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# MANAGEMENT OF UNESCO WORLD HERITAGE PROPERTIES IN POLAND – SELECTED ISSUES

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Academic editor: Bogusław Szmygin

Polish National Committee of the International Council on Monuments  
and Sites ICOMOS

Lublin University of Technology

Warsaw 2015

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## FOREWORD

For a number of years, monument protection involved imposing technical requirements aiming to protect elements of historical significance of properties and sites. Historic monuments used to be perceived as closed forms. It was therefore considered that contemporary works carried out in properties and sites of historical significance lower their value. As a result, attempts were made to reduce their number and make their effects easily noticeable. Conservation officers were not responsible for contemporary use of historic monuments and sites. Moreover, stakeholders' opinions were less important than the ones submitted by experts. Historic monuments used to belong more to the past than to the present. Expenses incurred for monument protection used to be considered an expensive consumption instead of investment. At the same time, historic monuments and sites were perceived as an area of culture instead of economy.

The contemporary perspective is different – almost in any of the aforementioned aspects. Nowadays, heritage is understood more broadly and, consequently, the number of elements considered heritage is increasing. As a result, only a part of them can be treated as properties of special status (museified). Majority of them must be, however, adapted to current economic, cultural, use, tourist, and technical requirements. Works carried out in historic monuments and on historic sites, i.e. modernization, adaptation, and development works, have therefore become increasingly invasive and their scope is determined by the increasing number of stakeholders.

The change in the way of dealing with heritage concerns a majority of properties. It is not only the historical value which is decisive in determining the scope of works aimed to adapt a property or site to contemporary uses but also the nature and scale of the asset. Complex properties and sites of considerable size serving different purposes, e.g. historic cities, cultural landscapes, cultural routes, must be treated as living heritage, which needs to be adapted to current technical, use, and functional standards. Due to this, even heritage assets of superior status, e.g. UNESCO World Heritage, need to be transformed in some ways.

As a result, specialists responsible for heritage preservation and maintenance are faced with new challenges. Heritage protection needs to involve undertaking a vast array of actions – not only the ones directly relating to conservation. Contemporary heritage protection requires establishing a management system covering technical, planning, social, financial, transportation, infrastructural, organizational aspects, etc. Conservation-related problems are therefore only a part of issues to be solved by heritage managers.

A new responsibility, i.e. heritage management, is a considerable challenge posed to conservation officers. Their narrow background in this field, however, does not allow them to undertake



these actions – they demonstrate only basic organizational, financial, legal, and social skills. In practice, heritage management needs to go beyond conservation offices. Additionally, the number of managers needs to be increased. It is therefore local government authorities to have the vastest array of heritage management tools available.

Problems relating to heritage management are particularly visible with regards to historic monuments inscribed on the UNESCO World Heritage List.

In order for a property to be inscribed on the UNESCO World Heritage List, this property must have attributes which convey or express OUV (*Outstanding Universal Value – OUV*). At the same time, the property being investigated must meet conditions of *authenticity* and *integrity*. OUV is precisely identified, evaluated, and documented in a multi-level nomination process. As a result, it is possible to conduct monitoring in World Heritage system on a regular basis (*Periodical Report, Reactive Monitoring*). This enables factors affecting properties (including threats) to be considered, analyzed, and internationally presented. What is defined in the World Heritage system is the subject of protection, factors producing threatening impact on properties, and consequences of this impact. In other words, it can be evaluated to what extent heritage can be protected.

World Heritage monitoring has proven that even assets inscribed on the UNESCO World Heritage List are dynamic. Various types of transformation, adaptation, and modernization works are being conducted – and they need to be undertaken. Due to this, even the protection of World Heritage assets is not limited exclusively to conservation works but it becomes a change management process, which, with regards to these assets, should be focused on the main objective, i.e. preservation of *outstanding universal value*.

Comparing the need for protecting the value of properties inscribed on the UNESCO World Heritage List to their necessity in the current world resulted in the fact that one of the main problems in World Heritage system involves implementation of appropriate management forms. Providing properties with a proper management plan and/or system is therefore given such careful attention.

There are fourteen Polish properties inscribed on the UNESCO World Heritage List. These assets differ from each other in terms of elements of historical significance and protection conditions. Each property is provided with management systems based on ownership rights. In practice, however, it turns out (Periodic Reporting) that each management system can be improved. In order to do it, Management Plans need to be developed in the first place.

The World Heritage Committee has not introduced any binding Management Plan templates. Although there is a considerable number of publications on how to develop such plans, e.g. in *Operational Guidelines*, managers may use them at their own discretion. This means that there is some space for developing Management Plan models, which can be common for specific heritage and typology groups. This operation is perfectly sensible since it is irrational and ineffective for managers of specific properties to develop Management Plans individually. They should be therefore provided with Management Plan templates which they will be able to adapt not only to their needs but also to the condition of properties they are responsible for.

ICOMOS is an official consulting organization supporting members of the World Heritage Committee in carrying out a considerable number of actions. This cooperation resulted in ICOMOS representatives acquiring competences in protecting and managing World Heritage assets (cultural properties in particular). ICOMOS should therefore provide support in solving problems occurring in the World Heritage system.

Polish National Committee of the International Council on Monuments and Sites ICOMOS has been continuously supporting the World Heritage movement for a number of years. Taking the current challenges into consideration, members of the Polish National Committee of the International Council on Monuments and Sites ICOMOS cooperated in 2010 with representatives

of Norwegian National Committee of ICOMOS. This collaboration aimed at developing strategies for assessing values of World Heritage assets. These strategies were based on defining 'value attributes' and it was necessary to carry out this project in order to develop property Management Plan successfully. Project outcomes are presented in *Wyjątkowa uniwersalna wartość a monitoring dóbr Światowego Dziedzictwa* (Warsaw, 2011).

The strategy applied to assess OUV has provided a basis for another research project aiming to develop a model Management Plan for dealing with World Heritage cultural properties. As this model needs to cover all elements required in World Heritage systems, it was assumed that it should be, at least to some extent, universal. It will be based on experience and practices of the aforementioned groups and, therefore, the specific nature of properties and cities of historical significance will be taken into consideration.

The works conducted as part of the project provided basis for two publications which complement each other; *Światowe Dziedzictwo UNESCO w Polsce – charakterystyka systemu, uwarunkowania, metodologia analizy, zarządzanie* and *Wybrane zagadnienia zarządzania dobrami UNESCO w Polsce*.

The aim of *Światowe Dziedzictwo UNESCO w Polsce – charakterystyka systemu, uwarunkowania, metodologia analizy* is to present the World Heritage System as a specific context, which defines methods for dealing with any property inscribed on the UNESCO World Heritage List. This context is therefore necessary to understand the Management Plan model, which is also discussed in this book.

*Wybrane zagadnienia zarządzania dobrami UNESCO w Polsce*, however, includes articles written either by highly-experienced experts in World Heritage management or by specialists dealing with issues of great importance to this field. What is covered in this publication are legal and financial aspects, planning, participation, and monitoring-related matters, factors affecting properties, 'action plans', as well as the contemporary approach to heritage in the light of the Recommendation on the Historic Urban Landscape. This book is therefore a selection of aspects which are almost always present in heritage management. I trust that this publication will be helpful in developing Management Plans and improving World Heritage Management systems. In broader perspective, however, they will provide support in managing and protecting other heritage assets.

**Bogusław Szmygin**



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# STAKEHOLDERS IN PROCESSES APPLIED IN MANAGING PROPERTIES INSCRIBED ON THE UNESCO WORLD HERITAGE LIST

Krystyna Pawłowska

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## 1. SUBJECT DESCRIPTION

### 1.1. Assumptions

What is discussed in this chapter is participation of stakeholders in processes applied in management of properties inscribed on the UNESCO World Heritage List. These properties differ from each other in a number of respects. Managing them, therefore, differs as well. For detailed analysis, two groups of properties have been chosen, i.e. urban ensembles of historical significance and temples. There are four ensembles of this kind in Poland: Cracow, Warsaw, Zamość and Toruń, as well as three collective inscriptions of temples: wooden churches in Southern Lesser Poland, wooden Orthodox churches in the Carpathian Mountains and Peace Churches, i.e. 16 properties altogether. Differences in managing urban ensembles of historical significance and single properties are obvious. Certainly, more differences can be found in each of these two groups, although every single case has its own characteristics. Undoubtedly, managing parts of cities is more complicated, yet it does not mean that it is easy to manage ecclesiastical properties. The aforementioned properties have been adapted to sightseeing. In all temples, Masses are still celebrated: Roman Catholic Churches (Binarowa, Blizne, Dębno, Haczów, Lipnica Murowana, Sękowa, Smolnik, Powroźnik, Kwiatów, Brunary Wyżne), Greek Catholic Churches (Chotyńiec), Greek and Roman Catholic Church (Owczary) Orthodox Church (Tutrząński), and Evangelical Churches (Jawor, Świdnica). The only exception is Radruż, where a museum has been opened. Originally, some of them served as temples of other denominations and this fact is important for analysing stakeholders.

We can deduce from this diversification that the management model and, consequently, the range of stakeholders and principles of participation in it, must be **adapted to specificity of each case**.

Management of properties inscribed on the UNESCO List is strictly regulated neither by the Polish nor international provisions of law. According to Operational Guidelines for the Implementation of the World Heritage Convention, management through participatory means is preferred due to the necessity to cooperate with stakeholders. This model is not well-known in Poland and is rarely put into practice. As a matter of fact, property managers frequently demonstrate only superficial knowledge, basic skills and insufficient experience in this area. Moreover, they often fail to realize that management through participatory means is a new and different quality, which will result in the necessity to improve knowledge as well as invest more funds and time. In the beginning it should be therefore stated that analysing the problem of stakeholders, social stakeholders in particular, should be based on **management through participatory means**.

It is worth emphasising that the discussion on establishing **special institutions** that would be responsible for managing properties and ensembles inscribed on the List is not held in this article. The attempt to formulate proposals for amending the binding provisions of law is not made either.

The publication is compliant with the existing laws and administrative system. It does not, however, mean that there is no need to initiate such a discussion and introduce appropriate amendments in the future.

## 1.2. Stakeholders – who are they?



**Pic. 1.** Tourists in Kalwaria Zebrzydowska  
*Collage: K. Pawłowska*

The term **stakeholders** refers to people, groups, institutions, and organisations whose needs, life, and interests can be affected by making specific decisions. Stakeholders, therefore have the right to express their opinion and participate in the decision making process, in compliance with the democratic principle “**nothing about us without us.**” Although there is no such an obligation, this principle can be confirmed by applying specific provisions of law, It is based on fundamental principles of democracy. With regards to properties inscribed on the UNESCO List, the general subject matter is to preserve properties and make them available to visitors. The detailed subject matter, however, involves each activity relating to the main aim.

The Polish term **interesariusze** used in management derives from an English word **stakeholders**. The need for coining a new word resulted from the fact that there had been no word in the Polish language which would have appropriate connotations attached. A stakeholder, therefore, should not be confused with:

- an interested person, because some stakeholders may not express their interest in the subject matter despite being entitled to do it. They may be also unaware of the subject matter;
- an actor (definition used metaphorically in management), because an actor undertakes activities in relation to the subject matter, whereas a stakeholder does not have to do it;
- a shareholder, because a shareholder may not be economically related to the subject matter, unlike a shareholder;
- a person who is authorised to participation under specific provisions of law.

*Interesariusze* often means a small group of people, e.g. those being actively interested. As the relation of a stakeholder with the subject matter may change at any moment from passive to active, this fact may cause, and it frequently does, a number of disputes. This situation often happens when changes relating to the subject matter collide with interests of the formerly passive stakeholder. For example, an owner of a building located near a church of historical significance is a stakeholder in the process of managing this church. Such owners may be indifferent about what happens to the property and may not be aware that they have the right to express their opinions about the property, e.g. when tourists visiting the property begin to park their cars on stakeholder's meadow. In such a situation, a stakeholder becomes interested and active.

The term *stakeholders* refers both to currently active individuals **showing interest in a property or site** and those **who are currently indifferent and passive** but may become interested and active at any moment.

For different kinds of stakeholders, the right to express opinions and participate in decision-making processes is different in terms of the range and quality of this right. To some extent, it has been specified in the provisions of law. Unfortunately, these provisions are detailed exclusively in specific cases. The most relevant provisions have been provided for **legal stakeholders**. These include:

- Authorities making decisions on the subject matter;
- Experts developing draft solutions;
- Property owners and managers responsible for the condition of the property;
- Neighbours to a property
- Investors financing activities relating to the subject matter.

Not only is their participation in projects defined in details in the form of specific procedures, but it is also supported by participants' professional skills and experience.

The rest of them, hereinafter referred to as **social stakeholders**, are also specified in the provisions of law, yet inaccurately. It is difficult to deny this fact, particularly because the acts provide such definitions as:

- *everyone*;
- *public discussion*;
- *public consultation*;
- *public information*.

The provisions do not provide any indication on how to apply these definitions in practice. As a result, nobody is excluded. The form of participation, however, can be freely interpreted, so that it practically does not provide bases for undertaking actions even for those who try to do it legally. It is a perfect situation for manipulating and pretending to work. What is also a problem is the lack of skills and traditions relating to organisation of social participation.

In fact, social stakeholders consist of inhabitants, users, visitors, local communities, and non-government organisations. Although they can refer to the democratic principle **nothing about us without us** and to the aforementioned general definitions, it is usually not enough to get the opportunity for exercising their rights. What poses a serious problem is the fact that property managers who are excessively afraid of negative reactions do not ask stakeholders for opinions.

This situation can be analysed also from the social stakeholders' point of view. Usually they have no expert knowledge about the matters in question. Although they can recognise and express their need, they rarely understand complex relations resulting in reaching solutions. A significant part of the society takes rather critical attitude to changes, even when the changes are beneficial or even essential. Users' opinions and requirements cannot therefore exert influence on decisions, especially because even in a small group, people have different opinions. This principle should

be clear for both parties. An opinion survey or invitation to discussion **does not guarantee that the requirements will be satisfied**. By indicating that even stakeholders who enjoy similar rights express different opinions it may be possible to decrease the level of fear of “terror” spread by protesters.

The important thing is that it is the authorities, not the society, who are responsible for the decisions made. Social participation should not therefore involve undertaking activities at the beck and call of stakeholders. It is better to ask the stakeholders about their opinions before the making the final decision. Those who make decisions are responsible for the arising consequences as they will be unable to delegate this responsibility to social stakeholders. At the same time, however, they should be aware of long-term social effects resulting from these decisions. Decisions approved by society will develop trust and disapproved decisions will fuel mistrust which will obstruct the decision-making process in the future.

## **2. THE SIGNIFICANCE OF SOCIAL PARTICIPATION IN MANAGING PROPERTIES INSCRIBED ON THE UNESCO LIST**

### **2.1. Why management through participatory means?**

General reasoning supported by a democratic principle is usually insufficient for those who have to broaden their knowledge and implement the model of management through participatory means. It is, therefore, recommended to know potential benefits received from participation. These benefits include:

1. using stakeholders' practical knowledge;
2. using stakeholders' inspiration and ideas;
3. explaining property manager's plans to all partners;
4. identifying adverse intends and prevention of conflicts;
5. finding allies to the game with opponents;
6. getting to know the reaction of stakeholders to solutions proposed by the property manager;
7. developing better solutions by cooperating with stakeholders;
8. gaining acceptance for the property manager's solutions by creating belief that stakeholders co-decide in the decision making process;
9. finding partners in implementing plans;
10. educating novice stakeholders;
11. gaining trust needed in the current and future projects between the manager and the stakeholders.

As practice shows, the possibility to prevent conflicts is the most convincing argument for skeptics (point 4). Social conflicts ruin multiple plans in land management. This also relates to protection of cultural heritage.

It is natural that conflicts occur in a society. They become dangerous if nobody tries to manage them rationally or when these attempts are taken **too late**. Conflicts usually tend to escalate – with time, subject-related reasons overlap with the emotional ones and this makes a conflict even bit-terer. Sometimes, the subject-related reason is either insignificant or ostensible, but the dynamics of conflict development is fueled exclusively by psychological reasons. Therefore, the earlier we start to manage a conflict, the higher a chance we have to solve the problem successfully. Knowledge about a potential conflict enables the causes to be neutralised before a conflict occurs. The worst scenario is when a conflict occurs after making the most important decisions. It would be naive to expect a relaxed attitude during a discussion started then. In order not to lose prestige and waste money, time, and efforts, the one who made a decision will defend their

position at any cost. The opponents are frustrated with ignoring their opinion, irrespective of being right or wrong. The knowledge about a potential conflict is therefore invaluable.

“The original sin” of negligence entails other sins. Conflicts settled after making a decision often move from a subject-related ground to **a legal one**. Parties try to prove that the opponent has broken the law. It is not possible to find subject-related solutions in this situation. Then, even a minor breach of law can be a decisive factor in winning a case by a party that is wrong. It seems that the only important thing is whether the undertaking is legal or not. It is not, however, enough if the solution is legal; it must be also appropriate. Creative cooperation, in-depth and useful discussion, and negotiations on controversial issues are reasonable only before initiating the decision-making processes.

The subsequent problem in solving conflicts is that property managers usually consider the action of convincing protesters a public consultation. It should be clearly emphasised that the **protesters are not unequivocal to the society**. Frequently, protesters may be in fact stakeholders, but they involve just a small group as compared to all interested parties. Protesters are sometimes supported by a larger group of people. It also happens that particularly aggressive people, who are not entitled to speak, demand for the same right which all interested parties have. They are the most difficult discussion partners. It is therefore important that authentic stakeholders and people of different worldviews participate in a discussion. Only then there will be a chance that the group will consist of better partners for discussions and supporters of a protested solution.

Additionally, it is difficult to reach an agreement if a discussion with a society is **provoked by a conflict**, instead of being an initiative of a property manager. In these circumstances, the manager is forced to accept either imposed or random conditions which are, not infrequently, unfavourable. It makes it difficult to control the discussion and reach an agreement through planned and professionally organised social participation. Organisers of imposed participation are often unaware that the scenario could be different. They believe there is no other method than coercion for coercion. They would have greater possibilities for solving problems if they had undertaken the initiative in the right time and had reasonably planned the participation process.

Civilisation-related and cultural changes, which make the model not only beneficial but also essential, include other arguments for management through participatory means.

What is opposite to management through participatory means is a model which, in the decision-making processes, focuses only on legal stakeholders. Social stakeholders are informed about decisions after they have been made. This increases a risk of conflicts difficult to settle. This model has been applied for a long time. It was successfully used in the past, when people who did not have to be informed about decisions had poor access to information. At present, however, access to information about decision-making processes has been extended in a number of fields. The most important, however, is the fact that access to information is significantly easier now, owing to the change in the way people communicate. **In the age of the Internet**, it is almost impossible to hide decision-making processes from the public and, as a result, from stakeholders. At the same time, owing to the Internet, it is now much simpler to organise protests. We should therefore either learn how to cooperate with social stakeholders or take into account that the number of conflicts increases. Using the Internet, however, not only implies open communication but it also facilitates social participation. Methods of on-line participation include providing information to stakeholders, conducting opinion surveys, presenting plans, and discussing projects. All these aforementioned methods are simpler and cheaper than the traditional, i.e. the off-line ones.

The **policy of financing projects is an** argument for the participation model or, more precisely, it is a specific form of pressure for applying the model. According to the policy, participation must be taken in projects into account. The policy has been adopted by a number of European and international institutions. The participation policy has been mentioned also in international conventions and this influences national laws in various countries, including Poland. The legal or financial



pressure which is not supported by appropriate **professional management training**, however, is not always successful. Imposed participation may be ostensible and this may result in compromising the idea, instead of promoting it.

## 2.2. Structure of the stakeholder circle

Depending on the specificity of the subject matter, the stakeholder circle, i.e. community of all stakeholders, may include several or more people, be more or less homogeneous and, as a result, easier or more difficult to be identified. In case of properties inscribed on the UNESCO List, urban ensembles of historical significance in particular, the stakeholder circle is large and difficult to be determined. Although the management through participatory means suggests establishing communication with as many stakeholders as possible, it is impossible to cooperate with everybody in case of the said properties and ensembles. It is therefore recommended to analyse the structure of the stakeholder circle so as not to exclude the most important stakeholders. Stakeholders' relations to the subject matter may be of different character. Analysis of the diversity enables stakeholder community to be identified. As a result, it is possible to select those stakeholders who are eager to cooperate in specific conditions.

Different aspects of the structure of the stakeholder circle include (examples provided in the table below):

1. the reason for which the relation to the subject matter occurs;
2. the role the stakeholder plays in the decision-making process;
3. the scope of the demonstrated interests and needs;
4. the extent to which a stakeholder accepts management objectives;
5. the strength of the relationship to the subject matter;
6. frequency of a stakeholder getting in touch;
7. the degree of difficulty and cooperation costs.

If each of the aforementioned categories is considered a larger or smaller circle of stakeholders that "moves around the subject matter" in different distances and different layers, it turns out that the circles cross in a number of places. In other words, a single stakeholder may be a member of a couple of circles at the same time.

The following example presents stakeholders belonging to the aforementioned categories:

	Stakeholders		Examples
1.	Related to the subject matter on the following basis:		
	a.	legal	Property owners, public authorities
	b.	spatial	Inhabitants of an area inscribed on the UNESCO List and its buffer zone – neighbours
	c.	functional	Users of inscribed properties, tourists
	d.	cultural	Connoisseurs of the protected values
	e.	economic	Tourism service providers: tour organisers, restaurateurs, shop owners
	f.	emotional	Enthusiasts of the protected values, people related to history of a site, inhabitants settled for several generations
	g.	professional	Experts of the preserved values, conservators, designers

2.	Who:		
	a.	make decisions	Regional and City Conservators of Monuments and Sites, public authorities adopting spatial management plans
	b.	prepare projects	Conservators of monuments and sites, architects, planners
	c.	are responsible for the state of properties	Owners
	d.	finance activities	Public and private investors
	e.	use the objects	Users and tourists
3.	Represent interests and needs		
	a.	single	Individuals
	b.	collective	Non-government organisations of enthusiasts
	c.	social	Local communities
	d.	public	The World Heritage Committee
4.	Who, in relation to the subject matter, take the approach:		
	a.	of supporters	Enthusiasts of the protected properties
	b.	indifferent	Passive in terms of changes which pose threat to properties
	c.	of opponents	Initiators of changes which pose threat to properties
5.	Who are in direct contact:		
	a.	every day	Inhabitants, employees
	b.	often	Visitors
	c.	occasional	Tourists
6.	Who are:		
	a.	in a strong relation to the subject matter	Property owners, enthusiasts, and inhabitants settled for several generations
	c.	in a weak relation to the subject matter	Everyone, humanity
7.	Stakeholders		
	a.	who are easy to cooperate with	Users, visitors, neighbours, and enthusiasts
	c.	who are difficult to cooperate with	Everyone, humanity, large communities, e.g. the whole nation, opponents of protection

Presumably, most of the aforementioned examples do not need to be explained. The only ones that need to be made clear are *humanity* and *everyone* provided for under 6 and 7. The List of World Heritage includes a selection of properties of such great values that the international community consider them heritage of all humanity. They are protected **on behalf of humanity**

and, hence, each human being may be related to these properties. As a result, damage to these properties may affect each human being. Logically, *everyone* defines the same, i.e. the widest circle of stakeholders, even though it has been provided in the Polish *Spatial Planning and Land Development Act* due to a different reason. The Act contains provisions focused on heritage protection in particular, because spatial planning should be an important element of protection.

Despite the fact that properties inscribed on the UNESCO List are protected on behalf of all humanity, it is impossible for the entire humanity to directly participate in the management process. There are, however, indirect means, i.e. through representatives, for example the UNESCO World and National Committee, as well as tourists visiting properties owing to the rank the property has on the List.

### 3. ACTIVITY METHODOLOGY

#### 3.1. How to make a list of stakeholders?

In order to cooperate with stakeholders, a list of them should be prepared by a property manager. Legal provisions are important, although this input material is insufficient. It is possible to compile a list of legal stakeholders on the basis of appropriate acts. Legal provisions are, however, insufficient for compiling a list of social stakeholders.

Individuals and groups that would like to speak but are unable to find a sufficient legal basis for their demands may refer to constitution, international conventions, human rights, and even moral law. In practice, however, this basis is not strong enough. Also, the basis is not sufficient for making a list of stakeholders.

In the provisions of law it has been clearly and in details specified that legal stakeholders may participate in planning and investment processes. These stakeholders include: property owners, neighbours to investment sites, appropriate representatives of public authorities, consultative bodies, etc. It has been specified in the provisions not only when and who, but also how to take part in the processes and what consequences of this participation should be.

With regards to social stakeholders, their access to cooperation has been defined in a general way. Although appropriate acts provide access to participation, they do not specify what the participation should look like, what quantities should be taken into account and how the participation effects should influence the decisions. Is it therefore possible to consider, the draft of the spatial management plan consulted with the society if: nobody submitted a proposal to the plan; plans comprehensible only to experts were demonstrated during a discussion; a public discussion took place, but nobody took care of its results and, as a matter of fact, only protesters participated in the discussion. Actually, it was not even a participation, but appearances thereof which occur due to negligence, lack of skills or deliberate manipulation. Despite this, these appearances are believed to meet legal conditions and this approach to participation is widely applied in Poland.

It is additionally worth mentioning that participation is not an obligation. As a result, if a citizen knows about such a possibility but they do not want to take part in it, they do not have to do it. Lack of response is of high importance in specific situations. In the event of a stakeholder refusing to participate in a discussion, it is considered that this stakeholder grants tacit approval for making decisions in which his/her opinion is not taken into account. In this case, however, it becomes difficult for the stakeholder to speak or protest in subsequent stages of project implementation, e.g. after the decision has been made. This argumentation frequently fails to stop protesters. Authorities are therefore forced to discuss the plans in difficult conditions. Property managers should be interested in provoking strong responses; in order to react in time, they should know in advance that stakeholders are not interested in participating in the discussion.

In conclusion it should be stated that although provisions of law alone are insufficient for making a list of stakeholders, they may be found exceptionally useful in this process.

An experienced property manager who compiles the list usually applies other useful input material. What is included in the material is a list of individuals and institutions that already cooperate with the manager. Their names are usually provided in the address list used in the management process currently being applied. A part of these contacts is directly related to current applicable law; others happen to be essential or useful in practice. This supplementary material is good, yet it should not be considered a list of stakeholders. The list should be verified in order to delete positions which do not match the definition of the term 'stakeholder'. It is more important, however, to complete this list. What is usually not provided in the list are not only passive stakeholders but also the ones who are not directly related to the subject matter. It is, however, necessary to put them on the list because they may be a source of not only new benefits or cooperation areas, but also unknown conflicts of interests which are good to know before any issue arises.

Preparation of a new list or its completion should involve analysing the structure of the stakeholder circle and looking for stakeholders who might be assigned to other categories. What should be determined after conducting the analysis is the factor ensuring its completeness. When is the work is completed? Guarantee of completion does not exist. Firstly, stakeholders can be ordered on the list in different ways, e.g. in new categories. Secondly, a specific category may be incomplete. A basic set may be obtained through analysing the structure. Afterwards, the set can be completed in the management process.

Is it essential to complete the list? Although the list should be complete, this requirement is not obligatory. A social participation is not a referendum in which the list completeness is essential.

What has been provided below are some pieces of advice and warnings against mistakes which may be made while preparing the list, e.g.

1. Stakeholders whose presence results from the nature of a property should be taken into account. For instance, with regards to the Old Town in Warsaw, who falls under the category of stakeholders are individuals actively participating in the process of restoring Warsaw; with regards to the Orthodox church in Tużańsk – the Orthodox people; with regards to the concentration camp in Auschwitz-Birkenau – the camp prisoners, including the Jewish community.
2. Special attention should be paid to people and groups that may cause conflicts due to their relation to the subject matter. They should not be omitted so that participation would prevent conflicts.
3. Relations resulting from past events should not be forgotten, i.e. people who used to own or live in historic monuments and sites or followers who originally owned a temple which now serves other functions.
4. A proportional balance in discussion of people and groups of different worldviews should be maintained.
5. Groups which function in a non-formalised way should not be omitted, e.g. on-line groups of enthusiasts.

At the end it should be emphasised that once a list is prepared, it should never be closed. It should be verified and completed during the management process. In case of properties and sites inscribed on the UNESCO List, the number of stakeholders is usually considerable. As a result, only these stakeholders should be selected who can cooperate. The costs of cooperation are usually the key factor. Each participation form (information, opinion survey, presentations, workshops, discussions, negotiations and mediations) must entail specific costs which are usually higher than property managers' expectations. Costs usually limit the scope of research and make managers select a specific group of stakeholders. They should be selected according to the objective of a participatory project.

A list of candidates for a group of stakeholders of a temple inscribed on the UNESCO List consists of:

1. A parish priest and other priests who work at the parish to which a church inscribed on the List belongs;
2. Parishioners;
3. Other people who work at the parish (organist, sexton);
4. Parish priests of other parishes with churches inscribed on the List;
5. A bishop and other representatives of the church hierarchy;
6. Secular religious organisations formed at the church inscribed on the List;
7. Commune inhabitants;
8. Neighbours to a church inscribed on the List;
9. A commune head, village administrator, commune council;
10. An institution, in particular a department responsible for spatial planning and protection of monuments and sites;
11. Local authorities;
12. Descendants of deceased people important for the history of a church or commune;
13. A director and employees of education institutions operating on commune's territory;
14. Headmasters and teachers of schools on commune's territory;
15. A chief fire officer and employees of a fire brigade;
16. A forest inspector and employees of a forest inspectorate;
17. A management board of protected areas (e.g. landscape parks) if a church is located on the territories the board is responsible for;
18. Local non-government organisations;
19. Local groups of activities;
20. Local entrepreneurs;
21. District Administrator Office, departments responsible for culture, building industry, and spatial planning in particular;
22. Province Governor's Office, departments responsible for culture, building industry, and spatial planning in particular;
23. The Regional Conservation Officer;
24. The Marshal Office, departments responsible for culture and national heritage in particular;
25. Local members of parliaments and senators;
26. The Ministry of Culture and National Heritage;
27. The UNESCO World Heritage Committee;
28. Polish National Commission for UNESCO;
29. National Heritage Board of Poland;
30. ICOMOS Poland;
31. Non-government organisations (associations, foundations) of enthusiasts of monuments and sites and other institutions supporting them;
32. Tourists;
33. Local and regional travel agencies;
34. Tourism service providers: hotel owners, restaurateurs, souvenir sellers;
35. Regional chamber of tourism;

36. Conservators, architects, and planners relating to conservation and protection of a church in the past;
37. Past sponsors;
38. Potential sponsors.

A more detailed list of candidates for an urban ensemble of historical significance exceeds this book in size.

### **3.2. Program of stakeholders' participation in the management processes**

The process of managing single properties, e.g. temples, differs a lot from management of a city part, in particular if the part involves a city centre. Due to the lack of any specific management institutions it should be assumed that it is a parish priest who manages a temple (or a museum director in case of the Orthodox church in Radruż) and a city municipality cooperating with an independent regional conservation officer in case of an urban ensemble of historical significance.

It is more difficult and complicated to manage urban ensembles of historical significance than to manage single properties. Spatial planning should be a fundamental tool used for protecting cultural values of an old town as an urban ensemble. If development strategies determine the policy of city authorities adopted towards values, they may be included in the tool. Projects relating to smaller ensembles or single properties protected due to the fact that they have been entered into the Polish register of historic monuments and sites are implemented within the protected area. In terms of management difficulties, they may be compared to the Catholic and Orthodox churches inscribed on the UNESCO List.

With regards to ensembles and properties, a clearly determined scope of management belongs to Regional Conservators of Monuments and Sites, who are government administration bodies and are therefore independent from city authorities. In a number of cities, e.g. Cracow, Warsaw, Toruń, and Zamość, Municipal Conservation Officers with a various scope of authorisations have been appointed.

Despite the fact that Marshal offices are not legally obliged to be active in that area, they somehow tend to influence protection of properties and ensembles inscribed on the UNESCO List. Sometimes, they allocate funds for protection of properties, but they do not make key decisions.

Participation of legal stakeholders in the management processes is determined by law. Participation of social stakeholders is formulated in a general way. As management through participatory means has been adopted in this case, it is necessary to present how it is to be implemented in practice.

Social stakeholders participation programme has been present below.

Social participation applied may bring real benefits, provided that it is implemented in the management process in the right way and time. A basic model of relations between implementation of a specific plan or project and participation has been presented below. The projects or plans involve e.g. building construction or adaptation, spatial planning, security and protection plans, draft of changes to building availability to tourists, etc.

Specific logical connections have to be preserved between phases of implementing the project and participation stages. Otherwise, the implementation of a project may be unsuccessful. The principle should be obeyed regardless of the kind of a project.

Each project may be divided into the following stages:

- I. Programming
- II. Planning
- III. Making decisions
- IV. Implementing

Legal stakeholders perform or participate in these tasks.

Participation should consist of the following phases:

1. Providing stakeholders with information
2. Recognising stakeholders' needs
3. Presenting and explaining the project to stakeholders
4. Negotiating
5. Stakeholders participating in project implementation.

Both legal and social stakeholders participate in these phases, although under different conditions. Legal stakeholders provide information, organise surveys, present projects, participate in discussions and negotiations, and organise voluntary work.

Social stakeholders, however, receive information and explanations, respond to surveys, participate in discussions and negotiations, and undertake voluntary works.

Relations and results of the aforementioned phases have been presented in the table below.

<b>Results of project implementation stages and participation phases</b>	
Project preparation and implementation stages	Participation phases
Programming	Providing stakeholders with information
	Conducting an opinion survey and understanding the needs
Planning	
	Presenting and explaining a project
	Discussing a project
	Negotiating
Making decisions	
Implementing	Possibility to participate in the implementation process

Participation should start at the end of programming (I), when a property manager exactly knows what his project looks like. He should compile a list of stakeholders relating to the subject matter and provide them with information about the project in an effective way (1).

Subsequently, stakeholders' needs need to be understood. Sometimes, the circle of stakeholders is so narrow that it is possible to carry out a representative survey. For financial and organisational reasons, however, the scope of research needs to be limited. In this case, it is important to select key stakeholders and the most appropriate research method.

A property manager should consider research results a list of proposals and recommendations. In the event of the manager making experts or planners responsible for the subject matter, the research results should be provided for them so that they would be able to apply the results in the draft project (II). If it is impossible to satisfy stakeholders' needs, the manager should be prepared for negotiating and offering them a compensation. If it is, however, possible to satisfy stakeholders' needs, it is recommended to prepare several versions of a project.

The ready-made project or plan should be presented and explained to stakeholders (3). An effective explanation is of utmost importance. If stakeholders are presented with several versions to choose from, it gives an impression that their opinions are taken into account.

Sometimes, the subsequent phase, i.e. discussion about a project (4) results in the project being accepted by the society, which enables decisions to be made (III) by appropriate authorities.

Any controversial issues arising should be negotiated. Although it frequently happens in practice, it is important to not mix the 3<sup>rd</sup>, 4<sup>th</sup>, and the 5<sup>th</sup> phases with each other. It may result in a mess because of the discussion becoming inconclusive or, in the worst-case scenario, it may bring about a conflict.

If, as a result of conclusions following from a discussion or negotiations, it is necessary to change the project, the planning stage (IIa) needs to be restarted and, consequently, phases 3a, 4a, and sometimes 5a need to be repeated.

<b>Results of project implementation stages and participation phases</b>	
Project preparation and implementation stages	Participation phases
Programming	Providing stakeholders with information
	Conducting an opinion survey and understanding the needs
Planning	
	Presenting and explaining a project
	Discussing a project
	Negotiating
IIa. Amendments to the project	3a. A re-given presentation
	4a. A re-held discussion
	5a. Re-conducted negotiations
Making decisions	
Implementing	Possibility to participate in the implementation process

In this way, both parties aim to change the project so that they would finally accept and implement it. What is provided in participation methods applied in countries with mature democracy, e.g. in the USA, are multiple returns to planning, presenting, discussing and negotiating.

Volunteers may be employed to implement some projects, e.g. clearing up an area, setting up greenery around a historic monument or a site, helping tourists, etc. In these cases, the implementation stage (IV) may involve active participation of stakeholders (6). It strengthens relationships between the society and a place, which, as a result, becomes 'domestic'. It also fosters human relationships relating not only to common protesting, but also mutual useful creativity.

Due to this kind of participation, it should be possible to achieve social acceptance for a majority of projects. It may happen, however, that controversial issues will stay unsettled. Nevertheless, a decision must be made. The authorities must consider what is more important: implementing a project despite stakeholders' complaints or resigning from implementing it. This decision leads to long-term effects which affect not only a specific matter, but also the level of trust to authorities and to the society.

What is needed to implement the aforementioned plan is time, social communication skills, and money. It is not possible to settle difficult issues by organising only one discussion between the authorities and inhabitants, and, in case of failure, blaming the society. It should be emphasised that the costs of solving conflicts occurring at the implementation stage are high in any respect.



Not only a programme but also participation tools and methods required to implement the aforementioned phases (see chapter 3) are described in greater details in *Zanim wybuchnie konflikt: Idea i metody partycypacji społecznej w ochronie krajobrazu i kształtowaniu przestrzeni. [Before a conflict occurs: The idea and methods of social participation in landscape protection and spatial planning].*

### 3.3. Participation tools and methods

What has not been described in details in this article is a number of social participation forms applied in subsequent phases of this participation. This paper provides general information about specific methods and tools which will encourage individuals to master their social communication skills. These methods have been verified in real land management projects.

What can be indicated is the number of false assumptions and mistakes made by unprepared people, particularly by those who do not realise that they have been poorly prepared. It should be emphasised that instead of being regarded as a breach of law, mistakes will be considered defects in a participation programme when compared with the completed programme. It is not legally required to implement the programme. Additionally, fulfillment of legal obligations does not guarantee that participation will be authentic and successful.

#### Phase 1 – Providing information to stakeholders



**Pic. 2** A poster with a mirror inviting to workshops



**Pic. 3.** Project workshops in Niepołomice.  
*Photo: K. Pawłowska*

The objective of the first phase involves a manager informing stakeholders about the intend to implement a specific project. In the beginning, it is necessary to compile an appropriate list of stakeholders. The subsequent step involves selecting the right methods of providing information that would result in reaching maximum audience. Moreover, the information should encourage individuals to participate in the current and subsequent participation stages. Sample methods include:

- Providing information in places which stakeholders visit for different reasons, e.g. shops, bus stops;
- Providing information in places where people have time to read or have nothing to do, e.g. in a waiting room in a clinic;
- Providing information during an attractive event, celebration, etc.;

- Making a request to a local authority for giving support in providing information;
- Adopting the *word-of-mouth* method;
- Providing information during being engaged in obligatory activities, e.g. at school or work;
- Applying strategies used in advertising and marketing, e.g. catchy slogans;
- Using social networks.

There are restricted forms of providing information which are imposed by law and which may be classified to this participation stage (see chapter 4), e.g. providing information about plan development or providing plot neighbours with information about decisions concerning the project. These forms are, however, insufficient for considering participation authentic and full.

The most frequent mistakes include:

- Providing information to extremely narrow stakeholder circle, e.g. exclusively to those who, according to law, have to be informed or those who protest;
- Stakeholders fail to be informed at the right time;
- An ineffective form of providing information is applied;
- The selected form fails to encourage individuals to participate in subsequent participation stages;
- The fact that information has been provided is sufficient for organisers. They do not care if the information actually reaches stakeholders.

## Phase 2 – Analysing opinions and stakeholders' needs



**Pic. 4.** Analysing opinions and needs with traditional methods



**Pic. 5.** On-line opinion analysis  
*Photo: K. Pawłowska*

The objective of the second phase is to analyse attitude that stakeholders adopt towards a project – their opinions and needs. In the best-case scenario, all stakeholders should be taken into account either in a direct way or in groups of representatives. For different reasons, including the financial ones, it is not always possible. In that case, the research scope is limited, which does not mean it is pointless. In reality, not all research objectives, e.g. obtaining project information or information about potential conflicts need to be fully represented.

In case of a restricted research scope, it is of utmost importance to select representatives of different attitudes, i.e. the ones who are *for* and *against*. Additionally, it is important to select appropriate methods to be applied in each research objective.

After conducting the research, it is essential to analyse its results appropriately so that they would serve the objective we want to achieve.

Research methods applied in practice in the analysed groups have been presented below.

	<b>Methods</b>	<b>Examples of analysed groups of people</b>
1.	Press survey	Readers
2.	Mail or phone survey	Municipality or commune inhabitants;
3.	Random survey	Students at classes Parents attending parent meetings Institution employees at work Visitors and permanent users of a specific site NGO members attending meetings
4.	Distributed survey	Inhabitants Entrepreneurs involved in a site Institution employees involved in a site Service providers, e.g. shop owners, restaurateurs, hotel owners
5.	Survey completed by an interviewer	Tourists and hikers People participating in events Seniors The disabled
6.	Observational studies	Site users
7.	Individual interview	Mayor Parish priest District police officer Event organiser Senior – a local storyteller Forest inspector NGO director
8.	Focus group interview	Councilors NGO members Parish council
9.	Drawing and modeling	Preschoolers Learners of primary and secondary schools Users of services aimed at young adults, e.g. cultural centres Members of youth organisations
10	Brainstorming	Scouts Members of artist associations Commune cultural elite
11.	Project workshops	Inhabitants Regular clubbers School students
12	Internet surveys	Users of Internet social network

Research methods with various research objectives have been presented below:

	<b>Methods</b>	<b>appropriate for objective</b>	<b>inappropriate for objective</b>	
1.	SURVEYS	press	Information Project version selection	Gaining inspiration
2.		mail or telephone	Gaining opinions from a considerable number of people	Improving a project
3.		random	Recognising users' needs	Reasons behind a specific opinion
4.		distributed	Incentive for interest	Gaining inspiration
5.		filled out by an interview	Understanding the needs and improving knowledge	Improving a project
6.	Individual interview	Conflict identification	Obtaining statistical data derived from opinion analysis	
7.	Focus group interview	Building up trust	Obtaining statistical data derived from opinion analysis	
8.	Observational studies	Gaining knowledge of the designed site	Comparing opinions passed by society with the ones voiced by experts	
9.	Drawing and modelling	Gaining inspiration	Identifying conflicts	
10.	Internet surveys	Gaining inspiration Gaining allies	Obtaining statistical data deriving from analysis of opinions voiced by a large population representative group	
11.	Brainstorming	Gaining inspiration	Obtaining knowledge of a specific site	
12.	Project workshops	Improving a project. Broadening knowledge.	Obtaining statistical data derived from opinion analysis	

What may be considered a part or a substitute for pre-project research is submitting applications to the land use plan or the local zoning plan, which are mandatory elements in planning procedures.

The most frequent mistakes include:

- Excessively narrow scope of research in terms of the number of studied and applied research methods;
- Treating a survey as the only research form and applying it regardless of the characteristics of the studied methods and research objectives;
- Inappropriately prepared and unchecked surveys;
- Interviewing without outlines;
- Inappropriate choice of stakeholders to be examined which results in favouring stakeholders of specific worldviews;
- Inappropriately analysed research data;
- Treating research as art for art's sake with no intend to use its outcome.

### Phase 3 – Presenting and explaining a project



**Pic. 6.** Presentation for tourism organisers  
*Photo: K. Pawłowska*



**Pic. 7.** Public presentation of results of workshops organized for children in open air

The objective of this stage is to present stakeholders with a draft project or an intend plan. Similarly to the first stage, it is not enough for stakeholders to have access to information. The information should reach its audience in an understandable form.

It is a sender who is responsible for effective communication, because it is the only person who can choose the way in which the information is passed so that it would be understandable to its receiver. If they fail to care about it, they should not be surprised that their message has not been understood. Public authorities and designers who send unclear messages are therefore responsible for the lack of agreement. It is necessary to:

- display texts and pictures understandable to stakeholders;
- encourage stakeholders to become familiar with all the material provided;
- explain the merit in an effective way, so that just a regular disagreement would not provoke a conflict;
- if possible – present two or more versions of projects to be chosen;

Presenting a land use plan or a local zoning plan is a form of presentation imposed by law as a part of planning procedures. It must be, however, free from mistakes in order to serve its purpose. These mistakes include:

- inviting stakeholders unsuccessfully or manipulating them deliberately manipulate in order to decrease the number of stakeholders and, as a result, eliminating possible problems;
- incomprehensible information passed by experts to laymen;
- authorities and designers being unable to communicate with stakeholders successfully, i.e. confrontation instead of persuasion.

### Phase 4 – Public discussion



**Pic. 8.** Public discussion in a municipal building  
*Photo: K. Pawłowska*

The aim of this participation phase is to exchange opinions about a project between site managers and both legal and social stakeholders. This exchange should take place before the final decision is made. The intention to take discussion results into account in subsequent stages of a project should be guaranteed. In the best-case scenario, the discussion may result in all stakeholders accepting site manager's plans. Additionally, the project may be changed so that it would meet stakeholders' needs and be accepted by them. Finally, a discrepancy and controversial issues protocol may be prepared in order to be discussed during the subsequent stage of participation.

Public discussions are indispensable in planning procedures. Nonetheless, they frequently omit to bring about expected effects. Another kind of discussion is a spontaneously organized 'meeting' with inhabitants, e.g. in the event of a protest. These meetings are usually prepared and led in a wrong way. Moreover, from the very beginning, their organisers intend not to use the discussion results at all. They only want to make protesters accept their proposals. In this case, an agreement cannot be reached, conflicts become more violent, organisers doubt if participation is effective and blame social stakeholders for the failure. We frequently believe too passionately that our strength, goodwill or self-confidence will be sufficient for our idea to be accepted. Public discussions, including the ones imposed by law, are often pointless or even harmful.

A number of fundamental principles which make it easier to organise a discussion have been presented below.

<b>Fundamental recommendations and mistakes for organisers of a public discussion</b>		
	YES	NO
On the initiative of	site managers, public authorities	due to conflicts
In order to...	achieve an agreement	Fulfilling legal conditions or extortion of acceptance
When...	before a decision has been made	after the decision has been made
With...	an intend to make use of the results	no intention to use the results
Preceded by...	relevant and useful information	coupled with explaining subject-related disagreements
Theme...	Subject-related, i.e. solutions	Exclusively legal and conflicts only
Subject...	Selected topics	All topics at the same time
Participants...	Stakeholders of different worldviews	Protesters or random stakeholders only
The number of participants	Possible to determine by organisers	Random
Duration...	As much as needed to reach agreement	Limited time
Led by...	Moderator – mediator	Representative of one party or a sensation-thirsty 'journalist'
Form...	Well prepared, e.g. workshops	Spontaneous 'public argument'

**Phase 5 – Negotiations**







**Pic. 9.** Negotiations  
*Photo: K. Pawłowska*

It is widely believed that the aim of negotiations is to win or compromise. A negotiator is considered a ruthless player manipulating people. Both stereotypes are rarely and only partially true. In fact, negotiation is a communication process aimed to achieve an agreement, which does not necessarily mean a compromise. A negotiator is not always ‘a player with a poker face,’ but also someone who can change a sworn enemy into a partner keen on cooperation for the common good. An impartial mediator may be invited to particularly difficult negotiations. This professional will take care of emotional aspects of a dispute so that it would not dominate subject-related discussions.

What should be developed as a result of negotiations is a final protocol specifying agreement conditions or, in the event of no agreement being available, the scope of discrepancies. Agreement conditions should be specified in the final project. If a discrepancy exists, it indicates matters in which a person makes decisions without full social agreement. These are authorities who make final decisions and take the responsibility.

Negotiations may finish in four different ways and, as a result, there are four different strategies which may be adopted by a negotiator or mediator before they start acting.

Negotiation results			
Possibilities	WE	YOU	Commentary
A. Victory			Reasons for conflict
B. Defeat			Nobody wants to lose
C. Compromise			It is not everything what can be achieved
D. A new, better solution (larger cake)			It should be our aim

- A. *Victory-focused* strategy seems to be most natural and is spontaneously chosen by people who do not ponder on long-term consequences of this choice. Victory, however, makes sense only when we are sure that we will never negotiate with the same partner again. If someone wins, someone else has to lose. Loser's frustration is a perfect ground for a subsequent conflict. Negotiations between the society and authorities are usually not a single process. Each victory of authorities is socially risky because it may provoke a conflict and deepen the distrust between the rulers and the ruled ones.
- B. It is pointless to negotiate if we do not believe in victory or even a compromise. Someone who does not see a possibility for success should focus on increasing their strength. It might be achieved in a number of ways, e.g. by learning negotiation strategies, employing a professional negotiator or demanding presence of an impartial mediator.
- C. Compromise needs adopting a peaceful cooperation style in negotiations and encouraging our partner to take the same attitude which we do. In order to achieve this aim, psychological principle of mutuality should be applied. If we reach compromise, i.e. we share victory and defeat on fifty-fifty basis, we may be content, yet also partially, as it is not the best possible result of negotiations.
- D. If the peaceful style is coupled with a creative attitude, there is a possibility to achieve the best result, i.e. coming up with a new, better solution, which has not been taken into account before, but which can be more beneficial to both parties than a compromise. It is not always possible to achieve this maximum result, which is metaphorically referred to as a *larger cake*. Sometimes, despite adopting a creative strategy, it is possible to achieve a compromise only. The strategy, however, creates pleasant atmosphere from the very beginning. Parties look for a new solution together. They do not think only about what to do in order to lose minimum of their initial offer. In other words, what is rewarded is creativity, not stubbornness.

Negotiations have not been specified in legal planning procedures, but in fact, negotiation attempts are made, even though nobody calls them in this way, e.g. during public discussions coupled with project explanation. Due to this spontaneous combination, objectives of these three participation forms mix up, which makes it impossible to achieve success. For instance, ostensible conflict insufficiently explained during a presentation is unnecessarily negotiated. Negotiations will not be successful if there is a lack of representation of parties and, in a public meeting, "everyone says what they remember."

The most frequent mistakes include:

- lack of negotiation skills;
- no habit to ask professional negotiators and mediators for help;
- spontaneous negotiations, i.e. without preparation;
- expecting only victory;
- combining negotiations with other participation forms;
- lack of a final protocol or ignoring negotiation results.



## Phase 6 – Stakeholders participating in the project implementation process



**Pic. 10.** Volunteers working in a park of historical significance

*Photo: K. Pawłowska*

The best participation result is achieved not only when stakeholders consider a project worth being accepted and when stakeholders' ideas are actually taken into account in the final project. This allows stakeholders to participate in the project implementation process. Certainly, volunteers may not participate in all projects. They may, however, take part in certain projects, e.g. planting trees in a park. There are also projects in which stakeholders' enthusiastic response may be useful in long run, e.g. in case of protection projects. Protection status achieved together with a society will be probably not only respected but also actively protected by its members.

## 4. RECOMMENDATIONS AND EXAMPLES

In countries where democracy is mature, participation management is more frequently and successfully applied than in Poland. Role models should be therefore sought in there. Naturally, the role models have to be adjusted to the current socio-cultural situation in Poland, which significantly influences application of specific participation forms in practice. The major barriers include: profound distrust between authorities and society, development of a civil society, as well as little knowledge and poor social communication skills demonstrated by public authorities.

Social participation in architecture, spatial planning, environmental protection, natural and cultural heritage is applied in different ways in the world. Different legal systems are adopted in different countries. Each system is based on different responsibilities and incentives for active participation. The participation, therefore happens either to be a long process or involve a number of single activities undertaken at different stages of implementing spatial projects.

Development of social participation forms has two basic types of origin. The first one involves grassroots movement initiated by citizens aware of their rights. The top-down movement, on the other hand, is initiated by public authorities and aims to adopt real democratic management principles. Both of these movements frequently intertwine with each other and hence, result in multiple types of cooperation based on establishing special institutions in government and self-government administration bodies or different kinds of agencies, foundations, and non-government organisations. They are supported by means from public or private budgets or they operate within public-private partnerships. They are founded upon society's request and, subsequently, pursue public authorities' support and advice. Sometimes, however, they are established upon the request of authorities that look for partners and motivate local social powers. These institutions act permanently and either deal with tasks their management thinks up or are responsible for undertaking the ones that are delegated by authorities. Institutions of the most considerable size have a network of local offices which exchange experience and together develop working strategies. Sometimes, they act temporarily in order to achieve a specific objective.

Few examples of these institutions have been selected for the purpose of this work which may be adapted to the requirements of management of properties inscribed on the UNESCO List.

A **planner** in British cities and communes is a position in the structure of a local government, which functions permanently in order to implement the idea of social participation. This post must not be mistaken with a space planner, who prepares development plans. It is an official who establishes contacts with all stakeholders of an investment project to be carried out on municipality's territory. There are social stakeholders and investors, plot owners, and all state and private institutions that may be interested in a specific subject matter. The contacts are established in the beginning, when a project is developed, i.e. when a conflict of interests is not an open conflict yet and no decisions have been made. Planners should identify conflicts and seek means to resolve them. They should also prevent conflicts and serve as mediators when conflicts occur. All of these factors are to implement planned investment projects in harmony and with no money losses.

A similar system defined as a public survey (public inquires to a neutral mediator) exists also in France.

Another example of a similar institution is **Groundwork**, i.e. a non-government organisation which operates permanently in British cities. This organisation is a network of centres and encourages local communities to cooperate with authorities. This organisation's operating model was developed in Manchester suburbs in 1980. The said initiative undertaken by Manchester's local authorities was successful during carrying out revitalization of the post-industrial area of Manchester and other similar activities. This model solution was therefore adopted in establishing a network of similar organisations in Great Britain. First organisations were established upon public authorities' request. Now they operate as a federation of non-government organisations supported by the government and local authorities.

Groundwork deals with different kinds of tasks, including projects relating to public spaces. All tasks need local communities to be involved. Groundwork, therefore, focuses on everything that enables relationships to be established in a specific community. Once trust is earned, its development is noticeable in carrying out each subsequent action. Public authorities frequently use Groundwork authority and ask for help in opinion polls or promoting their projects. The organisation adapted a number of principles so as not to lose the trust. It does not promise people things which are not possible to be made. It omits to make an impression that it holds power and make decisions. Also, it omits to deal with tasks in which people cannot have a real influence.

By undertaking various actions, e.g. arranging a park or garden for children, Groundwork motivates inhabitants by aiming at establishing park friends associations. Groundwork is financed from various sources. Despite the fact that it was the government that initiated establishment

of Groundwork, it does not offer the organisation considerable support. Groundwork does not only employ full-time employees but it also cooperates with a number of volunteers, experts, and non-government organisations, e.g. National Trust.

Kyoto Center for Community Collaboration is an example of a self-government institution operating permanently and supporting grassroots initiatives. The history of the Center is interesting and strongly related to protection of world cultural heritage.

Kyoto, the former capital city of Japan, is often compared to Cracow. In fact, the similarity is not really strong, although specific parts of both cities are inscribed on the UNESCO List. With regards to Cracow – it is an entire ensemble of considerable size. As far as Kyoto is concerned, the inscription refers to single properties only, i.e. temples and palaces with gardens. In this city, there is no large compact fragment of well-preserved urban buildings of historical significance. Despite the fact that Kyoto was not damaged during the World War II, the old wooden buildings were destroyed by earthquakes, fire, and investment pressure.

The traditional model of Japanese urban architecture includes e.g. a merchant wooden house called *machiya*. These houses are strongly popular in Kyoto, but they are dispersed within the city structure.

The movement aimed at saving *machiya* houses emerged in Kyoto upon society's request. Its objective was to oppose official urban politics aimed at rapid commercial development, application of new technologies and foreign patterns. The movement deriving from centuries-old tradition of self-organisation started by neighbourhood communities was also supported by a number of foreigners fascinated with originality of the Japanese architecture. The movement activities had not been sufficiently effective until the self-government of the city of Kyoto established Kyoto Center for Community Collaboration. The Center collected funds for carrying out long-term actions, including inventory and revitalisation of *machiya* properties. Volunteers, *machiya* inhabitants and owners who follow the programme developed by experts from specific fields participate in all forms of saving these houses. The programme for saving *machiya* was successful owing to the influence exerted on plans of Kyoto spatial development.

French **PACT-ARIM** is a good example of a non-government organisation, although it is supported by public authorities and financed from a public and private budget.

Its activity is aimed at revitalising old towns and districts of historical significance. The agency was established as a result of a merger and transformation of several non-government organisations which initially set various objectives, e.g. improving living conditions, protection of historic monuments, sites, and environment, tackling unemployment, etc. At present, the agency is performing comprehensive revitalisation operations which effectively revive small towns and squalid districts of historical significance in large cities. After the operation is performed, towns and districts are not only revitalised but also technically modernised and adapted to social, economic, and cultural development and functioning.

Due to successes achieved by PACT-ARIM, the organisation was supported not only by government and non-government authorities, but it was also provided with public funds aimed at implementing public tasks, e.g. protection of historic monuments and sites. Experts in various areas, including social and economic sciences and law, who are employed in PACT-ARIM, draw up revitalization budget by basing on a number of sources. Its significant part consists of private shares of property owners and tenants of houses located in the areas to be revitalised. These people's participation is combined with responsibility and risk resulting from paying financial contributions. Private shareholders of the project influence all aspects of the project, i.e. the design concept and its implementation. Planning renovation and conservation activities undertaken in historic monuments and sites guarantees property inhabitants that they will not have to leave their homes when the works will be carried out. Even if inhabitants have to leave, they are ensured that they can come back after the works are completed.

These rules make inhabitants sure that the works carried out to some extent for their money are under control. Successes of subsequent operations build up trust, which, in this event, is absolutely essential.

National Trust dealing with heritage protection is an excellent example of a non-government organisation.

**National Trust** was established in 1895 as a non-government organisation. It is the largest organisation of this type in the world. The way it functions is a model for a number of other organisations. The Trust aims to protect natural and cultural heritage in Great Britain. Its fundamental operations strategy is to purchase or obtain grounds or buildings of great natural or cultural value to protect them as national assets. Once they are obtained, the Trust registers and renovates them, if need be. It also keeps them in good condition, makes them available to public, and promotes knowledge about their value. Although the term 'landscape' is not provided in the name of the Trust, the organisation protects landscape in a remarkably effective comprehensive way, i.e. protection of historic monuments and sites is not separated from environmental protection. Trust is proud of the fact that it owns 31 national parks and 5 sites inscribed on the UNESCO World Heritage List either as a whole or in part.

In 1907, the British parliament forbade selling or pledging Trust-owned properties without parliament's consent in order to guarantee fulfilling a social mission by the Trust. Effectiveness of actions and gradually obtained authority made the parliament to grant special rights and exemptions to the organisation so that it could perform its tasks in a better way. For instance, in 1937 a donation tax exemption was entitled to the Trust. At the same time, the principle of the donors' right of perpetual usufruct was introduced under condition that they would make the property available to visitors.

