

- Legal frameworks need to offer protection and impose restrictions at varying levels of intensity for the World Heritage property itself, its buffer zone and its wider setting (also known as its 'area of influence') (OG paras 103-107).
- Mechanisms (possibly new legislation) are needed that will integrate the existing body of legislation affecting World Heritage properties, particularly those with multiple ownership, different levels of governance (provincial, national, etc.) and ongoing land use / commercial activity.
- In the case of properties which are 'serial' and/or 'transboundary', specific mechanisms (possibly new legislation) may need to be developed which respect the relevant legislation of the States Parties involved.

LEGAL FRAMEWORKS FOR WORLD HERITAGE

GOOD TIPS

- For an effective management system it is important to establish the degree to which legislation is helping to maintain Outstanding Universal Value and the degree to which national and local government is supportive of the property (and cultural heritage in general). This can be a delicate exercise since identifying inadequacies could be interpreted as criticism of those high up in the management system. Pursuing a systematic assessment such as that proposed as 'Tool 4 – Review of National Context' in the *Enhancing our Heritage Toolkit*⁵⁶ could be one way for site managers to make the process and the results impartial and far-reaching. This tool, if employed in a participatory way, could help people to understand how national and international policies, legislation and government actions affect the World Heritage site.
- Policy-makers in central government must be fully aware of routine management issues. If not, weak links may exist between ministry-level law-making and property-level operations.
- Legal controls can take a variety of forms depending on the overall character of the legal system of each State Party. For example, legal systems based on Roman law or the Code Napoléon differ from those developed within the Anglo-Saxon tradition of Common Law (based on precedent rather than codified law). International cooperation (for World Heritage regional capacity-building, for transboundary properties, etc.) will benefit from an awareness of such differences.

USEFUL QUESTIONS TO ASK

- Since the property was inscribed as World Heritage, has the need to protect the OUV been introduced somewhere in the formal legal framework?
- Has there been new legislation (whether national decrees or local bylaws) to regulate buffer zones and larger settings?
- Is there an attempt anywhere in legislation to specify how the OUV will be sustained through protection and conservation?
- Could more explicit acknowledgement of this obligation help?
- Are any formal acknowledgements made of international conservation conventions and treaties in national or local legislation for cultural heritage?⁵⁷

56. 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 4: Review of National Context, p.32.
<http://whc.unesco.org/en/series/23/>

57. A useful overview of UNESCO and Council of Europe cultural heritage conventions appeared in an article in ASCHB proceedings in 2012: www.aschb.org.uk/index.asp