



## MODULE 3: APPLYING LAWS AND REGULATIONS (ALR)

8 January TO 21 January 2021  
MODULE HANDBOOK



Ganzhou, Jiangxi Province, China

## SUSTAINABLE HERITAGE MANAGEMENT FOUNDATION COURSE



**thinkCITY**  
**INSTITUTE**



Ministry of Education, Culture and  
Science of the Netherlands

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## I. Introduction and Module Objective

The Sustainable Heritage Management Foundation Course is introduced by UNESCO Bangkok in cooperation with Think City Institute and the Asian Academy for Heritage Management. It focuses on the ‘Core Competencies’ defined under the new “Competence Framework for Cultural Heritage Management.” Participants are expected to develop capacities to respond intelligently and effectively to the real-world demands in sustainable heritage management.

This module will cover the topic of Applying Laws and Regulations (ALR) as one of the core competencies identified under UNESCO’s recently published [\*Competence Framework for Sustainable Development\*](#).

### **Module Objective:**

Ensuring that laws, regulations and rights affecting heritage sites at all levels are upheld and enforced.

### **Module Learning Outcomes:**

1. Understanding the heritage laws and regulations within the evolving scope of cultural heritage.
2. Applying appropriate mechanisms for enforcing heritage laws and regulations that conform to principles of sustainable development.
3. Acknowledging the challenges and good practices in implementing heritage laws and regulations.

## II. Teaching Team



### **Professor Lyu Zhou**

Director and professor of National Heritage Center of Tsinghua University

Vice President of ICOMOS-CHINA and the president of Architectural History Institute in China, Architecture Society

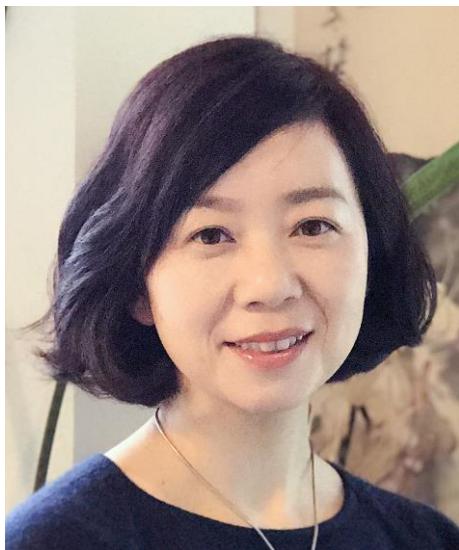
E-mail: lvzhou@tsinghua.edu.cn

Prof. Lyu Zhou is director and professor of National Heritage Center of Tsinghua University, in Beijing. He is the vice President of ICOMOS-CHINA and the president of Architectural History Institute in China, Architecture Society.

Since 1980's, he has been working in the field of architectural heritage conservation. He is leading professor of World Heritage in China. He has been in charge of many conservation projects, management and conservation master plans. His project Conservation of Er-wang Temple after Earthquake received the highest award for conservation in China, 2011; Conservation and Utilization of "Gongziting" (an ancient garden) in Beijing, Conservation of Fu-Long Temple after Earthquake, Conservation of Guyue Bridge received the UNESCO Asian Pacific Cultural Heritage Conservation Award in 2004, 2011 and 2019.

In 2005, for his contribution on the exchange and co-operation between China and Italy, the President of Italy conferred him "Ha Coferto l'Onorificenza di Cavaliere".

In 2013, ICCROM general assembly offered him ICCROM Award as recognition of his contribution to protection of cultural heritage.

**Professor Shao Yong**

Professor, College of Architecture and  
Urban Planning, Tongji University

Vice President of ICOMOS-CIAV, and Expert  
member of ICOMOS-ISCEAH, National  
Committee of Historical and Cultural Cities  
Conservation of China

E-mail: Nyshao163@163.com

Dr. Shao is the Executive Director at World Heritage Institute of Training and Research for the Asia and the Pacific Region, under the auspices of UNESCO (WHITRAP Shanghai). She got the Doctor diploma at 2003 from College of Architecture and Urban Planning, Tongji University, and followed the training of French State Architects and Urban Planners(AUE) in the Ecole de Chaillot and Ecole Nationale des Pons et Chaussees in France in 1999 and 2006.

From 1990 to now, Dr. Shao has worked a lot for the conservation of historical cities, towns and villages, World Cultural Heritage sites, in charge of “Conservation and Management Plan of World Heritage Site: Lijiang Old Town”, “Conservation and Management Plan of World Heritage Site: Pingyao Ancient City”, “Conservation Plan of Historical Districts of Shanghai”, etc. These planning have achieved awards at State, provincial and municipal level. Thereinto, Dr. Shao’s project “The Water Town Conservation” has got Award of Distinction in UNESCO Heritage Awards in 2003, and “Community-based Conservation Project of World Heritage Lijiang” and “Pingyao Courtyard Houses” have got the Award of Merit in 2007 and in 2015. In 2018, she received the Order of the Knights of Literature and Art of the French Ministry of Culture.

She is the author of <Ancient Town in Jiang Nan > and < Equilibre et Harmonie: protection et mise en valeur du patrimoine architectural, urban et paysager en France >, in charge of the edit of <Urban Heritage Conservation> and <Research on Conservation Plan of Historical and Cultural Towns and Villages>, and published many articles about urban and rural heritage conservation in professional journals.