Trust budget includes members' contributions. They are highly sufficient sources of financing, as the Trust is a large organisation running a number of local offices. Additionally, Trust owns a commercial company, i.e. National Trust Enterprise. Its income comes particularly from fees that visitors pay for entering properties of historical significance. These profits are used for achieving objectives provided in the organisation's articles of association. Owing to the fact that society believes Trust, a number of people who own valuable areas and properties decide to provide them to Trust either as a donation or as inheritance left in their wills.

National Trust is a real world master in its profession. It is accepted even by supporters of entirely liberal spatial economy, who are sceptical about non-government organisations and social participation in general. They are encouraged by the fact that the company purchases properties to be preserved and managed.

Administrative entities of different types which should facilitate communication between the authorities and the society are being established in large Polish cities. They focus, however, on issues other than management of historic monuments and sites. At the same time, non-government organisations of cultural heritage enthusiasts operate in Poland. Unfortunately, their number is relatively low in comparison to organisations of environment and natural heritage defenders. Both participation sources, i.e. the grassroot and the top-down ones exist, even though they have just started to develop. Is it possible to apply these movements in the initial phase of development?

Planner's model may be useful for a city office, a City Conservation Officers, and a special administrative unit responsible for managing an urban ensemble of historical significance inscribed on the UNESCO List, if such a unit exists. As far as temple management is concerned, existence of a separate institution is out of the question. In this event it is the manager who should have similar responsibilities to the ones assumed by a planner.

Kyoto Center for Community could be an extended form of support both for single historic monuments and sites and their ensembles.

City, municipal, and Marshal offices could inspire and support local social activities in parishes where temples are inscribed on the UNESCO List.

An agency similar to PACT-ARIM could encourage cooperation of different stakeholders in terms of historic monuments and sites, including the ones inscribed on the UNESCO List.

In Poland, it is difficult to achieve the level of excellence represented by National Trust acting as a manager of sites inscribed on the Heritage List. It should be, however, recognised and treated as an indicator of development direction, in which protection of cultural heritage is both national and social issue.

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# CONDITIONS AND OPPORTUNITIES FOR APPLYING LEGAL REGULATIONS IN MANAGEMENT OF PROPERTIES AND SITES LOCATED ON POLISH TERRITORY AND INSCRIBED ON THE WORLD HERITAGE LIST

Piotr Dobosz

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## I. INTRODUCTORY ASSUMPTIONS ABOUT STRATEGIES

Each state that enters into, signs, and ratifies a specific international agreement must abide by the conditions and agreements set forth in particular provisions of law it voluntarily accepts. This rule is applicable both for bilateral and multilateral international agreements.

What must be strongly emphasised in deliberations about conditions and opportunities for applying legal regulations in management of Polish properties and sites (immovable properties) inscribed on the UNESCO *World Heritage List*<sup>1</sup>, is the fact that legal regulations ought to be effective instruments applied in policy implemented by state government authorities and aimed at protecting and managing tangible and intangible national, European, and world heritage<sup>2</sup>. Both statutory/positive and common systems of law are necessary to provide a substantial degree of efficient protection and care to cultural/cultural heritage properties/monuments and sites. Legal regulations are therefore tremendously important and useful in the protection and management of assets which are either formally of public use or their public use is engraved in people's minds, even if they are protected under civil law in particular. At the same time, properties inscribed on the World Heritage List must not be left outside the sphere of constructive influence wielded by legal regulations. This remark must be also referred to national law, including law applicable in Poland.

In terms of protecting the most internationally outstanding listed cultural heritage, the Polish body of law is clearly eclectic and omits to provide specific strategies that would define forms and mechanisms of protection and management of Polish properties and sites inscribed on the World Heritage List. Although Polish legislators are aware of the considerable number of Polish properties and sites inscribed on the World Heritage List, they have undertaken no new and modern legislative actions in the aforementioned field. In spite of great pride in these properties, the Polish body of law provides no optimal special and detailed legal solutions which would refer directly to tangible heritage inscribed on the WHL and which would be adopted in protecting and caring for historic monuments and sites. As no broad, generally applicable, special, and detailed procedures for conservation of monuments and sites are available, it can be stated that the Polish legal system is not only anachronic (old-fashioned) but is still a 'blank slate'. This fact results in users and administrators of properties inscribed on the UNESCO World Heritage List having problems with determining the scope of their legally required duties and rights relating to the use of these properties. Moreover, this fact is contrary to standards maintained in states of law based on justice and democracy. Consequently, authorities in the Republic of Poland are obliged to undertake actions that will be not only 'loyal' to Polish residents but will also result in respecting rightfully

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<sup>1</sup> Hereinafter also as: 1) UNESCO World Heritage List or similar registers 2) World Heritage properties.

<sup>2</sup> P. Dobosz, *Administracyjnoprawne instrumenty kształtowania ochrony zabytków* (Cracow: Zakamycze, 1997), 15.

gained rights and precisely defined expectancies. These expectancies make a legal environment in which an individual has satisfied all statutory conditions under which this individual will gain subjective rights in the future.

## **II. DESCRIPTION OF FUNDAMENTAL INTERNATIONAL LEGAL DETERMINANTS OF MANAGEMENT OF POLISH TANGIBLE HERITAGE INSCRIBED ON THE WORLD HERITAGE LIST.**

### **II.1. Binding Poland by the provisions of the Convention Concerning the Protection of the World Cultural and Natural Heritage with no exclusions whatsoever.**

The analysis conducted herein does not aim to provide detailed description of international legislation on properties inscribed on UNESCO World Heritage List.<sup>3</sup> Instead, it is intended for describing potential and real opportunities (viewed from empirical perspective)<sup>4</sup> for management of these properties in Poland. Furthermore, this analysis is to result in putting forward general demands for making necessary amendments in the provisions of law.

International legislation is of utmost importance for legal and management solutions adopted towards Polish properties inscribed on the World Heritage List. What is determining for the subject matter is the Convention Concerning the Protection of the World Cultural and Natural Heritage which was adopted in Paris by The General Conference of the United Nations Educational, Scientific and Cultural Organization on its seventeenth session held on 16 November 1972<sup>5</sup>. It must be emphasised that despite it is possible to apply only a part of institutional provisions of the Convention in Poland, the Polish authorities ratified the entire convention (all provisions) with no reservations.

The Convention was adopted in Poland on 29 September 1976. Representatives of the Polish government issued two declarations about ratifying this document, the number of countries to be parties to the Convention, and the scope and object of the Convention: 1) The declaration of the government spokesman of 14 September 1976 on the People Republic of Poland ratifying the Convention Concerning the Protection of the World Cultural and Natural Heritage adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization in Paris on 16 November 1972 on its seventeenth session<sup>6</sup>; 2) The declaration of the government spokesman of 30 September 1977 on participation of a number of s to the Convention Concerning the Protection of the World Cultural and Natural Heritage, adopted by the General Conference

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<sup>3</sup> See more in: W. Kowalski, K. Piotrowska-Nosek, H. Schreiber, K. Zalaśńska (ed.), *Konwencje UNESCO w dziedzinie kultury. Komentarz* (Warszawa: 2014); B. Szmygin (ed.), *Wyjątkowa uniwersalna wartość a monitoring dóbr światowego dziedzictwa : podsumowanie projektu : Doskonalenie systemów ochrony i zarządzania dóbr wpisanych na Listę Światowego Dziedzictwa UNESCO* (Warsaw: Polski Komitet Narodowy ICOMOS, Narodowy Instytut Dziedzictwa, 2011), 251; N. Marstein, "Światowe dziedzictwo UNESCO – strategia globalna i inne zagadnienia/UNESCO World Heritage – The Global Strategy and Other Considerations," in J. Purchla (ed.), *Zarządzanie miejscami wpisanymi na Listę Światowego Dziedzictwa UNESCO w Polsce i w Norwegii/Management of UNESCO World Heritage Sites in Poland and Norway* (Cracow: Międzynarodowe Centrum Kultury, 2011), 30–52; B. Szmygin, "Lista Światowego Dziedzictwa UNESCO – charakterystyka problematyki na tle sytuacji międzynarodowej/The UNESCO World Heritage List – Concerns in Poland and in the International Context," in J. Purchla (ed.), *Zarządzanie miejscami wpisanymi na Listę Światowego Dziedzictwa UNESCO w Polsce i w Norwegii*, 52–71.

<sup>4</sup> Entities involved in the management of properties inscribed on the World Heritage List will find the following publication particularly useful: Z. Bukowski (ed.), *Zarządzanie nieruchomościami* (Warsaw: Lex Wolters Kluwer Business, 2013).

<sup>5</sup> *Dziennik Ustaw* of 1976 no. 32, item. 190.

<sup>6</sup> *Dziennik Ustaw* of 1976 no. 32, item. 191.

of the United Nations Educational, Scientific and Cultural Organization in Paris on 16 November 1972 on its seventeenth session <sup>7</sup> (information about new countries ratifying the Convention and about the scope of this document).

## **II.2. Broad context (sensu largo) of binding Poland by the Convention Concerning the Protection of the World Cultural and Natural Heritage vs. minimal and inadequate instruments of the Polish legislation, which concern directly (explicite) World Heritage on the Polish territory.**

When a property is ennobled by being inscribed on the UNESCO World Heritage List, state authorities are obliged to: 1) go beyond superficial ornamentation of institutionalized self-gratification as well as intrastate rhetoric of propaganda and popularization; 2) perform specific legal and administrative actions, including legislative actions aiming to conserve and protect properties inscribed on the UNESCO World Heritage List; develop a management plan and, alternatively, a different, real, and plan-based system of preservation, protection, and management of world heritage, which would function on permanent basis (not only occasionally); develop an in-state monitoring scheme for supervising this system.

The only provision of the Polish law which directly and clearly concerns World Heritage, is stipulated in Article 15.4 of the Act on the Protection and Guardianship of Monuments of 23 July 2003<sup>8</sup>, pursuant to which „*A nomination proposal for a Polish scheduled monument to be considered for inclusion in UNESCO's World Heritage List may be submitted to the World Heritage Committee by the Minister in charge of culture and national heritage protection in order to provide the subject property with protection under the Convention Concerning the Protection of the World Cultural and Natural Heritage adopted in Paris on 16 November 1972. Dziennik Ustaw of 1976, no. 32, item 190 and 191.*” A Polish scheduled monument can be considered for inclusion in UNESCO's World Heritage List. It is not, however, obligatory.

With reference to axiologically and normatively qualified Polish scheduled monuments, only one additional legal effect is produced under this provision. At the moment, inscribing a property on the UNESCO World Heritage List is the only, exceptional, and potential legal effect of listing a property that displays signs of world cultural heritage. This results from the fact that the Act on the Protection and Guardianship of Monuments provides no system solutions for protecting this type of qualified categories of historic monuments and sites. Internationally, this rule on jurisdiction enables a specific supreme public administration body (in Poland – the Minister in charge of culture and national heritage protection) to submit nomination proposals for properties on their territory to be considered for inclusion in UNESCO World Heritage List. As a result of this regulation, a public interest is made superior to other legal qualities, e.g.: 1) independence of a local government unit which carries out public administration works in World Heritage properties on a specific administrative territory; 2) ownership right to properties inscribed on the UNESCO World Heritage List.

Nomination proposal for a property to be considered for inclusion in UNESCO World Heritage List is a form of reasonable state intervention in the aforementioned values. On the other hand, as owners/users of these properties enjoy no special privileges, e.g. legal and economic mechanisms (financial ones in particular), and a local government was provided with no major instruments for participating in management of these properties, the proposal in question is neither bilaterally binding nor mutually equivalent.

<sup>7</sup> *Dziennik Ustaw* of 1977 no. 31, item 139.

<sup>8</sup> *Dziennik Ustaw* of 2014, item 1446, hereinafter also referred to as the Act on the Protection and Guardianship of Monuments.



Moreover, from structural and organisational perspective, what is not taken into consideration in the management processes is the necessity for deep involvement of not only local and regional social organisations but also the national ones. This includes in particular such entities as Polish National Commission for UNESCO seated in Warsaw and Local Tourism Organisation under the name „Liga Polskich Miast i Miejsc UNESCO” (UNESCO League of Polish Cities and Sites) founded in 2010, seated in Toruń . Although due to the current legal circumstances these institutions play a prestigious and significant role, they are misplaced in the structure of a democratic state of law. The same can be said about the importance of internationally active public cultural institutions, e.g. International Cultural Centre in Cracow.

Pursuant to art 3.1 of The Charter of National Commissions „(...) in each Member State, the National Commission ensures the permanent presence of UNESCO in its country and contributes to the Organization's effort to promote international co-operation in the field of intellectual activities.” *The Polish National Commission for UNESCO should therefore occupy fundamental role.* (The Charter of National Commissions Article 3.1.). There is no cohesion between the official role played by the Polish National Commission for UNESCO and legal instruments allowing this institution to exert real, legal influence on the problems relating to Polish cultural heritage considered for inclusion on the World Heritage List. This situation is disfunctional and incomprehensible, particularly because the Polish National Commission occupies a high position as for an institution financed from public funds granted by the Ministry of Foreign Affairs. It includes representatives of public bodies (government ones in particular) co-operating with UNESCO in different fields, as well as representatives of specialized communities. The Commission is supported by its boards responsible for specific areas: education, science, culture, information, social sciences.

Furthermore, the potential of the Polish National Committee of the International Council on Monuments and Sites ICOMOS is also hardly congruent with the model of protection, care, and management of properties inscribed on the World Heritage List.

Article 7 of the second chapter of the Act on the Protection and Guardianship of Monuments, „*Forms and methods of protecting historic monuments,*” provides a closed list of legal forms of protecting monuments. These include: 1) entering a property into the register of historic monuments and sites (in fact, this entry is misdefined because, *de iure*, entering a property into the register means issuing a decision on entering a property into the register. For this reason, the entry itself is of lower significance and it is a tangible and technical activity resulting from the above-mentioned decision<sup>9</sup>); 2) considering a property a Polish scheduled monument; 3) creating a culture park; 4) including protection either in a local zoning plan or in a decision on determining location for public investment projects, zoning approval, decision on permission for the implementation of a road investment project, a decision on showing the location of a railway track or a decision on permitting the implementation of a public airport investment project. Only in the case of these legal forms did the Polish legislator introduce particular legal protection mechanisms and means. What was, however, omitted, were World Heritage assets considered to be properties to which other protection and conservation mechanisms are provided.

The model of monument protection forms constructed in this way is incomplete, insufficient, and it requires legislative amendments extending its scope. It is a list that can be referred to as a ‘list of legal forms of the protection of historic monuments and sites on Polish territory’. An additional category must be added to this ‘catalogue’, i.e. a legal form of the protection and care of properties inscribed on the UNESCO World Heritage List, to which specific legal mechanisms

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<sup>9</sup> Further reference: P. Dobosz, “Ewolucyjne prawne formy ochrony zabytków w Polsce” in: K. Zeidler (ed.), *Prawo ochrony zabytków* (Warszawa – Gdańsk: Wolters Kluwer, Wydawnictwo Uniwersytetu Gdańskiego, 2014), 232.

should correspond (further reference: the section provided at the end of this publication, „ De Lege Ferenda Remarks to the System of Protection and Management of Properties Inscribed on the UNESCO World Heritage List).

### **III. THE CONVENTION ON THE PROTECTION OF THE ARCHITECTURAL HERITAGE OF EUROPE SIGNED IN GRENADA ON 3 OCTOBER 1985 R. <sup>10</sup> AND ITS INFLUENCE ON THE COMPONENTS OF PROPERTIES INSCRIBED ON THE WORLD HERITAGE LIST.**

In terms of international law, what is of considerable significance for the management of properties inscribed on the World Heritage List is the Convention on the Protection of the Architectural Heritage of Europe signed in Grenada on 3 October 1985 r. Particular attention should be paid to article 5 of this document, under which „*Each Party undertakes to prohibit the removal, in whole or in part, of any protected monument, except where the material safeguarding of such monuments makes removal imperative. In these circumstances the competent authority shall take the necessary precautions for its dismantling, transfer and reinstatement at a suitable location.*”

As the Polish legislator made no amendments to the Act on the Protection and Guardianship of Monuments, it can be expected that both the administered entities and the stakeholders will cite Article 5 of the Convention and demand that due to the bad condition of a protected historic monument they should be exempted from the prohibition of removing, in whole or in part, such a property. They will therefore claim that due to poor technical condition of the monument it must be dismantled, transferred, and reinstated at a suitable location and, hence, demand a permit for carrying out such works. In this event the competent authority is obliged to take every precautions for dismantling the historic monument, transferring it, and reinstating at a different suitable location.

### **IV. EU LEGISLATION AND ITS INFLUENCE ON ENERGY PERFORMANCE OF THE BUILDINGS INSCRIBED ON THE WORLD HERITAGE LIST, REGARDLESS OF THEIR CHARACTER AND LOCATION**

In terms of protection and management of cultural heritage, soft law instruments are used in European Union law. It is, however, possible that EU regulations exert influence on national laws in force in member states. This also applies to regulations governing the protection of cultural heritage. This has happened, for instance to amendments to construction law. On 1 March 2015, amendments were made to the Construction Law Act of 7 July 1994. The change of the legal circumstances result from the necessity to: 1) transpose the Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites (eighth individual Directive within the meaning of Article 16.1, 89/391/EWG)<sup>11</sup>; 2) transpose selected provisions of the Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings.<sup>12</sup> As a result of the abovementioned amendments, it is necessary to change the direction of the policy on thermal insulations in both modern and historic buildings located in sites inscribed on UNESCO World Heritage List.<sup>1314</sup>

<sup>10</sup> *Dziennik Ustaw* of 2012, item 210.

<sup>11</sup> *Dziennik Urzędowy WE* L 245 of 26.08.1992, p. 6; *Dziennik Urzędowy UE, polskie wydanie specjalne*, Chapter 5, vol. 2, 71.

<sup>12</sup> *Dziennik Urzędowy UE* L 153 z 18.06.2010, p. 13.

<sup>13</sup> *Dziennik Ustaw* of 2013, item 1409, as amended.

<sup>14</sup> *Dziennik Ustaw* of 2014, item 1200.

**V. LEGAL EFFECTS ON NATIONAL LEGISLATION WHICH RESULT FROM OPERATIONAL GUIDELINES (VERSION: WHC. 13/01 JULY 2013<sup>15</sup>)  
OPERATIONAL GUIDELINES FOR THE IMPLEMENTATION OF THE WORLD HERITAGE CONVENTION**

**V.1. Legal obligations imposed on every property inscribed on the World Heritage List, regardless of the date of entry.**

Poland has every reason to be proud of the number of properties inscribed on the UNESCO World Heritage List, which are on its territory. In terms of legal requirements imposed on nomination proposals for properties to be considered for inclusion in UNESCO World Heritage List, two categories of Polish World Heritage properties can be distinguished. Historic pioneer proposals, which are highly deformed and non-rigorous, and properties for which nomination proposals are/were highly formalised and rigorous fall under the first and the second category respectively. In case of both former and current World Heritage inscriptions, state authorities are required to prepare documents and make decisions about management of the property being inscribed (ex ante and post factum). Management of properties inscribed on the World Heritage List involves carrying out complex, potentially effective actions carried out at the same time. These actions involve planning, zoning, organisational, supervising and monitoring activities aimed at specific individuals and business entities. This orientation results from the presence of qualified tangible values and intangible values related to these persons (including also information- and education-related ones).

A „World Heritage Site Management Plan” is a fundamental document for properties inscribed in the World Heritage List. It is an obligatory official paper which is essential for managing these properties effectively and efficiently. In terms of hierarchical structure of legal documents, unlike a local zoning plan, the „World Heritage Site Management Plan” is a policy paper and it is therefore no source of generally applicable law. The Management Plan is a separate and dynamic document outlining all decisions (ideally made in consultation with all stakeholders who use any tangible or intangible property in the undertaking) about effective protection, conservation, use, presentation, and promotion mechanisms provided to properties inscribed on the World Heritage List. The dynamism of this document means that the possibly broadest situational configuration is monitored, axiomatic objectives are defined, and subsidiary and secondary objectives are specified. Furthermore, the dynamism implicates systematic, empirical achievement of the aims as well as creative monitoring and stimulation of the occurring changes.

The aspects of management are observable already on the stage of submitting nomination proposals for properties to be considered for inclusion in UNESCO’s World Heritage List. The nomination proposals must provide not only information on the axiological meaning of the property being nominated but also information to be used for forecasting results of property management as well as selecting appropriate protection mechanisms. For submitting a nomination proposal it is required to provide the following information relating to World Heritage management: ownership, legal status, site protection rules and strategies for enforcing them, institution or institutions responsible for the management of a specific site, levels on which the site is managed (e.g. local level, regional level, etc.) including names and addresses of points of contact, plans concerning a specific place (e.g. local zoning plan, conservation plan, tourism development plan), sources and levels of funding, sources of expert opinions, training courses in conservation strategies

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<sup>15</sup> *Operational Guidelines for the Implementation of the World Heritage Convention*, United Nations Educational, Scientific and Cultural Organisation Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage (World Heritage Centre:13/01 July 2013).

and management methods, visitor facilitations and statistical data, as well as human resources, e.g. specialists, technical support, overheads. It is also obligatory to provide a bipolar forecast for the property to be considered for inclusion in UNESCO's World Heritage List: a) analysis of limitations and threats, b) analysis of opportunities resulting from specific social, economic, and legal circumstances. Temporal simulation is also advisable as it shows future matters. In order to formulate the nomination proposal, it is necessary to form a group of stakeholders and gain their understanding so that it would be possible to develop a management plan. The group of stakeholders is open and it is formed by all interested parties, including members of local civil society.

## V.2. *Essentialia negotii* (essential aspects) of the World Heritage Site Management Plans

A Management Plan aimed to manage a property or site inscribed on the World Heritage List or, by making an a priori assumption, developed for the purposes of a future nomination proposal, provides tailored management guidelines deriving from the nature of the specific property or site to be managed.

In Poland, *essentialia negotii* (essential aspects) of the Management Plan have been widely promoted both by Polish National Commission for UNESCO<sup>16</sup> and by the Polish National Committee of the International Council on Monuments and Sites ICOMOS.<sup>17</sup> For defining management standards it is necessary to indicate critical elements of the World Heritage Site Management Plan. These include:

1. Site description: „The description shall provide a short outline of the history of the site being nominated, including a broader context of the functions it used to serve in the past. Presenting cultural material and non-material (natural) values of a property aims to assess its significance from the World Heritage perspective. Additionally, what must be also provided in the Site description are borders of a property or site, borders of its buffer zones, presentation of the functions it serves (usage), legal protection forms in force, list of managing authorities, as well as parties potentially interested in the Management Plan (stakeholders)<sup>18</sup>” (concerns all stakeholders);
2. Analysis: „*Analysis to be conducted by the authors of the Management Plan aims to protect, conserve, use, manage, and present the World Heritage site. As a result of the analysis, it will be possible not only to provide sources of potential threats but also forecast potential circumstances.*”<sup>19</sup>
3. Management objectives: „*A chapter about management objectives should be opened with a definition of a general concept of protecting a specific site. Furthermore, this document should also outline specific objectives to be focused on in the next few years. It is crucial to formulate clear objectives and adopt a specific hierarchy of importance. The objectives should be related to the general concept and result from the formerly conducted analysis. It is also enormously important to set achievable objectives.*”<sup>20</sup>;

<sup>16</sup> UNESCO [website], <<http://www.unesco.pl/kultura/dziedzictwo-kulturowe/swiatowe-dziedzictwo/procedura-wpisu/plan-zarzadzania/>>, accessed 23 Nov. 2014.

<sup>17</sup> ICOMOS [website], <<http://www.icomos-poland.org/index.php/pl/dokumenty-doktrynalne>>, accessed 23 Nov. 2014.

<sup>18</sup> UNESCO [website], <<http://www.unesco.pl/kultura/dziedzictwo-kulturowe/swiatowe-dziedzictwo/procedura-wpisu/plan-zarzadzania/>>, accessed 23 Nov. 2014.

<sup>19</sup> Ibidem.

<sup>20</sup> Ibidem.

4. Action programme: *„The programme aims to propose measures designed to achieve the aforementioned objectives. It ought to provide a list of planned actions, deadlines for their performance, responsibilities allocated to specific individuals, estimated costs, and sources of financing. The Action programme can consist of a number of mutually related programmes serving the same purpose.”*<sup>21</sup>;
5. Monitoring: *„Effectiveness of implementing the agreed Management Plan as well as the influence exerted on the condition of a property or site by undertaking specific activities should be monitored. Monitoring strategies ought to be outlined in the Management Plan. Pursuant to the Convention Concerning the Protection of the World Cultural and Natural Heritage, reports on property condition must be produced. In accordance with the recently established rule, these reports must be prepared every six years.”*<sup>22</sup>

Development of the World Heritage Site Management Plan involves the following stages:

1. Appointing all stakeholders, i.e. parties particularly involved (financially or with their „own time”) in carrying out specific works: *„The works should begin with selecting organisations and individuals that ought to be interested in the results of the plan implementation process. These parties include representatives of local authorities and owners of areas both surrounding a World Heritage Site and included in the near buffer zones. Stakeholders are not only government bodies but also non-government organisations and natural persons. Stakeholders are selected according to the nature of a site. They are allowed to participate in carrying out works aimed to develop the management plan and, afterwards, implement it by providing information, holding consultation, participating in the decision-making process, developing the plan in cooperation with others, as well as participating in undertaking specific activities. Depending on needs, the team responsible for supervising implementation of the Management Plan may be appointed either before the Management Plan is developed or after it is approved.”*<sup>23</sup> Dialogue, mediation, and social participation are required for preparing the plan;
2. Consulting the Management Plan with all stakeholders: public and private, commercial and non-commercial. *„Consultation with the main stakeholders is to be followed by producing a draft of a document whose final version should be accepted and implemented by all partners. Public consultations ought to be held on each stage of developing the Plan. It is recommended to publish the plan and promote not only its full version but also the summary one, which is aimed at wider audience.”*<sup>24</sup>;
3. Implementing the Management Plan: *„A supervising team and a coordinator should be appointed (unless this was done at the moment of starting the works) for supervising the Management Plan implementation process. Plan evaluation process begins concurrently with the Plan implementation process. This means that what is gathered is the information to be used for making corrections and updating the Plan in the future”*<sup>25</sup>.

Many-sidedness of the management and protection should be taken into consideration when devising the Plan. This document should cover issues of strategic importance for territorial space of a property inscribed on the UNESCO World Heritage List. Due to this, what should be also taken into consideration are 'buffer zones', i.e. areas protecting the 'surroundings' of the inscribed properties. The Management Plan is a fundamental tool to manage tangible properties inscribed

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<sup>21</sup> Ibidem.

<sup>22</sup> Ibidem.

<sup>23</sup> Ibidem.

<sup>24</sup> Ibidem.

<sup>25</sup> Ibidem.

on the World Heritage List. Besides, there is yet another equally important tool, i.e. a 'national report'. It is a fundamental instrument used for monitoring the conditions of properties and sites inscribed on the World Heritage List.

### **V.3. The importance of national law in managing World Heritage – the lack of protection synergy in Polish scheduled monuments and synergy resulting from legal mechanisms for creating a culture park.**

#### **V.3.1 Properties inscribed on the World Heritage List and legal ineffectiveness of the institution of the Polish scheduled monument**

Pursuant to the Act on the Protection and Guardianship of Monuments, a Polish scheduled monument is a legal form of protecting historic monuments, which carries its own name. The existence of this form may result in launching an unnamed form of protecting historic monuments – protection of properties inscribed on the UNESCO World Heritage List (World Cultural and Natural Heritage List). This list contains properties of outstanding cultural or natural values provided by the world organisation and international community with adequate protection.

Any significant legal effects in Poland result neither from considering a property the Polish scheduled monument nor inscribing it on the World Heritage List. The Polish scheduled monument is a form of protection applied exclusively to monuments of great cultural significance which are either entered into the register of historic monuments and sites or are protected as a culture park. Pursuant to Article 15.4 of the Act on the Protection and Guardianship of Monuments, „*Upon the request of the Minister in charge of culture and national heritage protection and by means of government order, The President of the Republic of Poland may consider an immovable historic monument entered into the register of historic monuments and sites either a Polish scheduled monument or a culture park of great importance for the culture as well as establish boundaries of this park.*” It must be emphasised that in terms of submitting a nomination proposal for a property to be considered for inclusion in UNESCO's World Heritage List, the Minister in question adopts excessively discretionary approach. This fact deserves disapproval, in particular because of considerable differences between assessments of different centres of civil societies.

Additionally, an immovable historic monument in Poland can be both listed and delisted pursuant to 112.3). „The Minister in charge of culture and national heritage protection may submit the nomination proposal after consulting the Council on the Protection of Monuments and Sites” (Article .2). The legislator, however, omitted to establish criteria for delisting Polish scheduled monuments. Basing on the right interpretation of law, however, it can be assumed that such monuments can be delisted on a *contrario* basis.

The concept of the Polish scheduled monument was introduced in the Cultural Heritage Protection Act of 1962. Its scope was subsequently extended in the Act on Protection and Guardianship of Historic Monuments, under which culture parks were established. Document recommended by the Council on the Protection of Monuments and Sites, „*Criteria and Procedures for listing Polish historic monuments*,”<sup>26</sup> provides detailed rules that govern the process of listing Polish historic monuments. Within the aforementioned guidelines, the status of a Polish scheduled monument is accorded to cultural landscapes, historical urban or rural layouts, historical ensembles of buildings; architectural and construction works or ensembles of these works that are distinguished by common use, construction, and architectural detailing; industrial heritage sites, civil engineering

<sup>26</sup> 'Kryteria procedury uznawania obiektu za pomnik historii', *National Heritage Board of Poland* [website], <[http://www.nid.pl/pl/Dla\\_wlascicieli\\_i\\_zarzadcow/opieka-nad-zabytkami/dobre-praktyk/Kryteria\\_procedury\\_uznawania\\_obiektu\\_za\\_pomnik\\_historii.pdf](http://www.nid.pl/pl/Dla_wlascicieli_i_zarzadcow/opieka-nad-zabytkami/dobre-praktyk/Kryteria_procedury_uznawania_obiektu_za_pomnik_historii.pdf)>, accessed 23 Nov. 2014.

facilities; parks and gardens; cemeteries; places commemorating historic events or activities undertaken by outstanding individuals or institutions; archaeological sites and remains including field remains of prehistoric and historical settlements, burial grounds, tumuli, relics of economic, religious, and artistic activity<sup>27</sup>.

The institution of Polish scheduled monument falls under a category of 'empty' institutions. It exerts neither positive (except for submitting nomination proposal for a property to be considered for inclusion in UNESCO's World Heritage List) nor negative (except for possible delisting) legal effects. Furthermore, it includes sanctioned norms without the security of sanctioning norms. The Act omits to state by whom the Minister can be submitted a nomination proposal for a historic monument to be accorded the status of the Polish scheduled monument. This means that it does not have to be a public conservation body entering a historic monument into the register. Neither has it to be a representative of municipality authorities that creates a culture park. It is, however provided in the guidelines that regional conservation officer and representatives of the National Heritage Board of Poland assess the nomination proposal first. Afterwards, this document is submitted to the Minister of Culture and National Heritage who, after the members of the Council on the Protection of Monuments give positive assessment, is authorised to submit the nomination proposal to the President of the Republic of Poland. By means of a resolution, the President accords the status of the Polish scheduled monument to the nominated historic monument or site. Another problem exists in considering this nomination proposal obligatory or optionally binding.

With reference to properties inscribed on the UNESCO World Heritage List, pursuant to the Act, it is permitted to delist a historic monument which was accorded the status of a Polish scheduled monument. In this case, The World Heritage Committee may state that the property to be delisted has been provided with inadequate legal protection in the specific country. The Committee may therefore give a word of warning and if this step proves to be ineffective, it may delist the property from the world register.

Pursuant to the Act on the Protection and Guardianship of Monuments, it is not obligatory to provide a Polish scheduled monument and, at the same time, a property inscribed on the World Heritage List, with a local zoning plan, unless it is a culture park. In this instance, the plan is financed by municipality authorities. As no local zoning plan exists in the case in question, it is more difficult to manage a site inscribed on the World Heritage List. In case of a according the status of the Polish scheduled monument to a culture park in which no local zoning plan has been applied, it is a problem of legal nature to decide who should be responsible for financing the development of this local zoning plan (and the study of land use conditions and directions). With regards to the planning management of a property inscribed on the World Heritage List, Article 6 of the Real Estate Management Act of 21 August 1997 must be emphasised: „*Pursuant to the Act, public aims include: (...) 5) caring for real estate which, in view of the regulations governing monument protection and care, has been considered a historic monument; 5a) monuments of extermination in view of the regulations governing protection of former Nazi concentration camps as well as of places and statues commemorating victims of killings under Communist regime (...)*.” What ought to be prepared for these areas are obligatory zoning plans, which should be financed from the state government budget instead of the local government one. Pursuant to Article 21.1 of the Spatial Planning and Land Development Act<sup>28</sup>: „*The cost of developing a local zoning plan is covered by*

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<sup>27</sup> 'Kryteria procedury uznawania obiektu za pomnik historii', *National Heritage Board of Poland* [website], <[http://www.nid.pl/UserFiles/File/Pomniki%20Historii/Kryteria\\_procedury\\_uznawania\\_obiektu\\_zapomnik\\_historii.pdf](http://www.nid.pl/UserFiles/File/Pomniki%20Historii/Kryteria_procedury_uznawania_obiektu_zapomnik_historii.pdf)>, accessed 23 Nov. 2014.

<sup>28</sup> *Dziennik Ustaw* of 2012, item 647 as amended, hereinafter referred to as *Spatial Planning and Land Development Act*.

*municipality authorities, except for subclause 2,” pursuant to which „the cost of developing a local zoning plan shall be covered from the state government budget provided that the plan is either a direct or indirect result of implementing a public-purpose investment project(...).” Pursuant to article 2.5 of the Spatial Planning and Land Development Act, however: „Any references hereinafter to the term „public purpose investment” shall be deemed to mean any local- (municipality) and supralocal- (district, regional and state), as well as state- (including international and supraregional investment projects) purpose actions, regardless of the status of the body undertaking these actions and of the sources of their financing, which aim at achieving aims stipulated in Article 6 of the Real Estate Management Act of 21 August 1997 .” Furthermore, pursuant to Article 1.2.4 of the Spatial Planning and Land Development Act: „(...) guidelines followed in protection of cultural heritage, historic monuments, and contemporary cultural properties (...) shall be taken into particular consideration in spatial planning and land development.”<sup>29</sup>*

### **V.3.II. Properties inscribed on the World Heritage List and the correctness of the legal construct of the culture park and its superiority over legal ineffectuality of the Polish scheduled monument**

The circumstances are far more favourable in the case of managing a culture park and, at the same time, a property inscribed on the World Heritage List. This fact results from legal mechanisms relating to this legal institution. In terms of law, it is possible (optional) for municipal local authorities to create a culture park, which is one of the four statutory forms of protecting monuments and sites, as set forth in Article 7.3 of the Act on the Protection and Guardianship of Monuments. By means of its optional capabilities to create a culture park as well as its planning capabilities, municipal local government is one of axiological equivalent bodies responsible for the protection of monuments, which has clearly defined scope of duties. This results from contemporary concept of the democratic state of law according to which representatives of both public administration and local government are responsible for the protection of historic monuments and sites. Due to this, if any part of a culture park is inscribed on the World Heritage List, management of this park falls under the influence of the municipal local government.

Culture parks, which enable cultural landscape to be protected, are the most recently developed forms of protecting historic monuments and sites. This form was introduced in 1990 under the amendment of Cultural Properties Protection Act of 15 February 1962. What is protected is a site (urban and architectural) of outstanding historical significance, including its intangible values and historical landscape design forms. They all constitute an integral, joint, and spatial structure that must be protected. The idea of protecting historic monuments in form of culture parks evolved from environmental protection, i.e. landscape parks as well as nature and landscape ensembles.

Creation of culture parks and rules governing their functions are provided in Article 16 and 17 of the Act on the Protection and Guardianship of Monuments as well as in Article 131–134 of the Act of 27 April 2001 Environmental Protection Law,<sup>30</sup>

Pursuant to 16.3 the Act on the Protection and Guardianship of Monuments, after holding non-binding consultation (*a contrario* – optionally binding) with a regional conservation officer, representatives of a Municipality Council have the right to adopt a resolution on creating a culture park (optionally: within the scope of municipality’s own responsibilities). This aims to protect cultural landscapes and preserve areas of outstanding landscape within which immovable monuments characteristic of local construction and settlement tradition are located.

<sup>29</sup> *Dziennik Ustaw* of 2014, item 518 as amended, hereinafter referred to as *Real Estate Management Act*.

<sup>30</sup> *Dziennik Ustaw* of 2013, item 1232 as amended, hereinafter referred to as *Environmental Protection Law*.



The resolution adopted by Municipality Council provides the name of the culture park, its borders, protection methods applied, as well as prohibitions and limitations imposed on: 1) carrying out construction works and industrial, agricultural, breeding, and commercial activities; 2) modifying the manner of using immovable historic monuments; 3) displaying boards, any types of lettering, advertisements, and any other signs unrelated to preservation of public order and safety, with reservation to article 12.1 of the Act on the Protection and Guardianship of Monuments, pursuant to which a starosta (head of the district), in consultation with regional conservation officer, is authorised to display a signboard on a protected monument provided that what is on the signboard is the information about protecting the monument; 4) storing waste Article 16 of in relation to Article 17.1 of the Act on the Protection and Guardianship of Monuments) Representatives of administrative judiciary emphasise that the aforementioned articles are extremely precise – see: Verdict of the Supreme Administrative Court in Warsaw of 7 December 2007, no. II OSK 1487/07: *„The resolution adopted by a Municipality Council aiming to establish a culture park shall provide the name of the culture park, its boundaries, protection methods applied, as well as such prohibitions and limitations that are set forth in the Act on the Protection and Guardianship of Monuments”* LEX no. 424539 and Verdict of the Supreme Administrative Court in Warsaw of 4 April 2007 no. II OSK 7/07: *„Culture parks aim to protect areas surrounding properties provided with conservation protection. For this reason, in order to protect this area of land, it is not necessary for properties located within its boundaries to be of historical significance. A culture park represents cultural values only if taken as a whole.”* LEX no. 334159.

A vogt (city/town mayor or head of municipality), „in formal and substantive” consultation with regional conservation officer, prepares a culture park protection plan. For its validity, the plan must be approved by the Municipality Council, whereas regional conservation officer’s substantive competences to culture parks must not be interpreted extensively and exceed the scope of protection provided to the elements of historical significance characteristic to the park (Article Article 16 of of the Act on the Protection and Guardianship of Monuments).

For carrying out tasks relating to the protection of culture parks, Municipality Council representatives may establish an organisational unit responsible for „park management.” This means that what is used on the protected area of a culture park are complex operating mechanisms supported by law in force. These include management, organisational, planning as well as control and supervision mechanisms. Consequently, what is implicated is a potential necessity to develop culture park management strategies, which will be reflected in the culture park protection plan (Article 4 of the Act on the Protection and Guardianship of Monuments).

A culture park whose area falls under more than one municipality, may be established and managed, on cooperation basis, on the ground of unanimous decisions made by municipality councils (or, alternatively, association of municipalities) responsible for the areas on which the culture park is to be established (Article 16.5 of the Act on the Protection and Guardianship of Monuments).

A local zoning plan shall be obligatory for areas in which a culture park has been established (Article 16.6 of the Act on the Protection and Guardianship of Monuments). This produces specific legal effects set forth in Spatial Planning and Land Development Act.<sup>31</sup> Pursuant to Article 10.3 and Article 14.7 of the Spatial Planning and Land Development Act, it is obligatory to develop a local zoning plan, provided that this obligation results from separate regulations, e.g. the Act on the Protection and Guardianship of Monuments. Pursuant to Article 10.3 of the Spatial Planning

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<sup>31</sup> J. Welc-Jędrzejewska (ed.), *Problematyka ochrony dziedzictwa kulturowego i zabytków w studiach uwarunkowań i kierunków zagospodarowania przestrzennego gmin oraz w miejscowych planach zagospodarowania przestrzennego. Poradnik dla planistów i samorządów lokalnych* (Warsaw: Narodowy Instytut Dziedzictwa, 2011).

and Land Development Act, unless otherwise specified, the obligation to develop a local zoning plan arises within three months from the date of imposing this obligation. No other dates are provided in the Act on the Protection and Guardianship of Monuments. Pursuant to Article 62.2 of the Spatial Planning and Land Development Act, if it is obligatory to formulate a local zoning plan, no administrative decision can be made unless this plan is prepared. In this event, administrative proceeding must be suspended. After the local zoning plan becomes effective, it is not possible to issue a land development order. This results from the nature of this legal instrument, which aims at issuing a decision only when no local land development plan is available.

The obligation under which a local zoning plan must be prepared arises from the the Act on the Protection and Guardianship of Monuments and it has been already discussed in this article. Failure to develop the local zoning plan results in a legal omission set forth in Article 4171.4 of the Civil Code.<sup>32</sup> Consequently, the municipality responsible for preparing the plan may be liable for damages. Preparation of a local zoning plan aims at protecting culture parks. The lack of this plan therefore results in ineffective protection. In this case, culture park management strategies play the role of 'synergetic mechanisms' supporting not only the study of land use conditions and directions but also the local zoning plan. It is therefore necessary to pass this ordinance immediately.

Pursuant to Article 17.2, of the Act on the Protection and Guardianship of Monuments, in the event of the use of a property being limited due to imposing prohibitions and limitations set forth in Article 17.2, provisions of articles 131–134 of the Environmental Protection Law Act shall apply accordingly. Consequently, municipal local government may be held liable for damages and this potential occurrence ought to be taken into consideration already in the management programme. Forecasted financial means for paying possible damages should be therefore secured in advance. Pursuant to Article 131 of the Environmental Protection Law Act, in the event of the use of a real estate being restricted due to protection standards set forth in the Environmental Protection Law, the competent Starosta, at the request of the injured party, determines by decision the amount of damages to be paid. This decision is unappealable in the administrative due course of instance. Within 30 days from the date of receiving the aforementioned decision, a party that is dissatisfied with the amount of damages has the right to bring an action at general court. The court action is also allowed in the event of the competent public administration body failing to make a decision within three months from the date of the injured party submitting the request. Court action does not stop the implementation of the aforementioned decision if this has already been issued. If establishing a culture park results in restricting the use of a real estate, property buyout orders are issued pursuant to the Real Estate Management Act. Determining the amount of damages to be paid as well as the real estate buyout price follows consultations with a certified real estate appraiser who values real estate in accordance with the Real Estate Management Act. Consequently, in the event of the use of the real estate being restricted due to an ordinance passed by a local government body (resolution on establishing a culture park in which the legislators provided administrative and legal orders and prohibitions aimed to ensure that the park functions efficiently and effectively), a municipality is obliged to pay damages or buy the property out.

Regardless of sovereign acts resulting from the idea of a cooperating state, non-sovereign actions can be carried out in a culture park by cooperating with all stakeholders (owners, users, social organisations, foundations, etc.), i.e. with no involvement of public bodies (administrative ones in particular), unless their participation is required in a specific situation.

Pursuant to Article 112.1 of the Act on the Protection and Guardianship of Monuments, *„whoever breaches prohibitions or limitations in force on the territory of a culture park or a part thereof, shall be subject to arrest, community work, or a fine,”* and *„if the offender committing the act set forth*

<sup>32</sup> Read more in: P. Dobosz, *Milczenie i bezczynność w prawie administracyjnym* (Cracow 2011), 65 and 177.

*in Article 109.1 has acted unintentionally, they shall be subject to a fine.” (Article 112 .2). Moreover, „in the event of the petty offence specified in Article 112.1 or Article 112.2 having been committed, the following may be adjudicated: 1) Forfeiture of tools and objects which have been used or intended for committing the petty offence, even if the offender is not the owner of these tools and objects; 2) Forfeiture of objects obtained directly or indirectly through a petty offence; 3) Obligation of restitution of the previous state or of payment of the equivalent of the damage done.” (Article 112.3). Under the aforementioned article, a new type of petty offence is introduced into the Act on the Protection and Guardianship of Monuments. It concerns petty offences relating to municipal culture parks only. In the event of a person breaching prohibitions and restrictions applying in culture parks, it is possible to find an offender liable for both intentional and unintentional offence.*

Municipal Police and Police are respectively responsible for carrying out administrative tasks aiming to monitor public order. Municipal Policemen are in charge of maintaining public order by carrying out specific tasks resulting from acts and ordinances. Their duties aiming to enforce provisions of law are set forth in the Municipal Police Act of 29 August 1997.<sup>33</sup>

## **VI. COOPERATION WITH NON-GOVERNMENT ORGANISATIONS AND PUBLIC-PRIVATE PARTNERSHIP – A USEFUL INSTRUMENT FOR MANAGEMENT OF PROPERTIES INSCRIBED ON THE WORLD HERITAGE LIST**

Bodies responsible for management of properties inscribed on the World Heritage List ought to aim at cooperating with non-government organisations (including public benefit institutions), e.g. official social organisations, organisations established on *ad hoc* basis (for specific purpose) as well as private foundations pursuing aims of public nature and public foundations (provided that the tasks they carry out involve properties inscribed on the World Heritage List). Activities undertaken by public benefit institutions are set forth in the Act of law of April 24th 2003 on Public Benefit and Volunteer Work<sup>34</sup>.

In terms of public services, cooperation between public administration (public administration and local government bodies) and private business entities, which is referred to as ‘public-private partnership’, may be an effective mechanism for managing properties inscribed on the World Heritage List. Rules governing this cooperation mechanism are set forth in the Act of December 19, 2008 on Public-Private Partnership<sup>35</sup>.

## **VII. FINANCING ACTIVITIES AIMING TO PROTECT, CONSERVE, AND PROMOTE PROPERTIES INSCRIBED ON THE WORLD HERITAGE LIST**

The territorial formula for financing cultural heritage can be decoded in terms of the current legal circumstances. At the same time, it is the country on whose territory a specific property inscribed on the World Heritage List is located that is obliged to manage this property, conserve it and keep it in good condition. Additionally, the responsibility for the condition of this property is more of a moral than legal nature. Based on provisions of international agreements and in cases provided therein, state officials may apply international organisations for subsidies aimed at preserving and conserving such properties. Furthermore, different states are provided with different types of the aforementioned mechanisms of logistic support. This support is particularly focused on providing *know-how* to protect cultural heritage, i.e. knowledge of a specific field or fields useful for elements of cultural heritage that must be provided with special protection and located on a specific

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<sup>33</sup> *Dziennik Ustaw* of 1997, no. 123, item 779, as amended.

<sup>34</sup> *Dziennik Ustaw* of 2014, item 1118.

<sup>35</sup> *Dziennik Ustaw* of 2009, no. 19, item 100 as amended.

country's territory. Financial aid is unusual and granted only in exceptional cases. The aforementioned logistic support mechanism is provided upon interested state's request.

This is, however, not the case in the European Union, where it is possible to receive more generous financial aid for carrying out culture-related works. What is of considerable importance is the Partnership Agreement adopted by the European Commission on 23 May 2014. This document outlines the directions of three EU policies followed in Poland in the years 2014–2020, i.e. Cohesion Policy, The Common Agricultural Policy, and The Common Fisheries Policy. Under the 2014–2020 Cohesion Policy, the Infrastructure and Environment Operational Programme for the years 2014–2020 falls under Priority Axis VI: Protecting and developing cultural heritage, within which 400 million Euro will be spent<sup>36</sup>.

Articles 71–83 provided in chapter 7 of the Act on the Protection and Guardianship of Monuments („Rules governing allocation of funds for the guardianship of historic monuments”) specify rules and methods for applying for public funds that either the state government or local government make available for carrying out conservation, restoration, and construction works on specific historic monuments or sites.

What can be additionally used in case of properties on Cracow's territory which are inscribed on the World Heritage List is a financial mechanism set forth in the Act on the National Fund for the Conservation and Adaptive Reuse of Cracow Heritage.<sup>37</sup> Moreover, special mechanisms of state support are applied to „Auschwitz-Birkenau – a Nazi concentration and extermination camp (1940–1945).”

#### **VIII. OTHER PROVISIONS OF APPLICABLE LAW ARE USEFUL FOR MECHANISMS APPLIED IN MANAGEMENT OF PROPERTIES INSCRIBED ON THE WORLD HERITAGE LIST**

Other provisions of public law, which fall under the category of substantive administrative law are useful for the management of properties inscribed on the World Heritage List. Application of these provisions depends on the problem arising in the area protected and managed as a property or site inscribed on the World Heritage List. A number of provisions may be applicable in this instance, e.g. environmental law, mining law, geological law, etc.

#### **IX. DE LEGE FERENDA REMARKS ('THE LAW AS IT SHOULD STAND') CONCERNING THE LEGAL STATUS OF PROPERTIES INSCRIBED ON THE WORLD HERITAGE LIST**

As there are no general, generally applicable, special, and detailed procedures for the protection and guardianship of historic monuments, it is necessary to make legislative changes to managing properties inscribed on the World Heritage List as well as to the ways of financing works carried out in them.

<sup>36</sup> Further reference: Ministry of Infrastructure and Development, 'Infrastructure and Environment Operational Programme for the years 2014–2020 (draft)', *Ministry of Infrastructure and Development* [website], (8 January 2014, <[http://www.mir.gov.pl/fundusze/Fundusze\\_Europejskie\\_2014\\_2020/Documents/POIS\\_2014\\_2020\\_08012014.pdf](http://www.mir.gov.pl/fundusze/Fundusze_Europejskie_2014_2020/Documents/POIS_2014_2020_08012014.pdf)>, accessed 31 Aug. 2014; Ministry of Infrastructure and Development, 'Programowanie perspektywy finansowej na lata 2014–2020. 21 May 2014. Programming Financial Perspective for the years 2014–2020 – Partnership Agreement', *Ministry of Infrastructure and Development* [website], <[http://www.mir.gov.pl/aktualnosci/fundusze\\_europejskie/Documents/Umowa\\_Partnerstwa\\_21\\_05\\_2014.pdf](http://www.mir.gov.pl/aktualnosci/fundusze_europejskie/Documents/Umowa_Partnerstwa_21_05_2014.pdf)>, accessed 31 Aug. 2014.

<sup>37</sup> *Dziennik Ustaw* of 1985, no. 21, item 90 as amended.

The fundamental set of legal forms of protecting historic monuments must be extended by including a state legal form of protection and guardianship of properties inscribed on the UNESCO World Heritage List. Consequently, detailed instruments for legal protection and management will be related to this form. From the central state budget, the central government should provide financial means for carrying out both planning works and works aiming to protect and conserve important elements of a property inscribed on the world heritage list. The public task of managing properties inscribed on the World Heritage List as well as the ways of financing protection and conservation of these properties should become an obligation imposed by municipal local authorities, i.e. a substantive task within the scope of government administration which is requested entirely or in part and financed from the central budget.

It is necessary to provide not only public administration bodies but also owners and users of properties inscribed on the World Heritage List with clearly defined rights and obligations. At the same time, these entities must be provided with access to state financial assistance mechanisms for protection, conservation, and management of properties in question.

Incorporating an advisory and consultative body, i.e. the Council on the Protection and Management of Monuments and Sites inscribed on the UNESCO World Heritage List, which on the central level operates at the Ministry of Culture and National Heritage, into the structure of public administration. The Council should be seated by representatives of the Polish National Commission for UNESCO, Polish National Committee of the International Council on Monuments and Sites, Local Tourism Organisation under the name „Liga Polskich Miast i Miejsc UNESCO” (UNESCO League of Polish Cities and Sites), municipal local government body competent to the territory on which a specific property is located, as well as owners and/or users of such properties.

## **X. CLOSING REMARKS FOR MANAGERS OF PROPERTIES INSCRIBED ON THE WORLD HERITAGE LIST**

To conclude, it is worth emphasizing the existence of subjective and objective directions in the logistics support provided to managers of properties inscribed on the World Heritage List:

1. public administration on local and central levels (including in particular: voivode – Regional Conservation Officer; Minister of Culture and National Heritage – General Conservation Officer) – administrative affairs as well as logistics, substantive, and, in reasonable cases, also financial assistance.
2. Local government administration on all levels – administrative affairs as well as logistics and substantive support and, in reasonable cases, also financial assistance.
3. Specialised cultural institutions, including National Institute of Heritage, Polish National Commission for UNESCO seated in Warsaw, Polish National Committee of the International Council on Monuments and Sites seated in Warsaw, Local Tourism Organisation under the name „Liga Polskich Miast i Miejsc UNESCO” (UNESCO League of Polish Cities and Sites) seated in Toruń, International Cultural Centre in Cracow – substantive and logistics support;
4. Local and regional non-governmental organisations – substantive and logistics support;
5. Other stakeholder categories (natural persons, legal entities, etc.) – logistics and substantive support as well as, in reasonable cases – financial assistance;
6. In exceptional circumstances, the President of the Republic of Poland; The World Heritage Committee – matters regarding their legal competences.

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# THREAT ANALYSIS IN WORLD HERITAGE SITE MANAGEMENT PLANS

Anna Fortuna-Marek

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## 1. FACTORS AFFECTING WORLD HERITAGE IN HERITAGE PROTECTION SYSTEM AND THEIR IMPORTANCE IN THE CONTEXT OF MANAGING WORLD HERITAGE SITES

Issues concerning factors which produce threatening impact on heritage are elements of the protection and heritage management systems.

The problem of factors that may which affect or threaten heritage and historic monuments as well as the issue of preventing these threats appear frequently in Polish legislative acts. Furthermore, it is an important element of strategies of protecting world heritage assets, which is recommended by the World Heritage Committee. Description of factors which affect properties is a fundamental element of not only the monitoring processes<sup>1</sup> but also management plans developed with WH sites in mind.

Any property, regardless of its type, may be affected by a number of anthropogenic and natural factors that may impact its condition. For protecting and managing a property effectively, it is necessary to consider both the existing and the potential factors that may affect a property. It is also of considerable importance to monitor these threats and define actions to be undertaken and means to be applied in order to prevent all the factors having been identified. Such elements as identification, monitoring, instruction on eliminating or, at least, mitigating threats or reversing deterioration that has already occurred are necessary in any World Heritage Site management plan.

Heritage cannot be provided with effective protection unless factors and mechanisms exerting destructive impact on elements of historical significance, spatial values, intangible components, and operation of the protection system are identified.

In order to manage and protect heritage, it is considerably important to identify and monitor factors which are likely to affect or threaten a property because these actions aim to provide preventive protection in particular. Risk and destruction can be avoided only if potential dangers are identified and faced successfully.

### Polish legislation and factors affecting World Heritage

In the Polish monument protection system, problems resulting from the presence of factors affecting properties, ensembles or sites are solved by applying provisions of *The Act on the Protection*

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<sup>1</sup> Threat monitoring, e.g. in: Z. Mirek, "Monitoring miejsc światowego dziedzictwa," in B. Szmygin (ed.), *Wyjątkowa Uniwersalna Wartość, a monitoring dóbr światowego dziedzictwa* (Warsaw, 2011), 49.

and *Guardianship of Monuments* and secondary legislation thereto<sup>2</sup>. Apart from these documents, Construction Law Act of 7 July 1994 and *The Spatial Planning and Land Development Act of 27 March 2003* play a pivotal role as well.

These acts, *the Act on the Protection and Guardianship of Monuments and Sites* in particular, provide theoretical tools not only for counteracting dangers that have already threatened or endangered a property but also for preventing or mitigating the danger's possible negative impact on properties, ensembles, and sites of historical significance which are under protection. It is important that the provisions set forth in these acts apply to all properties under protection and do not particularly emphasize the most valuable areas, i.e. World Heritage properties and sites. All protective measures undertaken to prevent or mitigate the danger's possible negative impact on protected properties and sites of historical significance are set forth in legal acts, e.g. by specifying which actions are not permitted and which require Regional Conservation Officer's consent.

There are six fundamental actions set forth in the *Act on the Protection and Guardianship of Monuments and Sites* which define protection of historic monuments and sites provided by public administration bodies. These actions include not only *protective measures that may result in lowering the value of specific historic monuments and sites* but also *prevention of damages and inappropriate use of historic monuments and sites* (reacting to threats).<sup>3</sup> Legislative basis for protecting historic monuments and sites which are under care of their owners also refers to factors which are likely to affect or threaten the property. Taking care of properties or sites involves particularly *providing conditions for protecting and preserving a historic monument and its surrounding area in a possibly best condition as well as using it in a way ensuring long-time preservation of its values*, i.e. preventing or mitigating the danger's possible negative impact on the property.<sup>4</sup> Owners of historic monuments and sites are obliged to inform a RCO about any factors affecting the property which they are responsible for.<sup>5</sup>

Moreover, conservation officers have a number of rights and tools to monitor the state of preservation of a specific monument or site as well as supervise these properties.<sup>6</sup> This, in theory, should also involve undertaking actions aimed at dealing with negative factors.

Furthermore, pursuant to art. 18 of the *Act on the Protection and Guardianship of Monuments*, monument protection and care are taken into consideration in the process of producing and amending the following documents: province development strategies, powiat (county) land use plans and analyses, municipality development strategies, municipal land use plans, and local zoning plans or decisions on site locations of public-purpose investment projects, zoning decisions (...). Additionally, in terms of threat analysis, it is considerably important that all the aforementioned concepts, strategies, analyses, plans, and studies **provide solutions necessary for preventing or mitigating the danger's possible negative impact on the property** and provide

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<sup>2</sup> What is of utmost importance is not only the *Ordinance of the Minister of Culture of 9 June 2004 on carrying out conservation, restoration and construction works and conservation and architectural studies, researches and other works on historic monuments entered into the register of historic monuments and sites as well as archaeological excavations and searches of hidden or lost movable monuments* (*Dziennik Ustaw* of 2004, no. 150, item 1579), but also *Ordinance of the Minister of Culture of 25 August 2004 on organising and protecting historic monuments in the event of war or crisis* (*Dziennik Ustaw* of 2004, no. 212, item 2153).

<sup>3</sup> *Act of 23 July 2003 r. on the Protection and Guardianship of Monuments* (consolidated text, *Dziennik Ustaw of the Republic of Poland* of 2014, item 1446), art. 4 (hereinafter referred to as *The Act on the Protection and Guardianship of Monuments*).

<sup>4</sup> *The Act on the Protection and Guardianship of Monuments*, Art. 5.

<sup>5</sup> *The Act on the Protection and Guardianship of Monuments*, Art. 28.

<sup>6</sup> *The Act on the Protection and Guardianship of Monuments*, Art. 4.

*protection when carrying out an investment project aimed at restoring a historic monument or site to the best possible condition.*<sup>7</sup>

Moreover, in order to be protected from threats and dangers resulting from emergency situations, e.g. military conflicts, properties of the most considerable importance to cultural heritage should be covered both in a monument protection plan developed by an organisational unit and in national, provincial, poviát (county), as well as municipal monument protection plans. Potential and real factors producing threatening impact on properties which should be taken into consideration in the aforementioned plans include the following in particular: fires, floods, downpours or other floods, gales, engineering disasters, technical and chemical failures, demonstrations and riots, robberies or vandalism, terrorist attacks and military conflicts<sup>8</sup>.

