

Alternative to Cultural Property Law for Industrial Heritage Protection, Conservation and Management in World Heritage Properties

As UK members of the Kyūshū -Yamaguchi World Heritage Expert Committee we wish to write a letter of support in your recent initiative.

We are involved in drafting a nomination dossier for the 'Emergence of Industrial Japan', a candidate World Heritage Site placed on Japan's Tentative List to UNESCO 5th January 2009. The series of sites are a testimony to Japan as Asia's first nation to industrialise; and today as one of the world's leading industrial nations. This unique and major achievement, which eluded all other non-Western countries, began with iron and steel production, shipbuilding and armaments fuelled by abundant Kyūshū coal. Integrated heavy industry created a new foundation for Asia's first industrial revolution. Progress was impressively quick, extremely intense, and its effects changed modern society and the way in which we live. What happened from the mid-19th century, in the space of a mere two generations, is unparalleled in history. It is our considered view that a series of sites, centred on the Kyushu-Yamaguchi region, are fitting testimony to this achievement. Further that they can adequately satisfy UNESCO criteria in demonstrating Outstanding Universal Value (OUV), therefore being eligible for inscription as a World Heritage Site spanning seven prefectures.

The 1972 UNESCO Convention concerning the protection of World Cultural and Natural Heritage seeks to encourage the identification of cultural heritage of OUV, to protect it and to encourage international cooperation in its conservation. Protection and management are crucial considerations and some nominations provide complex challenges. In the case of 'Emergence of Industrial Japan' there are three sites in the series which present particular challenges as they involve operational industrial sites: a steel works, a shipyard and an industrial port; that is there are constrained historical components within the much larger operational industrial sites. Their owners, which include major industrial corporations, have declared their interest to protect the cultural values of outstanding universal relevance at the heart of their sites and to consider them for World Heritage inscription. This not only aligns with the spirit of UNESCO in terms of widening participation in the world cultural heritage, it also potentially sets an inspirational world conservation precedent.

The challenge for each of the three operational industrial sites is the approach to protection and management as World Heritage properties in Japan. Present state policy for the nomination of a 'site' to the World Heritage List is to protect the whole property as Cultural Property, as appropriately undertaken for a number of Japanese World Heritage Sites including temples and shrines, historic monuments and sites. This method is also an appropriate protection mechanism for most of the sites in the current nomination, but not all.

The exceptions are the three operational industrial sites - Mitsubishi Nagasaki Shipyard, Miike Port, Nippon Steel Yawata Steelworks - for which the owners believe alternative provisions are essential. The owners of the sites are of the opinion that normal cultural property protection is not appropriate for their sites. The international expert committee has considered this matter at length and endorses the view that a different mechanism for protection is essential. There are obvious practical differences when considering an operational industrial site against the more usual cultural monument. These sites, in the same way as ancient shrines require conservation expertise,

require engineering and industrial expertise in addition to conservation expertise for a living cultural monument. The current concern is that without an alternative method of legal protection, the owners of the three operational sites will not consent to their properties being part of a World Heritage nomination. Japan would therefore lose the opportunity of the rightful inscription of the 'Emergence of Industrial Japan' on the WH List, and be denied the international recognition for its present-day industrial world eminence.

In UK nominations, for example, statutory planning mechanisms have been used to protect larger areas, as opposed to single discrete cultural sites, to the entire satisfaction of UNESCO, and of ICOMOS as their advisory body. In the case of the 'Emergence of Industrial Japan' an alternative system for protection and management has been suggested that uses Port Planning and Municipal and Prefectural planning to secure protection of World Heritage values.

UNESCO's *Operational Guidelines for the Implementation of the World Heritage Convention* (2008) govern World Heritage nominations. UNESCO requires that a World Heritage Site is adequately protected by law:

II.F Protection and management

96. Protection and management of World Heritage properties should ensure that the outstanding universal value, the conditions of integrity and/or authenticity at the time of inscription are maintained or enhanced in the future.
97. All properties inscribed on the World Heritage List must have adequate long-term legislative, regulatory, institutional and/or traditional protection and management to ensure their safeguarding. This protection should include adequately delineated boundaries. Similarly States Parties should demonstrate adequate protection at the national, regional, municipal, and/or traditional level for the nominated property. They should append appropriate texts to the nomination with a clear explanation of the way this protection operates to protect the property.

Legislative, regulatory and contractual measures for protection

98. Legislative and regulatory measures at national and local levels should assure the survival of the property and its protection against development and change that might negatively impact the outstanding universal value, or the integrity and/or authenticity of the property. States Parties should also assure the full and effective implementation of such measures.

Further, it is also required that an appropriate management system is in place

Management systems

108. Each nominated property should have an appropriate management plan or other documented management system which should specify how the outstanding universal value of a property should be preserved, preferably through participatory means.
109. The purpose of a management system is to ensure the effective protection of the nominated property for present and future generations.
110. 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.
117. States Parties are responsible for implementing effective management activities for a World Heritage property. State Parties should do so in close collaboration with property managers, the agency with management authority and other partners, and stakeholders in property management.

On behalf of the international expert committee we wish to emphasise the importance of these sites which we believe to be of outstanding universal value and therefore appropriate for World Heritage Site inscription. We trust that an appropriate mechanism can be found for their protection.

Yours sincerely

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