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**PRELIMINARY STUDY ON THE TECHNICAL AND LEGAL ASPECTS RELATING TO
THE DESIRABILITY OF A STANDARD-SETTING INSTRUMENT ON THE
CONSERVATION OF THE HISTORIC URBAN LANDSCAPE**

OUTLINE

Source: 181 EX/Decision 29.

Background: Following the series of debates on the conservation of the Historic Urban Landscape and the desirability of a standard-setting instrument on this subject held at the Executive Board at its 179th and 181st sessions, at the World Heritage Committee from its 29th to 32nd sessions and at the General Assembly of States Parties to the World Heritage Convention at its 15th session, the Executive Board invited the Director-General to submit to the General Conference the preliminary study on the technical and legal aspects relating to the desirability of such standard setting instrument, contained in document 181 EX/29, together with the relevant observations and decisions of the Executive Board thereon (181 EX/Decision 29).

The Executive Board also recommended that the General Conference decide at its 35th session on the action to be taken for the elaboration of the new standard-setting instrument on the conservation of the historic urban landscape in the form of a recommendation.

Purpose: This document presents the above mentioned feasibility-study with the relevant observations and decisions of the Executive Board thereon and proposes a working method and timetable, should the General Conference at its 35th session decide that the question of the conservation of the historic urban landscape must be regulated by a recommendation.

Decision required: Paragraph 13.

I. BACKGROUND

1. Following the series of debates on the conservation of the historic urban landscape that were held at the World Heritage Committee since its 29th session (Durban, 2005) and at the General Assembly of States Parties at its 15th session (UNESCO, 2005), which recommended that the General Conference adopt a new Recommendation to complement and update the existing ones of the conservation of Historic Urban Landscape, the Executive Board at its 179th session took note of the new approaches being developed on this issue and invited the Director-General to submit a full preliminary study of the technical and legal aspects of this issue (179 EX/Decision 25).

2. At its 181st session, the Executive Board examined the preliminary study on the technical and legal aspects relating to the desirability of a standard-setting instrument on the conservation of the Historic Urban Landscape and decided to include this item in the provisional agenda of the 35th session of the General Conference, inviting the Director-General to submit to the General Conference the preliminary study together with the relevant observations and decisions of the Executive Board thereon. The full text of the preliminary study is reproduced in Annex I to this document.

3. The Executive Board also recommended that the General Conference decide at its 35th session on the action to be taken for the elaboration of a new standard-setting instrument on the conservation of the historic urban landscape in the form of a recommendation (181 EX/Decision 29).

II. OBSERVATIONS AND DECISIONS OF THE EXECUTIVE BOARD

4. At its 181st session, the Executive Board considered that new challenges have emerged and approaches have been developed concerning the conservation of historic urban landscapes, and acknowledged that the existing standard-setting instruments, which provide the principles and norms making up the UNESCO legal framework covering urban conservation, may not adequately address the matter.

5. In particular, the Executive Board noted that appropriate new instruments are needed to address many of the challenges that affect historic cities and their broader setting. It recognized the importance of providing general principles and updated guidelines on urban conservation, which shall acknowledge the constant evolution in the use and structure as part of the urban heritage and of the city's tradition. It asked for policies and strategies that involve the close participation of the communities and groups of people concerned, in support of their conservation efforts.

6. The Executive Board also stressed the importance of including in a new text on urban conservation the intangible dimensions of heritage and all aspects of cultural diversity and identity of local communities, as an integral component of the historic urban landscape.

7. By affirming that UNESCO should have a leading role in indicating principles and norms on the conservation of historic urban landscape, the Executive Board called for a text that provides principles and tools set forth for the decades to come, that can support the Member States in conserving their heritage and that could be adapted to their own traditions, discipline and practice.

8. Finally, the Executive Board recommended that the General Conference decide at its 35th session on the action to be taken for the elaboration of a new standard-setting instrument on the conservation of the historic urban landscape in the form of a recommendation. The text of the Executive Board decision is reproduced in Annex II to the present document.

III. PROPOSED WORKING METHOD

9. Pursuant to Article 6 of the *Rules of Procedure concerning recommendations to Member States and international conventions covered by the terms of Article IV, paragraph 4, of the Constitution*, the General Conference is invited, after examining this study and the Executive Board's observations thereon, to decide whether the question should be regulated internationally and, if so, whether in the form of a Recommendation as recommended by the Executive Board.

10. Should the General Conference decide that the question of the conservation of the historic urban landscape should be regulated by a recommendation, it shall instruct the Director-General to prepare a preliminary report setting forth the position with regard to the conservation of the historic urban landscape and the scope of the recommendation proposed, possibly accompanied by the first draft of the proposed recommendation.

