

# ICOMOS

## 2018

### Addendum Evaluations of Nominations of Cultural and Mixed Properties

**ICOMOS report for the World Heritage Committee**  
42nd ordinary session, Manama, 24 June - 4 July 2018

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**UNESCO**

World Heritage Convention  
World Heritage Committee

**2018**  
**Addendum**  
**Evaluations of Nominations of Cultural**  
**and Mixed Properties**

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42nd ordinary session, Manama, 24 June - 4 July 2018

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# World Heritage List Nominations received by 1<sup>st</sup> February 2018

## V Mixed property

### A Latin America – Caribbean

#### Nomination referred back by previous sessions of the World Heritage Committee

Mexico [N/C 1534rev]

Tehuacán-Cuicatlán Valley: original habitat of Mesoamerica

1

## VI Cultural properties

### A Africa

#### Nomination referred back by previous sessions of the World Heritage Committee

Kenya [C 1450rev]

Thimlich Ohinga Archaeological Site

12

### B Arab States

#### Nomination referred back by previous sessions of the World Heritage Committee

United Arab Emirates [C 1458rev]

Khor Dubai, a Traditional Merchants' Harbour

22

### C Europe – North America

#### Nomination referred back by previous sessions of the World Heritage Committee

Germany [C 1470rev]

Naumburg Cathedral

34

#### Minor modifications to the boundaries

Czechia [C 1078bis]

Jewish Quarter and St Procopius' Basilica in Třebíč

42

Denmark [C 697bis]

Jelling Mounds, Runic Stones and Church

44

Montenegro [C 1533bis]

Venetian Works of Defence between the 16<sup>th</sup> and 17<sup>th</sup> Centuries:

*Stato da Terra* – Western *Stato da Mar*

46

#### Creation/modification of buffer zones

Croatia [C 95ter]

Old City of Dubrovnik

49

France [C 80ter]

Mont-Saint-Michel and its Bay

52

Italy [C 825ter]

Archaeological Area and the Patriarchal Basilica of Aquileia

54

Ukraine [C 527ter]

Kiev: Saint-Sophia Cathedral and Related Monastic Buildings, Kiev-Pechersk Lavra

56

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# Tehuacán-Cuicatlán Valley (Mexico) No 1534rev

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## Official name as proposed by the State Party

Tehuacán-Cuicatlán Valley: originary habitat of Mesoamerica

## Location

Zapotitlán–Cuicatlán, San Juan Raya and Purrón  
States of Puebla and Oaxaca  
Mexico

## Brief description

In the southernmost arid or semi-arid region in North America, the intricate mountain topography of the Tehuacán-Cuicatlán Valley shelters high-level forests and lower scrub landscapes characterised by tall tubular cacti. Its numerous small streams and aquifers, warm climate and floristic diversity appear to have been attractive to early semi-settled and later settled communities. Archaeological evidence located at twenty-two sites is said to reveal a process of technical evolution that reflects early plant domestication, and agriculture. Later, salt industry and pottery emerged in the region. A diversified water management system allowed to utilize mountain water resources and led to the development of an irrigation-based agriculture.

## Category of property

In terms of categories of cultural property set out in Article I of the 1972 World Heritage Convention, this is a serial nomination of 3 sites.

[Note: The property is nominated as a mixed cultural and natural site. IUCN will assess the natural significance, while ICOMOS assesses the cultural significance.]

## 1 Basic data

### Included in the Tentative List

11 December 2012 (category natural)

### International Assistance from the World Heritage Fund for preparing the Nomination

None

### Date received by the World Heritage Centre

27 January 2016

18 January 2018

## Background

This is an originally referred nomination (41 COM, Krakow, Poland). The World Heritage Committee adopted the following decision (41.COM 8B.9):

The World Heritage Committee,

- 1 Having examined Documents WHC/17/41.COM/8B, WHC/17/41.COM/INF.8B1 and WHC/17/41.COM/INF.8B2,
- 2 Refers the mixed nomination of Tehuacán-Cuicatlán Valley: originary habitat of Mesoamerica, Mexico, back to the State Party, in order to clarify:
  - a) In relation to cultural criteria, a revised approach focusing on the chronological development of the property, starting with the prehistorical sites, preclassical villages, classical cities, postclassical kingdoms, and early colonial settlements, based on irrigated agriculture; associated industries, techniques and practices; and aspects of ancestral religious expressions that emphasise the cultural dimension of the nominated property,
  - b) Regarding the natural criterion, clarify and clearly demonstrate that all natural attributes contributing to the potential Outstanding Universal Value are included within the serial components and boundaries of the nominated property within Tehuacán-Cuicatlán Biosphere Reserve;
- 3 Recommends that the State Party give additional consideration to the following:
  - a) Undertake an augmented comparative analysis of sites with evidence for irrigation within Mesoamerica to justify the complexity of the systems compared to others,
  - b) Consider including criterion (ix) in a revised nomination, in view of the global ecological significance of the region within which the nominated property is located,
  - c) Finalise the specific plan for the management and protection of the archaeological sites within the nominated property, and link it to the Tehuacán-Cuicatlán Biosphere Reserve Management Programme to cover the conservation aspects of archaeological sites in their natural context,
  - d) Provide evidence of institutional coordination for sustainable funding and appropriately skilled staff for holistic, integrated management of natural and cultural heritage values within the nominated property; and strengthen the overall human and financial resources for management of cultural assets within the Tehuacán-Cuicatlán Biosphere Reserve,
  - e) Develop a visitor management strategy for the nominated property that is based on a holistic approach;
- 4 Encourages the State Party to expedite its plans to update the Nature Tourism Strategy for the Tehuacán-Cuicatlán Biosphere Reserve (2010-2015) to improve visitor management strategies including defining carrying capacities; to identify suitable private-sector tourism partners; to define appropriate tourism infrastructure; and to build sustainable development capacities of local communities and other sectors to handle increasing tourism interest in the nominated property;
- 5 Also encourages the State Party to refine the governance structure of the nominated property to involve more effective participation of local communities in co-management and decision-making, and ensure the economic needs and sustainable development aspirations of these communities are appropriately addressed.

The State Party submitted a partially revised nomination dossier on 18 January 2018.

### **Consultations**

ICOMOS has consulted its International Scientific Committee on Archaeological Heritage Management and several independent experts.

### **Technical Evaluation Mission**

A joint ICOMOS-IUCN technical evaluation mission visited the property from 16 to 24 October 2016.

### **Additional information received by ICOMOS**

On 4 October 2016, ICOMOS sent a letter to the State Party requesting additional information regarding the maps, the description of the property, the authenticity and integrity, the comparative analysis, the state of conservation, the management plan and the tourism facilities. The State Party responded on 13 November 2016.

A joint ICOMOS-IUCN Interim Report was sent to the State Party on 20 December 2016. The State Party responded on 28 February 2017 with additional information about the early domestication of crops, the chronology of the individual archaeological elements, the technology of water supply and irrigation, the management of the archaeological sites, the long-term funding of the nominated property, the situation of staff in the nominated property and the development of a visitor management plan.

Following decision 41 COM 8B.9 in 2017 to refer the nomination back to the State Party, it submitted on 18 January 2018 a partially revised nomination dossier. This presents further clarifications and information regarding authenticity and integrity of the property, the comparative analysis, clarification of selected criteria, institutional coordination, management plan and tourism management.

### **Date of ICOMOS approval of this report**

14 March 2018

## **2 The property**

### **Description**

In the southeast of the State of Puebla and the north of the State of Oaxaca, lies the Tehuacán-Cuicatlán Valley belongs to the Mesoamerican region. The nominated property is composed of three component sites: Zapotitlán-Cuicatlán, San Juan Raya, and Purrón, within which the nomination indicates twenty-two main archaeological sites. The three components and the buffer zone are parts of the Tehuacán-Cuicatlán Biosphere Reserve (TCBR), which was protected in 1998 and is incorporated since 2012 in the UNESCO Man and Biosphere Programme (MaB).

It should be noted that by comparison with the text on natural aspects, the text on cultural aspects remains less detailed and much detailed knowledge on the archaeological sites and their exact extent and location remains missing. The management plan includes the need for 'Studies on settlements, archaeological charts, that enable a diachronic understanding of the cultural manners of settlements, on official maps to a significant scale, in order to identify the extension, coherence and unity of the cultural identity of the human groups inhabiting the area'. This appears to show that research on cultural aspects lags behind that on natural aspects to the point where the nomination for cultural criteria would continue to be considered somewhat premature until further documentation on the exact location, number and type of archaeological sites becomes available.

The largest, the Zapotitlán-Cuicatlán component, is mainly forest, with a small amount of cacti scrubland. It hosts thirteen of the twenty-two archaeological sites. Hosting five archaeological sites, the San Juan Raya component is mostly cacti scrubland. The Purrón component hosts four archaeological sites and is covered by tropical deciduous forest and desert rosette shrubland.

Running southeast to northeast along the Sierras de Juarez, de Zongolica and de Tecamachalco, the canyon of Tehuacán-Cuicatlán is a deep gorge surrounded by peaks more than 3,000 m high. Its geographical position, steep topography and intricate relief explain its special environment and variable climate, with hot dry winds and, in winter, occasional rainfall. Limestone rocks in the west causes rock infiltration, resulting in aquifers and filtration galleries, ideal for the development of irrigation.

The Tehuacán-Cuicatlán Valley is said to hold 624 archaeological sites that bear witness to the conversion of nomadic hunter-gatherers to a sedentary lifestyle based on opportunities of irrigation over a course of 12,000 years. The mutual management agreement of joint partners submitted with the additional information in 2018 even refers to 3,992 archaeological sites, archaeological zones and archaeological monuments zones within the natural protected areas. However, only 22 archaeological sites are presented in the nomination dossier.

These 22 sites can be split into three types, which reflect: the beginnings of agriculture, plant domestication and the development of human settlements; beliefs and rituals; beginnings of agriculture, plant domestication and the development of human settlements. One of the larger archaeological sites is the large rock shelter of *Cueva de Coxcatlán* in the component site of Purrón. This was excavated in the early 1960s and its remains dated from 6800 BCE to 1500 CE. In it were found early remains of maize cobs, avocado, amaranth, squash, and chilli.

The cave also supplied evidence to indicate that between 4300 to 350 BCE, so-called horticultural villages appeared, which provided food for larger groups of people than had previously been possible.

*Cuthá* or *Quiotepec* archaeological sites and Salinas Las Grandes located in the Zapotitlán-Cuicatlán component site reflect much later traces of political, religious and residential features, reflecting the lifestyle of the during the times the pottery and salt industry developed. Salt not only improved food, but also had a sacramental value.

#### Beliefs and rituals

Other cultural heritage sites in the property hold vestiges that throw light on the beliefs and traditions of the first settlers in the region, through cave paintings. *Puente Colosal* in the component site of Zapotitlán-Cuicatlán is a tunnel formed by rock erosion, along which paintings have been discovered. *Cueva de las Manitas* in also in the Zapotitlán-Cuicatlán component (1200-1550 CE) is another rock shelter, where cave art illustrates several motifs related to humans and animals.

The Valley is further said to contain one of the most diversified water management systems known on the American continent, with ten types of sites, including: wells, dams, canals, fields for rain-fed agriculture, fields for flood irrigation, fields on terraces, rock aqueducts, filtration galleries, and large square water catchment wells, most of them dating to between 800-700 BCE.

The *Purrón Dam Complex* is the largest water control site in Mesoamerica. It was built in four subsequent stages between 750 BCE and 200 CE and was in use for over nine hundred years.

Sites reflecting water irrigation processes also include the prehistoric canal of Santa María, the Xiquila Aqueduct and the San Marcos Necoxtla well, although few details are provided of these or of the other types of irrigation sites mentioned above.

In its revised nomination of 2018 the State Party structured the information on the 22 historic and archaeological sites according to the five main elements of water management and irrigation systems found in the areas: dams, galerías filtrantes (qanats), canal systems, salt industries and other ancient water management elements. Despite this new explanation provided, very little remains known about the site's physical evidence as well as its interconnectedness, which is not clearly documented in a way that allows an understanding of how they functioned.

#### History and development

The oldest relics of human presence in the region date back to 12,000 BCE. Evidence of the first habitation sites date to around 10,000 BCE. Between around 7800 and 3500 BCE, the nomadic settler groups introduced the domestication of maize, followed by that of beans, squash, chilli peppers, avocado and amaranth, began. Cotton textiles appeared more or less at the same time. Between 3500 and 2300 BCE, these innovations encouraged families to stay in sedentary settlements, where pottery was invented around 2000 BC. The new sedentary communities were organized in small villages

and served by a vast system of land and moreover water control, like the *Purrón Dam*.

During the Classic era (100 BCE - 700 CE) settlements expanded: places of worship occupied hilltops, houses spread over hillsides to cover larger areas. Structures related to privileged classes (such as pyramids, ball courts, plazas, large homes, decorated tombs) attest to control by a strong aristocracy. Farming was developed along ravines and hills on ingeniously irrigated terraces. Archaeologists estimate the population of the Tehuacán Valley in those days at 20,000 to 30,000 inhabitants. Northern Oaxaca belonged to the Mixtec culture, dominated by strongholds like Monte Albán, of which *Quiotepec* was an advanced defence post in the Valley, while southern Puebla was under the influence of Teotihuacán and Cholula.

When Monte Albán and Teotihuacán suddenly collapsed in the 8<sup>th</sup> century CE, the Post-Classic period began, which saw a much more stretched and dispersed power in the form of large manors. Due to its position, the Tehuacán-Cuicatlán Valley increased its attraction to neighbouring regions, where the Toltec empire flourished (950-1150 CE) and when Cholula took over in the 12<sup>th</sup> century as a symbol of legitimate power. During this time, the city of *Cuthá* flourished near the place where *Zapotitlán de Salinas* is currently located, on the route between Cholula and the Mixtec.

When the Spanish arrived in 1518, the Tehuacán-Cuicatlán Valley was under the control of the Triple Alliance (which gave birth to the Aztec Empire in 1428). The European conquest was biologically and politically brutal. The indigenous population was decimated in a few decades by the Old World pathogens. Ranching, grazing and lumbering quickly disturbed the landscape, removing forest cover, accelerating desertification and withering wildlife regimes. Big haciendas were established between 1630 and 1640, producing maize, wheat, barley, beans and chilli, breeding goats or specializing in livestock farming, like in the Oaxacan Mixtec. As these farms were spread out, the old irrigation channels were abandoned and filtration galleries used as an alternative to provide water to remote fields.

The Franciscans evangelised the cities of Tehuacán and Tecamachalco; the Dominicans built their main base in San Juan Bautista Coixtlahuaca. Both orders learnt the indigenous language and some friars collected traces of the local knowledge that they helped transmit to future generations. Thus, the first learned man to pay any interest to the region was a Jesuit, Francisco Javier Clavijero, born in Vera Cruz, who wrote a pioneering book about pre-Columbian Mexico after the members of his order were expelled from Spain and its colonies in 1767.

In 1803, a German scientist, Baron von Humboldt, visited New Spain and studied Cuicatlán's flora. So did several others afterwards up to the 20th century, such as Wilhelm Karwinski, Frederick D. Godman, Helia Bravo, and Dr Patricia Dávila.

In parallel, in the 1960s, the American archaeologists Richard MacNeish and Kent Flannery found the oldest remains of cultivated plants in both the Tehuacán Valley and Guilá Naquitz (Oaxaca). Their compatriots, Elsa Redmond and Charles Spencer, later expanded the evidence of human prehistory in Mesoamerica.

### 3 Justification for inscription, integrity and authenticity

#### Comparative analysis

The comparative analysis with other properties and sites is based on the theoretical frameworks provided by the 2010 UNESCO Human Evolution: Adaptation, dispersals and Social Developments (HEADS) programme and the ICOMOS analysis "The World Heritage List: Filling the Gaps, an Action Plan for the Future" (2005).

The previous nomination dossier submitted in 2016 already presented a global analysis of artificial irrigation systems that emerged amongst the world's first civilisations. Those comparisons lead to the conclusion that the context of Mesoamerica needs to be considered separately in terms of irrigation systems which developed independently before the Spanish imported knowledge on European, Arab and Asian irrigation systems.

At a regional level, however, only the three Peruvian sites of Pacatnamú, Guatca and Chan Chan were compared, which ICOMOS considered not very relevant because these were based on developed hierarchical societies which could manage large scale water management and irrigation systems, while the civilization of the Tehuacán-Cuicatlán Valley was based on a family-based kinship organization, which is what could be of potential exceptional value.

ICOMOS therefore noted that the comparative analysis presented by the State Party in its initial nomination was quite compartmentalised and no adequate comparisons for the overall landscape or irrigation networks was presented. For this reason, the World Heritage Committee in its decision 41.COM 8B.9 requested to undertake an augmented comparative analysis of sites with evidence for irrigation within Mesoamerica to justify the complexity of the systems compared to others.

In its nomination amendments presented in 2018, the State Party presented an augmented comparative analysis focused on water management and irrigation systems. The analysis includes sites from Mesoamerica, Arid-America and Peru, which are compared on the basis of temporal, ecological and development contexts in relation to eight water management elements: terraces, wells, raised fields, chultún (underground rain water deposits), reservoir and dikes, and aqueducts. Sites are furthermore divided and presented within four broader chronological time frames covering the pre-Hispanic period.

The State Party considers that, when focusing on the context of an arid lands in Mesoamerica, the Tehuacán-Cuicatlán Valley possesses the most diverse system of any of the pre-Columbian irrigation sites, because it includes the largest variety of elements: the *Purrón Dam* - the oldest and biggest in the Americas, the San Marcos Necoxtla well - the oldest ever found on the continent, plus a large amount of canals and an important set of water catchment wells, aqueducts, filtration galleries and salt mines, which cover several centuries and attest to the extensive history of the region.

ICOMOS considers that the comparative analysis remains to be compartmentalized due to the comparison of several characteristics of water management systems. What remains missing is the consideration of the relationship between these water management sites and the impact they had on the formation and transition of an early cultivation and settlement process in the Tehuacán-Cuicatlán Valley, by means of a comparison of other early settlement sites in Mesoamerica. Despite further information presented on the Central Valley of Oaxaca, inscribed in 2010 (Prehistoric caves of Yagul and Mitla in the Central Valley of Oaxaca, Mexico, criterion (iii)) which provides evidence on similar early settlement processes, this perspective remains largely unexplored.

While overall, the comparative analysis continues to demonstrate the importance of water management and irrigation systems within pre-Hispanic societies, it does not yet succeed to prove the exceptionality of the selected 22 sites in the Tehuacán-Cuicatlán Valley. In particular, also an analysis of different sites within the valley remains absent although it is obvious that far more than 22 sites are located within it and several alternative choices would be possible. It is therefore not justified in which way the property as a whole and in combination of the selected sites and elements could be said to be exceptional and to have no comparators at a regional and global level.

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ICOMOS considers that the comparative analysis has not yet justified, at this stage, a consideration of this property for inscription on the World Heritage List.

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#### Justification of Outstanding Universal Value

The nominated property is considered by the State Party to be of Outstanding Universal Value as a cultural property for the following reasons:

- The biodiversity and desert territory of the Tehuacán-Cuicatlán Valley gave rise to one of the longest and best documented cultural sequences in the Americas;
- Archaeological findings provide evidence of man's adaptation in response to a local environment, which extended over 12,000 years, giving rise to the cultural area of Mesoamerica;
- Tehuacán-Cuicatlán Valley provides evidence to the human advancement towards agriculturalist communities in illustrating one of the earliest

examples of plant domestication (9500 to 7000 BCE);

- The Valley-presents an exceptional example of a water management system made up of several elements, such as canals, wells, aqueducts and dams, which are the oldest on the continent and enabled the settlement of agriculture-based communities;
- Both innovations helped the salt industry and pottery to appear later, completing further societal advances in terms of technology and early extraction of natural resources;
- Interaction between man and nature, as well as continuity and cultural legacy, are reflected through the development of pictographic writing and the production of a number of illustrated manuscripts unparalleled on the continent.

ICOMOS considers that the archaeological sites in the Tehuacán-Cuicatlán Valley are likely to reflect aspects of the early evolution of man's relationship to this arid environment over a period of more than 10,000 years and illustrate the process from early plant domestication to primitive agriculture, via the development of irrigation. It also provides documentation to the later birth of early industries and processes of natural resource extraction.

However, it is unfortunate that so little is documented on the various features and many archaeological sites, which present these processes in the valley, while the selection of sites highlighted for this nomination presents merely selected peaks into a much larger and broader evidence existing. ICOMOS therefore considers that while the justification might likely be relevant at a theoretical level, the number of documented sites presented does not constitute the crucial mass required to underline and illustrate these very important historic phenomena.

Tehuacán-Cuicatlán Valley presents a complex system of early irrigation and agricultural development based on a network of wells, dams, canals, rock aqueducts, filtration galleries, and large water catchment wells, most of them dating back to between 800-700 BCE. Yet, few of these are described and documented in detail and it can be expected that further crucial evidence both inside and outside the current property boundaries adds to the historic process' understanding. ICOMOS therefore continues to recommend better definition and documentation of the property, in particular my mean of extensive cultural heritage focused surveys of the valley, both in and outside the boundaries, which seem defined predominantly in view of natural heritage characteristics.

Based on such an in-depth analysis and documentation, the attributes illustrating exceptional phenomena of early irrigation and settlement systems could be adequately defined and subsequently recognized in terms of their possible unique and exceptional contribution to the understanding of human history in Mesoamerica.

## **Integrity and authenticity**

### **Integrity**

The nominated serial property presents 22 sites out of potential 624 sites said to be contained in the valley. Several others are mentioned in the nomination dossier and additional information was provided on Apoala waterfalls, Tehuacán ruins, Teteles de Santo Nombre, and San Juan Bautista convent of Coixtlahuaca. Unfortunately, the identification and description of the property as well as the comparative analysis is not yet approached in a holistic enough understanding, which would present and consider the various features of irrigation management in their interrelation to the agricultural activities and early settlement structures they enabled. ICOMOS is convinced that far more than the named 22 sites contribute to this early development and that therefore the selection of sites presented cannot be said to be complete in the sense required by the qualifying condition of integrity.

It can be assumed that within the 22 sites presented insights into a number of key attributes are granted. Yet, they do not appear to be self-standing and the nomination has not yet clarified how these 22 sites can be seen as backing the complete narrative of the proposed Outstanding Universal Value in relation to earliest evidences of plant domestication, sophisticated water management systems, early settlements within their reach and the specificities in which these were characterized by the local interaction of early communities and their environment.

The State Party considers that, in such an isolated environment, most of the archaeological sites are free of damage and maintain their original characters, thanks to the level of protection in the Tehuacán-Cuicatlán Biosphere Reserve.

In the additional information provided by the State Party in the first evaluation cycle of 2016, it reported no major damage or serious deterioration had been recorded. However, the Strategic Management Plan for the Cultural Sites within the mixed nominated property Tehuacán-Cuicatlán Valley, originary habitat of Mesoamerica indicates a number of challenges in terms of their state of preservation, which are aimed to be addressed. These include various issues, such as illegal stone extraction, vegetation growth and deforestation, pressure from agricultural and pastoral activities, looting and unauthorized excavations, graffiti and vandalism, water and wind erosion, non-monitored cleansing and material degradation, lack of maintenance activities and issues with waste disposal.

Moreover, six of the 22 sites proposed appear not currently listed in the national registry of the National Institute of Anthropology and History (INAH), and hence do not yet enjoy legal protection under the provision of frameworks focused on cultural heritage concerns.

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ICOMOS considers that in terms of the variety of archaeological and archaeo-botanical evidence of early plant cultivation, irrigation and settlement processes in the Tehuacán-Cuicatlán Valley, the 22 sites presented and documented in the nomination cannot be said to provide a complete representation of the cultural heritage evidence the valley has to offer. Therefore ICOMOS considers that integrity is not demonstrated at this stage.

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#### Authenticity

In the view of the State Party, the property meets the qualifying condition of authenticity in relation to its archaeological relics as witnesses of the long history of the ancient inhabitants of the area, dating back to the origin of Mesoamerican civilization and its continuity until present times. The State Party further argues that authenticity is strengthened by secluded communities, which have managed to survive with largely ancestral-based indigenous economies and documented in illustrated manuscripts, pictographic writing and early accounts written by the colonial powers, which form a body of literature and evidence that sheds light on the way principalities and empires were governed and shaped the Tehuacán-Cuicatlán Valley.

ICOMOS considers that, while the presence of indigenous traditional communities indeed is an asset to the conditions of authenticity in lack of a clear definition of attributes, which in sum convey the early evidences on plant cultivation, irrigation and early settled communities within and beyond the 22 sites documented in the nomination, it remains difficult to judge authenticity as could be conveyed by the overall property or the individual serial components.

In relation to the 22 documents sites, the State Party provided information on their respective authenticity at the request of ICOMOS in October 2016, which allows for adequate judgement of their condition.

Despite some issues raised in the state of conservation of each of these 22 sites and the normal ravages of time over several centuries or millennia, the authenticity of the individual sites does not appear to have been compromised.

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ICOMOS considers that the authenticity of the whole series and the serial components has not been demonstrated but that the authenticity of the individual archaeological sites appears satisfactory.

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In conclusion, ICOMOS considers that the conditions of integrity and authenticity for the whole series have not been fully justified; and that the condition of the known individual archaeological sites, which in sum do not yet demonstrate integrity, are satisfactory in terms of authenticity, although some remain extremely vulnerable.

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#### Criteria under which inscription is proposed

The property is nominated on the basis of cultural criteria (iii), (iv) and (vi), and on natural criterion (x).

Criterion (iii): *bear a unique or at least exceptional testimony to a cultural tradition or to a civilisation, which is living or which has disappeared;*

This criterion is justified by the State Party on the grounds that the Otomanguean linguistic tradition arose around 6000 BC in the Tehuacán-Cuicatlán Valley and that the people who came from this tradition formed complex and technologically advanced societies. The languages emerging from this linguistic tradition are still used by two million speakers today and are the most ancient and diversified linguistic group in America. The State Party further highlighted a link between this language and the biodiversity of the valley which is said to have derived from local diversification and from the incursion of new cultures that sought to conquer the region (mainly the Mixtec and Nahuatl).

ICOMOS considers that the Otomanguean linguistic tradition is certainly an interesting phenomenon, and linked to the linguistic fragmentation and diversity in Mesoamerica. However, criterion (iii) usually recognizes the testimony of cultural traditions or civilizations as different dimensions and attainments of evolved human societies. A linguistic tradition might be a foundation or connecting element of such societies but is rarely manifested in physical remains recognized under the World Heritage Convention.

Criterion (iii), however, could potentially be demonstrated in relation to the early evidence of settled communities in Mesoamerica and the testimony of their cultivation and irrigation as well as settlement structures, which evidences this level of human development. Unfortunately, not enough documentation or information is provided in the nomination dossier to illustrate what attributes could be considered an outstanding or exceptional testimony of these early societies.

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ICOMOS considers that this criterion has not been justified at this stage.

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Criterion (iv): *be an outstanding example of a type of building, architectural or technological ensemble or landscape, which illustrates a significant stage in human history;*

This criterion was initially justified by the State Party on the grounds that the Tehuacán-Cuicatlán Valley is the inner core of Mesoamerica, a cradle of civilisation, in which early interaction between man and nature appeared since around 10,000 BCE.

What appears to differentiate parts of the Tehuacán-Cuicatlán Valley from other valleys in Mesoamerica are the extensive and early remains of irrigation systems that helped support the development of agriculture and settled communities. ICOMOS considered therefore that water



management sites (including wells, dams, canals, fields for rain-fed agriculture, fields for flood irrigation, fields on terraces, rock aqueducts, filtration galleries, large square water catchment wells) could potentially illustrate an exceptionally early typology of a Mesoamerican precolonial water management system, which acted as the precondition for plant cultivation and community settlements.

In the additional information submitted on 18 January 2018, the State Party provided further information on selected sites, which illustrate features of a water management system as well as broader analyses of water irrigation networks in some parts of the property. These materials indicate the strong potential of the theme. Yet, what is presented in terms of documented cultural heritage sites, remains too isolated to represent an irrigation system typology. Water management typologies in the Tehuacán-Cuicatlán Valley were explored since very early times and were characterized by their modest technological solutions and extensive scale.

Unfortunately, however, the isolated 22 presented historic and archaeological sites belong to five different water management and irrigation systems and components and cannot be said to represent the typology of a network: They illustrate dams, canal systems, *galería filtrantes* also referred as *qanat*, salt industries and other water control elements (wells, check dams and aqueducts). They can neither present a complete collection of all different water management solutions nor provide the completeness of an extensive irrigation network. Further research and documentation may provide the potential to identify physical features, which support the application of this criterion.

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ICOMOS considers that this criterion has not been justified.

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Criterion (vi): *be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance;*

This criterion is justified by the State Party on the grounds that the Tehuacán-Cuicatlán Valley is directly associated with a series of pictorial documents of great historic, iconographic and aesthetic universal value that represent the ritual and political life of the pre-Hispanic world. These aspects were depicted in codices, paintings and manuscripts that were passed on as a communication tradition even after the Conquest of the New World. The State Party considers that there is no other region on the continent that has produced a similar collection of manuscripts.

ICOMOS continues to consider that the illustrated manuscripts of the Tehuacán-Cuicatlán Valley provide highly valuable documentation of the later development of the Valley but provide little assistance to the understanding of the early plant domestication and settlement processes, which could be considered

exceptional if based on ample physical evidence. It has therefore not been illustrated how the ideas embedded in the respective manuscripts could be considered of outstanding universal significance, as well as directly or tangibly associated with the property.

