worked here on the same locations for more than 1100 years. The resulting landscape, with its towns and villages serving the production of the famous Tokaji Aszu wines, has not changed in its overall appearance throughout that period. Outstanding universal value: The cultural landscape of the Tokaj Wine Region is an outstanding example of a traditional human settlement and</td>
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| Iceland | Pingvellir National Park | OE/R | have been strictly regulated for nearly three centuries. | land-use which is representative of a culture. The present character of the diverse and very attractive cultural landscape is the result of millennia-old land-use forms based on viticulture. The region has been inhabited since the Middle Ages and the land-use patterns have remained unchanged. The land-use and the way of life of the multi-national inhabitants have always adapted to the varying natural conditions. The economic basis has always been viticulture and wine production. **Justification for inscription:** Criterion (iii): The Tokaji wine region represents a distinct viticultural tradition that has existed for at least a thousand years and which has survived intact up to the present. Criterion (v): The entire landscape of the Tokaji wine region, including both vineyards and long established settlements, vividly illustrates the specialised form of traditional land-use that it represents. **Outstanding universal value:** The Pingvellir National Park is of outstanding universal value for:  
- The large area of physical remains of the site of the national assembly or Althing established for Iceland in 930, and which persisted in use until the 18th century.  
- The association of the Althing and Pingvellir with Germanic Law and governance, an association long known and appreciated through the Icelandic sagas and the written codification of the Grágás Laws, and one that was strengthened in the 19th century through the independence movement and through growing awareness of landscape appreciation and its perceived association with ‘natural’ and ‘noble’ laws.  
- The association between the Althing and its hinterland, (now the landscape of the National Park) agricultural land which traditionally provided grazing grounds for those attending the Althing and across which tracks led to the Assembly grounds.  
- The fossilised cultural landscape of the park which reflects the farmed landscape over the past thousand years through abandoned farms, fields, tracks and through association with people and events recorded in place names and archival evidence, thus documenting the settlement of Iceland, and the high natural values of this landscape.  
- The inspirational qualities of the Pingvellir landscape, derived from its unchanging dramatic beauty, its association with national events and ancient systems of law and governance, have given the area iconic... |
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| India   | Rock Shelters of Bhimbetka | OE/C | The Rock Shelters of Bhimbetka are in the foothills of the Vindhyan Mountains on the southern edge of the central Indian plateau. Within massive sandstone outcrops, above comparatively dense forest, are five clusters of natural rock shelters, displaying paintings that appear to date from the Mesolithic Period right through to the historical period. The cultural traditions of the inhabitants of the twenty-one villages adjacent to the site bear a strong resemblance to those represented in the rock paintings. | **Justification for inscription:**
Criterion (iii): Bhimbetka reflects a long interaction between people and the landscape, as demonstrated in the quantity and quality of its rock art.
Criterion (v): Bhimbetka is closely associated with a hunting and gathering economy as demonstrated in the rock art and in the reliefs of this tradition in the local adivasi villages on the periphery of this site. |
| Iran    | Bam and its cultural landscape | OE/C | Bam is situated in a desert environment on the southern edge of the Iranian high plateau. The origins of Bam can be traced back to the Achaemenid period (6th to 4th centuries BC). Its heyday was the Bam Citadel (Arg-e Bam), and its Related Sites form a cultural landscape in the desert area in south-eastern Iran. Bam was an important crossroads of trade routes and cultural exchange, linking Iran to the northern shore of the Sea of Oman, and through Bampur to the present-day Pakistan and the Indus Valley. Bam also had contacts with Egypt and the Near East. There is evidence that silk production was introduced to Iran in the early Sassanian period (3rd cent.), in the region of Kerman. In fact, Bam developed into an important trading place, | **Justification for inscription:**
Criterion (iii): The Althing and its hinterland, the Þingvellir National Park, represent, through the remains of the assembly ground, the booths for those who attended, and through landscape evidence of settlement extending back possibly to the time the assembly was established, a unique reflection of mediaeval Norse/Germanic culture and one that persisted in essence from its foundation in 980AD until the 18th century.
Criterion (vi): Pride in the strong association of the Althing to mediaeval Germanic/Norse governance, known through the 12th century Icelandic sagas, and reinforced during the fight for independence in the 19th century, have, together with the powerful natural setting of the assembly grounds, given the site iconic status as a shrine for the national. |
**Appendix 6 – Cultural Landscapes Currently Inscribed on the World Heritage List (2003-2008) – A Summary**

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<td>Israel</td>
<td>Incense Route:</td>
<td>OE</td>
<td>The four Nabatean towns of Haluza, Mamshit, Avdat and Shivta, along with the four Nabatean towns of Haluza, Mamshit, Avdat and Shivta, along with associated fortresses and agricultural landscapes in the Negev Desert, are spread along routes linking them into the Mediterranean end of the Incense and Spice route. Together they reflect the hugely profitable trade in frankincense and myrrh from south Arabia to the Mediterranean, which flourished from the 3rd century BC until the 2nd century AD. With the vestiges of their sophisticated irrigation systems, urban constructions, forts and caravanserais, they bear witness to the way in which especially in silk and cotton garments. Its heyday was from the 7th to the 11th centuries.</td>
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<td></td>
<td>Desert Cities in</td>
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<td>from the 7th to 11th centuries, being at the crossroads of important trade routes and known for the production of silk and cotton garments. The existence of life in the oasis was based on the underground irrigation canals, the qanats, of which Bam has preserved some of the earliest evidence in Iran. Arg-e Bam is the most representative example of a fortified medieval town built in vernacular technique using mud layers (Chineh).</td>
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<td></td>
<td>the Negev</td>
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<td><strong>Outstanding universal value:</strong> The geographical areas around the Central Desert of Iran, such as the cities of Yazd, Kerman, Kashan, Birjand and Bam, use the technology of qanats, developing a distinct cultural system, which has been called the <em>Qanat civilization</em>, sharing cultural, socio-economic and political characteristics that distinguish it from others. In fact, the existence of Bam is fundamentally based on the development of qanats that bring water from the mountains in the west. Bam has preserved the oldest archaeological evidence of such systems still in function in Iran, going back some two and a half millennia. The site is distinguished due to the ingenious use of the seismic fault to facilitate water management and irrigation.</td>
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<td><strong>Justification for inscription:</strong> Criterion (ii): Bam developed at the crossroads of important trade routes at the southern side of the Iranian high plateau, and it became an outstanding example of the interaction of the various influences.</td>
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<td>Criterion (iii): The Bam and its Cultural Landscape represents an exceptional testimony to the development of a trading settlement in the desert environment of the Central Asian region.</td>
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<td>Criterion (iv): The city of Bam represents an outstanding example of a fortified settlement and citadel in the Central Asian region, based on the use mud layer technique (Chineh) combined with mud bricks (Khesht).</td>
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<td>Criterion (v): The cultural landscape of Bam is an outstanding representation of the interaction of man and nature in a desert environment, using the qanats. The system is based on a strict social system with precise tasks and responsibilities, which have been maintained in use until the present, but has now become vulnerable to irreversible change.</td>
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<tr>
<th>Country</th>
<th>Cultural Landscape</th>
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<th>Interrelationship of Outstanding Universal Value and Justification for Inscription</th>
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<tr>
<td>Italy</td>
<td>Sacri Monti of Piedmont and Lombardy</td>
<td>OE</td>
<td>The nine Sacri Monti (Sacred Mountains) of northern Italy are groups of chapels and other architectural features created in the late 16th and 17th centuries and dedicated to different aspects of the Christian faith. In addition to their symbolic spiritual meaning, they are of great beauty by virtue of the skill with which they have been integrated into the surrounding natural landscape of hills, forests, and lakes. They also house much important artistic material in the form of wall paintings and statuary.</td>
<td>Outstanding universal value: The nine Sacri Monti (“Sacred Mountains”) of this region of northern Italy are groups of chapels and other architectural features created in the late 16th and 17th centuries and dedicated to different aspects of Christian belief. In addition to their symbolic spiritual meaning, they are of great beauty by virtue of the skill with which the architectural elements are integrated into the surrounding landscapes of hills, forests, and lakes. They also contain much important artistic material in the form of wall paintings and statuary. The Sacri Monti are exceptional testimony to the spiritual vigour of the Counter-Reformation. They represent the innovative and imaginative insertion of religious architecture and high-quality devotional art into landscapes of great beauty so as to achieve spiritual enlightenment. Justification for inscription: Criterion (ii): The implantation of architecture and sacred art into a natural landscape for didactic and spiritual purposes achieved its most exceptional expression in the Sacri Monti (“Sacred Mountains”) of northern Italy and had a profound influence on subsequent developments elsewhere in Europe. Criterion (iv): The Sacri Monti (“Sacred Mountains”) of northern Italy represent the successful integration of architecture and fine art into a landscape of great beauty for spiritual reasons at a critical period in the history of the Roman Catholic Church.</td>
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<td></td>
<td>Cilento and Vallo di Diano National Park with the</td>
<td>OE/R</td>
<td>The Cilento is an outstanding cultural landscape. The dramatic groups of sanctuaries and settlements along its three east–west mountain ridges vividly system in harsh desert conditions, reflected particularly in the sophisticated water conservation constructions. Justification for inscription: Criterion (iii): The Nabatean towns and their trade routes bear eloquent testimony to the economic, social and cultural importance of frankincense to the Hellenistic-Roman world. The routes also provided a means of passage not only for frankincense and other trade goods but also for people and ideas. Criterion (v): The almost fossilised remains of towns, forts, caravanserai and sophisticated agricultural systems strung out along the Incense route in the Negev desert, display an outstanding response to a hostile desert environment and one that flourished for five centuries.</td>
<td>Archaeological sites</td>
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<td>Country</td>
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<td>of Paestum and Velia, and the Certosa di Padula</td>
<td>OE</td>
<td>portrays the area’s historical evolution: it was a major route not only for trade, but also for cultural and political interaction during the prehistoric and medieval periods. The Cilento was also the boundary between the Greek colonies of Magna Graecia and the Indigenous Etruscan and Lucanian peoples. The remains of two major cities from classical times, Paestum and Velia, are found there.</td>
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<tr>
<td>Costiera Amalfitana</td>
<td>OE/C</td>
<td>The Amalfi coast is an area of great physical beauty and natural diversity. It has been intensively settled by human communities since the early Middle Ages. There are a number of towns such as Amalfi and Ravello with architectural and artistic works of great significance. The rural areas show the versatility of the inhabitants in adapting their use of the land to the diverse nature of the terrain, which ranges from terraced vineyards and orchards on the terraces to golden beaches with crystal-clear waters.</td>
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</table>

**Appendix 6 – Cultural Landscapes Currently Inscribed on the World Heritage List (2003-2008) – A Summary**

**Outstanding universal value:**

The landscape possesses high qualities of variety and integrity and a considerable historical depth. The landscape preserves remarkable evidence of its structure and use in prehistory and the Middle Ages, when the mountain ridges functioned as communication and trade routes. Equally, the way in which they fell into disuse during the Roman period, when the Valle di Diano was drained and a new highway was built along it, passing from Capua to Sicily, only to revert to marshland with the fall of the Western Roman Empire, is dramatically visible.

The archaeological site of Paestum is of especially high value, both for the creative genius of the builders of its great Doric temples and for the light that it throws on the transition from Magna Grecia to the Roman Empire.

**Justification for inscription:**

Criterion (iii): During the prehistoric period, and again in the Middle Ages, the Cilento region served as a key route for cultural, political, and commercial communications in an exceptional manner, utilizing the crests of the mountain chains running east-west and thereby creating a cultural landscape of outstanding significance and quality.

Criterion (iv): In two key episodes in the development of human societies in the Mediterranean region, the Cilento area provided the only viable means of communication between the Adriatic and the Tyrrhenian seas, in the central Mediterranean region, and this is vividly illustrated by the relict cultural landscape of today.

**Outstanding universal value:**

The Amalfi coast can rightly be defined as an area of outstanding cultural value, the astonishing work of both nature and man. In this area, nature is both unspoiled and harmoniously fused with the results of man’s activity. The landscape is marked by rocky areas, wood, and maquis, but also by citrus groves and vineyards, grown wherever human beings could find a suitable spot.

The coastal areas have retained their distinctive features over the course of the centuries, and have played a major role in the history and culture of mankind.

**Justification for inscription:**

Criterion (iii): During the prehistoric period, and again in the Middle Ages, the Cilento region served as a key route for cultural, political, and commercial communications in an exceptional manner, utilizing the crests of the mountain chains running east-west and thereby creating a cultural landscape of outstanding significance and quality.

Criterion (iv): In two key episodes in the development of human societies in the Mediterranean region, the Cilento area provided the only viable means of communication between the Adriatic and the Tyrrhenian seas, in the central Mediterranean region, and this is vividly illustrated by the relict cultural landscape of today.

