

# International guidelines for protection, development, management, presentation and interpretation of historic cities/cultural heritage sites

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## Introduction

The perspective at the core of Emek Shaveh's work is that antiquities are a cultural property and belong to the entire population. In the case of Jerusalem, the antiquities are of exceptional interest and importance, extending beyond the interests of the two peoples in the conflict. They are of international interest, and their preservation should be treated as such. The following paper aims to increase public awareness about existing international regulations concerning cultural heritage that are relevant to the situation in Jerusalem, with specific emphasis on archaeology (chapter 1-3). It also includes a selection of recommendations from different conventions and charters sorted according to subject matter (chapter 4-6).

### 1. International regulations concerning cultural heritage

Cultural heritage protection is regulated in a number of international documents. UN conventions are international agreements that are (at least in theory) legally binding for state parties who have signed and ratified them. Recommendations, resolutions and declarations (usually by the UN General Assembly) as well as ICOMOS and ICCROM charters are guidelines which serve as consensus documents for professionals and academics but are not legally binding. A list of the most important documents relating to cultural heritage protection can be found at the [UNESCO website](#).

#### a. UNESCO Conventions

Seven major international conventions regulate the protection of cultural heritage (see list below), the main issues being intended and unintended destruction during armed conflict, plunder and illicit trafficking of cultural objects, and the active preservation and management of cultural heritage. The basic assumption for the development of these conventions is that cultural heritage should not be regarded as purely a local, ethnic or national asset, but belongs

to mankind as a whole and needs to be preserved for future generations. The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict states in its preamble that “damage to the cultural property belonging to any people whatsoever means damage to the cultural heritage of all mankind”. UNESCO Conventions are international agreements that are (at least in theory) legally binding for state parties who have signed and ratified them.

- [Convention for the Protection of Cultural Property in the Event of Armed Conflict](#) (Hague Convention 1954)
- [Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property](#) (1970)
- [Convention Concerning the Protection of the World Cultural and Natural Heritage](#) (World Heritage Convention 1972)
- [UNIDROIT Convention on Stolen and Illegally Exported Cultural Objects](#) (1995)
- [Convention on the Protection of the Underwater Cultural Heritage](#) (2001)
- [Convention for the Safeguarding of the Intangible Cultural Heritage](#) (2003)
- [Convention on the Protection and Promotion of the Diversity of Cultural Expressions](#) (2005)

#### **b. UNESCO General Assembly Recommendations**

The General Assembly of UNESCO has adopted a number of recommendations concerning the protection of cultural heritage. These recommendations, often prepared by advisory bodies to UNESCO such as ICOMOS and ICCROM, serve as internationally accepted guidelines but do not have legal status.

- [Recommendation concerning the Safeguarding of the Beauty and Character of Landscapes and Sites](#) 1962
- [Recommendation concerning the Preservation of Cultural Property Endangered by Public or Private Works](#) 1968
- [Resolutions of the Symposium on the introduction of contemporary architecture into ancient groups of buildings](#) 1972
- [Recommendation concerning the Protection, at National Level, of the Cultural and Natural Heritage](#) 1972
- [Resolutions of the International Symposium on the Conservation of Smaller Historic Towns](#) 1975
- [Recommendation concerning the Safeguarding and Contemporary Role of Historic Areas](#) 1976
- [Recommendation for the Protection of Movable Cultural Property](#) 1978
- [Universal Declaration on Cultural Diversity](#) 2001
- [Declaration concerning the Intentional Destruction of Cultural Heritage](#) 2003
- [Recommendation on the Historic Urban Landscape](#) (Valletta Principles) 2011

#### **c. Charters - ICOMOS and ICCROM**

In addition, ICOMOS and ICCROM have published a number of charters which, although they also lack legal status or the official approval of the UNESCO General Assembly, are consensus documents recognized and respected by academics and professionals in the field of culture preservation all over the world.