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ICOMOS considers that this criterion has not been justified.

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ICOMOS considers that the serial approach has not yet been justified and that the selection of component sites requires further documentation and justification in relation to their facilitation of early plant cultivation and settlement processes on the basis of water irrigation systems.

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In conclusion, ICOMOS considers that the nominated property does not meet any of the proposed criteria and does not demonstrate authenticity or integrity for the series proposed.

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#### 4 Factors affecting the property

No significant urban or infrastructure development is expected within the property's boundaries. A few rural communities of usually less than 100 inhabitants live within the property but cannot be said to negatively affect the cultural heritage sites. A higher risk exists to archaeological sites in the buffer zone or near populated areas, as there are reported instances of looting, for example, at several archaeological sites. There are also traces of vandalism and graffiti at various other historical places. Finally, wildfire is a big threat, caused by poachers who clear paths and even roads for their own purposes.

The number of visitors to the property as a whole is unknown but visitor numbers are available for a few sites, which are well known and accessible. The Zapotitlán salt works attract for example 12,000 visitors per annum. There is a certain influx of visitors at Easter, when many pilgrims pass-through the property on their way to Oaxaca or the sanctuary of the Juquila Virgin in Ixcatlán. However, in total the tourism pressure is currently low in particular in some areas, which are very difficult to access.

Several environmental pressures affect the property and caves have been damaged by bat excrements. Many of the archaeological sites have been affected by wind and water erosion and more general weather impacts, in particular heavy, sporadic rainfall. These are at times heavy and require to be addressed to prevent serious damages in the future. Some archaeological sites currently situated in the buffer zone (in the State of Oaxaca), are even threatened by landslides, which could destroy platforms and affect the sites' integrity. In the *Purrón Dam Complex*, large sections of the walls have been affected by vegetation growth.

According to the National Centre for the Prevention of Disasters (CENAPRED), Tehuacán-Cuicatlán Valley is an earthquake-prone area-seismic index: 5).

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ICOMOS considers that the main threats to the property are wind and water erosion, landslides and anthropogenic threats, such as vandalism and looting.

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## 5 Protection, conservation and management

### Boundaries of the nominated property and buffer zone

The property is made up of 3 components parts in which 22 historical or archaeological sites are presented and described. It is assumed that further cultural heritage sites are located in these components, however little or no information was made available about these. The *Zapotitlán-Cuicatlán* component is in the States of Puebla and Oaxaca, and measures 136,587.52 hectares; the *San Juan Raya* component of 6,106.84 hectares and the *Purrón* component of 2,561.04 hectares are located exclusively in the State of Puebla. The total area of the nominated property is 145,255.20 hectares. The three serial components are surrounded by one shared-buffer zone of 344,931.68 hectares. ICOMOS notes a discrepancy between the property and buffer zone sizes provided in the text and those quoted in tabular form of the additional information document. ICOMOS therefore recommends that the size of the nominated area and buffer zone is clarified and reconfirmed in relation to the maps provided.

It seems that the boundaries were defined predominantly based on natural heritage features and existing protection schemes.

Some of the 22 described cultural heritage sites are located in close proximity to the outer boundaries of the serial components, in particular in the northern section of the property. It appears likely, that further sites located outside the property boundaries could contribute to the evidence of early water irrigation, plant cultivation and settlement activities and that redefined boundaries could integrate further cultural heritage evidence to support this theme. ICOMOS recommends therefore that the above requested documentation of cultural heritage resources expands into the buffer zone areas in at least the northern components of the property.

The buffer zone aims at ensuring that the immediate settings of the property, including its archaeological sites are stable. ICOMOS considers however, that the adequacy of the buffer zone relates to the appropriateness of the property boundaries, which need to be confirmed following further cultural heritage surveys. In order to make such judgement, it would assist to provide more detailed and diversified maps that clearly identify the exact extension of each archaeological site

and the buffer zone area around it, which will contribute to the protection of these cultural attributes.

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ICOMOS considers that further cultural heritage sites contributing to the potential exceptional significance of the property are located in the buffer zone and that a judgement about the adequacy of boundaries and buffer zones relies on additional surveys and documentation to be provided.

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### Ownership

The ownership of the Tehuacán-Cuicatlán Valley falls into two different categories: private property and social property. Most of the land tenure is social property (*ejidos* and agrarian communities represent 98.5%, (143,053.34 ha). Private property equals 1.5% only, which corresponds to 2,201.85 ha. In Mexico, the two existing types of social properties – *ejidos* and communities – have a specific legal status: they cannot be subject to private appropriation until the land has been separated from the *ejido* or agrarian regime (which the 1992 New Agrarian Law made possible, acknowledging a long established fact). *Ejidos* are agrarian communities made up of at least 20 members who are granted the land they need for subsistence by presidential executive order. The *ejido* land can be divided into 3 different types: human settlement land; common use land; and parcels, which are allocated amongst the members.

### Protection

The Mexican Federal Law of Monuments and Archaeological, Artistic and Historical Zones (May 1972, extended and modified until January 2015) protects the cultural items belonging to the nominated property. Under the terms of this Law, they are “property of the Nation, inalienable and imprescriptible”, and a federal agency – the National Institute of Anthropology and History (INAH) – is entrusted with their protection. However, ICOMOS notes that 6 described cultural heritage sites (*11W Huerta de Xiquila*, *12W Acueducto de Xiquila*, *14 W Manantial de Santa Cruz*, *16W Tilapa 1*, *17W Tilapa 2*, and *20F Santa María Ixcatlán*) of the 22 proposed sites are currently not listed in the national registry of INAH, which suggests that their protection status in cultural heritage terms is not yet at the highest national level.

The Tehuacán-Cuicatlán Valley is fully included within the boundaries of the Tehuacán-Cuicatlán Biosphere Reserve (TCBR) in accordance with the Mexican General Law of Ecological Balance and Environmental Protection (January 1988, extended and modified until May 2016). This gives it the highest level of legal protection in natural heritage contexts. Yet, this Law also gives protection to the “natural environment of zones, monuments, and archaeological, historical and artistic vestiges” that are relevant to national and indigenous identities.

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ICOMOS considers that the legal protection in place is appropriate in natural heritage terms, but that 6 out of 22 archaeological sites do not yet enjoy highest national protection in cultural heritage terms.

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## Conservation

Most of the historical studies are dispersed, sometimes old (excavation reports on Mesoamerican sites), and several researched by official and academic institutions exist, such as Richard S. MacNeish's of the Peabody Museum, who led the main archaeological campaign within the "Archaeological-Botanic Project of Tehuacán" and published its results in 5 volumes between 1964 and 1972. Its purpose being to understand the transition from hunter-gatherers to agricultural societies, it focused on ceramics, chronology and irrigation, through a series of excavations. This model project paved the way for further research on archive material and excavations in pre-Hispanic Zapotitlán (in particular salt mines), studies on ceramics in different locations (recently Los Reyes Metzontla), and on water control systems and Mesoamerican agricultural techniques in Tehuacán (in particular the *Purrón Dam Complex* in 2015).

In the State Party's condition assessment, one site is considered "exceptional": *Manantial de Santa Cruz* (spring and series of canals); another one is "excellent": *Cuevas de las Manitas* (rock shelter), where the paintings are in good condition, albeit there are traces of soot and bats. Fourteen sites judged in "good" condition: *Aldea Preclásica, El Tetele Salinas las Grandes, Cuthá, Aldea Preclásica 2, Xiquila Aqueduct, Tilapa 1, and Tilapa 2*. However, damage or threats were identified in 6 of those "good" sites. In *Pueblo Mixteco* the slope has caused the emergence of a stream of water, which passes across the centre of the habitat structure. *Cerro la Yerba* has been altered by lotting and in *Huerta de Xiquila* the irrigation canals have collapsed in some places, due to landslides. Despite consolidation works in *Quiotepec* much of this site is still threatened by landslides; *Purrón Dam Complex*, there are graffiti and signs of looting as are in *Peña Colorada*.

The remaining 6 sites are considered in "fair" condition. In *Loma Tochenga* tombs have been looted, in *Tochigaa* pyramidal base has been partially destroyed, in *Cerro Castillo Rinconada* looters have dug into and ruined some structures. *Cueva de Coxcatlán* visitors have left signs of their presence and an inadequately added layer of concrete needs to be removed. In *Puente Colosal* crystallization on the walls obliterated parts of the pre-Hispanic paintings and in *Santa María Ixcatlán* archaeological remains have been reduced as a result of looting.

Few conservation works were undertaken in the past, which contributes to the authenticity of most sites described. However, it is also clear that consolidation is urgently needed to prevent further losses, landslides or collapses at some of the archaeological sites. The Management Plan presented addresses conservation predominantly based on natural heritage concerns, referring to restoration, by means of the recovery of areas with any degree of environmental degradation. In ICOMOS' view further focus on conservation activities for cultural heritage remains necessary and a cultural heritage conservation and maintenance plan should be

integrated within the overall management plan. Envisaged conservation measures should be included with clear information on methodologies, timeframe of intervention and resources allocated. ICOMOS recommends to continue involving local communities in conservation efforts to enable increased capacity to maintain cultural heritage through community guardianship models.

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Overall, the state of conservation of the presented archaeological sites is good to fair but they remain vulnerable and a programmed overall conservation approach is needed and should be integrated as a conservation and maintenance strategy within the management plan.

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## Management

Management structures and processes, including traditional management processes

Three key partner institutions collaborate in the administration of the property, the Secretariat of Environment and Natural Resources (SEMARNAT), the National Commission for Protected Natural Areas (CONANP) and the National Institute of Anthropology and History (INAH). The day-to-day management of the property however is driven by natural heritage management concerns and agencies, as INAH does not seem to have systematic presence within the property, where merely a few staff members are present at certain times. The Tehuacán-Cuicatlán Biosphere Reserve (TCBR) Office coordinates the site supervision and maintenance and is assisted by six sub-regional councils which supervise specific reserve territories. An Advisory Council is composed of representatives of each sub-council and responsible for the Annual Operative Plan. PROFEPA and INAH co-manage so-called local Surveillance Committees which are composed of community members.

Policy framework: management plans and arrangements, including visitor management and presentation

A strategic management plan was prepared by a team of SEMARNAT and CONANP specialists in 2016 and updated in 2017. It has been submitted in Spanish language with a brief summary of key arrangements in English language. The management plan divides the property into seven management subzones, with different degrees of protection. The majority of the property belongs to "subzone 1 for preservation" (133 781 ha) where no activity is allowed, while most cultural heritage resources are located in areas designated as "sustainable use for ecosystems". Revised every five years, the Plan is organised in six sub-chapters (protection, management, restoration, knowledge, culture, and administration), depending on the natural zoning and its main purpose is to conserve the biodiversity and the ecosystems, restore areas degraded by man or nature, foster scientific and

technical research, promote the participation of inhabitants and provide financial resources.

Despite some formally established coordination with INAH and a little more prominence of cultural heritage concerns in the latest revised version of the plan, cultural heritage is not treated as equal as for Natural heritage. However, a specific Plan for the Management and Protection of the archaeological resources joined this management plan under preparation of supervision of the Operation of Sites Office (*Dirección de Operación de Sitios*) of the National Archaeology Coordination (*Coordinación Nacional de Arqueología*). ICOMOS notes that the document presents a series of overarching activities and directives but no details on how or when these will be implemented. It therefore reads more as a detailed analysis of the cultural heritage sites, providing details as to their layout and condition n previously presented, but not a management plan. The lack of adequate documentation beyond these descriptions is not addressed in the management plan in which further surveys or research does not feature prominently.

In terms of staff capacities, the TCBR Management Plan includes regular participation in training courses (on conservation, forest fires, environment regulation, nature tourism, GIS, site signage, restoring cave paintings), run by Mexico City Universities, INAH and others. In turn, the Reserve technicians train members of the Local Surveillance Committee. At present, the department of the Protected Natural Area (PNA) in the TCBR employs 15 staff: among them, 2 field technicians are in charge of forest fires and disease, and of endangered species; a third technician is specialised in goat livestock management; a co-ordinator works in co-operation with the Global Environmental Fund of the United Nations; 2 staff supervise education and communication activities; an executive staff member processes the PNA administration; 6 park rangers perform the Reserve surveillance. INAH employs ten staff in its Oaxaca and Puebla centres: two directors, five archaeologists, two museum specialists, and one guard supported by the committees of rangers organised within the communities.

At present, ICOMOS has not been provided with a clear understanding of the presence and involvement of cultural heritage professionals at the site. The personnel concerned with cultural heritage appears to be far too few to deal with the immensity of cultural heritage resources in the Tehuacán-Cuicatlán Valley and will not facilitate adequate supervision, not to speak of implementation of management activities in such a large area. Although reinforcement is envisaged in the future, this staffing level makes it impossible to adequately survey and monitor the property.

The cultural heritage management plan for the proposed property presents visitor infrastructures available at the property. The management plan does not provide a future strategy for visitors, which is outlined in its counterpart plan for natural heritage resources and exclusively driven by focus on these. According to the TCBR tourism

strategy developed by CONANP, signposts guide visitors to a few historical places.

In response to ICOMOS' previous concern related to possible threats associated with tourism within the archaeological sites, generic information on the intention to consider physical, real and effective carrying capacities to the property was provided in the additional information. However, no further information is provided as to how and when the shall occur and what responses it might generate.

The TCBR Management Plan covers aspects of ordinary risk preparedness (water resources, forest fires, vandalism, surveillance of archaeological sites, biodiversity protection). Together with the Mexican National Civil Protection System (SINAPROC), CENAPRED helps cope with exceptional hazards (floods, cyclones and landslides) and prepares risk maps, assessments and guidelines.

#### Involvement of the local communities

Local communities are strongly involved in the surveillance and maintenance of the archaeological sites throughout the property, under the monitoring of CONANP and INAH. The strategic management plan foresees to further include the communities in the conservation, management and protection of the historic and archaeological remains. Community representatives do a remarkable job, but their capacity and recognition should be strengthened in order to cope with the seriousness of threats. Local communities take part in decision-making for the governance of the Tehuacán-Cuicatlán Biosphere Reserve and in the regional councils that operate in this area, to which they can present their experience and opinions.

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ICOMOS considers that the management system continues to lack focus on cultural heritage components and that current staffing levels are inadequate to respond to the immense challenge of documenting and monitoring the cultural heritage in the Tehuacán-Cuicatlán Valley.

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## 6 Monitoring

A partnership of civil service organisations (CONANP, CONABIO, CONAFOR) monitor the biodiversity of the Valley, in cooperation with the TCBR Office. The State Party has identified 9 key indicators to survey the archaeological sites. INAH will collect data and analyse these, with the support of CONANP and of the National Institute of Statistics and Geography (INEGI).

While the indicators refer to a number of external factors, such as erosion, illegal excavation, traditional use and visitation, the state of physical decay and degradation of the cultural heritage resources might have to be given further emphasis. At present, staff capacities are hardly sufficient to carry out meaningful monitoring exercises at a regular basis and ICOMOS recommends strengthening

the presence of cultural heritage professionals in the Tehuacán-Cuicatlán Valley.

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ICOMOS considers that the monitoring measures for the cultural heritage components could be reinforced by means of considering aspects of decay and degradation at more frequent intervals based on strengthened staff levels within the property and to combine monitoring and survey efforts in the buffer zone.

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## 7 Conclusions

Although what has been nominated are three large areas of landscape within the Tehuacán-Cuicatlán Valley, the serial nomination is not put forward as a cultural landscape but rather as an ensemble of 22 archaeological sites that pinpoint certain stages in the evolution of the Valley. These stages include evidence of early plant domestication, horticultural villages, irrigated agriculture, evidence for salt extraction and the development of pottery. The evidence is thus spread across the landscape with few clear inter-relationships between the sites. Although some sites were excavated and recorded in the 1960s, many other sites await more detailed investigation, as acknowledged by the State Party. Furthermore, the 22 sites are only the tip of the iceberg as overall over 600 sites are known to exist.

The idea that an ensemble of a small number of sites can be seen as exceptional within Mesoamerica for their reflection of the particular way societies developed has not been substantiated in the details provided or through comparisons with other sites.

What does begin to emerge, however, is the possibility that the Tehuacán-Cuicatlán Valley can be differentiated through evidence for the emergence of irrigation. A complex water management system is suggested with ten types of sites, including: wells, dams, canals, fields for rain-fed agriculture, fields for flood irrigation, fields on terraces, rock aqueducts, filtration galleries, and large square water catchment wells, most of them dating to between 800-700 BC.

But although details are provided of some of the larger of these sites, such as the Purrón Dam Complex, the Santa María canal and the Xiquila aqueduct, no clear picture emerges of the overall system or of the smaller elements such as catchment wells, or different types of agricultural fields, nor is evidence presented to suggest how widespread across the landscape these features were. Perhaps some of the remaining 600 sites reflect these details and can augment the evidence.

ICOMOS considers that if this particular element of the Tehuacán-Cuicatlán Valley could be presented in much greater detail and via a landscape approach, it might provide the basis for the Valley or parts of the Valley to be seen as an outstanding reflection of the emergence of irrigation-based agriculture in Mesoamerica. What would

be needed is an overview of what sites are known in the Valley as a context for maps, descriptive plans, and discussion of the overall irrigation system and how and when it functioned, and more detailed comparisons within the geo-cultural Mesoamerican area.

## 8 Recommendations

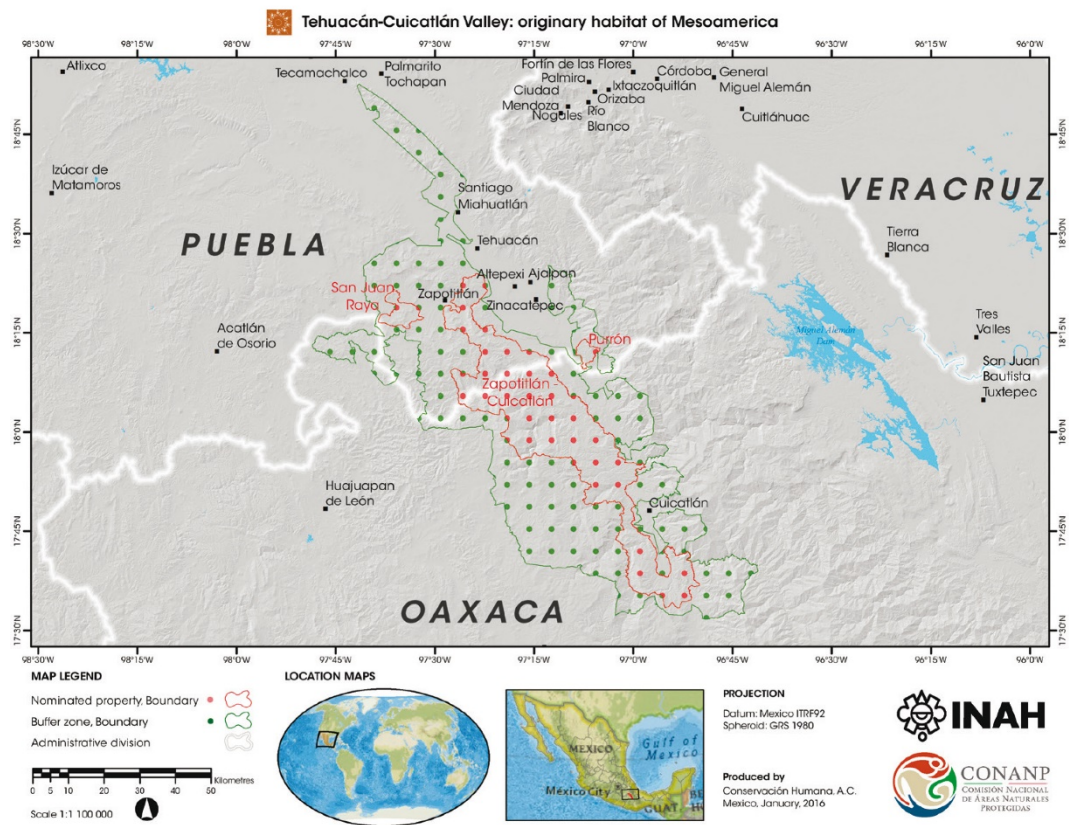
ICOMOS recommends that the World Heritage Committee adopts the following draft decision, noting that this will be harmonised as appropriate with the recommendations of IUCN regarding its evaluation of this mixed site nomination under the natural criteria and included in the working document WHC/18/42.COM/8B.

### Recommendations with respect to inscription

ICOMOS recommends that the examination of the nomination of the Tehuacán-Cuicatlán Valley: originary habitat of Mesoamerica, Mexico, to the World Heritage List in relation to cultural criteria, be **deferred** in order to allow the State Party with the advice of ICOMOS and the World Heritage Centre, if requested, to:

- a) Consider a revised nomination, in revised boundaries, based on a broader selection of cultural heritage evidence which is focused on the early horticultural community settlement processes in Mesoamerica, as well as the intricate and complex water irrigation systems which facilitated these processes;
- b) Undertake further surveys, research and documentation of cultural heritage sites in the Tehuacán-Cuicatlán Valley, including in areas currently located outside the property boundaries, related to irrigation systems and settlements these enabled in the context of an overall assessment of the several thousand known sites in the valley;
- c) Complete the legal protection of the relevant cultural heritage resources to be recognized at highest levels appropriate, including the full recognition at national level of the sites presently proposed;
- d) Further detail the envisaged implementation of management, research and monitoring activities for cultural heritage within the strategic management plan, integrating also conservation and maintenance as well as visitor management provisions, and ensure that this plan is formally adopted by cultural heritage authorities at the national level;
- e) Strengthen the overall human and financial resources for management of cultural assets within the Tehuacán-Cuicatlán Valley,

ICOMOS considers that any revised nomination would need to be considered by an expert mission to the site.



Map showing the revised boundaries of the nominated property





Cueva de Coxcatlán



View over Tehuacán-Cuicatlán Valley

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## Thimlich Ohinga Archaeological Site (Republic of Kenya) No 1450rev

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### Official name as proposed by the State Party

Thimlich Ohinga Archaeological Site

### Location

Migori County  
Kenya

### Brief description

Located 46km northwest of Migori Town in the Lake Victoria region, Thimlich Ohinga archaeological site reflects a cultural tradition of massive dry stone walled fortifications developed by pastoral communities that persisted from 16<sup>th</sup> – mid 20<sup>th</sup> century in the Nyanza Region of the Lake Victoria basin. Thimlich Ohinga is the largest and best preserved dry-stone wall traditional enclosure in the region. It comprises a complex of enclosures that accommodated homesteads, livestock, and craft industries. The main *Ohinga* is referred to as Kochieng, while the others are Kakuku, Koketch and Koluoch. Each of the *Ohingni* has internal enclosures as well as smaller extensions adjacent to them, which accommodated homesteads, livestock and craft industries. The *Ohinga* appear to have served primarily as security for livestock and communities but they also defined social units and relationships linked to lineage based systems.

### Category of property

In terms of categories of cultural property set out in Article I of the 1972 World Heritage Convention, this is a *site*.

## 1 Basic data

### Included in the Tentative List

12 February 2010

### International Assistance from the World Heritage Fund for preparing the Nomination

2010

### Date received by the World Heritage Centre

24 January 2014

1 February 2018

### Background

This is a referred back nomination (39 COM, Bonn, 2015). The World Heritage Committee adopted the following decision (39 COM 8B.8):

The World Heritage Committee,

1. Having examined Documents WHC-15/39.COM/8B and WHC-15/39.COM/INF.8B1,
2. Refers the nomination of the Thimlich Ohinga Cultural Landscape, Kenya, back to the State Party to allow it to reconsider the focus of the nomination of this property, including the possibility of nominating it as a site and an outstanding example of a traditional human settlement;
3. Considers that such a new nomination would need to include an augmented comparative analysis;
4. Also considers that a new nomination would need to be considered by an expert mission to the site;
5. Recommends that the State Party give consideration to the following:
  - a. Increasing the boundary of the property to include the plot to the south-east as well as the buffer zone;
  - b. Conducting archaeological research in and around the nominated property to substantiate some of the site interpretations as well as to determine the extent of archaeological evidence of the wider settlement;
  - c. Defining and putting in place formal agreements with land owners and also provide legal protection that includes clear management and permitted uses in the buffer zone;
  - d. Providing maintenance and other conservation practices to ensure the continued stability of the walls;
6. Recommends the State Party to consider inviting ICOMOS to work on the preparation of a proposal for a revised nomination in accordance with the recommendations of the World Heritage Committee, within the framework of the Upstream Process.

In accordance with this decision, ICOMOS was invited by the State Party to undertake an Advisory Mission and provided upstream advice on research, documentation, mapping and comparative analysis. The State Party resubmitted a revised nomination dossier on 1 February 2018. This has provided a substantial revision of the sections on history, comparative analysis and justification for Outstanding Universal Value and sets Thimlich Ohinga into its wider context.

### Consultations

ICOMOS consulted its International Scientific Committee on Cultural Landscapes, and on Archaeological Heritage Management, and several independent experts.

### Technical Evaluation Mission

An ICOMOS technical evaluation mission visited the property from 8 to 15 September 2014.

### Additional information received by ICOMOS

In the context of its 2014 evaluation, ICOMOS sent a letter to the State Party on 8 September 2014 requesting further information about maps, comparative analysis, development and restoration projects, excavations, statement of authenticity, tourism, management and protection, bibliography and community involvement. The State Party provided additional information on 17 December 2014.

Following decision 39 COM 8B.8 in 2015 ICOMOS undertook an Advisory Mission at the request of the State Party. This suggested that the State Party follows the recommendations of the World Heritage Committee and realigns the nomination of Thimlich Ohinga from the



previous focus on a cultural landscape towards its consideration as a traditional settlement for people and livestock; to establish a longer term research programme on the large number of similar traditional settlements in the Lake Victoria region; to document the outlying Ohingni in close proximity to the Thimlich Ohinga to illustrate the extent of the traditional way of life, to extend the eastern boundary of the previous nomination to include the relevant attributes outside the walled enclosure; to also extend the buffer zone to enclose all the *Ohingni* in use by contemporary communities in the vicinity of Thimlich Ohinga, including by means of extending land use agreements and including local and regional authorities in the land use management agreements and to, last but not least, significantly augment the comparative analysis presented to illustrate the relationship between Thimlich Ohinga and other *Ohingni* in the Lake Victoria region including their capacity to represent the traditional settlement forms of agro-pastoral communities.

A revised nomination was received on 1 February 2018.

#### **Date of ICOMOS approval of this report**

14 March 2018

## **2 The property**

### **Description**

The term *Thimlich* is derived from a local Luo word referring to a scary jungle. *Ohinga* (*Ohingni*-plural) on the other hand, is a form of earth/stone built settlement or enclosure found in large numbers within the Lake Victoria region. Thimlich Ohinga is the largest surviving complex and was probably founded in the 16<sup>th</sup> century CE. It represents a tradition of massive dry-stone building/construction by the early pastoral communities of the Lake Victoria Basin.

The nominated property comprises four larger *Ohingni*, all of which have extensions. The main *Ohinga* is referred to as *K'Ochieng'*, while the others are *K'Akuku*, *K'Oketch* and *K'Olouch*. Each of the *Ohingni* consists of a large enclosure with internal features including smaller enclosures, low walls and house depressions, as well as smaller extensions adjacent to them. There is also an industrial and iron working site referred to as the blacksmith enclosure. The overall size of the property proposed comprises 21 hectares, which are surrounded by a buffer zone of 33 hectares.

The dry stone wall enclosures are constructed in a three-phase design. Walls have an outer and inner phase of neatly arranged stones of all shapes and sizes and a middle phase consisting of smaller stones. The middle held together the stones in the inner and outer phases of the walls. Due to lack of distinct shapes of the rocks used, the walls do not exhibit clear coursing. Stones were placed in an interlocking system that enhanced overall stability without the use of any mortar or cement. The walls range from 1.5m to 4.5m in height, with an average thickness of 1m.

The Thimlich Ohinga archaeological site illustrates interior enclosure structures of various kinds. These include small enclosures, including cattle kraals or pens and garden fences, depressions and corridors. The kraals are larger and usually located at the centre of the structures, while the pens are extensions to the outer walls. The depressions, identified as house pits, are circular with an average diameter of 5m in conformity with the shape of the *Ohinga*. One such depression is at *K'Ochieng'* enclosure and is associated with food preparation and storage. These depressions may also have been used for other functions, including threshing grain, fire pits or for drying grain.

Between the enclosures are passageways and corridors lined with low walls of stone. Some of these have been reconstructed during the ongoing conservation work at the property. A designated industrial area lies just outside the northern wall of the main enclosure. Here iron smelting and working took place, as indicated by the presence of a furnace area containing smooth stones that could have acquired that texture as a result of being used as anvils. Pieces of *tuyere* litter the area and there is also a mound of iron slag, refuse and pottery.

*K'Ochieng'*, as the largest *Ohinga* in the property, consists of an outer compound wall which is approximately 140m in diameter from the north to the south and retains dry stone structures which are 2.5m to 4.2m high. There are three gateways, one to the west and two to the east. These are in the form of passage-type doors. The outer wall of the enclosure appears has undergone modification during the site's occupation. The extant structure is not circular in plan. However, it is possible to identify the joint where an extension has been added to the north-eastern section.