She joined several international conservation projects as an expert, including Project AsiaURBS, Sino-French cooperation of architectural, urban and landscape heritage conservation, UNESCO Chair of Environment and Landscape Design, UN-Habitat program for “historic quarter for all”, and the activities of ISCEAH and WHEAP, etc.

**Professor Jiang Hong**

Associate Dean and Associate Professor at School of Architecture, Southeast University

Secretariat of UNESCO-ICCROM Asian Academy for Heritage Management

E-mail: jianghongseu@163.com

Jiang Hong is Associate Dean and Associate Professor of School of Architecture at Southeast University (SEU-Arch), where he teaches classes on Urban Planning History and Theories, Urban Design. He has also taught urban design and planning studios and practice in Berlin (2015-2016), Rome (2015-2017), Vienna (2015-2016), Yangon (2016-2017), Bangkok (2017) and Ahmedabad (2018). Prof. Jiang is also Director of Advanced Urban-Rural Research Center; Member and Deputy Secretary General Academic Committee of Urban Planning History and Theory, Urban Planning Society of China; Visiting Scholar in MIT (2018-2019). He has presided 2 NSFC (National Natural Science Fund of China) projects and took part in 8 NSFC projects, including the topic of Heritage Conservation, Urban Renewal, 5 research projects from Jiangsu Province and MOE.

Jiang Hong also worked as a city planner and urban designer in different provinces in China and Southeast Asia on projects including Heritage Conservation, Urban Design, Rural Revitalization and Recreation Planning. He has presided a number of important urban planning & design projects, including "Rural Development Planning of Jingangshan in Jiangxi Province", "Conservation Planning of the Grand Canal of Changzhou", "Ecological Planning for Industrial Site Development Planning Schemes for Changzhou", "Conceptual Design of the urban core of Nanjing Pukou District", and more than 30 other important Urban Planning and Designing projects.

He is also leader and coordinator of many interdisciplinary research projects, and he has also consulted widely for a diverse range of organizations worldwide, including the UNISCO Asian-Pacific Regional Headquarter, Energy Foundation in China, Mercator Foundation in Germany, Myanmar Federal Government and different levels of Chinese Government.

**Professor Richard Engelhardt**

Former UNESCO Regional Advisor for Culture in Asia and the Pacific

Guest Professor, School of Architecture

E-mail:

[richard.a.engelhardt@gmail.com](mailto:richard.a.engelhardt@gmail.com)

Richard A. Engelhardt is the former UNESCO Regional Advisor for Culture in Asia and the Pacific, a position in which he served between 1994 and 2008. The UNESCO Asia-Pacific Awards for Heritage Conservation programme was conceived and initiated during his tenure. Today he is concurrently the UNESCO Chair Professor of the Conservation and Management of Historic Towns and Urban Centres at the National College of Art in Pakistan; Honorary Professor of Conservation Architecture at Southeast University in Nanjing, China; and Visiting University Research Professor in the Faculty of Architecture at the University of Hong Kong. Professor Engelhardt has received numerous honours and awards in recognition of his contribution to the conservation of Asian heritage from governments of the region as well as from the Global Heritage Fund. In 1994 H.M. King Norodom Sihanouk of Cambodia knighted him with the title of Commandeur de l'Ordre Royal du Cambodge for his efforts in safeguarding the monuments of Angkor.

**Professor Dong Wei**

UNESCO Chair in Cultural  
Resource Management at School  
of Architecture, Southeast  
University

Secretariat of UNESCO-ICCROM  
Asian Academy for Heritage  
Management

E-mail: [dongwx@163.com](mailto:dongwx@163.com)

Prof. Dong Wei is the UNESCO Chair in Cultural Resource Management at Southeast University's School of Architecture in Nanjing, China. He was educated at the Xi'an Institute of Metallurgy and Building (now Xi'an Architecture University), the Traditional Architecture and Garden Design Institute of Xi'an, and Nanjing Institute of Technology (now Southeast University). After obtaining his Ph.D. at the Norwegian University of Science and Technology, he was a post-doctoral researcher at Tsinghua University in Beijing. Professor Dong was involved in the restoration of Zhongshan Road in Quanzhou, Fujian Province, a project that was recognized with a 2001 Award of Merit. In 1998, Professor Dong led an architectural survey of intact traditional buildings in the Xijin Ferry area in Zhenjiang, Jiangsu Province, a project that also received a 2001 Award of Merit.

**Dr. Wang Yan**

Lecturer at School of Architecture,  
Southeast University

Secretariat of UNESCO-ICCROM Asian  
Academy for Heritage Management

Email: yan.linda.wang@hotmail.com

Wang Yan is the lecturer for the School of Architecture, Southeast University. Her research direction is the History and Theory of Urban Planning and the urban development of delta metropolis. Her doctoral research project covers the development and transition of historical towns in the Grand Canal-Yangtze River Delta region, and she has published more than 10 papers in core journals at home and abroad.

### III. Module Format

The module is divided into the following components:

1. Self-learning component
2. Interactive tutorial sessions

The self-learning component are comprised of lecture videos, curated readings and quizzes that are accessible via Think City Institute website. Participants must engage with these materials and complete the tasks required at their own time and pace before attending the corresponding interactive tutorial sessions.

The interactive tutorial sessions will be real-time online sessions that will take place on the specified dates and times (please refer to the detailed course schedule in the following section). These sessions will recap the content from the corresponding self-learning component and also reinforce the core concepts of the session through interactive media, such as polls and Q&A sessions.