11. In that case, the text of the first draft of the recommendation will be prepared by the Director-General in the form of a preliminary report and submitted to Member States at least 14 months before the 36th session of the General Conference.

12. In conformity with the *Rules of Procedure concerning recommendations to Member States and international conventions covered by the terms of Article IV, paragraph 4, of the Constitution*, Member States shall be asked to make comments and observations on that preliminary report and first draft, which would be submitted along with a final report and revised draft to the General Conference at its 36th session in the autumn of 2011.

IV. DRAFT RESOLUTION

13. The General Conference may wish to adopt the following draft resolution:

The General Conference,

1. Taking note of the preliminary study on the technical and legal aspects relating to the desirability of a standard-setting instrument on the conservation of the Historic Urban Landscape,
2. Recognizing the importance of the historic urban landscape as a character-defining element underpinning the heritage values of historic cities,
3. Reiterates its conviction that UNESCO should have a leading international role in setting forth principles and guidelines for the conservation of historic urban landscape, that can support Member States and local communities in conserving their historic urban landscape;
4. Decides that the conservation of the historic urban landscape must be regulated at the international level through a recommendation on this matter;
5. Invites the Director-General to submit a preliminary report setting forth the position with regard to the conservation of historic urban landscape, accompanied by a first draft of the proposed recommendation to Member States for comments, and to submit a final report and, if appropriate, a revised draft for consideration by the General Conference at its 36th session (2011), and to convene an expert committee (category VI) to that end.

ANNEX I

PRELIMINARY STUDY ON THE TECHNICAL AND LEGAL ASPECTS RELATING TO THE DESIRABILITY OF A STANDARD-SETTING INSTRUMENT ON THE CONSERVATION OF THE HISTORIC URBAN LANDSCAPE

I. Introduction

1. The Executive Board at its 179th session discussed a proposal by the Director-General for the preparation of a revised Recommendation concerning the Safeguarding and Contemporary Role of Historic Areas (179 EX/25). The Board took into consideration new approaches being developed on the conservation of the Historic Urban Landscape and, noting that the World Heritage Committee at its 29th session (Durban, 2005) had recommended that “the General Conference adopt a new recommendation to complement and update the existing ones on this issue”, requested “a full preliminary study of the technical and legal aspects of this issue” (179 EX/Decision 25).

2. At the 179th session of the Executive Board, a number of Board Members and observers suggested that instead of revising the existing Recommendation concerning the Safeguarding and Contemporary Role of Historic Areas (adopted by the General Conference on 26 November 1976), it would be better to develop a new Recommendation, as the issues discussed in the present document go beyond the scope of the 1976 Recommendation.

3. The present preliminary study comprises the technical and legal aspects of the advisability of regulating internationally the conservation of the Historic Urban Landscape, through a new standard-setting instrument in the form of a Recommendation on the Conservation of the Historic Urban Landscape, so as to enable the Executive Board to provide its observations and decisions thereon and to decide whether this matter should be included in the provisional agenda for the 35th session of the General Conference.

4. In accordance with the Rules of Procedure concerning Recommendations to Member States and International Conventions covered by the terms of Article IV, paragraph 4, of the Constitution, and pursuant to 179 EX/Decision 25, the Director-General presents to the Executive Board for examination a proposal for a standard-setting instrument concerning the conservation of the historic urban landscape, accompanied by a preliminary study on the technical and legal aspects thereof. The Executive Board is being invited to provide to the General Conference its observations and decisions on the proposal and on the advisability of including this item in the provisional agenda of the General Conference at its 35th session.

II. The existing UNESCO legal framework

5. UNESCO has adopted four Recommendations, which provide the principles and norms making up the UNESCO legal framework covering urban conservation. These are:

- the Recommendation concerning the Safeguarding of the Beauty and Character of Landscapes and Sites, adopted by the General Conference of UNESCO on 12 December 1962;
- the Recommendation concerning the Preservation of Cultural Property Endangered by Public or Private Works, adopted by the General Conference of UNESCO on 20 November 1968;
- the Recommendation concerning the protection, at national level, of the Cultural and Natural Heritage (1972), adopted by the General Conference on 16 November 1972; and

- the Recommendation concerning the Safeguarding and Contemporary Role of Historic Areas, adopted by the General Conference on 26 November 1976.

Recommendation concerning the Safeguarding of the Beauty and Character of Landscapes and Sites (1962)

6. Adopted by the General Conference of UNESCO in December 1962, this Recommendation emphasized the scientific and aesthetic importance of cultural and natural landscapes and sites. It also underlined the principle that landscape forms a heritage which has a key influence on the life of the communities.¹ It was the first standard setting instrument to introduce the term Urban Landscape, and proposed a full set of protective measures aimed at safeguarding “aesthetic importance”. The Recommendation introduced the idea that urban landscapes deserve the same protection as the natural environment, and considered landscape conservation a matter of public policy. At the time, landscape was often seen as static and, thus, expected to be conserved and restored as if it were a monument, to which a “special protection should be accorded” (article 5).