Archaeological excavations at the site have yielded faunal, ceramic and lithic materials. Ceramics associated with the site are mainly cord rouletted. The cord roulette decorative motif is principally Nilotic while iron working is associated with the Bantu groups. The site, therefore, represents an early interaction between two main groups. These materials have been used to explain the dynamics of settlement patterns in the region.

### **History and development**

As fortified settlements were common features during the early periods of occupation in the present day western Kenya and Lake Victoria regions, the history of Thimlich Ohinga has to be set into a wider study of how these settlements developed. The extensive history provided in the revised nomination dossier is based on analysis of available oral historical, historical linguistic, documentary, archaeological and genetic evidence and all attest to considerable population interaction, inter-marriage and mobility in the area during pre-colonial and colonial eras.

Thimlich Ohinga archaeological site was first inhabited around 500 years ago. It was built for security reasons and likely had its own governance connected to broader

regional power structures. Today, the area around the site is predominantly inhabited by self-identifying Luo people, whose language Dholuo belongs to the Western Nilotic branch of the Nilo-Saharan language phylum. The Luo attribute significance to the property and because of this relation, Thimlich Ohinga has often been considered a historic Luo site. However, historical research and oral tradition attest to a diversity of occupants and interaction of different peoples.

Successive occupation by different groups has been the norm in the Lake Victoria Basin and likewise the history of Thimlich Ohinga is characterized by periodic occupation and out-migration until the site was finally abandoned in the early 20<sup>th</sup> century. According to oral tradition, the earliest inhabitants are said to have been Bantu groups including the Wagire and Kamageta. The Nilotic groups which passed through the area consisted of the Kabuoch-Kachieng, Kadem, Kaler, Kanyamwa and Karungu. However, these groups later split and moved in different directions. Both the Bantu and Nilotic groups seem to have adopted similar strategies in establishing their settlements with dry stone walls, indicating that the period of construction and occupation of the site is likely to be between 1590 and 1680, when such groups are known to have settled in the eastern Lake Victoria region. These dates also correspond with charcoal samples from excavations at Thimlich Ohinga, which gives dates ranging from 1650 to 1900 CE.

In the 1680s, the Nilotic Kabuoch-Kachieng group moved into the area, expanded the existing structures and built others further uphill. The site was then occupied by the Kanyamkago people as they expanded their territory southwards. They eventually established themselves across River Kuja some 20km away, and Thimlich Ohinga became occupied by the Kadem people, another group that was also expanding southwards from their Raguda settlements in the present day Karubgu region. For reasons that are not clear, the Kadem people later handed over the site to the Kanyamwa who remained there until the beginning of the 20<sup>th</sup> century. While not living on the site after this period, they continued to use it for various other purposes, mostly farming and grazing.

Archaeological research has been conducted at Thimlich Ohinga site for several decades. Radiocarbon dates from charcoal samples returned a date of between 1650 AD and 1900 AD. In 2017, excavations were conducted on previously excavated trenches to recover samples for dating and to determine the functions of the existing features and the use of space within the fortifications. Excavations were also conducted in other enclosures outside the Thimlich Ohinga to substantiate some of the site interpretations as well as to determine the extent of archaeological evidence of the wider settlement. Analysis of sediments from different enclosures at Thimlich has identified sediments distinctive of livestock enclosures, and thus of pastoral settlements. The iron smelting sites have also provided evidence of interaction between pastoral communities, hunter-gatherers and iron using farmers.

### **3 Justification for inscription, integrity and authenticity**

#### **Comparative analysis**

In its consideration of the previous submission of the Thimlich Ohinga Cultural Landscape nomination in 2015, the World Heritage Committee requested that a new nomination would need to be submitted with an augmented Comparative Analysis. The comparative analysis in the previous dossier submitted in 2014 had mainly compared the nominated property with other fortified settlements, and included consideration of World Heritage listed properties such as Great Zimbabwe National Monument [Zimbabwe, 1986, (i), (iii) and (vi)], and other settlements such as the City Walls in Xingcheng and Xi'an (China) and the Western Stone Forts of Ireland. It focused on the form and design of the fortifications, the stone building techniques, drainage systems and towers. The State Party at the time also provided comparisons with African cultural landscapes inscribed on the World Heritage List.

The ICOMOS Advisory mission recommended to refocus the comparative analysis in line with the recommended focus of the new nomination on similar settlement remains at a local and regional level, which may also have the potential to illustrate comparable physical features and the life of pastoral communities.

The revised comparative analysis presented in the 2018 nomination as requested emphasizes the southern and eastern African context of drystone wall settlements and compares examples from Neolithic agro-pastoral communities from the early second millennium BCE until the mid 20<sup>th</sup> century CE. Among the compared examples are Molokwane, Marothodi and Tswenyane-Kaditshwene in South Africa, various sites in the Eastern Highlands of Zimbabwe centred around Nyanga and several others reaching across Eastern Africa from Sudan and Ethiopia to Botswana and South Africa, while also considering selected examples from West Africa such as Kofyar in Nigeria or the massive stone walled enclosures at Ruins of Loropéni, Burkina Faso [2009, (iii)]. The analysis also demonstrates clearly that Thimlich Ohinga is the best preserved example of dry stone enclosures that are widespread in the Nyanza region.

ICOMOS considers that this augmented comparative analysis demonstrates that Thimlich Ohinga is by far the best preserved complex when compared to known archaeological sites of similar physical characteristics in the Nyanza region. In terms of comparisons with other stone built enclosures in southern and western Africa, it is demonstrated that Thimlich Ohinga unlike the large earthwork sites associated with early kingdoms in the Great Lakes region, and most probably also the capital sites of the Zimbabwe empire and Mutapa Kingdom in Southern Africa, that reflect an hierarchical system, the remains are more representative of a lineage based system that relied on more heterarchical structures of pastoral societies.

Thimlich Ohinga hence can be considered an exceptional example of a dry-stone settlement, based on a complex organization system of communal occupation, craft industries and livestock that reflects a particular phase in the development of pastoral communities in the Lake Victoria basin of western Kenya from the 16<sup>th</sup> to the early 20<sup>th</sup> century.

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ICOMOS considers that the comparative analysis justifies consideration of this property for the World Heritage List.

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### **Justification of Outstanding Universal Value**

The nominated property is considered by the State Party to be of Outstanding Universal Value as a cultural property for the following reasons:

- Thimlich Ohinga exhibits a sophisticated system of dry-stone wall masonry which created meticulously arranged three-phased undressed stone walls which have remained structurally stable over centuries withstanding the various vagaries of nature. The site is the largest and best preserved dry-stone wall settlement in the region.
- The archaeological settlement was a major centre of cultural interaction and provides testimony to important episodes in the migration movements and settlement process of the Lake Victoria Basin and sub-Saharan Africa as a whole.
- The dry-stone enclosures in Thimlich Ohinga document a specific concept of sustainable land use which served different socio-economic and linguistic groups through time. Its sustainability was insured through the continuous transmission of maintenance tradition and knowledge of the traditional masonry techniques through apprenticeship.
- The property is a rare feat of well-developed stone architecture of pure dry stone building.

ICOMOS considers that the justification provided by the State Party is appropriate and that the additional historical, anthropological and archaeological data provided in the revised nomination dossier substantiates the above claims. Thimlich Ohinga is indeed an exceptional testimony of settlement patterns and spatial community relations in the Lake Victoria basin, which documents the successive occupation by different people from various linguistic origins. It gives reference to habitation patterns, livestock cultivation and craft practices prevalent in these communal settlements. It further illustrates a specific typology of dry-stone wall construction in a three-phased approach.

### **Integrity and authenticity**

#### **Integrity**

According to the State Party, the nominated property contains all the elements necessary to express the proposed Outstanding Universal Value. It includes the stone walls with their low entrances, the structural support features known as buttresses, low water/sludge drainage

vents from the inner livestock enclosures (kraals), the three-phase wall design, the inner and outer enclosures, industrial site and house pits.

ICOMOS considers that in line with the refocused nomination, which, following ICOMOS' recommendation in its previous evaluation, emphasizes the *Ohinga's* archaeological evidence and its qualities as a traditional dry-stone settlement and unique dry-stone wall construction technology, the integrity is better demonstrated than in the previous nomination. However, the boundary extension towards the south-east requested by the World Heritage Committee in its decision 39 COM 8B.8 was not undertaken although the State Party indicated plans to purchase the relevant property. ICOMOS considers that property ownership should not be a prerogative to World Heritage inscription and considers that the boundary extension remains necessary to fully ensure integrity of the property.

#### **Authenticity**

The State Party considers that the original fabric of the structures has been conserved and that the most recent repairs have applied the original techniques of construction, ensuring that the property retains its character in design and material. The protective apparatus of the complex has been maintained as found.

ICOMOS notes that today, what used to be ruins are now fully restored, and that documentation of the restorations is not available. Some walls have been added to demarcate the boundary between the archaeological site and the forest, but this new work is not easily distinguishable from the stone structures. ICOMOS considered in its previous evaluation report that because some of the restoration work could possibly have been executed overzealously, the authenticity of some stone structures may have been compromised. However, the State Party has provided further information that these works were undertaken post 1981 with qualified supervision and documentation by the National Museums of Kenya, utilizing indigenous methods in line with the traditional masonry techniques which were trained to younger apprentices as part of the conservation project.

In conclusion, ICOMOS considers that the archaeological structures and settlement patterns are sufficiently preserved and illustrate authenticity in material, form and design, workmanship, location and setting and to some extent traditional management techniques and associated rituals. ICOMOS therefore concludes that authenticity has been demonstrated.

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In conclusion, ICOMOS considers that while the conditions of authenticity has been demonstrated, the full demonstration of the conditions of integrity remain dependant on the boundary extension requested by the World Heritage Committee in Decision 39 COM 8B.8.

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### Criteria under which inscription is proposed

The property is nominated on the basis of cultural criteria (iii), (iv), and (v).

Criterion (iii): *bear a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared;*

This criterion is justified by the State Party on the grounds that Thimlich Ohinga is a living testimony and the best preserved example of a unique cultural tradition of stone wall fortification. It is located in a landscape of successive occupation and displacement and by different linguistic groups that build upon what their predecessors left behind. The site functioned as a centre where all inhabitants were related to each other in one way or another and constituted a context for micro social relations. The settlement is linked to spiritual practices, in which the walls are attributed a link to ancestral spirits which prevented their destruction or prohibited access.

ICOMOS confirms that Thimlich Ohinga provides an exceptional testimony to communal settlement traditions in the Lake Victoria Basin. It illustrates shared communal settlement, livestock cultivation and craft industry patterns, utilized and practiced by several successive inhabitant groups of different linguistic origin. The archaeological evidence testified not only to the communities' spatial organization but also to an elaborate system of interrelations between the different Ohingni within proximity to each other. It therefore allows to understand and further research community interaction patterns between the 16<sup>th</sup> and the mid 20<sup>th</sup> century in the region.

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ICOMOS considers that this criterion has been justified.

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Criterion (iv): *be an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history;*

This criterion is justified by the State Party on the grounds that Thimlich Ohinga illustrates an outstanding example of undressed dry-stone construction typology characterized by a three-phase building technology using stones of irregular shapes, which is not known to exist elsewhere in Easter Africa. The three phases were built concurrently in an outer and inner phase which were joined together in the middle by a third phase consisting of significantly smaller stones which pressed down the ends of the stones of the outer and inner phases.

ICOMOS considers that the dry stone wall construction typology illustrates a rather sophisticated interlocking system, which explains the good state of conservation of the enclosure walls, which are retained at heights of up to 4.2 metres.

The settlements further provide an impressive reference of spatial planning and settlement types in the wider Lake Victoria Basin, at a period in history characterized by increased human mobility as a result of social, economic and environmental pressures that affected human populations in the region. The construction at Thimlich Ohinga marks an important episode in the migration and settlement of the Lake Victoria Basin and sub-Saharan Africa as a whole.

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ICOMOS considers that this criterion has been justified.

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Criterion (v): *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;*

This criterion is justified by the State Party on the grounds that Thimlich Ohinga is an outstanding traditional settlement representing a land use and diversified subsistence system over several centuries.

ICOMOS considers that while the argument is in general appropriate, the plan and land use typology applied is better recognized in the previous criterion (iv). ICOMOS nevertheless considers that Thimlich Ohinga as the best preserved *Ohinga* constitutes a representative and outstanding example of Ohingni, a distinctive form of pastoral settlement that persisted for several centuries in the Lake Victoria basin.

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ICOMOS considers that this criterion has been justified.

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ICOMOS considers that the nominated property meets criteria (iii), (iv) and (v) and while the condition of authenticity is demonstrated, full demonstration of the conditions of integrity remain depending on the boundary extension requested by the World Heritage Committee in decision 39 COM 8B.8.

### Description of the attributes

The attributes which express the Outstanding Universal Value of the property include the dry-stone wall enclosures in their specific three-phase construction typology as well as the internal small enclosure structures, including cattle kraals or pens and garden fences, depressions and corridors.

The spatial relationships of the settlements, both internally, towards each other and within the wider landscape are essential to illustrate the specific spatial use patterns of the traditional *Ohingni* settlements, which were situated in their historic surroundings of dense jungle vegetation.

## 4 Factors affecting the property

The nominated property is affected by the following factors:

- Human and animal activities: There is occasional illegal grazing, collection of firewood and harvesting of sisal which grows naturally within the nominated property. There is also encroachment of wildlife as this is the only dense thicketed area with vegetation in the local area. Animals such as monkeys occasionally climb on the walls, although this does not seem to have had much impact on their stability or state of conservation.
- Environmental pressures: Trees growing near the walls are potential threats to their stability, but these are removed periodically.
- Tourism: Use of undesignated footpaths has caused conservation pressures in the past, but is now controlled.

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ICOMOS considers that the main threats to the property are human and animal activities and tourism. Identified pressures are currently well managed.

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## 5 Protection, conservation and management

### Boundaries of the nominated property and buffer zone

The boundary of the nominated property coincides with the gazetted boundary of Thimlich Ohinga national monument. This boundary is clearly demarcated by a barbed wire fence and encloses all the stone structures the State Party has identified in order to convey the values of the settlement. Because of the archaeological potential of features located on the south side of the property where the fence comes near to the entrance to Koketch, ICOMOS considered in its previous evaluation that the area currently within the south-east buffer zone should be included in the property boundary. This recommendation was reiterated by the World Heritage Committee in its decision 39 COM 8B.8. ICOMOS notes that the State Party has initiated processes towards the acquisition of the concerned property by signing a sale agreement, however as public ownership is not a prerequisite for World Heritage designation, the boundary should be extended to allow for full protection of all attributes of the property.

The size of the buffer zone has been significantly increased since the property's first submission encompassing now 33 hectares instead of previously 7.135 hectares. However, the map submitted indicates that it has not been formally demarcated which suggests that what is presented is an approximation of what the buffer zone will be. It is now bordered by two roads on the west and north (-east), and extends towards the small Kodongo Ohinga in the south.

ICOMOS notes that this extension has been made in merely the south-eastern direction of the property, while ICOMOS had previously requested extensions in several directions, including to the north and east to cover at least small strips on the respective other sides of the road. Formal agreements and legal mechanisms need to be put in place to make the protection of the buffer zone effective.

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In conclusion, ICOMOS considers that the boundaries of the nominated property remain to be extended and that the buffer zone, though adequately extended in southern direction needs to be further adjusted in all other directions. Legal protection mechanisms require to be put in place for this extended buffer zone.

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### Ownership

The property is owned by the National Museums of Kenya, which is a state corporation with headquarters in Nairobi. Parts of the buffer zone are privately owned.

### Protection

The nominated property is protected by the National Museums and Heritage Act, Cap 216 of 2006 and is managed by the National Museums of Kenya. The site was gazetted and declared a national monument on 25<sup>th</sup> September 1981 and confirmed as a national monument on 27<sup>th</sup> May 1982 under the then Antiquities and Monuments Act, Cap 215 which was repealed and replaced with the National Museums and Heritage Act in 2006. The latter Act consolidates the laws relating to national museums and heritage; provides for the establishment, control, management and development of national museums; and the identification, protection, conservation and transmission of the cultural and natural heritage of Kenya.

The Act allows the Minister in respect of a protected area, to prohibit or restrict by notice in the Kenya Gazette access, development, agriculture or livestock use or any other activity, which is liable to damage a monument or object of archaeological or palaeontological interest. The Minister may also direct or authorize the National Museums of Kenya to take such steps that are necessary or desirable for the maintenance of the protected area. The National Museums of Kenya may formulate necessary by-laws for controlling access, with or without payment, and enforce laws for the conduct of visitors in the protected area.

Thimlich Ohinga is also protected through other Kenyan laws. These include the Government Land Act Cap 280 of 2010 which make further provision for regulating, leasing and disposal of Government land; and the Environmental Management and Coordination Act 1999, which provides for the establishment of appropriate legal and institutional frameworks for the management of the environment and for matters connected to it. There is also the Wildlife (Conservation and Management) Act Cap 376 of 1985 that handles the protection, conservation and management of wildlife in Kenya. In addition, the Forests Act of 2005 provides for the establishment, development

and sustainable management, including conservation and rational utilization of forest resources and for the socio-economic development of the country.

ICOMOS considers that the legal protection system for the property is adequate. It is further strengthened by traditional rules and taboos maintained by community elders, which assist in the protection of the property and its surrounding flora and fauna.

The buffer zone protection was aimed to be achieved by formalized agreements with private land owners, requested by the World Heritage Committee in its decision 39 COM 8B.8, which recommends to define and put in place formal agreements with land owners and also provide legal protection that includes clear management and permitted uses in the buffer zone. These land use agreements have been finalized and officially signed. Merely the indication in the nominations that the buffer zone is yet to be demarcated raises concerns as to the effectiveness of its protection.

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In conclusion, ICOMOS considers that the legal protection and the protective measures for the property and buffer zone are adequate but that the formal demarcation of the buffer zone needs to be finalized.

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### **Conservation**

According to the State Party, archaeological research at the site can be traced from early field survey reports, studies of the structures and in archaeological investigations conducted by the National Museums of Kenya, especially since the 1990s. The property was included in the World Monuments Fund Watch list for the periods 2000-2001 and 2001-2002. In 2007, a systematic archaeological study was carried out by the National Museums of Kenya to determine the content and possible functions of some of the features found within or in association with the large stone-walled enclosures. Excavations were conducted on four of the small circular stone-walled enclosures and two house depressions within two of the four major enclosures.

In its previous evaluation, ICOMOS considered that relatively little archaeological research had been conducted on the property and that little of the excavated material has been subjected to systematic analysis. In consequence, the World Heritage Committee recommended to the State Party to conduct further archaeological research in and around the property to substantiate some of the site interpretations as well as determine the archaeological evidence of the wider settlement. In response, the State Party established a medium-term research plan for archaeological excavations and already conducted some excavations in the past two years. It also reinterpreted earlier excavations that had not been fully considered in the previous nomination dossier. A report of these latest findings was provided to ICOMOS during its Advisory Mission, which occurred as part of the advice initiative. ICOMOS considers that the documentation is now far more substantial but that it would be desirable to create a single

database to document all relevant archaeological finds, conservation works as well the related corpus of oral traditions associated with Thimlich Ohinga.

Fencing of Thimlich Ohinga property by the National Museums of Kenya was completed in 2000. This was followed by a detailed condition survey of Thimlich Ohinga Cultural Landscape undertaken by the National Museums of Kenya the same year. In 2001-2003 major restoration of several walls of Thimlich Ohinga was undertaken. In 2007 to 2008 the Ministry of State for National Heritage through the National Museums of Kenya funded restoration of the walls and excavation works in the Koketch enclosure, the industrial area and the blacksmith enclosure.

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In conclusion, ICOMOS considers that state of conservation of the stone structures within the nominated property is good, although the documentation of conservation works and associated oral traditions could be strengthened.

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### **Management**

Management structures and processes, including traditional management processes

The agency responsible for the daily management of the site is the National Museums of Kenya, which is a state corporation established by an act of parliament, the National Museums and Heritage Act, Cap 216, 2006. Four on site staff and one caretaker have been assigned as the in-situ management team for the property.

Policy framework: management plans and arrangements, including visitor management and presentation

Based on a strategic plan and vision for 2030 of the National Tourism Policy and a Nyany and Western Kenya Tourism Development Plan developed by the Tourism Trust Fund, the State Party has presented its plans for a controlled tourism development while conserving cultural and environmental values. While at a theoretical level the aims of this emphasize sustainability, it will need to be observed in practice how the anticipated significant visitor increase will affect the property. Plans are underway to develop a picnic site, a camping site and an eco-lodge as additional visitor infrastructures.

The State Party has also presented a new management plan for the property, which was adopted in 2017 and guides site management until 2027. This Thimlich Ohinga Traditional Settlement Management Plan aims at harmonizing conservation activities on site, empower professionals working with the property, both in terms of capacity-building and participative decision-making and in this context seeks to specifically involve local community members as resource persons.

## Involvement of the local communities

There are a few hundred people residing immediately adjacent to the property. The nominated property serves as a meeting venue for the community where issues affecting them are deliberated. It also remains a location for community rituals, in particular in times of crisis.

ICOMOS notes that, in the wider area, the local communities comprise a population of approximately 5,000-10,000 people. Based on the observations of the technical evaluation mission that visited the nominated property, ICOMOS considers that although the local communities were not involved in the preparation of the nomination, they have subsequently become actively involved in the conservation of Thimlich Ohinga, and the current community relations are good. Community support for Thimlich Ohinga is indicated through the establishment of Friends of Thimlich Ohinga community-based organisation in 2013, consisting of 49 members who pay a membership fee.

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In conclusion, ICOMOS considers that the management system for the property is adequate.

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## 6 Monitoring

Monitoring has been undertaken by the National Museum of Kenya. Traditional rules and taboos established by the community elders also contribute to site protection and monitoring processes. The following key indicators have been presented for measuring the state of conservation of the property:

- Condition survey: assessments of wall condition and vegetation growth
- Photographs
- Status of fence: Inspection of barbed wire and poles used to construct the fence

ICOMOS considers that the set of indicators proposed by the State Party is rather generic and that the establishment of a more precise monitoring system with agreed upon indicators, methods of assessment and responsibilities would ensure continuity across several monitoring cycles.

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In conclusion, ICOMOS considers that the indicators presented should become the basis of a more elaborate monitoring system including methods of indicator assessment and responsibilities.

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## 7 Conclusions

Thimlich Ohinga was first nominated as a cultural landscape in 2014 and referred back by the World Heritage Committee at its 39<sup>th</sup> session in 2015. The World Heritage Committee recommended at that time to refocus the justification of the nomination towards the

traditional settlement characteristics of the property, to augment the comparative analysis and conduct archaeological research towards this end, to extend both the property boundaries and the buffer zone and to ensure adequate legal protection including of private properties in the buffer zone.

In its 2018 nomination dossier, the State Party addressed most of the above mentioned World Heritage Committee requests. In particular, the extensive additional documentation relating to a history of the site and its wider areas, additional archaeological research that illuminates the use of the site and the augmented comparative analysis that has been focused on sites in eastern, southern and west Africa allow a better understanding of exceptionality of the property. In ICOMOS' view, Thimlich Ohinga is the best preserved example of the *Ohingni* a distinctive form of pastoral settlements which predominantly developed in the Lake Victoria Basin using specific typology of dry-stone wall construction in a three-phased approach.

It represents an exceptional testimony to settlement patterns and spatial community relations in the region, at a period in history characterized by increased human mobility as a result of increased social, economic and environmental pressures that affected human populations in the region. The construction at Thimlich Ohinga thus marks an important episode in the migration and settlement of the Lake Victoria Basin in particular and sub-Saharan Africa as a whole.

The property demonstrates criteria (iii), (iv) and (v) as well as the qualifying condition of authenticity. In terms of integrity, it has been noted that the requested property extension is still pending, although a sales agreement has been reached with the property owner. ICOMOS considers that since public ownership is not a prerequisite to World Heritage inscription, the boundary should be extended as requested, even before the acquisition is legally finalized. Also with respect to boundaries, ICOMOS notes that while the buffer zone has been extended to cover additional land towards the south of the site but not towards the other direction, where it continues to cover only a narrow street corridor. ICOMOS considers that the buffer zone boundaries still require to be extended. Both extensions need to be undertaken within the year 2018.

Conservation efforts, the management system and the newly released management plan as well as the legal protection of the site are adequate and ICOMOS acknowledges the support of the local community towards maintenance and management of the property. Merely the monitoring system and data collection of archaeological excavations and monitoring exercises could be improved, which is recommended below.

## 8 Recommendations

### Recommendations with respect to inscription

ICOMOS recommends that Thimlich Ohinga Archaeological Site, Kenya, be inscribed on the World Heritage List on the basis of **criteria (iii), (iv) and (v)**.

### Recommended Statement of Outstanding Universal Value

Brief synthesis

Located 46km northwest of Migori Town in the Lake Victoria region, Thimlich Ohinga archaeological site is a dry-stone walled settlement, based on a complex organization system of communal occupation, craft industries and livestock that reflects a cultural tradition developed by pastoral communities in the Nyanza region of the Lake Victoria basin that persisted from 16<sup>th</sup> to mid 20<sup>th</sup> centuries.

Thimlich Ohinga is the largest and best preserved of these massive dry-stone walled enclosures. The *Ohinga* appear to have served primarily as security for communities and livestock, but they also defined social units and relationships linked to lineage based systems.

The property comprises four larger *Ohingni*, all of which have extensions. The main *Ohinga* is referred to as Kochieng, while the others are Kakuku, Koketch and Koluoch. The dry stone wall enclosures are constructed in a three-phase design with separately built up outer and inner phases, held together by the middle phase. Stones were placed in an interlocking system that enhanced overall stability without use of any mortar or cement. The walls are built of neatly arranged stones of various sizes and without mortar, ranging from 1.5m to 4.5m in height, with an average thickness of 1m.

Thimlich Ohinga is an exceptional testimony of settlement patterns and spatial community relations in the Lake Victoria Basin, which documents the successive occupation by different people from various linguistic origins during an important episode in the migration and settlement of the Lake Victoria Basin between the 16<sup>th</sup> and 17<sup>th</sup> centuries. It also gives reference to habitation patterns, livestock cultivation and craft practices prevalent in communal settlements at this time.

**Criterion (iii):** Thimlich Ohinga provides an exceptional testimony to settlement traditions in the Lake Victoria Basin. It illustrates shared communal settlement, livestock cultivation and craft industry patterns, utilized and practiced by several successive inhabitant groups of different linguistic origin. The archaeological evidence testified not only to the communities' spatial organization but also to an elaborate system of interrelations between the different Ohingni within proximity to each other. It therefore allows to understand and further research community interaction patterns between the 16<sup>th</sup> and the mid 20<sup>th</sup> century in the region.

**Criterion (iv):** The settlements of Thimlich Ohinga provide an impressive reference to spatial planning and settlement types in the wider Lake Victoria Basin, at a period in history characterized by increased human mobility as a result of social, economic and environmental pressures that affected human populations in the region. The massive stone walled enclosures at Thimlich Ohinga mark an important episode in the migration and settlement of the Lake Victoria Basin and sub-Saharan Africa as a whole.

Thimlich Ohinga also illustrates an outstanding example of undressed dry-stone construction typology characterized by a three-phase building technology using stones of irregular shapes in two phases joined together by a third middle phase.

**Criterion (v):** Thimlich Ohinga, as the best preserved example of *Ohingni* constitutes a representative and outstanding example of *Ohingni*, a distinctive form of pastoral settlement that persisted in the Lake Victoria basin from the 16<sup>th</sup> to the mid 20<sup>th</sup> centuries.

Integrity

The property includes the Ohingni with their stone walls and low entrances, the structural support features known as buttresses, low water/sludge drainage vents from the inner livestock enclosures (kraals), the three-phase wall design, the inner and outer enclosures, industrial site and house pits.

To ensure the full protection of the archaeological remains, the entire property area, including the suggested extension toward a yet private land in the south, will need to be considered in an integrated management approach. This also applies to the property's immediate setting, where visual integrity depends on the conservation of the surrounding vegetation to retain the traditional atmosphere of the jungle-protected settlement.

Authenticity

Maintenance work of the structures was carried out over the centuries using traditional materials and techniques. Several subsequent periods of occupation and repair did not interfere with the design or workmanship of the structures. After their abandonment, the Ohingni became ruins. In the past decades, these ruins have now been largely restored, and selected walls have been added to demarcate the boundary between the archaeological site and the forest. This new work is not always easily distinguishable from the historic stone structures. Future conservation measures should be undertaken based on minimum intervention approaches and should continue to train younger apprentices in traditional maintenance techniques.

Management and protection requirements

The property is protected by the National Museums and Heritage Act, Cap 216 of 2006 and is managed by the National Museums of Kenya. The legal protection is



further strengthened by traditional rules and taboos maintained by community elders, which assist in the protection of the property and its surrounding flora and fauna. The archaeological potential of features located on the south side of the property requires the extension of the property boundary towards this direction, in line with the recommendation by the World Heritage Committee in its decision 39 COM 8B.8. Likewise, the buffer zone, though adequately extended in southern direction needs to be further adjusted in all other directions.

A new management plan for the property has been adopted in 2017 and guides site management until 2027. The management authorities plan to develop controlled tourism while conserving cultural and environmental values. Plans are underway to develop a picnic site, a camping site and an eco-lodge as additional visitor infrastructure. While at a theoretical levels the aims of this emphasize sustainability, it will need to be observed in practice how the anticipated new infrastructure and significant visitor increase will affect the property. It will be essential that any tourism or infrastructure project in the boundaries or the wider setting of the property will be evaluated by a comprehensive Heritage Impact Assessment before permissions are granted.