**Outstanding universal value:**

The Costiera Amalfitana is an outstanding cultural landscape covering an area of dramatic scenery rising steeply from the coast to rugged mountains. Within it there is an exceptional diversity of landscape types, ranging from ancient urban settlements through areas of intensive land-use and cultivation and pastoralism to areas untouched by human intervention. The complex topography and resulting climatic variations provide habitats for an
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<tr>
<td>Portovenere, Cinque Terre, and the Islands (Palmaria, Tino and Tinetto)</td>
<td>OE/C</td>
<td>The Ligurian coast between Cinque Terre and Portovenere is a cultural landscape of great scenic and cultural value. The layout and disposition of the small towns and the shaping of the surrounding landscape, overcoming the disadvantages of a steep, uneven terrain, encapsulate the continuous history of human settlement in this region over the past millennium.</td>
<td>This Ligurian coastal region, from Cinque Terre to Portovenere, is a ‘site’ as defined in Article 1 of the Convention. It is a unique example of the creation of landscape that is the work of humankind and nature. <strong>Outstanding universal value:</strong> The site nominated for the World Heritage List has outstanding universal value from the historical and anthropological points of view, because it comprises a geocultural region where a small number of people have changed their natural environment profoundly over a millennium using special agricultural techniques. Despite this continuous struggle between humankind and nature, it is here that the unique character of the site can be seen, with the contrast between the wild and impenetrable nature of the Mediterranean garrigue and the controlled order of the geometry of terraced fields, still maintained by a small group of people. The Cinque Terre nominated property is a remarkable cultural landscape created by human endeavour over a millennium in a rugged and dramatic natural environment. It is an outstanding example of “the combined works of man and nature,” as described in Article 1 of the World Heritage Convention. <strong>Justification for inscription:</strong> Criteria (ii), (iv) and (v): Considering that the Costiera Amalfitana is an outstanding example of a Mediterranean landscape, with exceptional cultural and natural scenic values resulting from its dramatic topography and historical evolution.</td>
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</table>
| Val d'Orcia | D | The Ligurian coast between Cinque Terre and Portovenere is a cultural landscape of great scenic and cultural value. The layout and disposition of the small towns and the shaping of the surrounding landscape, overcoming the disadvantages of a steep, uneven terrain, encapsulate the continuous history of human settlement in this region over the past millennium. | The Val d'Orcia is part of the agricultural hinterland of Sienna, colonised by the city in the 14th and 15th centuries and developed to reflect an idealised model of land management. The landscape’s distinctive aesthetics, flat chalk plains out of which rise almost conical hills, on top of which cluster, fortified settlements, was the inspiration for many artists. Their images have come to exemplify the beauty of well managed, Renaissance, agricultural landscapes. **Outstanding universal value:** The Val d'Orcia is of outstanding universal value for the combination of the following cultural qualities:  
- The Val d'Orcia is an exceptional reflection of a colonised agricultural area where the development of land use practices reflected an ideal of good governance, innovative land tenure systems, and the deliberate  |
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| Japan   | Sacred Sites and Pilgrimage Routes in the Kii Mountain Range | OE   | Set in the dense forests of the Kii Mountains overlooking the Pacific Ocean, three sacred sites – Yoshino and Omine, Kumano Sanzan, Koyasan – linked by pilgrimage routes to the ancient capital cities of Nara and Kyoto, reflect the fusion of Shinto, rooted in the ancient tradition of nature worship in Japan, and Buddhism, which was introduced from China and the Korean Peninsula. The sites (495.3 ha) and their surrounding forest landscape reflect a persistent and extraordinarily well-documented tradition of Sacred Mountains over 1,200 years. The area, with its abundance of streams, rivers and waterfalls, is still part of the living culture of Japan and is much visited for ritual purposes and hiking, with up to 15 million visitors annually. Each of the three sites contains shrines, some of which were founded as early as the 9th century. | creation of beautiful landscapes.  
• The Val d’Orcia is a planned and designed landscape where the whole process and the thinking behind it are extraordinarily well documented.  
• The landscape of the Val d’Orcia has been immortalised by artists in such a way that it has come to be seen as the ideal Renaissance landscape and one that has profoundly influenced the development of landscape thinking throughout Europe north of Amsterdam.  

**Justification for inscription:**  
Criterion (iv): The Val d’Orcia is an exceptional reflection of the way the landscape was re-written in Renaissance times to reflect the ideals of good governance and to create an aesthetically pleasing pictures.  
Criterion (vi): The landscape of the Val d’Orcia was celebrated by painters from the Siennese School, which flourished during the Renaissance. Images of the Val d’Orcia, and particularly depictions of landscapes where people are depicted as living in harmony with nature, have come to be seen as icons of the Renaissance and have profoundly influenced the development of landscape thinking.  

The site is put forward for its outstanding universal value related to the way the Kii Mountain Range:  
• has nurtured the spirit of nature worship since ancient times;  
• is the central place for Buddhist ascetic practices;  
• developed a unique Shinto-Buddhist syncretism;  
• is associated with the Buddhist idea of the Pure Land;  
• developed three main shrine sites which became the key mountain sites in Japan;  
• influenced the development of shrine and temple building throughout Japan;  
• houses important and extensive pilgrim routes which are part of religious practices.  

**Outstanding universal value:**  
The Kii Mountains:  
• have come to be seen as the national repository of Shinto beliefs – linking the present day population of Japan with prehistoric times;  
• have absorbed and developed the Buddhist beliefs to create a unique Shinto-Buddhist religion which fostered ascetic practices closely related to the topography and climate of the mountains;  
• become the setting for the creation of unique forms of shrine and temple buildings which have had a...
### Appendix 6 – Cultural Landscapes Currently Inscribed on the World Heritage List (2003-2008) – A Summary

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<td>profound influence on the building of temples and shrines elsewhere in Japan;</td>
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<td>• developed an extensive network of pilgrim routes which are part of the ritual of</td>
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<td>worship;</td>
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<td>• have fostered the conservation of ancient trees, forests, glades natural features,</td>
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<td>revered for their religious associations;</td>
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<td>• are strongly associated with long-lasting intangible cultural traditions related</td>
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<td>to natural forces;</td>
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<td>• are extraordinarily well documented in terms of the way they have been perceived</td>
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<td>and used over the past 1200 years.</td>
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<td><strong>Justification for inscription:</strong></td>
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<td>Criterion (ii): The monuments and sites that form the cultural landscape of the</td>
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<td>Kii Mountains are a unique fusion between Shintoism and Buddhism that illustrates</td>
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<td>the interchange and development of religious cultures in East Asia.</td>
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<td>Criterion (iii): The Shinto shrines and Buddhist temples in the Kii Mountains,</td>
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<td>and their associated rituals, bear exceptional testimony to the development of</td>
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<td>Japan’s religious culture over more than a thousand years.</td>
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<td>Criterion (iv): The Kii Mountains have become the setting for the creation of</td>
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<td>unique forms of shrine and temple buildings which have had a profound influence</td>
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<td>on the building of temples and shrines elsewhere in Japan.</td>
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<td>Criterion (vi): Together, the sites and the forest landscape of the Kii</td>
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<td>Mountains reflect a persistent and extraordinarily well-documented tradition</td>
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<td>of Sacred Mountains over the past 1200 years.</td>
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<td>Iwami Ginzan Silver Mine and its Cultural Landscape</td>
<td>OE</td>
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<td>The Iwami Ginzan Silver Mine in the south-west of Honshu Island is a cluster of</td>
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<td>mountains, rising to 600 m and interspersed by deep river valleys featuring the</td>
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<td>archaeological remains of large-scale mines, smelting and refining sites and</td>
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<td>mining settlements worked between the 16th and 20th centuries. The site also</td>
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<td>features routes used to transport silver ore to the coast, and port towns from</td>
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<td>where it was shipped to Korea and China. The mines contributed substantially to</td>
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<td>the overall economic development of Japan and south-east Asia in the 16th and</td>
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<td>17th centuries, prompting the mass production of silver</td>
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<td>The exceptional ensemble, consisting of mining archaeological sites, settlements,</td>
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<td>fortresses, transportation routes, and shipping ports represents distinctive land</td>
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<td>use related to silver mining activities. As the resource of silver ore was</td>
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<td>exhausted, its production came to an end, leaving behind, in the characteristically</td>
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<td>rich nature, a cultural landscape that had been developed in relation to the</td>
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<td>silver mine.</td>
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<td>The State Party suggests that the property is not only a ‘relic mining landscape’ ,</td>
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<td>but also in part a ‘continuing landscape’, in which aspects of the original</td>
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<td>functions of the silver mine operation are still retained in the present lives</td>
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<td>and livelihoods of the contemporary local citizens.</td>
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<td><strong>Outstanding universal value:</strong></td>
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<td></td>
<td>The State Party considers that the Iwami Ginzan Silver Mines and their cultural</td>
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<td>landscape are considered to have outstanding universal value as they:</td>
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<td>• produced a large amount of silver in the 16th and 17th centuries, and triggered</td>
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<td>the mass production of gold and silver in Japan through the spread of its mining</td>
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<td>techniques to other mines throughout Japan;</td>
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<td>• exerted significant influence upon the history of the exchange of goods and</td>
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<td>communications among</td>
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<tr>
<td>Kazakhstan</td>
<td>Petroglyphs within the Archaeological Landscape of Tamgaly</td>
<td>OE</td>
<td>Set around the lush Tamgaly Gorge, amidst the vast, arid Chu-Ili mountains, is a remarkable concentration of some 5,000 petroglyphs (rock carvings) dating from the second half of the second millennium BC to the beginning of the 20th century. Distributed among 48 complexes with associated settlements and burial grounds, they are</td>
<td>civilizations, not only between the nations of East Asia but also between East and West, reaching as far as Europe; contain archaeological sites that illustrate how the silver production was begun in the 16th century by applying a cupellation refining technique that had been traditional in East Asia and show how it evolved into a system of labour-intensive small businesses that carried out the full sequence of processes from digging to refining, succeeding in the large-scale production of high quality silver, in an environment now covered with mountain forests and bamboo groves; and, demonstrate a land-use system unique to the silver mine and which fully represents the entire scope of the silver mine operations, from silver production to shipment that continued for nearly 400 years from the early 16th century to the early 20th century. Justification for inscription: Criterion (ii): During the Age of Discovery, in the 16th and early 17th centuries, the large production of silver by the Iwami Ginzan Silver Mine resulted in significant commercial and cultural exchanges between Japan and the trading countries of East Asia and Europe. Criterion (iii): Technological developments in metal mining and production in Japan resulted in the evolution of a successful system based on small-scale, labour-intensive units covering the entire range of skills from digging to refining. The political and economic isolation of Japan during the Edo Period (1603 to 1868) impeded the introduction of technologies developed in Europe during the Industrial Revolution and this, coupled with the exhaustion of commercially viable silver-ore deposits, resulted in the cessation of mining activities by traditional technologies in the area in the second half of the 19th century, leaving the site with well-preserved archaeological traces of those activities. Criterion (v): The abundant traces of silver production, such as mines, smelting and refining sites, transportation routes, and port facilities, that have survived virtually intact in the Iwami Ginzan Silver Mine Site, are now concealed to a large extent by the mountain forests that have reclaimed the landscape. The resulting relict landscape, which includes the surviving settlements of the people related to the silver production, bears dramatic witness to historic land-uses of outstanding universal value. The nomination puts forward the site as having outstanding universal value for the following reasons: The particularity of the landscape, related to its geological features, climate and abundance of springs and shelter, were the main pre-conditions for the use of the Tamgaly site by generations of pastoralists from early times. Tamgaly is at the cross roads of Central Asian ancient communications along the North of the Tienshan mountains. The rock formations, and particularly the rocks covered in shiny black lichens, attracted human artistic interest.</td>
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<tr>
<td>Country</td>
<td>Cultural Landscape</td>
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| Lao People's Democratic Republic | Vat Phou and Associated Ancient Settlements within the Champasak Cultural Landscape | A    | Testimonies to the husbandry, social organization and rituals of pastoral peoples. Human settlements in the site are often multilayered and show occupation through the ages. A huge number of ancient tombs are also to be found including stone enclosures with boxes and cists (middle and late Bronze Age), and mounds (kurgans) of stone and earth (early Iron Age to the present). The central canyon contains the densest concentration of engravings and what are believed to be altars, suggesting that these places were used for sacrificial offerings. | Efforts.  
The rock petroglyphs, and their associated settlements, are a vital record of the pastoral lifestyle of people from the Bronze Age to the 20th century.  
The collection of petroglyphs include an outstanding collection of Bronze Age images which demonstrate the highest levels of development for this kind of rock art in Central Asia.  
Outstanding universal value:  
The nominated site is of outstanding universal significance for a combination of the following cultural qualities:  
- Its dense and coherent group of 5000 petroglyphs, of which the earliest Bronze Age images, dating from around 1400 to 1300BC, display deeply cut figures of high artistic quality.  
- The petroglyphs, together with their associated settlement and burial sites, together provide a substantial record of pastoral peoples of the central Asian steppes from the Bronze Age to the present day.  
- The delineation of the site into a sacred core and outer residential periphery, combined with sacred images of sun-heads, altars and enclosed cult areas, together provide a unique assembly, which has displayed persistent sacred associations from the Bronze Age to the present day.  
Justification for inscription:  
Criterion (iii): The dense and coherent group of petroglyphs, with sacred images, altars and cult areas, together with their associated settlements and burial sites, provide a substantial testimony to the lives and beliefs of pastoral peoples of the central Asian steppes from the Bronze Age to the present day.  
Overall, the Champasak landscape is a very early cultural landscape, demonstrating the beginnings of urbanism in south-east Asia as well as the way in which the Khmers moulded their landscape to reflect their symbolic universe.  
The site exhibits a remarkable spread of monuments and other structures over an extensive area between river and mountain, some of outstanding architecture, many containing great works of art, notably sculpture. Above all, the whole was created within a geometric framework linking such man-made works with natural phenomena, notably the distinctive pointed summit of Phou Kao. This landscape planning on the grand scale in the second half of the 1st millennium AD was carried out not merely to make a pleasure garden but to express a relationship between the gods, nature, and humanity as believed in Hindu religion. The sanctity of the mountain is still observed today by the people of Champasak, who continue to respect and preserve the natural environment of this mountain abode of ancient gods, while across the Mekong the riverside temple of Tomo continues to bear witness to the cosmological template used to plan the site.  
Outstanding universal value:  
The outstanding significance of the Champasak cultural landscape lies in the broad scientific perspective of the 425
### Lebanon

