

The World Heritage Convention and the Buffer Zone

The World Heritage Convention and the Buffer Zone was the subject of the 2006 symposium of the International Scientific Committee on Legal, Administrative and Financial Issues (ICLAFI). Meeting in Hiroshima, Japan, November 26 through December 1, the committee addressed the issue through several case studies, including the Atomic Bomb Dome.¹

Participants from 15 countries participated in the workshop, including 17 participants and 16 observers from Kyushu University, Tokyo University and ICOMOS Japan. The participating countries were Australia, Belgium, Bulgaria, Canada, Croatia, Finland, Germany, Japan, Netherlands, Peru, Poland, Spain, Sri Lanka, Sweden, and United States of America.

The protection of a World Heritage site has long been focused on the core area in which the World Heritage site was located. The original operational guidelines (1977) to the World Heritage Convention (1972) did not focus on the broader surroundings of the World Heritage site at all. It is only since the revision of the operational guidelines in 1980 that the protection of the broader surroundings was inscribed under the concept of the buffer zone. It was recognized that the universal value of a Cultural Heritage site could be jeopardized by alterations in its broader surroundings. Notwithstanding this formal recognition, many aspects remained unclear. Many problematic cases involving changes occurring within the buffer zone emerged. The revision of the operational guidelines in 2005 aimed partially at responding to the problems of the concept of the buffer zone. The inclusion of a definition and some requirements for its application could be seen as a major improvement.

This recent evolution is one of the main inspirations for the topic of the conference. A recent building project in the near vicinity of the World Heritage site of the Atomic Bomb Dome, located within the buffer zone, was another source of inspiration for the topic. The latter made it also appropriate to choose Hiroshima as the venue of the conference. The choice of Hiroshima was further instigated by what is happening in a small fishing village, Tomonoura, near Hiroshima. Even though Tomonoura is not recognized as a World Heritage site, it has long-standing value as a part of the cultural route between Japan and Korea. The village might lose its value by a bridge building project completely altering the surroundings of the harbor and the village. The well-preserved natural and historical heritage might be lost for future generations. Comparable to the Atomic Bomb Dome, Tomonoura shows that respect for the surroundings of a valuable heritage site is of utmost importance.

The World Heritage Convention (WHC) is undeniably one of the most successful projects of UNESCO. Since its adoption in 1972, the World Heritage Committee has inscribed 830 properties of outstanding universal value as World Heritage. The preservation of these World Heritage sites, however, has not always been smooth. A lot depends on how local legislation has been elaborated.

In Japan, for example, the Law for the Protection of Cultural Property does not protect the buffer zone. The Operational Guidelines for the Implementation of the Convention require that a buffer zone be determined whenever it is necessary for the proper conservation of the cultural or natural property. In order to fulfill this requirement, Japan has developed the practice of recourse to various laws regulating areas for purposes other than the conservation of its cultural value. Hence, the legal basis for the buffer zone

in Japan is very fragile. Related to this, the concept of the buffer zone is not legally elaborated, and therefore its objectives are not clear. Under current practice, it fully depends upon the goal of each separate law. We might expect that what is designated as the buffer zone will be regulated, for example, by laws to preserve natural resources or to prevent the construction of large-size factories. If these laws were amended for reasons which have nothing to do with the protection of cultural property, the protection of the buffer zone would be weakened.

The construction of a tall apartment building in the neighborhood of the Atomic Bomb Dome in Hiroshima exemplifies the urgent need to rethink the Japanese approach towards the concept of the buffer zone. To reach this goal, this conference was set up to learn from experiences in other countries and use them to draft a recommendation.

The participants took part in a site visit to Hiroshima Peace Park and the Atomic Bomb Dome. Prof. Maeno, President of ICOMOS Japan, and Prof. Kono, Kyushu University and ICLAFI member of ICOMOS, guided the participants during the visit, demonstrating that the buffer zone around the World Heritage site of the Atomic Bomb Dome is not well respected.

The participants were interested to know why five tall apartment buildings, including one in the immediate vicinity of the Atomic Bomb Dome, could be constructed within the area designated as a buffer zone to this World Heritage site. Moreover, questions were raised in regard to the appearance of the buildings just outside the buffer zone. It became apparent that one of the buildings just outside the buffer zone would have to be demolished because of its non-conformity with the nature of the neighborhood.

From the Hiroshima Peace Park, the participants went to Tomonoura. This small fishing village has an extremely well preserved visual environment dating back to the Edo-period. Besides this external value, Tomonoura has also an intrinsic value. Historically, this port has functioned as a cultural route between Japan and Korea. Even though this unique ensemble is not inscribed as a World Heritage site, it deserves attention. Similar to what is happening to the site of the Atomic Bomb Dome, this unique ensemble is in danger of losing the previously mentioned values by a bridge building project.

The presentation of the papers was initiated by Professor Kono, who explained the emergence of the concept of the buffer zone in World Heritage law. The introductory presentation was followed by the general presentations over two days. The full text of the presentations may be found on the Internet at: <http://www.law.kyushu-u.ac.jp/programs/english/hiroshima/index.htm>.

The outcome of the conference on the World Heritage Convention and the Buffer Zone is laid down in three recommendations, one for the Atomic Bomb Dome, one for Tomonoura and one for ICOMOS. The recommendations were presented to the general public in their original language (English) and in a translated version (Japanese). The recommendations on the Atomic Bomb Dome and Tomonoura illustrate that the protection of the surroundings is a problem and it needs to be taken much more seriously. How the protection should be properly done is an issue for further study. Therefore, an additional recommendation was adopted, addressing ICOMOS to promote the study of the buffer zone concept.