In spite of the detailed provisions applying to threats, prior solutions aimed at counteracting dangers that threaten or may endanger World Heritage sites in Poland were insufficient. This is proven by recent investment projects carried out in Warsaw and Wrocław. In practice, however, pursuant to the provisions of law, it is conservation officers who are responsible for protecting historic monuments and sites supervise and monitor properties of historical significance (including properties inscribed on the WH List). They do not, however, deal with identifying and monitoring factors that may affect UNESCO sites in a system-based way. In the current Polish legal system, factors which may produce threatening impact on properties, including the ones of the most outstanding value, are assessed and monitored randomly, occasionally, and in a non-system-based way.

Actions undertaken by the National Heritage Board of Poland are to provide Polish UNESCO sites and properties with protection of the highest standard. One of the main objectives of this national organisation is to *monitor and analyse factors affecting heritage and develop methods for preventing or mitigating the danger's possible negative impact on properties inscribed on the World Heritage List in particular.*<sup>9</sup> Additionally, the Board is responsible for *undertaking actions requested by the Minister, which are to be carried out under agreements, conventions, and other documents signed by Polish government bodies concerning care and protection of tangible and intangible heritage,*<sup>10</sup> e.g. adopting provisions resulting from the fact that Poland ratified the *Convention Concerning the Protection of the World Cultural and Natural Heritage* in 1972. As preventing the dangers' possible negative impact on properties is one of the aims to be achieved in the monitoring process, it can be said that monitoring is directly relating to factors affecting heritage. In fact, however, no standardised, system-based monitoring of such sites has been developed and implemented yet.

### **Factors producing threatening impact on WH properties and guidelines developed by the World Heritage Committee**

All actions relating to properties inscribed on the UNESCO World Heritage List are compliant with *the Convention Concerning the Protection of the World Cultural and Natural Heritage.*<sup>11</sup> Secondary legislation aimed at adopting the *Convention* are provided in a document under the name *Operational Guidelines for the Implementation of the World Heritage Convention*

<sup>7</sup> *The Act on the Protection and Guardianship of Monuments*, Art. 18.2. 2.

<sup>8</sup> *Ordinance of the Minister of Culture of 25 August 2004 on Organising and Protecting Historic Monuments in the Event of War or Crisis.*

<sup>9</sup> *Articles of association of the National Board of Poland*, Paragraph 4 – *Annex to the Order of the Minister of Culture and National Heritage of 23 January 2014.*

<sup>10</sup> as above.

<sup>11</sup> *Convention Concerning the Protection of the World Cultural and Natural Heritage*, Paris 1972 (*Dziennik Ustaw* of 1976 no. 32, item 190).



(hereinafter referred to as *Operational Guidelines*).<sup>12</sup> Various aspects of factors affecting properties are discussed in *Operational Guidelines*. Already in the part about authenticity and integrity it is written that in order to assess integrity, it is necessary to assess the degree to which a property may suffer from deleterious effects of development or/and negligence.<sup>13</sup>

Most of information on threat-related issues is provided in the chapter about protection and management. Each World Heritage property or site should be provided with a management plan or system, which would be used as a tool for planning protection, conservation, and well-balanced use and development of world heritage property or site.

General recommendations to the WH property management system are provided in *Operational guidelines*. What follows from them is the fact that the system should become a tool for protecting, conserving, and presenting a property. A successfully functioning system consists of the following elements: detailed analysis of a property or site; a cycle including planning, implementing, monitoring, assessing, and verifying processes; partners' and stakeholders' involvement; developing competences and providing sufficient means<sup>14</sup>. All of the aforementioned elements concern factors affecting properties and sites.

Articles 110, 111, and 118 of *the Operational Guidelines* are particularly important in terms of dangers that threaten or may endanger properties and sites. Pursuant to them, the Committee recommends that State Parties include risk preparedness, assessment of vulnerabilities, monitoring of impacts of trends and proposed interventions as elements in their World Heritage site management plans and training strategies (which is directly related to threats).

Furthermore, in order to preserve all aspects of OUV of a property, it is necessary to adopt an integrated approach to management. Property management should therefore focus not only on a property within its boundaries but also on its buffer zones and even vaster areas. This recommendation plays an important role in analysing factors affecting properties.<sup>15</sup> All actions undertaken as part of property management process should be carried out in close cooperation with property managers, persons authorised to protection and management, offices and institutions, as well as stakeholders and other partners.<sup>16</sup> This refers also to dangers that threaten or may endanger a property. Factors producing threatening impact are also discussed in Art. 116 of *the Operational Guidelines*, pursuant to which a property or site is also faced with threats when qualities of a nominated property are threatened, yet the property meets the criteria and the conditions of authenticity or integrity. In this case, an action plan outlining corrective measures and deadlines for applying them should be submitted with the nomination file under pain of being delisted.<sup>17</sup>

What can be helpful in considering threats are indications of specific dangers to cultural properties inscribed on the World Heritage List. They are divided into ascertained and potential dangers. The ascertained dangers include: *serious deterioration of materials; serious deterioration of structure and/or ornamental features; serious deterioration of architectural or town planning coherence; serious deterioration of urban or rural space, or the natural environment; significant loss of historical authenticity;*

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<sup>12</sup> *Operational Guidelines for the Implementation of the World Heritage Convention*. The document is amended on periodical basis. Translation into Polish based on the English version of 2012. K. Piotrowska and B. Szymgin, 'Operational Guidelines for the Implementation of the World Heritage Convention', Polish National Committee of the International Council on Monuments and Sites ICOMOS [website], <<http://www.icomos-poland.org/index.php/pl/dokumenty-doktrynalne>>.

<sup>13</sup> *Operational Guidelines*, art. 88.

<sup>14</sup> *Operational Guidelines*, art. 111.

<sup>15</sup> *Operational Guidelines*, art. 112.

<sup>16</sup> *Operational Guidelines*, art. 117.

<sup>17</sup> *Operational Guidelines*, art. 116.

*important loss of cultural significance. The potential dangers include such threats as: modification of juridical status of the property diminishing the degree of its protection; no conservation policy available; threatening effects of regional planning projects; threatening effects of town planning; outbreak or threat of armed conflict; threatening impacts of climatic, geological or other environmental factors*<sup>18</sup>.

### **The meaning of threats in management of World Heritage properties**

Protection and effective management of UNESCO World Heritage properties aim to ensure that their Outstanding Universal Value is sustained or enhanced over time, including the conditions of integrity and/or authenticity at the time of inscription.<sup>19</sup> In order to achieve this aim, it is necessary to define what can threaten these values, how the danger's possible negative impact on the property can be prevented or mitigated and, in the event of a threat, what measures should be taken to reverse or, at least, reduce the deleterious effects.

Effective protection must be therefore focused on dangers that threaten the heritage – identification, characteristics, analysis, monitoring, assessment of factors affecting heritage and the areas in which they have deleterious effects, as well as characteristics of actions aimed at mitigating threats or reversing the deterioration that has already occurred.

The fact that negative factors should be identified at the moment of inscribing a property onto the UNESCO List proves that the problem of factors affecting properties is of considerable importance. Consequently, these factors are covered in a documentation model, which is developed for each site being nominated. Moreover, references to these factors are important elements of WH Periodic Reporting. Additionally, the process of Reactive Monitoring adopted when most serious threats occur has been developed as a part of the protection system aimed at World Heritage. These wider issues concerning factors affecting properties and sites which are provided in documents and pragmatism of actions undertaken by UNESCO representatives, confirm the conclusion that identifying and monitoring factors affecting properties as well as preventing the danger's possible negative impact on properties play significant roles in protecting and managing WH properties.

## **2. IDENTIFYING AND DESCRIBING FACTORS AFFECTING WORLD HERITAGE PROPERTIES**

The following source materials need to be used in the process of identifying factors that may affect WH properties and assessing severity of their impact: *Convention Concerning the Protection of the World Cultural and Natural Heritage, Operational Guidelines, a Nomination Proposal, and Periodic Reporting*.

Pursuant to *the Operational Guidelines*, the principal aim of managing a World Heritage site is to ensure maintenance of all aspects of their Outstanding Universal Values and qualities of a property which justify its integrity and authenticity (property quality).<sup>20</sup> Management aim defined in this way should result in factor analysis being based on considering and describing all factors which may produce threatening impact on the OUV of a property. It is therefore necessary to refer to the definition of the OUV of a specific property and related qualities.

<sup>18</sup> Operational Guidelines, art. 179.

<sup>19</sup> Operational Guidelines, art. 96: "Protection and management of World Heritage properties should ensure that their Outstanding Universal Value, including the conditions of integrity and/or authenticity at the time of inscription, are sustained or enhanced over time. A regular review of the general state of conservation of properties, and thus also their Outstanding Universal Value, shall be done within a framework of monitoring processes for World Heritage properties, as specified in the Operational Guidelines."

<sup>20</sup> Operational Guidelines, art. 112.

Effective management and protection of a property involves defining specific threats to the entire property (in terms of its OUV) and to criteria which justify the OUV of the property. It also involves assessing threats to authenticity and integrity of an asset. Considering the factors provides the basis for specifying actions aimed at dealing with negative factors.

### Factors affecting the property and the application proposal

Factors producing threatening impact on properties should be taken into account already at the stage of inscribing a property on the UNESCO List. It is achieved by assessing the state of conservation of a property at the time of inscription of a property on the World Heritage List,<sup>21</sup> providing it in the nomination proposal, and including a description of factors affecting the property.<sup>22</sup> Pursuant to *Operational Guidelines*, information on the present state of conservation of the property at the time of inscription on the World Heritage List is of considerable importance for the process of monitoring a nominated property in the future. In this section of the nomination proposal, it is therefore recommended to provide all information on the *physical condition of the property, conservation measures in place, and a description of the factors affecting the property (including threats)*.<sup>23</sup> Additionally, as a part of the conducted monitoring, *State Parties should include the following aspects in the nomination proposal: key indicators in place and/or the proposed ones aimed to measure and assess the state of conservation of the property, the factors affecting the asset, conservation measures undertaken at the property and the periodicity of verifying them, and the identity of the responsible authorities*.<sup>24</sup> Explanation to the format for the nomination proposal provides tips on the level of information accuracy:

*With regards to a city or a site of historical significance, information that should be provided includes buildings, historic monuments, and other constructions that need to undergo major or minor repairs. Additionally, the scale and duration of former and future major repair projects should be also provided.* The state of conservation specified in the proposal is of considerable importance because it should be used as a reference point in the future.

This aims at comparing and monitoring changes in the state of conservation of a specific property. With regards to factors affecting the property (including threats), explanations provided in the Format for the nomination of properties for inscription on the World Heritage List may be helpful in identifying threats. It should be emphasised that what must be provided here is *the information about all factors that may affect a property and its OUV as well as the description of all difficulties, which may arise at solving these problems*<sup>25</sup>. Furthermore, factors affecting properties fall under five categories helpful in providing information on all the factors which are likely to affect or threaten the Outstanding Universal Value of a property. Each time, information about the factors should be collected individually.

Consideration and description of factors producing threatening effects can be therefore based on their classification into types specified in the nomination proposal. The recommended categories of factors affecting properties, including threats, considered at the time of inscription of a property on the UNESCO List may be helpful in considering threats and monitoring them. Factors affecting properties which should be identified at the time of inscription include:

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<sup>21</sup> *Operational Guidelines*, Annex 5, *Format for the nomination of properties for inscription on the World Heritage List*.

<sup>22</sup> *Operational Guidelines*, Annex 5, *Format for the nomination of properties for inscription on the World Heritage List* item 4 "State of Conservation and factors affecting the Property."

<sup>23</sup> *Operational Guidelines*, art. 132.4.

<sup>24</sup> *Operational Guidelines*, art. 132.6.

<sup>25</sup> *Operational guidelines*, Annex 5, item 4a.

- (I) **Development Pressures (e.g., encroachment, adaptation, agriculture, mining);** with regards to cultural properties, the following threatening factors are mentioned: *pressure for demolition, rebuilding or new construction; the adaptation of existing buildings for new uses which would harm their authenticity or integrity; habitat modification or destruction following encroaching agriculture, forestry or grazing, or through poorly managed tourism or other uses;* **(Pic. 1)**



**(Pic. 1)** New investment project implemented in close proximity to UNESCO property, author: A. Fortuna-Marek

- (II) **Environmental pressures (e.g., pollution, climate change, desertification);** A list of the major sources of environmental deterioration affecting building fabric, flora and fauna should be provided.
- (III) **Natural disasters and risk preparedness (earthquakes, floods, fires, etc.);** Itemize those disasters which present a foreseeable threat to the property and what steps have been taken to draw up contingency plans for dealing with them, whether by physical protection measures or staff training. **(Pic. 2)**



**(Pic. 2)** Flood threat in Cracow, author: A. Siwek

**(IV) Responsible visitation at World Heritage sites;** *The status of visitation to the property (notably available baseline data; patterns of use, including concentrations of activity in parts of the property; and activities planned in the future) should be provided. Projected levels of visitation due to inscription or other factors should be described. The carrying capacity of the property and how its management could be enhanced to meet the current or expected visitor numbers and related development pressure without adverse effects should be defined. Possible forms of deterioration of the property due to visitor pressure and behaviour, including those affecting its intangible attributes, should be considered.*

**(V) Number of inhabitants within the property and the buffer zone<sup>26</sup>**

### Threats and periodic reporting

Pursuant to The World Heritage Convention, State Parties are obliged to compile reports on the implementation of the World Heritage Convention. In order to implement the Convention properly, the World Heritage Committee established the process of Reactive Monitoring and<sup>27</sup> Periodic Reporting.<sup>28</sup> The main objectives of Periodic Reporting include:

- to provide an assessment as to whether the Outstanding Universal Value of the properties inscribed on the World Heritage List is being maintained over time
- to provide up-to-date information about the World Heritage properties to record the changing circumstances and state of conservation of the properties.<sup>29</sup>

The problem of threatening factors is a burning issue. The commentary provided in Section II of the *Format for the Periodic Reporting on the application of the World Heritage Convention*, which refers to the state of conservation of specific World Heritage properties located on the territory of the State Party concerned focuses on detailed information about considering factors which are likely to affect or threaten the property.<sup>30</sup> It is recommended that factors provided in a nomination proposal, e.g. development pressure, environmental pressures, natural disasters and risk preparedness, visitor pressure, and the number of inhabitants within the property and the buffer zone should be taken into particular account when considering the factors affecting a specific property. Problems and risks to be considered could include earthquakes, floods, land-slides, vibrations, industrial pollution, vandalism, theft, looting, changes in the physical context of properties, mining, deforestation, poaching, as well as changes in land-use, agriculture, road building, construction activities, tourism.

Commentary on the extent of all factors which affect or threaten a property and assessment of the impact these factors produced on the property should be provided as well. It is also necessary to devise methods for counteracting dangers that threaten or may endanger the OUV and to correlate the already considered factors with specific protective measures – the already taken ones and the planned ones.

In the current UNESCO periodic report, i.e. in the aforementioned Section III on factors affecting the property, these factors have been presented in details. These include, e.g.: buildings and development, transportation infrastructure, utilities or service infrastructure, pollution, Biological resource use/modification, physical resource extraction, local conditions affecting physical fabric (environmental or biological factors that promote or contribute to deterioration processes of the

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<sup>26</sup> *Operational guidelines*, Annex 5, item 4b.

<sup>27</sup> *Operational Guidelines*, art.169–176.

<sup>28</sup> *Operational Guidelines*, art. 113 and 199–210.

<sup>29</sup> *Operational Guidelines*, art. 201.

<sup>30</sup> *Operational Guidelines*, Annex 7, Section II, “State of Conservation of Specific World Heritage Properties,” Section III, “Factors affecting the property.”

fabric of heritage sites, e.g. wind, temperature, relative humidity, radiation/light, dust, water, pests, micro-organisms), social/cultural uses of heritage (including impacts of tourism); Other human activities (including illegal activities, deliberate destruction of heritage), climate change and severe weather events (e.g. flooding, storms, hurricanes), sudden ecological or geological events, management and institutional factors (e.g. research/monitoring activities), and other factors. This section includes several dozen of factors that may affect the property. Each factor must be considered in terms of the impact it produces on the property:

- positive/negative;
- current/potential;
- internal/external.

In the event of the presence of a negative factor, the scale or severity of the impact it produces must be also assessed in terms of the following criteria:

- spatial scale (restricted, localised, extensive, widespread);
- temporal scale (one off or rare, intermittent or sporadic, frequent or on-going);
- impact (insignificant, minor, significant, catastrophic);
- management response (high capacity, medium capacity, low capacity, no capacity)
- trend (whether the overall impact of the negative factor is decreasing; static or increasing)

Compiling the report involves using an e-tool (Section 5.1 of the *Periodic Report on the application of the World Heritage Convention, "Summary – Factors affecting the Property"*) generating six most significant factors affecting the property which have been described in the aforementioned Section 3; This step is also helpful in developing detailed guidelines for counteracting dangers that threaten or may endanger the property being analysed.

What is frequently provided in this summary is, for instance, analysis of not only the OUV of the property but also of property management. For each of the six negative factors, it is crucial to answer the following:

- in what way/s are the WH criteria and attributes **affected**?
- what **actions** are being taken to **deal with the negative factors**?
- what **monitoring** is in place to determine the extent and scope of the factor
- is the situation getting better or worse?
- what is **the timeframe** for these activities (i.e. actions and monitoring)?

Furthermore, it is necessary to appoint a lead agency (and other entities) involved in undertaking the aforementioned activities.

Factors affecting WH properties, including threats, may be also relating to the way in which the protection and management system functions. Effectiveness assessment covering protection, management, and monitoring of WH properties and their OUV are of utmost importance. This section includes a number of important elements which need to be analysed in order to verify whether property protection and management are effective. Elements to be assessed include:

- boundaries of a property and its buffer zones (are they appropriate for preserving the OUV? Are they known to local and managing communities?)
- protective measures, which include: protection methods, legal status relating to the inscribed property, its buffer zone, and broader area. This includes assessment of these measures in terms of their appropriateness and sufficiency for preserving the OUV, including authenticity, integrity, and factual enforcement of the provisions of law;
- management plan/system (what tools, documents, and actions undertaken by different entities are applied in management? How do managers cooperate with stakeholders?);

- human and financial resources (budget, conservation and protection costs, security of the sources of financing, assessment of economic benefits for local communities, staff evaluation, availability of experts, and training opportunities);
- scientific and research projects that improve understanding of the OUV of a property and influence decisions in which the preservation of the OUV is taken into consideration;
- providing education and information as well as developing awareness of the value of a property or site;
- strategies for managing visitors;
- monitoring (is any monitoring carried out? Have the key indicators for assessing the condition of property and its protection been specified? How actively are the stakeholders involved in monitoring a property or site?).

After analysing the aforementioned process of producing the periodic report for WH properties in terms of threats, it becomes clear that reporting is aimed at assessing whether the OUV has been preserved and how the management and protection system functions. With regards to threat categorisation, what can prove to be a tremendously useful tool in developing a WH property Management Plan is the current Periodic Reporting *Form concerning implementation of the WH Convention*.

### **3. IDENTIFICATION OF FACTORS THREATENING THE OUV ATTRIBUTES IN TERMS OF AUTHENTICITY AND INTEGRITY – BASED ON THE EXAMPLE OF A CITY (CRACOW) AND PROPERTIES (“Wooden Churches of Southern Małopolska”)**

Identification and description of factors threatening two types of assets – a property (*Wooden Churches of Southern Małopolska*) and a city (*Historic Centre of Cracow*)<sup>31</sup> have been developed as a part of this project. The aforementioned guidelines, recommendations, and tools were applied in the development process. Furthermore, it was taken into consideration that WH property management aims at protecting and preserving not only the OUV but also the integrity and authenticity of a specific property. Factors producing threatening impact on both properties were analysed in terms of the definition of the OUV and the related attributes. Attempts were made to assess the threats from the perspective of authenticity and integrity. The threat analysis consists of two-stages: the first one includes description of factors which affect the entire property. The second stage, however, involves detailed description of factors affecting all attributes by emphasizing the ones which are likely to threaten the authenticity and integrity. Pursuant to UNESCO periodic reporting principles, both the existing and potential threats are taken into consideration in the aforementioned consideration and description.

With regards to Cracow, this detailed description of factors negatively impacting the attributes, i.e. the relation between threats and attributes which convey or express OUV, has been provided in a table including indicators of specific (previously defined) attributes, factors affecting these attributes, and the impact these factors exert on preservation of authenticity and integrity of a property. Below: a table compiled by A. Siwek. *Verification of the attributes that convey OUV and indicators of monitoring* conducted in this project:

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<sup>31</sup> A. Siwek, A. Fortuna-Marek, *Weryfikacja opracowanych atrybutów wyjątkowej uniwersalnej wartości i wskaźników monitoringu Drewniane kościoły Południowej Małopolski. Kraków – historyczny zespół miejski – zadanie merytoryczne do projektu „Opracowanie modelowego planu zarządzania dobrami kulturowymi światowego dziedzictwa UNESCO.”*

**Cracow – urban ensemble of historical value – relating factors producing threatening impact to attributes conveying the value of the property**

No.	ATTRIBUTE	INDICATOR	FACTORS PRODUCING THREATENING IMPACT	Factors affecting the property in terms of its authenticity and integrity
1.	urban planning layout – total number of settlement ensembles	Preserving the distinctive nature of each (3) component of the ensemble	Unification; the original boundaries fade out in each planning and functional dimension	A/I
2.	urban planning layout – in every settlement ensemble	Preserving street and building layouts, building proportions, land occupancy	Degradation or an important change to the urban layout resulting from investment pressure, modernisation or destruction of elements of historical significance	A/I
3.	boundaries – tangible and intangible	Clarity of spatial, administrative, and urban divisions as well as mentality differences	Functional changes Administrative changes Ownership changes	A<I
4.	Street and square plans	Stability of urban composition framework	Degradation or uncontrolled modernisation of a spatial layout	A>I
5.	land lot plan	Stability of ownership categories	Ownership changes resulting in merging or dividing properties as well as in changing original divisions.	A/I
6.	building block layout	Stability of foundations of urban planning layout	Modernisation and changes to the size, plan, and proportion of buildings. Disappearance of elements of historical value – result of demolitions or dilapidation.	A>I
7.	multi-phase buildings of historical significance	Preserving elements of architectural importance	Uncontrolled and excessive modernisation; replacement of elements of historical significance	A
8.	multi-functionality of the buildings	Stability of traditional functions that buildings serve or selection of functions which do not contradict the historical nature of the property.	Disappearance of the traditional forms of use; Failure to adapt the existing properties for new uses	A>I
9.	building size	Preserving the original size of the property	Superstructure, extension, demolition	A



10	Architectural detailing of decorative value	Preserving the original architectural detailing of decorative value.	Modernisations, faulty conservation, degradation resulting from wear and tear as well as from climate changes and severe weather events;	A
11.	Equipment – movables	Preserved elements of interior design as well as public and private collections.  1. Available elements – public rooms  2. Thesaurisated elements – private rooms and elements of interior design.	Dispersion of elements; Theft; Wear and tear;  Failure to change the profile of the collection (equipment ensemble) properly / inadequate modernisation/ Moving, Dispersion, Functional deficit;	A/I
12.	Public space	Stability of urban space organisation and management.  1. Architecture-related perspective.  2. Function-related perspective.	Disproportional use of land; Deleterious effects produced on the space, e.g. by implementing substandard solutions;  Disharmony of the solutions applied;  Predominance of functions which are inadequate to the nature of the site.	A/I
13.	Greenery of historical significance	Stability of the plants of historical significance as well as of green compositions in the city.	Natural greenery – the ageing processes; Damages; Disharmonious changes to the composition; New uses of the land.	A>I
14.	Surfaces	Preserving surfaces of historical significance, harmonising the new surfaces with the nature of the site.	Natural fabrics – the destruction processes; New needs demonstrated by users; Design- and implementation-related mistakes	A>I
15.	Street furniture	Adapting street furniture to the style of the site of historical significance.	Wear and tear; New functional needs; Land use concepts which are non-coherent with each other	A>I

16.	Skyline	City skyline seen from different viewpoints and key directions.	Investment projects carried out within the boundaries and the visibility zone of the property or site; Damage to important elements of the original skyline of historical significance.	A/I
17.	View corridors	Relations between key properties, landscape corridors	Investment projects carried out within the boundaries and the visibility zone of the property or site; Damage to important elements of the original views of historical significance.	A<I
18.	View over the historic monument or site – selected views	Display of specific properties – the original or the contemporary one.	Investment projects carried out within boundaries of the property or site. Damage to important elements of the view.	A>I
19.	Intangible values – relating to specific properties	Traditional functions, names, legend, and events relating to the property or site.	Discontinued traditions; Demographic changes; Faulty information policy or lack thereof	A/I
20.	Intangible values – relating to a city – a functional organism	Intangible heritage characteristic to the site.	Discontinued traditions; Demographic changes; Faulty information policy or lack thereof Competitive external models	A/I
21.	Exhibited archaeological layers and relics	Archaeological relics – excavated, safeguarded and made available	Physical damage; Misinterpretations;	A>I
22.	Preserved archaeological layers	Unresearched and unexhibited archaeological layers – the identified and the supposed ones	Investment projects being carried out; Natural disasters (flood, landslides, etc.)	A/I

(Pic. 3)



(pic. 3) Considerable intervention into the panorama of the UNESCO site, author: A. Siwek

What can be also helpful is not only a similar identification and description of both the existing and the potential factors producing threatening impact on the attributes but also assessment of these factors in terms of authenticity and integrity of a property. This study was focused on wooden churches located in southern part of Lesser Poland.

Both wooden fabric and structure may be affected by a number of similar factors, which may result in these elements and their authenticity being either damaged or negatively affected. **(Pic. 4)**



**(Pic. 4)** Complete destruction of the shingle roofing – threat to such attributes as material and construction (photography depicting a wooden property inscribed on UNESCO's World Heritage List – yet, does not concern the churches in Lesser Poland Region), author: A. Fortuna-Marek

These include environmental threats in particular, for instance: air pollution, weather conditions, e.g. rain, snow, solar radiation, and natural disasters, e.g. fires, floods, gales, etc. Flood which affected church in Binarowa in 2010 is a perfect example of how devastating and adverse natural disasters can be – both for the wooden fabric (soaking, getting damp, microbial corrosion) and for the structure of the property (unstable soil, damages to the foundation, wall base, and edges). Fire is another factor threatening or endangering the attributes which, in the most extreme cases, may result in total destruction of a property.

Wooden elements which need to be replaced after some time, i.e. external elements in particular, e.g. roofing, wall plating, wall shoring, may be affected particularly by misselecting the fabric being replaced. This exerts negative influence on the authenticity and integrity of a property. **(Pic. 5)**

There is also a risk that these attributes may be affected by vandalism.



**(Pic. 5)** Inappropriate material applied to the roofing – plastic shingle (photography depicting a wooden property inscribed on UNESCO's World Heritage List – yet, does not concern the churches in Lesser Poland Region), author: A. Fortuna-Marek

Architectural form, i.e. the shape of a property and its interior design are particularly threatened and endangered by such factors as the aforementioned natural disasters (floods, fires, gales) and development pressures to the most considerable extent. However, the latter ones seem to affect properties in theory only. Because of the protection provided by conservation officers as well as the awareness of the value of a property, it is practically impossible to implement any development or transformation concepts resulting in changes to the shape and decor of a property.

A number of factors may relate to the 'Interior design and equipment' attribute. These factors include not only implementation of development projects, e.g. installing heating devices or decorating the property but also environmental threats, e.g. humidity, temperature, pollution, as well as natural disasters, theft, uses, or vandalism. **(Pic. 6)**



**(Pic. 6)** Severe damages to the polychrome layer – threat to the 'design' attribute (photography depicting a wooden property inscribed on UNESCO's World Heritage List – yet, does not concern the churches in Lesser Poland Region), author: A. Fortuna-Marek

All the aforementioned attributes may be also affected by poor condition of security and warning systems (fire, security, alarm, monitoring, etc.), the lack of these systems, vandalism, as well as redevelopment and conservation works carried out in unprofessional manner. **(Pic. 7 and 8)**



**(Pic. 7)** State of security elements – direct threat of burglary (photography depicting a wooden property inscribed on UNESCO's World Heritage List – yet, does not concern the churches in Lesser Poland Region), author: A. Fortuna-Marek



**(Pic. 8)** Renovation works carried out inappropriately in the rafter framing – threat to the construction of the property (photography depicting a wooden property inscribed on UNESCO's World Heritage List – yet, does not concern the churches in Lesser Poland Region), author: A. Sapeta

The most considerable threats affecting the 'Environment and landscape' attribute involve tourism development and increased number of visitors.

As no real protection in buffer zones and no legally guaranteed protection (local zoning plan) is provided in the majority of churches, it may happen that new investment projects fail to be adapted to the nature of the site. Newly erected buildings may be disharmonious and therefore affect skylines and aesthetic values of the properties. Properties may be also threatened by excessive tourism which results in the necessity to build various types of visitor accommodation and associated infrastructure. Landscape values may be lowered if municipal authorities omit to develop clear land development policy.

**“Wooden Churches of Southern Małopolska” – connections between threats and property value attributes**

No.	ATTRIBUTE	INDICATOR	FACTORS PRODUCING THREATENING IMPACT	Factors affecting the property in terms of authenticity and integrity
1.	Fabrics – foundations, log construction walls, ceilings, roof framings, joinery, etc.	Preserving the original building materials Faithful workmanship and, at the same time, distinctiveness of elements being replaced with the new materials	Environmental threats: air pollution, weather conditions, e.g. rain, snow, solar radiation, and natural disasters, e.g. fires, floods, gales, etc. Poor condition of warning and security systems and the lack thereof Property damages – vandalism Threats resulting from tourism development Misconducted or faulty conservation works	A/I

2.	Fabrics – shingle, shuttering, metal sheeting	Technical condition The type and method of processing the fabrics	Degradation resulting from severe weather events Inappropriate selection of the fabrics Threats resulting from tourism development	A<I
3.	Construction – log construction carpentry joints, roof framings, roof connections, fastenings, construction of the tower and the bell chamber.	State of conservation of construction elements  Faithful workmanship and, at the same time, distinctiveness of elements being replaced	Natural disasters – fires, floods, gales in particular Degradation resulting from severe weather events Poor condition of warning and security systems and the lack thereof Property damages – vandalism Threats resulting from tourism development Misconducted or faulty conservation and redevelopment works	A/I
4.	Architectural form – the shape of the property	Preserving the original shape of the property	Natural disasters (floods, fires, gales) Poor condition of warning and security systems and the lack thereof Threats resulting from tourism development	A/I
5.	Architectural form – architectural features, carpener signs, inscriptions carved on edges)		Natural disasters (floods, fires, gales) Environmental threats – degradation resulting from severe weather events Wear and tear Poor condition of warning and security systems and the lack thereof Threats resulting from tourism development Property damages – vandalism Inappropriate conservation	A/I
6.	Interior design and polychrome elements	Preserving the original interior design	Development pressures, e.g. installing heating systems, decorating the property, Environmental pressures – humidity, temperature, pollution; Natural disasters and risk preparedness, Poor condition of warning and security systems and the lack thereof Property damages – vandalism Unprofessional or faulty conservation works	A/I

7.	Furnishing	Preservation of the original equipment and fittings	Development pressures, e.g. installing heating systems, decorating the property, contemporary changes Environmental pressures – humidity, temperature, pollution; Natural disasters and risk preparedness; Theft and vandalism – damages to properties Poor condition of warning and security systems and the lack thereof Unprofessional or faulty conservation works	A/I
8.	Intangible values	Religious purpose, religious images of worship and adoration, legends and historic events relating to the property.	Development pressures, e.g. building a new church Discontinued traditions and cults	A/I
9.	Setting/ensemble of historical significance (within the boundaries of the property inscribed on the UNESCO List) – elements of the setting which are of historical significance	Completeness of the elements of the ensemble which are of historical significance State of conservation of the elements of the ensemble which are of historical significance, e.g. buildings, fencing, cemetery, chapels, etc.)	Development pressures, e.g. conducting modernisation, replacing elements of historical significance, carrying out new investment projects) and tourism development	A/I
10.	Setting/ensemble of historical significance (within the boundaries of the property inscribed on the UNESCO List) – a historic stand of trees	Preserving greenery of historical significance	Improper tree care and inappropriately conducted gardening works Replacing plant species	A>I
11.	Setting/ensemble of historical significance (within the boundaries of the property inscribed on the UNESCO List) – setting management and development, e.g. surface, street furniture, lighting).	Preserving elements of the setting which are either of historical significance or harmonised with the historical nature of the site.	Development pressures, e.g. conducting modernisation, replacing elements of historical significance, carrying out new investment projects) and tourism development	A>I

12.	Landscape – Landscape within the buffer zone	Preserved landscape harmonised with the WH site	Development pressures, i.e. new investment projects affecting the landscape Impacts of tourism – building visitor accommodation and associated infrastructure	A/I
13.	Landscape – preserved views over the property	Silhouette of the property and the property itself seen from selected places and directions	Development pressures, i.e. new investment projects affecting the landscape, changes to the landscape	A>I

#### 4. RECOMMENDED STRATEGIES AND SUGGESTIONS FOR THE AUTHORS OF THE MANAGEMENT PLAN

Three crucial aspects within which threat identification, analysis, and description must be conducted. can be distinguished by referring to documents and actions required by the World Heritage Committee (the periodic reporting process in particular) as well as to the structure of the Management Plan developed by B. Szmygin. These threatening factors include:

- a) affecting the property/OUV attributes in terms of authenticity and integrity (see: recommendation for identification provided on p. 3);
- b) referring to the property management and protection system – both to its specific elements and the organisational structure;
- c) affecting the surrounding areas and the environment where the property is located.

Pursuant to recommendations and guidelines provided in *Operational Guidelines*, the UNESCO periodic reporting, and strategies for assessing the value of WH properties based on the following attributes, the following threat identification and analysis process is suggested:

##### Ad. a) Factors directly affecting the property/OUV attributes in terms of authenticity and integrity

When identifying factors which are likely to affect or threaten the property, it is necessary to refer to factors provided in the nomination proposal.

The problem is, however, that with regards to majority of UNESCO sites in Poland, it is practically impossible to enforce the aforementioned recommendation because no factors affecting properties were identified in nomination proposals submitted in the more distant past. Moreover, this issue concerns also more recent application proposals in which, in spite of including brief descriptions of factors threatening properties, no analyses of these threats in terms of preservation of authenticity and integrity of a site are provided.

What should be referred to, is the OUV statement, including inscription criteria and the statement of authenticity and integrity.

In order to identify factors which are likely to affect or threaten the property, it is necessary to define property attributes understood as *key elements and features of both cultural and natural heritage, which convey or express OUV of world heritage properties and sites and which should meet specific criteria (OUV criteria) and requirements (authenticity, integrity, proper management) laid down for these properties and sites*<sup>32</sup>.

<sup>32</sup> B. Szmygin, "Atrybuty wyjątkowej uniwersalnej wartości" in B. Szmygin (ed.) *Wyjątkowa uniwersalna wartość a monitoring dóbr światowego dziedzictwa* (Warsaw, 2011), 69.



Additionally, it is also recommended to divide the selected attributes into specific Criteria used in applying the concept of OUV and providing the basis for inscribing a specific property on the UNESCO List. This step is of great importance in describing threats posed to attributes and the impact they exert on the Criteria – one factor may affect a number of attributes in different ways.

Considering the problems and risks should involve application of the periodic reporting form, which is a practical tool not only for considering and describing threats but also for devising strategies for counteracting dangers that threaten or may endanger the property. At the moment, the situation of almost all WH sites on the Polish territory is being monitored under the second cycle of the UNESCO periodic reporting. Due to this, the reasons behind the implementation of the aforementioned tactics seem to be very sound.

Pursuant to the recommendations of the World Heritage Committee, the management of a WH site is aimed at protecting and maintaining not only the OUV but also the elements whose presence decides whether the property fulfils the conditions of authenticity and integrity. The analysis of factors affecting the property should be based on the definition of OUV and attributes related to it. Additionally, these threats should be assessed in terms of authenticity and integrity. Protection and management plans should involve an analysis of connections between attributes and factors that may most likely threaten them. It is therefore necessary to provide a detailed description of factors affecting specific attributes by emphasizing threats to authenticity and integrity.

Particular attention should be paid to factors that contribute to deterioration processes of the heritage sites resulting from uses of heritage – its accessibility, functional and demographic changes, tourism activities, as well as the condition and quality of the security and warning tools and systems applied. These factors produce the most threatening impact on OUV and affect its maintenance.

What should be taken into consideration when considering factors producing threatening impact on the property is not only the site within its boundaries but the site with its buffer zones or even vaster areas (external factors).

Property monitoring is to include an assessment of the impact which the threatening factors exert on specific attributes, i.e. the scale, progression, and severity of the impact. What is to be provided in the Action Plans included in the Management Plan, however, are all actions aimed to mitigate threats or reverse deterioration that has already occurred as well as to prevent potential threats.

#### **Ad. b) Factors producing threatening impact on the protection and management system.**

Elements which the national and local systems consist of should be taken into account when considering threats affecting the protection and management system. Moreover, it must be emphasised that, at the same time, it is most frequently the property manager who has access to a greater number of measures for counteracting threats in the local system. Different threatening factors may concern: issues relating to ownership rights and the site manager (ownership structure and coordination), conservation officers and supervisors, legal issues (protection forms and strategies for verifying the protection), sources of financing, practical actions relating to conservation, research works and education-, marketing-, and popularisation-related matters.

Factors producing threatening impact on specific elements which the protection and management system consists of (manager's organisation, provisions of law, financing, research, education, etc.) are not the only ones that affect properties. Other factors include also the lack of coherent, coordinated, and complementary actions carried out by managers, conservation officers responsible for the protection, local authorities, and institutions in charge of monitoring. Furthermore, a properly functioning system may be also affected by the failure to focus on the needs of local communities and stakeholders.

What should be taken into consideration are not only all factors which have been identified at the time of inscription and which affected the property in the period in which the property was inscribed on the UNESCO List, but also the threatening factors which are likely to affect the property in the future.

**Ad. c) Factors affecting the surrounding areas and the environment where the property is located.**

The following aspects are to be taken into account:

- Uncontrolled development, new investment projects which fail to respect the place where they are implemented
- Affecting the skyline (views over and from the protected property) – changes
- Transport infrastructure
- Technical infrastructure
- Pollution
- Land use changes
- Local environmental factors (biological, ecological, social, economic factors, and weather events).

The following recommendations and remarks should be applied to each of the aforementioned groups of factors which are likely to affect or threaten the property:

Assessment of the condition of the property and description of factors producing threatening impact on the site depend on its scale, type, and specific nature (e.g. an individual property, a complex urban ensemble, or cultural landscape).

All factors affecting the property or site (both the potential and the existing ones) should be monitored as a part of the monitoring process.

Threat monitoring should be based on individual measurable (if possible) indicators. These indicators may be both direct, i.e. relating to the state of the attributes (diagnosing their state), and indirect, i.e. relating to other factors indirectly connected with attributes which, however, affect the property, e.g. tourism activities, access to the site, etc.)

The following steps should be taken with regards to each factor which has been identified (the existing and/or the potential one):

- indicate measures aiming to prevent or mitigate the danger's possible negative impact on the property,
- indicate institutions/individuals responsible for adopting these measures.

Reversing deterioration that has already occurred, repairing the damage to the properties affected as well as counteracting dangers that may threaten or endanger the property should be based on the Action Plan/s, i.e. implementation documents for the Management Plan.

This strategy for considering and describing factors affecting WH properties and sites enables the problems to be seen in a wider perspective. On one hand, this method is aimed to protect and maintain OUV of the property. On the other hand, however, it refers to a wide spectrum of factors affecting the protection and management system and it is focused on the surrounding areas and the environment in a broad sense. It must be remembered that dangers that threaten properties are an element of the UNESCO site management plan and must be therefore connected with system-based monitoring.



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# ACTION PLANS AS AN ELEMENT OF THE MANAGEMENT SYSTEM OF A WORLD HERITAGE SITE

## CONSIDERATIONS BASED ON THE EXAMPLES OF CRACOW AND THE WOODEN CHURCHES OF SOUTHERN MAŁOPOLSKA

Anna Fortuna-Marek, Andrzej Siwek

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### 1. INTRODUCTION – MANAGEMENT PLANS AND THE DEVELOPMENT OF THE SYSTEM OF CONSERVATION OF HISTORIC MONUMENTS AND SITES

Current reflection in conservation circles oscillates between two extremes. This is evident in claims that the system grounded in the traditional, doctrinal paradigm of protection has been exhausted; equally loud are the voices of those who testify to the endurance of rules embodied in classic procedural documents such as The Athens Charter for the Restoration of Historic Monuments or The Venice Charter.<sup>1</sup>

Irrespective of the conclusions, the debate in itself testifies to the emergence of comprehensive doubts. The response is a search for new solutions and a reinterpretation of the assumptions behind the discipline. One of these efforts involves viewing the issues surrounding conservation in the broader picture of social activity and extending the understanding of the concept of “the conservation of historic monuments and sites”. The result of this is interdisciplinary activity committed to the inclusion of issues pertaining to the functioning and protection of historic monuments and sites into independent socio- economic processes, which are to guarantee the relevance of conservational issues in the modern world. This approach leads to the marking out of a new model of activity, which is currently in the process of being defined by the emerging discipline of Heritology.<sup>2</sup> Another attempt at breaking the impasse are activities taking the onus from the passive model of conservation which has prevailed until now, based on a system of limitations and permission, to the active protection provided by cultural heritage management.

Attempts to build a management model can be found already in the *Act of 23 July 2003 on the protection and guardianship of monuments*. This introduces a system of strategic documents in the form of a national, provincial, district and municipal programme for the conservation of monuments and sites.<sup>3</sup> Issues of management are also at the centre of discussions concerning the protection and accessibility of world heritage sites. Recommendations pertaining to management systems and related documents form a key part of the fundamental executive document:

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<sup>1</sup> *Kongres Konserwatorów Polskich*, Stowarzyszenie Konserwatorów Zabytków, Warszawa 2005 [part of a statement given by B. Szmygin and B. Rouba], or statements made during the „Karta Wenecka 1964–2014” Conference in Toruń in October 2014 (printed material from the conference).

<sup>2</sup> K. Kowalski, *O istocie dziedzictwa europejskiego – rozważania* (Cracow: Międzynarodowe Centrum Kultury, 2013).

<sup>3</sup> Chapter 8, consolidated text: Monuments Protection and Preservation Act of 23 July 2003 (*Dziennik Ustaw* no. 162, item 1568 as amended), Promulgation of the Marshall of the *Sejm of the Republic of Poland* of 10 September 2014 (*Dziennik Ustaw* of 2014, item 1446).

*Operational Guidelines for the Implementation of the World Heritage Convention.*<sup>4</sup> It can be said that the continuing search for an optimally formulated management plan for world heritage sites is currently the most important activity pertaining to the improvement of heritage protection systems on a global scale.<sup>5</sup>

Many asset administrators have also entered into these activities, mapping out and embedding individual asset management plans prepared in various ways and concerning diverse aspects of conservation and management. To management plans accepted for realisation increasingly key are references made to the outstanding universal value of the asset and its authenticity and integrity, as well as the awareness that management should be directed towards OUV protection as well as the system of attributes outlined by the OUV guidelines.

In Poland, this approach to the protection and management of the most valuable assets was initiated thanks to the 2009–2011 project concerning the improvement of conservation systems and management of sites on the UNESCO list, which was supervised by B. Szmygin.<sup>6</sup> In the project currently being implemented by a group selected from the Polish National Committee of the International Council on Monuments and Sites ICOMOS, entitled *Elaboration of a Model Management Plan for UNESCO World Heritage Cultural Properties*, Bogusław Szmygin proposed a model Management Plan with an extended structure to cover all issues important in the context of protection and management, referring to: characteristics of the asset, characteristics of the protection and management system as well as all aspects relating to its use. The structure of the management plan proposed by B. Szmygin is based on a definition of the value of the site by the guidelines on outstanding universal value as well as on a system of attributes and indicators emerging from the definition of value. It constitutes an attempt to organise and direct management operations as well as actual operation in relation to the world heritage site. The Management Plan was simultaneously conceived as a long term, schematic document, with strategic value for the definition of site protection policy.

Theoretical considerations as well as the experiences of hitherto applied **management plans** demonstrate that the plan is a highly general document. In the practical sphere, it therefore requires some supplementation in the form of **action plans**, which are short term, specific development plans relating to the areas of activity outlined in the management plan. The management plan in conjunction with a scheme of action plans creates a structure of documents forming a universal compendium- from strategic aims to specific actions necessary for their realisation.

In the text below, the authors introduce the structure of action plans and their relation to the management plan based on different examples of world heritage sites. The historical urban layout of Cracow and the wooden churches of southern Lesser Poland give inspiration to solutions pertaining to the model and shape of the functioning of action plans as tools for the management of world heritage sites.

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<sup>4</sup> *Wytoczne Operacyjne do Realizacji Konwencji Światowego Dziedzictwa, February 2012 (Operational Guidelines for the Implementation of the World Heritage Convention)*, Translated by: K. Piotrowska and B. Szmygin, 2013; W. Kowalski, K. Zalasinska (ed.), K. Piotrowska-Nosek, H. Schreiber, *Konwencje UNESCO w dziedzinie kultury. Komentarz* (Warsaw, 2014).

<sup>5</sup> Ringbeck B., *Management Plans for World Heritage Sites. A practical guide* (Bonn, 2008); J. Purchla (ed.), *Zarządzanie miejscami wpisanymi na Listę Światowego Dziedzictwa UNESCO w Polsce i Norwegii*, (Cracow, 2011); K. Zalasinska (ed.), *Konwencje UNESCO w dziedzinie kultury. Komentarz* (Warsaw, 2014).

<sup>6</sup> Findings of the project entitled *Doskonalenie systemów ochrony i zarządzania dóbr wpisanych na Listę Światowego Dziedzictwa UNESCO – opracowanie deklaracji wyjątkowej uniwersalnej wartości i wskaźników monitoringu na podstawie doświadczeń Norwegii i Polski* were published in B. Szmygin (ed.), *Wyjątkowa uniwersalna wartość a monitoring dóbr światowego dziedzictwa* (Warsaw, 2011).

## 2. ACTION PLANS- CONSTRUCTION AND CORRELATION WITH THE MANAGEMENT PLAN

The Management Plan should constitute the paramount document in the management of a world heritage asset. It covers in a comprehensive manner all the key issues relating to the asset- its characteristics and assessment of its value, as well as a broad range of issues concerning protection, conservation and use and presentation of the nominated property. The Management Plan should be treated as a schematic document, prepared by the World Heritage site manager, outlining the course of action, the overriding aim of which is to guarantee that *outstanding universal value including the conditions of integrity and/or authenticity at the time of inscription, are sustained or enhanced over time.*<sup>7</sup>

Action plans should constitute a practical response to the findings and recommendations (aims, priorities and courses of action) specified in the Management Plan for the world heritage site. The specific actions outlined in the Action Plans must be in line with the aims enshrined in the Management Plan, based on the assumption that the overriding aim of both the Management Plan and the action plans should be the securing of the protection of the outstanding universal value of the UNESCO site, as well as the protection and promotion of the asset through an effective system of management. This system must be described in the Management Plan, in which the actions (activities) constitute only a general outline of the projects, processes and fields of work embarked upon by the site manager (or identified management partners) with the support of stakeholders.

The operational role of the Action Plans is determined in the Management Plan. The Action Plan should be defined in such a way, that it can be modified during the process of implementation if necessary. The monitoring of the activities laid out in the Action Plans (using indicators) should ensure the effectiveness of its introduction (realisation).

The following general assumptions are accepted with regard to the formulation of Action Plans for world heritage sites:

1. The Action Plans are dependent on and subordinate to the Management Plan.
2. The relationship between the Action Plans and the recommendations of the Management Plan. The Action Plans should form a practical response to the findings and recommendations formulated in individual parts of the Management Plan (they should be realised).
3. The Action Plans can be developed and realised by various subjects who are responsible for or interested in the specified issue, yet the role of the Asset Manager (or the unit coordinating management), irrespective of the nature of the asset, is the coordination of these activities and taking care that each Action Plan is in accordance with the aims of the Management Plan.
4. Individual Action Plans are by definition, fragmentary in nature in respect to the Management Plan (even though they may vary in scope)- they apply to a specific issue/s, question/s, but not the full range of issues contained in the Management Plan. The sum of all the Action Plans should, however, address the whole spectrum of issues set out in the Management Plan. Responsibility for creating Action Plans for all fields (issues) set out in the Management Plan should rest with the Site Manager.
5. Action Plans can have different completion times and the schedule is dependent on the nature and character of the activities which they relate to. This is in accordance with the *Operational Guidelines*, which indicate that *effective management involves a cycle of short, medium and long-term actions to protect, conserve and present the nominated property.*<sup>8</sup>

<sup>7</sup> Art.96 *Operational Guidelines...*

<sup>8</sup> Art. 112 *Operational Guidelines...*

The schedule of operations in the Action Plan should, however, fit within the period set out for the Management Plan.

6. As implementation documents, the Action Plans should not have an extended, descriptive structure. As more or less fragmentary outlines, focused on the fulfilment of specific tasks, they should focus on a few basic elements. The Action Plan, aside from an indication of (reference to) findings and recommendations in the Management Plan should also contain a definition the task/ tasks which are the subject of the Action Plan, the method by which the plan will be realised, the time required (schedule), the party responsible should be determined, the source of financing and an outline of the criteria which will assist in the evaluation of the plan should be provided.
7. It should be assumed that the Action Plans will apply to a range of work, activities and tasks which are carried out as part of the existing system independent of the guidance of the Action Plan, as well as to new activities resulting directly from the details of the Management Plan.
8. In planning the scheduling and execution of the Action Plans, the results of the periodic UNESCO report should be considered. Above all, action should be undertaken (and appropriate Action Plans formulated) in those areas which, following the monitoring and assessment of the asset in accordance with the latest periodic report, showed themselves to be inadequate for its proper protection, conservation, use and presentation or which concern factors posing an actual or potential danger to the world heritage site.

With reference to the points within the *Operational Guidelines* stating that: *Legislative and regulatory measures at national and local levels should assure the survival of the property and its protection against development and change that might negatively impact the OUV, or the integrity and/or authenticity of the property. States Parties should also assure the full and effective implementation of such measures*<sup>9</sup> it can be acknowledged that the realisation of appropriately programmed Action Plans- corresponding to the recommendations formulated in the Management Plan can become an effective mechanism facilitating the implementation of *legislative and regulatory measures*.

To summarise- The Management Plan constitutes the paramount and fundamental document in the management of a world heritage asset. The Action Plans should correspond with the findings and recommendations formulated in individual parts and sections of the Management Plan<sup>10</sup>. Action Plans should relate to all issues (aspects) pointed out in the Management Plan and should, in a practical way, create solutions to those problems, realising the proposals and recommendations. The Action Plans will therefore be very varied, corresponding to the statements in the Management Plan. The Action Plans will pertain directly to the findings and recommendations formulated in individual sections of the Management Plan, which will be organised according to the following structure:

### **Part 1 – Characteristics of a world heritage (WH) asset<sup>11</sup>**

1. *General characteristics of a WH asset-  
/General characteristics of the asset and the context of its functioning/*
2. *The characteristics of the value of the WH asset (OUV + AI)  
/Characteristics of the asset from the point of view of the system (concepts) of World Heritage/*
3. *Characteristics of the condition of the WH asset and conservational activities*

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<sup>9</sup> Art. 98 *Operational Guidelines*...

<sup>10</sup> With implementation of the structure formulated by B. Szmygin as part of the implementation of this project.

<sup>11</sup> Individual, cited sections together with the Findings and Recommendations come from *Model Planu Zarządzania Dobrem WH* prepared as part of the implementation of this project.

**Part 2 – (Characteristics of) the system of protection and management of the WH asset.**

4. Characteristics of the system of protection and management of the asset
5. Threats to and monitoring of the WH asset

**Part 3 – Characteristics of the use of the WH asset**

6. Characteristics of the stakeholders in the WH asset
7. Presentation, access, tourism
8. Use (and development) of the WH asset

Every Action Plan should contain a reference to the specific issue (findings and recommendations) in the Management Plan. The essential parts, however, of each Action Plan are:

- Defined activity/ ies (task/s) which fulfil the recommendations outlined in the Management Plan;
- The formulation of success criteria pertaining to the realisation of a chosen task

So the progress towards each goal is measurable, every task (activity) recorded in the Action Plan must be checked (verified) according to those success indicators. Such an approach, governed by specific success criteria will create an effective mechanism by which the Action Plan can be monitored. This will also assist in the appropriate conduction of the process of evaluation of the Action Plan. This is very important as it is accepted that documents of this nature can undergo modification during the process of implementation, with the aim of improving the activities being carried out;

- An indication of the timeframe in which the given activity/ ies will be carried out- determining a schedule for the work;
- An indication of the individual/ body responsible for the realisation/ implementation of the given activity/ task.

The uniformity of the Action Plan model does not rule out the differentiation of documents, and in particular their volume, depending on the specific requirements of the managed site. The scale and examples of the historic urban layout of Cracow and the Wooden Churches of Southern Małopolska demonstrate on the one hand the universality of the proposed model, and on the other, the necessity of flexibly shaping management tools depending on the specific requirements of the site.

**3.1 Cracow – world heritage site management in practice**

Cracow's Old Town was added to the UNESCO World Heritage List in 1978, as one of the first twelve sites in the world. The basis of the listing was the retrospectively acknowledged criterion 4. The area inscribed is the Old Town within the old walls, Wawel Hill as well as the district of Kazimierz and the Stradom quarter. In 2010, a buffer zone was created for the listed area. A statement of Outstanding Universal Value was also formulated retrospectively, which refers to the criteria, authenticity, integrity and the functioning of the conservation system and management of the area. Its content allows for the marking out of a system of criteria and indicators characterising the asset and enabling the monitoring of the preservation of the Outstanding Universal Value.<sup>12</sup>

<sup>12</sup> A. Siwek, "Kraków – historyczny zespół urbanistyczny. Ku nowej deklaracji wyjątkowej uniwersalnej wartości miejsca światowego dziedzictwa i monitorowaniu zachowania atrybutów wartości" in B. Szmygin (ed.), *Wyjątkowa uniwersalna wartość a monitoring dóbr światowego dziedzictwa. Podsumowanie projektu: Doskonalenie systemów ochrony i zarządzania dóbr wpisanych na Listę Światowego Dziedzictwa UNESCO* (Warsaw, 2011).



Cracow, as a world heritage site, does not at the present time possess a developed management plan (as understood by the World Heritage operational guidelines and pragmatics). In the area of city management there is a series of documents which should find a reflection in the content of the Management Plan, even if only in the sphere of coordinating strategy proposals and operational documents with the documents of individual sectors. The complexity of the conurbation, the large number of stakeholders and participants in the process of management, the multitude of legal and functional requirements and, what is particularly essential, the cultural value of the various components of the area (as expressed by the attributes of outstanding universal value) makes it essential to verbalise protection strategies and policies.

In the Operational Guidelines for the Implementation of the UNESCO World Heritage Convention from 2012, point 110 states that: *An effective management system depends on the type, characteristics and needs of the nominated property and its cultural and natural context. Management systems may vary according to different cultural perspectives, the resources available and other factors. They may incorporate traditional practices, existing urban or regional planning instruments, and other planning control mechanisms, both formal and informal.*<sup>13</sup>

This wording places particular emphasis on the awareness of the diversity of world heritage assets as well as the large number of possible management systems which may emerge as a result of this.

In the case of Cracow, an attempt has been made to solve management issues with the aid of national legal measures (Monuments Protection and Preservation Act of 23 July 2003), the Cultural Park, as one form of protection, and local law (the local spatial management plan). Until now, activity regulating spatial management, the expression of which was the establishment of the Old Town Cultural Park, covered only part of the world heritage site (around half of the area) and touched upon only some of the essential issues of world heritage site management.

The structure of steps taken and management documents form a good model which allows for conclusions to be drawn about optimising activity. It is worth becoming acquainted with them prior to the formulation of model propositions.

### **3.2 The Cultural Park as a system tool**

The Cultural Park was created under Resolution number CXV/1547/10 of Cracow City Council from 3 November 2010 regarding the establishment of a cultural park called the Old Town Cultural Park. The act links the autonomous cultural heritage protection laws with international protection laws, which arises from the preamble:

*This resolution has been undertaken for the protection of the cultural landscape, monuments and historical urban layout of the Old Town, Planty Krakowskie and Wawel Hill and its surroundings, being an area inscribed on the UNESCO World Cultural and Natural Heritage List and the Register of Historic monuments and Sites, out of concern for the proper appearance of the city, with the aim of protecting and shaping the cultural and historical landscape of public spaces in this area.*<sup>14</sup>

The resolution contains a definition of the value of the area, its boundaries, component parts and indications of the aims of the undertaken activities. As a result, the resolution is both a legal document defining the site and a strategic document indicating the aims of undertaken actions. This resolution is supplemented by the Protection Plan accepted by *Resolution number XLII/544/12 of Cracow City Council from 4 April 2012 regarding the endorsement*

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<sup>13</sup> *Operational Guidelines...*

<sup>14</sup> *Resolution number CXV/1547/10 of Cracow City Council of 3 November 2010 regarding the establishment of a cultural park called the Old Town Cultural Park, p.1.*

of the Protection Plan for Cracow Old Town Cultural Park as well as Resolution number XII/131/11 of Cracow City Council from 13 April 2011 regarding the enactment of the local spatial development plan of the Old Town area- announced in the Official Gazette of the Małopolska Province number 255, point 2059 from 17 May 2011. It should be emphasised that the development plan is a document of local law, constituting a protection measure, while the Cultural Park Protection Plan is a strategic document defining the aims and activities which are necessary for the realisation of the protection goals of the cultural park. Both documents arise from the legal delegation foreseeing the necessity of their implementation in the case of the creation of the cultural park.