- The [Valletta Principles](#) for the Safeguarding and Management of Historic Cities, Towns and Urban Areas, ICOMOS 17th General Assembly 2011
- Charter for the [Interpretation and Presentation of Cultural Heritage Sites](#), ICOMOS 16<sup>th</sup> General Assembly, 2008
- [International Cultural Tourism Charter](#) - Managing Tourism at Places of Heritage Significance, ICOMOS 12<sup>th</sup> General Assembly, 1999
- [Charter for the Protection and Management of the Archaeological Heritage](#), ICOMOS 9<sup>th</sup> General Assembly, 1990
- Charter for the Conservation of Historic Towns and Urban Areas ([Washington Charter](#)), ICOMOS General Assembly, 1987

## 2. International conventions and guidelines concerning archaeology, archaeological excavations and finds

### a. Conventions, charters, recommendations and agreements

- [Convention for the Protection of Cultural Heritage in the Event of Armed Conflict](#) (Hague Convention, 1954)
- [Recommendation on International Principles Applicable to Archaeological Excavations](#) (New Delhi Recommendations, 1956)
- [Charter for the Protection and Management of the Archaeological Heritage](#), ICOMOS 1990
- [The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip](#) (1995), Annex 3: Protocol concerning civil affairs, Appendix 1, Article 2: Archaeology
- [Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict](#), 1999
- [Israeli-Palestinian Archaeology Working Group Agreement](#) (2009)

### b. Archaeology on occupied territory

Any High Contracting Party in occupation of the whole or part of the territory of another High Contracting Party shall as far as possible *support the competent national authorities of the occupied country* in safeguarding and preserving its cultural property. Should it prove necessary to take measures to preserve cultural property situated in occupied territory and damaged by military operations, and should the competent national authorities be unable to take such measures, the Occupying Power shall, as far as possible, and in close co-operation with such authorities, take *the most necessary measures of preservation*. (Hague Convention 1954, Article 5)

In the event of armed conflict, any Member State occupying the territory of another State *should refrain from carrying out archaeological excavations in the occupied territory*. In the event of chance finds being made, particularly during military works, the occupying Power should take all possible measures to protect these finds, which should be handed over, on the termination of hostilities, to the competent authorities of the territory previously occupied, together with all documentation relating thereto. (New Delhi Recommendations, 1956)

A Party in occupation of the whole or part of the territory of another Party shall *prohibit and prevent* in relation to the occupied territory:

- a. any illicit export, other removal or transfer of ownership of cultural property;
- b. any archaeological excavation, save where this is strictly required to safeguard, record or preserve cultural property;
- c. any alteration to, or change of use of, cultural property which is intended to conceal or destroy cultural, historical or scientific evidence.

Any archaeological excavation of, alteration to, or change of use of, cultural property in occupied territory shall, unless circumstances do not permit, be carried out in *close co-operation with the competent national authorities of the occupied territory*. (Second Protocol to the Hague Convention, 1999, Article 9)

### **c. Archaeology in the Oslo accords**

#### **ARTICLE 2 - Archaeology**

1. Powers and responsibilities in the sphere of archaeology in the West Bank and the Gaza Strip will be transferred from the military government and its Civil Administration to the Palestinian side. This sphere includes, inter alia, the protection and preservation of archaeological sites, management, supervision, licensing and all other archaeological activities.
2. In Area C, powers and responsibilities related to the sphere of Archaeology will be transferred gradually to Palestinian jurisdiction that will cover West Bank and Gaza Strip territory except for the issues that will be negotiated in the permanent status negotiations, during the further redeployment phases, to be completed within 18 months from the date of the inauguration of the Council
3. The Palestinian side shall protect and safeguard all archaeological sites, take all measures necessary to protect such sites and to prevent damage to them and take all precautions when carrying out activities, including maintenance and construction activities, which may affect such sites.
4. A Joint Committee of experts from both sides shall be established by the CAC to deal with archaeological issues of common interest.
5. The Palestinian side shall respect academic freedom and rights in this sphere.
6. Subject to academic considerations, and in accordance with the law, when the Palestinian side grants excavation licenses to archaeologists, researchers and academics, it shall do so without discrimination.
7. The Palestinian side shall ensure free access to archaeological sites, open to the public without discrimination.
8. Both sides shall inform each other, through the Joint Committee, of the discovery of new archaeological sites in the West Bank and the Gaza Strip.
9. Each side undertakes upon itself to respect sites in the West Bank and the Gaza Strip which are regarded as holy, or which hold archaeological value. Each side shall have the right to raise issues relating to those sites before the Joint Committee which will consider the issue raised and reach an agreement upon such issue.

The sites listed in Schedule I are of archaeological and historical importance to the Israeli side. The Israeli side may notify the Palestinian side of other sites which shall be added to this list. The Palestinian side will take into consideration that actions which may affect these sites shall be referred to the Joint Committee for full cooperation.

10. In areas transferred to the territorial jurisdiction of the Palestinian side, the Israeli side shall provide the Palestinian side with all archaeological records, including, inter alia, a list of all excavated sites and a detailed list and description of archaeological artifacts found since 1967.