**Ouadi Qadisha (the Holy Valley) and the Forest of the Cedars of God (Hirsh Arz el-Rab)**

**Type:** A (Cultural Landscape Type)

**Description:**

The Qadisha valley is one of the most important early Christian monastic settlements in the world. Its monasteries, many of which are of a great age, stand in dramatic positions in a rugged landscape. Nearby are the remains of the great forest of cedars of Lebanon, highly prized in antiquity for the construction of great religious buildings.

**Interrelationship of Outstanding Universal Value and Justification for Inscription:**

- **Justification for inscription:**
  - Criterion (iii): The Temple Complex of Vat Phou represents a masterpiece of human creative genius for the high quality of its artistic work and the integration of its symbolic plan with the natural landscape to create a physical manifestation of a Hindu mental template of the perfect universe. The resulting expression of these ideas, not only on the ground but also in architecture and art was a unique fusion of Indigenous nature symbols, religious inspiration, and technical prowess.
  - **Outstanding universal value:**
    - The Qadisha Valley and the remnant Cedar Forest on the western flank of Mount Lebanon form a cultural landscape of outstanding universal value. The steep walled valley has long been a place of meditation and refuge and it contains an exceptional number of Christian eremitic and coenobitic monastic foundations, some of them from a very early phase of the expansion of Christianity. Traditional land-use in the form of dramatic terraces continues. The valley's cultural values are complemented by its Jurassic origin, including caves with limestone features, and the valley supports a wide range of flora and fauna, contributing to biological diversity. The trees in the Cedar Forest are the survivors of a great forest that was renowned in antiquity.
    - **Justification for inscription:**
      - Criterion (iii): The Qadisha Valley has been the site of monastic communities continuously since the earliest years of Christianity. The trees in the Cedar Forest are survivors of a sacred forest and of one of the most highly prized building materials of the ancient world.
      - **Outstanding universal value:**
        - The Kernave Archaeological site, about 35 km north-west of Vilnius in eastern Lithuania, represents an exceptional testimony to some 10 millennia of human settlements in this region. Situated in the valley of the River Neris, the Kernave Archaeological site marks the transformation of human occupation and interaction with the environment. The nominated property is an exceptional testimony to the understanding of the pre-Christian history of the Baltic region, before its destruction by the Teutonic Order and the conversion of the population to Christianity at the end of the 14th century, the last
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<tr>
<td>Madagascar</td>
<td>Royal Hill of Ambohimanga</td>
<td>A</td>
<td>The Royal Hill of Ambohimanga consists of a royal city and burial site, and an ensemble of sacred places. It is associated with strong feelings of national identity, and has maintained its spiritual and sacred character both in ritual practice and the popular imagination for the past 500 years. It remains a place of worship to which pilgrims come from Madagascar and elsewhere.</td>
<td>Outstanding universal value: The Royal Hill of Ambohimanga constitutes the most characteristic and most representative example of this type of site in Madagascar. It is an historic place, containing clear archaeological evidence of the former exercise of power and justice while marking the independence of the modern state of Madagascar. At the same time it is a holy place, recalling past kings and revisiting them as ancestors. The Royal Hill of Ambohimanga bears a remarkable witness to, on the one hand, eastern Asiatic cultures through the cult of ancestors and in agricultural practices, notably rice-growing by irrigation and on terraces, and, on the other, to eastern and southern African cultures through the cult of royalty. Justification for inscription: Criterion (iii): The Royal Hill of Ambohimanga is the most significant symbol of the cultural identity of the people of Madagascar. Criterion (iv): The traditional design, materials, and layout of the Royal Hill of Ambohimanga are representative of the social and political structure of Malagasy society from at least the 16th century. Criterion (vi) The Royal Hill of Ambohimanga an exceptional example of a place where, over centuries, common human experience has been focused in memory, ritual, and prayer.</td>
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<td>Mauritius</td>
<td>Le Morne cultural landscape</td>
<td>OE/R A</td>
<td>Le Morne Cultural Landscape, a rugged mountain that juts into the Indian Ocean in the southwest of Mauritius was used</td>
<td>Outstanding universal value: Le Morne Cultural Landscape is an exceptional testimony to maroonage or resistance to slavery in terms of the region in Europe. While still retaining its pagan traditions, the site also offers an exceptional testimony to the impact that Christianity had in this cultural context. Furthermore, the site represents an outstanding example of defence systems in northern Europe, using a chain of hill-forts with wooden structures. Justification for inscription: Criterion (iii): The archaeological site of Kernave presents an exceptional testimony to the evolution of human settlements in the Baltic region in Europe over the period of some 10 millennia. The site has exceptional evidence of the contact of Pagan and Christian funeral traditions. Criterion (iv): The settlement patterns and the impressive hill-forts represent outstanding examples of the development of such types of structures and the history of their use in the pre-Christian era.</td>
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<tr>
<td>Mexico</td>
<td>Agave Landscape</td>
<td>OE</td>
<td>as a shelter by runaway slaves and maroons through the 18th and early years of the 19th centuries. Protected by the mountain's isolated, wooded and almost inaccessible cliffs, the escaped slaves formed small settlements in the caves and on the summit of Le Morne. The oral traditions associated with the maroons, have made Le Morne a symbol of the slaves' fight for freedom, their suffering, and their sacrifice, all of which have relevance to the countries from which the slaves came – in particular the African mainland, Madagascar, India, and South-east Asia. Indeed, Mauritius, an important stopover in the eastern slave trade, also came to be known as the “Maroon republic” because of the large number of escaped slaves who lived in Le Morne.</td>
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<td>and Ancient</td>
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<td>mountain being used as a fortress to shelter escaped slaves, with physical and oral evidence to support that use. Le Morne represents maroonage and its impact, which existed in many places around the world, was demonstrated so effectively on Le Morne mountain. It is a symbol of slaves' fight for freedom, their suffering, and their sacrifice, all of which have relevance beyond its geographical location, to the countries from which the slaves came – in particular the African mainland, Madagascar, India, and South-east Asia-and represented by the Creole people of Mauritius and their shared memories and oral traditions.</td>
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<td>Industrial Facilities</td>
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<td><strong>Justification for inscription:</strong></td>
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<td>of Tequila</td>
<td>OE</td>
<td></td>
<td><strong>Criterion (iii):</strong> The mountain is an exceptional testimony to maroonage or resistance to slavery in terms of it being used as a fortress for the shelter of escaped slaves, with evidence to support that use.</td>
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<td><strong>Criterion (vi):</strong> The dramatic form of the mountain, the heroic nature of the resistance it sheltered, and the longevity of the oral traditions associated with the maroons, has made Le Morne a symbol of slaves' fight for freedom, their suffering, and their sacrifice, all of which have relevance beyond its geographical location, to the countries from which the slaves came – in particular the African mainland, Madagascar and India and South-east Asia.</td>
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<td><strong>Outstanding universal value:</strong></td>
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<td><strong>The Tequila landscape is of outstanding universal value for a combination of the following qualities:</strong></td>
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<td>• The agave landscape of the Tequila area is now the heartland for the production of tequila that has exerted great influence around the world.</td>
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<td>• The landscape of many small scale farmers and large distilleries demonstrates the way the blue agave plant is cultivated and then processed and has been processed over the past three hundred years.</td>
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<td><strong>Agave cultivation over hundreds of years, coupled with industrial compounds and traditional processes producing tequila, has given the region its unique and exceptional character.</strong></td>
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<td>The Tequila region has stimulated countless cultural expressions linked to the landscape and architectural elements related to tequila production. These have contributed significantly to Mexico's image around the world.</td>
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<td>The agave plantations of Tequila form a living testimony to the ancient culture of agave that spread throughout Mesoamerica.</td>
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<td>The Tequila landscape reflects the cultural mixing of pre-Hispanic fermentation processes and Spanish distillation, and of local and Spanish architectural styles.</td>
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| Mongolia | Orkhon Valley Cultural Landscape | OE/C | The 121,967-ha Orkhon Valley Cultural Landscape encompasses an extensive area of pastureland on both banks of the Orkhon River and includes numerous archaeological remains dating back to the 6th century. The site also includes Kharkhorum, the 13th- and 14th-century capital of Chingis (Genghis) Khan’s vast Empire. Collectively the remains in the site reflect the symbiotic links between nomadic, pastoral societies and their administrative and religious centres, and the importance of the Tequila landscape has generated many cultural responses that play a crucial role in Mexican identity as perceived around the world. The agave plant and its cultivation and processing are a link with pre-Hispanic culture: tequila bears witness to the merging of pre-Hispanic traditions with those brought in during first years of New Spain. The drink itself combines local wine with imported distillation processes and the architecture of the distilleries and haciendas reflect both European and American origins. Criterion (ii): The cultivation of agave and its distillation have produced a distinctive landscape within which are a collection of fine haciendas and distilleries that reflect both the fusion of pre-Hispanic traditions of fermenting mescal juice with the European distillation processes and of local and imported technologies, both European and American. Criterion (iv): The collection of haciendas and distilleries, in many cases complete with their equipment and reflecting the growth of tequila distillation over the past two hundred and fifty years, are together an outstanding example of distinct architectural complexes which illustrate the fusion of technologies and cultures. Criterion (v): The agave landscape exemplified the continuous link between ancient Mesoamerican culture of the agave and today, as well as the contours process of cultivation since the 17th century when large scale plantations were created and distilleries first started production of tequila. The overall landscape of fields, distilleries, haciendas and towns is an outstanding example of a traditional human settlement and land-use which is representative of a specific culture that developed in Tequila. Criterion (vi): The Tequila landscape has generated literary works, films, music, art and dance, all celebrating the links between Mexico and tequila and its heartland in Jalisco. The Tequila landscape is thus strongly associated with perceptions of cultural significances far beyond its boundaries. The Orkhon Valley represents the way nomadic use of the landscape is underpinned by strategic, military and spiritual centres, which facilitated trade and the growth of empires. The Orkhon Valley provides striking evidence of the way successive nomadic cultures have used its natural advantages of water, shelter and strategic position to establish centres of power and influence. These are now manifest in a number of key sites: the Turkish funerary monuments of the 6th/7th centuries, the 8th/9th century Uyghur capital of Khar Balgas as well as the Mongol imperial capital of Kharkhorum and the monasteries of Erdene Zuu and Tuvkhun dating from the 16th and 17th century. Outstanding universal value: The wider Orkhon Valley is an outstanding example of an evolving cultural landscape which, through sustainable land-use practices and a spiritual relationship to nature, harnessed the traditions of nomadic pastoralism to support huge empires that had a profound influence on the whole of central Asia and far into Europe, and created...