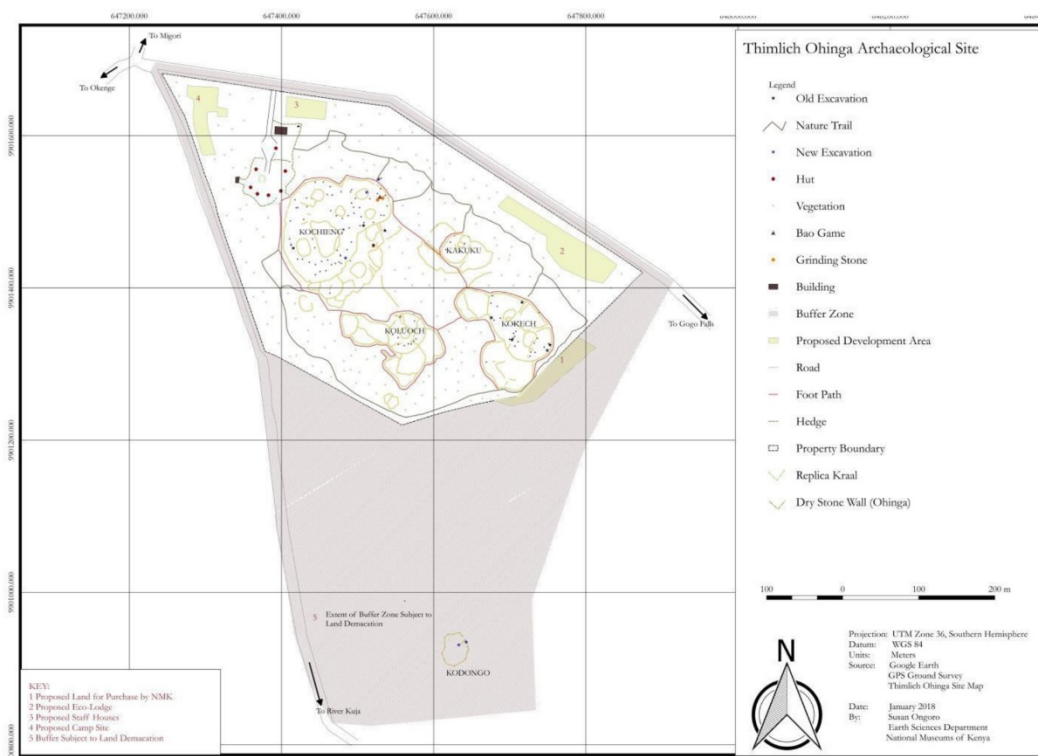
The property serves as a meeting venue for the community and remains a location for community rituals, in particular in times of crisis. These as well as the community-based maintenance strategies need to be continued to retain the strong involvement and attachment of the local communities.

#### **Additional recommendations**

ICOMOS recommends that the State Party give consideration to the following:

- a) Expanding the property boundary at the south-eastern end of the property near the entrance of Koketch in line with the World Heritage Committee request in decision 39 COM 8B.8,
- b) Defining and legally approving the exact demarcation of the extended buffer zone,
- c) Establishing a single database to compile documentation regarding archaeological excavation results, conservation activities and associated oral traditions,
- d) Establishing a monitoring system based on further detailed, precise indicators, assessment methods and responsibilities and define how the monitoring exercise results can also feed into the above database,
- e) Undertaking comprehensive Heritage Impact Assessments for any infrastructure developed in and around the property, before permissions for these are granted,

- f) Submitting to the World Heritage Centre by 1 December 2019, a report on the implementation of the above-mentioned recommendations for examination by the World Heritage Committee at its 44<sup>th</sup> session in 2020.



Map showing the revised boundaries of the nominated property



Main entrance to K'Ochieng' enclosure



Kraal at K'Akuku enclosure

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## Khor Dubai (United Arab Emirates) No 1458rev

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### Official name as proposed by the State Party

Khor Dubai, a Traditional Merchant's Harbour

### Location

City of Dubai, Emirate of Dubai  
United Arab Emirates

### Brief description

Khor Dubai is centred on the creek, a natural seawater inlet of the Persian Gulf, part of the historic centre of the city of Dubai, around which the city developed rapidly in the late 20<sup>th</sup> century. Its continuous use as a commercial waterway shaped the urban skyline on both banks of the creek and provided goods to the adjacent markets (souks) of Deira and Bur Dubai. The property comprises part of the waterway and its banks, the two markets, one on each side of the creek, as well as three historic neighbourhoods, the merchant settlements of al-Faheidi and al-Ras, and the largely reconstructed ruler's quarter of Shindagha.

### Category of property

In terms of categories of cultural property set out in Article I of the 1972 World Heritage Convention, this is a *site*.

## 1 Basic data

### Included in the Tentative List

30 January 2012

### International Assistance from the World Heritage Fund for preparing the Nomination

None

### Date received by the World Heritage Centre

1 February 2014

27 January 2016

29 January 2018

### Background

This is an originally deferred nomination (38 COM, Qatar, 2014). The World Heritage Committee adopted the following decision (38 COM 8B.22):

*The World Heritage Committee,*

1. *Having examined Documents WHC-14/38.COM/8B and WHC-14/38.COM/INF.8B1,*
2. *Defers the examination of the nomination of Khor Dubai (Dubai Creek), United Arab Emirates, to the World Heritage List in order to allow the State Party to:*

- a) *Reconsider the limits of the nominated property and its buffer zone in relation to the proposed criteria and ongoing urban development plans,*
  - b) *Deepen the urban historic and comparative analysis in order to understand whether the property might be considered of Outstanding Universal Value,*
  - c) *Develop the analysis of the role of Historic Dubai as international trade centre on a natural harbour, and demonstrate the uniqueness and the preservation of the waterway feature and role,*
  - d) *Better explain the uniqueness of the technological elements characteristic of Historic Dubai buildings, particularly the wind-towers,*
  - e) *Reinforce the existing legal and regulatory protection mechanisms for the historic areas and natural elements and prove the effectiveness of the management system to control and direct urban development plans within the property;*
3. *Recommends the State Party to invite an ICOMOS Advisory Mission.*

ICOMOS conducted an Advisory Mission and the State Party resubmitted the nomination dossier on 27 January 2016.

Following a full evaluation, ICOMOS's recommendation of not to inscribe was considered by the 40<sup>th</sup> session of the World Heritage Committee (Krakow 2017); the Committee adopted the following decision:

*The World Heritage Committee,*

1. *Having examined Documents WHC/17/41.COM 8B and WHC/17/41.COM/INF.8B1,*
2. *Refers the nomination of Khor Dubai, a Traditional Merchants' Harbour, United Arab Emirates, back to the State Party in order to further clarify:*
  - a) *The attributes that justify the potential Outstanding Universal Value of the nominated property,*
  - b) *The ongoing revitalization plan in Shindagha,*
  - c) *The nominated property limits in Shindagha;*
3. *Encourages the State Party and ICOMOS to develop a coordination mechanism by which they ensure regular consultation in the preparation of the additional documentation to be presented for the next World Heritage Committee;*
4. *Recommends that the State Party give consideration to the following:*
  - a) *Focus on monitoring and management action on threats with a high risk of impacting the potential Outstanding Universal Value,*
  - b) *Keep the World Heritage Committee updated about all modifications to the immediate setting of the nominated property that could impact on it,*
  - c) *Implement the monitoring procedures presented in the nomination.*

In January 2018 the State Party submitted supplementary information on the assessment and next steps; attributes of Outstanding Universal Value; merchants Houses in Bur Dubai and Deira; John Harris Development plans for Dubai in 1959 and 1971; Wind Towers in Dubai; Trade in Dubai, as well as pictures of the nominated property.

No information was provided on the ongoing revitalization plan in Shindagha, or on the nominated property limits in Shindagha. The nomination dossier has not been revised.

This supplementary information has been taken into account in the current evaluation.

### **Consultations**

ICOMOS consulted its International Scientific Committee on Historic Towns and Villages and several independent experts.

### **Technical Evaluation Mission**

An ICOMOS technical evaluation mission visited the property from 20 to 25 October 2013. An Advisory Mission visited the property from 29 to 30 October 2014. In the context of the submission of the revised nomination in 2016, an ICOMOS technical evaluation mission again visited the property from 9 to 13 October 2016.

### **Additional information received by ICOMOS**

In the context of its 2014 evaluation, ICOMOS sent a letter to the State Party on 4 October 2013 requesting additional information with regard to the justification of Outstanding Universal Value, the global comparative analysis, the inventory of historic houses in the property, an overview of restoration and reconstruction work for each property and further imagery. The State Party provided additional information in response to the questions raised on 6 November 2013. ICOMOS received further additional information not responding to a request by ICOMOS on 28 February 2014, which provided updates on latest management and community involvement activities.

Following decision 38 COM 8B.22 in 2014, ICOMOS undertook an Advisory Mission at the request of the State Party. This suggested that the State Party review possibilities for how the conditions of authenticity and integrity might be met and whether a reconceptualised nomination might allow for Outstanding Universal Value to be convincingly justified. If both of these aspects were considered to have potential, then they would need to further be worked on in relation to the comparative analysis and the delineation of boundaries. ICOMOS also suggested that consideration be given to reinforcing the protection system and re-considering the ongoing reconstruction in relation to the historic documentary evidence. A revised nomination was submitted on 27 January 2017.

A letter was sent by the State Party to ICOMOS on 7 February 2017 with questions regarding the Interim report provided by ICOMOS on 23 January 2017 and the ICOMOS Evaluation process. ICOMOS replied to the State Party on 27 February 2017.

Following the referral decision of 2017, the State Party arranged a working meeting in Paris with ICOMOS on 6 September 2017 to discuss the nomination. ICOMOS agreed a note of this meeting.

### **Date of ICOMOS approval of this report**

14 March 2018

## **2 The property**

### **Description**

The property of Khor Dubai, a Traditional Merchants' harbour comprises an area of 48.5 hectares, surrounded by a buffer zone of 97.5 hectares.

The nomination focuses on Khor Dubai as a "uniquely active and thriving commercial hub" and on the 19<sup>th</sup> century urban morphology around the creek related to its function as a harbour and trading centre and its continued functionality for trade.

Khor Dubai is the nucleus of the city of Dubai in terms of urban and trade development, as the contemporary metropolis of Dubai progressively developed around its seawater creek from the second half of the 19<sup>th</sup> century. The pace of its development quickened at the turn of the 20<sup>th</sup> century and, since the 1980s and 1990s, urban expansion has been extremely rapid.

The creek continues to be a place of trade, with active boat traffic and commercial structures along both banks. Its relationship with the Gulf has been partially modified, as result of land reclamations at the mouth and both sides of the creek, and by roads, new infrastructure, demolition and housing developments that partially obscure the links between the creek and its markets and merchants' houses, which were essential to its function.

The property extends from the original mouth of the creek, which is now inland as a result of land reclamation, for 2.5 kilometres into the creek, until the limit of the al-Faheidi historic neighbourhood. The width of the creek ranges between 100 and 500 metres. It can be fully shipped thanks to dredging that has been regularly undertaken since as early as the 1950s. The creek played a major role in the development of the Emirate of Dubai, in both dividing the city into two parts and being its trade lifeline. It continues to act as its commercial and urban thoroughfare and even in contemporary times, the creek is still crossed by boats, so-called abras, which are single engine wooden boats transporting approximately 20 passengers.

The creek likewise continues its traditional harbour function. Its northern banks are used along almost their entire length as loading and downloading areas for traditional wooden dhows. The property also includes the creek harbour in front of the historic souk while the traditional boat maintenance yards originally located at the mouth of the creek have moved few kilometres



inland along the creek shores and are not included in the property.

The nomination considers the Dubai Creek as a traditional urban port with a commercial organization that define its structure. The property therefore comprises part of the waterway itself and its banks with quays where wooden dhows continue to moor and download goods. It further includes two historic markets (souks) in Deira and Bur Dubai, which both open onto the creek and illustrate the direct interaction between water trade and stationary sale of goods. In addition to these, three historic neighbourhoods remain part of the property. Towards the west, the first is the largely reconstructed neighbourhood of Shindagha, the former rulers' quarter which controlled the entrance to the harbour and in which the customs building was located. On the same bank, further into the creek the property includes the merchant neighbourhood of al-Faheidi and on the opposite bank selected merchant's houses of Al-Ras.

In terms of the urban morphology, the spatial relationships of the three historic neighbourhoods with the creek and the markets have changed considerably since the early 20<sup>th</sup> century. The former historic nucleus is now fragmented with, in places, only street or water surfaces connecting the various areas and components.

Among the architectural features of the property are the two souks of Bur Dubai and Deira. The souk al-Kabeer in Bur Dubai was established in the 1850s and expanded in 1935. It has recently been renovated and is now a popular market specializing in textiles. The souk is composed of regular 3.5 metres wide shops in linear arrangement. Traditionally, the souk was owned by Arab, Indian and Persian merchants. Today, the souk is dominated by Indian merchants and the largest Hindu temple of Dubai is located just next to it. The historic souk of Deira is the larger of the two and has developed into several parallel paths. Originally established in the mid-19<sup>th</sup> century, it was destroyed by a fire in 1894 and has since been rebuilt. Although the souks were developed as part of the trading function of the creek, today they are often catering to tourist audiences.

Three historic neighbourhoods developed around the creek, Shindagha, al-Faheidi near the Bur Dubai souk and al-Ras near the Deira souk. Parts of these once thriving neighbourhoods are included in the property, although none still has direct links to trade and they are presently used mainly for tourism or cultural activities.

Shindagha was built on the originally thin strip of land between the sea and the creek and hosted the residences of the ruling family and important merchants. In the 1980s the municipality of Dubai decided to demolish the then abandoned neighbourhood, with complete demolition carried out in a couple of weeks. Only trees and mosques escaped the bulldozers. Within a few years a new sensitivity towards heritage emerged

and with it the plan to reconstruct the neighbourhood. The property now nominated forward includes part of the reconstruction of the neighbourhood undertaken in the 1990s. Further reconstruction work is now being undertaken to the south.

The residential neighbourhood located closest to the original nucleus of Dubai is al-Faheidi, formerly known as Bastakiya. East of the main souks, it was the settlement of Persian merchants who had moved to Dubai from Iranian coastal cities at the beginning of the 20<sup>th</sup> century. The merchants who lived here were typically involved in the trade of pearls. Today, the neighbourhood preserves several restored or partly reconstructed historic houses, which are used as museum, gallery, hotel, restaurant and office facilities as well as a cultural centre.

Across the Creek in Deira, three merchant house complexes are included in the neighbourhood of al-Ras. One of these is part of the Dubai Culture and Arts authority and opened to the public as the "Heritage House". The property further includes other religious and public buildings, among them several mosques, a Hindu temple, schools and a cultural centre.

### **History and development**

Dubai and its creek firstly appear on maps as a small settlement in the 16<sup>th</sup> and 17<sup>th</sup> centuries. At the end of the 18<sup>th</sup> century, it was a small fishing town in the southern part of Trucial Oman. The period was marked by a struggle for supremacy between the Bani Yas and the Qawasim tribes. The British allied with the Bani Yas, which determined power over Dubai and made the rulers enter a peace treaty in the early 19<sup>th</sup> century. The origin of the modern city of Dubai roots in this time of tribal alliances. In 1833 a group of around 800 members of the Bani Yas seceded from the seat of power in Abu Dhabi and founded an independent Sheikdom in Dubai, ruled by Maktoum bin Buti. All subsequent rulers were his descendants, the Maktoum family.

In 1856 Dubai was a minor centre described by the British as a miserable assemblage of mud hovels surrounded by a low mud wall. Most of the population resided in Bur Dubai, which was surrounded by a defensive wall. Around the turn towards the 20<sup>th</sup> century, the Arabian coast experienced a remarkable increase of commerce. After 1904, Dubai became a significant Pearling Centre for the lower Gulf and in 1907 the British Government assumed responsibility for foreign affairs. Dubai had turned an embryonic city state of about 10,000 inhabitants at that time. The interwar period proved economically difficult due to the global recession and the introduction of cultured pearls from Japan. With the collapse of the pearling industry, Dubai focused even more decisively on trade.

In the early 1950s, Dubai was the largest town along the Trucial Coast. The decision to dredge the creek in 1952, largely financed by the Emir of Kuwait, changed the

appearance and role of Dubai as a major trade harbour providing sheltered anchorage for up to 500 tons.

Following the dredging, the number of dhows entering Khor Dubai rapidly increased. In 1964, it became evident that there would soon be more seaborne traffic than could be handled by the creek and the population had risen to above 30,000 people.

Following the full use of the Khor Dubai as a commercial hub in the 1960s the city developed rapidly. The emerging striving local economy and its multicultural merchant community characterizes Dubai until today. Also at that time oil was discovered offshore and soon Dubai granted concession licenses to international oil companies. Oil revenues enabled the government to undertake major infrastructure works and redevelop the creek area in the 1970s, facilitating more landing and loading processes. The discovery of oil also led to an influx of foreign workers, who required housing and hence, to urban development and expansion. Major transport developments including the creek tunnel and bridges were initiated and the international import and container harbour was developed on the other side of the creek.

In the 1980s and 1990s rapid urban expansion continued. A strategic master plan developed in 1993 for 2012 was by far exceeded as result of tremendously fast urban and economic development. A series of large scale mega-projects have been launched and realized, some not too far from the nominated property. A new master plan Dubai 2020 has been approved and a more general strategic vision for the city, Dubai 2050, has also been put forth.

### **3 Justification for inscription, integrity and authenticity**

#### **Comparative analysis**

The comparative analysis is developed around three distinct themes: (1) traditional and contemporary port cities, which are viewed at a local, regional and global scale; (2) wind towers in the Gulf region and (3) reconstruction of architectural and urban elements in the Gulf region and a World Heritage context.

The comparison of port cities commences at a global perspective analysing shared patterns of all port cities and comparing the major port cities and free trade ports of the world. A focus is made on similarities in natural features (the creek), governance structures, their commercial role and their urban morphology. The port cities analysed in this section include Liverpool – Maritime Mercantile City, United Kingdom (2004, (ii), (iii) and (iv)), Bordeaux, Port of the Moon, France (2007, (ii) and (iv)), Historic Quarter of the Seaport City of Valparaíso, Chile (2003, (iii)), Melaka and George Town, Historic Cities of the Straits of Malacca, Malaysia (2008,

(ii), (iii) and (iv)), as well as several Hanseatic World Heritage cities around the Baltic Sea.

At a regional level, the comparative analysis emphasizes port cities which have become relevant in the trade of the Persian Gulf and the Northern Indian Ocean. This includes among others Bandar Lengeh, Bandar Abbas and Busheer in Iran and Ajman and Sharjah in the United Arab Emirates. In ICOMOS' view, the justification for the exceptionality of Dubai in this context is derived from the combination of a number of otherwise non-related factors including the continuity of trade and harbour function, the specific function of the respective creeks, the development of urban expansion from the creek element and the existence of markets along the waterfront and with specialized market sections. ICOMOS considered on this basis that in its role as an international trade hub, Khor Dubai could not be said to stand out in global or geo-cultural comparisons.

The second section of the comparative analysis is focused on wind towers or, more precisely, settlements with a certain quantity of wind towers. The focus of comparison lies on the Iranian counterpart cities including Yazd, which however preserves a different type of wind towers, Bastak, Bandar Lengeh, Qeshm Island, all in Iran and Muharraq and Manama in Bahrain. ICOMOS considers that although wind towers form part of the overall creek area, they cannot be said to be the defining factor that allows the nominated property to be seen as an outstanding settlement or port.

In the final section entitled reconstruction and heritage, the State Party provides background research to advocate that the property merits Outstanding Universal Value despite its large-scale reconstructions. This section focused on reconstruction doctrine and inscribed World Heritage properties which for different reasons contain reconstructed elements. These include the Historic Fortified City of Carcassonne, France (1997, (ii) and (iv)), the Historic Centre of Warsaw, Poland (1980, (ii) and (vi)), or the Rila Monastery, Bulgaria (1983, (vi)). ICOMOS considers that while in some of the properties mentioned, the reconstruction was recognized as being a specific value in its own right, such as in Carcassonne or Warsaw, in others these are debatable projects that occurred after their World Heritage inscription, such as in the Historic Centre of Vilnius, Lithuania (1994, (ii) and (iv)).

ICOMOS considers that the ongoing reconstruction of historic houses in Shindagha following their demolition in the 1990s does not constitute an exceptional case of reconstruction which could demonstrate Outstanding Universal Value for its reconstruction methodology or ideology.

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ICOMOS considers that the comparative analysis does not justify consideration of this property for the World Heritage List.

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**Justification of Outstanding Universal Value** The nominated property is considered by the State Party to be of Outstanding Universal Value as a cultural property for the following reasons:

- The traditional commercial role combined with a unique urban landscape in which different architectural styles have melted distinguishes Khor Dubai, a Traditional Merchants' Harbour one of the most remarkable ports in the Middle East;
- Creek traffic, port activities, and souk features illustrate the continuous commercial and cultural exchanges of trading families from different countries, cultures and faiths;
- The property's urban landscape showcases the century-long continuity and vivacity of free trade traditions;
- Khor Dubai, a Traditional Merchants' Harbour retains the original port and urban settlement connected to the creek and preserves the last remaining example of an entire neighbourhood of traditional wind-tower houses on the Arabian coast of the Gulf.

The additional information submitted in January 2018 does not amend this justification but provides a revised justification for two of the three proposed criteria ((ii) and (iii)) and adds a list of attributes for each.

ICOMOS considers that although Khor Dubai, as a merchants' harbour, is still actively involved in commercial trade and illustrates multicultural encounters in a cosmopolitan city of the 21<sup>st</sup> century, these active trade movements on the creek and its banks, are not reflected in the architectural and urban testimony, which cannot be said to be an exceptional or outstanding examples of the architecture of a trading port at an international or wider regional level.

The physical attributes of the proposed Outstanding Universal Value within the property boundaries, relating to commercial and residential use, thus cannot collectively be seen to represent in an outstanding way a cosmopolitan mercantile society.

More fundamentally, ICOMOS considers that the alterations to the urban morphology during the second half of the 20<sup>th</sup> century, as result of land reclamations, roads and new infrastructure, demolitions and housing developments obscure an understanding of the continuous evolution from a historic creek towards a free trade port, and have irreversibly limited the capacity of the property to credibly carry the narrative of continuous commercial and cultural exchanges.

ICOMOS notes that although the theme of free trade is relevant in Dubai, ICOMOS did not consider that the physical attributes within the property boundaries, could collectively represent in an outstanding way a cosmopolitan mercantile society shaped by free trade.

In terms of specific details, ICOMOS does not consider that the amount or shape of historic wind towers in Dubai can be considered exceptional in a wider than regional context.

### **Integrity and authenticity**

#### **Integrity**

The nomination dossier argues that the integrity of Dubai is based on the morphological permanence of the commercial settlements around the port and the continuity of port and commercial functions.

The integrity of the property is affected by the dramatic changes that occurred around the creek since the 1950s. The present layout is the result of the works in the 1970s, when land was reclaimed to allow for new infrastructure and buildings. The original spatial relations between the three historic neighbourhoods, the creek and the markets as well as the urban landscape surrounding it, have changed considerably over the past 40 years, often to the extent that their features are difficult to recognize when historic and contemporary aerial photographs are compared.

ICOMOS considers that while the property provides some architectural testimony to the evolution of trade and commerce in Dubai, not all its components can now be seen to reflect this topic, such as the neighbourhood of Shindagha, which used to be the ruler's residence, and whose remaining testimonies are much fragmented.

ICOMOS notes that the boundaries of the property appear fragmented with, in places, only street or water surfaces connecting the architectural components. The boundaries of the property pay witness to the fragmented character of the historic nucleus of Dubai.

Lastly, the land reclamation in front of the mouth of the creek prevents the contemporary visitor from understanding the historic morphological relations between the creek and the Gulf and with this its strategic location within the city, and the setting of the property is strongly affected by 20<sup>th</sup> century medium and high-rise buildings, which have changed the urban skyline.

#### **Authenticity**

Authenticity, in the view of the State Party, lies primarily in the relationship between maritime trade and the city development as a dynamic and continuously evolving relationship.

ICOMOS appreciates the theoretical discourses on authenticity and reconstruction, which are presented as part of the comparative analysis. ICOMOS is strongly committed to the policies of the Nara Document on Authenticity, including that authenticity should be judged within its regional context.



It notes that while a property does not necessarily need to demonstrate its ability to credibly communicate its significance solely in material terms, partially or fully reconstructed properties would need to demonstrate how the attributes that reflect the proposed Outstanding Universal Value clearly and truthfully convey that value.

In relation to Khor Dubai, as a “uniquely active and thriving commercial hub” supported by the morphology of the creek, in particular the interrelation of “its port banks and associated specialized, traditional markets”, ICOMOS considers, that the most relevant information sources for the judgement of authenticity in its cultural context are continuity in use and function, urban form and layout, including location and setting, as well as the cosmopolitan community integration of both traders and residents, within the property.

The continuity of use and function, although very visible on the water surface of the creek, in ICOMOS’ view cannot be demonstrated by the architectural and urban components and the current overall morphology of the creek landscape. The residential and ruling quarters of Shindagha and al-Faheidi retain very limited residential and ruling functions and the contemporary relations to the trade function of the property are considered very slight. Although the markets retain commercial activities, the goods traded and the small surviving merchant community had restricted capacity to represent specialized, traditional markets or a cosmopolitan mercantile society with rich and multiple urban cultures. ICOMOS therefore considers that the information sources related to use and function cannot be said to convey the suggested Outstanding Universal Value.

ICOMOS also notes that the urban form and layout has been modified over recent decades by narrowing of the natural creek as result of land reclamations and the construction of the Baniyas Road, with the result that the areas between and around the property could no longer credibly communicate the potential Outstanding Universal Value of Khor Dubai in relation to urban form and layout as well as location and setting.

In conclusion, ICOMOS considers that the property does not demonstrate the level of authenticity required to convey an Outstanding Universal Value. In arriving at its conclusion, ICOMOS considered carefully the outcomes of the seminar on Urban Conservation and Reconstruction in the Gulf, organized in Dubai in March 2015.

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In conclusion, ICOMOS considers that the conditions of integrity and authenticity haven not been met.

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#### **Criteria under which inscription is proposed**

The property is nominated on the basis of cultural criteria (ii), (iii) and (vi).

Criterion (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;*

This criterion is justified by the State Party on the grounds that a wide diversity of exchanges between Dubai’s cosmopolitan mercantile society has produced a rich, varied, cultural, urban society with outstanding technical and architectural solutions adapted to the harsh natural environment of the Gulf region.

This important interchange of human values from the end of the 19<sup>th</sup> century until the present that has influenced the urban development of the city and has consequently produced a unique architectural synthesis of Arab, Persian and Indian traditions. In particular, wind towers, as cooling devices, are seen to represent a unique example of an evolving creative process of architectural expression that resulted from the social and cultural complexity of the Persian Gulf in the early twentieth century. They were introduced through commercial exchange, adapted by the mercantile community, and integrated into the local culture creating a new architectural feature. It is suggested that what makes the wind towers unique is their response to environmental constraints and emerging cultural norms of the Gulf, and that wind towers are employed as a cultural symbol representing Emirati cultural identity.

ICOMOS considers that the wind towers that were introduced in the early 20<sup>th</sup> century did reflect an interchange of ideas with the Iranian designs being shaped by local needs. What is relevant, though, is that a large number of the wind towers shown in panoramic photographs of Khor Dubai in the 1950s no longer exist, reduced by the demolitions of structures and changes in urban morphology that occurred during the second half of the 20<sup>th</sup> century. There are still windtowers at the property but many of these have been reconstructed and some are new. While this reflects continuity of practice, the existing windtowers do not demonstrate in an outstanding way a major development in architectural form that can be seen as having been influential.

It is also the case that the windtowers are one element of the complex network of structures in the nominated area and not a dominant one and could not on their own satisfy this criterion.

The attributes for this criterion proposed by the State Party are said to include the active multi-ethnic population that continues to trade in the Traditional Merchants’ Harbour, and the presence of religious buildings, proof of tolerance, exchange of values and relevance of the different communities. These cannot themselves be seen as part of a justification for an

interchange of ideas, while they could be seen to facilitate such exchanges.

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ICOMOS considers that this criterion has not been justified.

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Criterion (iii): *bear a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared;*

This criterion is justified by the State Party on the grounds that the Khor Dubai, traditional merchants' harbour has to be considered as a cultural tradition of both regional and universal importance, as the only traditional free trade harbour that has played a vital commercial role and one that continues in the modern metropolis of Dubai. *The harbour* still displays the means of practicing that trade with its integrated system of souks and traditional wooden boats. The architecture, layout, mooring sites and transport system, forms a unique testimony to the commercial acumen and mercantile strength of Dubai's traders.

ICOMOS considers that this property cannot be said to illustrate an exceptional example of a free trade cultural tradition at a global or even wider regional scale. ICOMOS considers that the continuity of free trade can be better seen in other harbours and ports around the world. What survives in Khor Dubai in relation to the way the free trade system operated and still operates is not substantial enough to be considered as a strong and outstanding testimony to the free trade system. Although souks and boats remain and a few former merchants' houses, together with the form of the harbour these do not convey fully the special fiscal, political, cultural and economic dimensions that characterised free ports, nor the impact of wealth created by the free trade.