With due consideration to the Palestinian demand that Israel shall return all archaeological artifacts found in the West Bank and the Gaza Strip since 1967, this issue shall be dealt with in the negotiations on the final status.

11. a. Both sides shall take all necessary steps to prevent the theft of archaeological artifacts.

b. Both sides shall enforce the prohibitions on illegal trading in archaeological artifacts and shall, in this context, prevent any transfer of such artifacts to Israel or abroad.

c. In this regard, and with a view to safeguarding their common interests, Israel and the Palestinian side shall cooperate, exchange information and take necessary measures to combat the theft of, and illegal trade and transport of archaeological artifacts, including between areas under the territorial jurisdiction of the two sides, coordinating such activity through the Joint Committee.

### **3. Cultural heritage and human rights law<sup>1</sup>**

#### **a. Concept of cultural heritage from a human rights perspective**

Various definitions of cultural heritage exist at the national level as well as in international instruments.<sup>2</sup> (...) Noting that no list is exhaustive, the independent expert describes cultural heritage in the questionnaire as:

"tangible heritage (e.g. sites, structures and remains of archaeological, historical, religious, cultural or aesthetic value), intangible heritage (e.g. traditions, customs and practices, aesthetic and spiritual beliefs; vernacular or other languages; artistic expressions, folklore) and natural heritage (e.g. protected natural reserves; other protected biologically diverse areas; historic parks and gardens and cultural landscapes)".<sup>3</sup>

As stated by the Committee on Economic, Social and Cultural Rights in general comment No. 21 on the right of everyone to take part in cultural life, "the concept of culture must be seen

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<sup>1</sup> Report of the independent expert in the field of cultural rights, Farida Shaheed, Human Rights Council Seventeenth session Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, 21 March 2011

<sup>2</sup> See in particular UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage (1972), art. 1; Convention for the Safeguarding of the Intangible Cultural Heritage (2003), art. 2; Council of Europe Framework Convention on the Value of Cultural Heritage for Society (Faro Convention) (2005), art. 2 (a); ASEAN Declaration On Cultural Heritage (2000), art. 1.

<sup>3</sup> UN HRC, 17<sup>th</sup> session, 21 March 2011

not as a series of isolated manifestations or hermetic compartments, but as an interactive process whereby individuals and communities, while preserving their specificities and purposes, give expression to the culture of humanity”.<sup>4</sup> Therefore, to speak of cultural heritage in the context of human rights entails taking into consideration the multiple heritages through which individuals and communities express their humanity, give meaning to their existence, build their worldviews and represent their encounter with the external forces affecting their lives.<sup>5</sup> Cultural heritage is to be understood as resources enabling the cultural identification and development processes of individuals and communities which they, implicitly or explicitly, wish to transmit to future generations. (Article 6)

### **b. Human rights issues related to cultural heritage**

Human rights issues related to cultural heritage are numerous. They include questions regarding

- who defines what cultural heritage is and its significance
- which cultural heritage deserves protection
- the extent to which individuals and communities participate in the interpretation, preservation/safeguarding of cultural heritage, have access to and enjoy it
- how to resolve conflicts and competing interests over cultural heritage
- and what the possible limitations to a right to cultural heritage are. (Article 9)

### **c. References in international law relating to the rights of individuals and communities in relation to cultural heritage**

One of the most explicit provisions in relation to access to and enjoyment of cultural heritage is article 15(1)(a) of the International Covenant on Economic, Social and Cultural Rights which obliges States to recognize the **right of everyone to take part in cultural life**. In its general comment No. 21, the Committee on Economic, Social and Cultural Rights stressed that “...in many instances, the obligations to respect and to protect freedoms, cultural heritage and diversity are interconnected”. The Committee makes it clear that the obligation to respect the right to take part in cultural life “...includes the adoption of specific measures aimed at achieving respect for the **right of everyone, individually or in association with others or within a community or group... to have access to their own cultural and linguistic heritage and to that of others.**”<sup>6</sup> The right to participate in cultural life implies that individuals and communities have access to and enjoy cultural heritages that are meaningful to them, and that their freedom to continuously (re)create cultural heritage and transmit it to future generations should be protected. (Article 34)

The Committee especially emphasized that: “...States must respect free access by minorities to their own culture, heritage and other forms of expression, as well as the free exercise of their cultural identity and practices. States parties must also respect the rights of indigenous peoples to their culture and heritage and to maintain and strengthen their spiritual relationship with their ancestral lands and other natural resources traditionally owned, occupied or used by them, and indispensable to their cultural life.”<sup>7</sup> (Article 35)

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<sup>4</sup> General comment No. 21 (2009), para. 12

<sup>5</sup> See also the first report of the independent expert, A/HRC/14/36, para. 9.