### Appendix 6 – Cultural Landscapes Currently Inscribed on the World Heritage List (2003-2008) – A Summary

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<tr>
<td>New Zealand</td>
<td>Tongariro National Park</td>
<td>A</td>
<td>In 1993 Tongariro became the first property to be inscribed on the World Heritage List under the revised criteria describing cultural landscapes. The mountains at the heart of the park have</td>
<td>Built structures whose remains are now of universal significance. The wider Orkhon Valley Cultural Landscape Site is characteristic of the comparatively sheltered river valleys, which dissect the vast Mongolian steppes. It is distinctive in the way its considerable material remains demonstrate the centralised and urban character at the heart of the vast Uyghur and later Mongol Empires which brought much of central Asia within one comparatively unified control. The remains also reflect the enormous influence these ‘nomadic empires’ had in economic, cultural and political terms over a large part of Asia and over the major nations with which they interacted from China to the edges of Eastern Europe. Over-arching a number of critical heritage sites is the persistence of Mongolian nomadic pastoral culture, which spawned the empires and still dominates the life of the Orkhon valley and indeed much of Mongolia. Its longevity is reflected in the huge number of burial and ceremonial sites, stone figures and rock paintings, which litter the valley floor of the nominated site and of its Buffer Zone and whose age range spans more than two millennia from the Bronze Age to the modern era. Finally the strong intangible culture of the nomadic pastoralists expresses itself in, for instance, annual festivals, music, oral literature, horse-riding skills, and also in the vital meanings and associations with which the landscape is imbued. <strong>Justification for inscription:</strong> Criterion (ii): The Orkhon valley clearly demonstrates how a strong and persistent nomadic culture, led to the development of extensive trade networks and the creation of large administrative, commercial, military and religious centres. The empires that these urban centres supported undoubtedly influenced societies across Asia and into Europe and in turn absorbed influence from both east and west in a true interchange of human values. Criterion (iii): Underpinning all the development within the Orkhon valley for the past two millennia has been a strong culture of nomadic pastoralism. This culture is still a revered and indeed central part of Mongolian society and is highly respected as a ‘noble’ way to live in harmony with the landscape. Criterion (iv): The Orkhon valley is an outstanding example of a valley that illustrates several significant stages in human history. First and foremost it was the centre of the Mongolian Empire; secondly it reflects a particular Mongolian variation of Turkish power; thirdly, the Tuvkhuin hermitage monastery was the setting for the development of a Mongolian form of Buddhism; and fourthly, Khar Balgas, reflects the Uyghur urban culture in the capital of the Uyghur Empire. <strong>Outstanding universal value:</strong> The power of the unbroken association of the Ngati Tuwharetoa iwi (Maori tribe) with the mountains since the landing of the Arwa canoe: the strong association is both a physical (Pacific ‘Ring of Fire’) and a cultural (Ngatoroirangi) connection to their Pacific origins in the Hawaiian...</td>
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<td>Country</td>
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<td>Nigeria</td>
<td>Sukur Cultural Landscape</td>
<td>A</td>
<td>The Sukur Cultural Landscape, with the Palace of the Hidi (Chief) on a hill dominating the villages below, the terraced fields and their sacred symbols, and the extensive remains of a former flourishing iron industry, is a remarkably intact physical expression of a society and its spiritual and material culture. The linkage of cultural identity with the mountains: Tongariro, Ngati Tuwharetoa, and Te Heuheu are inextricably linked with the tribal 'pepha' (statement of connection to a tribe and an area) recited at any occasion hosted by the ngati Tuwharetoa iwi. The cultural significance of the gift: Horonuku's gift in 1887 formed the nucleus of the first national park in New Zealand, and only the fourth in the world. Significantly, this gift was the first from an Indigenous people. The spirit of this gift fostered the formation of the national park network in New Zealand, and this has safeguarded some of the most outstanding landscapes in the world from development. The high recognition, throughout New Zealand, of the rich cultural tapestry woven between Ngati Tuwharetoa and the Park. <strong>Justification for inscription:</strong> 1990 Criterion (vii): Exceptional natural beauty. Criterion (viii): Tongariro is important to several branches of the physical sciences as sites for teaching and research. It is also important for botanists and zoologists as a habitat for threatened and rare species and for study of the effects of invasive plants and animals. The Maori cultural aspects add further to its significance and reinforce its natural values. 1993 Criterion (vi): The mountains that lie at the heart of the Tongariro National Park are of great cultural and religious significance to the Maori people and are potent symbols of the fundamental spiritual connections between this human community and its natural environment. The landscape as a whole is an integrated one, which symbolizes the political and economic structure of the Sukur people. Authority, in the form of the Hidi, is located in an elevated position overlooking the mass of the people in their low-lying villages. Complex social relationships can be observed in the disposition of the cemeteries, while the relationships between iron furnaces and settlements and within the agricultural terraces illustrate an elaborate economic pattern of production and distribution. <strong>Outstanding universal value:</strong> The Sukur cultural landscape is an organically evolved landscape (as defined in paragraph 39.ii of the <em>Operational Guidelines for the Implementation of the World Heritage Convention</em>) that faithfully reflects the social structure, religious beliefs, and economic base of the society that created it centuries ago and continues to live within it. The settlement and landscape of Sukur are representative of the traditional societies of this region of West Africa. Sukur has been exposed to no adverse external influences since its foundation and its continuance should be assured by the continuation of traditional practices combined with statutory protection.</td>
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<tr>
<td>Osun-Osogbo Sacred Grove</td>
<td>OE</td>
<td>The dense forest of the Osun Sacred Grove, on the outskirts of the city of Osogbo, is one of the last remnants of primary high forest in southern Nigeria. Regarded as the abode of the goddess of fertility Osun, one of the pantheon of Yoruba gods, the landscape of the grove and its meandering river is dotted with sanctuaries and shrines, sculptures and art works in honour of Osun and other deities. The sacred grove, which is now seen as a symbol of identity for all Yoruba people, is probably the last in Yoruba culture. It testifies to the once widespread practice of establishing sacred groves outside all settlements.</td>
<td>The Osun sacred Grove is the largest and now only remaining Yoruba Grove in West Africa, which still keeps its religious activities. The Grove stands as a symbol for the identity of the Yoruba peoples and their cultural traditions and history. The Grove is now seen as the spiritual centre of the Yoruba divinatory and cosmological systems, which extended not only to several parts of West Africa but also to the African Diaspora. The New Sacred Art movement has produced sculptures that are new manifestations of the Yoruba belief systems that should be seen as masterpieces of human creative genius. Outstanding universal value: The Osun-Osogbo Grove has outstanding universal value for the following cultural qualities: • The Grove is the last surviving, flourishing, sacred grove in Yorubaland which reflects the way Yoruba towns linked their establishment and growth to the spirits of the forest. • The Grove’s sculptures created by Suzanne Wenger and the New Sacred Artists reflect and were inspired by Yoruba cosmology. • The Grove and its sculptures are now a symbol of Yoruba identity to Yoruba peoples all around the world. • The Grove, as host to its annual festival, sustains the living cultural traditions of the Yoruba peoples. Justification for inscription: Criterion (ii): The development of the movement of New Sacred Artists and the absorption of Suzanne Wenger, an Austrian artist, into the Yoruba community have proved to be a fertile exchange of ideas that revived the sacred Osun Grove. Criterion (iii): The Osun Sacred Grove is the largest and perhaps the only remaining example of a once widespread phenomenon that used to characterise every Yoruba settlement. It now represents Yoruba sacred groves and their reflection of Yoruba cosmology. Criterion (vi): The Osun Grove is a tangible expression of Yoruba divinatory and cosmological systems; its...</td>
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| Norway        | Vegaøyan – The Vega Archipelago          | Annual festival is a living thriving and evolving response to Yoruba beliefs in the bond between people, their ruler and the Osun goddess. The Vega seascape contains fishing villages, quays, warehouses, 'eider' houses, the farming landscape and navigations buildings such as lighthouses and beacons. Overall the landscape reflects unique cultural traditions based on the way the particular topography has been used to provide a living for its inhabitants from a combination of farming and harvesting wild produce, a tradition that still survives today. The nominated site reflects the following cultural qualities:  
- historical depth: evidence of early settlement from the Stone Age;  
- distinctive settlement patterns;  
- eider down harvesting;  
- fishing traditions;  
- intangible cultural traditions.  
**Outstanding universal value:**  
The Vega archipelago has outstanding universal value for:  
- the now unique eider duck farming culture which has persisted in the area for more than a thousand years;  
- the manmade landscape which is a testimony to people who developed a distinctive and frugal way of life in this extremely exposed area just south of the Arctic Circle;  
- the long and persistent interaction between man and the landscape which displays a remarkable continuity of culture;  
- the key part women played in eider farming and thus their involvement in the production of a high value product which became part of the Hanseatic trade.  
**Justification for inscription:**  
Criterion (v): The Vega archipelago reflects the way generations of fishermen/farmers have, over the past 1500 years, maintained a sustainable living in an inhospitable seascape near the Arctic Circle, based on the now unique practice of eider down harvesting, and it also celebrate the contribution made by women to the eider down process.  
**Outstanding universal value:**  
The Kuk Early Agricultural Site, a well-preserved buried archaeological testimony, demonstrates an independent technological leap which transformed plant exploitation to agriculture around 7,000-6,400 years ago, based on... |
| Papua Guinea  | Kuk Early Agricultural Site               |  

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<tr>
<td>Norway</td>
<td>Vegaøyan – The Vega Archipelago</td>
<td>OE/C</td>
<td>A cluster of dozens of islands centred on Vega, just south of the Arctic Circle, forms a cultural landscape of 103,710 ha, of which 6,930 ha is land. The islands bear testimony to a distinctive frugal way of life based on fishing and the harvesting of the down of eider ducks, in an inhospitable environment. There are fishing villages, quays, warehouses, eider houses (built for eider ducks to nest in), farming landscapes, lighthouses and beacons. There is evidence of human settlement from the Stone Age onwards. By the 9th century, the islands had become an important centre for the supply of down, which appears to have accounted for around a third of the islanders' income. The Vega Archipelago reflects the way fishermen/farmers have, over the past 1,500 years, maintained a sustainable living and the contribution of women to eiderdown harvesting.</td>
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<td>Papua Guinea</td>
<td>Kuk Early Agricultural Site</td>
<td>OE/R</td>
<td>Kuk Early Agricultural Site consists of 116 ha of swamps in the southern highlands of New Guinea 1,500 metres</td>
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<tr>
<td>Philippines</td>
<td>Rice Terraces of the Philippine Cordilleras</td>
<td>OE/C</td>
<td>For 2,000 years, the high rice fields of the Ifugao have followed the contours of the mountains. The fruit of knowledge passed down from one generation to the next, and the expression of sacred traditions and a delicate social balance, they have helped to create a landscape of great beauty that expresses the harmony between humankind and the environment.</td>
<td>The terraces illustrate a persistence of cultural traditions and remarkable continuity and endurance, since archaeological evidence reveals that this technique has been in use in the region for 2000 years virtually unchanged. They offer many lessons for application in similar environments elsewhere. <strong>Outstanding universal value:</strong> The Ifugao Rice Terraces epitomize the absolute blending of the physical, socio-cultural, economic, religious, and political environment. Indeed, it is a living cultural landscape of unparalleled beauty. The Ifugao Rice Terraces are the priceless contribution of Philippine ancestors to humanity. Built 2,000 years ago and passed on from generation to generation, the Ifugao Rice Terraces represent an enduring illustration of an ancient civilization that surpassed various challenges and setbacks posed by modernization. Reaching a higher altitude and being built on steeper slopes than many other terraces, the Ifugao complex of stone or mud walls and the careful carving of the natural contours of hills and mountains to make terraced pond fields, coupled with the development of intricate irrigation systems, harvesting water from the forests of the mountain tops, and an elaborate farming system, reflect a mastery of engineering that is appreciated to the present. Maintenance of the living rice terraces reflects a primarily cooperative approach of the whole community which is based on detailed knowledge of the rich diversity of biological resources existing in the Ifugao agro-ecosystem, a finely tuned annual system respecting lunar cycles, zoning and planning, extensive soil conservation, mastery of</td>
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### Appendix 6 – Cultural Landscapes Currently Inscribed on the World Heritage List (2003-2008) – A Summary