Recommendation concerning the Preservation of Cultural Property Endangered by Public or Private Works (1968)

7. Adopted in November 1968, the Recommendation concerning the Preservation of Cultural Property Endangered by Public or Private Works is the result of the international campaign for the conservation of the temples threatened by the construction of the High Dam in the valley of the Nile, which flooded the area of the Abu Simbel temples.² The Recommendation recognized that “prehistoric, proto-historic and historic monuments and remains, as well as numerous recent structures having artistic, historic or scientific importance” were increasingly threatened by public and private works resulting from industrial development and urbanization. It aimed to reconcile the preservation of cultural properties with the changes necessitated by social and economic development by “making serious efforts to meet both requirements in a broad spirit of understanding and with reference to appropriate planning” (Preamble to the Recommendation). The 1968 Recommendation encouraged protection of all important monuments and sites and not just those identified as major monuments and proposed a broad definition of cultural property. By identifying threats to urban areas and encouraging preservation measures, it acknowledged the growing impact of industrial and urban development on cultural heritage.

Recommendation concerning the protection, at national level, of the Cultural and Natural Heritage (1972)

8. This Recommendation was adopted as a complement to the World Heritage Convention, adopted the same year, and aimed to supplement and extend the application of the two preceding Recommendations.³ While the 1972 World Heritage Convention is based on the principle that parts of the cultural and natural heritage are of outstanding interest and that therefore need to be preserved as part of the common heritage of mankind as a whole (Preamble), Article 5 of the 1972 Recommendation notes that “the cultural or natural heritage should be considered in its entirety as a homogeneous whole, comprising not only works of great intrinsic value, but also more modest items that have, with the passage of time, acquired cultural or natural value”. It proposed that protection and conservation should be an essential aspect of planning at the national, regional and local levels (Article 8). It stressed the importance of linking urban rehabilitation area to *surrounding*

¹ The full text of the Recommendation concerning the Safeguarding of the Beauty and Character of Landscapes and Sites adopted by the General Conference of UNESCO in Paris on 12 December 1962 is available at the following web address: http://portal.unesco.org/en/ev.php-URL_ID=13067&URL_DO=DO_TOPIC&URL_SECTION=201.html

² The full text of the Recommendation concerning the Preservation of Cultural Property Endangered by Public or Private Works adopted by the General Conference of UNESCO in Paris on 20 November 1968 is available at the following web address: http://portal.unesco.org/en/ev.php-URL_ID=13085&URL_DO=DO_TOPIC&URL_SECTION=201.html

³ The full text of the Recommendation concerning the protection, at national level, of the Cultural and Natural Heritage is available at the following WEB address: <http://unesdoc.unesco.org/images/0011/001140/114044e.pdf#page=145>

development and of consulting the local authorities and residents of the area, when undertaking such works, thus introducing early means of participatory processes in the governance of urban development. The Recommendation represented a step forward in the construction of the international doctrine regarding historic areas as it also acknowledged the cultural and educational value inherent in heritage as representative of “an environment, a form of *architecture or urban design commensurate with man and on his scale*” (Article 63).

Recommendation concerning the Safeguarding and Contemporary Role of Historic Areas (1976)

9. This Recommendation responded to growing concern about dangers of depersonalized town planning and its impact on old town centres or districts and on traditional villages.⁴ Article 3 defines an urban area and its surroundings “as a *coherent whole* whose balance and specific nature depend on the fusion of the parts of which it is composed and which include human activities as much as the buildings, the spatial organization and the surroundings”, whose protection and conservation is a collective responsibility and should be the object of public policies and ad hoc legislation. The 1976 Recommendation acknowledged the idea that historic areas represent the living presence of the past in modern life and of diversity of cultural, religious and social activities. It considered that the safeguarding of historic areas and their integration into the life of contemporary society is a basic factor in town-planning and land development; and that *modern urbanization* often leads to considerable increase in the scale and density of buildings and the loss of the “environment and character of adjoining historic areas” and that it would be necessary to “ensure that views from and to monuments and historic areas are not spoilt and that historic areas are *integrated harmoniously* into contemporary life” (Article 5).

III. New challenges

10. These Recommendations identified a number of specific threats to the various components of historic urban landscapes, and provided general principles and proposed policies and guidelines to meet such threats.

11. Over the past three decades, however, parallel to the sharp increase in the world’s urban population, historic cities have become subject to new threats that were not present when the existing UNESCO Recommendations were adopted. In the same period, the discipline and practice of urban heritage conservation has also changed significantly, as described in the annex to the present document.