<sup>6</sup> General comment No. 21 (2009), para. 50.

<sup>7</sup> Ibid., para. 49 (d).

It also considered as a core obligation the obligation of States to “allow and encourage the participation of persons belonging to minority groups, indigenous peoples or to other communities in the design and implementation of laws and policies that affect them. In particular, States parties should obtain their free and informed prior consent when the preservation of their cultural resources, especially those associated with their way of life and cultural expression, are at risk.”<sup>8</sup> (Article 36)

Access to and enjoyment of cultural heritage are interdependent concepts – one implying the other. They convey an ability to, inter alia, know, understand, enter, visit, make use of, maintain, exchange and develop cultural heritage, as well as to benefit from the cultural heritage and creations of others, without political, religious, economic or physical encumbrances. Individuals and communities cannot be seen as mere beneficiaries or users of cultural heritage. Access and enjoyment also imply contributing to the identification, interpretation and development of cultural heritage, as well as to the design and implementation of preservation/safeguard policies and programmes. Effective participation in decision-making processes relating to cultural heritage is a key element of these concepts.

The concept of access has been specifically developed by the Committee on Economic, Social and Cultural Rights.<sup>9</sup> Applied to cultural heritage, the following must be ensured:

- (a) *physical access* to cultural heritage, which may be complemented by access through information technologies;<sup>10</sup>
- (b) *economic access*, which means that access should be affordable to all;
- (c) *information access*, which refers to the right to seek, receive and impart information on cultural heritage, without borders; and
- (d) *access to decision making and monitoring procedures*, including administrative and judicial procedures and remedies. An overlapping principle is non-discrimination, with special attention to disadvantaged groups. (Article 60)

Individuals and groups, the majority and minorities, citizens and migrants all have the right to access and enjoy cultural heritage. As mentioned above, general comment No. 21 stresses that the right to take part in cultural life may be exercised alone, in association with others, or as a community. Therefore, **the right of access to and enjoyment of cultural heritage must be considered both as an individual and a collective human right.**<sup>11</sup> (Article 61)

Varying degrees of access and enjoyment may be recognized, taking into consideration the diverse interests of individuals and groups according to their relationship with specific cultural heritages. Distinctions should be made between

- (a) originators or “source communities”, communities which consider themselves as the custodians/owners of a specific cultural heritage, people who are keeping cultural heritage alive and/or have taken responsibility for it;

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<sup>8</sup> Ibid., para. 55 (e).

<sup>9</sup> Access forms part of the so-called 4A scheme, composed of four elements: availability, accessibility, acceptability and adaptability. This scheme was elaborated by the late Professor Katarina Tomasevski, Special Rapporteur on the Right to Education, in E/CN.4/1999/49, and is systematically used by the Committee on Economic, Social and Cultural Rights in its general comments.

<sup>10</sup> See in particular UNESCO Charter on the Preservation of Digital Heritage (2003).

<sup>11</sup> See also the Council of Europe Faro Convention which states that “everyone, alone or collectively, has the right to benefit from cultural heritage...”, art. 4(a).

(b) individuals and communities, including local communities, who consider the cultural heritage in question an integral part of the life of the community, but may not be actively involved in its maintenance;

(c) scientists and artists; and

(d) the general public accessing the cultural heritage of others.

Interestingly, the Faro Convention refers to the notion of “heritage community”, which “consists of people who value specific aspects of cultural heritage which they wish, within the framework of public action, to sustain and transmit to future generations.”<sup>12</sup> This implies that concerned communities may reunite people from diverse cultural, religious, ethnic and linguistic backgrounds over a specific cultural heritage that they consider they have in common. (Article 62)

#### **d. Recommendations**

The independent expert makes the following recommendations:

States should ***recognize and value the diversity of cultural heritages*** present in their territories and under their jurisdiction, and acknowledge, respect and protect the possible diverging interpretations that may arise over cultural heritage. The choices of individuals and communities to feel associated (or not) with specific elements of cultural heritages should be respected and protected;

States should ***respect the free development of cultural heritage***. They have the duty not to destroy, damage or alter cultural heritage, at least not without the free, prior and informed consent of concerned communities, and to take measures to preserve/safeguard cultural heritage from destruction or damage by third parties;