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<thead>
<tr>
<th>Country</th>
<th>Cultural Landscape</th>
<th>Type</th>
<th>Description</th>
<th>Interrelationship of Outstanding Universal Value and Justification for Inscription</th>
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<tr>
<td>Poland</td>
<td>Kalwaria Zebrzydowska: the Mannerist Architectural and Park Landscape Complex and Pilgrimage Park</td>
<td>A</td>
<td>Kalwaria Zebrzydowska is a breathtaking cultural landscape of great spiritual significance. Its natural setting - in which a series of symbolic places of worship relating to the Passion of Jesus Christ and the life of the Virgin Mary was laid out at the beginning of the 17th century - has remained virtually unchanged. It is still today a place of pilgrimage.</td>
<td>a most complex pest control regime based on the processing of a variety of herbs, accompanied by religious rituals.(^{1520})&lt;br&gt;&lt;br&gt;<strong>Justification for inscription:</strong>&lt;br&gt;&lt;br&gt;Criteria (iii), (iv) and (v): The rice terraces of the Philippine Cordillera are outstanding examples of living cultural landscapes devoted to the production of one of the world’s most important staple crops, rice. They preserve traditional techniques and forms dating back many centuries, but which are still viable today. At the same time they illustrate a remarkable degree of harmony between humankind and the natural environment of great aesthetic appeal, as well as demonstrating sustainable farming systems in mountainous terrain, based on a careful use of natural resources.</td>
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<tr>
<td>Country</td>
<td>Cultural Landscape</td>
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<td>Description</td>
<td>Interrelationship of Outstanding Universal Value and Justification for Inscription</td>
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<tr>
<td>Portugal</td>
<td>Alto Douro Wine Region</td>
<td>OE/C</td>
<td>Wine has been produced by traditional landholders in the Alto Douro region for some 2,000 years. Since the 18th century, its main product, port wine, has been world famous for its quality. This long tradition of viticulture has produced a cultural landscape of outstanding beauty that reflects its technological, social and economic evolution.</td>
<td>The Alto Douro represents a unique example of people's relationship with the natural environment: it is a monumental combined work of nature and man. First, the river dug deeply into the mountains to form its bed. Then people adapted the steep hillsides for the cultivation of the vine. Using methods and means acquired over the ages, they scarified the land and built terraces supported by hundreds of kilometres of dry stone walls. With great acumen and creative genius they mastered the physical constraints of the natural environment and exploited the opportunities presented by the climate and the nature of the soil. Thus was born one of the most ancient winemaking regions in the world, one that produces a universally acclaimed wine designated “Porto”. Outstanding universal value: The landscape is visually dramatic, a very unnatural creation. It is witness to the huge efforts of many generations of almost entirely anonymous farmers and winemakers to master the physical constraints of a natural environment in order to create conditions favourable to the production of wines (and other crops) whose quality and distinctive characteristics have enjoyed worldwide acclaim since the 17th century. Specialization in the making of quality wines and the early assimilation of Douro wines by international circuits exposed, early on, the Douro valley to a cosmopolitan system of relations. Wine from the Douro, especially port wine, represents a collective cultural creation. For countless generations, the inhabitants of the Alto Douro developed specific techniques for cultivating the vine and making wine, many of which were introduced in Roman times and had been perfected by the Middle Ages by religious communities. From the Middle Ages onwards the Douro valley has attracted huge numbers of outside workers, and it is in part very much their monument. The role of the Douro valley as both destination and corridor of peoples and cultures endures to this day, not least in the traditional visual and oral manner of expression of its people. Justification for inscription: Criterion (iii): The Alto Douro Region has been producing wine for nearly two thousand years and its landscape has been moulded by human activities. Criterion iv The components of the Alto Douro landscape are representative of the full range of activities association with winemaking – terraces, quintas (wine-producing farm complexes), villages, chapels, and roads. Criterion (v): The cultural landscape of the Alto Douro is an outstanding example of a traditional European wine-producing region, reflecting the evolution of this human activity over time.</td>
</tr>
<tr>
<td>Portugal</td>
<td>Cultural Landscape of Sintra</td>
<td>OE/C &amp; D</td>
<td>In the 19th century Sintra became the first centre of European Romantic architecture. Ferdinand II turned a</td>
<td>The ensemble of gardens, parks, and monuments that make up the Serra and the town of Sintra constitute a cultural landscape that can easily be differentiated from its immediate surroundings. Its cool summers and mild, sunny winters provide the perfect setting for the acclimatization of exotic flora which enhance the unique charm</td>
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This new sensitivity was displayed in the creation of a park blending local and exotic species of trees. Other fine dwellings, built along the same lines in the surrounding serra, created a unique combination of parks and gardens which influenced the development of landscape architecture throughout Europe.

Outstanding universal value:

The cultural landscape of Sintra, with its Serra, is an extraordinary and unique complex of parks, gardens, palaces, country houses, monasteries and Castles, which creates a popular and cultural architecture that harmonizes with the exotic and overgrown vegetation, creating micro-landscapes of exotic and luxuriant beauty. This amalgamation of exotic styles changes the landscape into an abundant World which offers surprises at every turn in the path, leading the visitor on to another discovery. Its uniqueness, its botanical richness, presented to the visitor with great accuracy, and its charming environment make it unique among landscapes.

Justification for inscription:

Criteria (ii), (iv), and (v): The cultural landscape of the Serra and the town of Sintra represents a pioneering approach to Romantic landscaping which had an outstanding influence on developments elsewhere in Europe. It is an unique example of the cultural occupation of a specific location that has maintained its essential integrity as the representation of diverse successive cultures. Its structures harmonize Indigenous flora with a refined and cultivated landscape created by man as a result of literary and artistic influences.

This landscape is based on a balance and partnership between man and nature since the first settlers up to the present.

People have turned unproductive stone into their sustenance by planting vines in it, protecting the plants from strong winds and salty breezes by building a huge and structured mesh of walls. This reticulation forms a unique ambiance impressive through its perfection and grandiosity.

With it has developed a diverse heritage of manor houses, wine-cellar s, warehouses, tide wells, ports and ramps, conventual houses, churches and other structures.

Wines of exceptional quality produced locally from the verdelho grape have been widely exported, play an
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<th>Country</th>
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<tbody>
<tr>
<td>South Africa</td>
<td>Mapungubwe Cultural Landscape</td>
<td>OE/R</td>
<td>Mapungubwe is set hard against the northern border of South Africa, joining Zimbabwe and Botswana. It is an open, expansive savannah landscape at the confluence of the Limpopo and Shashe rivers. Mapungubwe developed into the largest kingdom in the sub-continent before it was abandoned in the 14th century. What survives are the almost untouched remains of the palace sites and also the entire settlement area dependent upon them, as well as two dependent upon them, as well as two</td>
<td>to the 15th century, is manifest in the extraordinary assembly of the fields, in houses and early 19th century manor houses, in wine-cellar, churches and ports. The extraordinarily beautiful man-made landscape of the site is the best remaining area of a once much more widespread practice.</td>
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Important part in the Pico economy, and still involve a people proud of their past, maintaining traditional rituals and practices and protecting their architectural heritage. The nomination is of the most representative and the best preserved area within the viticultural zone of the island, keeping alive the striking characteristics of this landscape. |

**Outstanding universal value:**

The Pico Island landscape reflects a unique response to viniculture on a small volcanic island and one that has been evolving since the arrival of the first settlers in the 15th century. Evidence of this viniculture is manifest in the extraordinary assembly of small stone-walled fields, in houses and manor houses, in wine-cellar and in associated buildings such as churches and ports. The wines produced on the island are of high quality and have thus helped to extend the influence of this small island around the world. Although many of the small fields have now been abandoned, the practice of winemaking, and the strong cultural traditions associated with it, is still flourishing on the island. The extraordinarily beautiful man-made landscape of the island is testimony to generations of small-scale farmers who, in a hostile environment, created a sustainable living and much-prized wine. Their landscape reflects continuity in adversity. Overall it is an agricultural monument in stone, which incidentally has high aesthetic value. |