Recommendations for the Atomic Bomb dome

We, the expert members of the International Committee for Legal, Administrative and Financial Issues of ICOMOS attending the Conference on The World Heritage Convention and the Buffer Zone in Hiroshima, Japan:

Acknowledging with sincere appreciation the International Council on Monuments and Sites Japan (ICOMOS Japan), and the Asia/Pacific Cultural Centre for UNESCO (ACCU) for their valuable organization of the conference;

Recognizing that the buffer zone issues have been very important in World Heritage, especially their legal, socio-economic, environmental and political aspects;

Welcoming the decision to remove the black building, Shokokaigisho, located very near the Hiroshima Atomic Bomb Dome as it harms the view and diminishes its cultural integrity and outstanding universal value;

Expressing our deep regret and disappointment over the construction of five high-rise buildings in the buffer zone, including the recently completed apartment building adjacent to the Atomic Bomb Dome;

Being concerned about possible similar constructions in the future;

Call upon the Prime Minister of Japan, the Governor of Hiroshima Prefecture, and the Mayor of Hiroshima City:

- 1. To study and reflect upon the cases of Cologne and Dresden as they pertain to construction that impedes, if not diminishes, the overall integrity of the property inscribed as a World Heritage site;*
- 2. To see the planned demolition of the Shokokaigisho building as a recognition that obstruction of the view and spatial integrity of a World Heritage site is a diminution or dilution of its cultural value and to ensure that any future use of this area will strengthen the outstanding universal values of the World Heritage site; and*
- 3. To adopt binding regulations to control development projects in the vicinity of the World Heritage site in terms of height restrictions, building color, aesthetics, and other compatibility factors.*

These Recommendations were adopted in Hiroshima, Japan, on 29 November 2006, during the Conference on The World Heritage Convention and the Buffer Zone.

Recommendations for Tomonoura

We, the expert members of the International Committee for Legal, Administrative and Financial Issues of ICOMOS attending the Conference on The World Heritage Convention and the Buffer Zone in Hiroshima, Japan:

Considering that by Resolution No. 9 on the Tomo Bridge, the 15th General Assembly of ICOMOS in Xi'an, China, resolved to ask the Prefectural and City Government to reconsider the Tomo bridge proposal since conservation should embrace the visual environ-

ment, including the adjoining sea, the islands and mountain backdrop it should consider the historical role of the port including its function as part of the cultural route between Japan and Korea. The proposed bridge would damage or completely destroy a number of these important values;

We strongly endorse Resolution No. 9 because it recognizes the great value of Tomonoura to the cultural heritage of Japan.

Call upon the Prime Minister of Japan, the Governor of Hiroshima Prefecture, and the Mayor of Fukuyama City:

- 1. To consider the port and town of Tomonoura as a unique ensemble of international significance that should be preserved in its entirety;*
- 2. To draw on the valuable experience of the city of Dresden, which was placed on the World Heritage Endangered List, to realize that the conservation of important sites, be they potential or already inscribed on the World Heritage List, entails the preservation of the site itself and also the protection of the environment and surroundings, crucial for the integrity of the unique ensemble;*
- 3. To abandon the bridge building project and reconsider the alternatives that do not harm the unique ensemble.*

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Recommendations for ICOMOS

We, the expert members of the International Committee for Legal, Administrative and Financial Issues of ICOMOS attending the Conference on The World Heritage Convention and the Buffer Zone in Hiroshima, Japan:

Acknowledging with sincere appreciation the International Council on Monuments and Sites Japan (ICOMOS Japan), and the Asia/Pacific Cultural Centre for UNESCO (ACCU) for their valuable organization of the conference; and

Recognizing that the buffer zone issues have been very important in World Heritage, especially their legal, socio-economic, environmental and political aspects;

Call upon ICOMOS:

- 1. To further study the issues of buffer zones and how they can be adequately protected and, in the process, support the cooperation of its relevant committees, acting jointly, on buffer zone issues;*
- 2. To increase awareness of the existence, necessity and protection of buffer zones in the Asia-Pacific region and localities;*
- 3. To convince national governments, local governments, corporations and construction companies to be respectful of heritage places and their buffer zones and that any development must be compatible with their protection and enhancement;*
- 4. To conduct activities that emphasize the belief that corporate*

goals should include the continuing and genuine commitment by the business sector to behave responsibly and ethically and exercise an important duty of care to all of its stakeholders including the community at large;

5. To promote the idea of responsible citizenship as a key element in the preservation and promotion of cultural heritage;

6. To further stress education to intensify global awareness of the measures needed to protect heritage sites and their buffer zones so as to preserve and transmit to future generations the cultural context of World Heritage sites, both listed and potential;

7. To stress the idea that every World Heritage site has intangible aspects and dimensions, notably the cultural and historical, that must be respected; and

8. To promote these significant matters to the World Heritage

Committee and the member-states of the World Heritage Convention.

These Recommendations were adopted in Hiroshima, Japan, on 29 November 2006, during the Conference on The World Heritage Convention and the Buffer Zone.

(Both issues are also discussed in the Japan report, pp. 102-104)

ICLAFI

¹ The Symposium was organized by ICOMOS Japan and the Asia/Pacific Cultural Centre for UNESCO (ACCU), in cooperation with Kyushu University as one of the 2006 Programmes for Professionals in the Fields of UNESCO's Competence within the framework of the ACCU International Exchange Programme under the UNESCO/Japan Funds-in-Trust for the Promotion of International Cooperation and Mutual Understanding.