Concerned communities and relevant individuals should be ***consulted and invited to actively participate in the whole process*** of identification, selection, classification, interpretation, preservation/safeguard, stewardship and development of cultural heritage. No inscription on UNESCO lists relating to cultural heritage or national lists or registers should be requested or granted without the free, prior and informed consent of the concerned communities. More generally, States should seek the free, prior and informed consent of source communities before adopting measures concerning their specific cultural heritage, in particular in the case of indigenous peoples, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples;

States should ***ensure that cultural heritage policies and programmes are not implemented at the expense or to the detriment of concerned communities***. The preservation/safeguarding of cultural heritage should aim at ensuring human development, the building of peaceful and democratic societies and the promotion of cultural diversity;

States are encouraged to ***develop cultural heritage mapping processes*** within their territory and should utilize cultural impact assessments in the planning and implementation of development projects, in full cooperation with concerned communities;

States should take measures to encourage professionals working in the field of cultural heritage to ***adopt a human rights-based approach*** and to develop rules and guidelines in this respect;

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<sup>12</sup> Council of Europe Faro Convention, art. 2(b).

Professionals working in the field of cultural heritage and cultural institutions (museums, libraries and archives in particular) should ***build stronger relationships with the communities and peoples whose cultural heritage they are the repositories*** of, respect their contributions regarding the significance, interpretation, sharing and display of such heritage, and consider in good faith their queries regarding repatriation;

Researchers should likewise ***build stronger relationships with the communities and peoples whose cultural heritage they desire to investigate***, especially when recording cultural heritage manifestations, to ensure their free, prior and informed consent at all stages of research and dissemination;

Tourism and entertainment industries should ***respect the right of access to and enjoyment of cultural heritage***. This implies, in particular, fully taking into consideration the complaints lodged by concerned individuals and communities who consider that their cultural heritage has been misused, misrepresented or misappropriated, or that their cultural heritage is being endangered by their activities;

States should ***ensure access to the cultural heritage of one's own communities, as well as that of others***, while respecting customary practices governing access to cultural heritage. In particular, such access should be ensured through education and information, including by the use of modern information and communication technologies. States should also ensure to that end, that the content of programmes is established in full cooperation with the concerned communities;

States should ***adopt positive measures to ensure access to and enjoyment of cultural heritage by all people*** regardless of gender, including people with scarce financial resources, and those with mental and physical disabilities;

States should make ***available effective remedies, including judicial remedies, to concerned individuals and communities*** who feel that their cultural heritage is either not fully respected and protected or that their right of access to and enjoyment of cultural heritage is being infringed upon. In arbitration and litigation processes, the specific relationship of communities to cultural heritage should be fully taken into consideration;

States are encouraged ***to ratify relevant international and regional treaties for the preservation/safeguarding of cultural heritage***, and to implement them at the national level adopting a human rights-based approach;

States should include in their periodic reports to treaty bodies, in particular the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, and the Committee on the Rights of the Child, ***information on action taken to ensure the full participation of concerned individuals and communities in cultural heritage preservation/safeguard programmes***, as well as on measures taken, particularly in the field of education and information, to ensure access to and enjoyment of cultural heritage.

## **4. Government policy concerning historic cities/cultural heritage sites**

### **a. Coherence in planning and development**

Historic towns and urban areas as well as their settings must be considered in their totality. Their balance and nature depend on their constituent parts. However, the safeguarding of

historic towns and urban areas must be an integral part of a general understanding of the urban structure and its surroundings. This requires coherent economic and social development policies that take historic towns into account at all planning levels, whilst always respecting their social fabric and cultural diversity. (Valletta Principles 2011, Article 3d)

The safeguarding of historic towns must include, as a mandatory condition, the preservation of fundamental spatial, environmental, social, cultural and economic balances. This requires actions that allow the urban structure to retain the original residents and to welcome new arrivals (either as residents or as users of the historic town), as well as to aid development, without causing congestion. (Valletta Principles 2011, Article 3e)

The Valletta Principles for the Safeguarding and Management of Historic Cities, Towns and Urban Areas

A conservation plan must be based on urban planning for the whole town, including analysis of archaeological, historical, architectural, technical, sociological and economical values. It should define a conservation project, and be combined with a management plan and followed by permanent monitoring. (Valletta Principles 2011, Article 3e)