**Justification for inscription:**

Criteria (iii) and (v): The Pico Island landscape reflects a unique response to viniculture on a small volcanic island and one that has been evolving since the arrival of the first settlers in the 15th century. The extraordinarily beautiful man-made landscape of small, stone walled fields is testimony to generations of small-scale farmers who, in a hostile environment, created a sustainable living and much-prized wine. The Mapungubwe cultural landscape was the centre of the first powerful Indigenous kingdom in Southern Africa. It was established by the cultural ancestors of the present-day Shona and Venda between AD 900 and 1300. Evidence for its history is preserved in over 400 archaeological sites. The dynamic interaction between people and landscape laid the foundation for a new type of social organisation in the region. The kingdom grew as a result of wealth that accrued by its leaders from trade with the Indian Ocean network, combined with ideal landscape conditions for agriculture that provided for a population of over 9,000 people. Trade goods included gold, glass beads, cotton cloth, Chinese ceramics, ivory, copper and hides. By the thirteenth century AD, a social hierarchy had developed which was reflected in settlement planning. Mapungubwe Hill was occupied and modified to separate the elite from the commoners below. The onset of the Little Ice Age caused drought and crop failures. The kingdom dispersed after AD 1300, new
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<td>social and political alliances were formed, and the centre of regional power shifted to Great Zimbabwe.</td>
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<td><strong>Outstanding universal value:</strong> Mapungubwe is of universal value for the way it demonstrates the rise and fall of the first Indigenous kingdom in southern Africa. Within the site are the remains of three capitals, their satellite settlements, and the lands around the confluence of the Limpopo and Shashe rivers, whose fertility supported the large population within the kingdom. Mapungubwe’s position at the crossing of the north/south and east/west routes in southern Africa enabled it to control trade through the East African ports to India and China and within southern Africa. From its hinterland it harvested gold and ivory – commodities in scarce supply elsewhere – which brought it great wealth displayed in such imports as Chinese porcelain and Persian glass beads. Mapungubwe’s comparatively sudden demise, brought about by deteriorating climatic conditions, and the abandonment of the capital, means that the remains of the kingdom have been preserved. Mapungubwe’s position as the power base in southern Africa shifted north to Great Zimbabwe and Khami. Mapungubwe must be seen as the forerunner of these two later kingdoms. <strong>Justification for inscription:</strong> Criterion (ii): The Mapungubwe cultural landscape contains evidence for an important interchange of human values that led to far-reaching cultural and social changes in Southern Africa between AD 900 and 1300. Criterion (iii): The remains in the Mapungubwe cultural landscape are a remarkably complete testimony to the growth and subsequent decline of the Mapungubwe state which at its height was the largest kingdom in the African sub-continent. Criterion (iv): The establishment of Mapungubwe as a powerful state trading through the East African ports with Arabia and India was a significant stage in the history of the African sub-continent. Criterion (v): The remains in the Mapungubwe cultural landscape graphically illustrate the impact of climate change and record the growth and then decline of the kingdom of Mapungubwe as a clear record of a culture that became vulnerable to irreversible change.</td>
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<tr>
<td>Richtersveld Cultural and Botanical Landscape</td>
<td>OE/C</td>
<td>The 160,000 ha Richtersveld Cultural and Botanical Landscape of dramatic mountainous desert in north-western South Africa constitutes a cultural landscape communally owned and managed. This site sustains the semi-nomadic pastoral livelihood of the Nama people, reflecting seasonal patterns that may have persisted for as The extensive communal grazed lands of the Richtersveld Cultural and Botanical Landscape are a testimony to land management processes which have ensured the protection of the succulent Karoo vegetation and thus demonstrates a harmonious interaction between people and nature. Furthermore, the seasonal migrations of graziers between stockposts with traditional demountable mat-roofed houses, reflect a practice that was once much more widespread over Southern Africa, and which has persisted for at least two millennia; the Nama are now its last practitioners.</td>
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<tr>
<td>Country</td>
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<td>Description</td>
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<td>Spain</td>
<td>Aranjuez Cultural Landscape</td>
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<td>much as two millennia in southern Africa. It is the only area where the Nama still construct portable rush-mat houses (haru om) and includes seasonal migrations and grazing grounds, together with stock posts. The pastoralists collect medicinal and other plants and have a strong oral tradition associated with different places and attributes of the landscape.</td>
<td>Outstanding universal value: The Richtersveld Cultural and Botanical Landscape demonstrates Outstanding Universal Value. The extensive communal grazed lands are a testimony to land management processes which have ensured the protection of the succulent Karoo vegetation and thus demonstrates a harmonious interaction between people and nature. The seasonal migrations of graziers between stockposts with traditional demountable mat-roofed houses, <em>haru om</em>, reflect a practice that was once much more widespread over Southern Africa, and which has persisted for at least two millennia; the Nama are now its last practitioners. Justification for inscription: Criterion (iv): The rich diverse botanical landscape of the Richtersveld, shaped by the pastoral grazing of the Nama, represents and demonstrates a way of life that persisted for many millennia over a considerable part of southern Africa and was a significant stage in the history of this area. Criterion (v): The Richtersveld is one of the few areas in southern Africa where transhumance pastoralism is still practised; as a cultural landscape it reflects long-standing and persistent traditions of the Nama, the Indigenous community. Their seasonal pastoral grazing regimes, which sustain the extensive biodiversity of the area, were once much more widespread and are now vulnerable. Aranjuez the town, as distinct from the whole landscape, is an integral part of the cultural landscape. In this context, its relationship with the design of both the water management and with the geometric dimension of the planned landscape is outstanding. As a town in its own right, its salient characteristics are covered by the Operational Guidelines for the Implementation of the World Heritage Convention, paragraph 27, where it falls into category (ii), and by paragraph 29 where it meets criteria about 'spatial organization, structure, materials, forms and ... functions' which ‘essentially reflect the civilization which [has] prompted the nomination,’ and falls into category (iii), ‘Historic centres that cover exactly the same area as ancient towns and are now enclosed within modern cities’. Aranjuez the town is, in other words, a distinctive and distinguished urban ensemble which might well have been considered for World Heritage status in its own right. However, it is properly presented in its landscape context, thereby adding to understanding of its own nature and becoming a key element in the cultural landscape nominated for World Heritage status. Outstanding universal value: Aranjuez represents the coming together of diverse cultural influences to create a cultural landscape that had a formative influence on further developments in this field. Its components illustrate seminal advances in landscape design. Justification for inscription: Criterion (ii): Aranjuez represents the coming together of diverse cultural influences to create a cultural landscape</td>
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<td>Country</td>
<td>Cultural Landscape</td>
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<tr>
<td>Sweden</td>
<td>Agricultural Landscape of Southern Öland</td>
<td>OE/C</td>
<td>The southern part of the island of Öland in the Baltic Sea is dominated by a vast limestone plateau. Human beings have lived here for some five thousand years and adapted their way of life to the physical constraints of the island. As a consequence, the landscape is unique, with abundant evidence of continuous human settlement from prehistoric times to the present day.</td>
<td>The interaction between man and the natural environment in the south of Öland is of unique universal value. The continuity of land use goes back to the Stone Age, when man as a farmer began using this area. The use made of the land has not changed significantly since then, with arable farming and animal husbandry remaining the principal economic activity. The frames within which the people of Öland have used their landscape have been dictated by conditions of natural geography. The land division is easily discernible, and one clearly perceives the division between infields and outfields, a division which has been constant since the medieval period, by which time all available farmland was being utilised. The outfields are still being used as pasturage. Together the linear villages, the infields, the coastline, and the limestone pan make up a unique agricultural landscape possessed of great cultural and natural values of more than a thousand years' continuity. The agricultural landscape of Öland is an organically evolved landscape which permits and depends upon continuing traditional land use. This living agricultural community also includes a residual Iron Age landscape, as well as abundant traces of the Stone Age and Bronze Age. In Öland, therefore, man's agrarian history is made intelligible within a well defined geocultural region. Outstanding universal value: In cultural terms the agricultural landscape of southern Öland is an exceptional one. It preserves abundant traces of its long settlement history, dating back to prehistoric times. It is a remarkable demonstration of human ingenuity and resourcefulness in utilizing a physical landscape and environment that are not at first sight favourable to human settlement and exploitation. Justification for inscription: Criterion (iv): The landscape of Southern Öland takes its contemporary form from its long cultural history, adapting to the physical constraints of the geology and topography. Criterion (v): Södra Öland is an outstanding example of human settlement, making the optimum use of diverse landscape types on a single island.</td>
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<tr>
<td>Switzerland</td>
<td>Lavaux, Vineyard Terraces</td>
<td>OE/C</td>
<td>The Lavaux Vineyard Terraces, stretching for about 30 km along the south-facing northern shores of Lake Geneva from the Château de Chillon to the eastern outskirts of Lausanne in the Vaud region, cover the lower slopes of the mountainside between the villages</td>
<td>The Lavaux vineyard landscape is a thriving cultural landscape that demonstrates in a highly visible way its evolution and development over almost a millennia, through the well preserved landscape and buildings, and also the continuation and adaptation of longstanding cultural traditions, specific to its locality. It also illustrates very graphically the story of patronage, control and protection of this highly valued wine growing area, all of which contributed substantially to the development of Lausanne and its Region and played a significant role in the history of the geo-cultural region; and, has prompted, in response to its vulnerability next to fast-growing</td>
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<td>Country</td>
<td>Cultural Landscape</td>
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<td>Description 15th Century</td>
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<td>and the lake. Although there is some evidence that vines were grown in the area in Roman times, the present vine terraces can be traced back to the 11th century, when Benedictine and Cistercian monasteries controlled the area. It is an outstanding example of a centuries-long interaction between people and their environment, developed to optimise local resources so as to produce a highly valued wine that has always been important to the economy.</td>
<td>settlements, exceptional popular protection. <strong>Outstanding universal value:</strong> ICOMOS considers that the Lavaux landscape is unquestionably a continuing organically evolved landscape of significance. There is abundant visual evidence of its historical development from the Roman period to the present day, and also of its complex socio-economic evolution. This information can be ‘read’ in the layout and diversity of form of the individual vineyard parcels, in the communication system (from the Roman road to the contemporary autoroute and the railway lines), and in the architecture and layouts of the communities (in the case of Saint-Savorin based on an extensive Roman villa). Lavaux is also a landscape ‘which retains an active social role in contemporary society closely associated with the traditional way of life, and in which the evolutionary process is still in progress’. It possesses these qualities to a far higher degree than any of the other vineyard regions already on the World Heritage List. The Lavaux vineyard landscape is a thriving cultural landscape that: • demonstrates in a highly visible way its evolution and development over almost a millennium, through the well preserved landscape and buildings, and also the continuation and adaptation of longstanding cultural traditions, specific to its locality; • illustrates very graphically the story of patronage, control and protection of this highly valued wine growing area, all of which contributed substantially to the development of Lausanne and its Region and played a significant role in the history of the geo-cultural region; and, • has prompted, in response to its vulnerability next to fast-growing settlements, exceptional popular protection. <strong>Justification for inscription:</strong> Criterion (iii): The Lavaux vineyard landscape demonstrates in a highly visible way its evolution and development over almost a millennium, through the well preserved landscape and buildings that demonstrate a continuation and evolution of longstanding cultural traditions, specific to its locality. Criterion (iv): The evolution of the Lavaux vineyard landscape, as evidenced on the ground, illustrates very graphically the story of patronage, control and protection of this highly valued wine growing area, all of which contributed substantially to the development of Lausanne and its Region and played a significant role in the history of the geo-cultural region. Criterion (v): The Lavaux vineyard landscape is an outstanding example that displays centuries of interaction between people and their environment in a very specific and productive way, optimising the local resources to produce a highly valued wine that was a significant part of the local economy. Its vulnerability in the face of fast-growing urban settlements has prompted protection measures strongly supported by local communities.</td>
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<td>Country</td>
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<td>Togo</td>
<td>Koutammakou, the Land of the Batammariba</td>
<td>OE/C</td>
<td>The Koutammakou landscape in northeastern Togo, which extends into neighbouring Benin, is home to the Batammariba whose remarkable mud tower-houses (Takienta) have come to be seen as a symbol of Togo. In this landscape, nature is strongly associated with the rituals and beliefs of society. The 50,000-ha cultural landscape is remarkable due to the architecture of its tower-houses which are a reflection of social structure; its farmland and forest; and the associations between people and landscape. Many of the buildings are two storeys high and those with granaries feature an almost spherical form above a cylindrical base. Some of the buildings have flat roofs, others have conical thatched roofs. They are grouped in villages, which also include ceremonial spaces, springs, rocks and sites reserved for initiation ceremonies. The area around Blaenavon is one of the best examples in the world of a landscape created by coal mining and iron making in the late 18th and the early 19th century. All the necessary elements can still be seen – coal and ore mines, quarries, a primitive railway system, furnaces, workers' homes, and the social infrastructure of their community.</td>
<td>The Koutammakou as an evolving living landscape exhibits all the facets of an agricultural society working in harmony with the landscape and where nature underpins beliefs, ritual and everyday life. The Koutammakou landscape exhibits the following qualities: • The Takienta tower houses as architecture • The Takienta tower-houses as a reflection of social structure • Farmland &amp; Forest • Intangible associations between people and landscape. Outstanding universal value: The Koutammakou area is of outstanding universal value for the following combination of cultural qualities: • For the tradition of building Takienta – tall mud tower houses, only found in this small area of northern Togo and Benin. • For the way the area reflects ancient traditions of mountain peoples across west Africa who resisted incorporation in the various empires. • For the way the strong socio-economic-cultural systems of the Batammariba demonstrate a sustainable approach to land management and one that is based on spiritual respect for the landscape. Justification for inscription: Criterion (v): The Koutammakou is an outstanding example of a system of traditional settlement that is still living and dynamic, and subject to traditional and sustainable systems and practices, and which reflects the singular culture of the Batammariba, particularly the Takienta tower houses. Criterion (vi): The Koutammakou is an eloquent testimony to the strength of spiritual association between people and landscape, as manifested in the harmony between the Batammariba and their natural surroundings.</td>
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<td>Royal Botanic Gardens, Kew</td>
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<td>This historic landscape garden features elements that illustrate significant periods of the art of gardens from the 18th to the 20th centuries. The gardens house botanic collections (conserved plants, living plants and documents) that have been considerably enriched through the centuries. Since their creation in 1759, the gardens have made a significant and uninterrupted contribution to the study of plant diversity and economic botany.</td>
<td>Outstanding universal value: The Royal Botanic Gardens of Kew form a historic landscape garden whose elements illustrate significant periods of the art of gardens from the 18th to the 20th centuries. They house botanic collections (conserved plants, living plants and documents) which have been considerably enriched through the centuries. Since their creation in 1759, the gardens have made a significant and uninterrupted contribution to the study of plant diversity and economic botany. Justification for inscription: Criterion (ii): Since the 18th century, the Botanic Gardens of Kew have been closely associated with scientific and economic exchanges established throughout the world in the field of botany, and this is reflected in the richness of its collections. The landscape features and architectural features of the gardens reflect considerable artistic influences both with regard to the European continent and to more distant regions. Criterion (iii): Kew Gardens have largely contributed to advances in many scientific disciplines, particularly</td>
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<td>St. Kilda</td>
<td>OE/R</td>
<td>This volcanic archipelago, with its spectacular landscapes, is situated off the coast of the Hebrides and comprises the islands of Hirta, Dun, Soay and Boreray. It has some of the highest cliffs in Europe, which have large colonies of rare and endangered species of birds, especially puffins and gannets. The archipelago, uninhabited since 1930, bears the evidence of more than 2,000 years of human occupation in the extreme conditions prevalent in the Hebrides. Human vestiges include built structures and field systems, the cleits and the traditional Highland stone houses. They feature the vulnerable remains of a subsistence economy based on the products of birds, agriculture and sheep farming.</td>
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**Outstanding universal value:**

The cultural landscape of St. Kilda developed over more than two millennia in relation to an exceptional geological and natural context, forming a spectacular landscape, characterised by sublime beauty and a sense of remoteness.

In terms of culture, the outstanding universal value of St. Kilda is in bearing exceptional testimony to a way of life and economy based particularly on the products of birds, which developed over more than two millennia. As a result, St. Kilda developed into a cultural landscape, which is rather unique taking into account its spectacular natural setting. This particular cultural and social organism was subject to change in the 19th century, resulting in the construction of the Village and a new land division in that area, and finally in the 20th century when the islanders departed. This period forms the final phase in the long development. It is noted that the nomination document provides more detailed information on the natural aspects of the site rather than on the cultural landscape. There is relatively little information on the archaeological evidence of the land use and cultural landscape development in the different parts of the islands. More attention however is given to the 19th century village.

**Justification for inscription:**

1986

Criteria (vii) Superlative natural features. The scenery of the archipelago displays its tertiary volcanic origin, weathered and glaciated to produce dramatic profiles. The three larger islands contain the highest sea-cliffs in Europe and these present stark, black, precipitous faces plunging from steep grass-green slopes in excess of 375 m (1,200 ft) above the sea. Scenically, every element appears vertical and the caves and stats are a feature of every coast except the smooth amphitheatre of Village Bay on Hirta.

Criteria (x) Habitats of rare and endangered species. The islands contain impressive sea-bird colonies containing the highest populations in Europe, of over 1,000,000 birds. These include: Gannet, 25% of North Atlantic population; Puffin, 50% of British population (300,000 pairs). The archipelago possesses two isolated populations of one of the most primitive domesticated sheep in existence, living in a feral condition.

2004

Criteria (ix): St. Kilda is unique in the very high bird densities that occur in a relatively small area which is conditioned by the complex and different ecological niches existing in the site. There is also a complex ecological dynamic in the three marine zones present in the site that is essential to the maintenance of both botany and ecology.