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ICOMOS considers that this criterion has not been justified.

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Criterion (vi): *be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance;*

This criterion is justified by the State Party on the grounds that Khor Dubai, a Traditional Merchant's Harbour is tangibly associated with a set of political and economic principles, which attracted the region's leading merchants to settle in the city and, hence, make it the established free trade port that it is today. It is argued that through early liberal governance mechanisms agreed upon between the rulers and the mercantile elite, a socio-political environment was created which favoured the free movement of people and goods. These principles are said to be reflected in the houses of the royal family, as a 'protector' of trade, the political and religious openness of Dubai, the pride of locals and 'expats' and their respect towards the emirate's leaders

and pioneers, and the physical structures that act as stimulators of memory and capsules of preservation.

ICOMOS considers that although it acknowledges that Dubai created through early liberal trade governance mechanisms the prospering city it has become today, it is not obvious how this governance mechanism can be said to exceptional at a global or wider regional scale. The situation in Dubai may have been unique, but so where the characteristics of most other free trade ports. To satisfy this criterion, a stronger justification would be needed to show how the ideas associated with the free trade system that developed specifically at Khor Dubai could now be seen to be of outstanding universal significance.

And the property would need to clearly reflect the specificities of these ideas and practices in a clearer way than is currently proposed.

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ICOMOS considers that this criterion has not been justified.

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In conclusion, ICOMOS does not consider that the criteria have been justified or that the conditions of integrity and authenticity have been met.

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#### 4 Factors affecting the property

The key factor which negatively affected and affects the property is rapid urban development. Despite the reconsideration of some of the giant projects planned as result of the recent economic crisis, Dubai continues to expand, both in horizontal and vertical dimension with impacts on urban patterns, morphology and cityscape. The nomination dossier provides an overview of all ongoing and planned development projects and several of these will further alter the urban characteristics and setting of Khor Dubai.

These developments include the Marsa al-Seeif project, which creates hotel and tourism facilities and is partly located in the buffer zone of the southern bank. The effect of this development might not be in terms of urban skyline as it is a low scale development but rather in its imitation of traditional Dubai architecture and the creation of lookalike tourism facilities, including multiple new wind towers, in the vicinity of the historic al-Faheidi neighbourhood. In terms of the urban skyline, impacts of the Deira Waterfront Development LLC might be more relevant. This up to six storey development aims at providing housing, offices and commercial spaces along the northern banks of the creek from the mouth of Khor Dubai until the creek's turn. It also references traditional architectural elements and is located entirely in the Deira bank buffer zone and merely a stone's throw from the historic merchant houses in al-Ras.

Dubai is a major tourism destination and visitor numbers to its historic centre increase. Yet, Khor Dubai, a Traditional Merchant's Harbour does not yet receive a heavy share of visitors. Although an accurate analysis of visitor numbers to the property is not available, large visitor conglomerations only occur in the Deira market. Even if visitor numbers are to increase significantly in the future, the extensive restoration works undertaken on historic buildings as well as the change of function of previously residential quarters towards visitor facilities and cultural centres reduce the risk for negative impacts by visitors.

Air pollution by car and boat traffic occurs within the centre of Dubai but remains within acceptable range. Urban development, tourism and trade exert pressures on the marine environment but are more visible in the upper parts of the creek which have less water movement occurs. Past episodes of fish kills have raised concerns and led to increased environmental monitoring.

Khor Dubai is exposed to the effects of sea level rises that might be triggered by climatic changes. Climate change might also have an impact on freshwater resources that sustain the growing population in Dubai. Dubai Municipality's risk management strategy complies with highest international standards; its risk management plan addresses earthquakes, storms, floods and sea tides. However, since the Persian Gulf is not an earthquake prone region and the Gulf itself as a sea too shallow to create major risks of Tsunami or flooding, these risks are largely theoretical. Likelier risk factors include fire, especially in multi-storey buildings perhaps even with resulting building collapses. These have also been amply addressed in the risk management plan.

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ICOMOS considers that the main threats to the property are urban and infrastructure developments, which change the urban morphology or introduce new traditional look-alike architectural features in the vicinity of historic and reconstructed neighbourhoods.

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## **5 Protection, conservation and management**

### **Boundaries of the nominated property and buffer zone**

The property encompasses 240ha and the buffer zone from 97.5ha. The property excludes a significant part of the creek beyond the boundaries of al-Faheidi, the residential neighbourhood north of the Deira souk and the northern part of Shindagha, which is currently in the process of reconstruction.

The property boundaries illustrate the fragmentation of the property, which at times connects the urban and architectural elements merely by means of a street or

water surface. ICOMOS considers that the rationale for including only part of the reconstructed neighbourhood of Shindagha in the property while another part, where reconstruction is still underway, is excluded, does not become clear. ICOMOS notes that its 2014 Advisory Mission suggested reducing the boundaries, but it also highlighted the importance of the Shindagha skyline along the creek which does no longer seem to be fully reflected in the boundaries. ICOMOS further considers that the values of Dubai as a free trade port are not well represented within the property boundaries.

With regard to the buffer zone, ICOMOS notes that it is intended to offer smooth transitions for the surrounding urban development. ICOMOS considers that elements within the buffer zone are already developed without smooth transitions which will make this intention hard to realize. In addition, the buffer zone does not protect essential attributes of the creek, in particular the skylines of the creek. To retain the imagination of a historic cityscape in Shindagha, it would be important to prevent in the long-term any high rise developments towards the north of Shindagha on reclaimed land towards the Gulf. These areas however are not included in the buffer zone. The same applies to the south of al-Faheidi where the buffer zone is merely one block of buildings. To protect the few remaining views across the creek which may allow to understand how Dubai may have occurred in the past, a three-dimensional view-shed study would be required to allow designation which maximum heights of development behind the historic neighbourhoods would not impact the skyline as presently perceived.

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In conclusion, ICOMOS considers that the boundaries of the nominated property and of its buffer zone are not adequate.

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### **Ownership**

The waterway of Dubai creek is owned by the Emirate of Dubai and is managed by the Dubai Municipality in charge of navigation control and maintenance. All historic buildings within the property are in public ownership and belong to the Emirate, the Dubai Municipality or other government agencies. Mosques in the property are under the ownership and administration of the Islamic Waqf system, while merchants privately own the shops in the Deira and Bur Dubai souks.

### **Protection**

The waterway of the creek is protected in generic ways by Federal Law No. 23 of 1999 regarding the Exploitation, Protection and Development of the Living Aquatic Resources in the Waters as well as Federal Law No. 24 of 1999 on the Protection and Development of the Environment.

A legislative process for a federal law of antiquities was initiated in the 1990s and since several drafts have been prepared. On 20 May 2015, the Federal National Council (FNC) has approved a draft Federal Law on Antiquities. At the time of preparation of the nomination dossier, the

draft law was awaiting formal endorsement by HH Sheikh Khalifa bin Zayed Al Nahyan, President of the United Arab Emirates. Until the formal ratification of the new law, the responsibility for cultural heritage protection remains at the level of each Emirate.

The Emirate of Dubai has no cultural heritage law but regulates cultural heritage aspects in the municipal bylaws. This applies to the nominated property of Khor Dubai which is protected from unauthorized development based on bylaws of the Dubai Municipality. These bylaws also assign the Architectural Heritage and Antiquities Department as responsible for all historic structures located in Dubai. Historic structures are defined as structures built in the 1960s or earlier. The architectural and urban components of the property are also located in Dubai Historical Zone, for which the Architectural Heritage and Antiquities Department has been given general responsibility on all structures.

The Architectural Heritage and Antiquities Department was established in 1994 and the historical zone was protected in 1996. Since then, the protective mechanism operated under basically the same bylaw situation which exists today. ICOMOS notes that most adverse measures, in particular the demolition of the historic districts were undertaken under the same legal circumstances without adequate Heritage Impact Assessments or considerations for the setting of historic resources. The buffer zone is not protected by municipal bylaws. Its protection is accordingly dependant on negotiations between the different departments of Dubai Municipality. Development plans in the area are still directly run by the Planning Department of the Municipality. However, the director of the World Heritage Section of the Architectural Heritage and Antiquities Department should approve any modification or any new building permit within the buffer zone. ICOMOS considers that while protection cannot yet formally exist at the highest national level, the architectural structures in the property appear well protected by the municipal arrangements. However, the setting and skylines of the property are not presently protected as most areas, which could be developed with negative impacts on the property are located outside the buffer zone.

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In conclusion, ICOMOS considers that the legal protection in place for the property, although not yet at the highest national level, is de facto adequate. However, ICOMOS considers that this protection only applies to the architectural structures in the property and that no adequate protection is available for the urban morphology, skylines and the property's setting. ICOMOS considers that the protection of the buffer zone is not adequate.

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### **Conservation**

After a phase of fast pace development in the second half of the 20<sup>th</sup> century, a policy change has created a stronger focus on identity and heritage, which generated desire to reconstruct the previously demolished quarter

of Shindagha and create stronger protection for the few elements which survived. Comprehensive reconstruction projects were launched in 1996 aimed at recreating the previously demolished historical neighbourhood of Shindagha based on historic aerial photographs and archaeological evidence combined with oral information of previous residents. In the Shindagha district the reconstruction of traditional merchant and ruler residences is still underway.

Houses in Dubai were originally palm frond structures, then built in coral stone and gypsum mortar; and since the 1950s concrete building structures and cement rendered surfaces have become familiar sights, together with standard elements of European architectural typology. The Architectural Heritage and Antiquities Department, as a matter of principle, conducts restoration activities in those materials and forms that a structure was originally built with. The remaining historic architectural structures are in a good state of conservation as result of intense restoration and regular maintenance.

The conservation of the creek is based on regular maintenance, which may also include dredging, and observation of water quality. While the water quality is within acceptable range, past episodes of pollution have raised concerns with regard to the conservation of the marine ecosystem. ICOMOS considers that the efforts towards the improvement of the waste management system for the boats on the creek will reduce these pollution risks significantly. ICOMOS considers that the maintenance measures for the historic components of the site are effective but that previous conservation measures have at times been very extensive and the complete change of function of some historic structures remains regrettable.

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In conclusion, ICOMOS considers that while past conservation measures have been rather extensive, the current conservation policies and maintenance efforts are in line with international standards.

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### **Management**

Management structures and processes, including traditional management processes

The property in its entirety is not currently managed by one single management authority, although all responsibilities lie within the Dubai Municipality and its different units. The architectural and urban fabric is under the Architectural Heritage and Antiquities Department of the municipality while the waterway of the creek falls under the Environment Department as well as the Customs and Port Authority. The roads within and between these two elements fall under the Road and Transport Authority.

The Architectural Heritage and Antiquities Department is responsible for the historic and reconstructed architectural structures, including the reconstruction processes. It is composed of four units dedicated to (1) Heritage Projects Execution, (2) Heritage Projects Design, (3) Architectural Heritage Studies, and (4) Antiquities. The department operates based on a vision, "to preserve our architectural heritage with a vision that looks for a distinctive future" and a mission statement, which aims to guide heritage management strategies. A welcome centre in Shindagha was recently opened and now presents the public face of the Architectural Heritage and Antiquities Department. The administration itself is located within the property.

The budget of the Architectural Heritage and Antiquities Department amounted to approximately 40 million USD per year between 2010 and 2014. ICOMOS understands that this has remained constant until 2016 and is continued to be allocated for management and maintenance activities. The department has a staff resource of 385 individuals in 2015 and is guided by individuals with high quality training and expertise. Dubai Municipality's risk management strategy complies with highest international standards and the Architectural Heritage and Antiquities Department is directly entrusted with emergency management in relation to the architectural and urban components of the property.

Policy framework: management plans and arrangements, including visitor management and presentation

The nomination dossier indicates that the Dubai Municipality does not aim at creating new management mechanisms or regulations for the property but at better integrating and coordinating currently existing processes and responsibilities. For this reason, the structure of the Architectural Heritage and Antiquities Department was revised in 2015 and a Coordination Committee between the three concerned management authorities established.

The concerned authorities aim at establishing a management plan and the guidelines towards this which were submitted with the initial nomination in 2014 remain valid. This management plan will be based on broad participatory processes, with stakeholder consultation workshops being undertaken since 2012. The objectives of the management plan apart from protecting the property are focused on developing a framework for sustainable development, reinforcing community involvement in the management processes and further strengthening human and financial resources. A concrete time frame for the completion of a management plan is not foreseen.

However, ICOMOS notes that a master plan for the creek has been prepared. It recommends interventions in landscaping and pedestrianization to ensure the area is accessible and attractive. A series of small museums and cultural centres has been created in the historic

houses to provide facilities and information to visitors. The related exhibitions focus on the social and cultural traditions of life in historic Dubai but also in some instances highlight architectural stylistics. Since the previous evaluation by ICOMOS, the Welcome Centre in Shindagha has opened which is expected to be the entry point to the property with large parking facilities. In two reconstructed and now connected houses, it provides tickets, property maps and general orientation to the arriving visitor but also familiarizes them with traditional crafts and conservation technologies.

#### Involvement of the local communities

The management authorities aim at involving communities into the management processes, such as the merchants in the two souks and the shipmen on the creek. Residential functions have almost entirely disappeared and the Architectural Heritage and Antiquities Department aims at re-establishing ties between the descendants of traditional merchant families and "their" reconstructed houses.

ICOMOS considers that the Architectural Heritage and Antiquities Department is very well resourced, both in human and financial terms, to supervise the management of the property and cooperate with all concerned stakeholders including the related communities.

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In conclusion, ICOMOS considers that the management system for the architectural and urban components, which are under the direct supervision of the Architectural Heritage and Antiquities Department is adequate but that a management plan should be prepared to fully integrate the management processes of the water and transport components of the property.

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## 6 Monitoring

The State Party has provided a comprehensive set of monitoring indicators addressing the environmental, architectural and urban planning as well as infrastructure condition of the property. Tourism and merchant activities are being monitored to assess the attractiveness of the site as a tourism and shopping destination. The monitoring is supervised by the Architectural Heritage and Antiquities Department and linked to the other municipal management partners as required. Approximate timeframes for the monitoring exercises and responsible authorities are identified and monthly as well as annual reports with monitoring results are compiled.

However, ICOMOS regrets that the nomination dossier does not indicate whether these monitoring exercises have been undertaken since the initial submission of the nomination in 2014 and that results of undertaken activities in this regard were not included in the present submission. It therefore remains questionable whether

the monitoring system presented is indeed implemented.

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In conclusion, ICOMOS considers that the monitoring indicators and procedures presented are adequate but require to be implemented and documented.

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## 7 Conclusion

The proposed nomination Khor Dubai, a Traditional Merchant's Harbour focuses on the creek's traditional commercial role within the urban landscape in which different architectural styles have been melded as a result of merchant exchange processes. The creek traffic, port activities, and souk features are said to illustrate the continuous commercial and cultural exchanges of trading families from different cultures, while the urban landscape reflects the vivacity of free trade traditions.

ICOMOS notes that although Khor Dubai, a Traditional Merchants' Harbour is still actively involved in commercial trade and multicultural encounters as part of a large cosmopolitan city, it considers these aspects are reflected only in the active trade movements on the creek and its immediate banks.

ICOMOS also considers that the alterations of the urban morphology as result of land reclamations, roads, new infrastructure, demolitions and housing developments in since the 1950s obscure the original spatial relations of the three historic neighbourhoods, the creek and the markets as well as the urban landscape surrounding it and overall the ability of the property to convey an understanding of the creek's continuous evolution from a historic safe harbour towards a free trade port in Dubai.

The architectural and urban testimony to the development or continuity of this trading activity is now somewhat fragmented and in places reconstructed. Its built form cannot be seen as either exceptional or outstanding in terms of the way it reflects the development and use of the port and its mercantile activities.

Although the markets retain commercial activity, the goods traded and the small surviving merchant community have restricted capacity to represent specialized, traditional markets or a cosmopolitan mercantile society with rich and multiple urban cultures. The reconstructed neighbourhood of Shindagha, only hesitantly reinstalls functions which relate to trade and commerce, and is unable to illustrate continuous commercial and cultural exchanges.

ICOMOS appreciates the theoretical discourses presented on authenticity and is strongly committed to the policies of the Nara Document on Authenticity, including that authenticity should be judged within its regional context. However, ICOMOS considers that the

information sources of authenticity, which are most relevant to judge whether the proposed Outstanding Universal Value of the refocused nomination is credibly conveyed, are continuous use and function, as well as location and setting of the historic centre. These, however, are only partly demonstrated for the creek as a commercial waterway and are insufficiently demonstrated in the markets and residential neighbourhoods and the overall morphology of the port landscape, which is now much fragmented.

ICOMOS does not consider that the amount or shape of historic wind towers in Dubai is exceptional, and nor can they be seen to have been influential elsewhere.

ICOMOS considers that the boundaries of the property illustrate its fragmented character and that the delineated buffer zone is not sufficient to protect the relevant sight relations and cityscapes of the creek. Although protection does not yet formally exist at the highest national level, the architectural structures in the property are well protected by the municipal arrangements. The setting and skylines of the property are not presently covered with adequate development restrictions that could ensure their preservation.

Previous conservation measures have at times been extensive and the change of function of the historic structures remains regrettable. Nevertheless, the present maintenance activities are very diligent while the reconstructions undertaken illustrate the continuity of craft skills. ICOMOS further considers that the Architectural Heritage and Antiquities Department is well resourced and highly skilled to implement its management responsibility.

In conclusion, ICOMOS fully respects the desire of the State Party to sustain and promote the specificities of the way Khor Dubai developed as a prosperous international port and how it contributed to the wider urban development of the city of Dubai and its region. Having fully considered the additional information submitted by the State Party in January 2018, ICOMOS still considers that the nominated property suffers from weaknesses that are difficult to overcome and do hinder its ability to project the history and use of the free port, and the important cultural exchanges it promoted, in a way that could be seen as exceptional.

The pace of change over the decades since the 1950s has resulted in development encompassing land reclamation, new infrastructure, demolition and new development that has isolated the Khor Dubai from the Gulf, fragmented its core, and removed the traditional purpose of its historic buildings and quarters. The dynamic trading activities are confined to the surface of the creek and its immediately adjacent shores, and, as the State Party acknowledges, these are no longer focused solely on commerce, as tourism plays an important role in the city's development. The way the port has evolved in recent decades has meant that the

recent constructions and reconstruction now dominate the urban fabric.

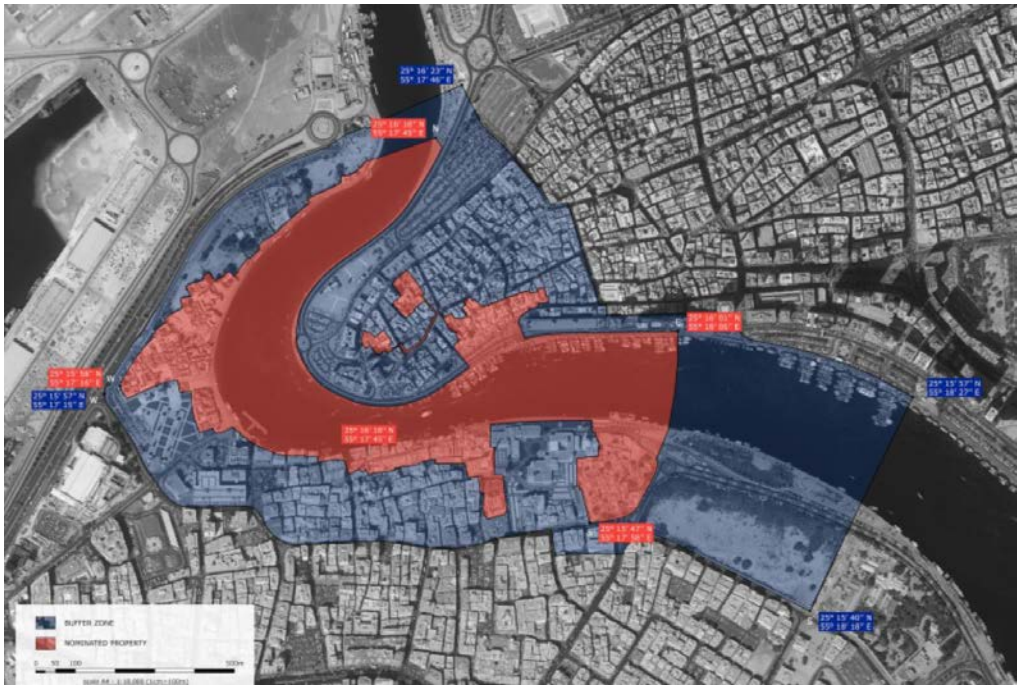
ICOMOS appreciates the efforts of the State Party to consider different possible nomination concepts. Khor Dubai harbour is interesting and quite possibly unique but a combination of the factors outlined above have left the port as a shadow of what once existed and with insufficient attributes to reflect the high value, multi-cultural, free trade that once drove its businesses and shaped its domestic, mercantile and state quarters.

ICOMOS does not consider that what remains has the potential to justify Outstanding Universal Value.

## **8 Recommendations**

### **Recommendations with respect to inscription**

ICOMOS recommends that Khor Dubai, a Traditional Merchant's Harbour, United Arab Emirates, should **not be inscribed** on the World Heritage List.



Map showing the boundaries of the nominated property





View of the Dhows in the creek harbour



Al Faheidi Historic Neighborhood

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## Naumburg Cathedral (Germany) No 1470rev

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### Official name as proposed by the State Party

Naumburg Cathedral

### Location

State of Saxony-Anhalt  
Germany

### Brief description

Naumburg is located in the eastern part of the Thuringian Basin, near the confluence of the Saale and Unstrut Rivers. Naumburg Cathedral dates primarily to the 13<sup>th</sup> century and is nominated as a testimony to medieval art and architecture. Its notable architectural and artistic features include its two Gothic choirs in the east and the west, and the west choir features twelve unique life-size sculptures of the cathedral's founder. These sculptures and the west rood screen are the masterpieces of the workshop named 'the Naumburg Master'. In addition to the Cathedral, the property includes associated medieval buildings, including the enclosure, gatehouse, collegiate church of St Mary, gardens and conserved fortifications south-west of the cloister.

### Category of property

In terms of categories of cultural property set out in Article I of the 1972 World Heritage Convention, this is a *site*.

## 1 Basic data

### Included in the Tentative List

20 September 1999

### International Assistance from the World Heritage Fund for preparing the Nomination

None

### Date received by the World Heritage Centre

23 January 2014

22 January 2016

31 January 2018

### Background

A nomination titled Naumburg Cathedral and related sites in the Cultural Landscape of the Rivers Saale and Unstrut was considered by the 41st session of the World Heritage Committee (2017, Krakow):

*Decision: 41 COM 8B.29*

*The World Heritage Committee,*

1. *Having examined Documents WHC-17/41.COM/8B and WHC-17/41.COM/INF.8B1,*
2. *Refers the nomination of Naumburg Cathedral and related sites in the Cultural Landscape of the Rivers Saale and Unstrut, Germany, back to the State Party in order to allow it, with the advice of ICOMOS and the World Heritage Centre, if requested to:*
  - a. *Re-scope the nomination by focusing on the given Outstanding Universal Value of Naumburg Cathedral;*
  - b. *Adjust the boundaries of the nominated property and the management plan;*
  - c. *Review the Statement of Outstanding Universal Value of Naumburg Cathedral for final adoption by the Committee within three years.*

Prior to this decision, an earlier version of this nomination titled 'Naumburg Cathedral and the Landscape of the Rivers Saale and Unstrut – Territories of Power in the High Middle Ages' was considered by the 39<sup>th</sup> session of the World Heritage Committee (2015, Bonn):

*Decision: 39 COM 8B.26*

*The World Heritage Committee,*

1. *Having examined Documents WHC-15/39.COM/8B and WHC-15/39.COM/INF.8B1,*
2. *Defers the examination of the nomination of The Naumburg Cathedral and the Landscape of the Rivers Saale and Unstrut – Territories of Power in the High Middle Ages, Germany, to the World Heritage List in order to allow the State Party to:*
  - a) *further explore the relationship between the Naumburg Cathedral and the surrounding landscape;*
  - b) *strengthen the representativeness of the territorial and urban organization for the period of the High Middle Ages and the significance of the related monuments;*
  - c) *redefine the boundaries of the site taking into account the concerns put forward by ICOMOS so as to ensure adequate protection;*
  - d) *submit – on the basis of the above-mentioned recommendations – a significantly revised nomination, which will require an expert mission to the site;*
3. *Suggests that the State Party consider inviting ICOMOS to offer advice and guidance.*

### Consultations

ICOMOS consulted several independent experts.

### Technical Evaluation Mission

An ICOMOS Technical Evaluation Mission visited the property from 18 to 21 September 2014. In the context of submission of the revised nomination in 2016, an ICOMOS Technical Evaluation Mission again visited the property from 13 to 16 August 2016.

### Date of ICOMOS approval of this report

14 March 2018

## 2 The property

### Description

Naumburg Cathedral – or the Cathedral of St Peter and Paul in Naumburg (Saale) is the former cathedral of the Diocese of Naumburg, which was dissolved in 1564 as a result of the reformation. Since that time, it retained its status as the church of the Cathedral Chapter and became a parish church.

The Cathedral was constructed from 1028 onwards. It is located south of the Saale River and its confluence with the Unstrut River. The cathedral district reached its maximum development in the 13<sup>th</sup> and 14<sup>th</sup> centuries, which is still legible today within the city of Naumburg. It consists of the cathedral, monastery complex at the southern end, chapter house in the south and west wings, cathedral garden, Chapel of St Mary and Chapel of the Three Kings. These are briefly described in the nomination dossier.

The nomination provides a detailed description of exterior and interior elements of the cathedral, its floor plan, and artistic works (sculptures, carvings, paintings). It has a Romanesque structure flanked by two Gothic choirs, demonstrating a transitional style between Late Romanesque and Early Gothic. It is known for its architectural quality and works of art; particularly the two well-preserved choir screen structures from the first half of the 13<sup>th</sup> century. In the west choir, pillars supporting the vault merge with twelve life-sized sculptures of the founders (aristocratic men and women of the Thuringian-Saxon nobility), considered to be unique within European medieval sculpture. The workshop organisation of sculptors and stone masons from the 13<sup>th</sup> century is known as the 'Naumburg Master', and the west choir is characterised by the integration of the sculpture, architecture and glass painting.

### History and development

An extensive historical description is provided by the State Party in the nomination dossier.

A combination of characteristics of the natural environment and climate during the High Middle Ages made the area of the confluence of the Saale and Unstrut Rivers suitable for farming and wine growing, facilitating the processes of settlement of this borderland region. The rivers provided trade routes, frontiers and water resources. Located at a contact point between German and Slav cultures, the area was connected to other European regions by two major historical routes linking western and eastern Europe.

The town of Naumburg became a bishop's seat in 1028. It was moved from Zeitz to Naumburg due to the efforts of the pope and the Ekkehardines. Naumburg already had the status of *civitas* at that time and was granted free trade privileges which encouraged settlement from nearby towns. The family ties of the bishops with the kings and emperors from the Salian and Hohenstaufen dynasties

contributed to the enhancement of Naumburg as a centre of commerce and imperial outpost of Christian civilisation.

The plan of the Cathedral Chapter to begin work on a new cathedral dates from 1213, and the new building was consecrated in 1242.

The 'Naumburg Master' refers to an unnamed sculptor and his workshop, responsible for the construction of the west choir of Naumburg Cathedral, including the sculptures of the twelve founder figures and the west rood screen. The State Party suggests that there is evidence from recent research that the Naumburg Master also influenced the scheme of stained glass windows in the west choir.

The work of the Naumburg Master is notable for its ability to combine sculpture with architectural elements, and because of the realistic expressions of the sculptures. The State Party therefore considers that the Naumburg Master is one of the most important artists of the Middle Ages. Sculptures by the Naumburg Master are also found in other places, such as the Cathedral at Reims in France, and Mainz in Germany.

The advent of the Reformation brought major changes. The Catholic convents and monasteries were suppressed and their possessions passed into the hands of private tenants. However, the Naumburg Cathedral chapter saw its property rights substantially untouched. The city of Naumburg grew in importance until the 17<sup>th</sup> century, when the thirty-year war devastated the region. In the 18<sup>th</sup> century Naumburg and its region experienced economic revitalisation, due to vine-growing and salt extraction. From the early 19<sup>th</sup> century until 1945, the area became part of Prussia. The opening of the railways Frankfurt-Dresden and Munich-Berlin confirmed the area as a continuing cross-roads location, and Naumburg became an administrative centre of regional importance.

## 3 Justification for inscription, integrity and authenticity

### Comparative analysis

According to the State Party, the comparative analysis has been framed within the context of 'religious Christian sites of the High and Late Middle Ages in western and northern Europe'.

The State Party has identified 210 properties in Europe from the 13<sup>th</sup>-14<sup>th</sup> centuries with monuments of religious architecture and finds that 22 religious/sacred buildings are inscribed in the World Heritage List as single monuments, 12 are inscribed as components of larger properties, and 5 are included in Tentative Lists. Relevant comparators from the World Heritage List include: Bamberg Cathedral as a part of the Town of Bamberg (Germany, 1993 (ii) (iv)); Regensburg Cathedral as part of the Old Town of Regensburg and Stadthof (Germany, 2006 (ii) (iii) (iv)); Reims Cathedral, as part of the World Heritage site of the

Cathedral of Notre-Dame, Former Abbey of Saint-Rémi and Palace of Tau, Reims (France, 1991 (i) (ii) (vi)); Sainte Chapelle as part of the World Heritage site of Paris, Banks of the Seine (France, 1991 (i) (ii) (iv)); and Burgos Cathedral (Spain, 1984 (ii) (iv) (vi)).