It has transpired, however, that the aforementioned documents have proved insufficient. In practice, a connection between political declarations, the strategic sphere and the implementation of activities was missing. As a result of this, Cracow Council compiled another document – the *Management Programme for the Old Town Cultural Park*.<sup>15</sup> The programme has a strategic and executive character and its purpose is to supplement and optimise the system by which the park is managed. It was created on the basis of acts related to the creation and establishment of the Cultural Park and constitutes the realisation of the protection policies of the Cultural Park. The document is fundamentally premised on references to the binding Cultural Park Protection Plan and the development of the vision for and mission of the park accepted therein. The Management Programme thus becomes an action plan, even though the structure and content of the document remains broadly general.<sup>16</sup>

In the endorsed *Management Programme for the Old Town Cultural Park*, which appears as a policy paper, the following guidelines have been formulated for the forms and rules concerning the management of the park:

2. [The park management system] *will implement the tasks associated with the protection and care of monuments set by the City, in particular those concerning:*
  - Care for the protection of the landscape and ensuring spatial order in the area of the Old Town Cultural Park, through close cooperation in the formulation of local spatial development plans and in issuing decisions about building regulations and development of the area;
  - Initiation and cooperation in the implementation of specific projects concerning the accessibility of groups of monuments and other monuments on the site of the Park, implemented by their owners or users,
  - Management and realisation of projects concerned with the accessibility of historic communal properties and other sites in the area of the Park
  - Initiation and management of projects promoting accessibility of historic sites and places in the area of the Park which are not open to the public on a daily basis, for cultural tourism and education,
  - *Carrying out cultural, academic, documentary, educational and promotional activities in the field of promulgating an awareness of the cultural and environmental value of the Park.*<sup>17</sup>

<sup>15</sup> *Program Zarządzania Parkiem Kulturowym Stare Miasto*, compiled by.: Z. Myczkowski (subject leader), R. Marcinek (research coordinator), K. Wielgus, P. Dobosz, A. Siwek, K. Chajdys, K. Latusek, Kraków 2014.

<sup>16</sup> It can be said that this hierarchy of documents testifies to the necessity of elaborating upon and specifying action points, although it does remain more general than that in the model accepted here.

<sup>17</sup> *Plan Ochrony Parku Kulturowego w Krakowie*, compiled by.: Z. Myczkowski (subject leader), K. Wielgus, U. Forczek-Brataniec, K. Chajdys, K. Latusek, P. Nosalska, W. Rymusza – Mazur, O. Zapolska (Cracow, 2011).

These strategic aims were embodied in the Management Programme formulated three years later, for implementation purposes, and the executors were indicated in identified groups of stakeholders. These groups are:

- Town and provincial conservation agencies,
- Owners and users of the buildings and sites,
- Tourism institutions and agendas,
- Social organisations,
- Educational institutions,
- Town and provincial protection and inspection agencies.

As an example of the assigned activities, it is possible to draw upon those activities described in the Management Programme which are concerned with the monitoring of threats and risks.<sup>18</sup>

No.	Nature of risk	Monitoring institution	Mechanism of interaction with the management of the Cultural Park
1.	Fire risk	State Fire Brigade	Annual report on the state of fire prevention on the site of the Cultural Park
2.	Threats to safety and public order	State and municipal police force	Annual report on the state of public safety on the site of the Cultural Park
3.	Flood risk	National Water Management Authority and its agencies in the field	IT System of the Country's Protection against Extreme Hazards- information excerpts pertaining to the site of the Cultural Park
4.	Sanitary- epidemiologic threats	State Provincial Sanitary Inspector	Annual report about the state of sanitary- epidemiologic safety on the site of the Cultural Park
5.	Terrorism threats	State police and intelligence services	Intelligence instructions in individual cases, for the management of the Cultural Park
6.	Ecological threats	Inspectorate for Environmental Protection; State Environmental Monitoring	Annual report for the site of the Cultural Park based on State Environmental Monitoring data
7.	Building threats (e.g. A building catastrophe)	District Building Supervision Inspectorate	Annual report and DBSI analysis for the site of the Cultural Park
8.	Threats to the cultural value of the Cultural Park /Monitoring of resources/	Municipal Conservator or specialist monitoring group	Monitoring is coordinated by the management of the Cultural Park

The table highlights the number of institutions involved, as well as the general nature of the points raised. It can be indicated that each institution should formulate an internal action plan for each action, which as an implementation document will more closely define the boundaries of the task.

<sup>18</sup> *Program Zarządzania Parkiem Kulturowym...*

### 3.3 Conclusions:

The documents drawn upon and the sections quoted allow for the following conclusions to be drawn:

- A clear, interdependent hierarchy of documents has been drawn up:

#### STRATEGIC DOCUMENTS (IDEATIONAL)

/protection plan/



#### IMPLEMENTATION DOCUMENTS

/action plans/

- Clearly visible is the large number of parties involved in the process of management and protection. Each one can be committed to the creation of their own implementation documents- action plans for their own organisational requirements.
- The documents formulated thus far for Cracow remain, to some extent, general, and they should in reality be developed in the form of individual action plans constructed by the parties identified as involved in the processes of management and protection.
- The large number of strands and activities means that the appointment (strengthening) – institutionalising of a representative overseer of the world heritage site is necessary. They will fulfil the role of coordinator of activities- basing their work on the Management Plan and having an insight to the individual action plans and their correlation with one another, in particular.
- Thus far, experiences in Cracow relate to part of the world heritage site, and do not aspire to the role of a management plan as understood by the *Operational Guidelines for the Implementation of the UNESCO World Heritage Convention*. The spectrum of issues remaining in the sphere of interest of UNESCO pragmatics goes beyond the fields covered in the spatial planning documents or the construction of the cultural park. The call to conceptualise management problems in the codified structure of a management plan, as a strategic document, thus becomes even more necessary, as does the making of references to key implementation documents, or the action plans of individual parties involved in the process of site management.

### 4.1 The Wooden Churches of Southern Małopolska – world heritage site management in practice.

*The Wooden Churches of Southern Małopolska* were added to the UNESCO World Heritage List in 2003. The management plan for this serial listing was formulated in 2002, submitted at the World Heritage Centre and accepted as an official document.<sup>19</sup> The most important recommendations in this documentation focused on issues associated with conservation and maintaining the wooden churches in a good technical state, aiming for the elimination of threats arising from exceptional circumstances. What is regarded as the most imperative recommendation concerning protection is the constant effort to maintain the 'authentic cultural values' of these properties. This plan also

<sup>19</sup> R. Marcinek, Z. Myczkowski, A. Siwek, *Wooden Churches of Southern Małopolska. Management Development and Spatial Plan. Supplementary Documentation* (Warsaw–Cracow, 2002).

contained a number of practical indicators directed primarily towards the owners of the asset as well as the conservation bodies responsible for protection, referring primarily to the carrying out of inspections and the monitoring of the technical state and security of the buildings, as well as recommendations directed towards local government concerning the necessity for council leadership to administer constant supervision and control relating to protection and maintenance of order in the buffer zone. A list of important guidelines for individual buildings has also been formulated containing, among other things: activities concerned with the conservation of architecture, design and internal decoration, the monitoring of the state of the building and any risks, a continuation of research and documentation activity, recommendations associated with promotion and educational programmes, and recommendations pertaining to landscape protection. Both the guidelines contained in the Plan as well as the recommendations concerning specific activities have been organised into implementation periods- of two and five years, and referring to long term perspectives.

The aforementioned Management Plan for the churches of Lesser Poland was one of the first of its kind in Poland. Unfortunately, it was not widely promulgated throughout Poland; overall, the managers of individual sites and local government are not familiar with it, and the protection and management activities affecting the wooden churches of Lesser Poland were implemented within functioning laws and the existing system of protection- to some extent departing from the motions formulated as part of the process of nomination of this site (including recommendations formulated in the aforementioned Management Plan).

#### **4.2 The specifics of management in the case of a serial asset, based on the example of the Wooden Churches of Southern Małopolska.**

The fundamental aim of the protection system for world heritage sites should be the preservation of the outstanding universal value of the asset (OUV). In accordance with Article 96 of the *Operational Guidelines ....* protection and management of World Heritage properties should ensure that their Outstanding Universal Value, including the conditions of integrity and/or authenticity at the time of inscription, are sustained or enhanced over time. Not every element or feature of the asset is significant for the preservation of OUV. The outstanding universal value of a property is represented by the attributes (carriers) and it is those which should be absolutely protected and cannot be subject to transformation.

In creating a Management Plan for an asset, or in drawing up any Action Plan for a UNESCO property, the protection and preservation of OUV should always be considered, together with the maintenance of the authenticity and integrity of the site, and particular attention must be paid to the protection of attributes in all activities.

In the retrospectively created OUV declaration for the wooden churches of Lesser Poland the value represented by this group of gothic, wooden churches, the oldest surviving ones in Central-Eastern Europe, possessing features and elements which are characteristic for this period, which are easily distinguishable and can be characterised as specific, is recognised as OUV. These features primarily encompass: the time at which they were built, the wooden material used, their architectural form- which is so specific, easy to describe and distinguish from other religious buildings in this region, their unique form of construction, unique because it is appropriate and unusually specific to the time of construction, but also unique, because it is complicated and testifies to the abilities and great skill of contemporary craftsmen.

Crucial to the management of the UNESCO property, and for the compilation of the Management Plan and Action Plans, is also the fact that the Wooden Churches of Southern Małopolska constitute a serial inscription. This inscription applies to six gothic churches, found in the following locations: Blizne, Binarowa, Dębno Podhalańskie, Haczów, Lipnica Murowana, Sękowa. The serial inscription is an inscription of many parts, which includes two or more components. Individual parts

of the serial asset should reflect specifically defined cultural, social or functional links. The composite UNESCO site, which the churches of Lesser Poland constitute, indicates that outstanding universal value is most fully represented by these specially selected buildings. In accordance with the *Operational Guidelines for the Implementation of the World Heritage Convention* each composite part of the asset must make its own meaningful contribution- through the representation of features characteristic of the asset- to the creation of outstanding universal value. Each component of the serial asset can possess these features in varying proportions and it is only when they are grouped together that the asset (so the group of properties specially selected from a greater number of surviving buildings from a particular typological group) acquires the character and representative values which allows it to be acknowledged as an outstanding and universal value.

Under current law, the legal obligation of care for the Wooden Churches, consisting primarily of their proper maintenance in accordance with conservational requirements, falls upon the owners of the individual buildings, which are the Roman Catholic parishes in Blizne, Binarowa, Dębno Podhalańskie, Haczów, Lipnica Murowana and Sękowa. The direct management of this asset thus lies in the hands of the parish priest of each church. Simultaneously, legal protection of this asset is realised by government administration. In this case it falls under the authority of the Conservator of the Lesser Poland Province (churches in Binarowa, Dębno Podhalańskie, Lipnica Murowana and Sękowa) as well as the Conservator of the Subcarpathian Province (churches in Blizne and Haczów). Conservational agencies should above all guarantee specialist supervision, initiate the carrying out of necessary conservation work or safeguarding activities and should co-fund protection measures. The implementation of conservational programmes is subject to individual parishes and under the substantive control of the provincial conservators, with the input of the diocese conservators from the diocesan curia.

The Wooden Churches of Southern Małopolska as one UNESCO site does not possess a formally established unit which is responsible for the coordination of the management of all six churches as one world heritage asset. This is extremely important in the context of the management of the asset and is not beneficial from either the perspective of the implementation of the Management Plan or the Action Plans, which, although in principle should be carried out by various parties, should however be coordinated by the manager of the asset or the party coordinating the management of each 'component' of the site.

Taking in to account the briefly described formal and legal requirements relating to the churches of Lesser Poland – various managers, various positions within the organisational structure of the church, various provincial conservators carrying out legally defined responsibilities relating to the protection of monuments and sites, a variety of provincial and local governments- while simultaneously considering the fact that the churches constitute a single asset recognised as a world heritage site based upon the same criteria, one Management Plan should apply to the serial inscription although it should take into account the local conditions of each individual building. The Action Plans as implementation documents can, however, apply to all the buildings (as one UNESCO site) as well as to individual churches. Simultaneously, it is recommended that an overarching body (council) is created which would coordinate and monitor the realisation of the Management Plan (and some areas of the Action Plans) not from the perspective of the managers of individual churches, but from that of treating these buildings as one world heritage site.

## **5. Model Structure – management plan– action plans**

The table below presents the structure of a model plan for the management of a world heritage site. It has been formulated by B. Szmygin and developed based on partial action plans. This developed and annotated model is an attempt to capture a large number of issues in one condensed document, linked to a network of multiple documents. Individual points have been based

on an analysis of the examples from Cracow, as a world heritage site, and these have been generalised, bypassing specific references- as such there are no examples of specific action plans quoted below, only an outline of the themes and nature of such documents.

**Part 1 – Characteristics of the world heritage asset**

<b>Structural elements of the Management Plan (MP)</b>	<b>Action plans required</b>	<b>Scope of the content of the action plan</b>	<b>Realisation</b>	<b>Comments</b>
1. Genral characteristics of the WH asset. 1.1 Historical characteristics of the WH asset	<b>No</b>	–	–	In updating the MP it is essential to verify the general characteristics of the asset, yet this should be borne out of current knowledge about the site and monitoring, and not the result of sepearate activity
1.2 Formal characterisitcs of the WH asset	<b>No, but action is required</b>	Part of site monitoring	Monitoring coordinator	The formal characteristics of the asset do not require a separate MP, yet in terms of monitoring they require cyclical inspection in the realm of fundamental data.
<ul style="list-style-type: none"> <li>– localisation (in spatial context)</li> <li>– material characteristics of the asset (the elements included)</li> <li>– definition of the boundaries of the asset and buffer zones (in accordance with documentation – maps)</li> <li>– Functional characteristics of the asset</li> <li>– Proprietary characteristics of the asset</li> </ul>	<ul style="list-style-type: none"> <li>–</li> <li>–</li> <li>=&gt;</li> <li><b>X</b></li> <li><b>X</b></li> </ul>			<p>In particular instances it may be necessary to modify the boundaries or the buffer zone – this activity can also be included in the action plan. These will be exceptional instances, however, which will not determine further activities in the realisation of other management plans.</p> <p>Functional and proprietary characteristics constitute a 'sensitive' field, requiring successive monitoring, and in particular instances (resulting from findings from the monitoring process) the carrying out of specific activities, so the adjustment of the action plan.</p>
1.3 Characteristics of the functions and context of the WH asset.	<b>No, but action is required</b>	Part of site monitoring	Monitoring coordinator	Characteristics of the functions and context of the WH asset donot require a separate MP, yet in terms of monitoring they require cyclical inspection in the realm of fundamental data.

<ul style="list-style-type: none"> <li>– Economic characteristics (of the asset and its surroundings) (including tourism)</li> <li>– Cultural characteristics</li> <li>– Social characteristics (including demography)</li> <li>– Functional characteristics (of the site and its surroundings)</li> <li>– Characteristics of the management system (within which the WH asset operates)</li> </ul>	<p><b>X</b></p> <p><b>X</b></p> <p><b>X</b></p> <p><b>X</b></p> <p><b>X</b></p>			<p>Each of these points require systematic monitoring, under the site monitoring project, and in particular cases (resulting from findings from the monitoring process) the carrying out of specific activities, so the adjustment of the action plan.</p>
<p>1.4 Information concerning documentation of the WH asset</p>	<p><b>Optional</b></p>	<p>Should the need arise for the supplementation or revision of site documentatio, such activity requires a separate action plan prepared by the site manager, with the aim of realising the task (coordination, responsible agencies, funding, checking, editing, dissemination)</p>	<p>Monitoring coordinator</p>	<p>Depending on the nature of supplementation required, the action plan will be more or less developed. It should certainly encompass the following:</p> <ol style="list-style-type: none"> <li>1.Coordination of activities</li> <li>2.Selection of bodies responsible for carrying it out</li> <li>3.funding</li> <li>4.checking – review,</li> <li>5.editing</li> <li>6.dissemination</li> </ol>

## CONCLUSIONS

**Part I – Characteristics of the WH asset; 1. General characteristics** in the structure of the Management Plan. The nature of this is introductory, general and as a rule not subject to dynamic change. Some information does require updating, however, and this process is served by the monitoring system deliberated in a separate section of the management plan. According to the assumptions accepted above, monitoring facilitates, amongst other things, the collection of data for the revision of subsequent editions of the management plan. The implementation of monitoring can be the subject of individual action plans. Only when it is necessary to supplement or modernise the documentation pertaining to the WH site can this task become the subject of a separate action plan, as an internal ‘management’ document of site management coordination.



**2. Characteristics of the value of the WH asset (OUV + AI)**

/Characteristics of value from the perspective of the system (concepts) of World Heritage/

Structural elements of the Management Plan (MP)	Action plans required	Scope of the content of the action plan	Realisation	Comments
<p>2.1 Characteristics of the asset as the subject of the inscription:</p> <ul style="list-style-type: none"> <li>– defining the type of asset (one of three categories and typological group)</li> <li>– characteristics of the historical context of the asset (which has bearing on the definition of the OUV – primarily characteristics of reference groups);</li> <li>– In the case of serial assets, group characteristics and a definition of the value of the individual asset in relation to the whole.</li> </ul>	<b>No</b>	–	–	<p>Fulfilment should occur with reference to the approved and binding proposal and inscription and documentation. (Data is stable in character).</p>
<p>2.2 Defining the value of the asset (OUV)</p> <ul style="list-style-type: none"> <li>– Characteristics of the criteria of WHL inscription</li> <li>– Defining OUV (approved content)</li> <li>– Definition and characteristics of OUV attributes (taking into consideration the division into individual criteria approved for the definition of OUV).</li> </ul>	<b>No</b>  <b>Incidentally</b>	<p style="text-align: center;">–</p> <p>Development and confirmation of the system of site attributes at the World Heritage Centre.</p>	<p style="text-align: center;">–</p> <p>Expert team commissioned by the site manager.</p>	<p>Fulfilment should occur with reference to the approved and binding proposal and inscription documentation. (Data is stable in character). We do not have confirmed attributes for the majority of world heritage sites in Poland. We disseminated this information in the periodic report, for example.</p>
<p>2.3 Statement of authenticity and integrity of the WH asset (quality of the WH asset)</p> <ul style="list-style-type: none"> <li>– Statement of authenticity (approved content or should be formulated as working material)</li> <li>– Characteristics of attributes (and other elements) for which authenticity is stipulated (authenticity as a feature of attributes);</li> <li>– Statement of integrity (approved content or this should be formulated as working material);</li> <li>– Characteristics of attributes (and other elements) for which integrity is stipulated (integrity as a feature of attributes).</li> </ul>	<b>No</b>	–	–	<p>Fulfilment should occur with reference to the approved and binding proposal and inscription documentation. (Data is stable in character).</p> <p>Should the structure of the management plan require the refining of documentation (definition, or the system of attributes) these actions ought to be realised during the development of the management plan. At the point of its implementation, however, they should be realised and should no longer be the subject of successive action plans, unless a gap in the system appears which requires on-going work.</p>

## CONCLUSIONS

**Part I – Characteristics of the WH asset; 2. Characteristics of the value of the WH asset** in the structure of the Management Plan. The nature of this is introductory, referring entirely to proposal and inscription documentation. Proposals and recommendations pertaining to possible supplementation or changes in the formal content of asset documentation required in the WH system (e.g. changing the content of individual statements in the field of accepted attributes- on account of authenticity and integrity) must be realised at the stage at which the document is compiled (Management Plan). The stability and correctness of this section of the management plan has a fundamental bearing on the whole system of asset management.

### 3. Characteristics of the state of the WH asset and conservation projects.

Structural elements of the Management Plan (MP)	Action plans required	Scope of the content of the action plan	Realisation	Comments
3.1 Characteristics of the technical state of the asset as a material whole.	Optional	When determining dangers or should the need arise to optimise the technical state of the asset, the action plans should relate to the aims defined in the proposals of the management plan in this section.	WH site manager in the field of the organisational structure. Agencies responsible for the carrying out of specific actions concerning conservation projects and programmes.	As part of cyclical monitoring, supervision involves a host of factors which have a bearing on the state of the asset (e.g. use, renovation, conservation, function). As part of current conservation concern about the WH site systematic activity guaranteeing the technical safety of the asset is essential.
3.2 Characteristics of the technical state of OUV attributes, with reference to the impact on assessment of authenticity and integrity.	Optional	In the case of defining threats to OUV or specific attributes, the action plans should relate to the aims defined in the proposals of the management plan in this section.	WH site manager in the field of the organisational structure. Agencies responsible for the carrying out of specific actions concerning conservation projects and programmes.	As part of cyclical monitoring, supervision involves a host of factors which have a bearing on the state of the asset (threats to OUV, attributes of authenticity and integrity). As part of current conservation concern about the WH site systematic activity guaranteeing the technical safety of the asset is essential.

## CONCLUSIONS

**Part I – Characteristics of the WH asset; 3. Characteristics of the state of the WH asset and conservation projects.** As a section which is directly connected to the formulation of the aims and activities of the management system, this holds particular importance to the structure of the management plan. During the development of the management plan it must be the subject of rigorous analysis and detailed investigation. While the management plan is carried out this area should be particularly monitored. The proposals in this part of the management plan can generate the need to formulate specific action plans pertaining to strategic activities and aims.

Proposals and recommendations defining conservation projects and emerging from the assessment of the technical state of the asset (as a material whole), with particular consideration of attributes should (at the level of action plans) accord with specific programmes and implementation projects containing data about proposed technologies, materials, fields of intervention, financing and agencies carrying out activities. Conservational opinion relates to the maintenance of the monumental value and form of the WH asset. Proposals may also appear which concern the necessity of carrying out investigations serving to define the technical state of the asset. In such cases the course of the investigations and the manner in which they are carried out should also be the subject of a specialist action plan.

**Part II – (Characteristics) of the protection system and management of the WH asset.**

**4. Characteristics of the protection system and management of the asset.**

Structural elements of the Management Plan (MP)	Action plans required	Scope of the content of the action plan	Realisation	Comments
Characteristics of elements of the national protection system and management with direct impact on protection of the asset.	<b>Optional</b>	In instances when it becomes necessary to modify the system, the action plan should emerge from an analysis of the possibility of introducing required changes and indicating the path by which they can be reached.	Site manager coordination	Due to the complexity of issues at a national level as well as a limited possibility to intervene on the part of the asset manager, the action plan in this instance can constitute an information or political campaign, or can relate to lobbying activity.
Characteristics of the local protection system and management-created for the purposes of asset protection.	<b>Optional</b>	In instances when it becomes necessary to modify the local (regional) system, the action plan should emerge from an analysis of the possibility of introducing required changes and indicating the path by which they can be reached.	Site manager coordination	The action plan can apply to the internal reform of the organisation of management activities, the organisation of the finance system, attitude to stakeholders or changes in local law.

**CONCLUSIONS**

**Part II – 4. Characteristics of the protection system and management of the asset**

This is a particularly important analytical and strategic aspect of the management plan. Proposals and recommendations pertaining to improving and increasing the effectiveness of the protection and management system should be translated into specific action plans, which can be taken up at the level of the local system of protection and management and which can lead to changes

in the national system. These action plans, in contrast to the case of 'technical plans' should contain an outline of actions in the sphere of public information, local politics, or in extreme cases, social campaigns.

## 5. Threats to and monitoring of the WH asset

Structural elements of the Management Plan (MP)	Action plans required	Scope of the content of the action plan	Realisation	Comments
5.1 Attributes: Characteristics of attributes (elements and features), which should be the subject of monitoring due to the value of the asset (OUV) and its features (A+I).	<b>No</b>	–	–	Attributes should be consistent with definitions contained in Part I. Reference to them in this section constitutes repetition, which is necessary for the further supplementation of the structure of the management plan.
5.2 Threats: An indication of the threats which should be identified and monitored. Direct threats to the asset/ its attributes Threats to the protection and management system Threats to the asset's surroundings and environment	<b>Yes</b>	The action plan must refer to the countering of threats in two circumstances – the elimination of real, occurring threats – The course of action in the case of the occurrence of a potential threat.	Site manager; Specialist crisis agencies and bodies.	Action plans should encompass actual and potential threats. Particular attention should be paid to risks resulting from the use of the asset. A different action plan should be associated with the cyclical monitoring of threats.
5.3. Monitoring	<b>Yes</b>	Key for a cohesive system of management activity depending on a systematic and repeatable carrying out of observations of specific features and elements of the asset. Action plans should regulate the monitoring system.	Site manager coordination Fragmentary action plans- parties carrying out particular activities connected with the monitoring of threats and the monitoring of management.	Monitoring should be based on direct and indirect indicators. Conclusions are a fundamental element in the updating of successive editions of management plans.

## CONCLUSIONS

### Part II – 5. Threats to and monitoring of the WH asset

The operational section of the management plan identifies sensitive areas and necessary activities- repeatable and potential. Proposals and recommendations concerning the elimination of (identified) threats in all aspects- the asset, the protection system, usage, should be transposed onto the action plans of specialist services and individual participants in the management system. Action plans pertaining to the implementation of monitoring across all aspects of the asset should emerge directly from the system put forward in the management plan. They should be coordinated by the WH asset manager and should apply to individual executors of actions (divided into sectors).

### Part III – Characteristics of usage of the WH asset

#### 6. Characteristics of stakeholders in the WH asset

Structural elements of the Management Plan (MP)	Action plans required	Scope of the content of the action plan	Realisation	Comments
6.1 Characteristics of fundamental groups of stakeholders, which have an association with and influence on the functioning of the WH asset Presentation of their problems, scope of activity and expectations relating to the asset.	<b>Optional</b>	A vital element of the management plan. When updating, it requires verification, which may require the carrying out of specialist investigation.	Party carrying out the investigation, commissioned by the WH asset manager or supervisory body.	In this case the action plan constitutes a program in which the state of involvement of various social groups in the matters of the world heritage site are investigated.
6.2 Defining areas of cooperation with stakeholders (including educational and promotional activities, gathering of funds, protection programmes carried out based on stakeholders – e.g. urban movements, parish councils).	<b>Yes</b>	The management plan highlights the areas of cooperation, and those affecting stakeholders. Desired strategies for action in this field should constitute the subject of individual action plans.	WH Site manager coordination. Implementation plans compiled by employed agencies.	An element of site management policy. Mindfulness of the proper attitude and reception of the site (both in physical terms as well as in terms of its brand).

## CONCLUSIONS

**Part III – Characteristics of usage of the WH asset; 6. Characteristics of stakeholders in the WH asset.** Proposals and recommendations pertaining to furthering understanding of opinions, issues, and scope of activity of stakeholders in the field of protection and use of the WH asset, as well as proposals and recommendations concerning the organisation of specific activities on behalf of the WH asset in cooperation with the stakeholders. This is a series of activities which should be divided into specific action plans compiled by the site manager (in the field of coordination and strategy) as well as those carrying out or taking part in tasks (in the field of realisation).

### 7. Presentation, accessibility, tourism

Structural elements of the Management Plan (MP)	Action plans required	Scope of the content of the action plan	Realisation	Comments
7.1 Characteristics of the requirements, opportunities and activities in the presentation and accessibility of the WH asset.	Yes	A series of partial action plans of parties involved in the process of management and utilisation of the WH site. – Information, exposition and securing the asset.	WH Site manager coordination. Realised by individual stakeholders.	A live area -making the asset accessible in reality, so activities determining public perception, economic results, but also the scale of civilisational threats.
7.2 Characteristics of the requirements, possibilities and activities connected with the development of tourism based on the WH asset.	Yes	An element of protection policy. Development of action plans for tour operators and administrative bodies with the aim of building a consistent tourism policy.	WH Site manager coordination. Realised by individual stakeholders.	A branch of the modern leisure industry. A vital element of management but also a field in which the establishment of protection barriers is required.

## CONCLUSIONS

### III – Characteristics of usage of the WH asset; 7. Presentation, accessibility, tourism.

In both the spheres of presentation and accessibility, as well as in investigation of the needs, issues and tourism opportunities of the WH asset, it is necessary to create different action plans coordinated with the content of the management plan. This is a dynamic area of life, which affects the WH asset in a particular way. Management strategy should consider constraints to guarantee the protection of the value of the WH asset, while the action plans should, in a coordinated manner, lead to the achievement of a balance between accessibility and protection.

**8. Usage (and development) of the WH asset**

<b>Structural elements of the Management Plan (MP)</b>	<b>Action plans required</b>	<b>Scope of the content of the action plan</b>	<b>Realisation</b>	<b>Comments</b>
8.1 Characteristics of usage functions (remaining) of the asset (e.g. inhabitation, service, communication, religious) as well as the factors which influence their realisation (e.g. demography, the political situation, access to transport).	<b>Optional</b>	Dependent on the requirements identified by the management plan—individual research projects and social campaigns based on action plans of different sectors, or the observation of issues in the field of monitoring of the WH asset.	WH Site manager coordination. Realised by individual stakeholders.	Part of the management plan referring to current data. In the case of negative tendencies it also requires an indication of remedial measures.
8.2 Analysis of the issues and opportunities for the realisation of specified functions (with consideration of the rules of sustainable development).	<b>Yes</b>	A vital element of the management system. Action plans appropriate for specific undertakings with reference to the intensification, limitation or functional modification of the site.	WH Site manager coordination. Realised by individual stakeholders.	The field of implementation and investigation action plans, and within the scope of monitoring.

**CONCLUSIONS**

**III – Characteristics of usage of the WH asset; 8. Usage (and development) of the WH asset-** A key factor in the definition of the actual state of the world heritage site and the perspectives for its development. It requires precise investigation with particular consideration of the links and limitations associated with the protection of the WH asset. Action Plans are indispensable in three spheres: ‘implementation’, research, and to the monitoring process.

**SUMMARY**

The model presented above constitutes a universal proposition which can be modified depending on the scale and complexity of the world heritage site. It refers to the *Operational Guidelines for the Implementation of the World Heritage Convention*, to the model management plan structure put together by B. Szmigin and it draws upon the experience of managing the monuments and sites in the historical city of Cracow. A precise definition of the value of the site is required, which in UNESCO world heritage pragmatism guarantees the OUV (declaration of outstanding universal value) together with the system of attributes and indicators. Only an understanding of the value

the site allows for the formulation of strategic management and protection aims which in turn allow process contributors to prepare their own plans of action for activities serving the realisation of strategic aims. In a system of management and protection constructed in this way, an important role is played by the person or institution coordinating activity (indicated in the management plan); they should have an insight into developing action plans, and have the power to both initiate and limit them, in cases when a strategic conflict occurs. The specifics and role of the coordinating person or institution is a subject worthy of further investigation, as in the practice of management in Poland to this point, a homogenous solution has not been worked out. Yet the considerations above indicate that together with the formalisation of the management system for world heritage sites, the need for the appointment of such a person/ institution will grow.

## 6. MODEL STRUCTURE – SELECTED EXAMPLES OF ACTION PLANS

– based on the example of the *Wooden Churches of southern Małopolska*

A whole series of components contribute to the management of an asset, and these are naturally interconnected. So, for example, the Action Plans relating to the sections concerned with *Characteristics of the state of the WH asset and conservation projects* will in some areas link directly to other activities relating, for example, to *threats and monitoring* (especially to threats) or to the *usage (and development) of the asset*.

In presenting the exemplary Action Plans relating to selected sections and points of the Management Plan, prioritisation has been applied- in describing the Action Plans which address the issues raised in the Management Plan, those activities are proposed, which are considered to be more adequate for the given issue.

### Action Plan proposals pertaining to selected parts of the Management Plan

#### Part I – Characteristics of the WH asset

##### 1. General characteristics of the WH asset-

*/General characteristics of the asset and the context in which it functions/*

##### *Proposals and recommendations /point 1/*

*The proposals and recommendations relating to potential activity associated with the parameters of the asset- for example, ownership, boundaries, buffer zones, asset documentation (including that required by the WH Committee).*

*Proposals and recommendations relating to the supplementation of the formal documentation of the WH asset (without reference to the content of these documents).*

As a result of the *general characteristics of the asset and the context in which it functions* formulated in the Management Plan, it is in theory possible for proposals to appear concerning, for example, the necessity or requirement to change the boundaries of the asset, or the boundaries of the buffer zones (broadening, narrowing) or activity- grounded in care for the asset- relating to change of ownership, for example. The response to these proposals should involve specific action on the part of States Parties. In this case, the Action Plans would include all formal activities together with the preparation of necessary documentation with the aim of changing the official, operational parameters of the world heritage site. In the case of the churches of Little Poland, such activities have not been undertaken as of yet, although it is possible that this may occur.

As a result of the analysis of inscription boundaries of individual churches and the boundaries of buffer zones, certain conclusions can be drawn in a few cases, primarily regarding the boundaries of buffer zones. The areas which have been accepted as buffer zones have been rather large. Furthermore, this ordering requires consistency between the graphic presentation



of the boundaries indicated in the nomination document and in the management plan<sup>20</sup>, which has been accepted as an official document.

## **2. Characteristics of the value of the WH asset (OUV+AI)**

*/Characteristics of value from the perspective of the system (concepts) of World Heritage/*

### *Proposals and recommendations /point 2/*

*Proposals and recommendations concerning potential supplementation or changes in the content of official documents relating to the asset required by the WH system (e.g. changes to the content of individual statements in the realm of acknowledged attributes- due to authenticity and integrity).*

*Recommendation proposals pertaining to the necessity of carrying out further research to facilitate understanding of the asset (e.g. comparative studies, archaeological research, architectural research).*

Action Plans fulfilling the tenets of Point 2 are, for example, actions relating to the fulfilment of UNESCO Committee requirements regarding the asset's official documents. The preparation of the retrospective Statement of outstanding universal value for the churches of Lesser Poland by the National Heritage Institute and managers of individual UNESCO sites, and its formal submission for Committee approval, is an example of one such already completed action plan.

A range of work, projects and research programmes, which are important from the perspective of furthering knowledge and assessing the value of the asset, can constitute an Action Plan of this kind. One such realised project, which also involved the wooden churches, was concerned with formulating the declaration of the outstanding universal value of a site. Its realisation witnessed, for example, the proposal of attributes of the value of the asset.

An Action Plan associated with the characteristics of an asset in the context of UNESCO ideas can, for example, be the formal application and approval of asset attributes by the Committee (attributes should be defined for all inscription criteria on the UNESCO list).

The implementation of Action Plans of this kind is vital from the perspective of assessing the value of the asset and the protection of this value, but it should also be made use of in work relating to the preparation of periodic reports of the World Heritage Convention. In the process of producing periodic reports concerning the conservational state of individual world heritage assets, the protection of the outstanding universal value underpins the assessment, and the point of reference for the assessment is the 'Statement of Outstanding Universal Value' accepted by the World Heritage Committee at the time of inscription, or prepared retrospectively.

The assessment of the effects of various factors and the condition of the asset should be carried out with reference to the attributes of value, which should be defined for each of the inscription criteria on the *World Heritage list*. As a result, the initiation and carrying out of such activity is highly justified and recommended.

## **3. The state of the asset and conservation projects.**

### *Proposals and recommendations /point 3/*

*Proposals and recommendations defining conservation projects stemming from the assessment of the technical state of the asset (as a material whole), with particular consideration of attributes.*

*Conservational projects relating to the maintenance of monumental substance and form.*

Those Plans of Action in this area which it is vital to realise should emerge directly from the proposals and recommendations of the Management Plan, formulated based on the assessment

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<sup>20</sup> R. Marcinek, Z. Myczkowski, A. Siwek, *Wooden Churches of Southern Małopolska. Management Development and Spatial Plan. Supplementary Documentation* (Warsaw-Cracow, 2002).

of the technical condition of the asset. It is important to remember that both in the assessment of and in the tasks outlined in the Action Plans, the protection of the outstanding universal value must be taken into account, with special consideration being given to the state of protection of the attributes, including the maintenance of their authenticity and integrity. In the context of the wooden churches of Lesser Poland, it is important to highlight that this asset has a formulated (if not yet officially accepted) OUV statement. Apart from an informal proposition formulated as part of a research project, however, there has been no definition of attributes. On the other hand, during the assessment of the state of the asset- its technical condition and protection of its monumental substance- the following attributes will be essential: material, construction, architectural shape and form, design and internal decoration.

Caution: Guidelines and recommendations relating to the state of the asset and conservational projects (Part I, p.3 MP) must be linked with activities emerging from the identification of threats and the carrying out of monitoring (characterised in part II, p.5). This is because activities associated with the elimination of threats concerning the state and use of the asset and recommendations based on systematic monitoring concerning the state and use of the asset, will for the most part apply to the same protection activities, repair work, renovation work, conservation and planning work. What has great significance in the context of the protection and maintenance of OUV is that the state of the asset assessed in the MP, a longstanding document (spanning ten years) and a policy document by nature, can in this long period of time be subject to significant, negative changes. These changes should also be monitored and analysed in the context of threats. The systematic, cyclical monitoring and identification of threats will indicate the operational needs concerning the formulation and realisation of the Action Plans pertaining to the protection of values associated with the state of the asset.

A whole series of Action Plans can be identified for *Conservational projects relating to the maintenance of monumental substance and form*, for example:

- All conservation- renovation work essential for the maintenance of the good technical state and/ or the protection of the value of the building, associated with maintaining the churches' architectural structure in a good state (making reference to attributes- material, construction, architectural material and form), the architectural design (including elements of carpentry) and internal design and decoration, the aim of which is to maintain the monumental substance and value of the asset.

Elements of the Action Plan defined as conservation- renovation work include a range of documentation, professional evaluation, activities etc. Their scope in terms of specific renovation or strictly conservational activity will be varied. The elements making up an Action Plan defined as conservation- renovation work will include, among others:

- All preparatory work, for example:
  - Archival and iconographic research, cartographic analyses, which are necessary for the establishment of conservational guidelines;
  - Conservational guidelines for planned conservation- renovation work for individual parts of the building (such as foundations, frames, trusses, the replacement or impregnation of wall and roof coverings);
  - The decisions of assessors and various experts regarding the technical state (e.g. concerning construction, mycology);
  - Preparatory and project work, including inventories, architectural examination, mycological examination, structural examination carried out with the purpose of determining appropriate areas and methods of work;
  - Controls carried out by the Provincial conservator during conservation- renovation work and protocols of conservation commissions.

- Decisions made by conservators giving permission for work to be carried out;
- Conservation programmes regarding polychromy and furnishings;
- Post- conservation work documents;
- Assessment by commissions receiving the work
- Activities concerning funding
  - Estimates for work
  - Managerial funding proposals

The managers (administrators) of individual churches are responsible for the realisation of conservation- renovation work, although many other bodies responsible for various elements of the AP will take part in this process- bodies whose participation in the realisation of tasks comes directly from accepted legal regulations (e.g. all forms of agreements, decisions, Provincial Conservator controls) as well as from a range of specialist expertise, necessary for the carrying out of work.

The landscape and surroundings are considered to constitute one attribute defining the value of the churches of Lesser Poland. The proper maintenance and protection of this attribute implicates a whole series and variety of Action Plans, which relate to the area within the boundaries of the asset's inscription as a buffer zone, as well as the broader surroundings. An Action Plan pertaining to this issue is, for example, the extension of the protection boundaries of the asset through the inscription of the area occupied by church buildings onto the historical register or the inscription of the surroundings of the church, the aim of which will be to guarantee the protection of the visual value of the asset as well as its protection from harmful external factors. This Action Plan- similarly to most plans- will consist of a series of actions and/ or formulations. In the case of inscription of the historical area or surroundings of the building, these will be, for example:

- Archival, cartographic, iconographic enquiries and an analysis of data
- Visual analyses aiming to define appropriate protection boundaries
- Specialist opinion
- Social consultation
- The administrative process associated with register inscription realised by the Provincial Conservator.

The main agent realising such an AP is the Provincial Conservator, with the possible support or cooperation of the asset manager and various individuals or specialist institutions.

Another variety of Action Plan associated with guaranteeing the protection of the surroundings and landscape is activity aiming to secure such protection within the local spatial management plan. LSMP regulation, lying within the competencies of local government, must be preceded by a series of analytical, research, planning, project and administrative actions and activities, for example, taking advantage of appropriate tools for spatial planning. In the context of the protection of the surroundings and landscape of the world heritage site, conservational guidelines aiming to establish rules for the protection of cultural heritage in the LSMP can be regarded as an Action Plan. So that these guidelines are correctly drawn up, a wide range of specialist research is necessary. The study of cultural landscape represents such research, and this should be formulated to constitute introductory material for the study of the conditions and direction of spatial management. The rules and scope of protection should be based on the analysis, valorisation and formulation of guidelines carried out under the auspices of cultural landscape studies.

Action Plans referring to *Conservational projects relating to the maintenance of monumental substance and form* are also all actions connected to the assembly or maintenance of a range of security systems (fire and theft protection, monitoring systems, flood protection etc.) Action Plans of this variety will be discussed in the section relating to hazards.

## **Part II – (Characteristics of) the protection system and management of the WH asset**

### **5. Threats to and monitoring of the WH asset**

#### Proposals and recommendations/ point 5/

*Proposals and recommendations relating to the elimination of (identified) threats in all aspects- the asset, the protection system, usage.*

*Proposals and recommendations concerning the implementation of monitoring relating to identified and potential threats (identified) in all aspects- the asset, the protection system, usage.*

*/source: asset documentation and research and analysis carried out in order to assess the threats in all aspects/*

The asset manager and conservational agencies are required to eliminate threats, which can impact negatively on the value of the buildings. In preparing and realising Action Plans associated with threats one should- outside of the recommendations of the MP- make reference to threats which have been recognised at the time of the inscription of the asset onto the UNESCO list (in the nomination dossier) and analyse all negative factors (actual and potential) identified in the UNESCO periodic report. As a rule, each identified hazard should possess its own Action Plan, which should eliminate or minimise the threat. As threats can be of a very diverse nature and can fall into many categories (such as urbanisation pressure, environmental hazards, natural catastrophes, pressure from tourism), Action Plans will also be very varied. In the case of threats associated with development and pressure from tourism they will link to- and sometimes overlap with- Action Plans relating to point 7 (*Presentation, accessibility, tourism*) and 8 (*Usage (and development) of the WH asset*) of the Management Plan.

Action Plans associated with the elimination of threats can be preventative in character. They can also constitute a range of responsive actions in situations in which such a threat occurs.

In the case of the wooden churches, Action Plans associated with the prevention of threats are, in the first instance, all activities associated with the set up and maintenance (conservation, supervision) of fire and theft protection and monitoring systems etc.

A substantial issue in the case of the churches in Binarowa, Sękowa and Lipnica Murowana is the threat of flooding. The flood which affected the church in Binarowa, and which posed a serious threat to the building, initiated a series of activities on the part of a number of bodies, thanks to which the church was saved. In the case of threats posed by flooding, the ad hoc protection measures carried out by the church administrators are not sufficient. Action Plans in this case should cover a specialist programme guaranteeing appropriate future protection.

A primary example of an Action Plan in the field of monitoring is the preparation and implementation of systematically functioning monitoring.

## **Part III – Characteristics of usage of the WH asset**

### **7. Presentation, accessibility, tourism**

#### Proposals and recommendations/ point 7/

- *Proposals and recommendations concerning the presentation and accessibility of the asset.*
- *Proposals and recommendations concerning the identification of requirements, problems and opportunities of tourism use of the WH asset (with particular consideration of restrictions guaranteeing the protection of the value of the WH asset).*

*/source: asset documentation, assessment of the state of the asset from the perspective of presentation and accessibility and all research, analysis and statistics relating to the opportunities and restrictions on tourism use of the asset/*

Action Plans responding to this issue can be very varied in character and many bodies can be identified which realise these actions. Such bodies include: managers, various levels of local government, government at provincial level, institutions and agencies responsible for heritage protection, associations, organisations and foundations, academic institutions and individuals, private bodies etc. The statutory duties which apply to these varied units and their individual initiatives include: all activities relating to presentation and promotion- publishing popular- academic work, tourism publications (guides, folders, maps, leaflets, multimedia), creating websites promoting the WH site, creating cultural trails, organising conferences, cultural events, competitions, educational events for children and young people etc.

Academic and research projects realised by academic bodies should be included in Action Plans concerning the presentation of the asset. All projects serving to appropriately signpost the area- the erection of information boards and signs by main roads- can also be recognised as APs.

The churches of Lesser Poland, used as a place of worship and managed by local priests, struggle with a lack of funding for the employment of workers to handle tourist traffic. All projects associated with improving accessibility to these buildings are also Action Plans. Among activities of this kind which have been realised are, for example: the project to make certain buildings on the Lesser Poland Wooden Architecture Route accessible in the summer period (including the churches on the UNESCO list), realised in the Lesser Poland province by the Lesser Poland Regional Tourism Organisation as part of the Krakow Province employment agency's 'Konserwator' programme, which involves employing the unemployed as tourist guides.

Another example of an Action Plan associated with accessibility is the (realised) project concerned with the conversion of the organist's house within the clerical buildings in Blizne into a Tourist Office and museum.

It is important that these varied activities fulfil fundamental aims, which should be: the promotion of the value and understanding of the OUV of an asset and its significance for the local, regional and worldwide population; to make use of the potential of the UNESCO asset as an educational tool, the improvement of accessibility through the maintenance of all measures guaranteeing the safety and protection of the value of the WH site.

With such a large number and wide range of varied activities, often carried out by a series of diverse parties, the coordination of these activities and their monitoring is imperative so that it is possible to assess whether the activities realised in this sphere are sufficient for the presentation and promotion of the asset. The manager or the individual/ agency should also monitor the quality and scope of these various activities.

## **8. Usage (and development) of the WH asset**

### *Proposals and recommendations /point 8/*

*Proposals and recommendations relating to activities associated with the usage (and development) of the WH asset- realisation of other functions of the asset (with particular consideration of the links and limitations associated with the protection of the value of the WH asset).*

*/source: asset documentation and all research, analysis, statistics and plans relating to the opportunities and restrictions on the usage (and development) of the WH asset.*

In preparing Action Plans concerning the usage of the WH asset, it is important to remember that according to the recommendations of the UNESCO Committee, the use of the world heritage asset should be balanced in character. It should also be ensured that this balanced usage does not have a negative effect on the OUV of the asset.

Among Action Plans relating to the usage (and development) of the asset it is possible to pick out plans linked directly to the building or its surroundings. The churches of Lesser Poland are

for the most part places of worship which are still in use. Retention of their original function is one of the values of the asset, but is also a factor which means that a variety of aspirations may naturally appear on both the part of the manager and the parish community in response to changes associated with, for example, the adjustment of buildings to contemporary standards.

Activity associated with usage and development in the case of the churches can apply to:

- Enrichment of decor
- Introducing new furnishings to the interior
- Introducing central heating into the place of worship
- Fitting new lighting
- Situating new buildings in the immediate neighbourhood of the church (e.g. so called small architecture forms- monuments, chapels, benches, information boards, lampposts)
- New arrangements of the terrain by the church e.g. through changes in the system and road surfaces, design of new green areas.
- Introduction of an illumination system

Each of the above factors can have an adverse effect on the value of the building. Because of this, each initiative of this kind, before it becomes realised, should be preceded by a variety of considerations and assessments in which it is possible to investigate and assess whether these new elements can be allowed from the perspective of protection of the value of the WH asset, with particular consideration of their effect on authenticity and integrity.

Action Plans should be preceded by the preparation of adequate documentation, which will form the basis of the decision of the Provincial Conservator. Thus, a plan to do with the fitting of central heating, for example, should consider and be subject to analysis and assessment of the potential effect on the protection of the asset, as the fitting of central heating can lead to many negative changes, such as changes in moisture, microclimate parameters, an increase in the intensity of currents, the settling of dust on the surfaces of a variety of materials etc., which can have a negative effect on the wood, polychromy, furnishings and on occasion on the aesthetic appearance of the interior (for example through the fitting of various heat conveyors).

Action Plans associated with the change/ correction of the terrain in the vicinity of the church or the introduction of new elements should contain variants of such solutions and an analysis of their effects on the OUV, attributes as well as the integrity and authenticity of the asset.

## **7. CONCLUSIONS**

The presented considerations stem from a conviction about the necessary, constantly evolving system of monument protection and the need to direct this process of evolution. A desirable direction for change is the tendency to move away from a static, 'prohibitive' system, towards a dynamic model of 'heritage management' in which concern with 'passing the past on to the future' is maintained. Discussion about the rules of world heritage site protection and management becomes particularly relevant, as the most promising inspiration in the search for new directions. The discussion is all the more vital, in that it refers to the most globally valuable resources of cultural and natural heritage. The management model sketched out in the pragmatics of world heritage, based on management plans as strategic documents, which are an expression of volition and (equally importantly) of the approval of stakeholders sharing responsibility for the protection, use and presentation of the asset, continues to require refinement and development

The attempt to characterise Action Plans presented above, answers questions about their reliance on the management plan, what their aims are, what their scope and subject matter is and which entities are responsible for carrying them out. This is an attempt to supplement the model,

the effectiveness of which has to be verified in practice. These types of documents (their formulation and realisation)- aside from the fulfilment of proposals and recommendations formulated in the strategic document which is the Management Plan- should always correspond and respond to current and potential needs associated with the actual upkeep, appropriate usage and proper development- in accordance with requirements for assets with the greatest global value. It appears that the presented structure- the Management Plan as a strategic document and the Action Plans as operational plans can constitute appropriate tools for the optimisation of protection and management of these most valuable places. The presented solutions have emerged from experiences of taking part in the creation and simultaneous analysis of management systems for specific world heritage sites. At the same time, these are considerations which aim for the construction of a universal model, which can be assumed for the needs of other world heritage assets. We hope that this will be the case, and that the practical verification of the model in other places will allow for further progress to be made in the construction of an efficient and relevant system of care for cultural heritage.

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# SPATIAL PLANNING IN MANAGEMENT PLANS FOR UNESCO CULTURAL WORLD HERITAGE PROPERTIES IN POLAND

Marcin Górski

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## 1. INTRODUCTION

### 1.1. What is spatial planning?

The concept of spatial planning has a number of dimensions and definitions relating to the entirety of activities undertaken for comprehensive and purposeful shaping of a selected area. It can take place at country level, regional level (province), local level (municipality), and at the level of a 'functional area', up to the level of an isolated building ensemble. Irrespective of the scale of the area, what falls within the scope of planning activities is a number of actions arranged in three chronologically ordered stages presented in the table below:

Stage	Constitutive	Adaptive	Monitoring
Characteristics	Development of planning documents and studies.	Implementation of planning decisions at administrative and investment levels.	Verification and confrontation of the effects with the desired outcome.
Type of activities	<ul style="list-style-type: none"><li>– scientific</li><li>– analytical</li><li>– prognostic</li><li>– planning</li><li>– project</li><li>– administrative</li></ul>	<ul style="list-style-type: none"><li>– investments</li><li>– regulations and secondary legislation</li></ul>	<ul style="list-style-type: none"><li>– public opinion polls</li><li>– research</li><li>– analyses</li></ul>

**Tab.1** Stages of spatial planning

In this broad understanding, spatial planning exceeds the scope of planning alone and is closer to the concept of **spatial management**. Management is a dynamic decision-making process involving not only formulating objectives and proposing measures for achieving them but also designing such functions of an organizational structure which would ensure effective accomplishment of the objectives.<sup>1</sup> It is also a consistent implementation of previously reached decisions and careful monitoring of the occurring changes.<sup>2</sup> The classic definition of management encompasses a sequence of activities connected with planning, organizing, decision-making, motivating, and monitoring. Planning itself is therefore an initial stage of a wider process of spatial management.

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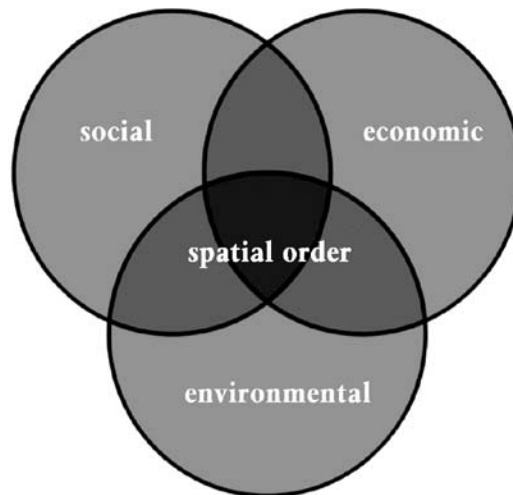
<sup>1</sup> Based on: Lidia Białoń, 'Zarządzanie firmą' in S. Marciniak (ed.), *Makro- i mikroekonomia. Podstawowe problemy* (Warsaw, 2006), 308.

<sup>2</sup> Based on: 'Plan zarządzania obiektem Światowego Dziedzictwa', *Polish National Commission for UNESCO* [website], <<http://www.unesco.pl/kultura/dziedzictwo-kulturowe/swiatowe-dziedzictwo/procedura-wpisu/plan-zarzadzania/>>, accessed 17 March 2014.



At the same time, it is the key stage relating to **planning instruments** determined in the provisions of law.

In short, it can be assumed that the actions concerning spatial planning aim to combine factors affecting the development of a specific area with maintaining its current natural and cultural (i.e. resulting from human activity) resources. What lays the foundation for the above-mentioned definition are the concepts of **sustainable development**<sup>3</sup> and **spatial order**.<sup>4</sup> The idea of sustainable development was more widely presented at the UN Conference on Environment and Development held in Rio de Janeiro in 1992, where “Agenda 21” action plan was adopted by representatives of 180 countries. According to this document, development can be shaped in such a manner as to equally satisfy the needs of both current and future generations, while observing the principles of social justice and with respect for public properties.



**Fig.1** Three pillars of sustainable development integrated on spatial planning activity level

The definition of spatial order introduced by the Spatial Planning and Land Development Act (...) can be interpreted either in strictly physical terms by describing the importance of harmony in physical space, or as the order characterizing relations between social, economic, and environmental elements of multidimensional space. The level of complexity of this notion can be presented in three aspects: the architecture-, landscape-, and system-related ones. What is defined under the architecture-related aspect are spatial relations between buildings and their surroundings. Under the landscape-related aspect, anthropogenic and natural elements are equally important. The system-related aspect, however, encompasses the whole complex structure and the way

<sup>3</sup> According to article 3 (50) of *Environmental Protection Law of 27<sup>th</sup> April 2001* (entry in *Dziennik Ustaw of 2013 item 1232 as amended*) sustainable development is such socio-economic development where the process of integration of political, economic and social activity occurs while maintaining natural balance and durability of basic natural processes, in order to make sure the basic needs of particular communities or citizens of both current and future generations are satisfied.

<sup>4</sup> According to article 2.1 of the *Spatial Planning and Land Development Act of 27<sup>th</sup> March 2003* (entry in *Dziennik Ustaw of 2012 item 647, 951, 1445*), spatial order should be understood as shaping of space which results in creating a harmonious entity respecting all functional, socio-economic, environmental, cultural, compositional and aesthetic conditions and requirements forming ordered interrelations.

it functions in the socio-economic system. This interpretation can be found in the National Spatial Development Concept 2030 adopted by the Council of Ministers on 13<sup>th</sup> December 2011.<sup>5</sup>

**Environmental Impact Assessment System** is an instrument supplementing spatial planning and is applicable to all planning documents. Its legal basis is provided in the Act of 3<sup>rd</sup> October 2008 on Accessibility of Information About Environment and Its Protection, Participation of the Public in Environment Protection and Environmental Impact Assessment.<sup>6</sup>

The spatial planning process can be also viewed as a peculiar **game for space** played by a number of participants constituting a scattered but constantly growing group of different individuals, social groups, institutions, and non-governmental organizations referred to as **stakeholders**. In the light of the Spatial Planning and Land Development Act currently in force, **competence units** were defined depending on the planning level, being the top entities responsible for the process of spatial planning. On a city or municipality scale, crucial for the objectives of this work, spatial planning belongs to the sole competence of local government units. Under a resolution of the Council, a voigt (head of municipality) or city/town mayor, who usually establishes the Council, carries out spatial planning works with the help of professionals responsible for preparation of planning documents.

## 1.2. Objectives

The system of spatial planning and management is multidimensional, complex, and it significantly exceeds the scope of administrative processes. It usually encompasses a considerable number of active and passive participants frequently being in conflict with each other. Depending on the type of a WH property, the number of factors relating to the process of spatial planning changes. For individual objects, e.g. churches, this process will generally refer to the architecture-related aspect, whereas for more complex ensembles it will refer to the landscape-related aspect, and, with regards to old towns – the system-related aspect.

Due to its size, this study provides no opportunities for detailed description of either the content or the process of developing particular elements. This text aims particularly at specifying and characterising the WH management plan components due to which it would be possible to **consciously participate in spatial planning and management** processes with regards to different types of properties. Additionally, it would be also possible to indicate the instruments supporting this process. The chapter particularly focuses on factors determining the relationships in physical space at the architectural and landscape level. It omits, however, socio-economic aspects, which, although very important, exceed the scope of this study.

## 2. THE ROLE OF SPATIAL PLANNING IN MANAGING WORLD HERITGE CULTURAL PROPERTIES

### 2.1. Specific nature of World Heritage properties in the spatial planning system

In the field of managing individual World Heritage properties, there are a number of objectives which aim to provide maximal longevity of a specific site, values which the site has as well as its lasting social service. These objectives need to be defined and arranged hierarchically.

<sup>5</sup> National Spatial Development Concept 2030 – NSDC 2030 [Koncepcja Przestrzennego Zagospodarowania Kraju 2030 – KPZK 2030] is the most important strategic state document concerning spatial management of the country. It was prepared in accordance with the *Spatial Planning and Land Development Act* of 27<sup>th</sup> March 2003. Requirements and recommendations (resulting from CPSM 20300 for the preparation of province zoning plans (PZP) were determined in accordance with the statutory provisions

<sup>6</sup> Entry in *Dziennik Ustaw* of 3013, item 1235, 1238.

In accordance with periodically updated Operational Guidelines for the Implementation of the World Heritage Convention (hereinafter referred to as the Operational Guidelines), management principles resulting from the nature of a specific property should be incorporated into management plan.<sup>7</sup> Under paragraph 96 of the Operational Guidelines, the processes of protecting and managing World Heritage properties should result in keeping or increasing their *Outstanding Universal Value* as well as improving or preserving their integrity and/or authenticity in comparison to the moment of inscribing them on the List.

One way to guarantee that the status quo of a property is maintained is to ensure appropriate, long-term, legal, regulatory, and institutional protection and management at spatial planning level. For this reason, one of the overriding aims of spatial planning is to provide appropriate protection, conservation, utilization, and presentation of each WH property. Already in the beginning, it can be, however, assumed that apart from the aforementioned statutory principles of spatial order and sustainable development, it is the preparation of the Outstanding Universal Value statement, individually for each property. This should be a starting point for formulating rules governing creation of space for WH properties. What is the key to providing good conditions for appropriate property protection and conscious management of its transformations are the instruments of spatial planning which determine the scope and procedures for allocating grounds and establishing rules governing management and development processes carried out in these areas.

The issues relating to cultural property protection in spatial planning are widely described in both scientific and specialist literature. What is worth mentioning due to its practical aspect is a guide for local government bodies and authors of planning documents, which was written in 2011 under the patronage of the National Heritage Board of Poland.<sup>8</sup> As municipality authorities are obliged to incorporate the principles of heritage, cultural landscape and historic monuments protection into planning documents, the guide aims at supporting the persons creating these documents.

With regards to a considerable number of publications about the subject matter, this chapter aims to describe the **specific nature of spatial planning in World Heritage management plans**. What specific aspects does it involve as opposed to other forms of legal protection of cultural heritage, historic monuments, and modern cultural properties?