Growing pressure of urbanization

12. More than half of the Earth’s population now lives in an urban area. Alterations to historic urban fabric are frequently associated with increasing uniformity of architecture, decline of public spaces, and fragmentation and commercialization of historic centres. The role of historic areas in promoting the diversity of cultural values, ways of life and social relationships is being increasingly challenged. The weakening of traditional territorial communities, the gentrification and suburbanization of urban areas are also taking place. Urban growth is significantly transforming the face of historic cities and their setting. The capacity of historic cities to accommodate and benefit from the radical and rapid changes that accompany urban growth while maintaining heritage values is becoming a critical factor.

Tensions between globalization and local development

13. Global processes have a direct impact on the identity and visual integrity of historic cities and their broader setting, as well as on the people who live in them. While some cities are growing exponentially, others are shrinking and being radically restructured as a result of shifting economic

⁴ The full text of the 1976 Recommendation concerning the Safeguarding and Contemporary Role of Historic Areas is available at the following web address: <http://unesdoc.unesco.org/images/0011/001140/114038e.pdf#page=136>

processes and new patterns of migration. To address these issues, local urban strategies are becoming the key component of urban development planning. The increasing globalization of the economy is radically transforming many contemporary cities, benefiting some groups, whilst marginalizing others. In some countries, centrally controlled planning has given way to decentralization and market-oriented approaches. The result is that cities, and their planning processes, have become increasingly fragmented, while inequality and environmental degradation has increased.

Incompatible new development

14. With investment in urban real estate, infrastructure and renovation becoming the driving force behind urban transformations, the physical landscape of the historic city is being severely altered. Within a real estate development process that is increasingly market-driven, contemporary architecture in historic cities has taken an increasingly important role. However, the quality of these interventions in terms of scale, context, sustainable materials, maintenance, comfort, etc., has not always been a priority for decision-makers. This placed the issue of the harmonization of contemporary expressions within the context and setting of historic urban landscapes at the core of the discipline and practice of urban heritage conservation. Contemporary interventions in historic cities, such as new housing to cater for increased population needs, high-rise iconic buildings, projects related to hydroelectricity, energy resource and industrial developments as well as waste disposal, are all increasing in scale and might have detrimental and irreversible effects on the historic city's physical and visual integrity, as well as on their social and cultural values.

Unsustainable tourism

15. The growth of tourism in historic cities has become one of the major concerns of urban conservators. While tourism can bring benefits to the preservation of cultural heritage, through improved infrastructures and enhanced understanding of the value of culture and traditions, it can also represent a challenge to its physical, environmental and social integrity. Given the expected increase of international tourism in the coming decades there is a need to develop sustainable tourism methodologies, in order to better protect the heritage values of historic urban landscapes.

Environmental degradation including climate change

16. The impact of environmental factors affecting physical heritage, such as pollution, vehicle traffic and congestion, garbage and industrial waste, acid rain, have all dramatically increased in recent decades. In parallel, countering the negative effects of climate change has emerged as one of the most daunting tasks of our time. Many historic cities are particularly vulnerable to climate change. While cities and human settlements have adapted through history to climatic mutations, the intensity and speed of present climate changes is unprecedented and requires immediate action. A number of key strategies called for the integration of climate change mitigation and adaptation into country policies and programmes, triggering a series of regulations and governmental policy instruments at all levels. Numerous international conferences, protocols and initiatives emanating from the United Nations, have mobilized technical, financial and human resources and fostered the establishment of specialized institutions dealing with these issues. These fundamental tools prepared the ground for integrating environmental *sustainability* in relation to heritage values into the planning and management of the built environment. With initial focus on the nature and scale of the risks posed to World Heritage properties, the World Heritage Committee promoted discussion on lessons learned on addressing climate change impacts.⁵

⁵ The issue of the impacts of climate change on World Heritage cultural and natural properties was discussed at the 30th session of the World Heritage Committee (Vilnius, 2006) which endorsed a report on predicting and managing the effects of climate change on World Heritage, as well as a strategy to assist States Parties to the Convention to implement appropriate management responses. A policy document on the impacts of climate

17. The direct impacts of climate change endangering historic urban landscape may include: rising sea levels, alterations of the cycles of wet and dry seasons, more frequent intense rainfall and extreme weather, and changes in hydrology and vegetation patterns. Existing knowledge and the development of research on the predictable impacts of climate change on urban areas have led to the implementation of new policies, especially at the local level. The increasing relevance of impacts of climate change on built and natural environments within historic cities underlines the need to consolidate an integrated approach to historic urban landscape conservation internationally.