All the identified sites are assessed in terms of whether they possess the following six characteristics of the Naumburg Cathedral: double choir structure (6); rood screen dating to before 1300 (10); portrayal of founder figures (5); overall iconographic concept before 1300 (1); workshop or work of a master (24); and, the work of the Naumburg Master (7). The State Party concludes that there are no other cathedrals with the specific architectural and artistic features of Naumburg Cathedral, and that the importance of the 'Naumburg Master' justifies its consideration for inscription in the World Heritage List.

While only Naumburg Cathedral meets all six selection criteria proposed by the State Party, ICOMOS questions the relevance of the selection framework established by the State Party in terms of its relationship to the criteria for inclusion in the World Heritage List; and considers that the reliance on the attributes of the work of the Naumburg Master is a narrow basis for justifying the Outstanding Universal Value. In addition, European cathedrals of this period are well-represented in the World Heritage List, including a number in Germany. In applying the World Heritage Committee's Global Strategy, the comparative basis on which the proposed Outstanding Universal Value rests deserves close examination.

In conclusion, ICOMOS questions the relevance of the selection framework established by the State Party in terms of its relationship to the criteria for inclusion in the World Heritage List; and considers that the reliance on the attributes of the work of the Naumburg Master is a relatively narrow basis for justifying the Outstanding Universal Value of Naumburg Cathedral.

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ICOMOS considers that the comparative analysis does not justify consideration of this property for the World Heritage List.

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#### **Justification of Outstanding Universal Value**

The nominated property is considered by the State Party to be of Outstanding Universal Value as a cultural property for the following reasons:

- Naumburg Cathedral is a unique testimony to medieval art and architecture, based on the Romanesque nave and two Gothic choirs;
- The famous sculptures of the founders of the cathedral in the west choir, and the west rood screen are the masterpieces of the pan-European workshop known as the 'Naumburg Master' and are among the most significant sculptures of the Middle Ages;

- The overall iconographic concept, combining architecture, sculpture and glass paintings reflect changes in religious practice and visual arts of the 13<sup>th</sup> century.

ICOMOS considers that the justification proposed by the State Party is potentially relevant, but that a stronger comparative analysis is critical to the ability to demonstrate Outstanding Universal Value for this property.

#### **Integrity and authenticity**

##### **Integrity**

The State Party considers that the integrity of the nominated property is based on the unchanged layout and architectural elements of the mid-13<sup>th</sup> century cathedral, and the lack of any adverse effects or pressures.

ICOMOS considers that the nominated property is of adequate size and contains all the attributes related to its historical and artistic significance.

##### **Authenticity**

The State Party considers that the authenticity of the nominated property is demonstrated by the intact materials and form of the cathedral, which date to the High Middle Ages. All repairs have used stone from the original quarries used to build the cathedral. The building retains its original functions and regular services are performed. The location and setting of the cathedral within Naumburg is also part of the site's authenticity, as is the ability of the cathedral's silhouette to be seen within the surrounding landscape.

ICOMOS has no concerns about the authenticity of Naumburg Cathedral, which exhibits a high degree of authenticity to the Middle Ages.

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ICOMOS has not identified any issues in relation to the conditions of integrity and authenticity, but considers that the Outstanding Universal Value is dependent on a more focused comparative analysis and the assessment of the criteria under which inscription is proposed.

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#### **Criteria under which inscription is proposed**

The property is nominated on the basis of cultural criteria (i), (ii) and (iv).

Criterion (i): *represent a masterpiece of human creative genius;*

This criterion is justified by the State Party on the basis of the artistic qualities of Naumburg Cathedral, particularly its double choir structure, west rood screen, and life-sized founder sculptures. The choir screens from the first half of the 13<sup>th</sup> century reflect changes in religious practice, and the inclusion of science and nature in the figurative arts. The workshop organisation of sculptors and stone masons referred to as the 'Naumburg Master', and the artistic significance of the

quality of the works at Naumburg Cathedral are considered by the State Party to demonstrate Outstanding Universal Value in relation to criterion (i) due to their ability to offer insight into the arts, architecture, and technology of their specific era.

ICOMOS has previously stated that it does not consider that the artistic significance of the Cathedral is sufficient to justify criterion (i). ICOMOS does not consider that any additional evidence has been provided that would change its previous assessment; and does not consider that the nominated property can be considered as a masterpiece of human creative genius based solely on several of the artistic elements within the Cathedral. In relation to the cathedral itself, ICOMOS considers that it does not demonstrate exceptional qualities compared with other World Heritage listed European cathedrals of this period.

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ICOMOS considers that this criterion has not been demonstrated.

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*Criterion (ii): 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;*

This criterion is justified by the State Party on the basis of the 13<sup>th</sup> century organisation of the workshop known as the 'Naumburg Master', known for its innovations in architecture and sculpture. The movement of this workshop from northeastern France to the eastern boundaries of the Holy Roman Empire and beyond, demonstrates European cultural exchange during the High Middle Ages.

ICOMOS notes the historical context of the Cathedral, but questions the ability of the Cathedral to demonstrate the qualities of interchange required by this criterion. ICOMOS acknowledges that the Naumburg Cathedral contains the most important work of the Naumburg Master. However, it is also noted that the influences and attributions of the Naumburg Master are not fully resolved amongst art history scholars. ICOMOS therefore concludes that these elements are not a sufficient basis for the demonstration of criterion (ii).

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ICOMOS considers that this criterion has not been demonstrated.

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*Criterion (iv): be an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history;*

This criterion is justified by the State Party on the basis that its large double choir structure was built in the transitional style between Late Romanesque and Early Gothic. The two well-preserved choir screen structures from the 13<sup>th</sup> century are unique, and are considered by the State Party to be ground-breaking.

As noted above, ICOMOS considers that the setting out of the typology and selection parameters by the State Party are highly specific to this property. ICOMOS does not consider that the comparative analysis establishes that Naumburg Cathedral demonstrates a significant stage in human history in an outstanding way.

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ICOMOS considers that this criterion has not been demonstrated.

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ICOMOS considers that none of the cultural criteria have been demonstrated.

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## 4 Factors affecting the property

The information submitted for this referred back property discusses a range of factors, including traffic management, climate change, air pollution, and natural disasters. None are considered to be threats to the Naumburg Cathedral, and the nomination dossier briefly outlines the risk preparedness in place for fire and lightning. The Cathedral is located on a high point within the city, and has never been affected by flooding of the nearby rivers.

The average number of visitors for year is approximately 130,000, although this was exceeded in 2011 (246,000 visitors) due to the international exhibition on the 'Naumburg Master'. A permanent exhibition was opened in the western wing of the cloister in 2006; and the Cathedral garden was opened to the public in 2011 to accompany the exhibition. The State Party advises that visitor numbers to the cathedral are well-managed, and estimates that a carrying capacity of 600,000 is feasible. Carrying capacity is reviewed every five years, and measures to change visitor access arrangements will be implemented if the annual visitation exceeds 450,000.

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ICOMOS considers that there are few threats to Naumburg Cathedral.

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## 5 Protection, conservation and management

### Boundaries of the nominated property and buffer zone

The nominated property has an area of 1.82 ha, with a buffer zone of 56.98 ha. The boundaries are well-delineated. No specific rationale for the delineation of the buffer zone is provided in the material submitted by the State Party; however, ICOMOS notes that the extent of the buffer zone reflects the urban morphology in the old town of Naumburg. Based on the desktop level of analysis possible for referred-back nominations, ICOMOS has not identified any concerns with the boundaries of the property and its buffer zone.

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ICOMOS considers that the boundaries and buffer zone of the property are appropriate.

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### **Ownership**

The cathedral and adjacent buildings are owned by a public foundation, the Combined Chapters of the Cathedrals of Merseburg and Naumburg and the Collegiate Church of Zeitz (referred to as 'the Combined Chapters'). This organisation has a long history, and has existed in this legal form since 1930 when the Catholic and Protestant chapters merged. There are no inhabitants in the nominated property, and 3142 people live within the buffer zone.

### **Protection**

The State Party has explained the system of protection in detail in the nomination documents. Naumburg Cathedral is protected by the Act for the Protection of Historic Monuments and Buildings of the State of Saxony-Anhalt. This is the highest level of protection available in Germany. The Federal Building Code, and Regional Planning Act are also important as they regulate new development. All cultural monuments and sites in the buffer zone are listed in the monuments register by the Federal State of Saxony-Anhalt. Building activities in the buffer zone are subject to land development plans, building development plan and municipal statutes.

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ICOMOS considers that the legal protection in place is effective.

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### **Conservation**

The State Party briefly explains that Naumburg Cathedral exhibits a good state of conservation. The fabric of the cathedral and other buildings are well cared for, and there are no adverse effects of development or neglect. Original materials for needed repairs have been used for centuries, obtained from local quarries. Restoration work has occurred from the early 19<sup>th</sup> century.

ICOMOS considers that the nominated property is well-documented and demonstrates a good state of conservation. There are good plans and photographic documentation to support the monitoring processes for Naumburg Cathedral.

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ICOMOS considers that the cathedral and associated elements demonstrate a good state of conservation.

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### **Management**

Management structures and processes, including traditional management processes

The Combined Chapters of the Cathedrals of Merseburg and Naumburg and the Collegiate Church of Zeitz is the owner of the nominated property, and is responsible for the implementation of the management system, and for conservation and maintenance works. The Combined Cathedral Chapters is made up of a Board of Trustees, and the Director is responsible for various departments,

including one for preservation management and restoration. A specialist architect is employed in the capacity of 'cathedral master builder' (*Dombaumeisterin*) including the planning of conservation measures. The Combined Cathedral Chapters works in close cooperation with the State Ministry of Culture of Saxony-Anhalt, and the City of Naumburg (Saale).

Revenue is raised from rents, leases, entrance fees and public subsidies. The nomination dossier provides a detailed list of sources of additional funds available for the care and use of the cathedral.

The State Office for Monument Conservation and Archaeology of Saxony-Anhalt provides services such as scientific research, inventories of cultural monuments, and provision of specialist expertise. The City of Naumburg is responsible for administering the Monument Protection Act, administration of grants and permits, and providing advice to owners.

The Saale-Unstrut World Heritage Association was founded in 2008 to guide the processes of the previous two (larger) World Heritage nominations. Private and public stakeholders participate in the association. ICOMOS is not certain about how this Association is involved in the management system now that the nomination has focused on the Cathedral alone, but considers that the broad participation is a positive element.

Policy framework: management plans and arrangements, including visitor management and presentation

No management plan was submitted with the information received for this referred-back nomination. ICOMOS notes that a Management Plan dated 2014 was previously submitted for the nomination of a large cultural landscape, but is uncertain about its status given the narrower focus of this referred-back nomination. The previous Management Plan is not mentioned in the section on Management in the materials submitted in January 2018.

In its previous evaluations, ICOMOS commented that the Management Plan was mostly descriptive, with only general guidelines provided. ICOMOS assumes that there could be a detailed management plan or conservation plan for the cathedral, but it has not had the opportunity to review it.

The State Party has provided information about the Rehabilitation Charter and Preservation Charter in place for the 'old town' area (Building Code mechanisms established by the City of Naumburg). The Cathedral and its buffer zone are located within Rehabilitation Charter areas, and the buffer zone is included in the Preservation Charter area. A legally binding development plan and a Design Charter on the preservation of the old city and streetscape are also in place for the buffer zone, along with a range of other local planning regulations. If no



Management Plan for the Cathedral exists, ICOMOS recommends that one should be prepared, irrespective of the outcome of the World Heritage nomination process.

The State of Saxony-Anhalt is responsible for regional tourism planning. As noted above, the State Party reports that visitor numbers generally range between 130,000-150,000 per year. The Combined Cathedral Chapters have plans in place for improved interpretation and education arrangements, including a new international visitor centre. Should the Naumburg Cathedral be included in the World Heritage List, this proposal should be forwarded to the World Heritage Centre for review in accordance with par. 172 of the Operational Guidelines.

The cultural monuments surrounding the nominated property are operated by the Saale-Unstrut Tourism Association (Verband Saale-Unstrut-Tourismus e.V). The cathedral has a visitor centre, and there is a tourist information centre in the Naumburg city centre. The Combined Cathedral Chapters also has staff for visitor service and tourism functions and operate shops and guided tours at the cathedral.

#### Involvement of the local communities

Although only briefly discussed in the materials provided by the State Party, it appears that the local community has been involved and engaged in the nomination; and that many local organisations, business, owners and other citizens have supported the nomination process throughout each of its stages.

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Although no Management Plan was submitted for this referred back nomination, ICOMOS considers that the management system appears to be appropriate for the conservation of the Naumburg Cathedral.

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## 6 Monitoring

The Combined Cathedral Chapters are responsible for implementing the monitoring system, in cooperation with the Saale-Unstrut World Heritage Association. Indicators for monitoring have been established for the cathedral and associated elements. Monitoring includes the conditions of facades, weather resistance and structural safety; condition of stonework, visual inspections of painting and sculptures by professional restorers. Periodic reviews of the condition of materials is done every 5 years (and every 10 years for the buffer zone, based on the cultural landscape cadaster). From 2018, sensors will be installed in the cathedral to monitor humidity and airflow, starting at the west choir.

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ICOMOS considers that the proposed monitoring system is appropriate for the Naumburg Cathedral.

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## 7 Conclusions

This proposal arises from the World Heritage Committee's 2017 decision to refer back the previous nomination of the 'Naumburg Cathedral and the Landscape of the Rivers Saale and Unstrut – Territories of Power in the High Middle Ages' (Germany). Decision 41 COM 8B.29 proposes to the State Party to re-submit this nomination by focusing on the cathedral alone (rather than the cultural landscape which was the orientation of the previous nomination). The State Party has complied with this decision, and the submitted information comprises a new nomination dossier.

In its two earlier evaluations of the cultural landscape of the area where the Saale and Unstrut Rivers converge, ICOMOS noted the significance of Naumburg Cathedral and its immediate setting, due in particular to its double-choir structure and other features, which are considered highly significant by art historians. In the evaluation presented to the 41<sup>st</sup> session of the World Heritage Committee (2017, Krakow), ICOMOS stated that it did not consider that the significance of the Cathedral alone was sufficient to justify any of the cultural criteria, in part because this site type is already relatively well represented by other, more outstanding examples in the World Heritage List. While the work of the Naumburg Master is valorised in art history, ICOMOS has not found any substantial new evidence in the material submitted for this referred-back nomination that supports the Outstanding Universal Value of the Naumburg Cathedral.

ICOMOS considers that the comparisons with other European cathedrals of this period makes the Outstanding Universal Value of this cathedral difficult to specify. The justification of Outstanding Universal Value proposed by the State Party rests heavily on the sculptures and west choir screen that are the work of the Naumburg Master. Reference to specific artworks in this way poses difficulties for the application of criterion (i) according to its present form and wording, as briefly explained below.

The text for criterion (i) has changed over time. The words 'unique artistic achievement' were present within the text in versions of the Operational Guidelines until 1995 when, in the context of the adoption of the Global Strategy, these words were removed and the shorter text in place today was adopted ('to represent a masterpiece of human creative genius'). The records of the World Heritage Committee explain this change: "*Europe, Christianity, "monumental" architecture and historic periods are very much over-represented, to the notable disadvantage of archaeological and technological heritage, of non-European cultures and, in a more general manner, of all living creatures, especially those of "traditional" societies.*" (WHC-95/CONF.203/08)

ICOMOS has reviewed the use of criterion (i) in relation to elements of specific outstanding artworks that are associated with religious buildings and ensembles in Europe. The case of the 'Church and Dominican Convent of Santa Maria delle Grazie with "The Last Supper" by

Leonardo da Vinci' (Italy, 1980, (i), (ii)) is notable (initially nominated as 'The Last Supper' by Leonardo da Vinci'). Even at this early stage of the implementation of the World Heritage Convention, the World Heritage Committee was concerned about setting a precedent for consideration of the importance and inclusion of artistic works, and questioned how many might be reasonably included in the World Heritage List.

These early discussions, the caution exercised by the World Heritage Committee over time, and the changes to criterion (i) in the specific context of the adoption of the Global Strategy suggest to ICOMOS some important delimitations of the purposes of the World Heritage List. These points have informed the evaluation by ICOMOS which has concluded that criterion (i) is not demonstrated for Naumburg Cathedral.

Likewise, ICOMOS considers that the work of the Naumburg Master, and the role of the cathedral in the history of Christianity in this part of Europe do not demonstrate cultural interchange in an exceptional way, as required for criterion (ii). Finally, as a component of a typology, Naumburg Cathedral does not meet criterion (iv), because more outstanding examples are already inscribed in the World Heritage List.

While the legal protection, state of conservation and management of the nominated property are considered to be adequate, the nominated property is unable to meet any of the cultural criteria, and the Outstanding Universal Value is not demonstrated.

The State Party has now nominated Naumburg Cathedral and its landscape of the confluence of the Saale and Unstrut Rivers in three different formulations. ICOMOS acknowledges the sustained work undertaken by the local communities and by the State of Saxony-Anhalt and regrets that it is unable to recommend the inscription of the Naumburg Cathedral.

ICOMOS acknowledges that this outcome, which reflects the professional judgement of ICOMOS in its role as an Advisory Body to the World Heritage Committee, creates an uncomfortable lack of alignment with the World Heritage Committee's decision 41 COM 8B.29. ICOMOS does not consider that the Outstanding Universal Value of Naumburg Cathedral has been established because the only basis on which exceptionality can be found is related to several specific artworks within the cathedral. Given the guidance provided by the World Heritage Committee in the past, and the changes made in the context of the adoption of the Global Strategy, ICOMOS does not consider that this is an appropriate use of criterion (i), or any of the other criteria.

ICOMOS considers that this referred back nomination demonstrates the need to revisit and update the directions established by the Global Strategy for a Representative, Balanced and Credible World Heritage List (adopted by the World Heritage Committee in 1994).

## 8 Recommendations

### Recommendations with respect to inscription

For the reasons summarised in this report, ICOMOS is unable to provide a recommendation with respect to inscription for this referred back nomination.

The evaluation of this referred back nomination has taken into account Decision 41 COM 8B.29, which indicated three bases for the previous nomination to be referred back to the State Party.

The first asked the State Party to *Re-scope the nomination by focusing on the given Outstanding Universal Value of Naumburg Cathedral*. ICOMOS notes that, according to the Operational Guidelines, Outstanding Universal Value is not formally recognised when nominations are the subject of refer-back decisions by the World Heritage Committee (since this recognition occurs at the time of inscription). The World Heritage Committee did not expand on its intentions concerning the 'given Outstanding Universal Value', nor were any criteria specified. Although the Outstanding Universal Value of this revised proposal seems to have been pre-determined by the World Heritage Committee, prior to its submission, ICOMOS has evaluated the material submitted by the State Party according to its usual working methods. The professional judgement of ICOMOS is that the Naumburg Cathedral does not meet any of the cultural criteria, creating an uncomfortable lack of alignment with the World Heritage Committee's decision.

The second asked the State Party to *Adjust the boundaries of the nominated property and the management plan*. The State Party has adjusted the boundaries, but no revised management plan has been submitted. However, ICOMOS does not have concerns about the adequacy of the management or state of conservation of this property; and suggests that this does not constitute a critical point for this decision because ICOMOS does not find that Outstanding Universal Value is demonstrated.

The third and final point asked the State Party to *Review the Statement of Outstanding Universal Value of Naumburg Cathedral for final adoption by the Committee within three years*. The meaning of this point is not clear to ICOMOS, but has been understood to mean that the State Party should submit its revised information and scope of this nomination within 3 years, in keeping with the provisions for all referred back nominations outlined in the Operational Guidelines (par. 159).

ICOMOS notes that moveable heritage (including artworks) is outside the scope of the World Heritage Convention. However, the line between moveable and immovable is not always distinct, and the artworks of the Naumburg Master are integral components of the Naumburg Cathedral. A key question arising from this referred back nomination proposal is whether the Outstanding Universal Value of the cathedral can rest on



these artworks alone, given that the cathedral is assessed as otherwise lacking in exceptional or outstanding architectural, historical or aesthetic characteristics. ICOMOS has found no examples where a similar case was inscribed since the current wording of criterion (i) was adopted in 1995, when the words 'unique artistic achievement' were removed from this criterion in order to comply with the directions of the Global Strategy.

Decision 41 COM 8B.29 (Krakow, 2017) has pre-empted the ability for ICOMOS to fully evaluate the merit of this referred-back nomination according to the manner prescribed in the Operational Guidelines and its working methods. Hence, ICOMOS is unable to make a recommendation concerning inscription for the property. The outcome of the evaluation undertaken by ICOMOS would suggest a recommendation that Naumburg Cathedral (Germany) should not be inscribed on the World Heritage List. However, should the World Heritage Committee decide to confirm that Outstanding Universal Value has already been established, the 42<sup>nd</sup> session of the World Heritage Committee could choose to inscribe Naumburg Cathedral (Germany) on the World Heritage List, and provide specific guidance on the content of the statement of Outstanding Universal Value. If this latter option is decided, ICOMOS suggests that a policy concerning the inscription of properties on the basis of artworks be clarified by the World Heritage Committee as a matter of urgency.



Map of the World Heritage Property and its Buffer Zone  
**The Naumburg Cathedral and its Buffer Zone**

- World Heritage Property
- Buffer Zone of the World Heritage Property

World Heritage Property: 1.82 ha  
 Buffer Zone: 56.98 ha  
 11°48'18.4888" E , 51°9'21.001" N

Domplatz 16, Naumburg (Saale),  
 Federal State of Saxony-Anhalt, Germany

id	X	Y
1	11° 48' 17.962" E	51° 9' 22.145" N
2	11° 48' 19.099" E	51° 9' 22.209" N
3	11° 48' 17.959" E	51° 9' 21.614" N
4	11° 48' 18.158" E	51° 9' 21.697" N
5	11° 48' 17.960" E	51° 9' 19.620" N
6	11° 48' 19.487" E	51° 9' 19.699" N

Base map: Cadastal map (© LVermGeo LSA 2010, 010210)  
 Scale: 1:500  
 Spatial reference: DHDN / Gauss-Krüger Zone 4 (EPSG 31488)  
 Geographical grid coordinates in WGS 1984 (EPSG 4326)  
 Map design: Manuel Gerhardt  
 Date: 11.01.2019

Map showing the revised boundaries of the nominated property



Naumburg Cathedral



West rood screen

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# **Jewish Quarter and St Procopius' Basilica in Třebíč (Czechia) No 1078bis**

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## **1 Basic data**

### **State Party**

Czechia

### **Name of property**

Jewish Quarter and St Procopius' Basilica in Třebíč

### **Location**

Třebíč district, Vysocina Region  
Czechia

### **Inscription**

2003

### **Brief description**

The ensemble of the Jewish Quarter, the old Jewish cemetery and the Basilica of St Procopius in Třebíč are reminders of the co-existence of Jewish and Christian cultures from the Middle Ages to the 20<sup>th</sup> century. The Jewish Quarter bears outstanding testimony to the different aspects of the life of this community. St Procopius' Basilica, built as part of the Benedictine monastery in the early 13<sup>th</sup> century, is a remarkable example of the influence of Western European architectural heritage in this region.

### **Date of ICOMOS approval of this report**

14 March 2018

## **2 Issues raised**

### **Background**

The property The Jewish Quarter and St Procopius Basilica in Třebíč was inscribed on the World Heritage List in 2003 on the basis of criteria (ii) and (iii). The Periodic Report in 2014 notes the boundaries and buffer zone are both adequate to maintain the property's Outstanding Universal Value. As part of the report, a map with modified boundaries was submitted, notably reducing the area for the Basilica. However, these modified boundaries were not submitted to the World Heritage Committee and were not adopted at the time.

A retrospective Statement of Outstanding Universal Value was adopted for the property in 2016 during the 40<sup>th</sup> session of the World Heritage Committee (Decision 40 COM 8E, Istanbul, 2016).

In 2016, the State Party proposed the better definition of the boundary of the three components of the serial property for two reasons – because of technical improvements in mapping for the property, and to better reflect the Outstanding Universal Value in the case of one component, the Jewish Quarter.

In the case of the buffer zone, the better definition of the boundary is proposed because of technical improvements in mapping for the property.

While ICOMOS supported the minor boundary modifications for components 002 and 003, and the buffer zone at that time, several issues were identified in the case of the minor boundary modification for component 001.

The World Heritage Committee decided (Decision 41 COM 8B.42) to refer the proposal back to the State Party in order to provide additional justification for the proposed change of boundary for component 001. The additional justification sought related to the choice of an historical (1822) boundary as the basis of the component boundary in the context of the history of the property and its significant period up to World War II, as well as clarification of discrepancies between the 1822 boundary and the proposed boundary.

The Committee also recommended the State Party ensure integrated management for the property, including the former monastery.

### **Modification**

The proposed area changes are: component 001 – The Jewish Quarter, reduction from 4.73 ha to 4.34 ha; component 002 – The Jewish Cemetery, reduction from 1.23 ha to 1.13 ha; and component 003 – St Procopius' Basilica, increase from 0.23 ha to 1.08 ha (although this increase appears to have been calculated by the State Party based on the change from the map produced as part of the 2014 Periodic Report, rather than the original boundary map). The overall property area increases from 6.19 ha to 6.55 ha.

The boundaries identified in the nomination dossier relied on a relatively large-scale map with thick, hand-drawn boundaries. This original map lacked precision, and the proposed modified boundaries provide much better accuracy at an improved scale.

The State Party also proposes to slightly modify the boundary for component 001 – The Jewish Quarter, to better reflect an historical map of the quarter. Due to an error in the 2016 minor boundary modification proposal, the date of this map was shown as 1822, and the State Party has clarified that the map actually dates from 1922. Additional justification has been provided for the use of this map as the best basis for defining the component – the 1922 map is the last available map of The Jewish Quarter prior to World War II.

Accordingly, the use of the 1922 map is a satisfactory basis for determining the boundary of component 001 – The Jewish Quarter.

It is also noted there are some discrepancies between the modified boundary for this component and the boundary in the 1922 map. The discrepancies occur with the central part of the northern boundary of the component. Unfortunately, the requested additional information to explain these discrepancies has not been provided.

In all cases, the discrepancies appear to involve a slightly increased area compared to the 1922 map. It is also surmised the proposed boundary may align with current land boundaries which are larger than in 1922, and using these current boundaries will be better understood on the ground and be more effective for management.

On this basis, the proposed boundary for component 001 – The Jewish Quarter appears to be an accurate and satisfactory reflection of the contribution of the component to the Outstanding Universal Value.

The proposed boundary for component 002 – The Jewish Cemetery appears to be an accurate and satisfactory reflection of the cemetery boundary.

The proposed boundary for component 003 – St Procopius' Basilica appears to be an accurate and satisfactory reflection of the component boundary as proposed at the time of nomination.

In the case of the buffer zone, the better definition of the boundary is proposed because of technical improvements in mapping for the property. The modified buffer zone appears to be an accurate and satisfactory reflection of the boundary as proposed at the time of nomination.

The State Party notes there will be no change in the area of management as a result of the proposal.

The State Party has provided assurances about the ongoing integrated management of the property, including the former monastery. It has also advised that, partly in response to Decision 41 COM 8B.42, a draft memorandum is being prepared to provide a formal framework for cooperation between the administrators of the three components of the property. In addition, the management plan when next updated will include the entire former monastery.

The legal protection for the property will not be affected by the boundary modification. Many houses in component 001 – The Jewish Quarter are declared cultural monuments protected under the Act on State Heritage Conservation, and otherwise the component is within a larger urban heritage zone. Component 002 – The Jewish Cemetery and component 003 – St Procopius' Basilica are both declared national cultural monuments and have the highest legal protection.

ICOMOS considers the proposed modifications to the property boundary with respect to component 001 – The Jewish Quarter, component 002 – The Jewish Cemetery and component 003 – St Procopius' Basilica, and to the buffer zone, will contribute to protection of Outstanding Universal Value of the property and strengthen management.

ICOMOS welcomes the assurances about the ongoing integrated management of the property, including the former monastery.

### 3 ICOMOS Recommendations

#### Recommendation with respect to inscription

ICOMOS recommends that the proposed minor modification to the boundary of the Jewish Quarter and St Procopius' Basilica in Třebíč, Czechia, be **approved**.

ICOMOS recommends that the proposed buffer zone for the Jewish Quarter and St Procopius' Basilica in Třebíč, Czechia, be **approved**.