In this Module, the participants would acquire knowledge about upholding and enforcing heritage laws and regulations. By providing specific examples from China, the participants are asked to think about the application of heritage laws and regulations within their own context. Participants are required to self-reflect on a set of questions noted at the end of each self-learning video. The reflections can be shared in the [Think City Institute Forum](#). These reflections will form the basis of discussion during the interactive tutorial sessions.

Note: The Forum will close at 9 am (as per time in Bangkok), the same day as the interactive tutorial sessions. Participants are required to engage with the provided materials and answer the quiz before the deadline.

## IV. Schedule and Learning Materials

### ALR Session A Conservation Law and Practice in China

#### **Self-learning component** (released on Friday, January 8, 2021)

A1. Conservation Law in China	22 mins	Lyu Zhou
A2. Dealing with the Evolving Scope of Cultural Heritage	21 mins	Lyu Zhou
A3. The Function of “Principles for the Conservation of Heritage Sites in China”	16 mins	Lyu Zhou

#### **Required readings**

1. The Operational Guidelines for the Implementation of the World Heritage Convention. <http://whc.unesco.org/en/guidelines/>
2. Conservation Law of China.  
[http://guoqing.china.com.cn/zwxx/2011-11/08/content\\_23855132.htm](http://guoqing.china.com.cn/zwxx/2011-11/08/content_23855132.htm)
3. The Principle for Conservation of Cultural Heritage Sites in China(2015).  
[https://www.getty.edu/conservation/publications\\_resources/pdf\\_publications/pdf/china\\_prin\\_heritage\\_sites\\_2015.pdf](https://www.getty.edu/conservation/publications_resources/pdf_publications/pdf/china_prin_heritage_sites_2015.pdf)
4. Principles for the Conservation of Heritage Sites in China (2004).  
[https://www.getty.edu/conservation/publications\\_resources/pdf\\_publications/pdf/china\\_prin\\_heritage\\_sites.pdf](https://www.getty.edu/conservation/publications_resources/pdf_publications/pdf/china_prin_heritage_sites.pdf)

#### **ALR Session A: Forum**

This Module shares a set of questions at the end of each video. Please reflect your ideas on these questions in the [Think City Institute Forum](#).

**ALR Interactive tutorial session A**

This session will comprise of a brief review of the session content and your ideas shared in the Think City Institute Forum. Followed by a discussion-based format to reinforce the fundamental principles and concepts of this session.

Course participants answer to the questions in the Forum by 9 am BKK time (10 am Beijing Time) before attending the tutorial session.

Date: Monday, January 11, 2021

Time: 2:00-3:00 pm BKK time

Session link:

<https://zoom.com.cn/j/62447990965>

Meeting ID: 624 479 90965

Password: 964795

## ALR Session B

### Mechanisms of Enforcing the Heritage Laws and Regulations

<b>Self-learning component</b> (released on Tuesday, January 12, 2021)				
B1. Toolbox for Enforcing Heritage Laws and Regulations Under the Sustainable Development Goals	12 mins	Shao Yong		
B2. Sticks: Mandatory Mechanisms	13 mins	Shao Yong		
B3. Carrots: Incentive Mechanisms	16 mins	Shao Yong		
<b>Recommended readings</b>				
1. Policy For The Integration Of A Sustainable Development Perspective Into The Processes Of The World Heritage Convention. <a href="https://www.wochmoc.org.cn/home/upload/file/201907/1563354943617049741.pdf">https://www.wochmoc.org.cn/home/upload/file/201907/1563354943617049741.pdf</a>				
2. International Council on Monuments and Sites (ICOMOS) (2011). Guidance on Heritage Impact Assessments for Cultural World Heritage Properties. <a href="http://www.international.icomos.org/world_heritage/HIA_20110201.pdf">www.international.icomos.org/world_heritage/HIA_20110201.pdf</a>				
3. International Council on Monuments and Sites (ICOMOS) (2005). Threats to World Heritage Sites 1994-2004: An Analysis. <a href="http://www.international.icomos.org/world_heritage/Analysis%20of%20Threats%201994-2004%20final.pdf">www.international.icomos.org/world_heritage/Analysis%20of%20Threats%201994-2004%20final.pdf</a>				
4. Patiwaal, P., Groote, P. and Vanclay, F. (2018). Improving Heritage Impact Assessment: an Analytical Critique of ICOMOS Guidelines. International Journal of Heritage Studies. <a href="https://doi.org/10.1080/13527258.2018.1477057">https://doi.org/10.1080/13527258.2018.1477057</a>				
5. UNESCO Recommendation on the Historic Urban Landscape. <a href="https://whc.unesco.org/en/hul/">https://whc.unesco.org/en/hul/</a>				
6. Practical conservation guidelines for traditional courtyard houses and environment in the ancient city of Pingyao. <a href="https://unesdoc.unesco.org/ark:/48223/pf0000234622">https://unesdoc.unesco.org/ark:/48223/pf0000234622</a> <a href="https://unesdoc.unesco.org/ark:/48223/pf0000234621">https://unesdoc.unesco.org/ark:/48223/pf0000234621</a>				
<b>ALR Session B: Forum</b>				
This Module shares a set of questions at the end of each video. Please reflect your ideas on these questions in the <a href="#">Think City Institute Forum</a> .				