- I ***the rank of the protected property*** – by inscribing a property on the UNESCO WH List, international community recognises its outstanding universal value in accordance with the criteria developed by the World Heritage Committee. It is therefore emphasized that the inscription confirms that the nominated sites represent not only values integral for our sense of identity but also values important all over the world. What results from this elevation in rank is not only the necessity to protect these values with extraordinary commitment but also the necessity to consult representatives of international organs responsible for heritage protection. In practice, it should result in ascending the order of site protection priorities in the hierarchy of spatial planning works. Despite the fact that inscription on the WH List does not imply preparation of a local plan, measures should be taken to devise it or to integrate the existing one with the conditions of WH protection, which should constitute an integral element of every WH property management plan.

<sup>7</sup> *Operational Guidelines for the Implementation of the World Heritage Convention*, February 2012, WHC. 12/01, paragraph 132.

<sup>8</sup> J. Welc-Jędrzejewska et al., 'Problematyka ochrony dziedzictwa kulturowego i zabytków w studiach uwarunkowań i kierunków zagospodarowania przestrzennego gmin oraz w miejscowych planach zagospodarowania przestrzennego. Poradnik dla planistów i samorządów lokalnych', *National Heritage Board of Poland* (Warsaw, 2011) <[http://www.nid.pl/pl/Dla\\_wlascicieli\\_i\\_zarzadcow/dla-samorzadow/planowanie-przestrzenne/](http://www.nid.pl/pl/Dla_wlascicieli_i_zarzadcow/dla-samorzadow/planowanie-przestrzenne/)>.

- II **protected site** – a property of *Outstanding Universal Value* must meet at least one of the 10 criteria adopted at the 6<sup>th</sup> extraordinary Session of the World Heritage Committee as well as satisfy the condition of authenticity and integrity. Depending on the type and context of cultural heritage, its values, according to the system proposed in the Operational Guidelines, are expressed by a number of attributes subject to WH protection, conservation, and management.<sup>9</sup> In practice, this should result in taking into account, both in the analytical part and at the stage of making planning arrangements, the Statement of Outstanding Universal Value which is based on the list of individual attributes and factors describing them. Protection should include appropriately established boundaries of the property, its buffer zone, and, if applicable, internal zones of different degrees and levels of protection.
- III **management and protection standards** – a WH property needs to be provided with a proper protection and management system. According to paragraph 110 of Operational Guidelines, the system should particularly incorporate the existing urban or regional planning instruments and other planning control mechanisms, both of formal and informal nature. Impact assessments of recommended interventions [changes] are essential for all World Heritage properties. Common elements of an effective management system may include:
- a) a thorough recognition of the property and a viewpoint shared by all stakeholders resulting in production of planning documents;
  - b) a cycle of planning, implementing, monitoring, evaluating and giving feedback [verification], including also monitoring local plans in terms of application of their provisions;
  - c) impact assessment of trends, changes, and proposed interventions carried out at the preparatory stage of drafting the planning documents;
  - d) involvement of partners and stakeholders in preparation of planning documents;
  - e) allocation of necessary means and resources relating to the necessity to prepare input materials for authors of planning documents.

On the basis of the three above-mentioned features distinguishing WH properties from the general resource of tangible heritage assets, it can be concluded that in the model approach to management of these properties, the following aspects should be considered:

- local plans as a necessary element of the world cultural heritage management system in Poland,
- a significant role of the documents concerning the Statement of Outstanding Universal Value, resulting from inscribing the property on the WH List – the input material for preparation of local plans,
- the necessity to monitor local plans in terms of their implementation, as an element of the WH monitoring resulting both from the provisions of the World Heritage Convention and Operational Guidelines.

It should be, however, noted that the aforementioned postulates and the need to include WH sites in local zoning plans in particular, are not incorporated into the Polish legislation in any formal way. This is the immediate cause of the fact that a number of Polish WH properties are either partially included in the local plans or not provided there at all.

<sup>9</sup> B. Szmygin, 'Atrybuty wyjątkowej uniwersalnej wartości', in B. Szmygin (ed.), *Wyjątkowa uniwersalna wartość a monitoring dóbr Światowego Dziedzictwa* (Warsaw, 2011), 69.

## 2.2. Outstanding Universal Value in spatial planning.

The Statement of Outstanding Universal Value is the starting point for integrating the WH management process with spatial planning instruments. A specific format and a set of guidelines for the preparation of the statement are specified in Annex 10 to the Operational Guidelines. The *Statement* should not exceed the length of two A4 pages and should include the following:

- a) Brief synthesis
- b) Justification for the Criteria
- c) Statement of Integrity (for all sites)
- d) Statement of Authenticity (for sites under criteria i-vi)
- e) Requirements for protection and management

The question of the factual content of the Statement was addressed in detail in the publication summarizing the project under the name "Improvement of the existing protection and management systems for sites inscribed on the UNESCO World Heritage List: Preparation of Statements of Outstanding Universal Value and monitoring indicators, based on Norwegian and Polish Experiences" published by Polish National Committee of the International Council on Monuments and Sites and National Heritage Board of Poland in 2011. The model of determining and verifying OUV developed by K. Piotrowska<sup>10</sup> and B. Szmygin<sup>11</sup> lays foundation for this study.

In the statement, each criterion on the basis of which a site was inscribed on the List should be described and justified. Providing the reasons behind applying the criterion and determining the value should be supported by the presentation of the property's attributes. Its purpose in the statement is to show the connections of the heritage value and the features defining its nature and significance.<sup>12</sup> The notions of authenticity and integrity of WH property should relate to the whole site as well as to its individually defined attributes.

Integrity is a measure of the entire property but it can also be considered in relation to individual attributes of an asset. One should keep it in mind that this condition is relating to not only internal issues but also, for example in the context of landscape, issues beyond site boundaries. This area needs to be precisely defined and included in the buffer zone of the property.

Authenticity of a site can be shown by verifying whether the values are truthfully expressed through its attributes.

For this reason, by treating the attributes as identifiers of outstanding universal value, integrating protection with the area of spatial planning should result in including attributes in elementary planning documents, e.g. land use plans or local zoning plans.

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<sup>10</sup> K. Piotrowska, 'Uzasadnienie wpisu na Listę Światowego Dziedzictwa w przeszłości i obecnie', in *ibid.* 10–25

<sup>11</sup> B. Szmygin, 'Określanie wyjątkowej uniwersalnej wartości dóbr światowego dziedzictwa – krytyczna analiza', *ibid.* 26–41.

B. Szmygin, 'Atrybuty wyjątkowej uniwersalnej wartości', *ibid.* 58–69.

B. Szmygin, 'Wskaźniki w monitoringu dóbr światowego dziedzictwa', *ibid.* 70–83.

<sup>12</sup> K. Piotrowska *ibid.* 22

### 3. WHAT PLANNING INSTRUMENTS CAN SUPPORT PROPER PROTECTION, CONSERVATION, UTILIZATION AND PRESENTATION OF THE WH PROPERTY?

Pursuant to the provisions of Polish law,<sup>13</sup> local government bodies are responsible for spatial management as well as protection of historic monuments, environment, and nature.

With regard to the objectives of sustainable development, what is defined in the Spatial Planning and Land Development Act of 27<sup>th</sup> March 2003 (as amended) are the type and scope of the planning documents in which the rules governing the creation of spatial order by local government units and government administration authorities are provided:

- at the national level, it is the National Spatial Development Concept,
- at the provincial level, it is the zoning plan of the province,
- at the local level, it is the municipal land use plan which is the element of developing spatial policy,
- the only document being both a planning document and a local legal act at the same time is the local zoning plan, aiming to determine the purpose of a specific municipality area and the means of managing and developing it.

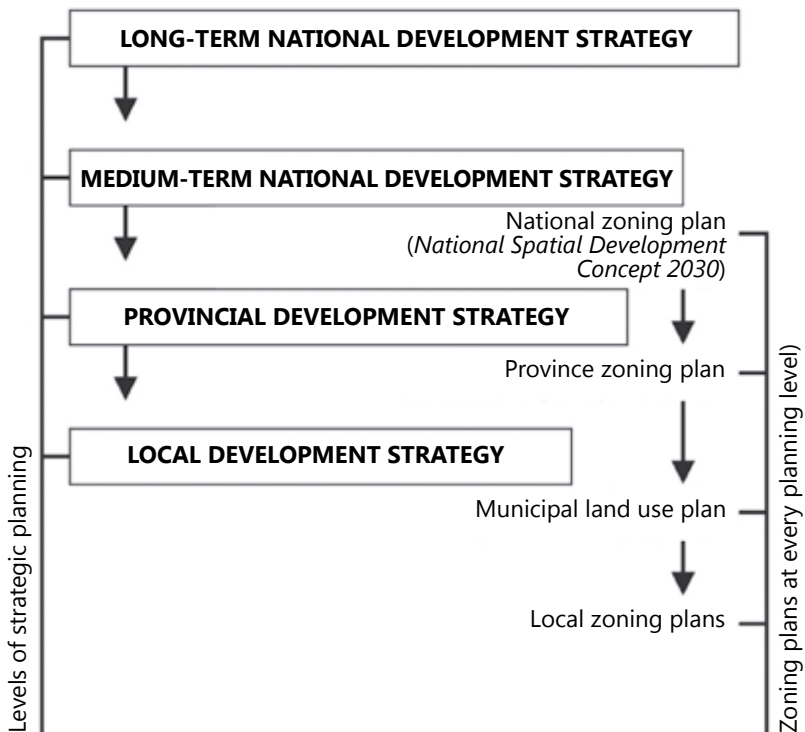


Fig.2 Diagram illustrating the cascade planning system in Poland

<sup>13</sup> – article 14.1,3, 14.1.7 and 14.1.8 of the Provincial Government Act of 5<sup>th</sup> June 1998 as amended,  
 – article 7.1.1 and 7.1.9 of Municipal Government Act of 8<sup>th</sup> March 1990 as amended,  
 – article 4.1.7 of Administrative District Government Act of 5<sup>th</sup> June 1998 as amended,

In case of the lack of a local zoning plan, the management methods and development conditions are determined by issuing a decision on land management and development conditions, where:

- 1) location of public utility investment projects is determined by issuing a decision on public utility investment location;
- 2) methods of land management and development conditions for other investment projects are determined by issuing a decision on development conditions.

In both of the above-mentioned cases we are dealing with decisions whose scope of analysis is confined to a small area around the investment project in question. It is contrary to the notion of spatial order, which aims to create a harmonious whole and focuses on all conditions and functional, socio-economic, environmental, cultural, compositional, and aesthetic requirements of the surroundings. As a result, ordered interrelations are formed. In relation to WH properties and their buffer zones, carrying out actions based on decisions is insufficient and causes conflicts between the heritage impact assessment recommended by members of the WHC and set forth in Polish legal regulations. These substantial problems are accompanied by procedural problems about involving WHC experts in the decision-making process. This problem is particularly visible with regards to buffer zones on the border of an inscription site and areas where more dynamic changes are allowed. Local conflicts can influence decisions made at international level and even lead to delisting a specific site. The Report of the ICOMOS Advisory Mission to Historic Center of Warsaw<sup>14</sup> (C30) on 19<sup>th</sup>–21<sup>st</sup> December 2013, clearly recommends the following: *“The structure for consultancy and decision making within the World Heritage property might benefit from being re-considered to provide greater clarity on overall authority and to allow for consultative body to advise on the management of the World Heritage property, and for coordination and awareness raising within all the structures of municipality, province, and state.”*

A World Heritage property is statutorily protected and, regardless of whether or not it is included in a local zoning plan, spatial changes are controlled by the heritage conservation office. Conservation is, however, unusual in buffer zones. The lack of an established buffer zone where precise rules governing the protection and management of property surroundings are determined in advance in the local zoning plan, results in conflicts having a negative impact on the prestige of the site, as it happened in case of an investment project carried out on the boundaries of the Warsaw Old Town (on the corner of Senatorska and Podwale streets). An arrangement process lasting several years, preceding construction of a new property in the area immediately adjacent to the Old Town, was carried out disregarding the UNESCO organs. At the end, it resulted in ICOMOS representatives undertaking an advisory mission. One of the basic conclusions provided in the report was the suggestion to include the entire area of the recommended buffer zone in zoning plans. Both the new and the existing (after re-evaluation, if necessary) zoning plans should ensure visual integrity of the World Heritage Site.

What may be mentioned at the opposite end of the scale is the city of Zamość, where, over the last few years, one of the largest urban renovation programmes was carried out in an inscribed property and its surroundings. It was based on professional historical and landscape studies which were turned into detailed provisions of the local zoning plan.

Expert studies are the last form of spatial planning instruments being greatly important in managing WH properties. Analyses, expert opinions, and scientific studies are, in statutory terms, defined as planning materials which are of fundamental technical significance in the process of shaping and protecting WH property environment, especially if their conclusions are included

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<sup>14</sup> The Technical Evaluation Mission has been conferred to Bernhard Furrer, architect ETH-Z SIA ass. BSA from Switzerland.

in the above-mentioned planning documents, at the municipal level in particular. Introducing value assessment grades into spatial planning system makes it possible to move from the protection of the property alone to the qualitative protection, which, apart from designating properties, also defines their special elements requiring protection. This approach enables the scope of what is and what is not permitted to be determined much more precisely in planning documents.

## **4. WHAT CAN PARTICULAR INSTRUMENTS BE USED FOR?**

### **4.1. Province Zoning Plan (PZP)**

Provincial assembly adopts a resolution on initiating works involving introduction of a PSMP or amending it. A province zoning plan includes decisions on the province development strategy as well as:

- 1) basic elements of the province settlement nets as well as their transport and infrastructural interlinks, including cross-border interlinks;
- 2) the system of protected areas, including areas of environment, nature, cultural landscape and health-resorts protection as well as cultural heritage, historic monuments, and modern cultural property protection;
- 3) location of public utility investment projects of supralocal significance;
- 4) boundaries and management principles for functional areas of suparegional significance and, depending on the needs, boundaries, and management principles for functional areas of regional significance;
- 5) areas particularly threatened by flooding;
- 6) boundaries of the closed areas and their protection zones;
- 7) areas with documented mineral deposits and documented complexes of carbon dioxide geological storage.

A PZP can be used as a tool for the implementation of spatial policy in terms of developing and protecting a system of landscapes and a system of interlinks (for example transport or scenic) within multipart and cross-border properties.

### **4.2. MUNICIPAL LAND USE PLAN**

The plan defines functional and spatial conditions being in force in a specific municipality, including the condition of spatial order and cultural heritage. Additionally, it specifies areas and principles of protecting the environment and its resources, nature, cultural landscape, and health-resorts, cultural heritage, historic monuments, and modern cultural properties.

The aspects which in the plan relate to cultural heritage can be presented as five main activities:

- preparing information about cultural heritage resources and monuments including their valuation,
- conducting condition analysis and condition diagnosis of cultural heritage assets and historic monuments,
- identifying problems and threats posed to historic monuments,
- devising a strategy for spatial operations aiming to maintain and expose cultural heritage values of a specific municipality, including assessment of the possibility of economic and public use of cultural heritage assets and historic monuments,
- preparing an action plan leading to implementation of the said strategy, including indication of areas and arriving at binding decisions relating to local plans.



Decisions on rules governing protection of world heritage, historic monuments, and modern cultural properties provided in the Plan should include guidelines for specifying these principles in local plans. These guidelines result from the need to protect historic monuments and culture parks, which are mentioned in article 19 of the Act of 23<sup>rd</sup> July, 2003 on the Protection and Guardianship of Monuments.<sup>15</sup> Since it is necessary to define conditions for spatial management (resulting from, among others, the state of cultural heritage) in the municipal plan, it should be concluded that the existence of a WH site and its buffer zone in a municipality is exactly this kind of condition. It should be therefore taken into account in the process of specifying directions of spatial planning in the plan, especially in form of guidelines determining protection principles provided in the PZP. More importantly, the draft of the plan must be provided with an opinion of the Regional Conservation Officer (while the draft of PZP is approved by the Regional Conservation Office). In majority of cases we will deal with a plan in force which will need to be amended. Amendments to the plan are proposed and adopted in the same manner as the new plan.

The form of the plan is adjusted to the zoning format recommended in the WHC Operational Guidelines, which makes it possible to use the landscape approach on the municipality scale. What is based on the landscape approach is the framework for making decisions about actions involving protection and permissible landscape transformations. The concept of landscape approach, as well as related principles and procedures were defined in the UNESCO Recommendation on the Historic Urban Landscape adopted in 2011.<sup>16</sup> According to the definition included in the Recommendation, a wider landscape context includes:

- the site's topography, geomorphology, hydrology, and natural features;
- its built environment, both the historic and the contemporary ones;
- its over- and underground infrastructure;
- its open spaces and gardens;
- its land use patterns and spatial organization;
- perceptions and visual relationships as well as all other elements of the urban structure.

The landscape approach includes also practices, social and cultural values, economic processes, and intangible dimension of heritage as determinants of diversity and identity. The landscape approach provides basis for performing diverse identification, assessment, conservation, and management actions in WH properties. These actions are to be carried out at the level of the plan by establishing buffer zones and specifying principles of spatial transformations brought about in WH site surrounding areas.

Pursuant to the Operational Guidelines for the Implementation of the World Heritage Convention, any modifications made to the buffer zone should be consulted with representatives of the World Heritage Committee.

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<sup>15</sup> Pursuant to paragraph 6 of the *Regulation of the Minister of Infrastructure on the Scope of the Draft of the Municipal Land Use Plan*.

<sup>16</sup> UNESCO, 'Recommendation on the Historic Urban Landscape', *the Polish National Commission for UNESCO* <<http://www.unesco.pl/instrumentarium-prawne/>>

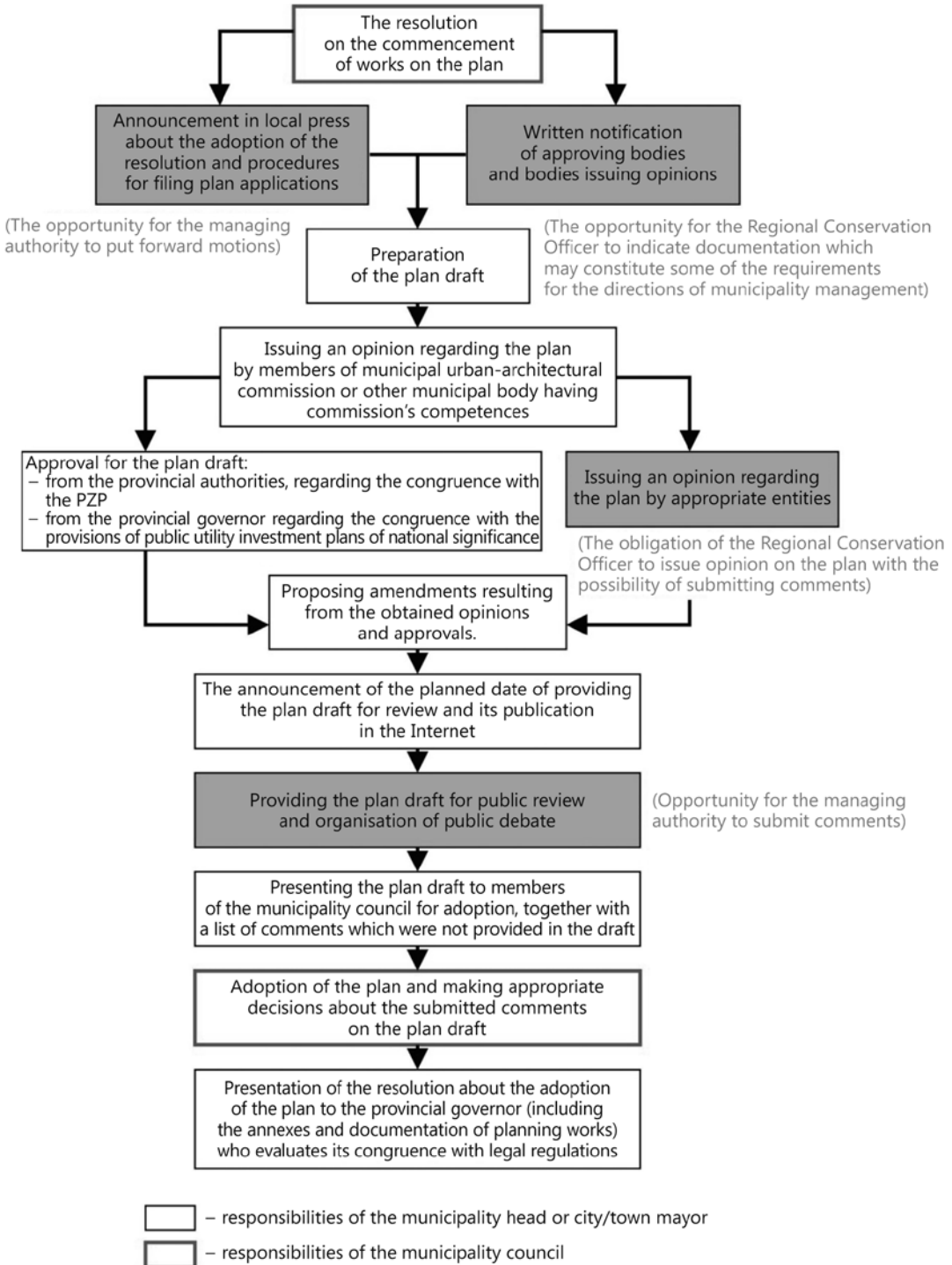


Fig.3 Procedure of adopting municipal land use plan

### 4.3. Local zoning plan (LZP)

Local zoning plan, as an act of local law, can be the basic planning tool in managing WH properties. The form of the plan, which is adapted to the zoning format recommended in the WHC Operational Guidelines, enables conservation areas to be established. The objectives which are provided in the plan and which concern protection of WH properties within the area covered by the plan, are achieved by meeting detailed plan provisions: restrictions, bans, orders, and permissions, interpreted as specification of land management forms and restrictions on land use, including a construction ban.

The procedures for creating the plan provided in spatial planning and land development acts as well as in the act on the protection and guardianship of monuments, including appropriate executive acts, also allow Regional Conservation Officers to participate not only in the process of approving the LZP but also formulating it. It should be mentioned that it is against the law for a conservation supervisory body to impose a requirement for obtaining a permit or approval in the local zoning plan. This obligation, if imposed, would fall outside the competence and authority of a municipality council in terms of protecting cultural heritage. In this case, the regulation of administrative proceeding is provided in legislative act of higher instance, i.e. the Construction Law of 7<sup>th</sup> July 1994, including the Act of 23<sup>rd</sup> July 2003 on the protection and guardianship of monuments.

Due to appropriately formulated provisions provided in an LZP, it is possible to comply with requirements for protecting WH properties located not only in areas not inscribed on the list (for instance buffer zones) but also in areas not falling under legal conservation policy. It is possible particularly in the event when the existence of a WH property and its buffer zone has been included in municipal land use plan (with the consequences for the plan provisions presented above). This results from the rule stating that an LZP must not violate the provisions of a land use plan.

On the basis of the planned purpose of grounds as well as in accordance with the lines separating areas which either serve different purposes or where different management principles are binding, the following issues regarding the world heritage must be specified in the local plan:<sup>17</sup>

- principles of protecting and creating spatial order;
- principles of protecting environment, nature, and cultural landscape;
- principles of protecting world heritage, historic monuments, and modern cultural properties;
- boundaries and management principles applied to protected areas or properties, determined in compliance with separate regulations, including the Act on the protection and guardianship of monuments.

Pursuant to paragraph 4.4 of the Regulation of the Minister of Infrastructure of 26<sup>th</sup> August 2003 on the required scope of local zoning plan, what should be included in draft **decisions on the principles of protecting world heritage, historic monuments, and modern cultural properties is the specification of objects and areas protected under the provisions of local zoning plan, including detailed description of orders, bans, permits, and land management restrictions.**

Apart from these decisions, the following aspects must be additionally provided in the plan:<sup>18</sup>

- requirements resulting from the needs for creating public spaces;
- land management indicators as well as principles of building development: maximum and minimum density, the total development area to the plot area ratio, minimum percentage

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<sup>17</sup> Article 15.2.2, 15.2.3, 15.2.4, and 15.2.7 of the *Spatial Planning and Land Development Act* of 27<sup>th</sup> March 2003 as amended.

<sup>18</sup> Article 15.2.5–6, 15.2.8–11, *ibid.*

of biologically active area in relation to the plot area, maximum building height, minimum number of parking spaces including spaces for vehicles with a parking card, building alignment and building measurements;

- detailed procedures of merging and dividing properties covered in the local plan;
- special conditions applying to land management as well as land use restrictions, including a construction ban;
- rules governing modernization, extension, and construction of transport systems and technical infrastructure;
- means and dates of temporary land management, arrangement, and use.

Depending on the needs, a local plan can also determine the boundaries of:<sup>19</sup>

- areas in which mergers and divisions need to be conducted
- areas in which agricultural and forest lands need to be transformed into non-agricultural and non-forest lands;
- areas in which the existing buildings and technical facilities need to be renovated;
- areas in which transformations and land rehabilitation processes need to be conducted;
- areas in which max. 100kW power generating facilities using renewable energy sources are to be placed. This includes boundaries of their buffer zones subject to restrictions on construction, development, and land use as well as considerable impact that these facilities exert on the environment;
- areas allocated for construction of commercial facilities of floor surface exceeding 400 m<sup>2</sup>;
- public space areas;
- areas where public utility investment projects of local and supralocal significance (e. g. roads, railways, airports) are to be implemented;
- recreation and mass event areas;
- memorials erected in honour of mass murder victims, including the buffer zones and restrictions on conducting commercial activity in these areas, in compliance with the Act of 7<sup>th</sup> May 1999 on the Protection of Sites of the Former Nazi Extermination Camps;
- closed areas and boundaries of their buffer zones.

What may be also provided in the plan are building colours, types of roof covering as well as the rules governing the standards of locating buildings in relation to roads, public areas, and borders of adjacent properties. Moreover, rules governing placement of street furniture and fences as well as displaying advertisement boards and devices may be also determined in the plan. This includes also their sizes, applicable quality standards, and types of permitted building materials.

As the provisions of LZP are highly precise and accurate, it is possible to formulate a strict code of practice applied to specific elements and features of WH properties and, consequently, provide them in a form of local law.

The procedure of amending an existing LZP is identical to the process of preparing and adopting a new LZP.

<sup>19</sup> Article 15.3, *ibid.*

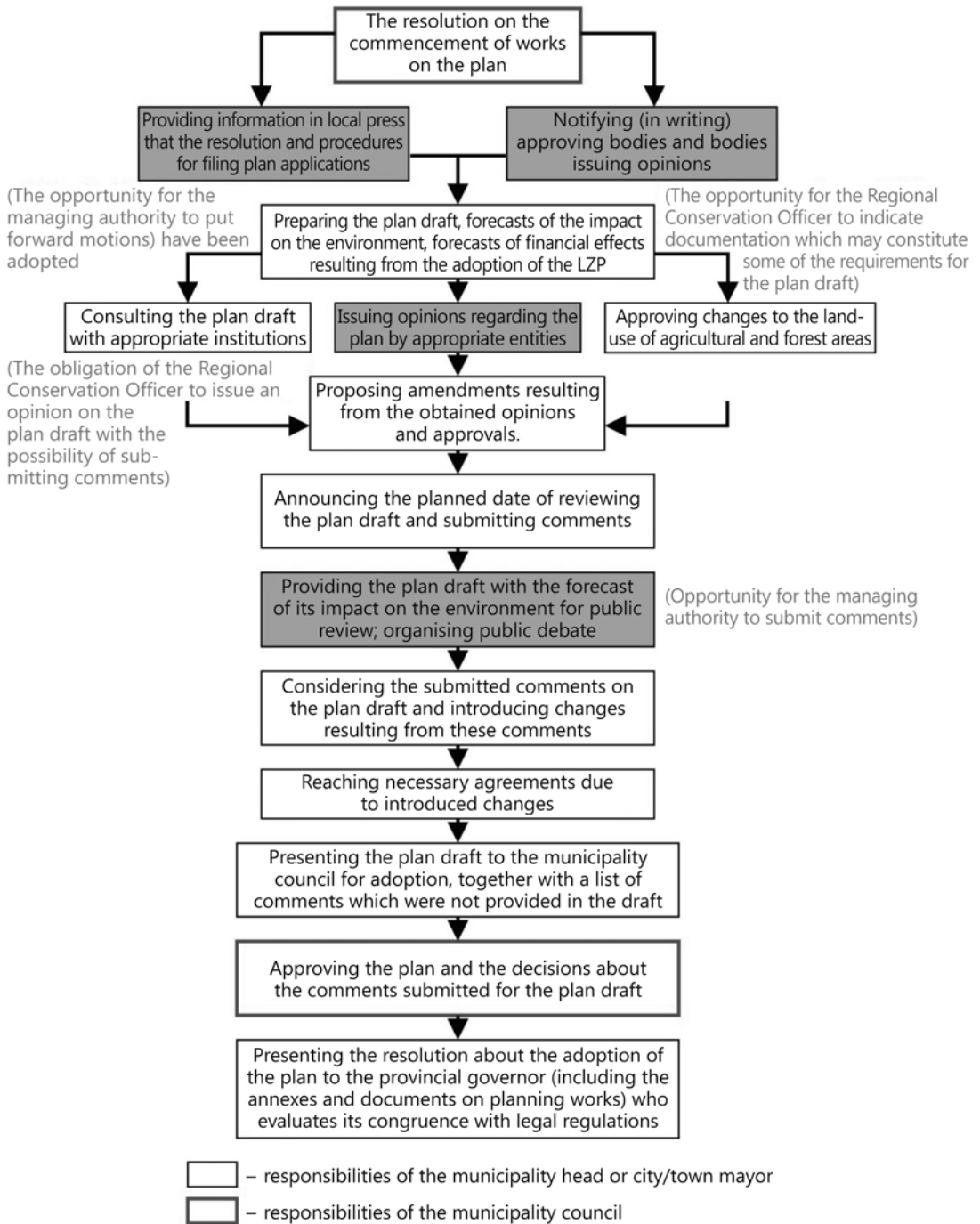


Fig.4 The procedure of adopting a local zoning plan

#### 4.4. Planning materials (expert studies)

Pursuant to the Spatial Planning and Land Development Act, it is a municipality head or a city/town mayor who not only analyses the reasons behind commencing works on the plan and its congruence with the provisions of the land use plan, but also provides surveying materials for the plan preparation process and determines the scope of planning works, which are also considered necessary for the meticulous preparation of the draft plan of the expert studies. For instance, historical and conservation analysis of the area to be covered by the planned LZP is one of these studies.

Pursuant to the landscape approach applied in spatial planning, in order to fully recognize a heritage asset and devise appropriate strategies for protecting it, it is necessary to develop a **cultural landscape study**. Pursuant to the Spatial Planning and Land Development Act and relevant regulations, the study containing analytical and valuation-related parts as well as appropriate guidelines should be prepared in a form of planning material as a part of input materials for the municipal land use plan and local plans.

As it is the input material for planning documents, the cultural landscape study of a municipality should be provided with an opinion of Regional Conservation Officer.

There is no universal pattern to be followed in devising a system of cultural landscape and cultural environment values. Both the method and the analysed factors should be selected individually, depending on the nature of a specific place. Basing on works conducted by Cracow-based researchers, a method of landscape valuation (JARK-WAK) was developed by a team supervised by professor Janusz Bogdanowski. Furthermore, visibility analysis is a different technique involving assessment of the planned development visual impact in certain viewpoints. Currently, in this type of research, spatial information in form of ALS<sup>20</sup> and BDOT<sup>21</sup> measured data is applied increasingly frequently. It is applied particularly to prepare new base-maps for areas where landscape analyses are conducted. Their main advantage over traditional base-maps is not only the digital geometry but also the sets of descriptive parameters provided. They can be therefore easily processed and used automatically for preparing cartographic documents suitable for a specific type of analysis. The set of spatial data is available for the most of the surface of Poland in Geodetic and Cartographic Documentation Centre.

The study works should result in specifying which cultural landscape elements are to be protected. Moreover, they should also result in determining the scope and rules of protecting these elements in relation to attributes established individually for each WH property. The main objective of the study is to create a tool for achieving the above-mentioned aim by specifying the scope and requirements of protecting heritage and landscape values. This specification is founded on history- and identification-based research, conservation valuation and is determined by the aforementioned requirements and rules governing land management and adaptation of objects of historical importance to for new uses ('investment availability'). Establishing areas of diverse protection and management principles is a successful method for conducting such studies. For optimal use of a landscape study as the basis for devising a local zoning plan, it is recommended to establish degrees of protection as well as development and management principles in form of obligations, bans, permissions, and restrictions congruent with an LZP.

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<sup>20</sup> Numerical elevation data in the form of a cloud of points acquired during airborne laser scanning

<sup>21</sup> Aerial laser scanning vector topographic database from the Central National Geodetic and Cartographic Database

## 5. IN WHAT WAY CAN AN AUTHORITY MANAGING A WH PROPERTY USE PLANNING INSTRUMENTS?

It is not easy to answer this question, particularly due to the lack of clear WH property management principles, including appointment of a managing body responsible for making and applying management plan provisions for spatial planning. Regardless of an adopted management model, the following questions should be answered:

- Whether and how can the managing authority influence the municipality council in passing the resolution on the commencement of works on an LZP or a land use plan or making amendments thereto in relation to WH property and its buffer zone?
- How can the managing authority submit comments to particular planning documents?
- In what way can the managing authority halt planning activities which threaten the outstanding universal value of a WH property?
- What should be the scope of the managing authority's cooperation with other stakeholders in the process of spatial planning in the area of WH property and its buffer zone?

Granting managing authority appropriate rights in the process of preparing planning documents is the key to effective protection of outstanding universal value of the WH property at spatial planning level. For example, absence of the managing authority in the process of reaching agreements and issuing opinions on an LZP draft, while being present only as one of the stakeholders in the public debate phase (providing the plan draft for public review, public debate, submitting comments and considering the submitted comments by the implementing body and municipality council – prior to adopting an LZP) puts UNESCO representatives on a par with the owners and residents of individual objects and their particular interests.

What can solve this problem is a close cooperation with local government or creating a unit (within the structure of a municipality office) responsible for managing a specific WH property. In landscape- and system-based approach, i.e. in case of architectural and urban ensembles of considerable size, no less than several officials should be employed in this unit. In case of individual properties, however, e.g. churches, it can be a special post occupied by an official responsible for managing the site inscribed on the UNESCO List. Toruń City Center Office (TCCO)<sup>22</sup> established within the structure of the City of Toruń Corporation on 1<sup>st</sup> January 2009 can be a perfect example of this situation. TCCO employees are particularly responsible for coordinating and cooperating with the organizational units of the City of Toruń in terms of managing the city centre inscribed on the UNESCO List. In case of Edinburgh, it is Edinburgh World Heritage (EWH).<sup>23</sup> This non-profit organization was established under an agreement between The City of Edinburgh Council and Historic Scotland, which is equivalent to the Ministry of Culture and National Heritage.

Both institutions acting under Management Plans follow the example of Town Centre Management Institutions operating in certain European countries. Their representatives are responsible for coordinating cooperation of all entities, both the public and the private ones, which operate within city centres. Employees of these organisations take the needs of the society and local authorities into account and are responsible for developing study documents applied in city management in particular. EWH, for example, commissioned an external analysis aimed to determine the most important elements of the city landscape to be protected. The City of Edinburgh Council and “*Scottish Enterprise Edinburgh and Lothian*” – the state economic development agency were partners in this project.

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<sup>22</sup> <<http://www.btcpm.torun.pl/index.php>>

<sup>23</sup> <<http://www.ewht.org.uk/>>

Urban planning and architectural commission established as an advisory body by the municipality head or a mayor of a town or a city can have a significant influence on spatial policy pursued by municipality representatives. This advisory body should be composed of individuals whose education and professional knowledge are directly related to the theory and practice of spatial planning. The requirement for the members of an advisory body, e.g. the commission, to be professional was significantly relaxed by deregulating access to certain professions, by deleting (from the Act on Spatial Planning and Land Development) the provision requiring that minimum a half of the commission members should be recommended by trade associations and trade self-governments.

One of the strategies aimed to support spatial planning in WH site involves ensuring that all commission members are fully informed about the requirements following both from the fact of inscribing a property located within the municipality area onto the UNESCO list and/or from recommending a person involved in the process of managing this site to the council.

<b>Type of document</b>	<b>Project objectives</b>	<b>The scope of provisions</b>
historical and architectural studies and historical urban planning studies	Assessment of values of historical significance and suggesting the direction of supplementary research.	Assessment of the amount of historical information regarding the spatial form including its transformations and historical significance, basing on: <ul style="list-style-type: none"> <li>– historical sources,</li> <li>– cartography and iconography,</li> <li>– monographs and historical descriptions,</li> <li>– architectural and archaeological research,</li> <li>– other scientific studies,</li> <li>– other publications.</li> </ul>
conservation guidelines for the land use plan and local plans	Defining protected objects and areas. Establishing the principles of cultural values protection and permissible forms of transforming historic spaces in order to adapt them to harmonious spatial and economic development.	Determination of: <ul style="list-style-type: none"> <li>– the legal status of the protection of historic monuments and sites,</li> <li>– cultural heritage assets designated for protection,</li> <li>– principles of management and protection of historic monuments and sites,</li> <li>– urban conservation areas.</li> </ul> Defining non-material values and strategies for protecting them.
cultural landscape study	Defining: <ol style="list-style-type: none"> <li>a) directions of activities aiming to protect and prevent degradation of historic monuments and sites as well as cultural landscape, including designation of areas for which conservation zones should be established (plus determining the protection principles)</li> </ol>	<ul style="list-style-type: none"> <li>– historical analyses of conditions for shaping cultural landscape and defining municipality cultural heritage assets; history of spatial development of the area; key evolution stages of spatial structures, including chronological stratification,</li> </ul>



<p>cultural landscape study</p>	<p>b) areas to be included in the scope of prepared local plans.</p>	<ul style="list-style-type: none"> <li>– historical analyses of conditions for shaping cultural landscape and defining municipality cultural heritage assets; history of spatial development of the area; key evolution stages of spatial structures, including chronological stratification,</li> <li>– analysis of the condition of cultural landscape – individual settlement units, exposure of areas and objects, visual connections, relations with nature (including analyses of spatial and landscape values characteristic to areas, especially interiors of unique aesthetic and landscape values, transport routes valuable in terms of landscape, significant points, routes of landscape reception and viewing axes as well as dominant features, disharmonious areas and objects),</li> <li>– defining properties and areas whose qualities either qualify them for statutory protection or their presence indicates the need for establishing conservation zones in planning documents,</li> <li>– valuation of assets and isolating unique, characteristic, and typical objects and areas,</li> <li>– assessing whether the need for protecting areas and properties of historic significance is in compliance with the use of these assets,</li> <li>– estimating the level and form of threats as well as specifying problematic areas in protecting cultural heritage or defining areas in which spatial conflicts may occur,</li> <li>– visibility analyses,</li> <li>– recommendations concerning protection of cultural landscape and historic monuments.</li> </ul>
<p>studies and materials for the land use plan as well as local zoning plans</p>	<p>Specifying rules governing development of spatial policy by local government units and government administration bodies. Defining the scope and the code of conduct in case of allocating areas for particular purposes and determining the rules governing their management and development, providing that they are compliant with spatial order and based on sustainable development.</p>	<p>analyses concerning:</p> <ul style="list-style-type: none"> <li>– urban planning inventory,</li> <li>– physiography</li> <li>– demography</li> <li>– local development policy and strategy,</li> <li>– programmes developed and implemented by local government and city authorities,</li> <li>– investment plans (of authorities and local, regional or global investors)</li> </ul> <p>proposals concerning:</p> <ul style="list-style-type: none"> <li>– social needs and aspirations,</li> <li>– possibilities of creating public space of high quality, with respect to historic spaces,</li> <li>– exploiting heritage potential for the purposes of economic development</li> </ul>

**Tab.2** Different types of studies used as planning materials in cultural heritage spatial planning

## 6. THE SCOPE AND PROCEDURE OF MAKING PLANNING DECISIONS – WHAT SHOULD IT LOOK LIKE AT THE STAGE OF DEVELOPING A MANAGEMENT PLAN?

### 6.1. Municipal land use plan

Rules governing preparation of the written and graphic parts of the plan, including guidelines on formulation of conditions and directions are provided in the Regulation of the Minister of Infrastructure of 28<sup>th</sup> April 2004 on the scope of the draft of the municipal land use plan.

What is set forth in the regulation are the types of documents which can provide foundations for making spatial decisions. These documents are defined as planning materials prepared under separate regulations, i.e. analyses, prognoses, studies, concepts, projects, plans, studies made for the purposes of drafting the land use plan as well as programs concerning the area covered in the draft of the land use plan.

Pursuant to the Spatial Planning and Land Development Act, the analyses should cover the condition of cultural landscape features, cultural heritage, historic monuments as well as modern cultural properties in particular. On the basis of the conducted analyses, the influence that these requirements exert on the decisions concerning municipal land use directions and rules, should be described in the land use plan.

In the part concerning municipality spatial development directions, the decisions on the to-be-established rules governing the protection of cultural heritage and historic monuments as well as modern cultural properties should particularly include guidelines about how to determine such principles in local plans.

On the basis of the presented structure of developing the land use plan, special care should be taken of the following aspects of the rules governing the protection of WH properties:

- preparing appropriate documents for the purposes of the land use plan (as a part of planning materials),
- drawing detailed conclusions concerning the conditions and directions of spatial planning at the stage of commencing works on developing the land use plan,
- cooperating with the relevant Regional Conservation Office at the stage of expressing opinions on the plan in order to verify the scope of expert studies and conclusions,
- establishing boundaries of a WH property including its buffer zone as an area for which municipal units are going to prepare a local zoning plan,
- ensuring that the deadline for providing the draft of the plan for public review is met and submitting possible comments on the draft.

In relation to WH properties, the following aspects should fall within the scope of analyses provided in planning materials:

- landscape studies involving delimitation of a buffer zone surrounding a property,
- defining OUV of a particular property and specifying the influence that the municipal zoning directions exert on these attributes.

### 6.2. Local zoning plan (LZP)

The scope of drafts of local zoning plans is determined in the Regulation of the Minister of Infrastructure of 26<sup>th</sup> August 2003. In this regulation, the following matters are provided in particular:

- types and requirements concerning planning materials (similarly to the land use plan),
- permissible scale of cartographic studies and types of maps,
- marking types and strategies
- rules governing the use of geographical names and symbols,
- standard format for the provisions of the local plan draft,
- strategies for documenting planning works.

From the perspective of protecting WH properties, it is greatly important to establish boundaries of the area which is planned to be included in the resolution of the municipality council about commencing works aiming to develop a local zoning plan before commencing the works on developing the plan draft. The area covered in the plan should include both the boundaries of the WH property and its buffer zone. It should be emphasized that the obligation to include areas inscribed on the UNESCO World Heritage List in a local zoning plan is not regulated in any legal provisions. Consequently, the situation is similar in the case of buffer zones.<sup>24</sup> Land use plan provisions can constitute formal grounds for establishing borders of a local zoning plan area, where municipality representatives can identify areas which they plan to cover in a local zoning plan. In any other case, it is local government representatives who decide about commencing works aimed at developing the plan and identifying the area it will cover. With regards to multi-part and cross-border properties as well as sites of considerable size inscribed on the World Heritage List together with their extensive buffer zones, the area they occupy can be covered in several local plans.

What should be provided in a land use plan are guidelines about how to set out rules governing protection of cultural heritage (and, therefore, also the sites inscribed on the UNESCO List) in local plans. In accordance with them, however, with regards to principles of protecting WH properties, a local zoning plan should:<sup>25</sup>

- specify protected properties and sites as well as boundaries of their buffer zones,
- define features of spatial management elements which need to be protected,
- define features of spatial management elements which need to be shaped or reevaluated
- provide a record of orders, bans, permits, and restrictions concerning management of these areas.

With regards to WH properties that need to be protected, features of zoning elements are identified by using attributes and factors provided in the Statement of Outstanding Universal Value.

Attribute category	Attribute	The scope of basic provisions at local zoning plan level
Urban scale	Urban planning layout as a sum of settlement ensembles or an individual settlement ensemble	<ul style="list-style-type: none"> <li>– preserving spatial structure,</li> <li>– maintaining land management forms,</li> <li>– maintaining the form and nature of buildings,</li> </ul>
	Borders and boundaries – tangible and intangible	– preserving or emphasizing spatial features of borders of historic cities and settlement ensembles, which are a part of a World Heritage site
	Grid of streets and squares	<ul style="list-style-type: none"> <li>– preserving, emphasizing or, possibly, granting permits for rearranging an original traffic system of historical significance, including specification of road alignment, type of road surface, street furniture, and probable location of plantings and greenery,</li> <li>– rules governing transport accessibility, including location of entrances to buildings and driveways,</li> </ul>
	Network of cadastral lots	<ul style="list-style-type: none"> <li>– protection of the original layout of property subdivision,</li> <li>– prohibiting secondary property subdivision,</li> <li>– new property subdivisions permitted only when the original internal traffic system is preserved</li> </ul>

<sup>24</sup> A culture park is the only legal protection form set forth in the *Act on the Protection and Guardianship of Monuments*, which requires preparation of a local zoning plan.

<sup>25</sup> Pursuant to paragraphs 4.2 and 4.4 of the *Regulation of the Minister of Infrastructure of 26th August 2003 on the Required Scope of the Draft of a Local Zoning Plan*.

Urban scale	Layout of blocks of buildings	<ul style="list-style-type: none"> <li>– specification of permissible supplementary forms of buildings,</li> <li>– the number of buildings and the 'paved area to plot area' ratio,</li> <li>– valid building alignment for properties being designed,</li> <li>– for scattered housing – permitted size of clusters of houses and the distance between these clusters</li> </ul>
Architectural scale / objects	Multi-phase buildings of historical significance	– identifying protected values of the existing buildings (historical building alignment, the form and size of objects, rooftop form, elevation design, colours, materials, etc.), prohibiting any changes to them or ordering their restoration,
	Multi-functionality of the buildings	<ul style="list-style-type: none"> <li>– maintaining the present form of land use,</li> <li>– rules governing adaptation of the existing buildings,</li> </ul>
	Building size	<ul style="list-style-type: none"> <li>– minimum and maximum height of frontal and internal development (e.g. residential housing, utility buildings),</li> <li>– principles of block composition,</li> <li>– determining the extent of changes to be made as well as conditions of introducing them,</li> </ul>
	Decoration of the façade and elevations	– principles of the original composition of the façade and elevations and possibility of changing them,
	Furnishings – movables	– preserving and exhibiting furnishings, e.g. appliances of historical significance,
Architectural and landscape interiors scale	Public space	<ul style="list-style-type: none"> <li>– establishing boundaries of public spaces,</li> <li>– indicating spatial features which need to be preserved and describing changes that can be made to them,</li> <li>– indicating permitted forms of land use</li> </ul>
	Greenery of historical significance	<ul style="list-style-type: none"> <li>– preserving the character of the plant cover and high greenery layouts,</li> <li>– activities permitted on green areas,</li> <li>– green areas to buildings ratio,</li> <li>– plant composition,</li> <li>– relations with other zoning elements,</li> </ul>
	Surfaces	– maintenance, replacement or introduction of new surfaces in relation to the surroundings
	Street furniture	<ul style="list-style-type: none"> <li>– fencing forms and materials</li> <li>– characteristic elements of street furniture</li> </ul>
Landscape scale / views	Panorama	– types of roofs and roof covering materials of existing buildings of historical significance as well as of buildings to be erected
	Viewing axes	– preservation or recreation of compositional layout – axes, lanes, views, dominant features,
	View over a historic monument – selected views	<ul style="list-style-type: none"> <li>– location of technical devices (surface tanks, masts, aerials, advertising boards and signs, air conditioners, street cabinets, waste collection facilities, etc.)</li> <li>– location of viewing points and openings,</li> <li>– borders of existing and planned development areas as well as the width of an investment-free landscape buffer zone</li> </ul>
	Physiography	<ul style="list-style-type: none"> <li>– preservation of the existing topographic features (e.g. flat, terraced, undulating, recessed, hilly, mountainous),</li> <li>– specification of permissible macro-levelling transformations,</li> <li>– preservation of the nature of plant cover (forests, fields, meadows, parks, alleys, plantings, etc.), high greenery layout (arranged, singular accents, clumps, strips, etc.), surface waters (sea, lakes, rivers, canals, etc.),</li> </ul>

Non-material values	Non-material values related to specific properties	– preservation of traditional geographical and historical names or traditional proper names of districts, objects, streets, squares, spatial ensembles,
	Non-material values related to the city as a functional organism	– preservation of traditional land use forms,
Archeological values	Archeological strata and relics – exhibited	– establishing an area of archaeological conservation and specifying:
	Archeological strata – preserved	– the type of archaeological site, – its scope resulting from the site type, – principles and means of permissible management, – conditions for carrying out pre-emptive archaeological research or establishing archaeological supervision for the time of excavation works, – establishing the rules of public access

**Tab.3** The scope of basic decisions at local zoning plan level in relation to exemplary attributes resulting from the declaration of outstanding universal value of a site. It was prepared on the basis of attributes table for the historic city complex of Cracow<sup>26</sup> and Annex 2 of a guide for planning specialists and local authorities: Examples of selected elements of cultural heritage in preparing planning documents at municipality level.<sup>27</sup>

## 7. SUMMARY

Spatial planning is a significant element of the World Heritage management process. Decisions aiming to maintain or expose, according to UNESCO standards, spatial features of WH properties are implemented by issuing planning documents, i.e. municipal land use plans and local zoning plans. In the World Heritage site management plan, the structure of the part concerning spatial planning was suggested on the basis of the characteristics presented therein.

With regards to regulations resulting from the provisions of municipal land use plan, it is necessary to:

- 1) provide the version of the land use plan which is most current at the time of developing the local zoning plan
- 2) verify whether any amendments are made to the land use plan, particularly in the area of the inscribed WH property and its buffer zone,
- 3) verify whether the boundaries of the inscribed site and its buffer zone have been properly determined in the land use plan,
- 4) isolate the land use plan provisions which concern the conditions and directions of the WH property and the management of its buffer zone,
- 5) in case of the lack of a local zoning plan for the entire site or its part, verify whether the land use plan includes a recommendation for preparing a local zoning plan,

<sup>26</sup> A. Siwek, 'Kraków – historyczny zespół urbanistyczny. Ku nowej deklaracji wyjątkowej uniwersalnej wartości miejsca światowego dziedzictwa i monitorowaniu zachowania atrybutów wartości' in B. Szmygin (ed.), *Wyjątkowa uniwersalna wartość a monitoring dóbr Światowego Dziedzictwa* (Warsaw, 2011), 96–97.

<sup>27</sup> J. Welc-Jędrzejewska et al., *Problematyka ochrony dziedzictwa kulturowego i zabytków w studiach uwarunkowań i kierunków zagospodarowania przestrzennego gmin oraz w miejscowych planach zagospodarowania przestrzennego. Poradnik dla planistów i samorządów lokalnych* (Warsaw, 2011), 25–38.

- 6) prepare a section including conclusions emphasizing the shortcomings of a current land use plan, regarding, for example:
  - boundary discrepancies,
  - the lack of a buffer zone,
  - the lack of a recommendation for preparing an local zoning plan,
  - in the analytical part: failing to provide values specified in the OUV statement,
  - incomplete records concerning the WH property and its buffer zone protection and management directions, especially the guidelines for establishing its protection principles in local zoning plans,
- 7) produce recommendations concerning specific shortcomings, including, for example the need for preparing a landscape study or other supplementary studies as planning materials to be used in the land use plan,
- 8) indicate entities responsible for accomplishing specific tasks and establish a timetable

With regards to requirements resulting from the provisions of local zoning plans, the tasks are as follows:

- 1) provide the version of the land use plan which is most current at the time of developing the local zoning plan,
- 2) indicate local plans currently being prepared or updated,
- 3) verify whether the whole area of the inscribed WH property and its buffer zone is covered in a local zoning plan and present it in a graphic form,
- 4) verify the provisions of the plan(s) in terms of protecting and emphasising values resulting from the OUV declaration, basing on the list of attributes and plan provisions ascribed to them (with the possibility of using the model suggested in table 2),
- 5) specify the guidelines for local zoning plans resulting from the remaining provisions of the management plan,
- 6) drawing conclusions in which the following aspects will be covered:
  - areas not covered by a local zoning plan,
  - heritage-related issues which have not been included in the local zoning plan,
  - differences between current local plans in terms of protecting and emphasizing WH property values,
- 7) prepare recommendations concerning either preparation of local zoning plans or amending the existing ones. This includes general characteristics of problems to be solved,
- 8) indicate procedures for completing already undertaken tasks as well as entities responsible for accomplishing them.

### 7.1. Landscape approach

In 2004, Poland ratified the European Landscape Convention.<sup>28</sup> It is reminded in this document that a property and its surrounding area constitute a united entity and, hence, what is clearly indicated in the Convention is the need for identifying and protecting characteristic landscapes which create identity of a specific site. In Poland, there are thirty-one most precious landscapes and regions which are provided in an *Expertise of 2009 on the Possibility of Implementing Provisions of the European Landscape Convention and the Problem of Preserving Cultural Heritage by Developing National*

<sup>28</sup> European Landscape Convention prepared in Florence on 20 October 2000 (Entry in *Dziennik Ustaw* of 2006 no. 14, item 98.

*Landscape Policy – Recommendations to the National Spatial Development Concept 2008–2033.* Twenty-three of these areas relate to properties inscribed on the UNESCO World Heritage List. This fact proves that areas on which WH properties are located are of immense significance and they truly need to be protected. These sites include historic city centres as well as wooden churches located in picturesque parts of Małopolska (Lesser Poland) Region. One of the main aspects of landscape is its 'spatial image' captured in characteristic panoramas and views. In the event of no regulations under which it would be permitted to protect, manage or plan new landscapes in the system-based manner being available, it is only the instruments of spatial planning which provide opportunities for controlling landscape changes. What raises doubts is the process of entering large development areas into the register of historic monuments, for example in order to restrict construction of tall buildings. Frequently, no buildings of significant historical importance are located in these areas. Entering them into the register only overloads the conservation office with additional administrative work and hence, limits property owners' rights to freely manage their plots. It is therefore considerably important to specify characteristic features of WH properties, including boundaries of landscape interiors which define buffer zone areas and specify the influence these requirements exert on establishing directions and principles of municipality management in the land use plan. The landscape protection system should work in a cascade-like manner and be coordinated from general spatial policy documents at the municipality level, down to the detailed provisions of an local zoning plan.

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# SOCIO-ECONOMIC FACTORS AND THE MANAGEMENT OF HISTORIC URBAN AREAS INSCRIBED ON THE UNESCO WORLD HERITAGE LIST

Monika Murzyn-Kupisz

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## 1. INTRODUCTION

Inscription of a given cultural property on the UNESCO World Heritage List usually confirms unique cultural values of a building, complex or site already recognized on the national level. It may facilitate, thanks to esteem and prestige linked with it, access to national and foreign sources of financial support for such sites, providing an important argument in the application process. It also makes it possible for a site to use the UNESCO World Heritage label – a brand recognized all over the world – particularly attractive for the tourism market. Contrary to frequent expectations of local authorities, local communities and the general public prior to listing however, the inclusion on the UNESCO World Heritage List does not automatically entitle a property to obtain direct foreign subsidies nor greater public financing on the national level.

At the same time, already since some decades, there is a growing awareness of specialists in the field of heritage protection and conservation that the success of their efforts aimed at maintaining and safeguarding unique cultural values of heritage properties is not only dependant on the high quality of conservation and restoration work but also on a broad array of economic and social factors. For example in the Declaration of Amsterdam created by the Congress on the European Architectural Heritage in 1975 the concept of integrated conservation was proposed which *'involves the responsibility of local authorities and calls for citizens' participation'*<sup>1</sup>. It included statements such as: *'In applying the principles of integrated conservation, they [local authorities] should take account of the continuity of existing social and physical realities in urban and rural communities'* and *'The success of any policy of integrated conservation depends on taking social factors into consideration'*<sup>2</sup>. Simultaneously, the Declaration confirmed the importance of use values in the assessment of potential and outcomes of conservation activities as well as underlined that all efforts linked with restoring and maintaining buildings and historic complexes undertaken by local authorities and private owners should be supported with public financial help in the form of subsidies, grants and tax allowances.

The chapter is divided into four parts. After introduction, the following section discusses the need to recognize complex socio-economic contexts and multiplicity of heritage stakeholders if heritage management strategies and programmes are to be realistic and effective. The third part of the text, using the context of Poland as illustration and focusing on a specific type of heritage of outstanding universal value (i.e. historic quarters, city centres or inner city areas inscribed on the UNESCO World Heritage List), is devoted to the issue of possible sources of financing of conservation, restoration, renovation and adaptation projects in historic buildings and sites. Referring to the example of the UNESCO

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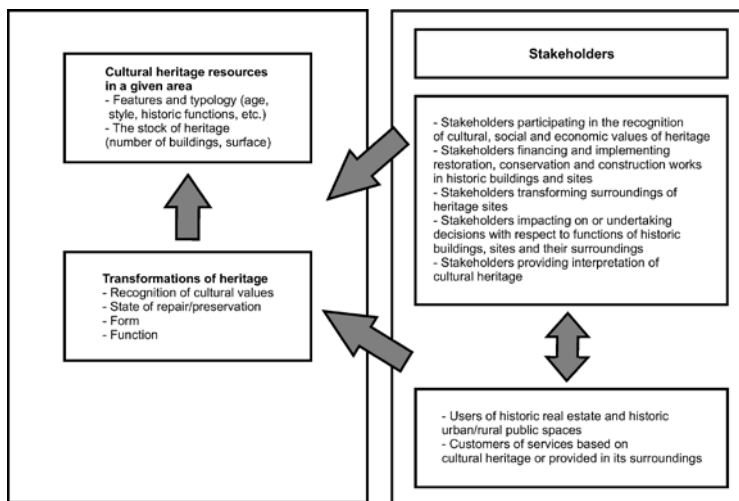
<sup>1</sup> Declaration of Amsterdam (1975), <http://www.icomos.org/en/charters-and-texts/179-articles-en-francais/ressources/charters-and-standards/169-the-declaration-of-amsterdam> (accessed 15.02.2015).

<sup>2</sup> Ibid.

World Heritage Site in Krakow (and to some extent to other urban UNESCO sites in Poland), the author describes existing and potential mechanisms of financing of heritage related endeavours in such areas. The last section of the chapter includes guidelines on most important socio-economic issues and considerations which should be taken into account while developing a management plan for a UNESCO area or site as well as linked strategic (e.g. spatial planning) documents. As such the text presents selected, important issues linked with a specific type of cultural property of outstanding universal value, taking into account that other key issues associated with the management of such sites (e.g. legal and spatial planning issues) are discussed in other chapters of the volume.