Criterion (iv): The landscape gardens and the edifices created by celebrated artists such as Charles Bridgeman, William Kent, Lancelot 'Capability' Brown and William Chambers reflect the beginning of movements which were to have international influence.
### Appendix 6 - Cultural Landscapes Currently Inscribed on the World Heritage List (2003-2008) - A Summary

<table>
<thead>
<tr>
<th>Country</th>
<th>Cultural Landscape</th>
<th>Type</th>
<th>Description</th>
<th>Interrelationship of Outstanding Universal Value and Justification for Inscription</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cornwall and West Devon</td>
<td>Mining Landscape</td>
<td>OE</td>
<td>Many aspects of the landscape of Cornwall and West Devon were transformed in the 18th and early 19th centuries as a result of the rapid growth of pioneering copper and tin mining. Its deep underground mines, engine houses, foundries, new towns, smallholdings, ports and harbours, and their ancillary industries together reflect prolific innovation, which in the early 19th century enabled the region to produce two-thirds of the world's supply of copper. The substantial remains are a testimony to the contribution Cornwall and West Devon made to the Industrial Revolution in the rest of Britain and to the fundamental influence the area had on the mining world at large. Cornish technology embodied in engines, engine houses and mining equipment was exported around the world. Cornwall and West Devon were the heartland from which mining technology rapidly spread.</td>
<td>marine and terrestrial biodiversity.</td>
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<td></td>
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<td>The extensive nominated site consists of the most authentic and historically important surviving components of the Cornwall and West Devon mining landscape from around 1700 to 1914. The area covers 19,808 ha. There is no Buffer zone. There are ten areas representing the heartlands of former mining districts spread throughout Cornwall County and just over the border into West Devon County. These areas share a common identity in being part of the overall massive exploitation of minerals in the early 19th century. Having developed separately from one another, they also display distinct differences reflecting the location of mineral ores as well as the relative independence of the landowners and merchants who controlled mining, banking and ancillary industries. Together the areas form a unified cultural landscape that reflects all aspects of the mining industry - both technological and social - mine sites, mine transport, ancillary industries, mining settlements, smallholdings, great houses &amp; estates and mineralogical sites. That landscape is in part relict, where mines and mine transport for instance, are no longer worked, and part evolving, where for example the agricultural landscape which supported the mining settlements are still working places, as are the rural settlements and towns.</td>
<td>2005</td>
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<td></td>
<td>Outstanding universal value:</td>
<td>Criterion (iii): St. Kilda bears exceptional testimony to over two millennia of human occupation in extreme conditions.</td>
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<td></td>
<td>Criterion (v): The cultural landscape of St. Kilda is an outstanding example of land use resulting from a type of subsistence economy based on the products of birds, cultivating land and keeping sheep. The cultural landscape reflects age-old traditions and land uses, which have become vulnerable to change particularly after the departure of the islanders.</td>
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<tr>
<td></td>
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<td></td>
<td>The outstanding universal value of the Cornish and West Devon mining landscape nominated areas is based on a combination of the following qualities:</td>
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<tr>
<td></td>
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<td>• Between 1700 and 1814, the industrialisation of non-ferrous mining in Cornwall and West Devon transformed the landscape and the structure of society and contributed substantially to the development of an industrialised economy in Britain and around the world.</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• The mines of Cornwall and West Devon, through the development and use of steam technology, became proponents of industrialised mining processes that had a profound effect on mining around the world.</td>
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<td></td>
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<td>• The remains of mines, engine houses foundries, new planned towns, villages, smallholdings, ports, harbours, railways, canals, and tramways together are testimony, in an inter-linked and highly legible way the energy, to the sophistication and success of early, large-scale, industrialised, non-ferrous mining.</td>
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<td></td>
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<td>• The survival of Cornish engine houses in Spain, Mexico, South Africa and Australia reflects the migration of Cornish miners from the 1820s, and particularly in the 1860s and 1870s, to mines around the world.</td>
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<p>| 446 |</p>
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<tr>
<th>Country</th>
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<tbody>
<tr>
<td>Vanuatu</td>
<td>Chief Roi Mata's Domain</td>
<td>OE/C</td>
<td>Chief Roi Mata's Domain is the first site to be inscribed in Vanuatu. It consists of three early 17th century AD sites on the islands of Efate, Lelepa and Artok associated with the life and death of the last paramount chief, or Roi Mata, of what is now Central Vanuatu. The property includes Roi Mata's residence, the site of his death and Roi Mata's mass burial site. It is closely associated with the oral traditions surrounding the chief and the moral values he espoused. The site reflects the convergence between oral tradition and archaeology and bears witness to the persistence of Roi Mata's social reforms and conflict resolution, still relevant to the people of the region.</td>
<td>Justification for inscription: Criterion (ii): The development of industrialised mining in Cornwall and West Devon between 1700 and 1914, and particularly the innovative use of the beam engine, led to the evolution of an industrialised society manifest in the transformation of the landscape through the creation of new towns and villages, smallholdings, railways, canals, docks and ports, and this had a profound impact on the growth of industrialisation in the United Kingdom and then on industrialised mining around the world. Criterion (iii): The extent and scope of the remains of copper and tin mining, and the associated transformation of the urban and rural landscapes, including the now distinctive plant communities of waste and spoil heaps and estuarine areas, presents a vivid and legible testimony to the success of Cornish and West Devon industrialised mining when the area dominated the world's output of copper, tin and arsenic. Criterion (iv): The mining landscape of Cornwall and West Devon, and particularly its characteristic engine houses and beam engines, as a technological ensemble in a landscape, reflect the substantial contribution the area made to the industrial revolution and formative changes in mining practices around the world.</td>
</tr>
<tr>
<td>Country</td>
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<tr>
<td>Zimbabwe</td>
<td>Matobo Hills</td>
<td>OE/C</td>
<td>The area exhibits a profusion of distinctive rock landforms rising above the granite shield that covers much of Zimbabwe. The large boulders provide abundant natural shelters and have been associated with human occupation from the early Stone Age right through to early historical times, and intermittently since. They also feature an outstanding collection of rock paintings. The Matobo Hills continue to provide a strong focus for the local community, which still uses shrines and sacred places closely linked to traditional, social and economic activities.</td>
<td>A profusion of distinctive granite landforms, densely packed into a comparatively tight area, rise up to form a sea of hills. These extraordinary granite rock formations have exerted a strong presence over the whole area – both in natural and cultural terms. The discrete and often small sheltered spaces, formed between this dense collection of rocks, have fostered a wide variety of microclimates, allowing the development of an extremely diverse range of habitats. The resulting species rich vegetation has in turn provided much sustenance for a wide range of fauna. These natural attributes have also been the dynamic focus for people living in the area since the early Stone Age. Within natural caves, and on boulders and cliff faces are found a dramatic corpus of rock art much of it dating from the Stone Age. What gives Matobo is continuing relevance to local communities today is the strong persistence of Indigenous beliefs and practices associated with Matobo as a sacred place – the seat of God, (Mwari/Mwali), the home of ancestral spirits, and the focus for rituals and ceremonies linked to rain, harvest, disease and appeasement of spirits. Specifically the Matobo Hills nominated cultural landscape includes: - Rock paintings – a huge corpus of paintings; - Stone and Iron Age archaeological sites; - Historical sites from pre-colonial, colonial and post-colonial periods; - Natural heritage – rock forms, high biodiversity; rare species; - Living intangible culture associated with the rock forms. Outstanding universal value: The universal value of the Matobo Hills stems from the way people have interacted with, and been inspired by, the dramatic natural rock formations over many millennia. This interaction has produced one of the most outstanding rock art collections in southern Africa; it has also fostered strong religious beliefs, which still play a major role in contemporary local society; and it demonstrates an almost uninterrupted association between man and his environment over the past 100,000 years. The natural qualities of Matobo thus have strong cultural associations.</td>
</tr>
</tbody>
</table>
### Transboundary Cultural Landscapes

<table>
<thead>
<tr>
<th>Country</th>
<th>Cultural Landscape</th>
<th>Type</th>
<th>Description</th>
<th>Justification for Outstanding Universal Value and Justification for Inscription</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria, Hungary</td>
<td>Fertő/Neusiedlersee Cultral Landscape</td>
<td>OE/C</td>
<td>The Fertő/Neusiedler Lake area has been the meeting place of different cultures for eight millennia. This is graphically demonstrated by its varied landscape, the result of an evolutionary symbiosis between human activity and the physical environment. The remarkable rural architecture of the villages surrounding the lake and several 18th and 19th century palaces adds to the area's considerable cultural interest.</td>
<td>The Fertő-Neusiedler Lake and its surroundings are an outstanding example of a traditional human settlement and land-use representative of a culture. The present character of the landscape is the result of millennia-old land-use forms based on stock-raising and viticulture to an extent not found in other European lake areas. The historic centre of the medieval free town of Rust constitutes an outstanding example of a traditional human settlement representative of the area. The town exhibits the special building mode of a society and culture within which the lifestyles of townspeople and farmers form a united whole. <strong>Outstanding universal value:</strong> The area in general is of considerable cultural interest, though much of the landscape containing and expressing that interest lies in the buffer zone. The nominated area is primarily concerned with the Lake itself and its shores, and does not of itself constitute a cultural landscape. The Lake is changing and affecting its environs, yet much of the cultural value of the area lies in its genuinely unchanging qualities of way of life and landscape based upon a traditional and sustainable exploitation of a limited range of resources - particular habitats for reed-production, cattle-raising, fishing, and viticulture. <strong>Justification for inscription:</strong> Criterion (v): The Fertő-Neusiedler Lake has been the meeting place of different cultures for eight millennia, and this is graphically demonstrated by its varied landscape, the result of an evolutionary and symbiotic process of human interaction with the physical environment. <strong>Outstanding universal value:</strong> The landscape is the product of an interaction between nature and man. Nature is visually dominant, but the influences of man are extensively apparent to the discerning eye. It is a landscape produced by the effect of man the farmer, the mountainer. and more recently the conservation minded manager on an old and complex geology ravaged by climate and erosion. The most important of the human activities has been, and remains, long-term pastoralism.</td>
</tr>
<tr>
<td>France, Spain</td>
<td>Pyrénées – Mont Perdu</td>
<td>OE/C</td>
<td>This outstanding mountain landscape, which spans the contemporary national borders of France and Spain, is centred around the peak of Mount Perdu, a calcareous massif that rises to 3,352 m. The site, with a total area of 30,639 ha, includes two of Europe's largest and</td>
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</table>
### Germany, Poland: Muskauer Park/Park Muzakowski

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<thead>
<tr>
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</tr>
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</table>
|                  | Muskauer Park      | D    | A landscaped park of 559.9 ha astride the Neisse River and the border between Poland and Germany, it was created by Prince Hermann von Puckler-Muskau from 1815 to 1844. Blending seamlessly with the surrounding farmed landscape, the park pioneered new approaches to landscape design and influenced the development of landscape architecture in Europe and America. Designed as a 'painting with plants', it did not seek to evoke classical landscapes, paradise, or some lost perfection, instead using local plants to enhance the inherent qualities of the existing landscape. This integrated landscape extends into the town of Muskau with green passages that formed urban parks framing areas for development. The town thus became a design component in a utopian landscape. The site also features a reconstructed castle, bridges and an arboretum. | Justification for inscription:  
Criteria (vii) and (viii): The calcareous massif of the Mount Perdu displays classic geological landforms, including deep canyons and spectacular cirque walls. It is also an outstanding scenic landscape with meadows, lakes, caves and forests on mountain slopes. In addition, the area is of high interest to science and conservation.  
Criteria (iii), (iv) and (v): The Pyrénées-Mont Perdu area between France and Spain is an outstanding cultural landscape which combines scenic beauty with a socio-economic structure that has its roots in the past and illustrates a mountain way of life that has become rare in Europe. |
<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Russian Federation, Lithuania</td>
<td>Curonian Spit</td>
<td>OE/C</td>
<td>Human habitation of this elongated sand dune peninsula, 98 km long and 0.4-4 km wide, dates back to prehistoric times. Throughout this period it has been threatened by the natural forces of wind and waves. Its survival to the present day has been made possible only as a result of ceaseless human efforts to combat the erosion of the Spit, dramatically illustrated by continuing stabilisation and reforestation projects.</td>
<td>The landscape of the Curonian Spit has been formed not only by natural processes but also by human activities, and so it represents the combined work of nature and of man. It illustrates the evolution of a society based on fishing. It exhibits significant material evidence of its evolution over time, the latter integrally related to both natural forces and human activity. On the Curonian Spit it is still possible to observe the relict landscape in which an evolutionary process came to an end in the past: the ethnographic heritage of the Kursiai tribe, which lived on the Spit for a long period, but have now disappeared, still exists. The earlier landscape of fishing villages is to be found beneath the sand-dunes. Outstanding universal value: In landscape terms, the Curonian Spit has high value. It is an example of a special landform that is subject to changes owing to natural phenomena resulting from climate variations and from human interventions. The latter have been both catastrophic, as in the case of the drastic deforestation in the 16th century, and beneficial, as demonstrated by the creation of artificial barriers in the 19th century against further incursions by the sea. It is undoubtedly a continuing organic landscape, as defined in the Operational Guidelines for the Implementation of the World Heritage Convention. Justification for inscription: Criterion (v): The Curonian Spit is an outstanding example of a landscape of sand dunes that is under constant threat from natural forces (wind and tide). After disastrous human interventions that menaced its survival the Spit was reclaimed by massive protection and stabilisation works begun in the 19th century and still continuing to the present day.</td>
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</tbody>
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Appendix 7