**ALR Interactive tutorial session B**

This session will comprise of a brief review of the session content and your ideas shared in the Think City Institute Forum. Followed by a discussion-based format to reinforce the fundamental principles and concepts of this session.

Course participants answer to the questions in the Forum by 9 am BKK time (10 am Beijing Time) before attending the tutorial session.

Date: Friday, January 15, 2021

Time: 2:00-3:00 pm BKK time

Session link:

<https://zoom.com.cn/j/69376978109>

Meeting ID: 693 769 78109

Password: 752067

## Session C

### Towards Better Implementation of Laws and Regulations: Case studies of multi-scale historic site conservation in China

**Self-learning component** (released on Saturday, January 16, 2021)

C1. Challenges of Large-scale Heritage Conservation: Balancing Heritage Authenticity, Daily Life and Economic Growth	15 mins	Jiang Hong
C2. From Top-down to Bottom-up: Transforming Decision-making Process	15 mins	Jiang Hong
C3. Interact with People: Understanding Stakeholders' Responsibilities and Obligations	15 mins	Jiang Hong

#### Recommended readings

1. The Chinese Mayor, BBC Documentary Movie, Directed by Hao Zhou, 2015.  
<https://www.youtube.com/watch?v=bn6wYhhROYo>
2. Nara Document on Authenticity, ICOMOS, 1994.  
<https://whc.unesco.org/archive/nara94.htm>
3. The Cultural Heritage Protection Law (Macau, 2013).  
[http://legismactext.safp.gov.mo/2013/S1/2013\\_36/LEI11XX13.pdf](http://legismactext.safp.gov.mo/2013/S1/2013_36/LEI11XX13.pdf)
4. Charter for the Conservation of Historic Towns and Urban Areas (The Washington Charter) ICOMOS, 1987  
[https://www.icomos.org/images/DOCUMENTS/Charters/towns\\_e.pdf](https://www.icomos.org/images/DOCUMENTS/Charters/towns_e.pdf)
5. Xi'an Declaration on the Conservation of the Setting of Heritage Structures, Sites and Areas (ICOMOS, 2005)  
<https://www.icomos.org/images/DOCUMENTS/Charters/xian-declaration.pdf>
6. Transforming our World: The 2030 Agenda for Sustainable Development  
<https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf>

#### ALR Session C: Forum

This Module shares a set of questions at the end of each video. Please reflect your ideas on these questions in the [Think City Institute Forum](#).

**ALR Interactive tutorial session C**

This session will comprise of a brief review of the session content and your ideas shared in the Think City Institute Forum. Followed by a discussion-based format to reinforce the fundamental principles and concepts of this session.

Course participants answer to the questions in the Forum by 9 am BKK time (10 am Beijing Time) before attending the tutorial session.

Date: Thursday, January 21, 2021

Time: 2:00-3:00 pm BKK time

Session link:

<https://zoom.com.cn/j/69713325164>

Meeting ID: 697 133 25164

Password: 668461

## **V. Self-learning Component – Supporting Material**

This section includes the supporting materials for the videos corresponding to ALR Session A, B and C of the self-learning component. This includes the PowerPoint slides that the teaching team referenced while preparing the video lectures.

The videos can be found on the Think City Institute website:  
<http://www.thinkcityinstitute.org/>



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# Sustainable Heritage Management Course