## 2. STAKEHOLDERS AND THE MANAGEMENT OF HERITAGE SITES

Generally speaking, in the management of cultural heritage three key issues usually come to the fore: 1) the need to define resources which are to be managed (material and immaterial heritage of an area or site); 2) the need to define a broad array of actors who may have a stake in heritage and who may wish to impact on heritage or use it for different contemporary purposes (spiritual, residential, leisure, commercial, social, political, cultural, etc.); 3) the need to diagnose diverse ways in which particular stakeholders make use of heritage, impacting on its transformations (fig. 1)<sup>3</sup>. The recognition of the multiplicity of stakeholders who may contribute to the transformations of cultural resources and display diverse attitudes, needs and expectations with respect to heritage, seems particularly important in the complex context of urban heritage<sup>4</sup>. Such knowledge may be useful not only in the process of devising and developing strategies or programmes linked with cultural heritage but also in the practice of their implementation.



**Figure 1.** Stakeholders and transformation of material cultural heritage

Source: own elaboration

<sup>3</sup> M. Murzyn-Kupisz, *Current trends in the management of cultural heritage*, "Culture Management", no. 4, 2011; M. Murzyn-Kupisz, *Dziedzictwo kulturowe a rozwój lokalny*, Wydawnictwo Uniwersytetu Ekonomicznego w Krakowie, Kraków 2012; G. Wijesuriya, J. Thompson, Ch. Young, *Managing Cultural World Heritage (World Heritage Resource Manual)*, Paris 2013.

<sup>4</sup> K. Pawłowska, M. Swaryczewska, *Ochrona dziedzictwa kulturowego. Zarządzanie i partycypacja społeczna*, Wydawnictwo Uniwersytetu Jagiellońskiego, Kraków 2002; P. Howard, *Heritage: management, interpretation, identity*, Continuum, London 2003.

In order to avoid or at least weaken conflicts brought about by contemporary, frequently overlapping uses of heritage it is necessary to take into account often divergent expectations and aims linked with it<sup>5</sup>. Individual stakeholders or their groups are, as mentioned above, prone to have different opinions and attitudes towards important aspects of heritage debate such as the ways, possibilities and limits of its present day use, the issue of heritage authenticity, its functions, the need for interpretation of heritage or conversely leaving it to individual 'decoding', perceiving heritage sites or objects as symbols and sacred relics or as contemporary resource used for every day purposes, understanding them as private, local or public. As follows, their points of view on the issues of providing access to and interpretation of heritage, financing its maintenance or even the key issue of recognizing and accepting a given object, site or immaterial value as heritage may differ significantly. They use heritage for diverse purposes (e.g. residential, commercial – production of goods and providing services, spiritual, tourist, public services, leisure, etc.). In doing so they are motivated by different goals such as maintaining (personal, local) identity, legitimization of power, enhancing national identity, making profits on rental or provision of commercial goods and services, creating a comfortable home, enhancing prestige and status, entertainment, gaining scientific knowledge. The organizational, managerial and financial abilities of particular stakeholders in terms of managing real estate, planning and conducting conservation and restoration as well as providing interpretation of heritage sites may be equally diverse.

In the context of democracy and market economy there are many stakeholders which may impact on historic sites. Individual and legal persons, including private firms, housing cooperatives, religious organizations, public authorities, cultural and educational institutions who are legal owners of heritage are the first large, important stakeholder group. Local communities including residents and tenants of historic buildings and sites, inhabitants of a given area or quarter, local entrepreneurs and local heritage enthusiasts are another main stakeholder category. Heritage stakeholders also include various 'outsiders' such as tourists and day-trippers, external firms, developers and other investors, including firms in the tourism sector with weak personal links to a site but often significant financial resources. Different level public authorities ranging from the central government to regional and local authorities should also be mentioned in this context, not only taking into account their tasks and responsibilities foreseen by law but also since they own a significant share of historic buildings and sites (e.g. municipal authorities in Poland getting or restating ownership of many historic properties in the process of municipalisation in the early 1990s). The so-called third sector – non-governmental organisations and institutions such as associations and foundations – forms yet another stakeholder type, including NGOs which by definition focus on heritage related issues and those which are linked with heritage by the fact of being its owners or using it for non-culture related statutory aims. Last but not least, as stressed by P. Howard, heritage stakeholders also include persons and entities who are not necessarily linked with a heritage site by the virtue of residence, conducting economic and social activities linked with it or ownership but can none the less exert a significant impact on the recognition and awareness of heritage values, create standards and formal guidelines on its uses and transformations as well as promote and interpret heritage or inspire its transformations. Among them two important subgroups may be mentioned: heritage specialists (conservators, architects, art historians, archaeologists, ethnologists and other professional heritage aficionados) and the media (radio, TV, press, Internet) and film industry<sup>6</sup>.

Historic inner city areas are often characterised by a very complex ownership structure. UNESCO area in Krakow, where the regional spatial information system (Malopolska Infrastruktura Informacji

<sup>5</sup> K. Pawłowska, *Przeciwdziałanie konfliktom wokół ochrony i kształtowania krajobrazu: partycypacja społeczna, debata publiczna, negocjacje*, Wydawnictwo Politechniki Krakowskiej, Kraków 2008.

<sup>6</sup> P. Howard, *Heritage...*, op. cit.

Przestrzennej) distinguishes as many as 19 types of ownership, possession and usufruct is a good illustration of this phenomenon. These include real estate owned by the Municipality of Krakow, Malopolska region (regional government) and State Treasury – land and buildings under the management of different level public authorities and their subordinate agencies, publically owned real estate possessed or in perpetual usufruct by non-public entities, land and buildings co-owned by public authorities and other legal and private persons as well as real estate with an unclear ownership status. In the case of Krakow apart from the municipality and private persons, religious organisations (numerous institutions of the Catholic Church, the Jewish Community of Krakow) and institutions of higher education form an important heritage owners' group. It should also be stressed that the ownership of many heritage sites is highly fragmented which may create specific challenges in the context of financing of conservation and restoration activities or even developing a coherent vision of their maintenance and functions<sup>7</sup>.

Apart from problems and challenges linked with ownership status, the UNESCO area in Krakow, similarly to other historic metropolises in Europe, faces negative demographic tendencies, the issue of losing traditional residential function, shrinking to the advantage of commercial uses, especially tourism and catering services, provided mainly to non-local customers. This problem is not only a challenge from a social point of view but also an important and increasing conservation issue. Many privately owned buildings are only partly used, or used on temporary and seasonal basis. The reason for this state of affairs is linked with the specificity of commercial leisure, entertainment, tourism and catering functions, which in contrast to residential functions or more locally oriented commercial functions (e.g. architecture and design offices, art studios, craft workshops, small scale, traditional production firms, non-tourism related services), are likely to inspire intensive use of only selected building parts (ground floors, sometimes cellars and second floors, rarely higher floors), leading to underuse of upper parts of buildings. Their growing presence displaces services and functions which may have smaller value added generating capacities in the short term but have long-term links with the area.

These processes are reflected by statistical data on Krakow. In 2003–2013 the larger Krakow's District I (Old Town) comprising of most culturally valuable, historic quarters, lost 14.2 thousand, i.e. 28% permanent residents. Taking into account a slight increase in the number of temporary residents, in total District I lost almost one fourth (24%) of residents in the last decade. In the period of political and economic transformation in Poland (after 1989) the quarter of Kazimierz – a part of the UNESCO World Heritage Site in Krakow located within District I – lost 44%, i.e. over two fifths of its residents (table 1). Moreover, residents of the oldest part of the city are among least satisfied with the quality and level of life in Krakow (table 2). In addition, a disproportionately large share of them qualifies for social aid. As follows, without devising an effective, well implemented public policy aimed at improving the level and quality of life in this part of the city, focused on permanent residents, local sole proprietors and small scale entrepreneurs as well as other non-tourism related firms, the depopulation and mono-functionalisation tendencies will grow and intensify in the future.

A side effect of these processes is the fact that realistically speaking it becomes less and less likely that historic tenement houses in the city centre will be renovated by their residents or local, non-touristic tenants. Moreover, spatial planning intended to reverse negative trends in terms of loss of diversity of functions in some cases may in fact intensify them. For example, according to the master plan for the Old Town recently voted in by the city council, the catalogue of services possible to introduce at higher floors of historic tenement houses (in lieu of traditional residential function) has been in most cases unrealistically limited to include services which in fact to a large

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<sup>7</sup> See: <http://miip.geomalopolska.pl> (access 14.02.2015).

extent strengthen the negative processes of functional losses. It allows for introduction of hotel, banking, science, education or institutionalised cultural services but, despite pleas of private real estate owners, in many cases, does not foresee the possibility of introduction of other tenancy and use types such as art and design studios, legal offices and other, non-tourism related office functions<sup>8</sup>.

**Tab. 1.** Negative demographic tendencies: depopulation and loss of residential function of the UNESCO World Heritage area in Krakow

Year	larger District I (Old Town)		Old Town within the first ring road (part of the UNESCO World Heritage site)		Stradom (part of the UNESCO World Heritage site)		Kazimierz (part of the UNESCO World Heritage site)	
	Population		Population		Population		Population	
	Permanent	Total	Permanent	Total	Permanent	Total	Permanent	Total
2004	48 913	52 857						
2007	43 734	47 674	3 997	4 725	3 646	3 988	12 111	13 018
2011	38 808	43 135	3 566	4 253	3 017	3 297	10 816	11 869
2013	36 631	41 366	3 381	4 025	2 768	3 061	10 041	11 171

Source: own elaboration based on <http://msjp2.um.krakow.pl/statkrak>

**Tab. 2.** Satisfaction with quality and level of life in Krakow

Level of satisfaction	Old Town (District I)	Krowodrza	Podgórze	Nowa Huta
Satisfied	16.7	22.6	19.6	14.9
Rather satisfied	48.5	47.2	43.6	52.1
Neither satisfied nor dissatisfied	18.2	19.2	20.7	23.6
Rather dissatisfied	11.4	6.4	12.2	5.4
Very dissatisfied	4.5	2.6	3.6	3.7
Don't know/hard to say	0.8	1.9	0.3	0.4

**Source:** M. Fulbiszewska, E. Lesińska, Ł. Pytliński, *Mieszkańcy Krakowa. Opinie na temat życia w mieście. Wyniki badania opinii publicznej przeprowadzonego wśród mieszkańców Krakowa, Raport z badań przeprowadzonych dla Gminy Miejskiej Kraków, CEM – Instytut Badania Rynku, Kraków 2013, p. 9.*

If not residents or small scale entrepreneurs who then exerts a major impact on functional changes, adaptation and renovation works in historic buildings and the use of public spaces in the UNESCO World Heritage area? Everything points to tourists, the tourism sector and external real estate investors as a major force with immense financial weight. Although the data on the number of visitors to the city and their spending pertains to the entire urban centre, taking into account that the sites within the UNESCO World Heritage area are pointed by tourists as main

<sup>8</sup> *Decision (Uchwała) no. XII/131/11 of the City Council of Krakow of April 13th 2011 on the voting in of the local spatial planning act (master plan) for the area of "Old Town", <https://www.bip.krakow.pl>.*

tourism attractions in the city (table 3), and limiting the impact of UNESCO heritage only to spending of tourists who declare that heritage or monuments were their principal motivation to visit Krakow (table 4), it may be estimated that every year such heritage-oriented tourists spend almost PLN 2 billion in the city (ca. € 450 million according to 2013 average PLN/ € exchange rate).

**Tab. 3.** Top tourist attractions in the opinion of visitors to Krakow in 2012 and 2013

Tourist attractions	Domestic visitors (%)		Foreign visitors (%)	
	2012	2013	2012	2013
Main Square, Old Town, Royal Way	27.7	51.3	23.2	48.1
Wawel (hill, castle, cathedral)	15.4	36.3	25.7	55.6
Kazimierz	8.2	23.1	10.8	28
Museum exhibition underneath the Main Square	4.4	10.7	6.0	11.7
Cloth Hall	6.3	11.1	5.6	11.1
St Mary's Church	4.7	10.5	3.8	9.5
Sanctuary of Divine Mercy in Łagiewniki	5.5	9.4	3.8	7.8
Vistula boulevards	3.7	7.1	4.1	6.0
Barbican including Florian gate	2.9	4.3	4.2	5.6
Schindler's Factory Museum	0.7	2.3	1.3	5.6

**Source:** K. Borkowski et. al., Ruch turystyczny w Krakowie w 2013 r. Raport końcowy, Małopolska Organizacja Turystyczna, Kraków 2013, p. 103.

**Tab. 4.** Estimation of visitors' spending in Krakow inspired by cultural heritage (2013)

	Number of visitors to Krakow	Visitors who pointed to heritage as their principal motivation for travel to Krakow (%)	Number of 'heritage-oriented'/'heritage-motivated' visitors to Krakow	Average sum spent in Krakow (PLN)	Average sum spent in Krakow by 'heritage-oriented' tourists (PLN)
Domestic tourists (overnight stays in Krakow)	4 800 000	31.9	1 531 200	383	586 449 600
Foreign tourists (overnight stays in Krakow)	2 450 000	45.7	1 119 650	914	1 023 360 100
Domestic visitors and day-trippers (without a registered overnight stay)	1 900 000	31.9	606 100	383	232 136 300
Foreign visitors and day-trippers (without a registered overnight stay)	100 000	45.7	45 700	914	41 769 800
Total	9 250 000		3 302 650		1 883 715 800

**Source:** own elaboration based on Urząd Miasta Krakowa, Raport o stanie miasta, 2013, UMK, Kraków 2014.

Another important question linked with the management of the UNESCO World Heritage site which may be posed in this context is in what ways and to what extent the enormous turnover and profits from tourism generated by UNESCO site in Krakow are reinvested in the area, in particular spent on the improvement of the state of repair, conservation and restoration works in historic buildings, especially if it is the very heritage which attracts tourists in the first place and inspires or enables firms and operators in the tourism-sector to provide their services. In other words asking who makes profit on the unique heritage values of Krakow's Old Town and who covers the costs of its maintenance and preservation<sup>9</sup>? On the profit side, are there at least some local entrepreneurs, service providers, craftsmen, residents and real estate owners linked with the city since generations or does heritage-generated income tend to go to external investors, tour operators and other non-local firms? Are there any benefits from tourism obtained by average, permanent residents of the city (e.g. creation of workplaces, money for restoration of buildings) or regional producers (e.g. tourism demand for locally made food and other local/regional products, crafts, artworks and services)? Do these benefits to a sufficient extent compensate drawbacks and disadvantages created by tourists to residents of this part of Krakow and residents of the city in general (e.g. noise, congestion, overcrowding, high crime and law violation rates in certain parts of the city, problems with waste generation, cleaning of public spaces, overuse of transport and other public infrastructure, displacement of non-tourism related catering, retail and service points, lower quality and higher prices of goods and services)? So far the attention of city authorities and propagators of tourism traffic in Krakow tended to focus on attracting as large number of tourists to Krakow as possible and the assessment of their overall spending, without a detailed analysis of the structure of their spending and costs (social and financial) they generate to non-tourists<sup>10</sup>.

A significant impact on transformations taking place in the historic inner city is also naturally exerted by the real estate market. Its role is likely to increase in the future as after a period of decreasing prices and lower number of transactions after 2008, since two years an upward trend is observed both in terms of the number of transactions and prices per square meter of usable space in tenement houses in the inner city. For example, 30 transactions of selling entire historic tenement houses were concluded in the area of three historic districts of Krakow (Old Town, Krowodrza, Podgórze) in 2013. The total value of these transactions reached PLN 235 million, while the highest price paid for a tenement house in the inner city reached PLN 25 million, with the average price of PLN 5.3 million<sup>11</sup>.

### **3. FORMS AND SOURCES OF FINANCING OF RESTORATION, REPAIR AND CONSERVATION WORKS IN HERITAGE BUILDINGS IN HISTORIC QUARTERS**

The Polish Act on the Protection and Safeguarding of Monuments of 2003 states that it is the owner of a monument, a person or firm who holds its perpetual usufruct or a person, legal entity or organizational unit who is the long term manager of a monument (or site), a holder of limited rights to the site or an entity or person who remains in obligation status towards it, who should finance conservation, restoration and construction works in it. It also stresses that the financing

<sup>9</sup> If, and much points to it, most of tourism income generated by heritage in Krakow flows out of the city, creating economic benefits to non-local firms and individuals, these (financial) benefits are yet another (apart from historic, architectural and artistic or symbolic and cultural considerations) important argument for preferential treatment of the city as a recipient of significant central level, public funding for restoration and conservation of its heritage, justifying why it receives much more than other sites or cities in Poland not as often visited by tourists.

<sup>10</sup> M. Murzyn-Kupisz, *Cultural, economic and social sustainability of heritage tourism: issues and challenges*, "Economic and Environmental Studies", no. 2, 2012, pp. 113–133.

<sup>11</sup> *Krakowski Rynek Nieruchomości 2013*, Krakow 2014, p. 41.



of conservation works in monuments to which a legal title is held by a territorial government unit is an important 'own statutory task' of this unit<sup>12</sup>. Having said this, financial means for activities linked with preservation, conservation and restoration of monuments may come from different sources: **private, public and non-governmental, domestic and foreign** (tab. 5).

**Tab. 5.** Public sources of financing of conservation and restoration activities in Krakow in 2013

Source of financing	Amount (PLN)	Amount (PLN)
Budget of the Municipality of Krakow		6 403 228
including: designated subsidies from the municipal budget for conservation, restoration and construction works in listed monuments located in the municipality which are not owned solely by the municipality	1 700 000	
National Fund for Restoration of Krakow's Monuments		39 857 548
including: buildings and sites owned by the Municipality of Krakow	6 156 346	
Budget of the Małopolska Governor's Office in Krakow (regional authorities representing the central government)		83 454
Council for Protection of Struggle and Martyrdom Sites (national level)		42 000
Ministry of Culture and National Heritage		3 330 708
Voivodeship Monument Protection Office (regional conservation authorities acting on behalf of the Regional Governor)		100 000
Budget of the Marshal's Office of Małopolska Region (regional territorial government)		50 000
Total		49 866 938

**Source:** Urząd Miasta Krakowa, Raport o stanie miasta, 2013, UMK, Kraków 2014, p. 145.

### 3.1. PUBLIC FINANCIAL MEANS AVAILABLE ON THE CENTRAL LEVEL

First of all, the central budget may be one of direct sources of financing of conservation works, particularly since the Act on the Protection and Safeguarding of Monuments foresees that private owners and holders of monuments and territorial government units may apply to central level authorities for designated subsidies from the state budget to finance conservation, restoration and construction works in listed monuments. Such grants may be awarded directly by **the minister responsible for culture and protection of national heritage** or by **regional conservators of monuments** representing governors of particular regions<sup>13</sup>.

<sup>12</sup> *Act of July 23rd, 2003 on the Protection and Safeguarding of Monuments*, The Official Journal of Laws of the Republic of Poland (Dz. U.) 2014, no. 1446, Articles 71.1, 71.2, 72.

<sup>13</sup> *Ibid*, Article 73. For instance, conservation grants from the Ministry of Culture and National Heritage awarded directly to sites in Krakow in 2013 included: rescue works on the roof of the Holy Trinity Church and the Dominican monastery, rescue works on the so-called Veit Stoss House on Grodzka street, installation works in St Nicolas Church and restoration and conservation of crypts in St Paul and St Peter Church (future new National Pantheon).

As follows, among **grant and subsidy programmes of the Ministry of Culture and National Heritage** there exist possibilities to get financial support for conservation and restoration works and other activities linked with museums, archaeological monuments or protection of memorial and martyrdom sites. In 2015 the programme entitled “Cultural Heritage” aiming at ‘*protection of Polish cultural heritage in Poland and abroad, supporting museum activities and promoting folk culture*’ comprises of seven priorities. Four of them may directly pertain to urban sites listed on the UNESCO World Heritage list (table 6). Cultural institutions located within UNESCO zones may also make use of other ministerial programmes such as “Collections”, “Development of cultural infrastructure” and “Cultural education” linked with promotion, protection and development of heritage resources in a given area. For some, particularly valuable from cultural and symbolic point of view, areas or sites **special dedicated public funds** may also be created. Such fund was established for Krakow in 1985. Since then the National Fund for Restoration of Krakow’s Monuments (Narodowy Fundusz Rewaloryzacji Zabytków Krakowa – NFRZK) is managed by the Social Committee for the Restoration of Krakow’s Monuments as the backbone of public support for restoration of the city’s built heritage (table 5). Since over two decades its main source of income are financial means allotted each year by the Chancellery of the President of Poland<sup>14</sup>. Specific sites (e.g. memorials, martyrdom sites, war cemeteries) may also be supported by specialized institutions functioning on the national level such as the Council for Protection of Struggle and Martyrdom Sites (Rada Ochrony Pamięci Walk i Męczeństwa).

**Table 6.** Selected priority areas in the “Cultural heritage” programme of the Minister of Culture and National Heritage in 2015

Priority	Aims
Monument protection	Protection of material cultural heritage (...) conservation and restoration of movable and immovable monuments, making them accessible for public use.
Supporting museum activities	Supporting conservation of museum, archival and library collections, supporting exhibition projects presenting collections in an attractive and interesting form.
Protection of archaeological heritage	Protection of archaeological heritage thanks to supporting key tasks in this area including non-invasive archaeological research, making lists and inventories of archaeological monuments, elaboration and publication of archaeological research results.
National memorial sites	Supporting local and regional governments in providing stable care and maintenance of most important memorial sites: a material testimony to historic events and developments key to national identity.

**Source:** own elaboration based on [www.mkidn.gov.pl](http://www.mkidn.gov.pl)

Renovation and conservation works in historic buildings or buildings located within historic areas may also obtain financial **support of national level programmes and funds focused on public aims other than monument protection**. Financial means available within the framework

<sup>14</sup> *Act of April 18th, 1985 on the National Fund for Restoration of Krakow’s Monuments*, The Official Journal of Laws of the Republic of Poland (Dz. U.) 1985, no. 21 position 90 with subsequent amendments. Detailed information on conservation and restoration works conducted with the support of the fund as well as guidelines and principles of getting such support are available on the internet site of the Citizens’ Committee for Restoration of Krakow’s Monuments [www.skoz.pl](http://www.skoz.pl) (access 14.02.2015).

of the **National Fund for Environmental Protection and Water Management** (Narodowy Fundusz Ochrony Środowiska i Gospodarki Wodnej – NFOŚiGW) and parallel regional funds of this type are a good example. Due to support of the NFOŚiGW and the Regional Fund for Environmental Protection and Water Management in Krakow in recent years, to a large extent thanks to grass root initiatives such as the “Krakow Smog Alert”<sup>15</sup> and civil society pressure, a costly programme of modernization of heating systems in the city of Krakow has been implemented entitled **“Programme of Limiting Low-Stack Emission in the City of Krakow”**. In 2012–2014 a significant sum (particularly in the Polish context) of PLN 62.3 million was spent on supporting introduction of more environmentally friendly heating systems in houses and tenements in Krakow. In total so far 3190 applications for financial aid of this sort have been approved. Moreover, spatial analysis of positively reviewed applications reveals that the programme has indirectly become one of the main ways of providing support to renovation works in buildings and apartments in the UNESCO World Heritage site. Almost 6% of approved applications pertained to buildings and dwellings in the UNESCO area, most of them in the quarter of Kazimierz, which despite depopulation tendencies, seems to point to still important residential function of this part of the UNESCO site. There are three times as many residents in Kazimierz as in the Old Town within the first ring road, however in terms of the number of recipients of support within the “Programme of Limiting Low-Stack Emission” – residents and owners of dwellings in Kazimierz were eight times more active in applying for it than residents and owners in the Old Town (table 7).

**Table 7.** Programme of Limiting Low-Stack Emission in Krakow and the UNESCO World Heritage site in Krakow: number of applications approved for financial support according to location of dwellings and buildings applying for it in 2012–2014

Area/quarter	Number of approved applications
Old Town within the first ring road	16
Stradom	34
Kazimierz	133
UNESCO World Heritage area in total	183
Share of UNESCO area in the total number of approved applications (%)	5.7

**Source:** own elaboration based on data available on <https://www.bip.krakow.pl>.

The National Fund for Environmental Protection and Water Management and its regional siblings may also provide financial support for activities and projects linked with natural environment protection (e.g. protection of plant and animal species, development of protection programmes for environmentally valuable areas, planting trees and shrubs, maintenance and gardening work necessary at unique natural sites in Polish termed ‘monuments of nature’). In certain cases such support may be available to historic garden and park complexes and sites, many of them located in historic cities. Similarly, restoration of historic buildings which includes providing access to the disabled (e.g. introduction of ramps, lifts) may obtain financial support of the **State Fund for Rehabilitation of Disabled Persons** (Państwowy Fundusz Rehabilitacji Osób Niepełnosprawnych – PFRON) as the fund has removal of architectural barriers faced by the disabled among its main goals.

<sup>15</sup> [www.krakowskialarmsmogowy.pl](http://www.krakowskialarmsmogowy.pl)

Chapter 7 of the Act on the Protection and Safeguarding of Monuments, article 83 also mentions that 'According to rules set by the laws on the financing of science, the minister responsible for science and research may award financial means for conservation, architectural, archeological and other scientific research linked with conducting conservation and restoration works in monuments'. It means that research on monuments, their features and qualities, state of repair and necessary conservation works, usually necessary prior to undertaking such works or accompanying them, may in certain cases be conducted within a framework of research grants implemented thanks to financial support of the **National Science Centre** and other institutions providing support to scientific research.

### 3.2. PUBLIC FINANCIAL MEANS AVAILABLE ON THE TERRITORIAL GOVERNMENT (LOCAL AND REGIONAL) LEVEL

Conservation and restoration works in monuments may also be supported by different level territorial governments and pertain, as mentioned earlier, to conservation endeavours conducted directly by territorial government units (e.g. in buildings and sites they own, within the framework of projects and investments conducted by cultural institutions subordinate to them) but also to conservation projects undertaken by other (private and non-governmental) actors. The issues of financing and management of cultural heritage are most of all an **important statutory task of local authorities in Poland**<sup>16</sup>. **Each municipality may support conservation, restoration and construction works in monuments of which it is a sole owner**, either conducting them directly or through its agencies and institutions as well as provide **designated grants and subsidies to non-public owners and investors** conducting restoration in buildings located in the municipality of which the municipality is a co-owner or is not an owner at all.

For instance, in 2013 in Krakow the municipality supported both restoration works in listed buildings of which it is an owner or co-owner and in privately owned buildings and sites. Projects financed directly from the municipal budget included renovation and modernisation of 13 historic tenement houses, 6 located in the UNESCO area, modernisation of historic fortifications and forts of Fortress Krakow, restoration and conservation works in school buildings (in total 23 schools, 3 in the UNESCO area), conservation and restoration works in the historic Rakowicki cemetery (Krakow's most important historic necropolis), repairs of fire alarm and entrance to the higher tower of St Mary's Church, elaboration of a specialist opinion on the heating of retail stalls in the Cloth Hall and repair of the gates of the Cloth Hall. Since 2006 the City of Krakow also awards designated subsidies to conservation, restoration and construction works in movable and immovable monuments inscribed in the monument register of which it is not a sole owner. It has been estimated by the author that in 2006–2014 almost PLN 17 million (e.g. ca. PLN 1.8 million a year) was spent in this way. This money contributed to 161 conservation and restoration projects, including 79 instances of restoration and conservation works on historic facades of tenement houses (table 8)<sup>17</sup>. Another potential form of providing support to private owners – i.e. **refundable grants in the form of no-interest or low interest rate loans** to owners of historic buildings – has not been used in Krakow so far<sup>18</sup>.

<sup>16</sup> M. Murzyn-Kupisz, *Dziedzictwo kulturowe a rozwój lokalny*, op. cit., pp. 196–203; M. Rouba, *Zadania władz publicznych w zakresie ochrony i opieki nad zabytkami w Rzeczypospolitej Polskiej. Ze szczególnym uwzględnieniem obiektów wpisanych na Listę Światowego Dziedzictwa Kulturalnego i Naturalnego UNESCO*, Warszawa 2013.

<sup>17</sup> See also: K. Bujakowski, H. Rojkowska-Tasak, *Zarządzanie na obszarze światowego dziedzictwa w Krakowie*, [in:] *Management of UNESCO World Heritage Sites in Poland and Norway*, J. Purchla (ed.), ICC, Kraków 2011, pp. 230–249.

<sup>18</sup> This type of support is for example available to owners of buildings in the UNESCO World Heritage site in Edinburgh, see: <http://www.ewht.org.uk/conservation-funding-programme>.

**Table 8.** Designated grants for conservation, restoration and construction works in monuments listed in the monument register, located in the Municipality of Krakow of which the municipality is not a sole owner awarded in 2006–2014

Year	Grant amount (PLN thousand)	Total number of projects awarded with grants	Restoration and conservation of immovable monuments:				Restoration and conservation of movable monuments:		
			Restoration and conservation of facades of historic tenement houses	Other works in historic secular buildings (roofs, foundations)	Restoration and conservation of facades of sacral buildings and sites (churches, monasteries)	Other works in historic religious buildings (roofs, foundations, church and monastery yard walls)	Conservation of paintings, historic procession floats and banners from religious interiors	Conservation of frescos and other elements of interior decoration of church interiors, including altars	Conservation of sculptures and reliefs in church interiors, including epitaphs and crucifixes
2006	400	10	2	1	3	0	3	0	1
2007	1 500	10	5	0	1	1	2	1	0
2008	1 600	15	11	0	1	1	1	1	0
2009	3 000	23	15	0	1	3	2	1	1
2010	1 500	16	8	1	0	3	3	1	0
2011	2 700	21	11	2	2	4	1	1	0
2012	1 760	21	11	2	0	2	2	2	2
2013	1 700	18	6	5	1	3	1	2	0
2014	2 700	27	10	2	2	7	4	0	2

**Source:** own elaboration based on data available on <https://www.bip.krakow.pl>.

Local government spending on maintenance and restoration of historic buildings in a UNESCO area may also be channelled through **designated subsidies to cultural institutions** with headquarters in such an area. For example in Krakow the local authorities are the owner and financing body of several larger cultural institutions such as the Historical Museum of the City of Krakow with 8 branches in the UNESCO area (a subsidy of PLN 18.5 million in 2013), Inner City Cultural Centre (supported with PLN 2.5 million in 2013), Bunkier Sztuki Gallery of Contemporary Art (a subsidy of PLN 1.6 million in 2013) and the Old Town Public Library with two branches in Kazimierz.

**Regional territorial government** may also be a financing and co-financing body providing support to restoration, conservation and construction works in monuments as owner of museums and other cultural institutions, owner and manager of historic buildings in the UNESCO area or provider of grants to other stakeholders. For example the regional government in Krakow supports day to day operations, modernisation and conservation of buildings used by significant

cultural institutions in the UNESCO area in Krakow such as the J. Słowacki Theatre (a subsidy of PLN 9 million in 2013), Archaeological Museum in Krakow (a subsidy of PLN 3 million a year) and the Ethnographic Museum in Krakow (a yearly subsidy of 3.5 million). With respect to the UNESCO World Heritage site in Krakow in 2013 grants from the regional government budget also included conservation and restoration works in the crypts of the National Pantheon. The regional self-government may also conduct grant competitions awarding grants for conservation works in movable and immovable monuments located in the region of which it is not an owner<sup>19</sup>.

### 3.3. INDIRECT FORMS OF FINANCING PROTECTION AND CONSERVATION OF HISTORIC BUILDINGS AND SITES CONNECTED WITH THE ACTIVITIES OF THE LOCAL GOVERNMENT

Apart from providing direct financial support or implementation of own statutory tasks linked with spatial planning and making use of legal heritage protection forms foreseen by the Polish law on monument protection (e.g. establishment of the so-called Cultural Park<sup>20</sup>), local authorities may use possibilities of **indirect** but important **impact on the functional mix in historic areas and sites**, ensuring that, at least to some extent, functions developed in such sites are in line with the aim of maintaining and showcasing their heritage values. **The policy of sales and rental of real estate owned by a municipality** is one of such possible ways of exerting impact on functions of valuable sites. A municipality may rent its building stock granting preferential rental prices to specified tenant groups or under the condition that tenants conduct a particular activity type in it (e.g. crafts and crafts workshops, artists' ateliers and art galleries, specific services, specific types of retail). On the one hand, by granting preferential rents, the municipality agrees to accept lower income from rental of its, often centrally located usable spaces but in return it ensures that specific types of uses and services that may not generate great direct profits but significantly contribute to the unique character ('look and feel') of historic urban space remain in it (e.g. art galleries, workshops of unique crafts, antique shops, artists' ateliers). For example, although they are not sufficient in scope, in Krakow two programmes of this type are in force. First of them is dedicated to art galleries ("Programme on artistic patronage and public services in the field of culture – art galleries"). Even though the overall number of galleries that benefit from preferential rents is very small (only 15 in total in the entire city), as many as 10 of them are located in the UNESCO World Heritage site – 7 in the area of the Old Town within the first ring road, 3 in Kazimierz. The second programme of this sort entitled "Programme on artistic patronage and public services in the field of culture – artists' ateliers" pertains to rental of municipal building stock for non residential purposes to artists and creatives. In 2013 in total 196 premises (spaces) owned by the Municipality of Krakow were used in this way, rented or co-rented by 230 artists. Having said this, it has to be mentioned that most artists' ateliers are located outside the UNESCO World Heritage area

<sup>19</sup> In 2014 such grants for conservation, restoration and construction works in monuments were given to 131 projects. A total of PLN 3.5 million was spent on construction works in historic buildings listed in the monument register (strengthening and isolation of foundations, wall and roof constructions, roof covering), restoration and conservation of movable monuments (paintings, frescos, altars, pulpits, sculptures, way-side shrines and chapels) as well as on research, developing conservation programmes and preparing conservation documentation. Among beneficiaries one may find parish churches, religious organisations and monasteries, foundations and associations, local territorial government units and private persons. In comparison to other regional governments in Poland Małopolska region since many years has been a leader in terms of spending on monument protection. In total in 2007–2014 the regional government spent almost PLN 42 million on conservation and restoration of material heritage of the region within the framework of its grant programme. See: [http://www.malopolskie.pl/Kultura/Ochrona\\_zabytkow/?id=2287](http://www.malopolskie.pl/Kultura/Ochrona_zabytkow/?id=2287)

<sup>20</sup> See: *Decision no. CXV/1547/10 of the City Council of the City of Krakow of November 3rd, 2010 on the establishment of a cultural park under the name Park Kulturowy Stare Miasto (Old Town Cultural Park).*

If any rental offers from the UNESCO site are ever presented they tend to pertain to usable spaces in a very bad state of repair, hard to adapt or use by artists, especially fine artists (lack of basic infrastructure, basements and cellars, etc.)

Another possible solution indirectly stimulating private spending on heritage properties is a programme of **real estate tax breaks and deductions** (particularly local taxes) in the case of these properties where specified, particularly desired from the perspective of historic character of a city and its traditions or conducive towards maintaining its functional diversity investments are taking place. Such support may be in particular linked with providing incentives to persons who establish and manage micro-firms<sup>21</sup> or granting tax allowances and breaks to owners and investors who, in a specified time period, conduct (desired from the public perspective, following conservation standards and guidelines) specific restoration and conservation works. The municipality may support them indirectly looking at them as beneficial not only to a property's owner but also as contributing to the liveliness and improvement of aesthetics of historic urban spaces (e.g. restoration or renovation of facades)<sup>22</sup>. Such tax breaks may pertain to listed monuments or to monuments and buildings which are not listed but are included in municipal conservation inventories or are located within a historic area designated for urban regeneration, if the investments are in line with the urban regeneration programme.

**Local tourist taxes** (in Polish '*opłata miejscowa*') may become yet another mechanism supporting conservation of historic buildings and sites if they are understood as a tool to make tourists 'internalise' at least part of costs generated by them in culturally valuable areas and providing that a municipality charging them uses the income from tourist taxes to support conservation and restoration activities in areas frequented by tourists. For example, currently the city tourist tax charged to persons who stay in Krakow for longer than 24 hours for tourism, leisure or professional training purposes amounts to PLN 1.60 per day<sup>23</sup>. In 2013 the city's budget received PLN 1.8 million from such taxes. In the case of Krakow however, there is no information to what extent income from taxes played by tourists is spent by the city on Krakow's monuments or other spheres of municipal activities. It would also seem worthwhile to consider, whether by European standards the amount of tourist tax presently charged is not too low (barely 40 euro cents per day), particularly if making tourists pay slightly higher tourist taxes could generate significant, additional financial means for the restoration of the city's numerous monuments.

### 3.4. FOREIGN FINANCIAL SUPPORT

In recent years access to foreign sources of co-financing restoration and conservation works in historic buildings and complexes, including UNESCO sites such as **European Union (EU) funds, funds of the Norwegian Financial Mechanism (NMF) and the European Economic Area**

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<sup>21</sup> This type of decisions may pertain to economic activities termed 'protected, in danger of disappearance and preferred', regarded by local authorities as important to maintain. For an example of such local council decision with respect to the UNESCO World site in Toruń. See: *Attachment no. 2 to the Decision no. 769/14 of the City Council of the City of Toruń of May 15<sup>th</sup>, 2014*, [www.bip.torun.pl/files/doc/769\\_14\\_01.pdf](http://www.bip.torun.pl/files/doc/769_14_01.pdf) (access: 10.02.2015).

<sup>22</sup> *Decision no. LVI/706/08 of the City Council of the City of Krakow of November 5th 2008 on tax allowances on real estate tax on buildings and their parts, granted if restoration of a building's facade was carried out* (with subsequent amendments) is an example.

<sup>23</sup> See: *Decision no. LXVI/614/04 of the City Council of the City of Krakow of December 1, 2004 on local tourist taxes (opłata miejscowa)*. For an example of such tourist tax regulations at another famous World Heritage Site such as Venice see: <http://www.comune.venezia.it/flex/cm/pages/ServeBLOB.php/L/EN/IDPagina/48016> (access: 15.02.2015).

**(EEA) Financial Mechanism<sup>24</sup> has become an important stimulus for heritage oriented investments in Poland. Possibility of financial support of conservation, renovation and restoration works in historic buildings and sites was foreseen already in the first EU programming period in Poland in the Integrated Regional Operational Programme (IROP) for 2004–2006 supported by the European Regional Development Fund (ERDF). In the next programming period (2007–2013) it was also included in the Regional Operational Programmes (ROP) which replaced IROP and were developed individually for each of the 16 Polish regions. A good example of it is the Regional Operational Programme for Małopolska Region (Małopolski Regionalny Program Operacyjny – MRPO for 2007–2013)<sup>25</sup>. Its 3rd priority axis "Tourism and cultural industries" included Action 3.2 "Development of cultural heritage products" and enabled EU co-financing of projects in the UNESCO World Heritage site in Krakow such as conservation of frescos and wall decorations in ground floor of the southern wing of the Franciscan monastery in Krakow, restoration of the cloisters of the Dominican monastery in Krakow and 'UNIQUE. Urgent conservation of 'endangered' objects in the collection of the Ethnographic Museum in Krakow'. Such projects could also be potentially financed within a framework of another MRPO priority 'Krakow Metropolitan Area', Action 'Development of metropolitan functions'.**

Larger infrastructural projects of regional or national importance could in turn be co-financed within priority 9 "Culture and cultural heritage" of the national level "**Infrastructure and Environment**" programme for 2007–2013 (Action 11.1 "Protection and safeguarding of cultural heritage of supra-regional importance"). Within this priority almost PLN 11 million was awarded to the project of the Wawel Royal Castle – State Art Collection on "Restoration of the inner castle courtyard and adaptation of a building for the centre of promotion and information at the Wawel hill" with a total cost of over PLN 16 million. Similar possibilities will be available in the current EU programming perspective (2014–2020), both within a framework of the regional operational programmes (for an example of Małopolska region see table 9) and in the new "Infrastructure and Environment" programme. Its current round includes a priority axis no. 6 on "Protection and development of cultural heritage" with aims such as supporting '*endeavours in the field of protection, development, providing access and promotion of cultural heritage resources (tangible and intangible)*'<sup>26</sup>.

Although other major EU programmes on national level in Poland such as **Operational Programme – Human Capital** (HC OP) co-financed with the European Social Fund are not aimed directly at heritage related efforts they may also potentially include them. For example heritage projects (mainly of "soft" type) linked with education and providing unemployed persons with new skills may be implemented within HC OP. For instance, in 2010–2014 the Regional Labour Office

<sup>24</sup> A review of financing possibilities foreseen in the EU co-funded Małopolska Regional Operational Programme for 2007–2013 see: M. Murzyn-Kupisz, *Dziedzictwo kulturowe a rozwój lokalny*, op. cit., pp. 280–281. For a general summary of financing possibilities with EU means in previous EU programming perspectives in the Polish context, see: M. Murzyn-Kupisz, *Europejskie fundusze pomocowe a konserwacja i adaptacja obiektów zabytkowych. Szanse i zagrożenia*, [in:] *Adaptacja obiektów zabytkowych do współczesnych funkcji użytkowych*, B. Szmygin (ed.), Politechnika Lubelska, ICOMOS, Lubelskie Towarzystwo Naukowe, Warszawa–Lublin 2009, pp. 99–112; A. Etmanowicz, J. Sanetra-Szeliga (eds.), *Europa – szansa dla kultury. Polskie doświadczenia w korzystaniu ze środków Unii Europejskiej dla kultury*, Ministerstwo Kultury i Dziedzictwa Narodowego, Warszawa 2005; K. Tylus-Sowa et al. (ed.), *Możliwości finansowania kultury ze środków europejskich w latach 2007–2013*, Ministerstwo Kultury i Dziedzictwa Narodowego, Warszawa, 2009; M. Murzyn-Kupisz, *Dziedzictwo kulturowe a rozwój lokalny*, op. cit., pp. 203–211.

<sup>25</sup> W. Biernacki et al., *Ocena wpływu projektów realizowanych w ramach Osi priorytetowej 3. MRPO "Turystyka i przemysł kulturowy" na podniesienie konkurencyjności turystycznej regionu wraz z opracowaniem raportu końcowego z przeprowadzonego badania. Raport końcowy*, Centrum Studiów Regionalnych UNIREGIO, Kraków 2010.

<sup>26</sup> [http://www.pois.gov.pl/2014\\_2020/Strony/glowna.aspx](http://www.pois.gov.pl/2014_2020/Strony/glowna.aspx).



in Krakow obtained the support of European Social Fund applying for funds under HC OP priority no. 6 “Labour market open to all” to conduct an innovative heritage programme aimed at unemployed persons entitled “Conservator – program of activating unemployed persons in the labour market”. It was focused on training unemployed persons in terms of heritage conservation, maintenance and interpretation skills, making it possible for them to gain professional experience working at heritage institutions or heritage sites and taking part in particular conservation projects.

Investments in urban areas may also be supported by EU Structural Funds in a revolving system (using **recyclable financial mechanisms such as loans and guarantees**) within the framework of the so-called **JESSICA initiative** (Joint European Support for Sustainable Investment in City Areas) of the European Commission developed in co-operation with the European Investment Bank (EIB) and the Council of Europe Development Bank (CEB). Some regions in Poland already joined this initiative which is a financial engineering mechanism supporting sustainable urban development and regeneration and is intended to ‘fill in the gap’ in the financial markets between non-returnable grants and fully commercial loans. Its intention is to provide support to investments implemented in cooperation between public and commercial partners (banks, enterprises) understood as important for urban development (investments linked with urban regeneration, culture, tourism, transport, renewable energy sources, etc.) which are at once profit oriented and socially beneficial<sup>27</sup>.

**Tab. 9.** Possibilities of co-financing of restoration and conservation projects foreseen in the draft version of the Małopolska Regional Operational Programme for 2014–2020

Links with cultural heritage	Priority axis	Priority aim	Investment priorities
Direct	2.6 Regional heritage	Maintenance and protection of the [natural and cultural] environment, promoting of effective use of resources	Preservation and protection, promoting and development of cultural and natural heritage
Indirect	2.4 Regional energy policy	Supporting conversion to low-emission economy in all sectors	
	2.11 Regeneration (revitalisation) of regional space		
	2.12 Social infrastructure	Supporting social inclusion, combating poverty	Providing support to physical, economic and social regeneration of poor communities in urban and rural areas

**Source:** own elaboration based on Projekt Regionalnego Programu Operacyjnego Województwa Małopolskiego na lata 2014–2020, Kraków kwiecień 2014, [www.malopolskie.pl/Pliki/2014/v4\\_MRPO\\_final\\_1IV2014.pdf](http://www.malopolskie.pl/Pliki/2014/v4_MRPO_final_1IV2014.pdf).

<sup>27</sup> [http://ec.europa.eu/regional\\_policy/index.cfm/en/funding/special-support-instruments/jessica/#1](http://ec.europa.eu/regional_policy/index.cfm/en/funding/special-support-instruments/jessica/#1)

In addition, the accession of Poland to the EU opened up possibilities to benefit from the **Financial Mechanism of the European Economic Area (FM EEA)** and the **Norwegian Financial Mechanism (NMF)**. Financial support within the framework of FM EEA and NMF is given to beneficiary states for the implementation of projects and activities in selected priority areas. The aim "Protection of European cultural heritage, including public transport and urban regeneration" was among such support areas defined for Poland for 2004–2008. It provided direct opportunities to co-finance projects focused on cultural heritage, in particular cultural properties on the UNESCO World Heritage List<sup>28</sup>. Four cultural institutions in Krakow (table 10) and three other major endeavours linked with other UNESCO World Heritage Sites in Poland benefited from the NMF/EEA support in 2004–2008<sup>29</sup>. Similar possibilities exist in the current support scheme within the framework of the programme "**Maintenance and revitalization of cultural heritage**" co-financed by the NFM, EEA FM and the budget of the Polish state in 2009–2014. Projects implemented in Krakow within the UNESCO area which have so far obtained support thanks to the programme include "Interactive Museum in the National Old Theatre (Centre of Drama Education)" and "Restoration and development of the buildings of J. Słowacki Theatre"<sup>30</sup>.

**Tab. 10.** Projects implemented in Krakow supported within the framework of the European Economic Area Financial Mechanism (EEA FM) and Norwegian Financial Mechanism (NMF) in 2004–2008

Project title	Beneficiary	Total value (PLN)	EEA FM/NMF support (PLN)
Renovation and modernisation of the Polish 19th Century Art Gallery in the Krakow Cloth Hall	National Museum in Krakow	41 303 393	20 600 251
Protection from destruction and theft of resources of the Princes' Czartoryski Foundation in Krakow as a form of protection of European cultural heritage	Princes' Czartoryski Foundation	18 986 748	16 138 737
Modernisation of the back house – part of the main seat of the International Cultural Centre in Krakow	International Cultural Centre in Krakow	15 621 657	6 988 990
Jesuit Pearls in the Polish South – protection of European cultural heritage	Society of Jesus – Polish Jesuit Province	9 278 558	7 886 776

Source: own elaboration based on *Mechanizmy Finansowe...*, op. cit.

<sup>28</sup> *Mechanizmy Finansowe – katalizatory rozwoju społeczno-gospodarczego w Europie. Raport podsumowujący działania prowadzone w Polsce w obszarach priorytetowych Mechanizmu Finansowego Europejskiego Obszaru Gospodarczego i Norweskiego Mechanizmu Finansowego w latach 2004–2008*, Ministerstwo Rozwoju Regionalnego, Warszawa 2008.

<sup>29</sup> A project in Malbork entitled "Residential Complex of Great Masters at the Middle Castle in Malbork – Palace and the Western Wing – continuation", "Conservation, renovation and adaptation for cultural purposes of the complex of fortifications of the Old Town in Zamość"; "Renovation and adaptation for cultural purposes of the cellars in the Old Town of Warsaw located in the UNESCO world heritage site".

<sup>30</sup> *Biuletyn dla Programu "Konserwacja i rewitalizacja dziedzictwa kulturowego"*, no. 1, 2014.

Some, although rather limited, possibilities of obtaining financial support for endeavours linked with monuments and heritage have also been offered in the past and are offered by **international non-governmental organisations** such as the **World Monuments Fund – WFM**<sup>31</sup> or **international financial organizations** such as the **World Bank**, which sometimes offers loans for activities linked with cultural heritage or investments in the UNESCO sites. Programmes dedicated to cultural heritage related issues are however presently conducted by such institutions mainly in less wealthy non-European countries (e.g. in recent years in Haiti, Lebanon or Georgia), most often within the framework of programmes combining natural and cultural heritage protection, focused on environmental issues or sustainable development<sup>32</sup>.

Activities and projects linked with cultural heritage inscribed on the UNESCO World Heritage list may also be indirectly supported by **non-governmental institutions focused on a particular country or a specific geographic area** such as Poland or Central and Eastern Europe distributed by non-governmental organisations and institutions, awarding grants to non-investment related projects (so called 'soft' projects). Financial means of such institutions help to develop positive attitudes towards cultural heritage and raise awareness of its values. Sometimes on the occasion of such soft projects focused on selected issues of social and civic importance (e.g. stimulating volunteering, development of civil society, enhancing cooperation and mutual links between countries and nations), in practice such projects enable or support implementation of some practical heritage related endeavours such as research on and inventories of heritage properties and values, exchange of knowledge on heritage management, heritage promotion, restoration and cleaning up of heritage sites (e.g. cemeteries, parks, ruins). For example, the Foundation for Polish-German Cooperation (Fundacja Współpracy Polsko-Niemieckiej – Stiftung für Deutsch-Polnische Zusammenarbeit), The International Visegrad Fund, Polish-American Freedom Foundation, Stefan Batory Foundation (e.g. its programmes aimed at young people and focused on volunteering in projects linked with multicultural heritage of Polish lands) may be mentioned in this context.

### 3.5. OTHER, INCLUDING COMMERCIAL SOURCES OF FINANCING

In Western Europe and the United States financial support for conservation and restoration projects is also traditionally obtained from **private donors and sponsors** (private persons, institutional patronage). Such patronage may consist of providing **direct support** to specific activities, heritage sites or cultural institutions or be **channeled through non-governmental organizations – foundations and associations**<sup>33</sup>. Such form of heritage support naturally also exists although it is still underdeveloped in Poland<sup>34</sup>. Non-governmental organizations, including so-called public benefit organizations, include many institutions with a statutory aim to support development of a particular area or municipality or provide care for a specific type of heritage (e.g. post-industrial, pertaining to a specific ethnic or religious group or a certain historic period). Some of them have been founded to explicitly support particular cultural institutions or provide financial, organizational and scientific assistance to a specific site, important object of art

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<sup>31</sup> In the 1990s WMF supported among others the conservation of the interior of the Tempel synagogue in Krakow.

<sup>32</sup> See M. Cernea, *Cultural heritage and development. A framework for action in the Middle East and North Africa*, The World Bank, Washington 2001.

<sup>33</sup> In Edinburgh every individual person may support the fund for the restoration of UNESCO World Heritage Site by paying a yearly fee to the institution managing the UNESCO World Heritage site and becoming "a Friend of Edinburgh World Heritage". See: <http://www.ewht.org.uk/what-we-do/support-us/friends>.

<sup>34</sup> The Kronenberg Foundation supported by the Citi Handlowy bank is an example.

or heritage type. In recent years in Poland, a mechanism enabling and stimulating spending of private means on non-governmental organizations in the heritage field has been to some extent the possibility given to Polish taxpayers to assign 1% of their personal income tax to a selected **public benefit organization** or even a selected aim of a chosen public benefit organization based in Poland and registered as such NGO-type, foreseen by the Act of April 24th, 2003 on Public Benefit Activities and Volunteering<sup>35</sup>. Legal persons may in turn deduct from their tax base (up to 10% of their profits) donations to specific aims specified by the above mentioned Act<sup>36</sup>. According to the Act a public benefit activity is understood as (article 3 point 1): ‘ (...) a socially beneficial activity, conducted by non-governmental organisations in the field of public tasks defined by the Act’. These tasks include among others (article 4): ‘4) sustaining and promoting national traditions, nurturing Polish culture and development of national, civic and cultural consciousness’; ‘5) activities supporting national and ethnic minorities and regional languages [dialects]’; ‘16) culture, fine arts, cultural property and national heritage protection’; ‘19) tourism and sightseeing’ and ‘26) activities supporting European integration, development of links and cooperation between societies’<sup>37</sup>.

Theoretically **public-private partnership** is yet another possibility of financing investments in the areas of historic inner city quarters<sup>38</sup>. In the Polish context however, so far it has been very rarely used, most often planned but not implemented. If it did effectively take place, it most often pertained to investments in transport infrastructure (parking lots, public transport) or sports and leisure infrastructure.

Understandably, in the context of democracy and market economy, **own financial means of a site’s or a building’s owner** (private or legal persons, non-governmental owners) should be the main source of conservation and renovation of heritage properties. These may include spending financial means (surpluses, savings, etc.) obtained from non-heritage related sources such as economic activities of the real estate owner not connected with the historic real estate as well as reinvesting profits generated by a particular heritage building or site (e.g. commercial rental/hire of usable space) or by conducting particular commercial activities in the building or site (e.g. providing tourism accommodation, catering, retail, services). Last but not least, it should also be mentioned that as other construction and renovation works, also restorations and adaptations of historic buildings may be financed by using standard, commercial sources of financing such as **mortgage loans and other loan types**, available to private real estate owners, housing cooperatives and other forms of co-ownership (e.g. in Poland – condominiums – *wspólnota mieszkaniowa*) and territorial government units (in the last case also including municipal obligations).

The existing and potential sources of financing of conservation, renovation and adaptation works in UNESCO World Heritage sites in Poland are summarised in table 11.

<sup>35</sup> Act of April 24<sup>th</sup>, 2003 on Public Benefit Activities and Volunteering, The Official Journal of Laws of the Republic of Poland (Dz. U.) 2010, no. 234 position 1536, article 27. For statistical data on such organisations in Poland see: M. Murzyn-Kupisz, J. Działek, *Cultural heritage in building and enhancing social capital*, “Journal of Cultural Heritage Management and Sustainable Development”, no. 1, 2013, pp. 41.

<sup>36</sup> Act of February 15<sup>th</sup>, 1992, on Income Tax of Legal Persons, The Official Journal of Laws of the Republic of Poland (Dz. U.) 1992, no. 21 position 86, with subsequent amendments, article 18, position 1.

<sup>37</sup> Act of April 24<sup>th</sup>, 2003 on Public Benefit Activities and Volunteering, The Official Journal of Laws of the Republic of Poland (Dz. U.) 2010, no. 234 position 1536, article 3 and 4.

<sup>38</sup> Act of December 19<sup>th</sup> 2008 on Public-Private Partnership, with subsequent amendments, The Official Journal of Laws of the Republic of Poland (Dz.U.) 2009, no. 19, position 100.

**Tab. 11.** Existing and potential sources of financing of conservation, restoration and construction works in UNESCO World Heritage sites in Poland

Types of sources	Financing bodies and programmes
Domestic public sources	
Public sources on the central level	Grants, subsidies and other national level funds focused on monuments and cultural heritage coming from the central budget (programmes of the Minister of Culture and National Heritage, Council for Protection of Struggle and Martyrdom Sites, state conservation authorities in particular regions, special funds dedicated to a particular site such as NFRZK)
	Designated domestic funds focused on other spheres of public support such as environmental protection, integration of the disabled, scientific research (NFOŚiGW, PFRON, NCN)
Public sources on the regional level (budgets of self-governing regional territorial units)	Grants and subsidies from the regional government budget (grant programmes for monuments located in the region not owned by regional authorities, financial support to buildings and sites owned and managed by regional authorities and institutions subordinate to them)
Public sources on the county level	Grants and subsidies to heritage sites managed and owned by county authorities, support to cultural institutions owned and managed by them
Public sources on the local level (municipal sources including income from local taxes and fees, rental of usable spaces in historic buildings and sites)	Financial means spent on conservation and renovation works in buildings and sites owned by a municipality, subsidies to municipal cultural institutions
	Designated subsidies and grants from the municipal budget for conservation and renovation works in monuments located in the municipality but not in the sole ownership of the municipal authorities (private or co-owned)
Indirect forms of financing of heritage protection by the local government	Tax breaks and allowances linked with historic real estate (listed monuments, monuments in municipal conservation inventories or located in an area of urban regeneration)
	Refundable grants in the form of low or no-interest loans to owners of historic buildings / listed monuments
	Sale and rental policy of real estate owned by a municipality
Foreign public and non-governmental sources	
	European Union programmes and funds (e.g. operational programmes for particular regions, 'Infrastructure and Environment Programme', refundable structural funds such as JESSICA)
	European Economic Area (EEA) and Norwegian Financial Mechanism (NFM) Funds
	Funds of international financial organisations and institutions such as the World Bank, World Monuments Fund
	International institutions and non-governmental organizations with a national/regional focus on Poland or Central and Eastern Europe

Private sources	
	Private resources of owners/investors, including resources obtained from economic activities other than linked with historic buildings and sites
	Private financial resources of owners/investors resulting from conducting economic activities in a historic building/site or its rental
	Private sponsorship and patronage, domestic and foreign
	Commercial sources of financing: loans, mortgages
Sources of domestic non-governmental organisations	
	Financing of conservation and restoration activities in buildings and sites owned or managed by non-governmental organizations
	Grants and prizes awarded by non-governmental institutions to other bodies
Public-private partnership	

Source: own elaboration

#### 4. SUMMARY

In the context of earlier presented socio-economic considerations, **issues which should be included in the development of a management plan for a UNESCO site** as well as other linked strategic documents (e.g. pertaining to spatial planning) include:

1. **Diagnosis of the multiplicity of stakeholders** linked with a given historic area or site, their attitudes towards heritage, financial and organizational abilities, needs and expectations as well as possible conflict lines between stakeholders; recognition of ownership status of real estate in the area.
2. **Recognition of most important functional changes taking place in a historic area.** Inclusion of monitoring of such functional changes (e.g. functions and uses of built heritage, demographic tendencies) among monitoring requirements for an area.
3. **Diagnosis and inclusion of the needs of the local community** (residents of an area, permanent residents of the city) in the planning process. Taking into account not only potential gains and benefits from particular heritage uses but also assessing costs created by commercial use of cultural heritage of an area, particularly by the tourism sector, paying special attention to costs incurred indirectly by the local community (infrastructure wear and tear, quality of life, costs of living).
4. **Considering which** (apart from traditional residential, cultural and tourism uses usually proposed for historic areas) other **functions may be economically and culturally sustainable in a given UNESCO area. Recognition of functions which are particularly harmful and dangerous to the authenticity of built environment, image and cultural qualities of an area.** Including in the plan provisions for making use of possibilities foreseen by law of limiting unwanted uses or uses and functions which lead to mono-functionality such as spatial planning regulations, municipal housing stock and real estate management, concessions for certain types of retail and service activities, conferring on an area the cultural park status foreseen in the Polish monument protection law.