The archaeological heritage is a fragile and non-renewable cultural resource. Land use must therefore be controlled and developed in order to minimise the destruction of the archaeological heritage. Policies for the protection of the archaeological heritage should constitute an integral component of policies relating to land use, development, and planning as well as of cultural, environmental and educational policies. The policies for the protection of the archaeological heritage should be kept under continual review, so that they stay up to date. The creation of archaeological reserves should form part of such policies. The protection of the archaeological heritage should be integrated into planning policies at international, national, regional and local levels. (Protection and Management of Archaeological Heritage 1990, Article 2)

#### **b. Involving stakeholders at all levels**

Good governance makes provision for organizing broad orchestration amongst all stakeholders: elected authorities, municipal services, public administrations, experts, professional organizations, voluntary bodies, universities, residents, etc. This is essential for the successful safeguarding, rehabilitation and sustainable development of historic towns and urban areas. (Valletta Principles 2011, Article 3h)

#### **c. Value-based legislation**

Legislation should afford protection to the archaeological heritage that is appropriate to the needs, history, and traditions of each country and region, providing for in situ protection and research needs. Legislation should be based on the concept of the archaeological heritage as the heritage of all humanity and of groups of peoples, and not restricted to any individual person or nation. (Protection and Management of Archaeological Heritage 1990, Article 3)

#### **d. Involving experts from different fields of study**

Planning for the conservation of historic towns and urban areas should be preceded by multidisciplinary studies. (Washington Charter 1987, Article 5)

From the beginning of preliminary studies, the safeguarding of historic towns should be based on an effective collaboration between specialists of many different disciplines, and undertaken with the cooperation of researchers, public services, private enterprises and the broader public. (Valletta Principles 2011, Article 3i)

#### **e. Introducing changes in a balanced way**

Development projects constitute one of the greatest physical threats to the archaeological heritage. A duty for developers to ensure that archaeological heritage impact studies are carried out before development schemes are implemented, should therefore be embodied in appropriate legislation, with a stipulation that the costs of such studies are to be included in project costs. The principle should also be established in legislation that development schemes should be designed in such a way as to minimise their impact upon the archaeological heritage. (Protection and Management of Archaeological Heritage 1990, Article 3)

New functions and activities should be compatible with the character of the historic towns or urban area. (Washington Charter 1987, Article 8)

The introduction of new activities must not compromise the survival of traditional activities or anything that supports the daily life of the local inhabitants. This could help to preserve the historical cultural diversity and plurality, some of the most valuable elements in this context. (Valletta Principles 2011, Article 4b)

Public space in historic towns is not just an essential resource for circulation, but is also a place for contemplation, learning and enjoyment of the town. Its design and layout, including the choice of street furniture, as well as its management, must protect its character and beauty, and promote its use as a public place dedicated to social communication. The balance between public open space and the dense built environment must be carefully analyzed and controlled in the event of new interventions and new uses. (Valletta Principles 2011, Article 4d)

Before heritage places are promoted or developed for increased tourism, management plans should assess the natural and cultural values of the resource. They should then establish appropriate limits of acceptable change, particularly in relation to the impact of visitor numbers on the physical characteristics, integrity, ecology and biodiversity of the place, local access and transportation systems and the social, economic and cultural well being of the host community. If the likely level of change is unacceptable the development proposal should be modified. There should be on-going programmes of evaluation to assess the progressive impacts of tourism activities and development on the particular place or community. (Tourism Charter 1999, Article 2.6)

#### **f. Equal distribution of economic benefits**

Policy makers should promote measures for the equitable distribution of the benefits of tourism to be shared across countries or regions, improving the levels of socio-economic development and contributing where necessary to poverty alleviation. (Tourism Charter 1999, Article 5.1)

#### **g. Preserving monuments and sites in situ**

The overall objective of archaeological heritage management should be the preservation of monuments and sites in situ, including proper long-term conservation and curation of all related records and collections etc. Any transfer of elements of the heritage to new locations represents a violation of the principle of preserving the heritage in its original context. This principle stresses the need for proper maintenance, conservation and management. It also asserts the principle that the archaeological heritage should not be exposed by excavation or left exposed after excavation if provision for its proper maintenance and management after excavation cannot be guaranteed. (Protection and Management of Archaeological Heritage 1990, Article 6)

#### **h. Selecting culturally diverse sites and monuments**

Owing to the inevitable limitations of available resources, active maintenance will have to be carried out on a selective basis. It should therefore be applied to a sample of the diversity of sites and monuments, based upon a scientific assessment of their significance and representative character, and not confined to the more notable and visually attractive monuments. (Protection and Management of Archaeological Heritage 1990, Article 6)