Module 3(ALR) Session A1

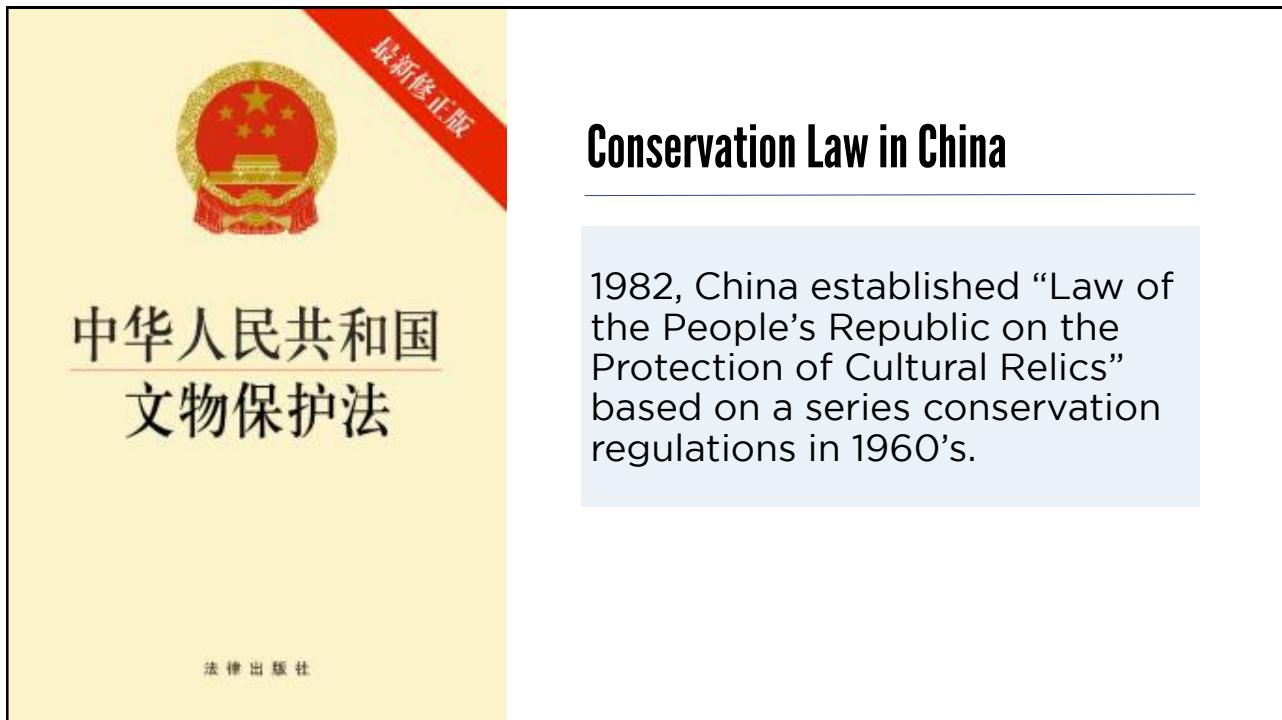
1

## Conservation Law and Practice in China

How to use non-binding regulations such as the “Principles” to deal with rapidly-changing demands in cultural heritage management?



2



## Conservation Law in China

1982, China established “Law of the People’s Republic on the Protection of Cultural Relics” based on a series conservation regulations in 1960’s.

3

## Law of the People's Republic on the Protection of Cultural Relics

The key issue such as “**values of cultural relics**” and the **conservation methodology** are also based on the understanding and practice on the objects which are Cultural Relics.

**Values:** Historical value, artistic value and scientific value

**Conservation Methodology:** maintaining the appearance before conservation or restoring to the original appearance when the object was just built; keeping the cultural relics in their original state as cultural relics.

4



Main hall of Nanchan Temple after restoration.  
Source: chcc documentation

Main hall of Nanchan Temple before restoration.  
Source: chcc documentation

5

UNITED NATIONS EDUCATIONAL, SCIENTIFIC  
AND CULTURAL ORGANISATION

CONVENTION CONCERNING THE  
PROTECTION OF THE WORLD CULTURAL  
AND NATURAL HERITAGE

Adopted by the General Conference at its seventeenth session  
Paris, 16 November 1972

English Text

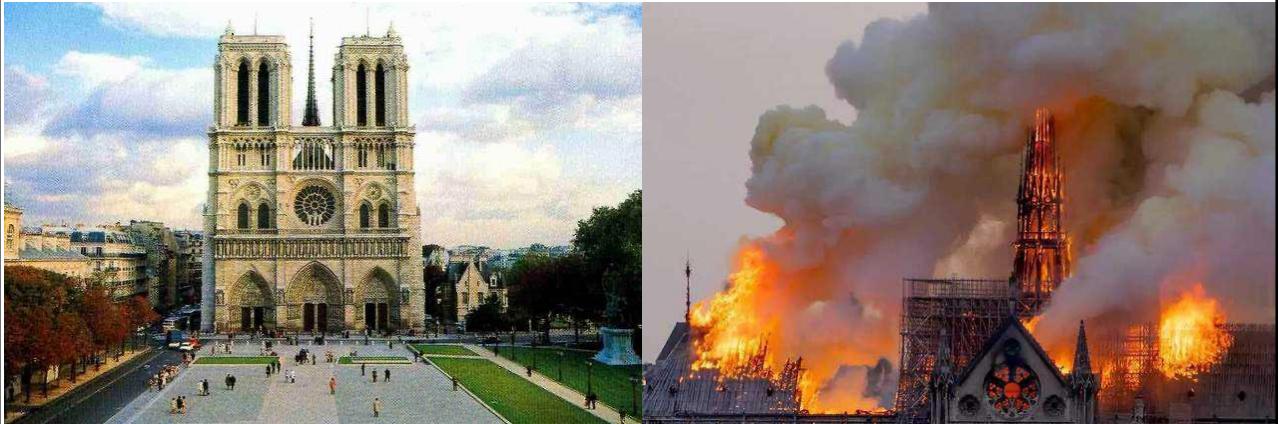
The value system of cultural relics in Chinese conservation law is very similar with World Heritage Convention:

**Monuments:** ... which are of outstanding universal value from the point of view of history, art or science;

**Groups of buildings:** ... are of outstanding universal value from the point of view of history, art or science;

**Sites:** ... which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view.

6



Notre Dame de Paris

7

## Questions

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**What kind of different values can you find in your cultural heritage?**

**Are heritage values fixed and not changing? Or Are they open to changes?**

8

## **Recommended readings**

Conservation law of China:

[http://guoqing.china.com.cn/zwxx/2011-11/08/content\\_23855132.htm](http://guoqing.china.com.cn/zwxx/2011-11/08/content_23855132.htm)

World Heritage Convention:

<http://whc.unesco.org/archive/convention-en.pdf>



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# Sustainable Heritage Management Course