18. In conclusion, new dynamics in architecture and urban development, growing pressure of urbanization, tensions between globalization and local development, incompatible new development in historic urban landscapes, unsustainable tourism, and environmental degradation including climate change, all bring about new challenges to urban heritage conservation and management, as specially experienced by the World Heritage Committee at its annual sessions. This requires new approaches and a critical review of the standards and guidelines set three decades ago, as also requested by the World Heritage Committee at its 29th session in Durban (Decision 29 COM 5D), to be formalized in a new standard-setting instrument on the conservation of the historic urban landscape.

IV. The need for a new standard-setting instrument

Background activities

19. An extensive discussion on the issue of the conservation of the Historic Urban Landscape began in 2006, when the World Heritage Centre set up a Working Group in cooperation with the Advisory Bodies to the 1972 World Heritage Convention (ICOMOS, IUCN and ICCROM) and other partner organizations, such as UIA (International Union of Architects), IFLA (International Federation of Landscape Architects), IFHP (International Federation for Housing and Planning), OWHC (Organization of World Heritage Cities), the Aga Khan Trust for Culture and IAIA (International Association of Impact Assessment) and individual experts from different geo-cultural regions and professional backgrounds.

20. Three international workshops were organized in Jerusalem (June 2006), Saint Petersburg, Russian Federation (January 2007) and Olinda, Brazil (November 2007) and two expert planning meetings have been held at UNESCO Headquarters (September 2006 and November 2008). All meetings agreed on the opportunity to consider a new a standard-setting instrument in the form of a Recommendation, to reflect new approaches to urban conservation and provide principles and norms for the international regulation of the protection of historic urban landscape.⁶

Rationale

21. While in recent years UNESCO played a leading role in developing and promoting a powerful normative action related to the protection of cultural heritage in all its forms, the most recent standard-setting instrument dealing with urban conservation was adopted in 1976 (the Recommendation concerning the Safeguarding and Contemporary Role of Historic Areas) and no other standard-setting instruments have been elaborated and adopted since.

22. As mentioned above, the last 30 years have given rise to new dynamics and large-scale processes, influenced by global economic and financial stakeholders, which have generated new challenges in managing historic cities and stimulated the emergence of broader concepts and innovative approaches. Appropriate instruments are needed to address many of the challenges

change on World Heritage properties was then presented and endorsed by the World Heritage Committee at its 31st session (Christchurch, 2007).

⁶ The main outcomes and full reports of these meetings are available at the following web address: <http://whc.unesco.org/en/cities>

that effect historic cities and their broader setting. If not adequately addressed, threats to historic urban landscape would increase and could create irreversible damage.

23. Other international organizations such as UN-Habitat or the World Bank, have developed policy frameworks on urban transformations in general. In addition, a number of technical organizations and fora have tried to meet some of the challenges related to the conservation of historic cities and their broad setting.

24. While some of the new urban conservation concepts have been integrated in Charters and Declarations adopted by non-governmental organizations or in Conventions adopted under the auspices of regional organizations, they do not all use the same terminology and approach. The four existing UNESCO Recommendations aim to encourage and provide support to Member States' efforts to develop policies and good practices for the conservation of cultural and natural heritage, landscapes and historic areas. But there appears to be a compelling need for a universal standard-setting instrument, indicating principles and norms on the conservation of historic urban landscape in a consistent and coherent manner. A new normative instrument would both complement and reinforce the existing Recommendations and strengthen UNESCO's role as the leading international forum for dealing with urban conservation.

Scope

25. The concept of the Historic Urban Landscape has emerged as a helpful tool encompassing many new approaches developed since 1976 as enumerated above.

26. The definition of the Historic Urban Landscape goes beyond mere notions of historic centres, ensembles and surroundings to include the broader geographical context. It extends the meaning to include land use patterns, spatial organization, social and cultural values, visual relationships, topography and soils, vegetation, and all elements of the technical infrastructure. It also includes intangible dimensions of heritage and aspects of cultural diversity and identity.

27. Historic Urban Landscape was defined to better address the contemporary socio-economic transformations that do not respect the authenticity and integrity of historic cities and their landscape. It provides general principles that acknowledge the continuous change in functional use and social structure as part of the city's tradition, and proposes policies and strategies for proper planning processes with a close participation of the communities and groups of people concerned.

Nature of the proposed new standard-setting instrument

28. The most appropriate standard-setting instrument covering the protection of Historic Urban Landscape would appear to be a new Recommendation.

29. A Recommendation on the conservation of the Historic Urban Landscape would therefore be the proper instrument to regulate at the international level a set of principles and policies that States would integrate and apply at national level, adapting it to their own traditions, discipline and practice.

Draft structure of the proposed new Recommendation

30. The draft structure of the proposed new Recommendation concerning the conservation of the Historic Urban Landscape is suggested as follows:

Preamble

The preamble will indicate the scope of the Recommendation, the existing and emerging challenges, the need to preserve the Historic Urban Landscape in a globalized world and the need to enhance

cooperation between governmental, inter-governmental and non-governmental Organizations in support of the conservation effort of national and local communities.