5. **Elaboration of a possibly most broad catalogue of potential domestic and foreign sources of financing** of restoration and conservation activities in an area, taking into account funding sources and funds directly dedicated to heritage as well as other funding opportunities possible to use in a historic area (summary for Poland see table 11).
6. **Elaboration of a possibly most broad catalogue of tools and means of indirect support** available to the local authorities to foster maintenance of unique character and diversity of functions in a historic area (e.g. municipal real estate management: rental and sale policies, licenses and permits such as liquor licenses, functions of buildings and sites foreseen in local master plans).
7. **Creation of a platform of exchange of information and cooperation between** different public administration levels (central, regional, local), public agencies and institutions dedicated to heritage management (e.g. National Heritage Board of Poland, its regional offices, conservation authorities within regional governors' structures, municipal monument protection offices) and other diverse municipal offices and departments (e.g. units charged with strategic planning, spatial planning, urban regeneration, municipal investment and communal infrastructure, culture and tourism, management of municipal real estate, registering and concessions for economic activities, collection of local taxes, social care, etc.) as well as other important **actors and stakeholders** such as real estate owners and developers, local entrepreneurs conducting economic activities in the area, residents and non-governmental organizations. Inclusion of the last mentioned stakeholders ranging from municipal departments to private actors is particularly important as in practice it is usually their decisions, activities and investments which at the end strongly impact on a historic area, sometimes to a greater extent than the decisions of conservation authorities as such.

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# MONITORING OF HISTORIC MONUMENTS IN THE CONTEXT OF MANAGEMENT OF THE WORLD HERITAGE SITE

Andrzej Siwek

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## 1. MONITORING – THE DEFINITION AND PLACE IN THE SYSTEM OF CONSERVATION OF MONUMENTS

### 1.1. Introduction – the nature of monitoring

According to the most general definition of monitoring, this term covers regular qualitative and quantitative measurements or observations of a phenomenon, carried out for a specific period defined in advance.

Monitoring can be found in a number of research disciplines and in practical use in multiple fields of life. A wide range of methodologies, tools, and systems of gathering, analysing and interpreting data is applied depending on the specificity of a discipline, purposes, and the subject of monitoring.

The most widespread systems are the ones used for gathering information about the dynamics of the quantitative state of a given subject of research, presence (or lack) of specific system ingredients or interactions. Briefly speaking, monitoring is used for seeking and reporting changes. The subject of observations includes phenomena situated in time and space. Interpretation of data requires an appropriate scale of the phenomenon assessment. The data collected facilitate the choice of appropriate activities in the management system and creation of promising strategy. They also enable remedial actions to be taken or effects of the already existing situation to be removed, e.g. flood or ecological threats. Therefore, in a contemporary world, monitoring is not only an academic research method, but also an element of the applied management and safety systems.

There are three general principles of monitoring:

- cyclicity of measurements,
- unification of equipment and methods used for making observations measurements
- unification of the interpretation of the results.

Each principle is universally applied, regardless of the system specificity or the subject of observation. Regardless of the discipline, the results of monitoring become valuable if the process is conducted according to uniform principles, cyclically and for a possibly long time. Consequently, the incidental data is subject to more advanced analyses and retrospective synthesis. Additionally, it is possible to forecast development tendencies of a specific phenomenon.

### 1.2. Analogy – the role of monitoring in nature protection system

Monitoring of environment is particularly advanced in Poland and other European countries. It is used for assessing preservation of a research subject, effectiveness of management and forecasting of expected changes. On a national scale, there are structures used for monitoring various ingredients of the ecosystem. These structures are codified and based on stable financing sources.



This monitoring has been reflected in legislation. The responsibilities of the National Environmental Monitoring were included in the Act on the National Inspection for Environmental Protection of July 20, 1991 (Journal of Laws No. 77, Item 35). The organisational structure of the National Environmental Monitoring and its administrative connections were defined adequately to the diversity of the natural environment. The aim of the National Environmental Monitoring is to increase the efficiency of environmental actions by gathering, analysing, and sharing data concerning the state of the environment and the changes taking place there.<sup>1</sup> Monitoring of natural environment is therefore not just a research technique, but also an autonomous measurement system, which gradually defines its subject and methods of studies, and which is also used in establishing environmental policy in a country.

The primary function of the system might be presented on the example of the Integrated Monitoring of Natural Environment (IMNE). It is a part of National Environmental Monitoring, which is used for registering and analysing short and long-term changes occurring in ecological systems due to climate changes, pollution, and other human activities. It sets energy and material balance of the ecological system, changes of the inner structure of the system and presents a forecast and a protection plan. The programme of IMNE, similarly to other kinds of specialised monitoring, is defined and approved by the Chief Environmental Protection Inspector. Coordinator of the IMNE programme appointed by the Chief Environmental Protection Inspector presents the form of the programme execution based on a network of Base Stations. Under appropriate agreements, representatives of these Stations consult programme execution with an appropriate Regional Inspectorate for Environmental Protection. In order to connect networks of the national monitoring with the continental one, the national measurement programme has been adjusted to the requirements of the Integrated Monitoring European programme. The data gathered in the Base Stations enables patterns in different spatial scales, i.e. local, regional, continental, and global ones to be formulated.<sup>2</sup> This is an extensive reference to the example of the discipline which might be recognized to some extent as related to historic monuments preservation because it focuses particularly on the mission of preserving environmental values and indicates system disproportions in terms of monitoring the 'nature' and 'culture'. The situation in the monument protection system in Poland, in terms of monitoring of the state of properties, is presented differently. No systematic monitoring mechanisms have been developed yet. There are just recurring discussions on the need for providing them.

### 1.3. Monitoring in the conservation system of monuments in Poland

There is no *monitoring* in the Act on the Protection and Guardianship of Monuments of July 23, 2003. According to the Act, Regional Conservator of Monuments and Sites exercises *control over the preservation condition and purpose of monuments* (Art. 4, Item 5) and *Regional Monument Conservator or the employees of the Regional Heritage Monument Protection Office acting on his behalf keep control over obeying and applying the rules of the protection and guardianship of monuments* (Article 38.1). The Regional Monument Conservator or employees acting on his behalf are authorised to:

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<sup>1</sup> A. Kostrzewski, M. Mazurek, A. Stach, *Zasady organizacji i system pomiarowy Zintegrowanego Monitoringu Środowiska Przyrodniczego* (Warsaw, 1995).

<sup>2</sup> Z. Mirek, „Monitoring Miejsc Światowego Dziedzictwa” in B. Szymgin (ed.) *Wyjątkowa Uniwersalna Wartość, a monitoring dóbr światowego dziedzictwa* (Warsaw, 2011), 42–57; A. Kostrzewski, M. Mazurek, A. Stach, *Zasady organizacji i system pomiarowy Zintegrowanego Monitoringu Środowiska Przyrodniczego* (Warsaw, 1995).

- 1) *enter a property, if there are reasonable grounds for suspecting that a monument has been devastated or damaged;*
- 2) *evaluate the state of conservation, conditions of storing and protection of registered monuments, as well as monuments kept in museums, libraries, and collections or resources of other national organisation units and local governments, on the date agreed with their owner or holder;*
- 3) *check compliance of any actions taken in reference to registered monuments and conducted archaeological research with the scope or conditions defined in the consent and documents approved;*
- 4) *require oral or written information essential for determining the actual state of the scope of control;*
- 5) *require any documents and data which may relate to the scope of control;*
- 6) *make an appropriate note in construction log within the scope defined in provisions of Construction Law.<sup>3</sup>*

The aforementioned legal conditions clearly indicate that responsibilities of Regional Conservation Officers are not aimed at creating national or regional system of monument monitoring. Actions of Conservation Officers are usually of short-term and immediate nature. They are therefore undertaken in the event of a specific 'matter' arising or specific threats occurring. The scope of observation is limited to the question of obeying the law of monument conservation. There are no mechanisms of a standardised system for storing and transmitting data gathered during these actions.

No matter how active the administration of conservation is, a range of research and administrative institutions conduct partial monitoring of interests and/or responsibilities. These actions, however, are uncoordinated and omit to result in building an integrated system which would be applied for circulating and gathering information. At a national scale, attempts were made to collect data about a legal and technical condition of properties of historical significance which are provided with conservation protection. Yet, these were either theoretical proposals or single actions. Consequently, they failed to meet the essential condition required in the monitoring processes, i.e. regularity.

The following attempts are particularly worth noticing:

- *Monitoring of the city historic complex of the UNESCO World Heritage in Zamość* in 1998. The project has been planned and carried out by the ICOMOS Polish National Committee. Scientific supervision and coordination: K. Pawłowski, execution: M. Sarnik-Konieczna, A. Cygnarowski, B. Skórzyńska-Terlecka, W. Siemiński, M. Witwicki, U. Fidecka. The team planned a project of a monitoring questionnaire of the world heritage site, which was subsequently verified on the example of Zamość. It was a crucial pilot attempt to introduce monitoring of the world heritage sites in Poland. It has not been, however, continued,<sup>4</sup>
- *Monitoring of sites of particular importance for Polish cultural heritage* – project planned as a part of works of the Regional Research and Monument Documentation Centre in Cracow and the National Research and Monument Documentation in Warsaw in 2006. The study was supervised by R. Marcinek, based on experience gained during preparation

<sup>3</sup> Article 38.3 of the *Act on the Protection and Guardianship of Monuments* of July 23, 2003.

<sup>4</sup> A. Fortuna-Marek, "Przegląd dotychczasowych prób organizowania monitoringu zabytków, Opracowanie w ramach prac NID, Zespołu ds. monitoringu zabytków," (Rzeszów, 2013).

of the *Periodic Report for the World Heritage Sites in Poland*. It was an advanced project for establishing national monitoring of monuments. It was, however, stopped on the stage of theoretical discussion.<sup>5</sup>

- In recent years, monitoring of monuments was taken into consideration in crucial research projects concerning the UNESCO world heritage sites. It is worth noting that:
  - » “ICOMOS Project” of 2011 – proposals of monitoring formulated within the Norwegian project (ICOMOS – NID [the National Heritage Board of Poland] – Riksantikvaren) in *Wyjątkowa Uniwersalna Wartość a Monitoring Dóbr Światowego Dziedzictwa [The Outstanding Universal Value and Monitoring of World Heritage]*, ed. Szmygin, B., Warsaw, 2011.
  - » “MCK Project” of 2011 – recommendations published in *Management of Sites of the UNESCO World Heritage List in Poland and Norway*, ed. Purchla, J., Cracow, 2011.

In both cases, these are theoretical explanations with different methodological assumptions, which indicate how the system could be created. They have not been, however, implemented.

- At a regional scale, crucial references to monitoring have been made in strategic documents issued by representatives of local government bodies. *The Protection Plan for the Culture Park of “The Old Town” in Cracow* developed in 2013 under the supervision of Z. Myczkowski is an important example. This document compares *monitoring* with a verification method of effectiveness of the protection plan.<sup>6</sup>
- The reference to monitoring has been also made in regional (provincial), district and municipal Programmes for the Protection of Monuments. The legislator anticipated the need for monitoring and obliged the bodies responsible for establishing the programme to submit regular reports on its execution.<sup>7</sup> However, also in these documents, ‘monitoring’ is referred to as the assessment of effectiveness of the management strategy provided in the document. The system of reports operates incidentally.
- The chapter entitled “Monitoring” can be also found in the National Programme for Protection of Monuments adopted in 2014. However, ‘monitoring’ in the *National Programme* refers to the execution of the programme only and it omits to focus on monuments. According to the *Programme*, the monitoring system (at least in case of the most valuable monuments) may be of great significance for fulfilment of objectives and actions provided for in the *National Programme*, in particular in reference to the specific objective no. 2 – *Supporting cooperation of bodies protecting historic monuments and sites*.
- A number of attempts to determine the state of heritage properties were made upon the request of representatives of central institutions protecting historic monuments and sites. Examples of significant, national, single actions of monitoring a selected monument category include:
  - » Preparation of the *Periodic Report On the World Heritage Sites in Poland* in 2003–2005 according to the guidelines of the World Heritage Centre. Members of the National Centre of Research and Monument Documentation (NCRMD) supervised the report preparation

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<sup>5</sup> R. Marcinek, A. Siwek, “Monitoring miejsc o szczególnym znaczeniu dla polskiego dziedzictwa kulturowego,” in B. Szmygin (ed.) *Stare miasteczka w nowych czasach. Ochrona zespołów staromiejskich a turystyka masowa. Kazimierz miasto zagrożone, Materiały z konferencji naukowej Kazimierz Dolny 30 listopada – 1 grudnia 2006* (TONZ: Warsaw, 2007), 158–175.

<sup>6</sup> Z. Myczkowski, U. Forczek-Brataniec, K. Wielgus, “Plan ochrony Parku Kulturowego Stare Miasto w Krakowie w kontekście ochrony i planowania krajobrazu miasta” in *Planowanie krajobrazu. Wybrane zagadnienia* (Wydawnictwo Uniwersytetu Przyrodniczego: Lublin, 2013), 38–60.

<sup>7</sup> *The Act on the Protection of Monuments and the Guardianship of Monuments* of July 23, 2003, art. 86.2; 87.5; 87. 6.

process. Owners and managers of the real estate being investigated provided data, which was analysed by a team from the Centre, under R. Marcinek's supervision.

- » *The Report on the State of Immovable Monuments in Poland* prepared by representatives of the National Centre of Research and Monument Documentation in 2004 and based on data provided by the Regional Conservator of Monuments, according to a questionnaire standardised for the entire country. (The Regional Centres of Research and Monument Documentation collected data for the provincial part, then the data was passed to the Regional Conservators of Monuments and, afterwards, to NCRM in Warsaw). This project concerned a range of important statistical data on the structure of the registered immovable heritage properties in Poland, the state of their ownership, state of conservation, and possible threats. The action was one-time.
- » *The Report on the State of Historic Monuments in Poland* – data concerning the legal status and the state of conservation of Polish Scheduled Monuments, collected and verified in 2011. A standardised questionnaire for all properties has been prepared. The data has been collected and analysed either by owners of these properties or by the Branch Offices of the National Heritage Institute. A summary report has been prepared in the National Heritage Institute in Warsaw for the Chancellery of the President of the Republic of Poland. The action was one-time.
- » *Verification of the Register of Immovable Monuments and Sites* – the project was conducted by the National Heritage Institute in 2010–2014. The objective was to verify immovable heritage properties in specific regions and compare the current state with registration decisions. A standardised methodology has been adopted for the entire country. This methodology is applied by the employees of Branch Offices of the National Heritage Institute. Essential elements of the works include taking a documentary photography for each property and assigning the analysed property to one of the 'a priori' defined verification categories.<sup>8</sup> The results are summarised and provided in district and regional reports. At the end, the National Report on the state of the registered immovable monuments will be prepared on the basis of data collected. Project summary is planned for 2015.

#### 1.4. CONCLUSION – THE PLACE OF MONITORING IN THE SYSTEM OF MONUMENT PROTECTION

With regards to the above-mentioned review of projects and documents, it may be concluded that monitoring of properties of historical significance is targeted and understood differently. Its necessity, however, is unquestionable. Monument protection system in Poland, contrary to the environmental one, has not obtained any consistent and legislation-based monitoring of monuments neither at national, nor regional scale.

There are two ways of understanding 'monitoring':

1. Observation and documentation of the condition of the resource of heritage properties and changes taking place in it, i.e. in heritage properties as a whole or selected groups of monuments;
2. Observation of selected indicators determining the effects and implementation of objectives according to a strategy adopted in a specific document on heritage protection;

The first definition refers to 'static' monitoring, which is essential for analyses of the state of heritage properties and syntheses which lay foundations for characterising a specific phenomenon.

<sup>8</sup> Partial verification results have been discussed in *Kurier Konserwatorski*, National Heritage Institute, No. 12; 2012.

The second definition refers to 'dynamic' monitoring, which is used particularly for verifying principles applied in a specific monument protection policy. This type of monitoring is aimed directly at management tools, i.e. strategic documents. Additionally, it can also indirectly provide significant data concerning the resource being analysed, i.e. to supplement or replace the 'static' monitoring in extreme cases. Both types of monitoring are necessary for creating a system for managing properties of great historical significance. Whereas the first one is especially essential for the conceptual and research stage, the latter one is crucial for the implementation and strategic phase.

## 2. MONITORING AS AN ELEMENT OF HERITAGE MANAGEMENT

### 2.1. Heritage management and monitoring

Changes in the way the economic and social mechanisms function occur also in monument protection. In the face of traditional threats and relative nature of modernity, the traditional 'conservation protection' based on doctrinal dogmas more frequently turns out to be useless or insufficient for transmitting *the past to the future*. This conclusion leads to the quest for new solutions. One of the proposals refers to the evolution of the monument protection system – from static, traditional, with the dominant role of formal prohibitions and orders, the manager of which is the Conservation Office, to the dynamic one, in which the doctrinal dogmas and legal tools are not rejected, but, on the contrary, they have their equal place reserved among other conditions. Other conditions result from confronting the need for protection with the already mentioned mechanisms of economy, social life, mentality of specific communities and interest groups.<sup>9</sup> Management seems to be the method for maintaining control over unavoidable contradictions which appear in a complex society. The very notion of management stems from economic sciences. According to one of the classic definitions, management means "the art or practice of an intelligent use of means in order to achieve the set objectives."

According to another definition, "management comprises a set of activities (planning, organization, motivation, control) oriented at organisational resources (human, financial, material, informative) used with intent to achieve the objectives of the organisation."<sup>10</sup> Information collected in the process of monitoring a particular phenomenon is essential for planning, controlling, as well as determining any asset.

What is constantly emphasised in management theory is the importance of collecting information by monitoring a particular field. Additionally, like a dogma, it is continually repeated that monitoring is an element of strategic management. Monitoring equals information; and information, according to management theories, is one of the fundamental assets. In management, numerous transformation processes are launched in order to achieve specific objectives and serve specific purposes. These processes particularly involve transformation of properties coming from the environment into effects transferred into the environment. The changes taking place in processes, phenomena, and trends occur around an organisation and influence its activity. These changes mean opportunities or risks for the organisation as they can enhance its development or negatively affect its existence. For this reason, organisations have to constantly observe the changes and react to them appropriately. As a consequence, it is essential to monitor the environment.<sup>11</sup>

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<sup>9</sup> J. Purchla, "Dziedzictwo kulturowe, a kapitał społeczny" in A. Rottermund (ed.) *Dlaczego i jak w nowoczesny sposób chronić dziedzictwo kulturowe. Materiały pokonferencyjne* (Polish UNESCO Committee: Warsaw, 2014), 21 – 30.

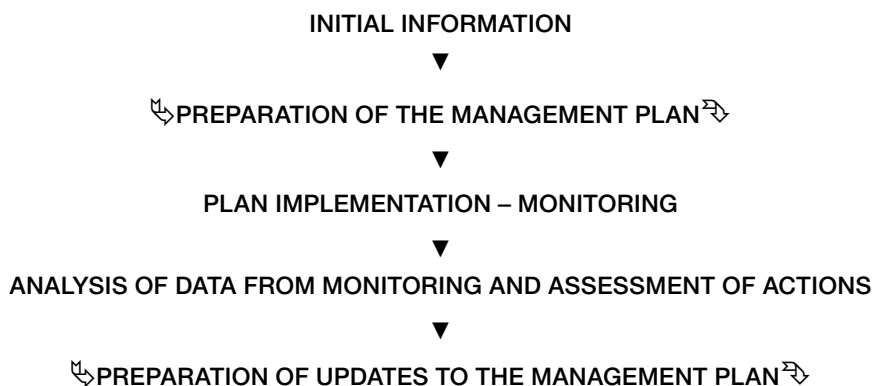
<sup>10</sup> R.W. Griffin, *Podstawy zarządzania organizacjami* (Warsaw 1996).

<sup>11</sup> S. Kowalczyk, "Informacja w monitorowaniu otoczenia organizacji" in *Monitorowanie otoczenia, przepływ i bezpieczeństwo informacji. W stronę inteligencji przedsiębiorstwa* (Zakamycze, 2003), 15–31.

Issues relating to heritage management have not been specified in the Polish system of monument protection yet. They are, however, present in programming documents of UNESCO world cultural and natural heritage.

*Operational Guidelines for fulfilment of the World Heritage Convention* are of utmost importance in this matter.<sup>12</sup> They consist of recommendations, executive regulations complementing the *Convention on the world cultural and natural heritage protection*, which provides the basis for the UNESCO World Heritage List. According to *Operational Guidelines*, each world heritage site should be provided with a management plan or system, which would serve as an instrument for protection and conservation planning, as well as proper use and development of the world heritage site. The guidelines concerning the world heritage site management system are general, yet it is emphasised that this type of system must be an instrument for protecting, conserving, and presenting the property. Effective management consists of the following elements: proper recognition of property value, appropriate planning cycle, implementation, monitoring and assessment, as well as verification of strategic documents, engagement of partners and stakeholders, the increase in competences and guarantee of appropriate means and resources. The strategic document, i.e. management plan, plays fundamental role in the management system.<sup>13</sup> Its preparation, implementation, and verification is a constant process, which allows stakeholders to react flexibly to the changes taking place. These changes have to be recorded by the monitoring system included in the management plan. Monitoring is therefore a peculiar pivot of the management process and essential element in updating all management documents.

The scheme below presents the place that monitoring occupies in the management system:



## 2.2. Structure of monitoring

After recapitulating the variety of theoretical proposals and pilot trials of monument monitoring, various fields of interests may be mentioned – types of monitoring existing in the monument protection and heritage management:

<sup>12</sup> "Operational Guidelines for the implementation of the World Heritage Convention", UNESCO [website], <<http://whc.unesco.org/en/guidelines/>>. Translated from English into Polish in 2012 by K. Piotrowska and B. Szymgin, "Wytuczne Operacyjne do realizacji Konwencji Światowego Dziedzictwa", *Polish National Committee – ICOMOS* [website], <<http://www.icomos-poland.org/index.php/pl/dokumenty-doktrynalne>>.

<sup>13</sup> B. Ringbeck, *Management Plans for the World Heritage Sites. A Practical Guide* (Bonn, 2008).

ITEM NUMBER	TYPE OF MONITORING	SCOPE
1.	Property monitoring	assessment of the state of conservation of elements of historical significance and observations of changes
2.	Risk monitoring	assessment of risks and threats and identification of their nature
3.	Management monitoring	Identification of changes in property use and management, as well as legal conditions concerning the property
4.	Monitoring of actions	evaluation of effectiveness of a specific programme, project, and process on the basis of chosen indicators

In order to carry out effective (and intentional) monitoring, the following aspects need to be determined:

- subject of research
- structure of activities – data gathering – data sources
- periodicity of actions
- contractor
- receivers and target
- scale of marks and the system of data interpretation
- principles of preparation, archiving and publication of the results

The following aspects must be observed in monument protection monitoring:

- aspects used for management
- aspects which are exposed to change

These are common, yet different collections. The observations include in particular:

- The legal status (including the status of administrative control)
- The state of ownership (including the identification of stakeholders of the management process)
- The research status (scientific dimension)
- The state of conservation (a detailed questionnaire of the property's state of conservation in different scales and material aspects)
- Risks (the observed and the potential ones – retrospective and preventive monitoring)
- Needs (the observed and the potential ones – retrospective and preventive monitoring)
- Actions (initiatives on the state of conservation and property development)

The method of monitoring depends on the scale and specificity of the subject – different tools are applied in monitoring an urban ensemble, e.g. Cracow, a protected landscape ensemble e.g. Kalwaria Zebrzydowska, or a single property, e.g. the Peace Church. Monitoring of 'serial' objects inscribed on the World Heritage List is a separate, frequently unnoticed issue.

### 2.3. Monitoring in pragmatics of World Heritage

The issues of monitoring have been discussed almost in all documents and reflected in actions connected with world heritage.

The discussion about the need for monitoring of places as well as methods of implementing *the World Heritage Convention* was initiated in the meeting of the Committee already in 1982. Initially, a draft *Report on the state of the place of conservation* was prepared (SOC report). Discussions about the form of the periodic reporting have been held since 1987. According to the official statement of 1992, establishing systematic monitoring of world heritage properties is one of the action objectives (strategic directions; property 4). *The principles and the template of interim report* were formally adopted in 1998. This was the year of the first cycle of periodic reports. The first periodic report ever was compiled between the years 1998 and 2006. The subsequent edition of the report is being developed and its implementation has been planned for the period of 2008–2015. The system of monitoring of properties which operates in the pragmatics of World Heritage might be precisely characterised on the basis of documents connected with reports and Operational Guidelines.<sup>14</sup>

Since 2011, the Operational Guidelines include recommendations for presenting the detailed issues of monitoring already at the stage of preparing nomination proposal for a property to be inscribed on the World Heritage List. The description of the state of conservation of a property at the moment of its inscription is of great importance to the process of monitoring the property in the future. This is a 'zero state', which is a point of reference for further information. What is therefore required in the nomination proposal is specification of not only the persons and institutions responsible for management but also the management system, legal circumstances, physical condition of a property, threats, conservation works carried out in a property, property conservation methods, and frequency of conservation audits. What is also expected is the information about the property monitoring system operating in a specific area. According to the latest trends in the World Heritage pragmatics, it is advisable to indicate in the document the existing and/or proposed key indicators for measuring and assessing condition of a property.<sup>15</sup> Since the indicators have not been specified in majority of older nomination proposals, retrospective determination of those indicators for each property is advisable.

Under the Convention of the World Heritage, State Parties are obliged to compile reports examining implementation of the Convention in properties inscribed on the World Heritage List. Representatives of the World Heritage Committee set up a process of controlling monitoring and periodic reporting for the proper implementation of the Convention.

The control monitoring process is carried out temporarily in the event of signals of threat or the need for supporting protection actions in a specific site. Its scope is adapted to the needs and specific nature of a particular site. Monitoring relating to the periodic report is, however, repeatable and systemic. The main purposes of periodic reports include:

- providing assessment of the application of the World Heritage Convention by a State Party;
- providing assessment as to whether the Outstanding Universal Value of the properties has been preserved;
- providing information about changing circumstances and property condition;
- providing mechanisms for regional cooperation and exchange of information and experience concerning the implementation of the Convention.

<sup>14</sup> <<http://whc.unesco.org/en/118/>>

<sup>15</sup> D. Marshall, *Preparing World Heritage Nominations (Second edition, 2011). Resource Manual* (UNESCO / ICCROM / ICOMOS / IUCN, 2011).



The periodic report is divided into two sections:<sup>16</sup>

Section I refers to legislative and administrative provisions as well as to other actions aimed at applying the Convention;

Section II refers to the condition of specific World Heritage properties located on the territory of the State Party concerned.

Periodic reports are submitted in six-year cycles. The completion of a cycle results in adoption of the action plan for each UNESCO region. State Parties to the Convention submit the report compiled in compliance with the format defined by the World Heritage Committee. It is possible to observe tendencies for expanding the questionnaire in subsequent reports.

The current *Format for the periodic reporting on the application of the World Heritage Convention* and *Comments to the format* include a developed system of targeted questions concerning the condition of the property, its protection, management, and making it available to visitors. It is additionally emphasised that the indicators listed in the nomination proposal for a property to be inscribed on the WH List should be taken into account. Furthermore, what was given particular attention in the UNESCO periodic report questionnaire was the vast range of detailed factors which influence a property, i.e.: monitoring indicators concerning assessment of effectiveness of managing a property inscribed on the World Heritage List, buildings and their development, transport and technical infrastructure, pollution, application and modification of biological resources, exploitation of natural resources, local conditions which influence the physical matter of the site (environmental or biological factors which affect the deterioration of the condition of a specific site, e.g. wind, temperature, humidity, radiation or light, dust, water, pests, microorganisms), social or cultural ways of using heritage (including the influence of tourism on the property); other human activities (including illegal actions, aggression, deliberate damage), climate changes and extreme weather conditions (e.g. floods, storms and hurricanes), sudden ecological or geological events, management and institutional factors (e.g. research and control actions) and other factors (which are to be listed by the person filling up the report, in compliance with the property specificity). Altogether, the questions concern 76 factors, which may exert influence on a site inscribed on the World Heritage List. These factors need to be identified. It is also essential to determine whether the negative or positive, real or potential, internal or external factors exist and assess their influence on the property. What was applied in all subject areas was not only the '0–1' scale ('exists – does not exist') but also mutually exclusive indicators of the nature of the impact. An additional assessment scale has been introduced for factors defined as negative. All of the aforementioned aspects are to provide support in compiling the report and formulating conclusions concerning the desirable directions of the evolution in protecting, managing, and presenting a WH site.

Another issue relates to the scope of interests of the persons monitoring World Heritage sites. A site inscribed on the World Heritage List is known as an obvious area. Monitoring, however, concerns also a buffer zone and it frequently focuses on factors which go far beyond this zone. Although the scope of interest results from the holistic approach to a monument or site inscribed on the World Heritage List, it is determined by careful selection of indicators, which enable the data collected during the monitoring process to be 'measured' and analysed.

## **2.4. CONCLUSION – THE STRUCTURE OF MONITORING AS AN ELEMENT OF HERITAGE MANAGEMENT**

As a result of synthesising the data outlined in World Heritage documents concerning the issue of management and monitoring, it is possible to indicate the desirable structure of monitoring

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<sup>16</sup> <[http://whc.unesco.org/include/tool\\_video.cfm?youtubeid=h8AyfdDp\\_RI&autoplay=1](http://whc.unesco.org/include/tool_video.cfm?youtubeid=h8AyfdDp_RI&autoplay=1)>

a site. With regards to this structure, it is of considerable importance to define observation spheres and ascribe appropriate indicators to them. A possible solution has been presented in the table below.

Monitoring a property – sphere of monitoring  
 – factors which influence the property and its surroundings

name of the element /monitoring area	Indicators
Property value defined by Outstanding Universal Value (OUV) attributes	Value indicators and, at the same time, a physical matter of the property.
Management system	changes in ownership administrative changes changes of legal qualification /protection form/ financing (financing sources and level, income structure – the extent of the funds provided, earned funds, other funds) existence/relevance of the management plan
Documentation, research and popularization	Publications documentation research programmes archaeological works events conferences exhibitions tourist traffic educational personnel – guides assigned to a site research facilities – assigned to a site
Conservation	conservation works identified needs for conservation works quality assessment of conservation works assessment of works relevance
Safety external factors/ threats – natural – anthropogenic – functional /sphere described by OUV attributes/	The presence and condition of security systems The presence and the condition of verification systems frequency of threats disasters and catastrophes
Operating	property's accessibility intensity of tourist traffic functional changes demographic changes

### 3. MONITORING METHODOLOGY IN TERMS OF THE SYSTEM OF ATTRIBUTES OF THE WORLD HERITAGE SITE VALUE

#### 3.1. Outstanding Universal Value (OUV) and its attributes

For protecting and managing a property effectively, it is essential to precisely define what property will be analysed. The key elements characterising a property inscribed on the World Heritage List consist of: defining the world heritage site and indicating its boundaries and value. Methodology of this process evolves concurrently with developing and maintaining the List. Declaration of Outstanding Universal Value (OUV) plays a fundamental role in defining the term 'site' in terms

of the current pragmatics of the World Heritage. The most accurate definition of this declaration is provided in Operational Guidelines of 2005, according to which:

*Outstanding Universal Value means cultural and and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity. As such, the permanent protection of this heritage is of the highest importance to the international community as a whole. The Committee defines the criteria for the inscription of properties on the World Heritage List.*

*In order to possess OUV, the property has to satisfy conditions of integrity and authenticity and possess an adequate protection and management system, which will guarantee preservation of the property.<sup>17</sup>*

Attributes of a site deriving from the OUV declaration and a tailored system of indicators complement the definition of the term 'site'. Attributes and indicators, which should be 'measurable', aim at establishing appropriate tools for monitoring WH sites. Issues relating to establishing the system of attributes and indicators have been addressed in 2011 in a programme under the name "Improvement of the protection and management systems of properties inscribed on the UNESCO World Heritage List – preparation of the declaration of OUV and indicators of monitoring on the basis of experience of Norway and Poland."<sup>18</sup> It is worth mentioning that a significant part of properties inscribed on the World Heritage List still has no system of attributes and indicators. Moreover, OUV declarations created in compliance with changing patterns fail to make system standardisation easier. In order to deal with the (unavoidable) diversity, it is recommended to formulate retrospective OUV declarations on the grounds of the current methodology and to define value attributes for each site again. It is also important, inasmuch as value attributes lay foundations for the system of property monitoring in the current World Heritage pragmatics. According to Operational Guidelines and the programme documents concerning World Heritage, monitoring is an integral and essential element of the management system.

### **3.2 Monitoring OUV attributes**

Due to monitoring OUV attributes, it is possible to understand the importance of changes in world heritage sites. We presume that OUV represents an initial state, 'zero state' of a site at the moment of inscribing it onto the List. Attributes referring to physical features of a property are naturally susceptible to changes. In order to get to the core of monitoring, it is necessary to understand the dynamics of these changes. As a result, it will be also possible for site management policy and strategy developers to retrieve a great deal of fundamental information. Tables prepared as a part of the programme under the name "Improvement of systems of protection and property management inscribed on the UNESCO World Heritage List – preparation of the OUV declaration and indicators of monitoring on the basis of experience of Norway and Poland, 2011" present the mechanism of relations among indicators and observation methods, based on examples of the "Historic Centre of Cracow" and "Wooden Churches in Southern Małopolska," which are considered World Heritage sites.<sup>19</sup>

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<sup>17</sup> *Operational Guidelines*, WHC.05/02, 2 February 2005, paragraphs 49 and 78.

<sup>18</sup> Summary of the programme provided in B. Szmygin (ed.), *Wyjątkowa Uniwersalna Wartość, a monitoring dóbr światowego dziedzictwa* (Warsaw, 2011).

<sup>19</sup> The table for Cracow has been prepared by A. Siwek and for Wooden Churches in Małopolska – by A. Fortuna-Marek.

Property monitoring – reference to specific OUV attributes  
/“Historic Centre of Cracow”/

<b>Item number</b>	<b>Attribute</b>	<b>Indicator</b>	<b>Method of research</b>
1.	urban arrangement – the sum of settlement ensembles	Preserving the diversity of specific (3) components of ensembles.	Satellite picture Background maps Periodic comparison
2.	urban organisation – in each of the settlement complexes	Preserving the layout of streets, buildings, their proportions, area occupancy	Satellite picture Background maps Periodic comparison
3.	boundaries – tangible and intangible	Clarity of spatial administrative, urban, and mental borders and boundaries	Satellite picture Background maps Periodic comparison of legal changes Sociological questionnaire and/or review of media statements
4.	Layout of streets and squares	Stability of an urban organisation	Satellite picture Background maps Analysis of urban investment projects – location, theme.
5.	pattern of cadastral parcels	Stability of ownership rights	Analysis of cadastral maps.
6.	building block layout	Stability of the basis of urban organisation	Satellite picture Background maps Analysis of urban investment projects – location, theme.
7.	multiphase buildings of historical significance	Preservation of the elements of historical significance	Analysis of conservation and building permits as well as construction supervision services in a specific area. Review and photographic documentation of specific areas.
8.	multifunctionality of buildings	Stability of the traditional purposes served by buildings and/or selection of purposes which do not contradict the nature of a building of historical significance.	Review and photographic documentation of specific areas.  Analysis of selected permits for changing purposes that buildings of historical significance serve.

9.	overall dimensions of a building or ensemble of buildings	Preserving original dimensions of a building	Analysis of conservation and building permits as well as interventions of construction supervision services in a specific area. Review and photographic documentation of specific areas.
10.	façade design	Preservation of the original façade design	Analysis of conservation and building permits as well as interventions of construction supervision services in a specific area. Review and photographic documentation of specific areas.
11.	equipment – movables	Preserved elements of interior design as well as public and private collections.  1. Elements available – public interiors.  2. Elements preserved – interiors and private collections.	Analysis of conservation permits granted (conservation of moveable monuments).  Review and photographic documentation of specific areas.  Review of the media reports – questionnaire.
12.	public space	Development stability and organisation of public space in a city.  1. Architectural design values  2. Functional values	Review and photographic documentation of specific areas.  Analysis of spatial planning documents.  Analysis of legislation in terms of urban development and traffic management
13.	greenery of historical significance	Stability of greenery of historical significance and green composition arrangements in a city.	Review and photographic documentation of specific areas focused on maintaining green areas.  Analysis of conservation permits aimed at maintaining greenery of historical significance .  Analysis of decisions made by environmental protection agencies (tree cutting permits).

14.	Ways, roads, and pavements	Preservation of ways, roads, and pavements of historical significance, harmonizing new ways, roads, and pavements with the nature of a site.	Analysis of conservation and construction permits as well as interventions of construction supervision for a specific area. Review and photographic documentation of specific areas.
15.	street furniture	Preservation of the nature of small architecture in compliance with the historical character of a given site.	The analysis of conservation and construction permits as well as interventions of construction supervision for a specific area. Review and photographic documentation of specific areas.
16.	panorama	City outline observed from specific viewing points and key directions.	Analysis of pictures taken from characteristic viewing points.
17.	view corridors	Viewing relations of key objects, compositional axis	Analysis of pictures taken from characteristic viewing points.
18.	view over the historic monument – selected views	Exhibition of specific objects – either historical or contemporary.	Analysis of pictures taken from characteristic viewing points.
19.	intangible values – relating to specific assets	Traditional functions, nomenclature, legends and events relating to the asset.	Asset review and analysis of media reports.
20.	intangible values – relating to a city considered a functional organism	Intangible tradition and customs of a place.	Analysis of media reports. Questionnaires for tourists – newcomers.
21.	archaeological layers and relics – exhibited	Extracted, protected, and exhibited archaeological relics.	Analysis of permits for carrying out archaeological works and conservation of (immovable) archaeological objects.
22.	archaeological layers – preserved	Identified and probable archaeological layers which have not been examined and exhibited.	Prospection of specific areas (or examination of the surface for verification).

Monitoring of a property in terms of its attributes  
/“Wooden Churches of the Southern Małopolska”/

Attribute	Indicator	Measurement/research method
<b>Material</b>		
sill plate, wall framing, ceilings, rafter framing, woodwork, etc.	<ul style="list-style-type: none"> <li>– preservation of the material of historical value</li> <li>– faithfulness of the new elements to the original ones</li> <li>– mechanical damage</li> <li>– moistness, fungal attack, presence of bark beetles</li> </ul>	<p>documentation (e.g. photos) and a list of elements; assessment (yes/no) of each element</p> <p>a list of the types of damage a quantitative list of the damaged elements damaged</p>
shingle	<ul style="list-style-type: none"> <li>– degree of saturation with protective agents</li> <li>– mechanical and biological damage</li> <li>– type and method of treating the shingle to be replaced</li> </ul>	<p>the date of the most recent shingle replacement or conservation and assessment of its condition</p> <p>Damaged blocks (per cent) New elements – quality assessment</p>
metal sheet	<ul style="list-style-type: none"> <li>– the state of conservation of metal sheet</li> <li>– a kind and method of treatment of the metal sheet for replacing</li> </ul>	<p>the date of the last metal sheet replacement or conservation and assessment of its condition assessment of the quality of the new material and its adaptation to a property of historical significance</p>
<b>Construction</b>		
framing, carpentry joining, rafter framing, connecting fragments from the upper ceiling, catches, tower and bell tower	<ul style="list-style-type: none"> <li>– preservation of construction elements</li> <li>– faithfulness of construction elements replacing the old ones</li> </ul>	<ul style="list-style-type: none"> <li>– technical condition assessment</li> <li>– list of elements to be replaced and description of any incompatibility</li> </ul>
<b>Architectural form</b>		
shape	shape transformations	<p>the extent of possible transformations made to the shape</p> <ul style="list-style-type: none"> <li>– description of changes in reference to the last monitoring</li> </ul>
details of architectural design	element transformation	<p>the extent of transformations – description of changes in reference to the last monitoring</p>
carpentry and blacksmithing elements, inscriptions		
hooks and fastening, portals, window architraves, other elements	<ul style="list-style-type: none"> <li>– the degree of mechanical and biological damage</li> <li>– reconstructed elements – faithfulness to the original</li> </ul>	<ul style="list-style-type: none"> <li>– description of damage</li> <li>– a list of elements to be replaced, description of incompatibilities</li> </ul>

carpentry marks	the degree and state of preservation	changes – comparison with the previously conducted surveying; – technical condition assessment
inscriptions on frames	the degree and state of conservation	changes – in comparison to the previously conducted surveying; technical condition assessment
<b>Polychrome</b>		
	<ul style="list-style-type: none"> <li>– the state of conservation of the paint layer</li> <li>– air humidity</li> <li>– conservation works</li> <li>– quality and usefulness of conservation works carried out</li> </ul>	<ul style="list-style-type: none"> <li>– description of threats and changes (moistness, fungal attack, stains, discolouration, detachment, flaking off the paint layer, active bark beetles, paint defects, other)</li> <li>– humidity measurement</li> <li>– list of works carried out on polychrome (based on the list of properties entered into the register of historic monuments and sites) provided in a table: asset, scope of works, the date of carrying out these works (beginning and acceptance, funding sources)</li> <li>– assessment of the works carried out, data analysis</li> </ul>
<b>Equipment</b>		
	<ul style="list-style-type: none"> <li>– completeness of the elements of equipment</li> <li>– conservation works</li> <li>– quality and usefulness of conservation works carried out</li> <li>– authenticity of elements of equipment (originals or copies)</li> </ul>	<ul style="list-style-type: none"> <li>– the number of the elements of equipment (verifying the list made in the beginning)</li> <li>– list of works carried out on the elements of equipment (based on the list of properties entered into the register of historic monuments and sites) provided in a table: property, scope of works, the date of carrying out these works (beginning and acceptance, funding sources)</li> <li>– assessment of works carried out, data analysis;</li> <li>– list of elements of equipment replaced by copies</li> </ul>
<b>Function</b>		
Religious	<ul style="list-style-type: none"> <li>– compliance with the initial purpose</li> <li>– accessibility of the property to visitors</li> </ul>	<ul style="list-style-type: none"> <li>– yes/no/occasionally</li> <li>– inaccessible/difficult to access/easy to access</li> </ul>
vereneration for the image	pilgrimage intensity	the number of pilgrims



<b>Surroundings/ensemble of historic buildings (within UNESCO inscriptions)</b>		
surroundings – elements of historical significance	<ul style="list-style-type: none"> <li>– completeness of the elements of historical importance characteristic to the ensemble</li> <li>– the state of conservation of historic elements of the ensemble (e.g. buildings, fence, the old trees, cemetery, shrines, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>– list of changes in comparison to the last monitoring conducted; photographic documentation</li> <li>– assessment of the technical state</li> </ul>
old trees	<ul style="list-style-type: none"> <li>– the state of preservation</li> <li>– nurturing works</li> </ul>	<ul style="list-style-type: none"> <li>– the number of trees that has changed since the beginning; health condition assessment;</li> <li>– list and analysis of the granted conservation permits for nurturing the greenery of historical significance and assessment of the already conducted nurturing works</li> </ul>
land development	<ul style="list-style-type: none"> <li>– the condition of land development</li> <li>– changes in the development, introduction of new elements</li> </ul>	<ul style="list-style-type: none"> <li>– determining the elements to be monitored (list – e.g. fence, car park, farmyard, newly designed greenery, lighting). Pictures taken from permanent viewing points. Analysis and description of changes</li> <li>– comparison to the last monitoring.</li> </ul>
<b>Landscape</b>		
landscape within the buffer zone	<ul style="list-style-type: none"> <li>– changes in landscape within the buffer zone</li> <li>– regulations provided in the local zoning plan which exert influence on the property and its surroundings</li> <li>– investment projects implemented within the buffer zone</li> </ul>	<ul style="list-style-type: none"> <li>– satellite pictures, background maps, pictures taken from permanent viewing points. Analysis and description of changes – comparison to the last monitoring.</li> <li>– list of local zoning plans and assessment of the influence that regulations exert on the property and its surroundings</li> <li>– satellite pictures, background maps, list and analysis (assessment) of the already granted building permits</li> </ul>
insights into the asset	changes in landscape	<ul style="list-style-type: none"> <li>– pictures taken from the permanent characteristic viewing point. Analysis and description of changes – comparison to the last monitoring conducted.</li> </ul>

#### **4. SUMMARY – SUGGESTIONS FOR THE AUTHORS OF THE MANAGEMENT PLAN**

##### **4.1. General remarks**

The aforementioned conditionings and analyses prove that monitoring is an important element in the property protection and management system. Additionally, it is an essential component of any Site Management Plan.

In the World Heritage pragmatics it is assumed that the monitoring system should be developed already at the moment of inscribing a property on the World Heritage List. In fact, however, it is frequently just the opposite, in particular in reference to older inscriptions. Establishing site monitoring is still a current and important task.

Detailed information on monitoring expected by the Committee on the World Heritage is in particular provided in the Operational Guidelines for the Implementation of the World Heritage Convention as well as in the annexed sample nomination proposal for inscribing a property on the World Heritage List, and in the current periodic reporting form.

The aim of monitoring is to diagnose property condition and all changes thereto (both beneficial and the unwelcome ones). In the World Heritage pragmatics, monitoring is used for checking whether a property inscribed on the List preserves the value whose presence was the key reason behind inscribing this property onto the WH List.

Monitoring involves gathering data which can be updated and reported on regular basis, so that it would be possible to indicate what the qualitative and quantitative trends in changes are in a specific period. The fundamental tasks comprise monitoring resources and threats.

OUV (Statement of Outstanding Universal Value), its attributes and indicators relating to it are used for defining the subject of monitoring.

Attributes (if they have been defined) should be revealed in the course of analysing property management system. This analysis, however, could also lay foundations for identifying these attributes. The statement of value (OUV) and the quality of a site (Authenticity + Integrity) should be related to the system of attributes. Monitoring, however, should be related to the attributes of indicators.

It is important for the indicators to be measurable (indicators in the form of numbers are recommended). Presentation of indicators in a repeated manner should be also possible, as it will facilitate defining their changes over time. The indicators might be of different nature, which is the result of specificity of objects being monitored. Accuracy and effectiveness of indicators should be subject to repetitive assessment and modification.

Both types of monitoring can be applied in the management system:

1. 'Static', i.e. observation and documentation of the condition of heritage properties and changes made to them (understood as a whole of the world heritage site and its value);
2. 'Dynamic', i.e. observation of selected indicators determining the effects of an action and implementation of Management Plan objectives;

The structure of Outstanding Universal Value (OUV) and the attributes relating to it exert influence on the proportion of the monitoring types in the management process.

#### **4.2. Editorial remarks (detailed)**

What should be provided in the first instance when preparing the Management Plan is the specification of the property and the subject of management (and monitoring). It is obligatory to illustrate property boundaries and its buffer zone.

Material to be started with consists of: nomination documents, decision of the Committee on inscribing the property onto the List, further decisions affecting characteristics of the property (change or precise determination of boundaries, change of a name, etc.) and the current declaration of OUV.<sup>20</sup>

<sup>20</sup> A set of current documents for each site might be verified on the official website of UNESCO, under the tab "The List of World Heritage," then "Description of a Specific Site," and the tab "Documents". For example, documents for Cracow: <http://whc.unesco.org/en/list/29/documents/>

It needs to be verified whether these documents enable the 'zero condition' to be defined, i.e. the condition of the property at the moment of inscribing it onto the List. If this is not possible, the condition of the property needs to be defined on the basis of external sources.

Defining the initial condition is an essential element of monitoring. It enables changes to be indicated and their meaning to be interpreted.

The initial stage of actions aimed at developing the Management Plan should involve verification of information about the existing property monitoring systems and other sources of information about a site.

If the site has no formalised monitoring system which can be 'taken over' for the purposes of formulating the management plan, such a system needs to be developed.

In this instance, the following information needs to be defined:

- structure of actions
- rules governing the process of data collection
- sources of data collection
- mechanisms and institutions involved in data collection
- periodicity of actions
- executors
- recipients and aims of monitoring
- assessment scale and data interpretation system
- principles of producing and archiving results as well as making them available
- the system of transferring monitoring documents for an update on the management plan and the strategy of the site's management.

Each of the aforementioned points can be adjusted to the scale and structure of a monitored site. It is even indicated in the Operational Guidelines that it is necessary to adjust the tools and methods of action to the specific nature of the site being investigated. The structure of monitoring should be therefore always related to OUV and its attributes.

The table below presents a sample structure of site monitoring.

Property value as defined by OUV attributes	- Condition (a detailed, attribute-based questionnaire concerning the condition of an property in different scales and material aspects)
Management system	- Legal circumstances (including administrative control) - Ownership (including identification of management process stakeholders)
Documentation, research, and marketing	- Research status (scientific dimension) - Promotional and informational activities
Conservation	- Needs (registered and potential – retrospective and preventive monitoring) - Actions (initiatives on the state of conservation and property development)
Safety external factors/ threats - natural - anthropogenic - functional /sphere described with OUV attributes/	- Threats (registered and potential – retrospective and preventive monitoring)
Use	- Needs (registered and potential – retrospective and preventive monitoring) - Actions (initiatives on the state of conservation and property development)

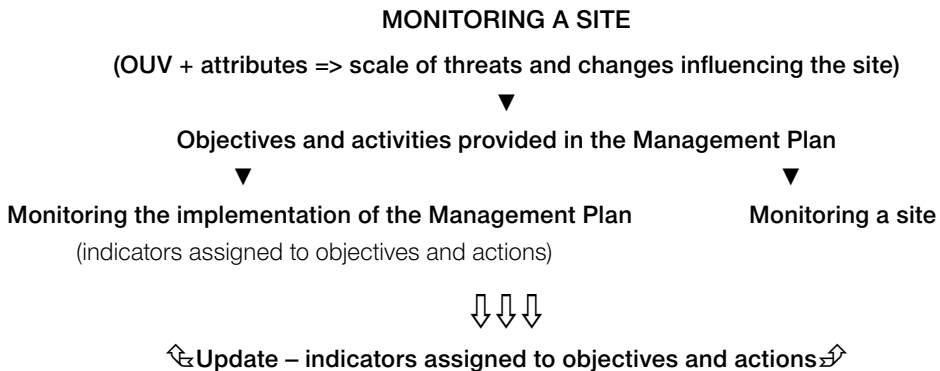
### 4.3. Monitoring the Management Plan

What should be extracted as a result of monitoring a site (with reference to its value, attributes and indicators) is information about the condition of a specific site, needs relating to it, and threats it may face.

Analysis of this data should result in formulating Management Plan objectives and actions relating to site management and protection.

These objectives and actions should relate to the system of indicators, which enables effectiveness of actions, their actual impact on a site, value and protection of a site to be assessed.

A coherent system should function as in the diagram presented below:



Monitoring implementation (effectiveness) of the Management Plan should function as an independent element of a system used for optimising management. Indicators should enable accomplishment of the objectives and implementation of all related actions to be assessed in terms of quality and quantity.

It can be concluded that heritage management, which results in preparation of strategic documents, i.e. site management plans, is a new perspective of monument protection. It is a peculiar answer for evolutions of the modern world and understanding of the role that historic monuments play. Monitoring, however, is a management component, which is present in each stage of performing actions, either as an information source or as a tool for verifying the decisions made, and the quality and effectiveness of management strategies. For this reason, the future of properties of historical significance (the world heritage site) depends on the quality of data collected in monitoring.



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## “RECOMMENDATION ON THE HISTORIC URBAN LANDSCAPE” – A NEW APPROACH TO PROTECTION OF THE WORLD HERITAGE

Bogusław Szmygin

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Properties to be protected and managed as World Heritage include, especially, such properties that are considered to be of outstanding value in terms of criteria on the basis of which a property may be included in World Heritage List. It means that protection and management of heritage should be focused on preserving not only its outstanding universal value but also its authenticity and integrity. The entire heritage protection and management system, which is specified in documents and procedures concerning the World Heritage, is aimed at preserving these elements and qualities.

Although priorities in the protection and management of heritage may be explicitly determined, it does not mean that all other aspects of their functions are unimportant. World Heritage consists predominantly of ‘resided heritage’, i.e. buildings, sites, and ensembles of buildings resided by different stakeholder groups. Heritage serves a number of purposes, hence such assets as flats, offices, cultural event facilities, exhibitions and displays, commercial areas, transportation zones, tourist attractions, etc. fall under this category. In order to fulfill each of these functions, a property must meet specific requirements, standards, or be subject to particular restrictions which must be taken into consideration in the system of protection and management of World Heritage. Consequently, the following question arises: what should be the border between conservation requirements and the needs of contemporary users of heritage?

In the first decades of the existence of the World Heritage List, it was not a critical issue to look for a compromise between the protection and the contemporary use of properties. World Heritage organizers focused on establishing the List, popularizing and promoting the idea of the World Heritage, ratifying the Convention by new State Parties, encouraging the existing State Parties to submit new nomination proposals for properties on their territory to be considered for inclusion in UNESCO’s World Heritage List, as well as improving nomination assessment procedures. It was in the 1990s when the idea of World Heritage won global approval and hundreds of properties started to be included in the List. It was also noticed that more attention should be paid to the protection and management of such properties.<sup>1</sup> This revealed problems that had always existed between protection of heritage and its contemporary functions.<sup>2</sup>

*State of Conservation* Reports revealed a greater number of increasing and continuing conflicts between heritage protection and purposes that properties currently serve. It would be, however inappropriate to resolve these conflicts by lifting tougher conservation restrictions. It became therefore necessary to redefine the approach to heritage and its protection and this process took place in a number of aspects. It resulted in the General Assembly of UNESCO adopting

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<sup>1</sup> In the first decade since the establishment of the List, over 300 properties were included therein.

<sup>2</sup> Only in 1992, 7 properties were included in the List of World Heritage in Danger – the same number of properties were included in the World Heritage List in the years 1978–1989.

the new Recommendation on the Historic Urban Landscape in 2011. This document changed not only the traditional understanding of heritage but also attitudes to its protection. At the same time, it influenced the strategies for the protection and management of World Heritage. Managers of World Heritage should be therefore familiar with its sources, adoption process, and, in particular, its content.

## **1. Recommendation on the Historic Urban Landscape – determinants and genesis**

In heritage conservation and protection, the programming and normative functions are served by 'doctrinal texts' adopted by various international committees. Due to this, some of these documents exert considerable influence on heritage conservation and protection. This depends on a number of factors.

A committee receiving a document performs a particularly significant role. The importance of a document increases proportionally to the range of the authority and its influence – in terms of culture, General Assembly of UNESCO is the most global forum. Recommendation is a document of superior rank – General Assembly of UNESCO has adopted only four recommendations on heritage protection and the last was adopted in 1976.<sup>3</sup>

What is also of major significance is the scope and the content of the document. Documents concerning the most important groups of heritage, e.g. cities of historical significance, are automatically promoted to higher rank and therefore win immense popularity. Moreover, the range of these documents is also of considerable importance – there are documents that concern specific regions only.<sup>4</sup>

Another important factor is the content-reality ratio. From this perspective, documents can be grouped under two categories: The first category comprises rigorous, ideal standards, i.e. theoretical models to which reality should be adapted, e.g. The Venice Charter for the Conservation and Restoration of Monuments and Sites. The second category includes documents which synthesize, organize and sanction already existing standards, i.e. they adapt theory to reality, e.g. Nara Document of Authenticity. For this reason, these documents have supreme practical importance.

All these documents prove that the Recommendation on the Historic Urban Landscape is treated seriously both in terms of theoretical and practical aspects. It is therefore particularly significant to present the context in which the document was produced.

### **1.1. Protection of historic cities inscribed on the World Heritage List – pressing problems**

Although attitudes to protection and management of the whole heritage are changing, historic cities are the area in which the Recommendation on the Historic Urban Landscape was originally introduced and which it concerns. It is the protection and management of historic cities which have become important elements in transforming and modernizing the movement of the World Heritage.

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<sup>3</sup> Until 2011, General Assembly of UNESCO adopted the following recommendations: Recommendations concerning "The Safeguarding of the Beauty and Character of Landscapes and Sites" (1962), "The Preservation of Cultural Property endangered by Public or Private works"(1968), "The Protection, at National Level, of the Cultural and Natural Heritage"(1972), "The Safeguarding and Contemporary Role of Historic Areas" (1976).

<sup>4</sup> For example – *China Principles* or *Burra Charter*. Although the range of these documents is originally not very extensive, their content is evaluated positively.

Historic cities have always been inscribed on the World Heritage List and they fall under the largest typology category of properties inscribed on the List.<sup>5</sup> Since the establishment of the World Heritage List, however, no separate methodologies for analyzing values of historic cities have been developed, which would focus on the qualities of such cities.<sup>6</sup> Consequently, historic cities were analyzed in similar manner to single historic monuments, i.e. similar terms, rules and protection plan requirements were applied.

The lack of separate rules governing the protection of historic cities, including also the ones inscribed on the WHL, was additionally strengthened by conservation theory. Formally, conservation principles were still universal and heritage was equally valuable. Although doctrinal documents concerning historic cities only were still produced, e.g. Washington Charter (ICOMOS Charter for the Conservation of Historic Towns and Urban Areas, 1987), the Venice Charter was still declared to be binding. At the same time, subsequently issued documents, e.g. The Nara Document on Authenticity (1994), were to be binding on the whole heritage. Consequently, the rules governing protection of historic cities as well as strategies for enforcing these rules started to become increasingly inconsistent. Moreover, as analysis tools failed to satisfy the real needs, conservation circles started to lose control over the increasingly radical transformations of historic cities.

The problems arising from the need to modernize cities are long-standing as they occurred for the first time a few decades ago. The issue was raised and highlighted in previous 'urban' recommendation adopted in 1976, i.e. Recommendation concerning the Safeguarding and Contemporary Role of Historic Areas. This document focused on problems arising from preservation of historic cities and their integration into the modern environment. The issue, however could not be settled due to approaches developed at that time. In particular, a historic city was considered a collection of tangible assets. Protection (in compliance with conservation regulations being in force at that time) was provided to tangible elements of historical significance. This approach did not encourage looking for compromise solutions; protection came down to choosing between modernizing and protecting.

The problem was, however, not clearly visible since in the 1960s, 1970s, and 1980s cities developed particularly by sprawling into new areas. Due to this, while modern cities were expanded into uninhabited areas, historic cities remained beyond the trend for transformations and were left on the 'margin of contemporariness'.

The situation started to change in the 1990s and in the 2000s it became a serious issue in the most valuable ensembles inscribed on the World Heritage List. What was becoming increasingly popular was erection of new buildings, especially skyscrapers, which, according to architects and designers, were conceived to be 'new icons'. Distinctive and unique qualities of these buildings, i.e. their form, scale, material, started to be in high demand and, consequently, these properties overwhelmingly dominated historic urban landscape in such cities as Vienna, Prague, Cologne, St Petersburg, Graz, Liverpool. New projects and investment plans resulted in conservators and administrators responsible for protecting cities included in World Heritage List re-approaching the problem in question.<sup>7</sup>

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<sup>5</sup> Twelve entries made in 1978 included two historic cities. In 1980s and 1990s the majority of entries into the List concerned historic cities. Currently, although new entries concern primarily cultural landscapes, it is historic cities whose number is predominant in the List.

<sup>6</sup> These tools must not include 'doctrinal texts', e.g. the ones issued by ICOMOS.

<sup>7</sup> This was the approach adopted in Vienna by Francesco Bandarin, the Head of UNESCO World Heritage Centre, who suggested adopting a new UNESCO recommendation – F. Bandarin, *The Vienna Memorandum*, Vienna 12 May 2005.