### **5. Traffic and Transportation**

#### **a. Improving access without damaging historic fabric**

Traffic inside a historic town or urban area must be strictly controlled by regulations. When urban or regional planning provides for the construction of major motorways, they must not penetrate a historic town or urban area, but they should improve access to them. (Washington Charter 1987, Articles 12-13)

Traffic infrastructure (car parks, subway stations, etc) must be planned in ways that will not damage the historic fabric or its environment. A historic town should encourage the creation of transport with a light footprint. (Valletta Principles 2011, Article 4f)

#### **b. Priority for pedestrians and non-polluting public transport**

It is important to encourage pedestrian circulation. To achieve this, traffic should be drastically limited and parking facilities reduced. At the same time, sustainable, non-polluting public transport systems need to be introduced, and soft mobility promoted. (Valletta Principles 2011, Article 4f)

Roadways should be studied and planned to give priority to pedestrians. Parking facilities should preferably be located outside protected zones and, if possible, outside buffer zones. (Valletta Principles 2011, Article 4f)

## 6. Local residents

### a. Ensuring adequate information and active participation

Active participation by the general public must form part of policies for the protection of the archaeological heritage. This is essential where the heritage of indigenous peoples is involved. Participation must be based upon access to the knowledge necessary for decision making. The provision of information to the general public is therefore an important element in integrated protection. (Protection and Management of Archaeological Heritage 1990, Article 2)

Local commitment and participation should be actively sought and encouraged as a means of promoting the maintenance of the archaeological heritage. This principle is especially important when dealing with the heritage of indigenous peoples or local cultural groups. In some cases it may be appropriate to entrust responsibility for the protection and management of sites and monuments to indigenous peoples. (Protection and Management of Archaeological Heritage 1990, Article 6)

The participation and the involvement of the residents - and all local interest groups - are essential for the success of the conservation programme and should be encouraged. The conservation of historic towns and urban areas concerns their residents first of all. (Washington Charter 1987, Article 3)

Direct consultation and continuous dialogue with the residents and other stakeholders is indispensable because the safeguarding of their historic town or area concerns them first and foremost. (Valletta Principles, 2011, Article 3g)

Participation by the residents can be facilitated through distributing information, awareness raising and training. The traditional systems of urban governance should examine all aspects of cultural and social diversity, so as to establish new democratic institutions to suit the new reality. Procedures for urban planning and safeguarding historic cities must provide sufficient information and time for residents to give fully informed responses. Safeguarding needs to be encouraged and financial measures put in place, in order to facilitate partnerships with players from the private sector in the conservation and restoration of the built environment. (Valletta Principles 2011, Article 3h)

Mutual understanding, based on public awareness, and the search for common objectives between local communities and professional groups, is the basis of the successful conservation, revitalization and development of historic towns. (Valletta Principles 2011, Article 4j)

The rights and interests of the host community, at regional and local levels, property owners and relevant indigenous peoples who may exercise traditional rights or responsibilities over their own land and its significant sites, should be respected. They should be involved in establishing goals, strategies, policies and protocols for the identification, conservation, management, presentation and interpretation of their heritage resources, cultural practices and

contemporary cultural expressions, in the tourism context. (Tourism Charter 1999, Article 4.1)

### **b. Preserving cultural diversity**

Places of heritage significance have an intrinsic value for all people as an important basis for cultural diversity and social development. The long term protection and conservation of living cultures, heritage places, collections, their physical and ecological integrity and their environmental context, should be an essential component of social, economic, political, legislative, cultural and tourism development policies. (Tourism Charter 1999, Article 2.1)

Within the context of urban conservation planning, the cultural diversity of the different communities that have inhabited historic towns over the course of time must be respected and valued. It is essential to establish a sensitive and shared balance in order to maintain their historical heritage in the fullness of its cultural diversity. (Valletta Principles 2011, Article 3j)

The introduction of new activities must not compromise the survival of traditional activities or anything that supports the daily life of the local inhabitants. This could help to preserve the historical cultural diversity and plurality, some of the most valuable elements in this context. (Valletta Principles 2011, Article 4b)

### **c. Considering the residents' needs**

Urban planning to safeguard historic towns must take into consideration the residents' need for facilities. The integration of new facilities into historic buildings is a challenge that local authorities must not ignore. (Valletta Principles 2011, Article 4e)

On-site concerts, dramatic performances, and other interpretive programmes must be carefully planned to protect the significance and physical surroundings of the site and minimise disturbance to the local residents. (Interpretation and Presentation 2008, Article 4.4)