I. Definitions

This Section will provide definitions of the concept of Historic Urban Landscape, and of the heritage values associated to it.

II. Challenges of Urban Conservation in the 21st Century

This Section will examine the main challenges for the conservation of the Historic Urban Landscape and their impact on its heritage values: the growing pressure of urbanization, the tensions between globalization and local development, the incompatible new development, the impact of unsustainable tourism and the environmental degradation including climate change.

III. Policies

This Section will indicate the types of international, national and local policies that can support the States Parties and local communities in conserving the Historic Urban Landscape.

IV. Tools

This section will examine a range of legal, planning and technical tools that can be used to identify, list and conserve the values associated with the Historic Urban Landscape.

V. Capacity-building, research and information

This section will indicate the ways in which States can enhance capacities for conserving the Historic Urban Landscape, through training and education, and by supporting research activities. It will also deal with the need to create public awareness, using modern communication and information technologies.

VI. International cooperation

This Section will deal with the modalities to enhance international cooperation between governmental, intergovernmental and non-governmental organizations, with a view to involving the communities interested in the conservation of the values of the Historic Urban Landscape.

V. Proposed working method and timetable

31. In accordance with the relevant provisions of the Rules of Procedure concerning recommendations to Member States and international conventions covered by the terms of Article IV, paragraph 4, of the Constitution, the Board is invited to make observations on this preliminary study and to consider the desirability of placing on the agenda of the 35th session (October, 2009) of the General Conference an item concerning the proposal to regulate internationally the question of the conservation of the historic urban landscape by means of a recommendation. Should the Executive Board decide to include the question in the provisional agenda of the General Conference, the Director-General, in accordance with Article 5 of the above-mentioned Rules of Procedure, will communicate to Member States a copy of the preliminary study and the text of the Executive Board's observations and decisions thereon 70 days before the opening of the 35th session of the General Conference, that is by mid-July 2009.

32. Pursuant to Article 6 of the above-mentioned Rules of Procedure, the General Conference will be invited, after examining this study and the Executive Board's observations thereon, to decide whether the question should be regulated internationally and, if so, in what form. Should the General Conference at its 35th session decide that the question of the conservation of the historic urban landscape must be regulated by a recommendation, a preliminary report, possibly accompanied by a preliminary draft recommendation, could be submitted to the General Conference at its 36th session in the autumn of 2011.

(Annex to document 181 EX/29)

NEW CONCEPTS ON URBAN CONSERVATION

Cities

1. The United Nations Conference on the Human Environment, held in Stockholm in June 1972, was a turning point in the development of international environmental politics. The Stockholm Conference was the United Nations first major conference on international environmental issues and it approved the **Declaration of the United Nations Conference on the Human Environment** which, among other general principles for the preservation and enhancement of the human environment, proclaimed that planning must be applied to human settlements and urbanization with a view to avoiding adverse effects on the environment.⁷

2. The Council of Europe's 1975 **European Charter of the Architectural Heritage** drew attention to the issues faced by "the groups of lesser buildings in our old towns and characteristic villages in their natural or manmade settings" and warned about misapplied urban planning, that "can be destructive when authorities yield too readily to economic pressures and to the demands of motor traffic" (Article 6). In order to meet such challenges, the text also introduced the concept of integrated conservation and the consequent **Declaration of Amsterdam**, adopted in the same year considered that the "development of peripheral urban areas can be orientated in such a way as to reduce pressure on the older neighbourhoods".⁸ The Declaration of Amsterdam is of particular relevance because it also reflected and codified the practice of *integrated conservation* involving local authorities and community participation.

3. In May-June 1976, the United Nations hosted in Vancouver the first Conference on Human Settlements, known as Habitat. It reflected the growing concern on the impacts of urbanization on the environment and on quality of life. It led to an enhanced understanding about cities and communities, stressing the urgent need to make their growth sustainable and to preserve a balanced urban-rural relationship, through the adoption of specific guidelines of action included in the **Vancouver Declaration On Human Settlements**, which again recalled the importance of comprehensive land use plans in both urban and rural growth.⁹

4. The **Charter for the Conservation of Historic Towns and Urban Areas** adopted in October 1987 by the General Assembly of ICOMOS in Washington¹⁰ suggested some principles and guidelines for the protection and conservation of historic towns, seeking to complement the Venice Charter of 1964, which placed emphasis on the conservation of individual monuments.¹¹ In particular, the Charter stresses the importance of the relationship between the town or urban area

⁷ The full text of the 1972 Declaration of the United Nations Conference on the Human Environment is available at the UNEP web address at: www.unep.org/. One of the major outcomes of the Stockholm conference was the adoption of a resolution – whose framework was jointly prepared for discussion by the United States, UNESCO and the International Union for Conservation (IUCN) – that urged the launching of an international cooperative effort in bringing together in a unified programme a common concern for combining conservation of cultural sites with those of nature. Such resolution led to subsequent adoption by the General Conference of UNESCO in November 1972 of the Convention concerning the Protection of the World Cultural and Natural Heritage.