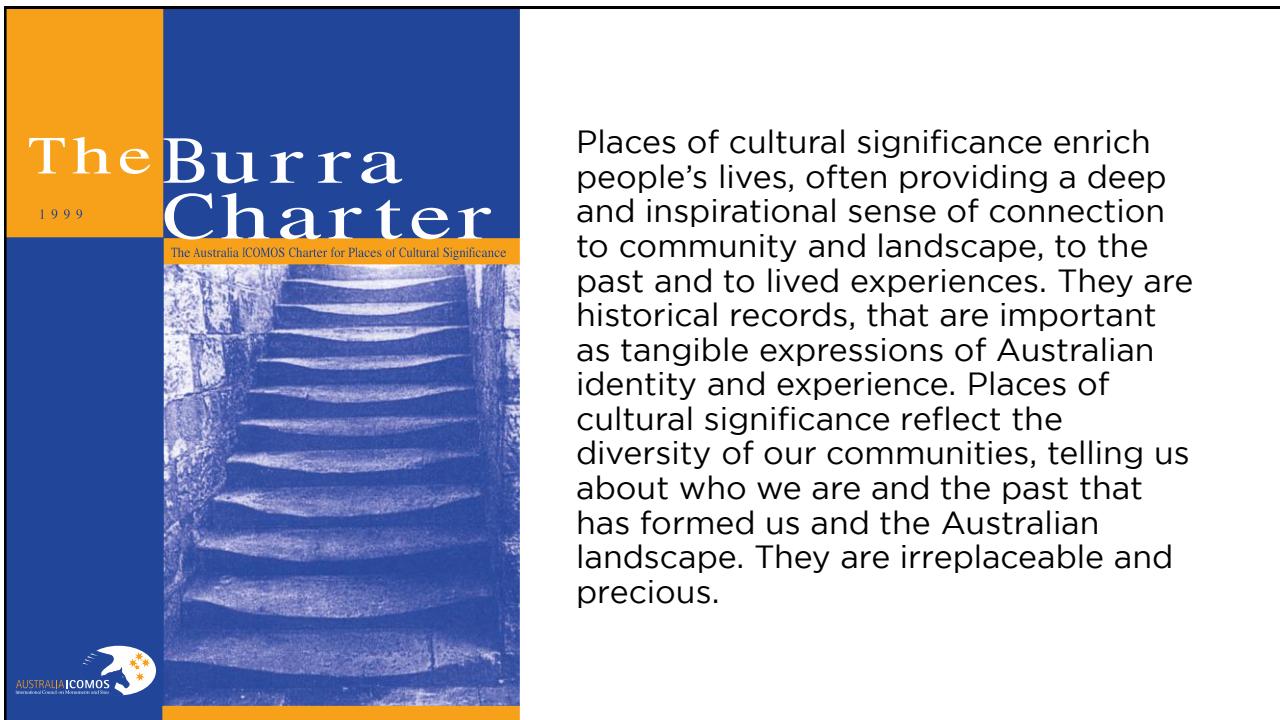
Module 3(ALR) Session A2

1

## Dealing with the Evolving Scope of Cultural Heritage



2



3

Places of cultural significance enrich people's lives, often providing a deep and inspirational sense of connection to community and landscape, to the past and to lived experiences. They are historical records, that are important as tangible expressions of Australian identity and experience. Places of cultural significance reflect the diversity of our communities, telling us about who we are and the past that has formed us and the Australian landscape. They are irreplaceable and precious.



4

2

Nº 36 – 20-2012 BOLETIM OFICIAL DA REGIÃO ADMINISTRATIVA ESPECIAL DE MACAU – I SÉRIE 1859

(二) 諸五月二十七日第26/96/M號法令修改的十二月二十六日第51/83/M號法令；

(三) 十月二十日第43/97/M號法令第十五條第二款。

第二百二十三條 生效

本法律自二零一四年三月一日起生效。

二零一三年八月十二日通過，

立法會主席 潘海華

二零一三年八月二十二日簽署，

命令公報

行政長官 崔世安

Artigo 223º Entrada em vigor

A presente lei entra em vigor no dia 1 de Março de 2014.

Aprovada em 12 de Agosto de 2013.

O Presidente da Assembleia Legislativa, Law Cheok Va.

Assinada em 22 de Agosto de 2013.

Publique-se

O Chefe do Executivo, Chui Sai On.

**澳門特別行政區**  
第11/2013號法律

**文化遺產保護法**

立會會報據《澳門特別行政區基本法》第七十一條（一）項，  
制定本法律。

**第一章 一般規定**

**第一節 文化遺產**

本法律訂定澳門特別行政區文化遺產保護制度。

**第二節 稽查**

…為適用本法律的規定，凡作為具重要文化價值的文明或  
文化見證，其應特別加以保護和弘揚的財產，均屬文化遺產。

**REGIÃO ADMINISTRATIVA ESPECIAL DE MACAU**  
Lei n.º 11/2013

**Lei de Salvaguarda do Património Cultural**

A Assembleia Legislativa decreta, nos termos da alínea 11 do artigo 71.º da Lei Básica da Região Administrativa Especial de Macau, para valer como lei, o seguinte:

**CAPÍTULO I Disposições gerais**

**SECÇÃO I Património cultural**

Artigo 1.º Objeto

A presente lei estabelece o regime de salvaguarda do património cultural da Região Administrativa Especial de Macau, adiante designada por RAE.

Artigo 2.º Conceito de património cultural

1. Para os efeitos da presente lei, integram o património cultural todos os bens que, sendo testemunhos com valor de civilização ou de cultura perdeiros de interesse cultural relevante, devam ser objecto de especial protecção e valorização.

# Macao Cultural Heritage Safeguard Act

For the purposes of this law, all goods which, being testimony of civilization or culture bearing relevant cultural interest, must be specially protected and valued, shall be included in the cultural heritage.