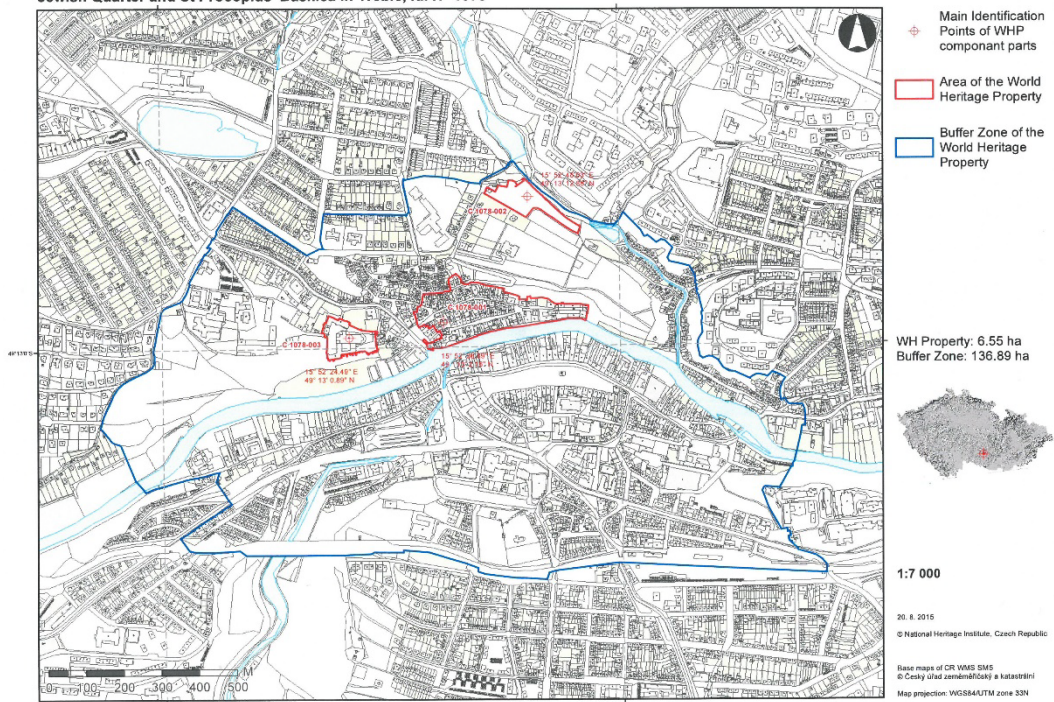
#### Additional recommendations

ICOMOS further recommends that the State Party give consideration to the following points:

- a) Completing the draft memorandum to provide a formal framework for cooperation between the administrators of the three components of the property,
- b) Include the entire former monastery in the management plan when next updated.



Jewish Quarter and St Procopius' Basilica in Třebíč, Id. N° 1078



Map showing the revised boundaries of the property



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# Jelling (Denmark) No 697bis

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## 1 Basic data

### State Party

Denmark

### Name of property

Jelling Mounds, Runic Stones and Church

### Location

Vejle Commune, Region of Southern Denmark  
Denmark

### Inscription

1994

### Brief description

Located in central Jutland, Jelling was a royal monument during the reigns of Gorm and his son Harald Bluetooth, in the 10<sup>th</sup> century, and may possibly pre-date this era. The complex consists of two flat-topped mounds, a large runic stone dating to Harald Bluetooth's reign, located exactly midway between the two mounds and a second smaller runic stone created under King Gorm, but likely not in its original location. A small simple church of whitewashed stone now stands on the site of at least three earlier wooden churches, all of which were destroyed by fire. Excavations in 2006 have revealed evidence of a palisade surrounding the monument, and parts of a ship setting.

### Date of ICOMOS approval of this report

14 March 2018

## 2 Issues raised

### Background

In 1994 at its 18<sup>th</sup> session, the World Heritage Committee inscribed Jelling Mounds, Runic Stones and Church under criterion (iii) in decision CONF 003 XI. The property area was defined without exact size by an approximated local protection plan and encompassed an area with a boundary rather tightly drawn around the three key components, two burial mounds, two rune stones and a church, under which remains of wooden buildings are preserved. A buffer zone was indicated in relation to local legislation as a circular protection zone of 100 metres radius around each key monument but was not formally designated in the context of the World Heritage inscription.

As a follow up to the Retrospective Inventory of this property made by the World Heritage Centre, the State Party provided an updated map in 2008. It indicates that

the property covers an area of 4.96 hectares, which encloses the outer mound boundary to the south and follows the line of property deeds extending somewhat further north. These boundaries were recognized by the World Heritage Committee in decision 32 COM 8D. In November 2008, an ICOMOS Advisory Mission was carried out to the property, and a recommendation was made to extend the buffer zone to include the palisade, and to not restrict this extension in relation to the archaeological potential of the area. In 2010, the World Heritage Committee adopted in its decision 34 COM 8E, a retrospective Statement of Outstanding Universal Value for the property.

Since 1994, archaeological excavations, especially undertaken in 2006 revealed additional larger structures: besides previously partially known traces of a boat-shaped stone setting, traces of a wooden palisade with attached wooden buildings were discovered as framing the property. Both are located predominantly outside the present boundaries. The palisade surrounds an approximately 360 x 360 metres rhombus-shaped area, within which all of the afore-mentioned monuments are located. These elements were already integrated as more recent archaeological discoveries in the Statement of Outstanding Universal Value adopted in 2010.

### Modification

The minor boundary modification requested extends the property boundaries to cover the areas of the above-described recent archaeological discoveries, including the wooden palisade and its adjacent wooden buildings. The rhombus shape outline of the wooden palisade will identify the new property boundary. It should be noted, that both, the rhombus shape palisade and the boat-shaped stone setting have been refilled following archaeological excavations to support their in-situ conservation. They are now marked on the ground by contemporary materials, which allow visitors to understand the extent and composition of the site.

This newly defined property area is proposed to cover 12.7 hectares and is delimited just outside the contemporary floor marking or its continuation in urban, built-up sections towards the south of the site. Parts of the now designated boundaries fall into private lands and the State Party assured that all property owners within the boundaries had granted their written consent to the boundary extension. A small area previously designated as World Heritage property, will be excluded following the new rhombus-shaped delimitation. The State Party explained that in-depth archaeological surveys were carried out in this area and that no archaeological evidence had been found.

The buffer zone boundaries are newly suggested and have been developed in the process of Jelling's participation in the transnational serial nomination, Viking Age Sites in Northern Europe. The buffer zone is defined in relation to visibility and protection status in municipal legislation. It is integrated in the Municipality Plan 2017-29 and as such legally adopted. Towards the south, east and



west, the buffer zone extends into the urban fabric of the town of Jelling and is described by road corridors. It is drawn to describe the area in which development may negatively impact the attributes of Outstanding Universal Value. The longer extension towards the north is defined based on the legal boundaries of the Protection Order of 13<sup>th</sup> October 1947 and intends to secure the visibility from and to the North Mound and the church.

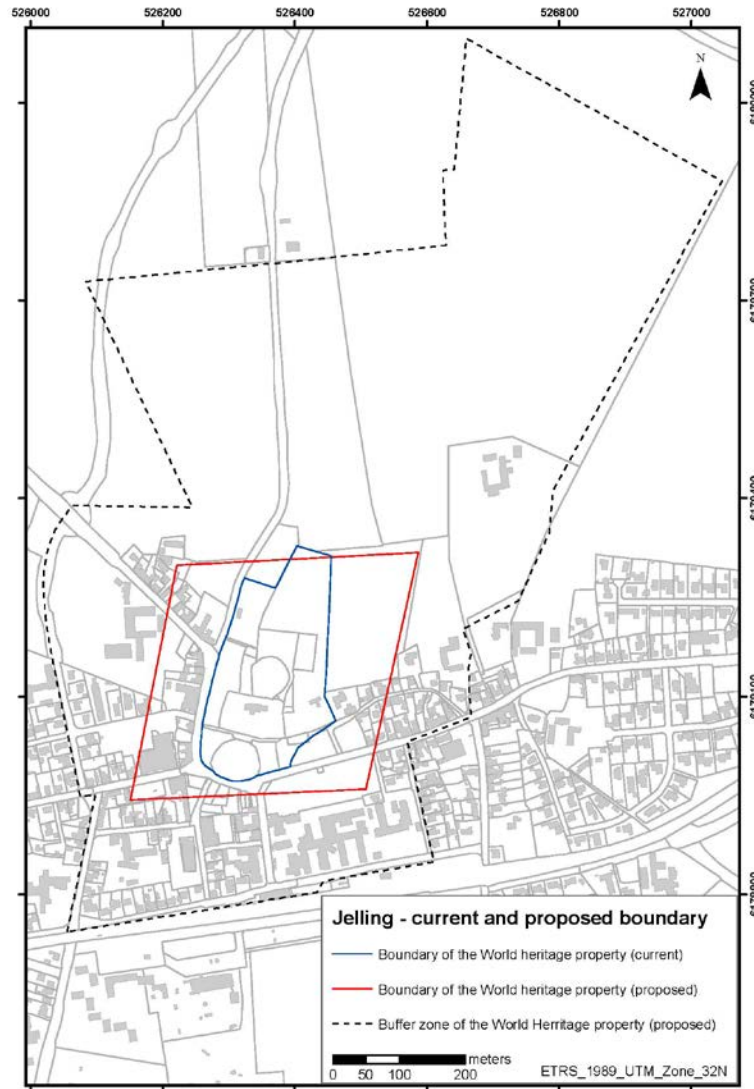
In conclusion, ICOMOS considers that the proposed modifications contribute to maintaining the Outstanding Universal Value of Jelling and will have a positive impact on its integrity and protection.

### **3 ICOMOS Recommendations**

#### **Recommendation with respect to inscription**

ICOMOS recommends that the proposed minor modification to the boundary of Jelling Mounds, Runic Stones and Church, Denmark, **be approved**.

ICOMOS recommends that the proposed buffer zone for Jelling Mounds, Runic Stones and Church, Denmark, **be approved**.



Map showing the revised boundaries of the property and the proposed buffer zone



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# Venetian Works of Defence between 16<sup>th</sup> and 17<sup>th</sup> Centuries: *Stato da Terra* – Western *Stato da Mar* (Italy, Croatia, Montenegro) No 1533bis

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## 1 Basic data

### State Party

Italy, Croatia, Montenegro

### Name of property

Venetian Works of Defence between 16<sup>th</sup> and 17<sup>th</sup> Centuries: *Stato da Terra* – Western *Stato da Mar*

### Location

Municipality of Bergamo, Lombardia  
Municipality of Peschiera del Garda  
Municipality of Palmanova  
Italy

City of Zadar  
County Šibenik-Knin  
Croatia

Municipality of Kotor  
Montenegro

### Inscription

2017

### Brief description

This property consists of 6 components of defence works in Italy, Croatia and Montenegro, spanning more than 1,000 km between the Lombard region of Italy and the eastern Adriatic Coast. The fortifications throughout the *Stato da Terra* protected the Republic of Venice from other European powers to the northwest and those of the *Stato da Mar* protected the sea routes and ports in the Adriatic Sea to the Levant. They were necessary to support the expansion and authority of the Serenissima. The introduction of gunpowder led to significant shifts in military techniques and architecture that are reflected in the design of so-called *alla moderna* / bastioned, fortifications, which were to spread throughout Europe. This minor boundary modification relates to one of the six components, the 'Fortified City of Kotor' (Montenegro).

### Date of ICOMOS approval of this report

14 March 2018

## 2 Issues raised

### Background

The serial property of the Venetian Works of Defence between 16<sup>th</sup> and 17<sup>th</sup> centuries: *Stato da Terra* – Western *Stato da Mar* was inscribed on the World Heritage List in 2017 on the basis of criteria (iii) and (iv). The property was inscribed as a series of 6 components which represent the defensive works of the Venetian Republic in the 16<sup>th</sup> and 17<sup>th</sup> centuries, demonstrating the designs, adaptations and operations of *alla moderna* defences. The three States Parties had originally proposed a larger series of 15 components.

The proposed minor boundary modification concerns proposed changes to the boundary and the buffer zone of one component in Montenegro, the 'Fortified City of Kotor'. This component currently has an area of 16.32 ha and a buffer zone of 99.19 ha. There is another World Heritage property in this locality, which overlaps with the boundary of this component: the Natural and Culturo-Historical Region of Kotor, inscribed in 1979 (with minor boundary modifications in 2012 and 2015) on the basis of criteria (i), (ii), (iii) and (iv). This property is much larger, comprising an area of 14,600 ha and a buffer zone of 36,491 ha. This larger property recognises the role of this region in the spreading of Mediterranean cultures into the Balkans and is not specifically oriented at the history of the defensive works of the Venetian Republic in the 16<sup>th</sup> and 17<sup>th</sup> centuries.

The site of Forte Mare in Herceg Novi was originally nominated as part of the serial property of Venetian Works of Defence, but was not included by the World Heritage Committee in the inscribed property in 2017. The site is located within the buffer zone of the World Heritage property 'Natural and Culturo-Historical Region of Kotor'. It experienced severe earthquake damage in 1979 and today has significant levels of tourism pressure. ICOMOS had recommended that this site could possibly be considered as a future extension, but that issues affecting the authenticity, state of conservation and tourism management needed to be addressed.

The World Heritage Committee's Decision 41 COM 8B.21 includes the following additional recommendation:

*7. Also recommends that the Forte Mare of Herceg Novi, Montenegro, be considered in the future as an extension of the current property when the studies and conservation works to address the impacts on the authenticity of this component caused by poorly sited tourism facilities will be completed;*

### Modification

The proposed modification to the property boundary is intended to expand the boundary for the component of the 'Fortified City of Kotor' to include the 'Forte Mare, Herceg Novi'. Each of the two components would retain its own boundary, with a greatly enlarged buffer zone encompassing them. The State Party indicates that the defences of Herceg Novi worked together with others within the Bay of Kotor, and that the larger area comprises defensive works of many historical periods. The State

Party considers that the Forte Mare, Herceg Novi is the most important and best preserved defensive element of the Venetian period in this area, and is unique within the Adriatic Sea because it is built on a rock rising from the sea.

No modification is proposed to the boundary of the component of the Fortified City of Kotor. The State Party of Montenegro proposes that the component name be changed to 'Defensive System of Boka Kotorska: Fortified city of Kotor and Forte Mare, Herceg Novi'.

In response to the concerns of ICOMOS about the state of conservation and a number of intrusive elements impacting on the authenticity of the Forte Mare, Herceg Novi, the State Party advises that in 2017 collaboration supported by the Montenegrin Crown Prince with the École de Chaillot (France) has allowed training, documentation and survey work to be undertaken; and a specific study on the protection of architectural heritage of Herceg Novi was completed in September 2017. This has identified the restoration and conservation works that will be undertaken in coming years. In December 2017, an agreement was reached between the State Party and the United Nations Development Programme (UNDP) to establish an Information Management System, reconstruction of buildings and conservation work. An estimated budget of 91,000 euros is being dedicated to the rehabilitation of the Forte Mare.

The State Party has provided a description and map of the proposed new component and has explained its legal protection. Likewise, a map has been provided showing the proposed changes to the buffer zone, which includes an area of sea, as well as the geomorphological system. These changes are justified by the State Party on the grounds that they will enable the Bay of Kotor to be represented more coherently in visual and geomorphological terms; presents the whole heritage related to the Venetian period; and provides a better coherence in relation to the World Heritage property of the 'Natural and Culturo-Historical Region of Kotor' and the Lovcen National Park.

The State Party does not consider that the proposed modification will have any impact on the Outstanding Universal Value of the inscribed property.

This proposed minor boundary modification was submitted less than one year following the inscription of the serial property, 'Venetian Works of Defence between 16<sup>th</sup> and 17<sup>th</sup> Centuries: *Stato da Terra* – Western *Stato da Mar*'.

The site of the Forte Mare in Herceg Novi (Montenegro) was nominated and evaluated by ICOMOS as part of the transnational serial property in 2016-2017. The World Heritage Committee's decision 41 COM 8B.21 reflects a recommendation by ICOMOS that indicated the potential for this site to be incorporated along with the 'mouths' of this large bay, which would comprise an ambitious and longer-term possibility.

As noted above, ICOMOS did not recommend that this site be included in the inscribed transnational serial property in 2017 due to the need to address impacts on authenticity arising from intrusive and poorly sited tourism facilities (eg. closed night club and an open-air cinema with a large permanent screen), problems with the state of conservation, visitor pressures and problems arising from dense vegetation growth and buildings on and adjoining the fortifications. ICOMOS also considered that the boundary of the component needed to be revised to incorporate it into the perimeter of the urban fortifications from which it is detached.

Accordingly, the World Heritage Committee did not include this site as a component of the serial property when it was inscribed in 2017.

Efforts to address the issues of conservation and impacts on authenticity had just begun when the ICOMOS mission visited the site in 2016. ICOMOS appreciates the update from the State Party about the continuing cooperation between the State Party and the École de Chaillot (France), and the support that will be provided through the recent agreement with UNDP. It appears that a start can soon be made to address the issues identified by ICOMOS. However, this is a complex and longer-term process that has yet to begin. According to the World Heritage Committee's decision, and the previous advice of ICOMOS, consideration of the inclusion of this component in the serial World Heritage property should occur following the completion of the improvements to the conservation of the site, and with the benefit of a mission at that future time.

In submitting this proposal, the State Party has deviated from the World Heritage Committee's decision by presenting this as a minor boundary modification rather than an extension (or major boundary modification). Based on the *Operational Guidelines* (Paragraph 163), ICOMOS considers that the addition of a new component of a serial property cannot be considered as a minor boundary modification.

ICOMOS had also expressed concerns about the proposed boundary for the Forte Mare in Herceg Novi, which do not appear to have been addressed in the proposed minor boundary modification.

The proposal for the minor boundary modification to the buffer zone is not supported, based on the material presented. ICOMOS considers the proposed buffer zone to be unrelated to the Outstanding Universal Value of the Venetian Works of Defence between 16<sup>th</sup> and 17<sup>th</sup> Centuries: *Stato da Terra* – Western *Stato da Mar*. The justifications given by the State Party seem driven at least in part by issues arising from having two World Heritage properties in this locality, but create some complexities. For example, the State Party describes the historical attributes within the proposed buffer zone, but these are unrelated to the period of the defences of the Venetian Republic. Furthermore, the State Party's intention to use the Management Plan of the Natural and

Culturo-Historical Region of Kotor as the primary means of management of the proposed new buffer zone seems unrelated to the Outstanding Universal Value of the transnational serial property. While ICOMOS can appreciate that there might be a desire to harmonise the protection and management with its two inscribed World Heritage sites in Kotor, their recognised values are not the same, and much more attention is needed to the specificities. ICOMOS also has concerns about the coherence and practicability of the significant increase in the buffer zone for the effective management of the serial property. ICOMOS therefore concludes that the proposed changes to the buffer zone are outside the considerations possible for a minor boundary modification.

ICOMOS considers that an evaluation mission would be essential to review these issues and determine the possibility of incorporating the site as a component in the serial property; and recommends that the State Party submit this proposal as a major boundary modification (extension), according to Paragraph 164 of the *Operational Guidelines* once the recommended conservation and restoration work at the Forte Mare is completed.

ICOMOS remains at the disposal of the State Party in the framework of advisory processes to advise further on the above recommendations, if requested to do so.

### **3 ICOMOS Recommendations**

#### **Recommendation with respect to inscription**

ICOMOS recommends that the proposed minor modification to the boundary of the Fortified City of Kotor (Montenegro), a component of the serial property of the Venetian Works of Defence between 16<sup>th</sup> and 17<sup>th</sup> Centuries: *Stato da Terra* – Western *Stato da Mar*, **should not be approved.**



Map showing the boundaries of the Forte Mare component



Map showing the proposed buffer zone



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# Old City of Dubrovnik (Croatia) No 95ter

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## 1 Basic data

### State Party

Croatia

### Name of property

Old City of Dubrovnik

### Location

County of Dubrovnik-Neretva, Adriatic Coast  
Croatia

### Inscription

1979

### Brief description

The 'Pearl of the Adriatic', situated on the Dalmatian coast, became an important Mediterranean sea-power from the 13<sup>th</sup> century onwards. Although severely damaged by an earthquake in 1667, Dubrovnik managed to preserve its beautiful Gothic, Renaissance and Baroque churches, monasteries, palaces and fountains. Damaged again in the 1990s by armed conflict, it is now the focus of a major restoration programme coordinated by UNESCO.

### Date of ICOMOS approval of this report

14 March 2018

## 2 Issues raised

### Background

The World Heritage property of the Old City of Dubrovnik, comprising an area of 24.7 ha, was inscribed on the World Heritage List in 1979 under criteria (i), (iii) and (iv), initially with no buffer zone.

The boundaries were modified in 1994 when the property was extended to 96.7 ha to include areas outside the city walls: the Pile medieval industrial suburb, the Lovrijenac Fortress, the Lazarets, the Kase moles, the Revelin Fortress, and the island of Lokrum to the south-east of Dubrovnik, some 500 metres from the coast, and a small buffer zone comprising 53.7 ha was established.

Due to serious damage during the Croatian War of Independence (1991-1995), the property was inscribed on the List of World Heritage in Danger from 1991 to 1998.

Despite the 1994 extension, several State of Conservation (SOC) reports and the second cycle Periodic Reporting (2014) indicated the need for extension of the buffer zone

in order to better present the property in its wider setting, including the immediate and important areas that are functionally important to the property, and to effectively provide an added layer of protection to the property from the growing pressures of development and tourism.

After receiving information from civil society, the World Heritage Centre requested that the State Party provide clarification on a large resort project in the vicinity of the World Heritage property, as well as on progress in the regulation of cruise ship tourism. On 28 January 2014, the State Party submitted a SOC report providing details regarding the potential impact on the property's Outstanding Universal Value of cruise ship tourism, as well as on the planned sport and recreation centre with a golf course and tourist village. The State Party reported that the proposed recreational centre would cover an area of protected forest of some 359 ha on the plateau of Mount Srđ and Bosanka, situated directly above the City of Dubrovnik. The proposal included the construction of two golf courses, a sports centre, two hotels, 240 villas, 408 apartments, an amphitheatre, equestrian club, parks, promenades and other facilities. Some of the villas would be constructed at the edge of the escarpment giving them views over the Old City.

At its 38<sup>th</sup> session (Decision 38 COM 7B.25, Doha, 2014), the World Heritage Committee took note of the information submitted by the State Party regarding the large project planned for the plateau of Mount Srđ and Bosanka in the vicinity of the World Heritage property and requested the State Party to provide the project documentation and the respective Heritage Impact Assessment (HIA), in line with Paragraph 172 of the *Operational Guidelines*, before any development works started and any final decision had been taken.

The documents provided by the State Party demonstrated that the large size of the development project could have an irreversible impact on the property's Outstanding Universal Value. The development project would eradicate the clear distinction that has historically existed between the urban complex of Dubrovnik, as a unique creation of medieval architecture and town planning, its landscape and rural environment setting. The analytical documentation annexed to the SOC report provided by the State Party did not assess the proposed development in terms of its potential impacts on the attributes that sustain the Old City of Dubrovnik's Outstanding Universal Value. Given the situation, the World Heritage Committee requested the State Party to invite a joint World Heritage Centre/ICOMOS reactive monitoring mission to assess the current conditions at the property, including the evaluation of potential development impacts and identify options for development proposals in the light of the Outstanding Universal Value of the property (Decision 38 COM 7B.25), especially in regard to the large project planned for the plateau of Mount Srđ and Bosanka.

Following development plans submitted by the State Party to the World Heritage Centre and Decision 38 COM 7B.25, a World Heritage Centre/ICOMOS

reactive monitoring mission took place between 27 October and 1 November 2015. With regards to the boundary issues, the Mission recommended that the State Party consider the development and submission to the World Heritage Centre of a minor boundary modification proposal for an extension of the buffer zone to include the west facing slopes of Mount Srđ, the sea area around the Island of Lokrum and the fortress landscape of the Srđ plateau.

At its 40<sup>th</sup> session (Istanbul, 2016), the World Heritage Committee decided a range of matters, including to endorse the recommendations of the 2015 mission. It also requested the State Party submit to the World Heritage Centre by 1 February 2017 a minor boundary modification proposal with a view to expanding the buffer zone as recommended by the 2015 joint UNESCO/ ICOMOS Reactive Monitoring mission (40 COM 7B.50).

The State Party submitted a minor boundary modification proposal in 2017, which was considered at the subsequent session of the World Heritage Committee. The Committee decided to refer the proposal back to the State Party.

Decision 41 COM 8B.41:

*The World Heritage Committee,*

1. *Having examined Documents WHC/17/41.COM/8B.Add and WHC/17/41.COM/INF.8B1.Add,*

2. *Refers the proposed minor modification to the boundaries of Old City of Dubrovnik, Croatia, back to the State Party in order to allow it to:*

- a) *Explain in detail the methodological framework and rationale for the delineation of the buffer zone, also through cartographic, graphic and photographic documentation, in particular with regard to the protection of the relevant visual links of the inscribed property with the surrounding setting,*
- b) *Clarify how and by when the Management Plan will be finalised and amended so as to include the necessary regulatory and management measures to allow the buffer zone to effectively act as an added layer of protection for the inscribed property,*
- c) *Limit the passage and mooring of boats, ships and yachts (except the passage of small boats transporting the visitors to the Lokrum Island) in the coastal area between the old city and Lokrum Island.*

### **Modification**

The proposed minor modification of boundaries consists of an extension of the buffer zone from the existing 53.7 ha to 1,188.6 ha, while the boundaries of the inscribed property remain unchanged.

According to the State Party, the proposed extended buffer zone is defined partly by administrative boundaries of the city, and partly following the topography of the terrain in order to preserve important views: in the east, the boundary corresponds with the administrative boundary of the city where it rises from the coastline to the Žarkovica peak, then continuing towards the northwest along the ridge of Mount Srđ ending in the River of

Dubrovnik. The boundary then crosses the Gruž bay and continues parallel to the southern coast to the Montovjerna hill, and then descends to the bay of Danče. From there, the boundary continues encompassing waters of the old city and island of Lokrum and it returns to the coast at the Bay Orsula.

The State Party holds that the enlarged buffer zone aims at incorporating surrounding urban and landscape areas, embracing all the inseparable areas attached to the old town, namely: east and west suburbs, the slopes of Mount Srđ and waters in front of the old harbour and the island of Lokrum. The extension of the existing buffer zone is justified by the State Party on the grounds that adding areas of urban and natural landscape as inseparable integral areas will enhance the Outstanding Universal Value of the Old City of Dubrovnik. All of these areas of the proposed new buffer zone complement and highlight the historical functional urban identity and integrity of the property.

In response to Decision 41 COM 8B.41, the State Party provided additional information about the methodological framework and rationale for the buffer zone. Relevant documentation analysed in developing the proposal included a range of mapping, spatial planning documents, analytical studies for the golf project on Mount Srđ, the 2015 mission report, HIA documents and other heritage studies.

The 2015 mission recommended inclusion of the Srđ plateau in the extended buffer zone. The State Party notes that the plateau is not directly visible from the property, and given the outcome of the HIA for the proposed golf course in this area, it considers the plateau should not be included in the proposed buffer zone. None the less, a 50-metre-wide section of the plateau from the hill ridgeline towards the hinterland is included in the proposed buffer zone, which is in line with the World Heritage Committee decision 40 COM 7B.50 item 6, which requested the State Party to “ensure that no construction is to take place within a minimum distance of 50m from the edges of the plateau”.

ICOMOS considers that the general reasons and overall methodology for establishing a buffer zone for the Old City of Dubrovnik have been clearly explained.

None the less, the State Party should be sensitive to the possibility of development outside the buffer zone which may still have an adverse impact on the property, including development on the Srđ plateau and within Bosanka.

According to the State Party, the whole area of the inscribed property together with the proposed buffer zone is currently regulated by spatial planning documents including the General Urban Plan of the City of Dubrovnik. This includes requirements for spatial development, improvement and protection of natural, cultural and historical values. The State Party also advises that after adoption of the proposed buffer zone, a new study

document based on the HIA methodology will be drafted and the urban planning documents will be revised to include provisions for the better preservation of the property.

The proposed buffer zone will also be within the scope of the Management Plan that is currently being developed. The process of preparing the Management Plan for the property started in 2014 and the Institute for Restoration of Dubrovnik has been appointed to co-ordinate the elaboration of the Management Plan. A draft Management Plan should be available by the end of 2018. ICOMOS believes that the prompt finalisation, approval and effective implementation of the Management Plan for the property is of utmost importance as a means of ensuring that the buffer zone is able to provide effective protection for the Outstanding Universal Value of the property.

There are a range of laws that regulate and protect the proposed buffer zone, in addition to the spatial planning documents noted above. Parts of the proposed buffer zone are also listed in the national Cultural Heritage Register. This includes special conservation requirements and approval is required for every intervention in the listed area.

The State Party indicates that protection measures will be recommended in all physical planning documents for the proposed buffer zone. HIA will be obligatory for all significant development that could impact on Outstanding Universal Value.

With regard to tourism development and the regulation of cruising tourism for the city area, a strategy is being prepared in coordination with the Management Plan. After adoption of the proposed buffer zone, legal documents will be introduced to limit the navigation or to prescribe special conditions for navigation in order to protect human lives, coasts, environment and other goods in the maritime area included in the buffer zone.

As previously stated, ICOMOS is of the view that it would be desirable to have legislation which limits, or prohibits, the passage and mooring of boats, ships and yachts (except for the passage of small boats transporting visitors to the island of Lokrum) in the coastal area between the old city and Lokrum island, in accordance with the proposed revision of the boundaries by extension of the buffer zone.

ICOMOS considers the protection of the Outstanding Universal Value of the property will be enhanced through inclusion of the historically and naturally significant context of the city beyond its walls, including the Bay of Gruž, and that the proposed buffer zone appears to be satisfactory. None the less, complete protection of the property will require finalisation of an effective Management Plan, tourism strategy and maritime navigation regulations, all of which should be submitted to the World Heritage Committee for consideration.