⁸ The full text of the 1975 Declaration of Amsterdam is available at the following web address: <http://www.icomos.org/docs/amsterdam.html>

⁹ The full text of the 1976 Vancouver Declaration On Human Settlements is available at the following web address: www.unhabitat.org/declarations/vancouver.asp

¹⁰ The full text of the Charter for the Conservation of Historic Towns and Urban Areas is available at the following web address: http://www.international.icomos.org/charters/towns_e.htm

¹¹ The so called Venice Charter is the International Charter for the Conservation and Restoration of Monuments and Sites adopted as a result of a major meeting convened in 1964 in Venice by the Italian Government and attended by numerous international experts and representatives of UNESCO, ICCROM and the Council of Europe. The Charter set forth principles of conservation based on the concept of authenticity and the importance of maintaining the *historical and physical context* of a site or building, but did not refer to historic urban areas. The full text of the Venice Charter is available at the following web address: http://www.icomos.org/venice_charter.html

and its surrounding setting, both natural and man-made and notes that any conservation plan “should aim at ensuring a harmonious relationship between the historic urban areas and the town as a whole”. The Charter also addresses issues such as the participation of residents in the preservation process and the social and economic aspects of historic town preservation.

Landscape

5. Increasing concern for sustainable development and the inclusion of sustainability in heritage conservation led to the World Heritage Committee adopting in 1992 the concept of *cultural landscape* as a heritage category reflecting the definition of “combined works of nature and of man” present in the World Heritage Convention. This made the Convention the first international legal instrument to recognize the importance of the relationship between people and their natural environment. The “cultural landscape” category has since become an excellent tool for identifying, managing and protecting such areas of Outstanding Universal Value in all regions of the world.

6. The **European Landscape Convention**, adopted in Florence in October 2000 by the Council of Europe aims to raise governmental and public awareness of the importance of landscape protection and conservation, especially through the involvement of local populations and local authorities and introduced the concept of “landscape quality objectives” into the protection, management and planning of geographical areas. This implies the inclusion in the planning process of objectives expressed by the public with regard to the conservation of landscape areas and their surroundings. Even though the Convention has a purely regional jurisdiction, it introduced an important element of novelty by shifting from an object-driven approach of heritage conservation to a process driven approach including awareness raising.

Historic urban landscape

7. UNESCO convened a conference in Vienna in May 2005, to discuss how to deal with contemporary transformations of historic areas in ways that are compatible with the preservation of their heritage values, with special focus on cities inscribed in the UNESCO World Heritage List. The main outcome was the adoption of the **Vienna Memorandum on World Heritage and Contemporary Architecture**,¹² which promoted an integrated and harmonious relationship between conservation and new urban developments in order to preserve the integrity of the *Historic Urban Landscape*. The Memorandum was welcomed by the World Heritage Committee at its 29th session, and formed the basis for the **Declaration on the Conservation of Historic Urban Landscape**, adopted by the 15th General Assembly of States Parties to the World Heritage Convention in 2005 (Resolution **15 GA 7**). By emphasizing the need to respond to new development dynamics with careful consideration to the urban context and respect of the inherited landscape setting, the Memorandum and the Declaration reflected a change towards sustainable development in the governance of historic cities, as well as a broader vision of the nature of urban heritage. The Memorandum and Declaration encouraged a broad debate among policy-makers, professionals and practitioners on the issue of development in historic cities and supported a process of re-assessment of the existing tools for their preservation.

8. The **Xi’an Declaration on the Conservation of the Setting of Heritage Structures, Sites and Areas**, adopted in 2005 by the General Conference of ICOMOS¹³ defined the setting of a heritage area as “the immediate and extended environment that is part of, or contributes to, its significance and distinctive character” and, having acknowledged that the significance and distinctive character of historic areas derive from the relationship “with their physical, visual,

¹² The international conference “World Heritage and Contemporary Architecture – Managing the Historic Urban Landscape” was organized by the UNESCO World Heritage Centre in cooperation with ICOMOS and the City of Vienna on a request of the World Heritage Committee adopted at its 27th session in 2003. The full text of the Vienna Memorandum is available at the following web address: whc.unesco.org/uploads/activities/documents/activity-47-2.pdf

¹³ The full text of the 2005 Xi’an Declaration is available at the following Web address: www.international.icomos.org/charters/xian-declaration.pdf

spiritual and other cultural context and settings”, it promoted the development of proper planning tools and strategies for the conservation and management of the areas forming the setting.