The relevant cultural interest, in particular historical, paleontological, archaeological, architectural, linguistic, documentary, artistic, ethnographic, scientific, social, industrial or technical, of the goods referred to in the preceding paragraph reflects values of memory, antiquity, authenticity, originality, rarity, singularity or exemplary.

5



6

3

New types of cultural heritage, such as cultural landscape, historical towns and historical villages, constantly promote the thinking of the overall cultural significance, and require attention to the overall heritage environment formed by historical buildings, the continuation of traditional life and the inheritance of traditional culture. Faced with such challenges, it has been difficult for the existing value system (focused on only historical, artistic and scientific values) to support the recognition of such heritage.

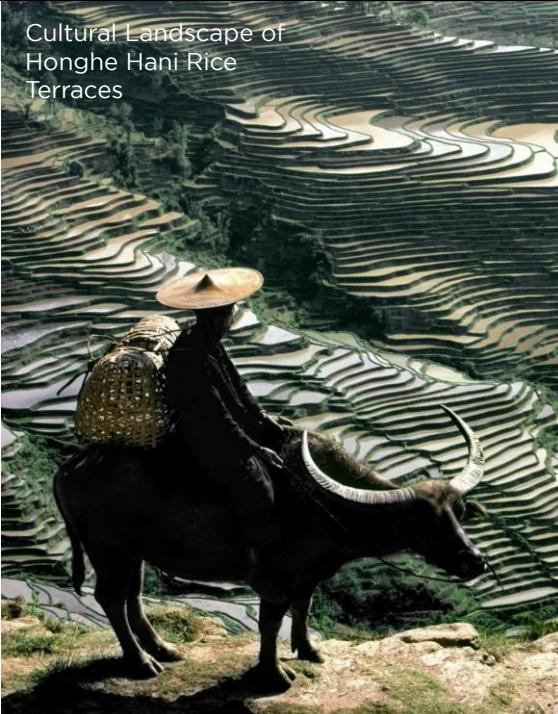
7



Cultural Landscape of Honghe Hani Rice Terraces  
China

8

Cultural Landscape of  
Honghe Hani Rice  
Terraces



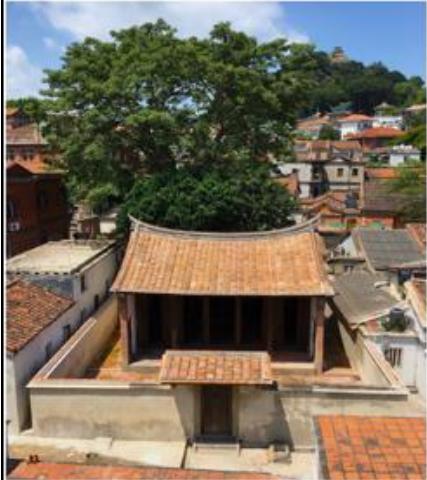
9



Kulangsu, a Historic International Settlement

Source: chcc documentation

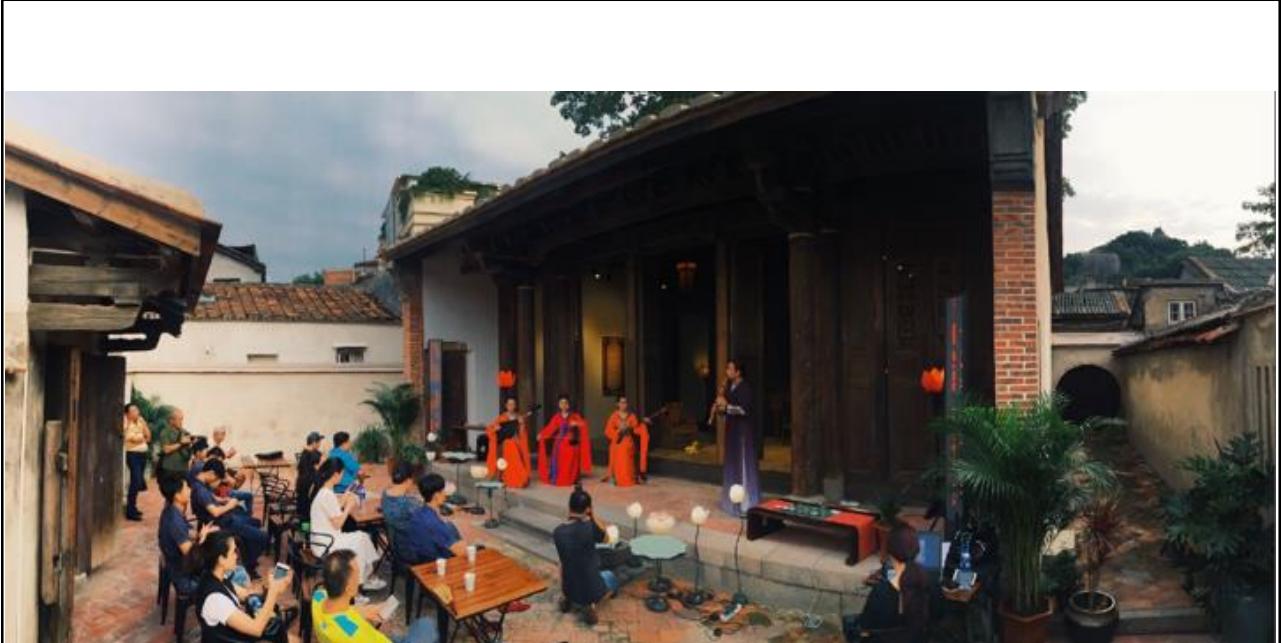
10



Kulangsu, a Historic International Settlement

Source: chcc documentation

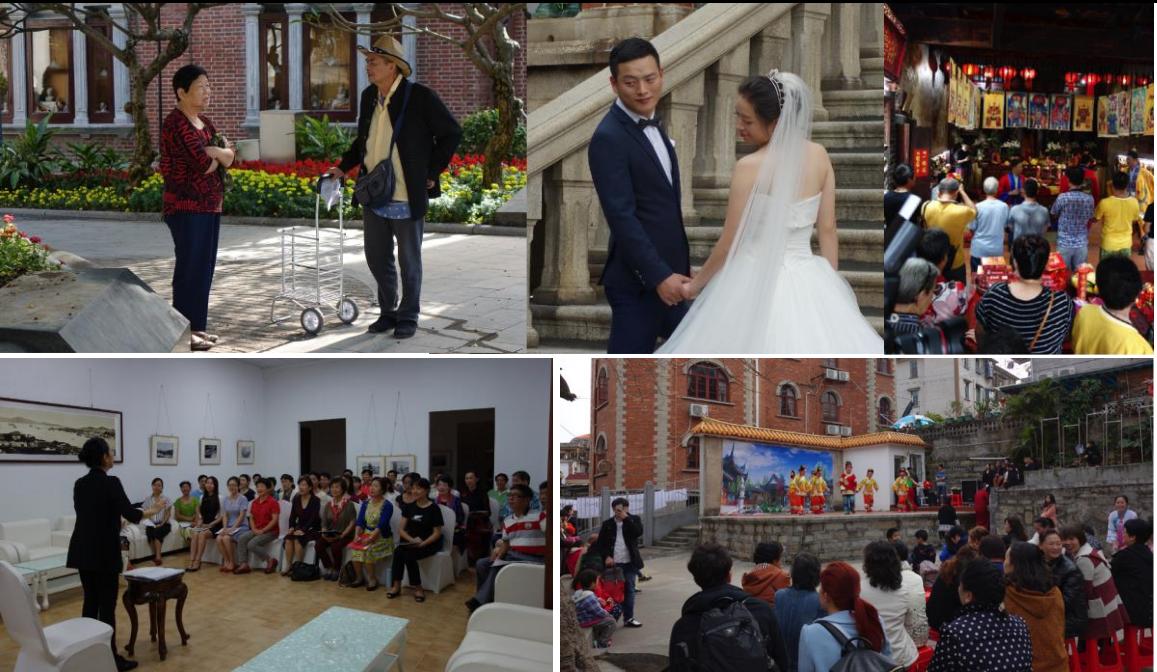
11



Kulangsu, a Historic International Settlement

Source: chcc documentation

12



Kulangsu, a Historic International Settlement (Source: chcc documentation)