### 3 ICOMOS Recommendations

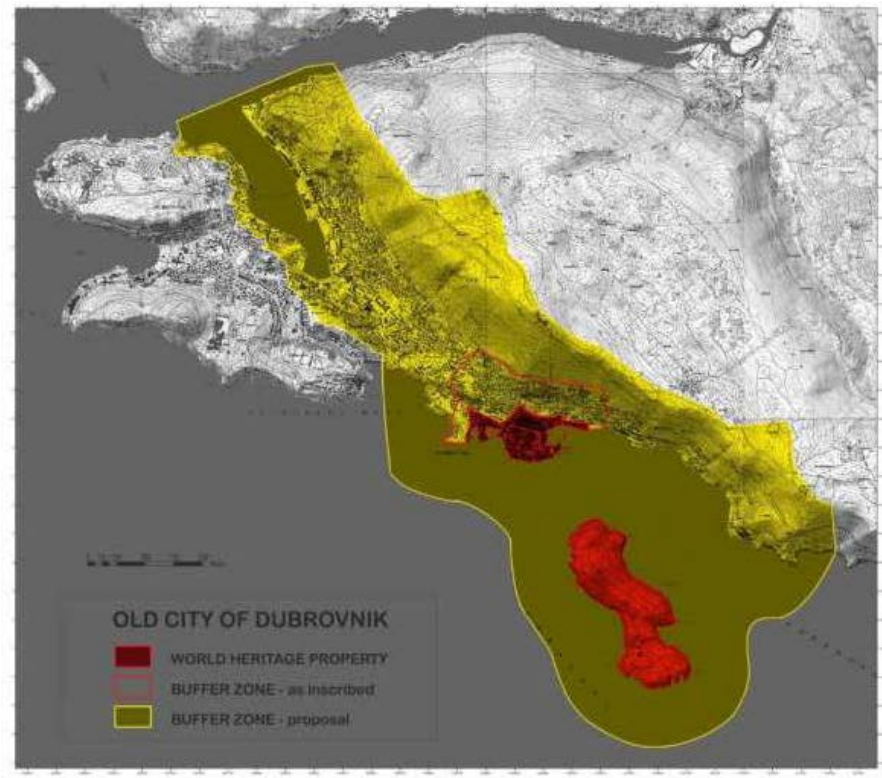
#### Recommendation with respect to inscription

ICOMOS recommends that the proposed buffer zone for the Old City of Dubrovnik, Croatia, be **approved**.

#### Additional recommendations

ICOMOS further recommends that the State Party give consideration to the following points:

- a) Taking into account the fact that development outside the buffer zone may still have an adverse impact on the property, including development on the Srđ plateau and within Bosanka, consistent with paragraph 112 of the *Operational Guidelines*,
- b) Finalising, approving and implementing the Management Plan for the property to ensure that the buffer zone is able to provide effective protection for the Outstanding Universal Value of the property,
- c) Introducing legislation which limits, or prohibits, the passage and mooring of boats, ships and yachts (except for the passage of small boats transporting visitors to the island of Lokrum) in the coastal area between the old city and Lokrum island, in accordance with the proposed revision of the boundaries of the buffer zone,
- d) Submit the Management Plan, tourism strategy and maritime navigation regulations, when available, to the World Heritage Centre for consideration.



Map showing the revised boundaries of the buffer zone



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# Mont-Saint-Michel (France) No 80ter

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## 1 Basic data

### State Party

France

### Name of property

Mont-Saint-Michel and its Bay

### Location

Department of Manche,  
Region of Basse-Normandie  
France

### Inscription

1979

### Brief description

Perched on a rocky islet in the midst of vast sandbanks exposed to powerful tides between Normandy and Brittany stand the 'Wonder of the West', a Gothic-style Benedictine abbey dedicated to the archangel St Michael, and the village that grew up in the shadow of its great walls. Built between the 11<sup>th</sup> and 16<sup>th</sup> centuries, the abbey is a technical and artistic tour de force, having had to adapt to the problems posed by this unique natural site.

### Date of ICOMOS approval of this report

14 March 2018

## 2 Issues raised

### Background

The property was inscribed in 1979 without a defined boundary or buffer zone.

As a follow up to the Retrospective Inventory of this property made by the World Heritage Centre, the State Party provided a boundary clarification in 2006, which was approved by the World Heritage Committee in its decision 30 COM 11A.2. It indicated then that the property was a serial property of two components and covers an area of 6,650 ha, divided into 6,505 hectares for Mont-Saint-Michel and its Bay and 45 hectares for the second component Mill Moudrey.

In 2007, the State Party submitted a boundary modification request to formally establish a buffer zone. The 57,510 hectares buffer zone was approved by the World Heritage Committee decision (31 COM 8B.68), with its boundaries mostly following the extensions of the concerned municipality boundaries but did not take into

consideration the view perspectives and axes of and to the property.

In 2010, challenges occurred in form of wind park projects approved outside the buffer zone, yet found to negatively impact the attributes of Outstanding Universal Value. This led to further view corridor and sight relation studies and towards the formal establishment of "area of landscape influence" of Mont-Saint-Michel and a wind turbine exclusion zone outside the formally designated buffer zone. The proposal of an extended buffer zone covering both areas was already integrated in the finalization process of a site management plan in 2014. The minor boundary modification request presented now, seeks to officially acknowledge this enlarged protection zone at the international level.

### Modification

The extension request concerns exclusively modifications to the buffer zone while the property area remains unchanged. The overall area of the buffer zone will be enlarged from previously 57,510 hectares to now 191,858 hectares. The modification is presented for both marine and terrestrial areas, which will be described separately below.

The marine buffer zone extension includes areas to the north and west of the existing buffer zone and also newly encompasses the islands of the archipelago of Chausey. This marine extension aims at covering the entire marine surface visible from Mont-Saint-Michel and its Bay as well as the islands of Chausey, which are equally visible from the property. The buffer zone extension connects to the formerly designated buffer zone limits at the Pointe du Roc near Granville in the north and the Pointe du Grouin near Cancale in the west.

The terrestrial buffer zone is requested to be significantly extended while some comparatively smaller previously designated areas are now excluded. This buffer zone is defined according to sight relationships both from and to Mont-Saint-Michel, paying special attention also to coastal towns which have historical ties to Mont-Saint-Michel and the main areas of the bay protected under the Ramsar Convention, even if visibility is not the prime determinant. In this context it is suggested to also include the historic centre of Dol-de-Bretagne, the *mare de Bouillon* in Jullouville and parts of the *marais de Saint Coulban*.

Smaller areas which were previously within the buffer zone, have now become excluded. This concerns smaller areas east of St. Michel des Loups, south of Roz-sur-Couesnon and south of St-Broladre and west of St-Meloir-des-Ondes and St-Jouan. Based on the extensive view and sight relation studies undertaken, these areas were proven to have neither historic nor sight relations to and from the property and due to their relative distance do not contribute to the protection of the Outstanding Universal Value.

Based on the lately promulgated state legislation on freedom of expressions, architecture and heritage of 7 July 2016, all municipalities in the bay area have been encouraged to have all of their involved territories recognized as remarkable heritage resources (SPR). Several communities have already implemented such recognition, while others are still in progress. The new maritime extension covers the territories of two Natura 2000 sites, established for the protection and conservation of bird habitats, the Habitat of Birds area (FR2500071) and Bay of Mont-Saint-Michel (FR2510048). The area also includes a wetland of international importance recognized under the Ramsar Convention (FR012 of 1994).

In conclusion, ICOMOS considers that the proposed modifications to the buffer zone will contribute to maintaining the Outstanding Universal Value of Mont-Saint-Michel and its Bay and will have a positive impact on its integrity and protection.

### **3 ICOMOS Recommendations**

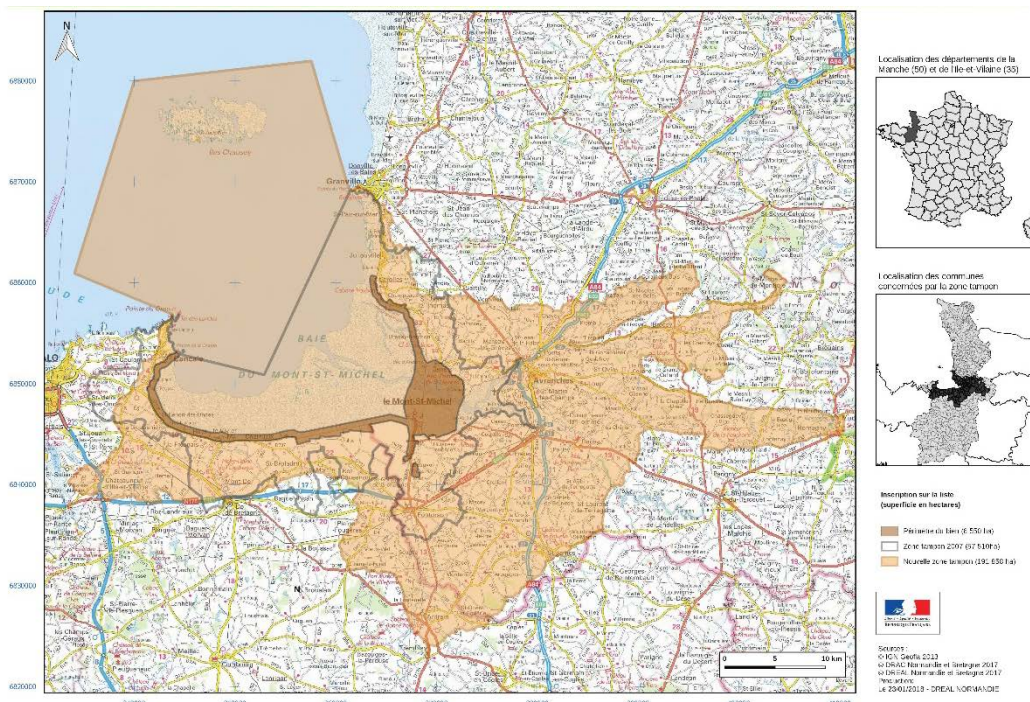
#### **Recommendation with respect to inscription**

ICOMOS recommends that the proposed buffer zone for Mont-Saint-Michel and its Bay, France, **be approved**.

#### **Additional recommendations**

ICOMOS further recommends that the State Party give consideration to the following points:

- a) Completing the designation of relevant municipal territories as remarkable heritage resources,
- b) Submitting the Management Plan, when available, to the World Heritage Centre for consideration.



Map showing the revised boundaries of the buffer zone





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# Aquilea (Italy) No 875ter

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## 1 Basic data

### State Party

Italy

### Name of property

Archaeological Area and Patriarchal Basilica of Aquilea

### Location

Province of Udine  
Friuli-Venezia Giulia Region  
Italy

### Inscription

1998

### Brief description

Aquilea (in Friuli-Venezia Giulia), one of the largest and wealthiest cities of the Early Roman Empire, was destroyed by Attila in the mid-5<sup>th</sup> century. Most of it still lies unexcavated beneath the fields, and as such it constitutes the greatest archaeological reserve of its kind. The patriarchal basilica, an outstanding building with an exceptional mosaic pavement, played a key role in the evangelization of a large region of central Europe.

### Date of ICOMOS approval of this report

14 March 2018

## 2 Issues raised

### Background

The property Archaeological Area and the Patriarchal Basilica of Aquilea was inscribed in 1998 under criteria (iii), (iv) and (vi). It was inscribed with an approximate boundary hand drawn on a cadastral map and without buffer zone. ICOMOS in its evaluation report at the time recommended a buffer zone should be created.

Following the Retrospective Inventory in which the State Party was requested to provide the size of the property and resubmit a clarified map, the World Heritage Committee adopted by decision 32 COM 8D the clarification of the area of the property at its 32<sup>th</sup> session in 2008.

At its 40<sup>th</sup> session in 2016, the World Heritage Committee adopted a Retrospective Statement of Outstanding Universal Value for the property in its decision 40 COM 8E.

The present boundary was adopted following a prior minor boundary modification request by the 41<sup>st</sup> session of the World Heritage Committee in 2017 (decision 41 COM 8B.45). This boundary modification included the Sepolcreto (necropolis) of the Roman city of Aquilea in the property. The modification therefore added an area of 0.11 hectares which was previously just outside the boundaries. The overall size of the property in result measures at 155.41 hectares. The property remains without buffer zone.

### Modification

When accepting the minor boundary modification in its decision 41 COM 8B.45, the World Heritage Committee recommended to the State Party to consider creating a buffer zone. This minor boundary modification request can be seen as the response to this request in that it proposes the creation of a buffer zone for the property.

The proposed buffer zone encompasses an area of 245.09 hectares, which surrounds the property to all sides. It is drawn based on different existing systems of legal and managerial protection, including the municipal master plan, ministerial constraints and legislative decrees in force. The buffer zone is intended to create on this basis an officially recognized limit with the purpose of additional protection of the World Heritage Site. Its boundary is defined by natural features and legal and well as administrative borders, including a river and streets, property extensions and municipal boundaries.

Most of the buffer zone provides additional protection to the property by means of its designation as land restricted to agricultural use, which prevents any kind of architectural or infrastructural development. This designation has been formalized for the long-term with the proposed buffer zone definition. The buffer zone further contains private lands around the property, which have been identified as having high archaeological potential and which are therefore protected from any kind of development without explicit approval of the cultural heritage authorities as well as by means of article 26 of the Municipal Master Plan (PRGC), which relates to road corridors, rivers and burial grounds.

The buffer zone proposed was included in the final version of the management plan for the property, which was officially approved by the Council of the Municipality of Aquilea on 28 November 2017.

A small area in the south-west of the property comprises parts of a residential neighbourhood of small houses, minor productive/artisanal areas and an occasional public building. This has been included to provide adequate protection of views and sight lines from and to the property.

In conclusion, ICOMOS considers that the proposed buffer zone contributes to maintaining the Outstanding Universal Value of Aquilea and will have a positive impact on its integrity and protection.

### **3 ICOMOS Recommendations**

#### **Recommendation with respect to inscription**

ICOMOS recommends that the proposed buffer zone for the Archaeological Area and Patriarchal Basilica of Aquileia, Italy, **be approved**.



Map showing the proposed buffer zone



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# Kiev: Saint-Sophia Cathedral Kiev-Pechersk Lavra (Ukraine) No 527ter

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## 1 Basic data

### State Party

Ukraine

### Name of property

Kiev: Saint-Sophia Cathedral and Related Monastic Buildings, Kiev-Pechersk Lavra

### Location

Kiev  
Ukraine

### Inscription

1990

### Brief description

Designed to rival Hagia Sophia in Constantinople, Kiev's Saint-Sophia Cathedral symbolizes the 'new Constantinople', capital of the Christian principality of Kiev, which was created in the 11<sup>th</sup> century in a region evangelized after the baptism of St Vladimir in 988. The spiritual and intellectual influence of Kiev-Pechersk Lavra contributed to the spread of Orthodox thought and the Orthodox faith in the Russian world from the 17<sup>th</sup> to the 19<sup>th</sup> century.

### Date of ICOMOS approval of this report

14 March 2018

## 2 Issues raised

### Background

The property Kiev: Saint-Sophia Cathedral and Related Monastic Buildings, Kiev-Pechersk Lavra was inscribed on the World Heritage List in 1990 on the basis of criteria (i), (ii), (iii) and (iv). This is a serial property with three components. At the time of inscription, no buffer zone was defined.

In 2005, the World Heritage Committee approved a minor modification which defined the buffer zone (Decision 29 COM 8B.56). At the time, the Committee also welcomed the State Party proposal to further examine the choice of the eastern boundary of the buffer zone for the Saint-Sophia component and the existing quality and condition of the urban fabric of central Kiev both inside and outside the buffer zone.

The World Heritage Committee noted the provision of clearer mapping of the property in response to the Retrospective Inventory in 2008 (Decision 32 COM 8D).

Also in 2008, the State Party sought a minor boundary modification related to an extension for two churches. The World Heritage Committee considered the proposal was not a minor modification, and recommended the State Party be invited to submit a full nomination for the proposed extension (Decision 32 COM 8B.68).

In 2009, the World Heritage Committee considered a State of Conservation report arising from a reactive monitoring mission related to the property. The Committee recommended extending the eastern boundary of the buffer zone of the Saint-Sophia site to include Maidant Nezalejnosti Square as an important part of the urban structure (Decision 33 COM 7B.125).

In 2010, the Committee considered an extension of the property to include two churches, and decided to defer the examination, partly in relation to proposed boundary and buffer zone issues (Decision 34 COM 8B.36).

In 2012, the Committee considered a revised extension of the property to include the two churches. The Committee decided to defer the examination, partly in relation to proposed boundary and buffer zone issues (Decision 36 COM 8B.41).

A retrospective Statement of Outstanding Universal Value was adopted by the World Heritage Committee in 2014 (Decision 38 COM 8E).

The property has been the subject of many State of Conservation reports since inscription, regarding protection and management issues, and sometimes including boundary and buffer zone issues. In March 2017 a joint World Heritage Centre/ICOMOS Reactive Monitoring mission was undertaken, the conclusions and recommendations of which were reported to the Committee in 2017 (41 COM 7B.Add). As a result, a further State of Conservation report has been requested from the State Party by 1 December 2018 (Decision 41 COM 7B.53).

### Modification

The State Party proposes the extension of the two buffer zones which include the three components of the property. The major reason for the extensions is to provide greater protection for the components contributing to the Outstanding Universal Value by including additional landscapes and historic urban areas or features which currently provide an enhanced historical or otherwise sympathetic context for the property, or which are important to control to ensure a future sympathetic context.

The research and design documentation for the proposed extensions were developed by the Ukrainian State Research and Design Institute "UkrNDIproektrestavratsiy".

In the case of the Saint-Sophia Cathedral component, the extension of the buffer zone includes more of the landscape and city planning complex of the historical centre of the city, with substantial extensions to the north and south-east.

The extension of the south-eastern boundary of the buffer zone to include Khreshchatyk Street and Independence Square, important parts of the urban environment, takes account of the World Heritage Committee recommendations in Decisions 33 COM 7.B.125 (paragraph 7) and 34 COM 7B.103 (paragraph 8).

In addition, some adjustments, minor increases and reductions, have been made to the buffer zone to accord with the boundaries of existing land plots, which will improve management.

ICOMOS considers that, while the proposed buffer zone is an improvement, it is not fully satisfactory. Further changes should be made such that:

- the boundary does not run down the line of roads, but runs behind the first row of buildings on the other side of the road; and
- the boundary is changed to reduce or eliminate the large indented section of the buffer zone on the north-west side.

In the case of the Kiev-Pechersk Lavra component, the extension of the buffer zone includes:

- the territory of the Kyiv fortress citadel;
- an area with historical urban buildings of the second half of the 19<sup>th</sup> to the middle of 20<sup>th</sup> centuries; and
- part of the territory of landscape and historical monuments of local importance – “Historical landscape of Kyivan Hills and Dnieper River valley”.

This results in substantial extensions to the east, south and west.

ICOMOS considers that, while the proposed buffer zone for this component is an improvement, it is also not fully satisfactory. Further changes should be made:

- extending the buffer zone north along the river edge to a point adjacent to the northern tip of the current buffer zone; and
- extending the buffer zone on the western side one more block and including territory bounded by Moskovska Street, Tsydalena Street and back to Leiptyszka Street.

Previous mission reports, as recent as 2017, have made the recommendation to create a single buffer zone for the property. ICOMOS is strongly of the view that a single buffer zone should be adopted to provide a satisfactory level of protection for the property.

The State Party notes that improvement of the protected status and usage regimes of the extended buffer zones are aimed at preventing harmful development in the historical architectural environment, preservation of traditional heights, preventing destructive changes in the hydrogeological regime, protecting the visual corridors of the ensemble of Saint Sophia and Kyiv-Pechersk Lavra, and thus preserving the Outstanding Universal Value.

The area changes of the buffer zones are: Saint-Sophia Cathedral component increases from 111.81 ha to 147.55 ha; and Kiev-Pechersk Lavra component increases from 108.34 ha to 209.38 ha. The overall buffer zone area increases from 220.15 ha to 356.93 ha.

ICOMOS considers that the extension of the buffer zones appears to be an improvement but it is not yet satisfactory for the purpose of protecting the Outstanding Universal Value of the property.

In relation to management, a special mode of use is applied to the buffer zones. This ensures preservation of the traditional environment and prevents negative impacts resulting from town planning changes.

None the less, it is noted the World Heritage Committee has requested the State Party provide an updated report by 1 December 2018 on the state of conservation of the property and the implementation of a range of matters related to protection and management of the property and buffer zone (Decision 41 COM 7B.53). This follows the 2017 a joint World Heritage Centre/ICOMOS Reactive Monitoring mission.

Under the Law of Ukraine ‘On Cultural Heritage Protection’ (2000), all town planning changes within the buffer zones can be conducted with the approval of the Ministry of Culture of Ukraine, a central executive body in the field of cultural heritage protection.

The buffer zones are approved by the Ministry of Culture of Ukraine under the Law of Ukraine ‘On Cultural Heritage Protection’. The protection regime corresponds to this Law and the requirements of international agreements on the preservation of immovable cultural heritage. The boundaries are plotted on various town planning documentation, including the City Master Plan, which also addresses land use and establishes development restrictions.

ICOMOS also notes the need to consider possible impacts on the property, which might arise outside any buffer zones, consistent with paragraph 112 of the *Operational Guidelines*.

It is also worth recalling that several of the other recommendations and immediate measures detailed in the 2017 joint World Heritage Centre/ICOMOS Reactive Monitoring mission relate to the buffer zones. Recommendation 5 relates to amending the Cultural Heritage Act to seek to introduce a new legal definition of buffer zone, which allows for different levels and regimes

of protection in a buffer zone. This recommendation also seeks a single buffer zone after such an amendment.

Immediate measure 4 relates to a legal ban on the implementation of existing permits for all constructions in the buffer zones and their vicinity, until all potential projects are evaluated through comprehensive Heritage Impact Assessment. Immediate measure 5 relates to documenting and reviewing all issued permits for construction in the buffer zones and their vicinity, in order to evaluate possible impacts on the Outstanding Universal Value. Immediate measure 6 relates to imposing a proactive evaluation of possible impacts on the property, buffer zones and river landscape for all potential development projects, prior to issuing any permits.

ICOMOS considers the proposed modifications to the buffer zones are an improvement but they are not yet satisfactory in terms of providing protection for the Outstanding Universal Value of the property and its management.

### 3 ICOMOS Recommendations

#### Recommendation with respect to inscription

ICOMOS recommends that the examination of the proposed buffer zone for Kiev: Saint-Sophia Cathedral and Related Monastic Buildings, Kiev-Pechersk Lavra, Ukraine, be **referred back** to the State Party in order to allow it to:

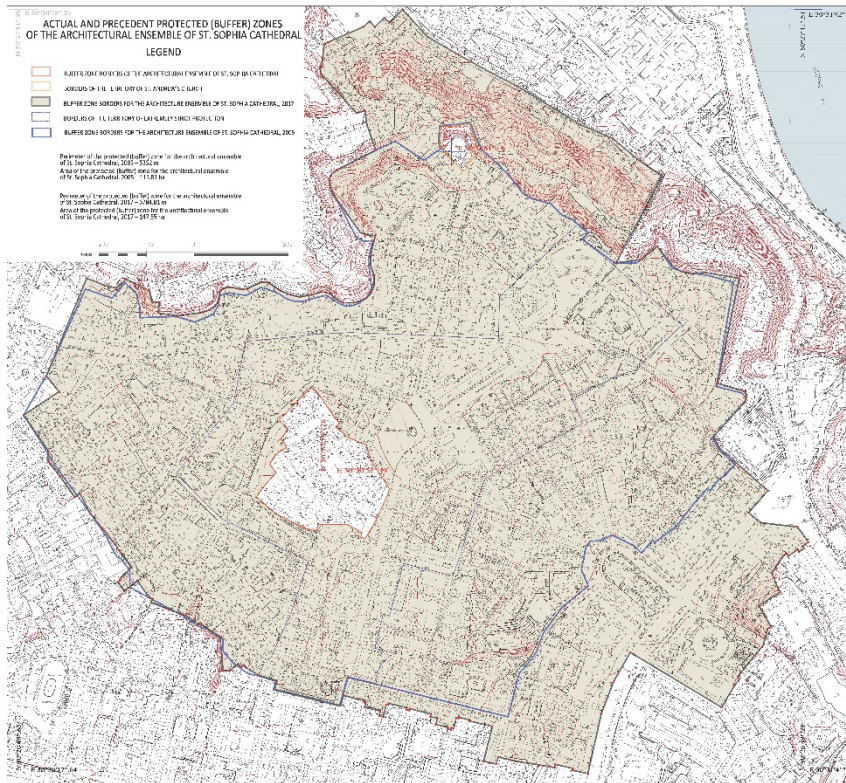
- a) Consider creating a single buffer zone for the property surrounding all components,
- b) In the case of the Saint-Sophia Cathedral component, amend the proposed buffer zone in order to:
  - o Ensure that the boundary is running behind the first row of buildings on the other side of the road,
  - o Reduce or eliminate the large indented section of the buffer zone on the north-west side.
- c) In the case of the Kiev-Pechersk Lavra component, amend the proposed buffer zone in order to extend it:
  - o north along the river edge to a point adjacent to the northern tip of the current buffer zone,
  - o on the western side one more block and including territory bounded by Moskovska Street, Tsydalena Street and back to Leiptyszka Street.
- d) Implement the recommendations of the 2017 joint World Heritage Centre/ICOMOS Reactive Monitoring mission and Decision 41 COM 7B.53 of the World Heritage Committee relevant to the legal protection and management mechanisms of the buffer zone.

#### Additional recommendations

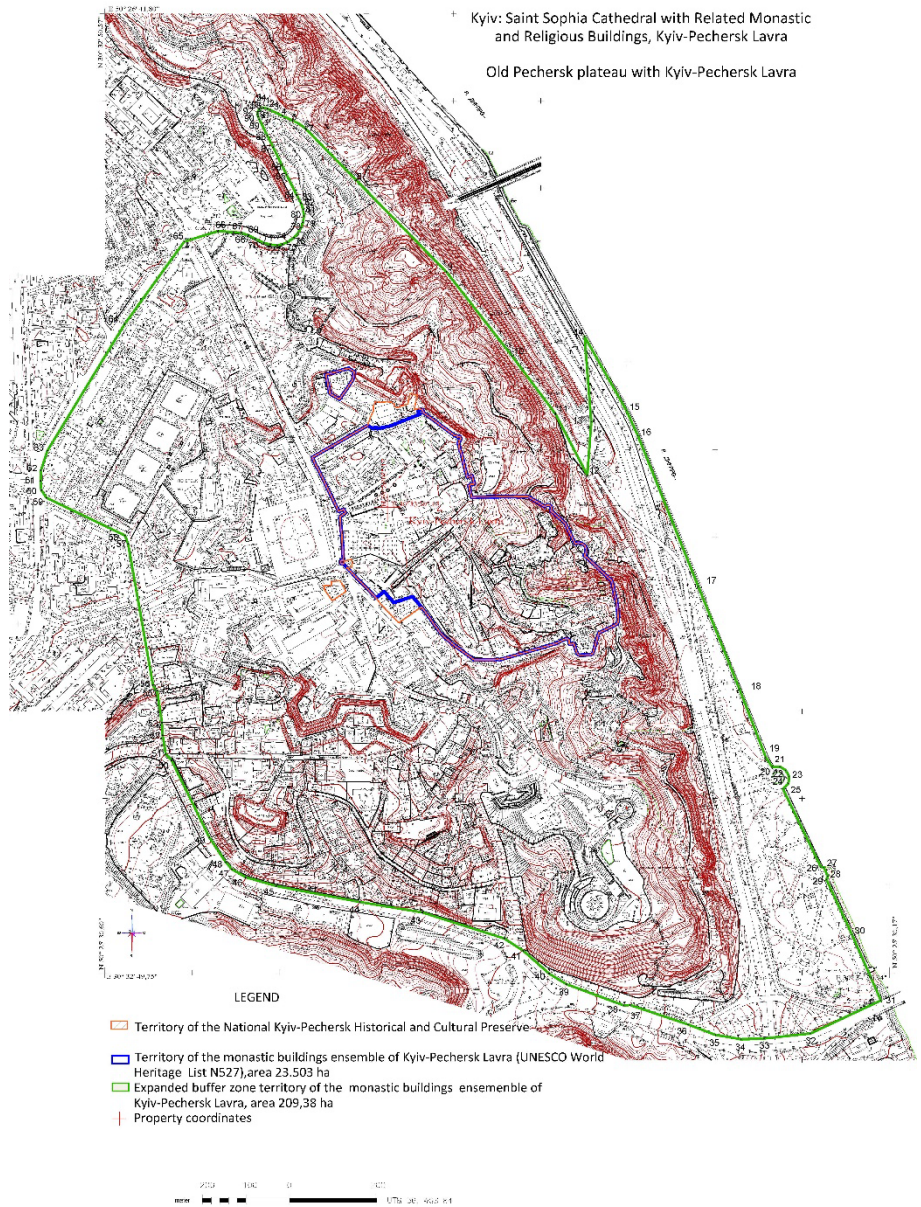
ICOMOS recommends that the State Party gives consideration to the following:

- e) Noting possible impacts on the property, which might arise outside the buffer zones, consistent with paragraph 112 of the *Operational Guidelines* and ensuring that legal protection and management mechanisms are available to regulate changes and development outside the buffer zone to ensure no adverse impact on the visual integrity of the property.





Map showing the proposed buffer zone for the Saint Sophia Cathedral component



Map showing the proposed buffer zone for the Monastic Buildings and the ensemble of Kyiv-Pechersk Lavra component