9. As a complement to that Declaration, the General Assembly of ICOMOS adopted in October 2008 the **Quebec Declaration on the Preservation of the Spirit of Place**, defined as the interaction and mutual construction between the tangible and the intangible elements that “give meaning, value, emotion and mystery to place”.¹⁴

10. While it is too early to fully evaluate all these initiatives they have clearly fostered discussion among heritage professionals on a more comprehensive understanding of the character of historic urban landscape, and promoted a more inclusive vision of urban historic conservation. This now needs to be properly reflected and codified.

Additional concepts: Authenticity and integrity

11. The value of living historic cities lies in the continuity of the patterns of spatial organization over time and in maintaining such continuity through the evolution and transformation of built heritage and its broader setting. Contemporary historic cities are particularly vulnerable to the loss of such attributes. In this process, maintaining the conditions of *authenticity* and *integrity*, as tools for the identification of the elements that ensure the mutual and complex relationship between the urban fabric and its setting, became a key component in the management of historic cities. The concept of *visual integrity* has been introduced with particular focus on the impacts of contemporary development inside or adjacent to historic cities, and its meaning for the protection of values and views in historic cities and their setting has already become apparent, thus underlining the need to define appropriate policies and measures for protecting the visual integrity of historic cities.

Intangible values

12. The adoption in October 2003 by the UNESCO General Conference of the **Convention for the Safeguarding of the Intangible Cultural Heritage** linked intangible cultural heritage to sustainable development, and recognized the role of multiple layers of identity and other associated intangible aspects in the pattern of the historic urban landscape. The subsequent Yamato Declaration on Integrated Approaches for Safeguarding Tangible and Intangible Cultural Heritage, promoted a comprehensive approach linking the 1972 World Heritage Convention and the 2003 Intangible Heritage Convention. Subsequent international expert meetings have highlighted the need to elaborate on integrated and consistent approaches for safeguarding tangible and intangible cultural heritage, taking into account the interdependence and differences between them. Under the 1972 World Heritage Convention an increasing number of cities or historic districts have been also recognized for their associative values and inscribed under criterion (vi) of the Operational Guidelines. Such innovative understanding of the intangible values associated with historic urban landscape would also require new holistic and encompassing ecological approaches in the management of urban development processes.

Cultural diversity

13. The **Nara Document on Authenticity** adopted at the *Nara Conference on Authenticity in relation to the World Heritage Convention* held in 1994, recognized cultural diversity as one of the fundamental dimensions for the understanding of the true significance of a place.¹⁵ The Nara conference considered that urban areas are the result of long processes, reflecting the cultural specificities and diversities of the people who have built them and lived in them. Further to the adoption of the UNESCO Universal Declaration on Cultural Diversity in November 2001, and the

¹⁴ The full text of the 2008 Quebec Declaration is available at the following web address: www.international.icomos.org/quebec2008/quebec_declaration/pdf/GA16_Quebec_Declaration_Final_en.pdf

¹⁵ The full text of the Nara Declaration is available at the following web address: <http://whc.unesco.org/archive/nara94.htm>

2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005),¹⁶ approaches to cultural diversity became an essential component in the development and implementation of measures to tackle the social, economic and cultural impacts of globalization and migration on contemporary cities.

¹⁶ The full text of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions is available at the following web address: <http://unesdoc.unesco.org/images/0014/001429/142919e.pdf>

ANNEX II

181 EX/DECISION 29

29 Preliminary study on the technical and legal aspects relating to the desirability of a standard-setting instrument on the conservation of the historic urban landscape (181 EX/29; 181 EX/68 Part II)

The Executive Board,

1. Recalling 179 EX/Decision 25,
2. Having examined document 181 EX/29,
3. Considering that new challenges have emerged and approaches have been developed concerning the conservation of historic urban landscapes, and that existing standard-setting instruments may not adequately address the matter,
4. Noting Decision 29COM 5D of the World Heritage Committee (Durban, 2005), in which it recommended that the General Conference adopt a new recommendation to supplement and update existing UNESCO standard-setting instruments on this matter,
5. Taking into account the discussions that were held on this issue at its 181st session,
6. Decides to include this item in the provisional agenda of the 35th session of the General Conference;
7. Invites the Director-General to submit to the General Conference at its 35th session the preliminary study contained in document 181 EX/29, together with the relevant observations and decisions of the Executive Board thereon;
8. Recommends that the General Conference decide at its 35th session on the action to be taken for the elaboration of a new standard-setting instrument on the conservation of the historic urban landscape in the form of a recommendation.