

## 4 Defining, assessing and improving heritage management systems

- ▶ Stakeholders who influence (both positively and negatively) the property's cultural values may be dependent on the property's resources: have you checked whether their dependence on the site demands some updating of the legal framework? The current legislation may be hindering their involvement. There may be other forms of legal framework that can offer alternative approaches. See 'Tool 3: Relationships with Stakeholders' in *Enhancing our Heritage Toolkit* which is useful for identifying stakeholders and their relationship with the site in a systematic way.<sup>55</sup>

### **New legal framework developed to facilitate the management of World Heritage properties**

*The South African Government has adopted new legislation to facilitate the management of World Heritage properties.*

*The purpose of the law is to provide for the incorporation of the World Heritage Convention into South African law; the enforcement and implementation of the World Heritage Convention in South Africa; the recognition and establishment of World Heritage sites; the establishment of Authorities and the granting of additional powers to existing organs of state; the powers and duties of such Authorities, especially those safeguarding the integrity of World Heritage sites; where appropriate, the establishment of Boards and Executive Staff Components of the Authorities; integrated management plans over World Heritage sites; land matters in relation to World Heritage sites; financial, auditing and reporting controls over the Authorities; and to provide for incidental matters.*

*No. 49 of 1999: World Heritage Convention Act, 1999  
<http://www.info.gov.za/view/DownloadFileAction?id=70616>*



Robben Island (South Africa)

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## LEGAL FRAMEWORKS FOR WORLD HERITAGE

### Key considerations

Article 4 of the World Heritage Convention considers the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage (as referred to in Articles 1 and 2) to be an obligation of each State Party. Creating new legislation or better linking it with legislation from other management systems may be necessary to meet World Heritage requirements for properties already listed or about to be inscribed. The following list identifies some current priorities (remember that World Heritage requirements continue to change and must be monitored).

*Possible additional legislative measures required by World Heritage listing (if existing or supplementary legislation is not sufficient):*

- Legislative and regulatory measures at national and local levels must guarantee the protection of OUV and prevent changes that negatively impact OUV, e.g. making impact assessments legally required.

55. Hockings, M., James, R., Stolton, S., Dudley, N., Mathur, V., Makombo, J., Courrau, J. and Parrish, J. 2008. *Enhancing our Heritage Toolkit. Assessing management effectiveness of Natural World Heritage Sites*. Paris, UNESCO World Heritage Centre. (World Heritage Papers 23). Tool 3: Relationships with Stakeholders, p.28.  
<http://whc.unesco.org/en/series/23/>