Action Plan for the Future (Cultural Landscapes), adopted by the 17th Session of the World Heritage Committee in December 1993

Guidance to States Parties on the identification, assessment, nomination and management of cultural landscapes for inclusion in the World Heritage List

(a) that the difficulties encountered by States Parties in developing Tentative Lists be identified and addressed;

(b) that additional information, guidance and advice be provided to States Parties on the subject of cultural landscapes and their inclusion on Tentative Lists: this should include an explanatory illustrated booklet on cultural landscapes;

(c) that the opportunity for applying for preparatory assistance for the development of Tentative Lists should again be communicated to States Parties;

(d) that States Parties that have not yet submitted revised Tentative Lists, to include cultural landscapes, be urged and encouraged to do so within the next two years;

(e) that in light of the recent revisions to the cultural criteria that States Parties be made aware of the opportunity to review properties that are already on the World Heritage List with the object of reassessing the criteria and the boundaries for which the property was included. It was noted that this was at the discretion of States Parties;

(f) that specific guidelines for the management of cultural landscapes, including both conservation and development, be incorporated in the existing 'Guidelines for the Management of World Heritage Properties' taking into account successful management experiences;

(g) that an exchange of information, case studies and management experiences on the level of regional and local communities for the protection of cultural landscapes between States Parties be encouraged;

(h) that the expert groups and NGOs (ICOMOS, IUCN/CNPPA, IFLA, ILAA, TALE) be encouraged to promote a broader understanding of cultural landscapes and their potential for inclusion of the World Heritage List;

(i) that the World Heritage Centre be asked to facilitate all of the above.
Thematic study on cultural landscapes

(a) that a working group(s) be convened to initiate a cultural landscape(s) thematic study. This group(s) should be established by the World Heritage Centre in association with ICOMOS and in consultation with IUCN;

(b) it was noted that a number of States Parties had developed thematic methodologies for the preparation of Tentative Lists. It was suggested that the working group(s) investigate how these thematic frameworks could be applied to the development of Tentative Lists to include cultural landscapes;

(c) that the completion of this thematic study should not delay the inscription of cultural landscapes of unquestionable outstanding universal value on the World Heritage List;

(d) that the proposed working group(s) be requested to give careful consideration to the definitions and categories of cultural landscapes included in the Operational Guidelines. That the ‘Model for Presenting a Tentative List’ (Annex 1 of the Operational Guidelines), the nomination form, and the format of the World Heritage List, be reviewed to insure the visibility of cultural landscapes;

(e) that paragraph 14 of the Operational Guidelines be redrafted in response to the changes to the cultural criteria to provide appropriate information to the public during the nomination process.
Appendix 8


SUMMARY

In accordance with the Action Plan for the Future (Cultural Landscapes) adopted by the seventeenth session of the World Heritage Committee in December 1993, an expert group met in Banská Štiavnica (Slovakia) from 1 to 4 June 1999. The group consisted of 19 representatives from Africa, Arab States, Latin America, North America, Asia/Pacific and Europe, from the Advisory Bodies (ICOMOS, IUCN, ICCROM), IFLA and the UNESCO World Heritage Centre. The list of participants is included as Annex I. The meeting was held at the invitation of the Slovak authorities and was financially supported from the World Heritage Fund. An outline for the management guidelines for cultural landscapes (Annex II) and a timetable for its preparation (Annex III) is included in this information document.

Action by the Bureau: The Bureau may wish to take note of the report and the recommendations made.

Following the recommendation of the World Heritage Committee at its seventeenth session (Cartagena, December 1993), "that specific guidelines for the management of cultural landscapes, including both conservation and development" be prepared, "taking into account successful management experiences" (Action Plan for the Future – Cultural Landscapes), an expert group met in Banská Štiavnica, Slovakia, from 1 to 4 June 1999. The meeting was held at the invitation of the Slovak authorities and was financially supported from the World Heritage Fund. The expert group consisted of 19 representatives from Africa, Arab States, Latin America, North America, Asia/Pacific and Europe, representatives from the Advisory Bodies (ICOMOS, IUCN, ICCROM), IFLA and the UNESCO World Heritage Centre.

... Recommendations

In accordance with the Action Plan for the Future (Cultural Landscapes) adopted by the seventeenth session of the World Heritage Committee in December 1993, an expert group met in Banská Štiavnica (Slovakia) from 1 to 4 June (see list of participants in Annex I). The Expert Group, having prepared an outline for the Management Guidelines for Cultural Landscapes (Annex II) recommended that:

- specific funding for the preparation of the management guidelines be sought, either through the World Heritage Fund or through extra budgetary funding;
- a draft text should be prepared by an expert editor, including case studies and other material contributed by group members and others, and be submitted to members of the Banská Štiavnica expert group for comment, further contribution etc.; the final version would be produced by the editor through a consultative process;
- the World Heritage Centre should facilitate the publication of the guidelines and the offer to undertake publication made by ICCROM should be considered.

Having considered a number of important issues arising from the management of sites, the expert group also recommended that:

- the issue of tourism and World Heritage should be addressed at an appropriate level, including the possibility of organizing a special interdisciplinary expert meeting of natural and cultural heritage experts and tourism specialist;
- in order to explore new forms of sustainability, the issue of agricultural changes and their effect on the landscape and its communities in a heritage context should be addressed in collaboration with appropriate institutions to establish a program of action;
- training programs on cultural landscapes management be developed as a priority by ICCROM, ICOMOS, IUCN, IFLA and the WHC as part of a co-ordinated strategy;
- working group members be invited to continue to serve as regional focal points for the development of the management guidelines on cultural landscapes and general information exchange.
ANNEX I

LIST OF PARTICIPANTS

...

ANNEX II

DRAFT MANAGEMENT GUIDELINES FOR CULTURAL LANDSCAPES

ABSTRACT/ EXECUTIVE SUMMARY

0. PREFACE
How this document came to be: based on 1993 Action Plan, Expert Meeting 1999 etc.

1. INTRODUCTION
1.0 Problems, challenges and what this book offers
1.1 The World Heritage Convention (see Chapter 2 of Feilden/Jokhileto)
1.2 The Global Strategy
1.3 The Operational Guidelines for the Implementation of the World Heritage Convention (including reference to paragraph 14 on community involvement)
1.4 Other Conventions and Charters relevant to Cultural Landscape
1.5 Scope:
- new category recognized by World Heritage Committee
- requirement of the World Heritage Committee for management (24b ii); by implication of exemplary standard
- need expressed by States Parties (management has to conform with legal provisions in States Parties)
- opportunity to share early experiences
- audiences: site managers and those to whom they are responsible and with whom they should be working (interdisciplinary)
- managing World Heritage: a continuous process
- specific management of cultural landscapes as a unit is essential, but such management should recognize that all planning and management of cultural landscapes is a component of land-use planning, management and other processes ("no cultural landscape is an island")
- encourage innovation and creativity.

2. CULTURAL LANDSCAPES
2.1 Definition, criteria (i, ii, iii, iv, v, vi) and categories of cultural landscape (World Heritage Convention Article 1 & Operational Guidelines, paragraph 39 ii)
2.2 Key ideas of significance of cultural landscapes (memory, thematic illustrations, identity, customary practices, language etc.)
2.3 Authenticity and integrity in the context of cultural landscapes
2.4 Evolution (appropriate development, threats, natural and human caused disasters etc.); limits of acceptable change/sustainable development.

3. SITE MANAGEMENT PROCESS
3.1 Introduction to the management process
- state the importance of the management process to the community/ owner/ representative of the community
- recognize and describe the management framework and stakeholders (acknowledgement of landscape values -> analysis -> statement of values -> nomination (as para.64 Operational Guidelines)-> review /ongoing dialogue)
- scale of analysis must suit the size of the property
- analysis must be positioned in relation to other processes
- composition of the management team: inclusive of community leading towards co-management and partnerships; must be multidisciplinary
- team building (see Feilden, page 48)
- commitment to the steps and outcomes of the management process.

3.2 List of Steps
These steps may be applied to any management process for conserving elements of the cultural landscapes. The management mechanism is for the benefit of the landscape primarily rather than for the players.

**Management policies**

i - choose relevant data for the analysis
ii - gather the data about resources and values
iii - assembling information using local knowledge and expert knowledge
iv - evaluate data by working groups
v - analyse the outcomes of the data evaluation and make a statement of significance
vi - develop management policies/ proposals/ identify indicators based on the statement of values
vii - evaluate the policy before implementation
viii - cost the policies by components in the action plans
ix - implement policies through action plans/ work programs and projects
x - interpret the policies:
   interpretation (relates to both site specific and World Heritage values of Cultural Landscapes), specific education role, requires information in more languages than the local site language, should address meaning of the place, access to history, role of nature and culture
xi - appraisal of the management policies and make necessary/ appropriate alterations following review
xii - review/continuous reporting

3.3 Complementary actions
- consensus through participation
- acknowledgement and reconciliation of different viewpoints and incorporation of these in the management proposals
- collaborative management with partners
- complementary management with other land management agencies
- updating review of information/ data management
- research and incorporation of results in management process
- capacity building
- sustainability of the cultural landscape requires search for creative solutions, innovative techniques and a flexible approach fund-raising for program proposals

3.4 Specific Policies (required)
- Tourism
- Continuing Agriculture
- Restoration of Landscapes
- Provision of Utility Services

4. SUPPORTING MECHANISMS
While Section 3 deals with the management of the site itself and is aimed at its managers, Section 4 addresses broader issues, which may be on the scale of the country, and aimed at the political level.
4.1 Capacity Building
a) Training the technical specialists needed (geography, landscape architecture, sociology, etc.)
b) Developing management skills
c) Developing tools and facilities (archive management, GIS...)
d) Creating the formal organisational structures for the sites, clearly identified for each site (a committee, a technical team)
e) Encouraging and co-ordinating informal organisations, NPOs, NGOs
f) Develop the capacity to cope with visitors.

4.2 Legal framework
4.2.1 Systematic identification of legal framework:
a) Levels:
   -- International level (conventions, treaties...)
   -- State level (National, Federal or federated state)
   -- Local level (municipal)
   -- Customary level
b) Sectors:
   -- Environment
   -- Infrastructure
   -- ...

4.2.2 Reform and development of legal framework
a) Harmonizing conflicting laws (between levels, between sectors)
b) Introducing new legal requirements based on experience
   -- Conservation areas
   -- Ownership
   -- ...

4.2.3 Implementation and enforcement

4.3 Regional planning policies
4.3.1 Basic ideas
a) Cultural landscape must be related to its surroundings
b) Development of surroundings will benefit site conservation (less pressure, more investment)
c) A cultural landscape can have direct benefit to its surroundings.

4.3.2 Aspects of regional planning
a) Economic development
b) Cultural integrity
c) Environmental conservation (preservation of biodiversity, pollution control...)
d) Tourism development and integration
e) Infrastructure development and integration.

4.4 Public awareness, dissemination, diffusion
Media
Training young people

4.5 Other policy issues: tourism, funding, sectoral policies (agriculture, etc.)

5. CONCLUDING REMARKS/ CONCLUSIONS

6. BIBLIOGRAPHY/ FURTHER READINGS

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ANNEXES

I Glossary
II Annotated List of Cultural Landscape Expert Meeting Reports/ web page references
III Background to this book (equivalent of Feilden/Jokhileto introduction)

ANNEX III

Timetable

I: End of June 1999
   - Receipt of synthesis report of the management guidelines meeting
   - Comments on the table of contents to writer/editor and coordinator

II: End of September/ early October 1999
   - Writer/editor commissions sections and case studies from the working group
   - World Heritage Centre contacts publisher and finalizes project proposal

III: November 1999
   - Writer/editor sends annotated outline to the working group and working group begin writing sections

IV: Beginning of March 2000
   - Working group sends finalized sections and case studies to writer/editor

V: End of June 2000
   - Writer/editor prepares first draft and distributes to working group

VI: End of July 2000
   - Working group sends comments on the first draft to writer/editor

VII: End of August 2000
   - Writer/editor sends second draft to working group

VIII: September 2000
   - Meeting up of working group to discuss and resolve final issues and to compile complete set of photographs and illustrations

IX: End October 2000
   - Writer/editor sends third and final draft to working group

X: End November 2000
   - Final comments of working group to writer/editor

XI: December 2000
   - Final text including all photographs and illustrations ready for publication
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