Basing on purposes served by non-European cities resulted in the need to adopt a new approach to the protection of ensembles of buildings located in old towns. An increasing number of African, Asian, and South-American cities, whose distinctive qualities did not depend on historic buildings only, started to be included in the World Heritage List. These cities reflected and preserved the character and structure of local communities and their cultures. These communities found a number of elements of developing and using these areas greatly significant. It was more important, however, to preserve the continuity of using and erecting buildings (repeating traditional patterns in modified forms and made of the latest materials) than to preserve the material form and elements of historical significance of such buildings. Due to this, protection programmes in these cities ought to be different from the ones applied in European cities. Consequently, people became more aware of the necessity to develop analysis and protection tools used for defining the nature and distinctive qualities of these cities.<sup>8</sup>

The need to redefine the strategies for dealing with historic cities has been formally expressed in a number of conservation documents. Conservation circles focused in particular on improving contemporary understanding of heritage (as subject of protection) and defining its role in development of contemporary societies and the way they function. These approaches were presented in the following documents: ICOMOS Xi'an Declaration – ICOMOS General Assembly 2005, Xi'an, (Setting of Monuments and Sites); ICOMOS General Assembly 2008, Québec, (Spirit of Place); Valletta Principles – ICOMOS General Assembly 2011, Paris. ICOMOS, as an international organization, was predominantly responsible for carrying out these actions.

Similar conclusions were drawn in documents adopted in assemblies during which issues relating to contemporary city development and using heritage as an element of this development were explored, e.g. on HABITAT II Conference in Istanbul (1996), UNESCO Intergovernmental Conference on Cultural Policies for Development in Stockholm (1998), World Bank-UNESCO Conference on Culture in Sustainable Development–Investing in Cultural and Natural Endowments (1998).

These initiatives reflected the need for defining the specific character of protecting historic cities in terms of accelerating urbanization, modernization, and globalization processes. They also aimed at summarizing, evaluating, and codifying these aspects. As a result, the situation in the contemporary protection of historic cities can be recapitulated.

1. Due to the nature and complexity of the current processes, it is inappropriate to treat a historic city as a closed and static asset.
2. Conflicts, lack of coordination, and low efficiency in how areas of historical significance function results in separating contemporary development programmes and needs from actions aimed to protect historic areas.
3. Broadening the definition of 'heritage' generates new needs and challenges; intangible aspects of heritage become increasingly important, e.g. traditional zoning forms, functions, panoramas – townscape, roofscape.
4. Additionally, it is necessary to increase the importance and participation of local societies in the process of making decisions concerning protection of historic cities.
5. As investment projects carried out beyond boundaries of historic areas can exert influence on these zones, traditional forms of protection, i.e. outlining historic areas, are insufficient.
6. New buildings, skyscrapers in particular, which are built in close proximity to historic areas, are frequently seen as icons; due to this, investors and local authorities perceive the distinctive qualities that these properties have as advantages, e.g. their height, form, material, etc.

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<sup>8</sup> See, e.g. S. Bianca, "Historic cities in the 21st century: core values for a globalizing world" in *Managing Historic Cities* (Paris: World Heritage Centre, 2010) 27–33.

7. Investment projects aimed at providing services to investors and external users (tourism in particular) are growing in importance; consequently, a number of qualities that historic cities display are transformed.

The aforementioned arguments strongly suggest that the traditional method of protecting old town ensembles of buildings fails to satisfy contemporary requirements. This approach resulted in changing the paradigm of protecting heritage of historic cities.<sup>9</sup>

## **1.2. Developing the concept of Historic Urban Landscape and adopting the Recommendation**

Problems existing in contemporary purposes that historic cities serve were particularly visible in cities inscribed on the World Heritage List. On each subsequent meeting, the World Heritage Committee had to assess situations in a number of cities which are at risk of carrying out unfavorable investment projects. What was analyzed were the problems in Dresden, Vienna, Cologne, and London, where new investment projects spoiled urban landscapes being integral and key value of these cities. Investment pressure and modernization processes were reflected by an increasing number of 'State of Conservation' reports. At the end of the last decade, the World Heritage Committee organized annual meetings in which a considerable number of reports were analyzed. Majority of them concerned historic cities. As the situation in the cities covered in these reports did not improve, these papers were discussed every year.

As a result of the pressing necessity to improve the systems of protection and management of heritage inscribed on the World Heritage List, the World Heritage Committee decided to develop six long-time thematic programmes aimed at important groups of heritage. The objective of these programmes was to coordinate and concentrate a number of international actions and initiatives involving specific groups of heritage. One of the programmes involved historic cities (The World Heritage Cities Programme). After this programme had been developed, a number of problems were discussed and resulted in formulating the Historic Urban Landscape concept.

The programme for protecting historic cities was implemented due to issues relating to new investment projects. After being inscribed on the WHL in 2001, historic centre in Vienna turned out to be the most problematic property.<sup>10</sup> The City of Vienna decided to extend a group of high-rise buildings located in close proximity to the railway station (even some building works were started). It turned out, however that the properties will spoil the historic urban landscape. The World Heritage Committee discussed these issues at its 26th (2002) and 27th (2003) sessions.<sup>11</sup>

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<sup>9</sup> It must be emphasized that it is not possible to solve the problem in question by applying separate provisions provided in Operational Guidelines (Annex 3). What is specified in these clauses are typologies of cities that may be considered historic; no recommendations on strategies to be applied in analyzing and assessing such properties are, however, formulated.

<sup>10</sup> The Historic centre of Vienna was inscribed on the World Heritage List in 2001 under criteria II, IV and VI. The size of the Centre and its buffer zone are relatively considerable in comparison to other city centers and other capital cities and their areas amount to 371 ha and 462 ha respectively.

<sup>11</sup> Although The Vienna Memorandum was issued, the problems existing in the historic centre of Vienna persisted. Not only the issues concerning preservation of the Outstanding Universal Value but also other factors taken into account when inscribing a property on the World Heritage List are provided in different reports about the *state of conservation*, which have been prepared almost every year since 2002 (2002, 2003, 2004, 2008, 2009, 2010, 2011, 2013). In 2011, UNESCO and ICOMOS representatives agreed that the permitted height of buildings erected in the closest proximity to the historic centre of Vienna must not exceed 70 meters. – *World Cultural Heritage and Vibrant City*, City of Vienna, (no publishing date provided).

The debates resulted in the World Heritage Committee deciding to organize, in cooperation with Austrian authorities, a conference (Decision 27 COM 7B.108) aiming at resolving this problem. The symposium took place in May 2005 – International Conference on World Heritage and Contemporary Architecture – Managing the Historic Urban Landscape. The conference focused particularly on problems arising from new architectural structures built in cities inscribed on the World Heritage List.<sup>12</sup> As this summit was attended by over 600 specialists representing 55 countries and the decisions they made became vastly popular, the conference turned out to be a breakthrough in the subject matter.

Decisions adopted at the conference are announced in Vienna Memorandum, which not only concerns the issue of new architectural structures created in historic areas but also focuses on this problem in far wider scale.<sup>13</sup> Firstly, the documents showed what must be taken into account in determining functions the cities perform in the new scale. This scale concerns contemporary architecture, modernizing processes, expressing needs by local communities, environmental threats, etc. and it should be considered in devising the way the cities and historic areas function. These opportunities result from adopting landscape approach to historic cities. At the same time, it was suggested that the needs of historic cities and their citizens are as important as the needs for protecting values of historical significance.

No specific code of conduct was, however, set out in the Memorandum and it is therefore different from doctrinal documents. Additionally, the definition of Historic Urban Landscape, which was set out in the Memorandum, was close to traditional approaches focused on physical elements of a landscape.<sup>14</sup> Nevertheless, this document was always controversial in conservation circles.<sup>15</sup> It was understood that it can be interpreted in different ways and used in a number of contexts. Due to this, although it was one of the advisory bodies, ICOMOS did not treat this document as a doctrinal one. For all that it became obvious that it is not possible to continue using the traditional approach to the protection of historic cities. New researches should focus on 'landscape' instead.<sup>16</sup>

After adopting the Vienna Memorandum, the Historic Urban Landscape approach started to be permanently used for carrying out actions relating to World Heritage. At subsequent sessions of the World Heritage Committee (29–34), the concept of Historic Urban Landscape has been developed. The 29th session of the WH Committee in Durban (2005) was of special importance

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<sup>12</sup> The key objective was defined in the final document resulting from the meeting – The Vienna Memorandum focuses on the impact of contemporary development on the overall urban landscape of heritage significance.... (paragraph 11).

<sup>13</sup> It must be emphasized that the Vienna Memorandum was adopted in collaboration with a number of organizations, e.g. World Heritage Centre and advisory bodies (ICCROM and ICOMOS), International Union of Architects, International Federation of Landscape Architects, Organization of World Heritage Cities, International Federation for Housing and Planning, and the City of Vienna.

<sup>14</sup> Pursuant to the Memorandum, *'historic urban landscape'* refers to "ensembles of any group of buildings, structures and open spaces, in their natural and ecological context, including archaeological and paleontological sites, constituting human settlements in an urban environment over a relevant period of time, the cohesion and value of which are recognized from the archaeological, architectural, prehistoric, historic, scientific, aesthetic, socio-cultural or ecological point of view."

<sup>15</sup> This fact was strongly emphasized, e.g. in the official commentary provided by ICOMOS International (I.5) – *ICOMOS comments on the proposed UNESCO Recommendation on the Historic Urban Landscape (Historic Urban Landscape)*, ref. GJ/04, 24 December 2010.

<sup>16</sup> In his article looking at the issues relating to preservation of historic cities of the most considerable historical significance, Ron van Oers emphasizes the importance of the Vienna Memorandum in shaping contemporary approach to such cities – Ron van Oers, "Managing cities and the historic urban landscape initiative – an introduction" in *Managing Historic Cities* (Paris: World Heritage Centre, 2010), 8.

as it was the conference at which the document about Vienna Memorandum was adopted (WHC-05/29.COM/5). It was recommended (Decision 29 COM 5D) that at its 15th session in 2005, the General Assembly of States Parties to the Convention should adopt the Declaration on the Conservation of Historic Urban Landscapes based on the Vienna Memorandum (paragraph 7). Moreover, participants of the General Conference of UNESCO were advised to adopt a new Recommendation that would complement the existing ones (paragraph 8). Additionally, it was suggested to adopt the Historic Urban Landscape approach in documents and plans concerning the management of WH nominations (paragraph 4). It was also confirmed that it was necessary to use the landscape approach in analyzing coherence between the properties inscribed on the WHL and the nominated ones (paragraph 6).<sup>17</sup>

They were implemented shortly afterwards. In Autumn 2005, the Fifteenth General Assembly of States Parties to the Convention Concerning the Protection of the World Cultural and Natural Heritage (WHC-05/15.GA/7) adopted the Declaration on the Conservation of Historic Urban Landscapes. This brief document did not, however outline any substantive regulations but only confirmed that the Committee fully accepted the Memorandum at its 29th session.

Adopting the Declaration resulted in intensifying works aiming to define the Historic Urban Landscape approach. Representatives of conservation circles organized a number of debates and meetings about possible strategies for updating the existing approach so that new challenges, threats, and opportunities could be taken into account. A number of international meetings of considerable importance were organized in the years 2006 and 2010 (a part of them were organized in cooperation with the World Heritage Centre). They were aimed at expressing new needs and circumstances concerning the purposes that historic cities serve.<sup>18</sup>

A number of conclusions were drawn in the above-mentioned meetings. For instance, contemporary needs and processes relating to economic development in cities were taken into consideration. Additionally, analyses and protection works carried out in historic cities focus on cultural, social, and visual aspects. Furthermore, new conceptual tools are being developed – this enables the whole complexity of historic cities to be taken into account and the Operational Guidelines to be adopted.

These meetings confirmed the need for developing a new document that would meet current needs and update the Recommendation concerning the Safeguarding and Contemporary Role of Historic Areas adopted in 1976.

Official and expert works were carried out concurrently. In 2008, participants of the Sixteenth General Assembly of States Parties to the Convention Concerning the Protection of the World Cultural and Natural Heritage produced another report on the progress in developing the Recommendation on the Historic Urban Landscape.<sup>19</sup>

These works resulted in planning an agenda for carrying out further works. In two years, i.e. 2009–2011, the UNESCO General Conference decided to finally formulate and adopt the Historic Urban Landscape Recommendation in 2011. Formal decision on adopting the new document was

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<sup>17</sup> All the aforementioned recommendations duplicate the recommendations provided in the Vienna Memorandum and they are addressed to the World Heritage Committee (paragraph 32).

<sup>18</sup> There were eight expert conferences convened in the years 2006–2010: Jerusalem (June 2006), UNESCO Headquarters in Paris (September 2006), St Petersburg, Russia (January 2007), Olinda, Brasil (November 2007), Chandigarh, India (December 2007), UNESCO Headquarters in Paris (November 2008), Stone Town, Zanzibar (December 2009), Rio de Janeiro, Brasil (December 2009).

<sup>19</sup> *Report on the Development of a Revised Recommendation on the Conservation of Historic Urban Landscape* (Document WHC-07/16.GA/11) was adopted by the Sixteenth General Assembly of States Parties to the Convention Concerning the Protection of the World Cultural and Natural Heritage in 2008.

made on the 35th session of the UNESCO General Conference in 2009.<sup>20</sup> It was decided that a completely new document, i.e. the Recommendation on the Historic Urban Landscape, should be produced in order to supplement the existing tools applied in historic cities.<sup>21</sup>

Recommendation draft was based on deductions, remarks, suggestions, and decisions made by international experts working at a conference held in 2010 in UNESCO headquarters in Paris. The first version was prepared by the secretariat. In August 2010 the document was sent to Member States so that they could submit their comments and remarks (no later than 31 December 2010). At the end, over 30 different suggestions were put forward. They concerned a number of aspects, e.g. the concept of the Recommendation, its layout, specific phrases, etc. Representatives of ICOMOS International were also asked to express their opinions.<sup>22</sup>

Information gathered in this process became a starting point for the next expert panel, which was convened in May 2011. This intergovernmental group of professionals reviewed the Recommendation draft in terms of remarks, comments, and suggestions submitted by the Member States. It is worth emphasizing that some of the changes were introduced in the final Recommendation, especially with regard to expressions that made the document excessively radical.<sup>23</sup> As comments submitted by ICOMOS highlighted the importance of the Recommendation in heritage protection, they played a significant role from heritage protection perspective. These works resulted in creating a document that was submitted to the 36th General Conference of UNESCO held in October/November 2011. Formally, the General Conference of UNESCO adopted the Recommendation on the Historic Urban Landscape by acclamation on 10 November 2011.

## 2. Analysis of the content of the Recommendation on the Historic Urban Landscape

Such documents as the Recommendation on the Historic Urban Landscape are usually studied by analyzing their structures point after point. The structure of the Recommendation in question can be defined as 'standard'.<sup>24</sup>

The first two chapters (not provided with numbers), i.e. Preamble and Introduction constitute an opening statement in which such expressions are provided as typical opening phrases, explanations placing the document in a specific context and setting out reasons for creating it. Definitions and comments helping readers to understand the Historic Urban Landscape approach are provided in the first chapter (paragraphs 9–14). A short synthesis of contemporary threats as well

<sup>20</sup> Procedures for adopting new documents in UNESCO are not provided in this Recommendation – *Rules of Procedure (Rules of Procedure concerning recommendations to Member States and international conventions covered by the terms of Article IV, paragraph 4, of the Constitution)*

<sup>21</sup> Instead, they are provided in document 35C/Resolution 42 – *The General Conference of UNESCO decided at its 35th session (October 2009) that existing UNESCO standard-setting instruments relating to urban heritage should be supplemented by a new Recommendation on the Historic Urban Landscape.*

<sup>22</sup> The comments passed by Member States are published on the following website: <http://whc.unesco.org/en/activities/638>

<sup>23</sup> One of the radical statements that attracted ICOMOS' attention was the definition of 'The Management of Change' (The Historic Urban Landscape approach considers that current principles and practices are now insufficient to define the limits of acceptable change [...]). ICOMOS requested for changing this statement, which was consequently removed – Comment I.8, ICOMOS comments on the proposed UNESCO Recommendation on the Historic Urban Landscape (Historic Urban Landscape), ref. GJ/04, 24 December 2010.

<sup>24</sup> The UNESCO Recommendation on the Historic Urban Landscape has the following structure: PREAMBLE, INTRODUCTION, I. DEFINITION, II. OPPORTUNITIES AND CHALLENGES FOR THE HISTORIC URBAN LANDSCAPE, III. POLICIES, IV. TOOLS, V. CAPACITY-BUILDING, RESEARCH, INFORMATION AND COMMUNICATION, VI. INTERNATIONAL COOPERATION

as the importance of historic cities are discussed in the following chapter. The policy and scope of works to be carried out in cities in order to adopt the Historic Urban Landscape approach are provided in the fourth chapter. What is discussed in the subsequent chapter is the necessity to create tools enabling the Historic Urban Landscape approach to be adopted. The scope of works to be carried out to prepare and popularize the Historic Urban Landscape approach is discussed in the two final chapters.

This structure of the Recommendation is logical and there are specific reasons behind it. In order to synthesize the content of the Recommendation, it is, however, necessary to adopt a holistic approach, i.e. to not focus on limitations imposed by this structure.

## **2.1. Starting points for analyzing the Recommendation on the Historic Urban Landscape**

In order to analyze the Recommendation, it is important to highlight a number of crucial issues which provide the basis and reasoning for further statements.

What is particularly emphasized in the Recommendation is the tremendous importance that cities and their development assume in the modern world. It is highlighted that the current urbanization process is unprecedented in the history of human development.<sup>25</sup> Consequently, the circumstances, needs, and requirements defining city development have changed enormously. Additionally, what also changed were the circumstances on which functions and protection of historic cities were based.

The Recommendation aims at emphasizing the significant role that urbanization plays in the current human development. Urbanization in a broad sense improves quality of life in a number of societies and reduces poverty (education, employment, healthcare, etc.).

Moreover, it is also stated that city development should be balanced. In this context it is therefore necessary to adopt active approach to the existing resources, including heritage.

Another crucial issue is the problem existing in heritage itself. What is emphasized in the Recommendation is the number of aspects of heritage value and the role that heritage plays in stabilizing the development and identity of historic cities. For example, the authors of the Recommendation focus particular attention on the importance of heritage in shaping and preserving social cohesion (paragraph 3). Moreover, they also emphasize the potential shown by properties and spaces of historical significance which could serve a number of contemporary functions. Exploiting this potential, e.g. for tourism-related purposes, can be a deeply significant factor in city development (paragraph 19).

The third issue arises from unfavorable processes which pose various threats to cities (paragraphs 15, 16, 17). Special attention is paid to such aspects as globalization, unification, excessive number of buildings, lack of control and planning, and considerable size of new buildings being erected. All these factors destroy historical values of cities and their identities. Additionally, they result in making spaces and buildings homogenous (paragraph 2).

What is also emphasized in the Recommendation is not only the degradation of cities resulting from suburbanization and urban sprawl but also fragmentation of zone planning, which leads to lowering functional values of historic areas (paragraph 18).

Furthermore, the Recommendation relates to the evolution of the concepts of culture and heritage as well as to the approaches to their management. In the last few decades, the concept of heritage

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<sup>25</sup> According to approximate estimates, urban population in 2008 exceeded rural population for the first time in history; In 2050, cities will be presumably inhabited by 70% of the total population.

was developed, i.e. a greater number of tangible and intangible aspects were covered. The concept of authenticity was developed and defined in a new way. What became widely used in heritage analysis was the context in which heritage functions (2005 ICOMOS General Assembly on the Setting of Monuments and Sites in Xi'an – Xi'an Declaration; 2008 ICOMOS General Assembly on the Spirit of Place in Québec).

Integrating heritage protection with development processes was an important change in understanding heritage. Heritage started to be perceived from the perspective of its importance not only for the way communities function but also for their identities (1982 World Conference on Cultural Policies in Mexico City; 1995 summit of the World Commission on Culture and Development; 1996 HABITAT II Conference in Istanbul with ratification of Agenda 21; 1998 UNESCO Intergovernmental Conference on Cultural Policies for Development in Stockholm; 1998 joint World Bank-UNESCO Conference on Culture in Sustainable Development–Investing in Cultural and Natural Endowments).

The process of developing the concept of heritage took place in cities as well. Groups dealing with development and protection recognized the necessity to adapt the character of the historic city protection to accelerating urbanization, modernization, and globalization processes. A number of initiatives aiming at summarizing, evaluating, and regulating these aspects were therefore undertaken, e.g.: 1987 ICOMOS Charter for the Conservation of Historic Towns and Urban Areas (Washington Charter); 2005 International Conference on World Heritage and Contemporary Architecture in Vienna (Vienna Memorandum), 2011 ICOMOS General Assembly in Paris (Valletta Principles).

These are the most significant assumptions that can be considered the reasons behind adopting the Recommendation. All the aforementioned aspects prove that historic cities are faced with the necessity to meet quality standards, which are different from the ones that were applied in 1976, i.e. the time when Recommendation concerning the Safeguarding and Contemporary Role of Historic Areas was adopted. Consequently, it is necessary to use a different approach to the problems existing in preservation, protection, and development of historic cities. This necessity is supposed to justify the implementation of the Historic Urban Landscape concept and approach.

## **2.2. Developing the concept of Historic Urban Landscape in the process of producing the Recommendation on the Historic Urban Landscape.**

The most important element that the Recommendation on the Historic Urban Landscape contains is the concept of the Historic Urban Landscape, which must be accurately identified in order to understand and implement the Recommendation. This, however is not an easy task, even though the Recommendation provides few definitions, or rather descriptions of the Historic Urban Landscape approach. The difficulty that lies in providing a synthetic definition of the Historic Urban Landscape results from the complexity (it is supposed to be adopted to a number of different elements) and ambiguity (the term 'landscape' is broad and imprecise) of this approach:<sup>26</sup> The term 'Historic Urban Landscape' applies to three elements, whereas the new aspect is to be the term 'landscape' referring to a 'historic city'. A newly-compiled list consisting of the aforementioned elements is to result in perceiving urban-related problems from a wider perspective, which is associated with the term 'landscape'. This broader perspective is, however, problematic

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<sup>26</sup> In terms of the Recommendation on the Historic Urban Landscape, the problems lying in imprecise definition of the term 'landscape' were addressed, e.g. by Bruno Gabrielli in "Urban planning challenged by historic urban landscape" in *Managing Historic Cities* (Paris: World Heritage Centre, 2010), 18–25.

because it causes indefiniteness, inexactness, inaccuracy, and openness to interpretation. Some authors even indicate that the concept of landscape is more of a cognitive category than a physical existence that can be analyzed. Consequently, we can 'experience' landscape rather than 'observe' it.<sup>27</sup>

As a result, although the Recommendation is already adopted, the term 'Historic Urban Landscape' is still being defined. In order to fully understand this term, one must mention a long process of coining it, which took place concurrently with preparing the Recommendation on the Historic Urban Landscape. Additionally, this will facilitate revealing qualities and elements characteristic to the Historic Urban Landscape.

From formal perspective, the Historic Urban Landscape approach was developed in a short period of time. Only six years passed between using this term in the Vienna Memorandum and making it of critical importance in the Recommendation on the Historic Urban Landscape.

In fact, it was not possible to introduce such a profound change in such a short period of time. The need for changing the traditional (static, tangible, and limited) understanding of a historic city and for considering broader aspects in its protection, had been arising for a long time. This need was reflected in, for instance, analyses of city morphology, which aimed to identify different elements a city contains and to present them in a diachronic cross-section. What was used in these analyses was not only the term 'urban landscape' but also 'urban landscape units'.<sup>28</sup> Already in the Recommendation of 1976 was it mentioned that it was of utmost importance to focus on the needs of historic cities and the pressure exerted by their development. The entire process of developing the concept of heritage as well as of improving tools used to analyze and protect it resulted in laying foundations for adopting a new perspective on city protection.

All actions aiming to develop and modify the traditional approach to historic cities did not, however, result in creating a new and consistent whole. The documents being created constantly referred to the Venice Charter and, hence, emphasized that the traditional understanding of a historic monument and its protection was permanently up-to-date. New documents concerned either specific groups of heritage or specific conditions in which heritage was protected (e.g. specific qualities of regions). Due to this, it had been assumed that historic cities were protected within traditional paradigm of monument protection until the Historic Urban Landscape term and approach were created.<sup>29</sup>

The first definition of Historic Urban Landscape was provided in 2005 in Vienna Memorandum. It encompassed a vast array of elements (physical ones in particular) on which the structure of historic urban ensembles of groups of buildings and their different mutual relations were based. The definition reads as follows:

The historic urban landscape, building on the 1976 "UNESCO Recommendation concerning the Safeguarding and Contemporary Role of Historic Areas", refers to ensembles of any group of buildings, structures and open spaces, in their natural and ecological context, including archaeological and paleontological sites, constituting human settlements in an urban environment over a relevant period of time, the cohesion and value of which are recognized from the archaeological, architectural, prehistoric, historic, scientific, aesthetic, socio-cultural or ecological point of view.

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<sup>27</sup> Julian Smith, "Marrying the old with the new in historic urban landscapes" in *Managing Historic Cities* (Paris: World Heritage Centre, 2010), 45.

<sup>28</sup> 'City landscape units' were already used to analyze cities inscribed on the World Heritage List – Jeremy Whitehand, "Urban morphology and historic urban landscapes" in *Managing Historic Cities*, (Paris: World Heritage Centre, 2010), 33–44.

<sup>29</sup> Regional documents which cover both the specific nature of heritage and conditions of its protection include, e.g: *Burra Charter*, *New Zealand Charter*, *China Principles*.



More details broadening this definition are provided in subsequent paragraphs of the Memorandum. For instance, elements that define urban space and the ones to which the Historic Urban Landscape approach should be adopted (paragraphs 8 and 9) – *“elements that include land uses and patterns, spatial organization, visual relationships, topography and soils, vegetation, and all elements of the technical infrastructure, including small scale objects and details of construction (curbs, paving, drain gutters, lights, etc.)”*

Although the definition is wide, it referred to the Recommendation of 1976 by placing considerable emphasis on the broad spectrum of physical elements of which landscape consists. It logically refers to the concept of ‘landscape’, which was a starting point for developing the ‘Historic Urban Landscape’ approach. ‘Landscape’ is understood as typology category of heritage. It is broader and more comprehensive than the ‘ensemble of a group of buildings’ and was therefore used for developing the Historic Urban Landscape approach. This fact indirectly confirms what has been written in point 11 – *“historic urban landscape goes beyond traditional terms of ‘historic centers’, ‘ensembles’ or ‘surroundings’, often used in charters and protection laws, to include the broader territorial and landscape context.”* Due to this origin, however, the definition provided in the Vienna Memorandum is still focused on tangible elements and the relations between them. This means that it is close to the traditional understanding of the concept of landscape. This tendency was justified – both organizing the Vienna Conference and adopting the Memorandum result from the new architecture and the influence it exerts on historic cities, even when it used to be located beyond physical borders established for city protection purposes.<sup>30</sup>

The definition of Historic Urban Landscape, which was provided in Vienna Memorandum, became a topic for discussion and was broadened at subsequent expert meetings and panels. Expressions created in the expert meeting in 2008 are considered the next stage of defining the Historic Urban Landscape.<sup>31</sup>

*“Historic urban landscape is a mindset, an understanding of the city, or parts of the city, as an outcome of natural, cultural and socio-economic processes that construct it spatially, temporally, and experientially. It is as much about buildings and spaces, as about rituals and values that people bring into the city. This concept encompasses layers of symbolic significance, intangible heritage, perception of values, and interconnections between the composite elements of the historic urban landscape, as well as local knowledge including building practices and management of natural resources. Its usefulness resides in the notion that it incorporates a capacity for change.”*

This definition encompasses a wider *spectrum* of elements than the definition provided in Vienna Memorandum, as it includes all processes that create cities, form their physical elements, intangible values, management strategies, etc.

What is more important, however, is the statement on the possibility (necessity) to implement changes. As a result of accepting the fact that changes are essential qualities of a city, the former views on protection of historic ensembles of buildings were focused on different values. Traditionally, what was the principal aim of heritage protection was the protection itself, understood as preservation of a historic property. Any changes were therefore unwanted – conservation works aimed to reduce the number of changes to the greatest possible extent.

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<sup>30</sup> This problem was strongly emphasized by Francesco Bandarin, Head of the UNESCO World Heritage Centre, at the conference held in Vienna – F.Bandarin, *The Vienna Memorandum*, Vienna, 12 May 2005.

<sup>31</sup> The aforementioned definition was discussed at Expert Planning Meeting on Historic Urban Landscapes, which was held in November 2008 in UNESCO headquarters (van Oers p.12).

According to the aforementioned definition, the nature of a city depends on 'changes'. This aspect became the main element of the Historic Urban Landscape approach.<sup>32</sup>

Further discussions, panels, and expert meetings resulted in offering the definition of the Historic Urban Landscape, which was provided in the Recommendation on the Historic Urban Landscape adopted in Autumn 2011.

Nowadays, the definition of the Historic Urban Landscape is shorter than its previous versions and it encompasses a smaller number of elements (paragraph 9). According to the current interpretation, the 'historic urban landscape' is a historic urban area, including its cultural and natural values, which is understood in a broad context and extends beyond the notion of 'historic centre' or 'ensemble'.

(The historic urban landscape is the urban area understood as the result of a historic layering of cultural and natural values, extending beyond the notion of "historic centre" or "ensemble" to include the broader urban context and its geographical setting).

What is, however, of key importance in this definition is the concept of 'context', which was formulated in another paragraph of the Recommendation (paragraph 10). The context is very broad – broader than in the traditional understanding of the 'landscape'. Traditional (understood from tangible perspective) landscape approach consists of three components: geography, nature, and culture. All these elements are, however, perceived as static. It is accepted that although all components are important and valuable in creating landscape, the landscape understood in this way is a ready-made, already-created, and closed structure. What must be therefore protected is its already-made form (shaped in the course of history). As it is provided in the Recommendation, the definition of 'Historic Urban Landscape' encompasses also intangible processes and values, e.g. tradition, models, views, identity, and dynamic processes, e.g. development and growth.

This wider context includes the site's topography, geomorphology and natural features; its built environment, both historic and contemporary; its infrastructures above and below ground; its open spaces and gardens; its land use patterns and spatial organization; its visual relationships; and all other elements of the urban structure. It also includes social and cultural practices and values, economic processes, and the intangible dimensions of heritage as related to diversity and identity, all of which establish the basic role of the city as an agent for communal growth and development.

It is the concept of 'development' and 'growth' that is the key and new element developing the Historic Urban Landscape approach. In the past, the terms coined for heritage conservation-purposes did not denote so explicitly defined obligations to take other aspect of city functioning into consideration. The provisions of the Recommendation on the Historic Urban Landscape are to be, however, focused on the development and growth. It is greatly emphasized and explicitly stated that the Historic Urban Landscape approach involves also identifying, assessing, and managing a historic city in the context of sustainable development (paragraph 11):

This definition provides the basis for a comprehensive approach for the identification, assessment, conservation, and management of historic urban landscapes within an overall sustainability framework.

This means that development objectives are immanent elements of the Historic Urban Landscape approach and this is yet another important aspect in characterizing it.

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<sup>32</sup> The necessity to implement changes in the protection of historic cities was strongly emphasized at the Vienna Conference in 2005 – see, e.g.: Manfred Wehdorn, *Memorandum on "World Heritage and Contemporary Architecture". The Viennese Position.*

### 2.3. Strategies (methods) for dealing with heritage

Another important fact resulting from the way in which the Recommendation on the Historic Urban Landscape is interpreted is the fundamental change in dealing with heritage. The change in dealing with this aspect was already mentioned as one of the reasons behind developing the Recommendation on the Historic Urban Landscape. It referred to, however, changes that were already implemented and this fact was supported by mentioning a number of different conservation documents. Due to this, it could be stated that specific recommendations about carrying out works in historic cities result from changes that were already introduced. A conclusion like this would be, however, wrong. It is the Recommendation on the Historic Urban Landscape that sets out new strategies for dealing with heritage and this issue needs to be clearly highlighted.

The way of dealing with heritage is of utmost importance to the entire heritage protection system. Giving the highest priority to heritage values results in setting out a reason for stating that all heritage-related activities can be assessed and dependent on heritage protection. Making this assumption enables heritage to be placed in the centre of the system aimed to protect it. In traditional conservation, this approach to heritage used to be considered right. Additionally, it was supported by traditional conservation theory.

As the Recommendation on the Historic Urban Landscape relates to a number of recommendations for respecting and protecting values of historical significance, analyzing this document from the aforementioned perspective can be misleading. In the Preamble it is already written that the existing conservation documents are still valid. This includes the Venice Charter, which is a doctrinal document of the greatest importance for the traditional conservation. Although the significance of heritage is emphasized in subsequent paragraphs, in majority of cases these references concern current investment projects and interventions. For instance, it is assumed that contemporary interventions should respect heritage in historic setting and be harmonious with it (*contemporary interventions respect and are harmonious with heritage in a historic setting* – paragraph 13). It is also recommended to harmonize interventions which should take local development traditions into account (paragraph 14). Contemporary architectural interventions respect the existing setting and models; they should ensure continuity of composition and not disrupt the existing architecture (*Respect for historic values should be the guiding principle for architectural interventions. Continuity of composition, which does not disrupt existing architecture, deserves priority.* – paragraph 22) What is also emphasized is the necessity to maintain balance between historic and contemporary architecture (*Special emphasis should be put on a balanced relation between urban continuity and contemporary architecture* – paragraph 22).<sup>33</sup>

Protection of heritage values is therefore consequently relating to contemporary interventions and objectives. In fact, this approach undermines the declarations on respecting traditional and restrictive conservation documents. In practice, traditional conservation theory, which narrows down the scope of interventions in historic properties to conservation, reconstruction, and anastylosis (The Venice Charter), cannot be congruent with 'contemporary interventions'.

In the Recommendation on the Historic Urban Landscape there is a number of other recommendations concerning the new approach to historic cities. It can be said that these recommendations provide the basis for the Historic Urban Landscape approach.

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<sup>33</sup> Pursuant to the Preamble to the Recommendation on the Historic Urban Landscape – *the recommendation is adopted, for instance, by recalling that a corpus of standard-setting documents, including conventions, recommendations and charters, exists on the subject of the conservation of historic areas, all of which remain valid* (the following document documents are mentioned: The Venice Charter, The Washington Charter, the UNESCO WH Convention).

What changes considerably in the hierarchy of objectives formulated in historic cities is the importance of heritage changes. According to the Historic Urban Landscape approach, interventions in historic cities should refer to broader context of such places and hence, focus on their different values, e.g. social, economic, cultural, development, etc. Moreover, as per the definition of the Historic Urban Landscape approach, this context will refer to all activities, even to heritage identification process – *It suggests a landscape approach for identifying, conserving and managing historic areas within their broader urban contexts, by considering the inter-relationships of their physical forms, their spatial organization and connection, their natural features and settings, and their social, cultural and economic values.* – (paragraph 5, Introduction).

This understanding of a historic city is also confirmed in the recommendations provided in the 'Definitions' chapter. It is emphasized that the approach must be comprehensive for identifying, assessing, and managing historic urban landscapes within sustainable development context (*This definition provides the basis for a comprehensive approach for the identification, assessment, conservation and management of historic urban landscapes within an overall sustainability framework.* – (paragraph 11).

This is a new approach; in the past it was assumed that heritage (historic areas) identification (assessment) is independent of the context of these values. The universal concept of heritage was given up in conservation theory, which was developed in the last decades of the 20th century; it was accepted that heritage should be perceived, i.e. analyzed, valued, and protected, in the context of its own cultural values. The cultural values are, however significantly different from the contemporary development values. As contemporary values can be shaped and defined at one's own discretion, this change of approach is of real significance. For this reason, heritage value can be 'manipulated' subjectively.

Changing the perception of a historic city results in changing the approach to its protection and conservation. In the light of the Recommendation on the Historic Urban Landscape, conservation aims not only at preserving heritage but also at achieving other objectives. For instance, pursuant to paragraph 3, heritage of historic cities exerts positive influence on their economic development and sustains social cohesion. Conservation has therefore become a strategy to achieve balance between urban growth and quality of life – *conservation has become a strategy to achieve balance between urban growth and quality of life on a sustainable basis.* This approach is also referred to in paragraph 4, where the authors of the Recommendation emphasize that it is necessary to shift the emphasis from strategies aimed at preserving heritage towards broader recognition of conservation in terms of social, economic, and cultural processes. Furthermore, it is stated that the Historic Urban Landscape approach enables the goals of heritage conservation to be integrated with the goals of social and economic development – *It integrates the goals of urban heritage conservation with those of social and economic development.* – (paragraph 12). Under paragraph 12, however, which refers to Recommendation enforcement strategy, it is written that policies of urban heritage conservation should be integrated into other urban plans and strategies – *Policies for urban heritage conservation should be integrated into those dealing with the broader urban context, with historic forms and practices informing sustainable contemporary development.*

All these paragraphs are logical and should not arouse any doubts; it is therefore difficult to disagree with recommendations which aim at focusing conservation strategies on achieving a number of different development and social objectives. In practice, it must be, however born in mind that complex social, economic or cultural objectives will not be accomplished when heritage conservation strategies become limited to conservation or restoration of historic monuments only. Consequently, the traditional strategies must be changed, i.e. application of the principles provided in the Venice Charter must be withdrawn.

Another important element in the Recommendation on the Historic Urban Landscape, which represents the change of the approach to heritage, is the strategy of defining the value of heritage and the aims of protecting it. In traditional conservation, this responsibility was taken by experts only. This fact resulted from heritage being subject to non-objective analyses, which could be conducted only by individuals demonstrating specialist knowledge. Consequently, it was the experts who assessed heritage values and formulated heritage conservation strategies.

Recently, however, this approach has been changing. Additionally, in a number of national heritage protection systems e.g. in Australia, England, Canada, 'stakeholders' exert increasing influence on the decisions about heritage. This approach is obligatory and present in a number of paragraphs provided in the Recommendation on the Historic Urban Landscape. For instance, pursuant to paragraph 28, the stakeholders should participate in defining, assessing, and developing urban heritage conservation policies – *All levels of government – local, national/federal, regional – should be aware of their responsibility and contribute to the definition, development, implementation and assessment of urban heritage conservation and development policies, based on a participatory approach of all stakeholders....* ).

Recommendations provided in paragraph 31 are even more far-reaching. According to them, stakeholders should not only participate in assessing heritage values but also give their consent for carrying out any action aiming at safeguarding a specific heritage asset – *Community engagement tools should educate a diverse cross-section of stakeholders and empower them to identify key values in their urban areas, develop visions, set goals, and agree on actions to safeguard their heritage...*

This approach to heritage is therefore another example of abandoning traditional conservation strategies.

#### **2.4. What is Historic Urban Landscape – is it an approach, a measure or a quality?**

It is not enough to determine the scope of Historic Urban Landscape and explain the difference between this term and other terms that used to be applied with reference to protection of historic cities. What is also necessary is to define the purpose that Historic Urban Landscape serves. As a result it will be possible to determine its scope and unveil the ways of using it. Moreover, being imprecise in this matter may result in serious misunderstandings.

The purpose, or more precisely 'ontological status of Historic Urban Landscape', is unclear. There has always been a number of misunderstandings in this matter, which stemmed from the debatable understanding of the term 'landscape'. Additionally, what was of considerable importance was the fact that the conceptual scope (semantic field of the meanings) of this term evolved in a short time. Consequently, it was considered that a new typological group of heritage may be defined by using this term.<sup>34</sup> As this view was very common, it was difficult to adopt the Historic Urban Landscape approach in the way it is contemporarily understood and this fact has always been a great hindrance to adopting the Recommendation on the Historic Urban Landscape.<sup>35</sup>

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<sup>34</sup> In 2009, a large international conference (380 participants from 26 countries) "Historic Urban Landscapes: A New Concept? A New Category of World Heritage Properties?" was held within the Twelfth International Seminar Forum UNESCO – University and Heritage in Hanoi (Vietnam). – *Hanoi Declaration on Historic Urban Landscape*.

<sup>35</sup> Its name was strongly emphasized, e.g. in the official commentary provided by ICOMOS International (paragraph 7) – ICOMOS comments on the proposed UNESCO Recommendation on the Historic Urban Landscape (Historic Urban Landscape), ref. GJ/04, 24 December 2010.

Nowadays, these doubts must not arise. Historic Urban Landscape is not a new heritage category (typological group) that includes more elements than, for instance, the 'historic city' category.<sup>36</sup> Historic Urban Landscape can be understood in three ways. This determines its interpretation and purposes it may serve.

It is possible, in the first instance, to understand Historic Urban Landscape as a mean of perceiving a city; it is a method of approaching analysis, protection, and development of a historic city. This approach could be referred to as 'holistic' because it focuses on all elements, tangible and intangible values, as well as objectives, which define a contemporary city. The Historic Urban Landscape is therefore an approach that implicates broad understanding of a city. According to it, city analysis must involve all elements, which must be neither separated nor omitted. This approach is confirmed in the Recommendation (*Historic Urban Landscape as an approach to urban heritage conservation – Preamble*).

It is also possible, in the second instance, to understand Historic Urban Landscape as a measure (form) applied in historic cities; this understanding results from adopting the Historic Urban Landscape approach (the first way of understanding). On analytical level, in order to adopt the Historic Urban Landscape approach, it is necessary to take mutual relations among specific urban elements and the influence they exert into consideration and, therefore, analyze them subsequently. By adopting the Historic Urban Landscape approach in analyzing any aspect of how cities function, it is necessary to focus on the influence that the city being analyzed exerts on other aspects. For instance, what must be taken into consideration when planning and undertaking actions aiming to conserve elements of historical significance is the consequence of such actions in all possible aspects of how cities function. In this case, the Historic Urban Landscape approach becomes a new mean (measure, form) or even a strategy for undertaking specific actions in a historic city. This has been even specified in the Recommendation (*landscape approach is considered a new means to address urban heritage management and maintain urban identity – Preamble*).<sup>37</sup>

Moreover, it is also possible, in the third instance, to understand Historic Urban Landscape as the possibly widest spectrum of elements, values, and relations of which a historic city consists. This approach and understanding are included in the definition of the Historic Urban Landscape, according to which they are perceived separately; the definition consists of a list of elements which a specific term covers. The Historic Urban Landscape approach understood in this way becomes a city 'quality', which can be, for instance, protected. This approach to the Historic Urban Landscape was provided in the decisions made by GA 16 in 2008 (*the urban landscape as a feature that has to be preserved – paragraph 2*).

There are substantial differences between the aforementioned ways of understanding (functions) the term 'Historic Urban Landscape'. It has not been decided which understanding should be formally applied. As these ways of understanding do not contradict each other, this decision is difficult. They may be misused or used imprecisely as they are at this moment. It is therefore particularly important to specify which understanding the Historic Urban Landscape approach refers to in specific circumstances; problems may arise when two partners use the same term but understand it in different ways. Nowadays, this fact is the major obstacle for adopting the Recommendation and evaluating its usefulness. It can be, however predicted that Historic Urban Landscape will be understood particularly as an approach to protection of historic cities.

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<sup>36</sup> Additionally, these interpretations of Historic Urban Landscape, which is a whole entity consisting of tangible and intangible components to be protected, can be also useful from conservation perspective.

<sup>37</sup> According to which (paragraph 24) it is suggested to use the Historic Urban Landscape approach in designing historic city heritage protection strategies.

## 2.5. The scope of use and obligations resulting from the Recommendation on the Historic Urban Landscape.

The scope of use and application of the Recommendation on the Historic Urban Landscape is another important issue to be debated.

It was unclear, in particular for conservation circles, whether the Recommendation is to be adopted exclusively to cities inscribed on the World Heritage List. There are sound reasons behind the problem relating to the scope of the Recommendation. A long and well-known process of producing the Recommendation on the Historic Urban Landscape started with problems relating to new architecture (skyscrapers in particular), which pose threat to cities inscribed on the World Heritage List. Both the Vienna Conference and the Vienna Memorandum were concerned World Heritage cities.<sup>38</sup> As it was a group of specialists and organizations dealing with World Heritage that adapted the Memorandum and transformed it into the Recommendation, there were strong reasons for associating the Recommendation with World Heritage.

The final version of the Recommendation, however, explicitly reveals its universal nature – it concerns all historic cities. This conclusion is supported by the fact that the parties who adopted the recommendation were Member States of UNESCO, not the States Parties (World Heritage Convention signatories). The Historic Urban Landscape approach can be therefore applied not only in cities inscribed on the World Heritage List but in all historic cities.<sup>39</sup>

The scope of the Recommendation, which should be adopted by Member States of UNESCO, depends on the scope of obligations specified therein. It is also important that the Polish National Commission for UNESCO prefers to refer to the Recommendation as 'Guidelines on the Historic Urban Landscape'. What is emphasized in the document in question is the fact that the Historic Urban Landscape approach should be adopted in policies and documents on conservation of historic areas and development of areas in which heritage elements are located (paragraph 23). All stakeholders should be involved in these activities and the Historic Urban Landscape approach should be adopted in all stages of managing a historic city.

Specific paragraphs about these issues are provided in the Recommendation. State authorities were recommended to adopt the Historic Urban Landscape approach and strategy – *Member States should integrate urban heritage conservation strategies into national development policies and agendas according to the historic urban landscape approach* (paragraph 24). Local authorities, however, were recommended to adopt this approach in development plans – *Within this framework, local authorities should prepare urban development plans that take the area's values, including heritage values, and the associated features, into consideration* (paragraph 24).

It is also worth emphasizing the recommendations for involving organizations dealing with heritage conservation and sustainable development. Attention was focused particularly on participation of these organizations in developing tools and instruments that are to be applied in adopting

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<sup>38</sup> *The Vienna Memorandum* referred not only to historic cities already inscribed on the UNESCO World Heritage List but also to cities that have World Heritage monuments and sites on their urban territories (*The present Memorandum refers to historic cities already inscribed or proposed for inscription on the UNESCO World Heritage List, as well as to larger cities that have World Heritage monuments and sites within their urban territories.*)

<sup>39</sup> The Thirty-fifth General Conference of UNESCO was held on 16 October 2009. It aimed to examine different aspects of adopting a new standard-setting document on the Historic Urban Landscape. It was decided that this document will have a form of a Recommendation (Resolution 35C/42) and that it will concern not only historic cities already inscribed on the UNESCO World Heritage List but all cities that have World Heritage monuments and sites on their urban territories.

the Historic Urban Landscape approach. Moreover, pursuant to paragraph 26 and 27, strategies implemented by these organizations should involve the Historic Urban Landscape approach.<sup>40</sup>

It was also suggested that Member States should facilitate involvement in the implementation of the historic urban landscape approach by promoting multinational cooperation and disseminating best practices and lessons learned from other partners from different parts of the world. Furthermore, it was emphasized that the implementation of the Historic Urban Landscape approach should be adapted to local contexts.

It can be stated that the Recommendation on the Historic Urban Landscape is aimed at all cities and areas of historical significance; Additionally, all stakeholders involved in management of these cities and areas have been obliged to implement this document. The Recommendation can be therefore considered a strategic document that should result in developing a new, global approach to heritage conservation.

## **2.6. Implementation of the Recommendation on the Historic Urban Landscape and the tools it suggests**

In order to implement the recommendations provided in the Recommendation, specific methods must be employed. They are specified in the 'Tools' chapter.

It is explicitly emphasized in the Recommendation that the Historic Urban Landscape approach implies application, development, and creation of specific interdisciplinary and innovative tools adapted to local contexts (paragraph 29).

Additionally, these tools should involve all aspects that are important for management of urban areas. What is particularly emphasized is the *Regulatory systems* (paragraph 30), i.e. legislation instruments and *community engagement tools* (paragraph 31), which allow wide stakeholder groups to be engaged in the process in question. Furthermore, *technical tools* (paragraph 32) are also mentioned in the Recommendation. They aim to protect the integrity and authenticity of the architectural and material attributes of urban heritage. Additionally, according to paragraph 33, *financial tools* should aim to improve urban areas while safeguarding their heritage values.

The 'Tools' sub-chapter therefore indicates areas in which actions should be undertaken in order to not omit any element of great importance to a city. This document can provide these details only; it must not cover descriptions of methodologies applied in conducting detailed analyses of specific elements and of the relations between them.

Although tools and strategies are necessary to implement the Historic Urban Landscape approach, some problems still exist. Different objectifying researches have been developed as a part of *urban morphology* analyses. This discipline cherishes over one-hundred-year-old tradition and its representatives developed tools for conducting thorough and comprehensive urban analyses. These surveys are, however more useful in learning about the history of urban development than in making contemporary conservation-related decisions. This results particularly from the fact that the term 'Historic Urban Landscape' covers a great number and variety of elements that lie outside the limited scope of data collected in morphological analyses.<sup>41</sup>

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<sup>40</sup> Additionally, the organizations, ICOMOS in particular, should consider this suggestion an obligation. Due to this, ICOMOS International Committee on Theory and Philosophy of Conservation and Restoration organized two conferences – one held in Baku in 2012 and the other one held in Florence in 2013. Both of them were focused on analyzing opportunities for implementing the Recommendation on the Historic Urban Landscape (papers will be published).

<sup>41</sup> Jeremy Whitehand, "Urban morphology and historic urban landscapes" in *Managing Historic Cities* (Paris: World Heritage Centre, 2010) 33–44.



Conservation of historic monuments also lacks in strategy-related elements. For instance, as former theories suggested full protection of the form and historically important elements of a historic monument, no strategies for evaluating works carried out in historic monuments have been developed. In the light of the Recommendation on the Historic Urban Landscape, however, historic monuments may (must) be transformed to some extent. This requirement results from the presence of other elements which are vital to purposes served by a historic city. What is therefore necessary is a set of strategies indicating the relations between values of historic monuments and tangible carriers of these values.<sup>42</sup> This combination of values and their carriers is the necessary condition for planning permissible scope of interventions and the consequences they may lead to. Moreover, appropriate strategies and procedures are necessary for monitoring the results of these works. These aspects also need to be refined.<sup>43</sup>

In order to implement the Historic Urban Landscape approach and use it in the management of historic cities, it is necessary to develop specific analytical tools. In the event of this objective not being achieved, the Historic Urban Landscape approach would be just an idea or demand that may result in weakening conservation and, hence, reducing the value of heritage, including properties inscribed on the World Heritage List.

## SUMMARY

It can be concluded that the Recommendation on the Historic Urban Landscape accumulates the latest trends in urban heritage. It reflects and sanctions changes in the approaches to heritage and preservation of historic cities (paragraph 21), which occurred in the last decades. Declarations on respecting traditional doctrinal documents are therefore false; modern approach to heritage protection is developed, formalized, and sanctioned in the Recommendation on the Historic Urban Landscape.

Furthermore, this document provides new strategies for protection and management of not only heritage but also historic cities. The Historic Urban Landscape approach aims to broaden perspectives. In the past, each stakeholder perceived a historic city from a different perspective. It was, however assumed that protection of values of historical importance was given the highest priority and, consequently, conservators became the most important stakeholders. This meant that if social aims and needs contradicted each other, it was the conservator who was responsible for defining them.

Nowadays, broadening the perspective means that works carried out by a conservator (still an important stakeholder in historic areas) focus not only on heritage protection but also on needs, which are not closely related to conservation, e.g. development needs, change of technical and use standards, communication requirements, citizens' needs, tourism requirements. These factors must be taken into consideration not only in conservation programmes but also in order to reach compromise with all stakeholders. Conservation officers started to be largely responsible for addressing and meeting other stakeholders' needs and this fact is a major change made to the scope of conservation works.

The changes to heritage and heritage conservation provided in the Recommendation on the Historic Urban Landscape may lead to the following synthesis focusing on comparison of the differences that exist between these elements and the traditional approach.

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<sup>42</sup> Bogusław Szmygin (ed.), *Outstanding Universal Value and Monitoring of World Heritage Properties*, ICOMOS Poland, National Heritage Board Poland, Warszawa 2011

<sup>43</sup> The World Heritage Committee adopted three forms of monitoring and reporting processes, i.e. Periodic Report, Reactive Monitoring, and State of Conservation. They do not, however, use any objectifying tools, e.g. attributes and indicators..

### Changes in the approach to historic cities

/Traditional approach and the Recommendation on the Historic Urban Landscape/

<b>Elements, qualities and objectives characteristic of the approach to historic cities</b>	<b>Traditional approach</b>	<b>Historic Urban Landscape approach /Recommendation of 2011/</b>
Subject to the Recommendation /elements to which the approach was applied/	Historic city /tangible elements that create and characterize the city/	Historic Urban Landscape /any city development elements, values, relations, and processes/
Assets being analyzed and included in protection plans	Heritage /conservation factors and elements/	The whole historic city /conservation and non-conservation elements and factors/
Attitude towards changes and transformations	Change is unwanted; it is an interruption which results in lower value /cities are static/	Changes are natural; changes are immanent qualities of each city /including historic cities/
Primary aim of interventions in historic cities	Preservation of heritage values	No principal objective /equivalent objectives: heritage protection, balanced development, social cohesion/
Method for assessing values and formulating objectives and aims	Specialists	Specialists + public consultations /social approval required/
Conservation aims and actions	Heritage protection /only/ Conservation officer is responsible for heritage protection only	Heritage protection + other objectives /e.g. development/ Conservation officer is also responsible for other aims and objectives



## **BIOGRAPHICAL NOTES**

### **Piotr Dobosz**

Associate Professor, Piotr Dobosz, Jagiellonian University, State Higher Vocational School in Tarnow, academic supervisor of a Team for Cultural Properties Protection in Law Students Library Association in Jagiellonian University, long-serving employee in Regional Conservation Officer's Office in Cracow, member of: Social Committee for the Restoration of Monuments of Cracow (since 1989), departmental committee for introducing the Act on the Protection and Guardianship of Monuments (1997-1998), expert in monument protection in the Committee for Culture in Polish Sejm (2002–2003), member of the Monument Protection Board at the Minister of Culture and Arts (since 1998)/currently - at the Minister of Culture and National Heritage, member of the Fourth Polish-Ukrainian Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin because of WW2.

### **Anna Fortuna-Marek**

Anna Fortuna-Marek - art historian; Author of academic publications and monographs on protection of historic monuments and sites. Author and co-author of historic and urban studies as well as conservation documents concerning, for instance, properties and sites inscribed on UNESCO's World Heritage List. Co-founder of the Wooden Architecture Route in Subcarpathian Region.

For a number of years, Fortuna-Marek was employed in National Heritage Board of Poland. Currently she heads Regional Office of the National Heritage Board of Poland in Rzeszów.

### **Marcin Górski**

Ph.D., engineer and architect

Graduated from the Faculty of Architecture in Warsaw University of Technology (WAPW), specializes in conservation of historic monuments and sites. Author of a number of academic publications. Co-author of a number of projects and concepts involving revalorization of properties and ensembles of historical significance. In 2007, he defended Ph.D. thesis entitled Theme Parks – a Form of Developing Nineteenth-Century Defensive Ensembles of Historical Significance in Poland (promoter: Professor Andrzej Tomaszewski) in the same faculty.

Since 2008, he has been a lecturer in Conservation of Historic Monuments and Sites Unit in the Department of Architectural Heritage and Arts in Warsaw University of Technology.

Member of ICOMOS Military Architecture Committee. Co-founder of Festgrupa Architecture and Conservation Studio established in 2007.

Certified specialist in construction engineering mycology (licensed by Polish Mycological Society).

### **Monika Murzyn-Kupisz**

Doctor of economic sciences with a completed habilitation degree obtained at the Cracow University of Economics. She also holds a M.A. in European Leisure Studies awarded jointly by Loughborough University, Tilburg University, Universidad de Deusto in Bilbao and Vrije Universiteit Brussel and a postgraduate diploma in heritage management. She is an assistant professor in the UNESCO Chair for Heritage and Urban Studies, Department of Economic and Social History at the Cracow University of Economics. In 2000-2009 she worked as a senior specialist at the Research Institute for European Heritage, International Cultural Centre in Cracow. She is a member of ICOMOS Poland and an author of over 60 reviewed scientific publications in English, Polish and other languages on contemporary attitudes towards, usage and interpretation of heritage, heritage economics and cultural policy as well as urban development, urban regeneration and management of historic cities with a special focus on Central and Eastern Europe. These include two monographs: Kazimierz. The Central European Experience of Urban Regeneration (in English and Polish, 2006) and Cultural Heritage and Local Development (in Polish, 2012).

### **Krystyna Pawłowska**

Professor Krystyna Pawłowska – lecturer on Landscape Architecture courses (Cracow University of Technology) Additionally, Professor Pawłowska deals with social participation in spatial management. Teacher of participation programme and methods in Cracow University of Technology, Jagiellonian University. Author of a number of publications, including *Przeciwdziałanie konfliktom wokół ochrony i kształtowania krajobrazu* [Counteracting Conflicts Occurring in the Processes of Protecting and Shaping Landscape]; *Partycypacja społeczna, debata publiczna, negocjacje* [Social Participation, Public Debate, Negotiations]. Co-designed and co-implemented a project of Dębnicki Park in Cracow. Participated in development of a number of zoning plans for Cracow and Warsaw. Professor Pawłowska is also an expert and creator of stained-glass pictures and windows.

### **Andrzej Siwek**

Master degree in history (Jagiellonian University, 1987) and history of arts (Jagiellonian University, 1991). Ph.D. degree in architecture and urban science (Cracow University of Technology, 2014). In the period of 1992–2006 he was employed in Regional Conservation Officer's Office in Cracow.

Since 1997 - deputy Regional Conservation Officer in Cracow. Since 1993, Mr Siwek has been cooperating with the Centre of Cultural Environment Protection Studies in Cracow. Since 2006, he has been a manager in Regional Office of the National Heritage Board of Poland in Cracow. He collaborates with higher education institutions located in Cracow. Member of ICOMOS, Polish Association of Conservators of Monuments, Polish Association of Art Historians, and Social Committee for the Restoration of Monuments of

Cracow. Siwek deals with protection of cultural properties, including historical landscapes and World Heritage sites in particular.

**Bogusław Szmygin**

Professor Bogusław Szmygin, Lublin University of Technology;

Head of the Monument Conservation Department; dean of the Faculty of Construction Engineering and Architecture in Lublin University of Technology (2005-2012); deputy vice chancellor in Lublin University of Technology.

Specializes in protection and conservation of historic monuments of architecture, e.g. in conservation theory, UNESCO World Heritage, revitalisation of historic cities, protection of ruins.

Author of over a hundred publications, e.g. *Kształtowanie koncepcji zabytku i doktryny konserwatorskiej w Polsce w XX wieku* (Eng.: *Developing the Concept of Historic Monuments and Sites and Conservation Doctrine in Poland in the 20th Century*), academic editor of a number of monographs, authors of a number of research and education programmes, including several dozen scripts for educational movies.

President of Polish National Committee of the International Council on Monuments and Sites; secretary-general in the International Committee on Theory and Philosophy of Conservation and Restoration; chairman of UNESCO World Heritage Committee in Poland (2011-2014).

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