### **d. Establishing Education and Training Programmes**

Planning in historic urban areas must be a participatory process, involving all stakeholders. In order to encourage their participation and involvement, a general information programme should be set up for all residents, beginning with children of school age. The actions of conservation associations must be encouraged, and financial measures put in place, to facilitate the conservation and restoration of the built environment. (Valletta Principles 2011, Article 4j)

Tourism programmes should encourage the training and employment of guides and site interpreters from the host community to enhance the skills of local people in the presentation and interpretation of their cultural values. Heritage interpretation and education programmes among the people of the host community should encourage the involvement of local site interpreters. The programmes should promote a knowledge and respect for their heritage, encouraging the local people to take a direct interest in its care and conservation. (Tourism Charter 1999, Articles 5.4-5.5)

#### **e. Tourism and conservation activities should benefit the host community**

Conservation management and tourism activities should provide equitable economic, social and cultural benefits to the men and women of the host or local community, at all levels, through education, training and the creation of full-time employment opportunities. A significant proportion of the revenue specifically derived from tourism programmes to heritage places should be allotted to the protection, conservation and presentation of those places, including their natural and cultural contexts. Where possible, visitors should be advised of this revenue allocation. (Tourism Charter 1999, Articles 5.2-5.3)

### **7. Tourism**

#### **a. Respecting local community identity and culture**

Tourism can play a positive role in the development and revitalisation of historic towns and urban areas. The development of tourism in historic towns should be based on the enhancement of monuments and open spaces; on respect and support for local community identity and its culture and traditional activities; and on the safeguarding of regional and environmental character. Tourism activity must respect and not interfere with the daily life of residents. (Valletta Principles 2011, Article 4g)

#### **b. Regulating potentially harmful impact of tourism**

Too great an influx of tourists is a danger for the preservation of monuments and historic areas. Conservation and management plans must take into account the expected impact of tourism, and regulate the process, for the benefit of the heritage and of local residents. (Valletta Principles 2011, Article 4g)

#### **c. Sustainable tourism for the benefit of local communities**

Tourism should bring benefits to host communities and provide an important means and motivation for them to care for and maintain their heritage and cultural practices. The involvement and co-operation of local and/or indigenous community representatives, conservationists, tourism operators, property owners, policy makers, those preparing national development plans and site managers is necessary to achieve a sustainable tourism industry and enhance the protection of heritage resources for future generations. (Tourism Charter, 1999, Introduction)

### **8. Interpretation and Presentation**

#### **a. Broad, inclusive, and cross-cultural interpretation**

Interpretation programmes should present the significance of heritage places, traditions and cultural practices within the past experience and present diversities of the area and the host community, including that of minority cultural or linguistic groups. The visitor should always be informed of the differing cultural values that may be ascribed to a particular heritage resource. (Tourism Charter 1999, Article 1.4)

Interpretation should explore the significance of a site in its multi-faceted historical, political, spiritual, and artistic contexts. It should consider all aspects of the site's cultural, social, and

environmental significance and values. The public interpretation of a cultural heritage site should clearly distinguish and date the successive phases and influences in its evolution. The contributions of all periods to the significance of a site should be respected. Interpretation should also take into account all groups that have contributed to the historical and cultural significance of the site. (Interpretation and Presentation 2008, Article 3.1-3)

The surrounding landscape, natural environment, and geographical setting are integral parts of a site's historical and cultural significance, and, as such, should be considered in its interpretation. Intangible elements of a site's heritage such as cultural and spiritual traditions, stories, music, dance, theater, literature, visual arts, local customs and culinary heritage should be considered in its interpretation. The cross-cultural significance of heritage sites, as well as the range of perspectives about them based on scholarly research, ancient records, and living traditions, should be considered in the formulation of interpretive programmes. (Interpretation and Presentation 2008, Article 3.4-6)

#### **b. Frequent revisions**

Presentation and information should be conceived as a popular interpretation of the current state of knowledge, and it must therefore be revised frequently. It should take account of the multifaceted approaches to an understanding of the past. (Protection and Management of Archaeological Heritage 1990, Article 7)

#### **c. Authentic and identifiable reconstructions**

Reconstructions serve two important functions: experimental research and interpretation. They should, however, be carried out with great caution, so as to avoid disturbing any surviving archaeological evidence, and they should take account of evidence from all sources in order to achieve authenticity. Where possible and appropriate, reconstructions should not be built immediately on the archaeological remains, and should be identifiable as such. (Protection and Management of Archaeological Heritage 1990, Article 7)