13

## Questions

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**How do you deal with the relationship between the protection of tangible and intangible heritage?**

**How do you embody the goal of sustainable development in the protection of cultural heritage?**

14

## **Recommended readings**

Operational Guidelines for the Implementation of the World Heritage Convention (2019) :

<http://whc.unesco.org/en/guidelines>

WHC/19/43.COM/5C *World Heritage Convention and Sustainable Development:*

<http://whc.unesco.org/archive/2019/whc19-43com-5C-en.pdf>



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# Sustainable Heritage Management Course

Module 3(ALR) Session A3

1

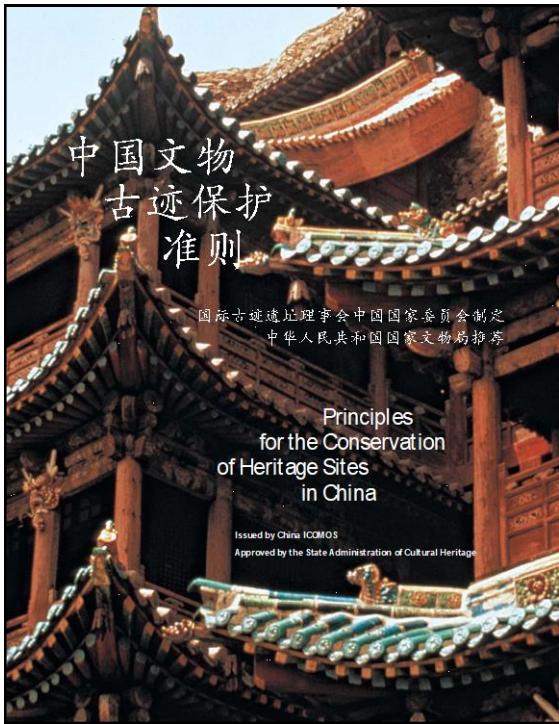
## Conservation Law and Practice in China

*How to use non-binding regulations such as the “Principles” to deal with rapidly-changing demands in cultural heritage management?*

## The Function of “Principles for the Conservation of Heritage Sites in China”



2



In 2000, ICOMOS-China established the first edition of "Principles for Conservation of Heritage Sites in China".

The main functions of this edition are: connecting Chinese law and regulation system to World Heritage Convention and international conservation principles, such as Venice Charter.

3

## 中国文物古迹保护准则 案例阐释

The ILLUSTRATED  
Principles for the Conservation of Heritage Sites in China



国际古迹遗址理事会中国国家委员会  
ICOMOS China

In order to guide conservation practices, The ILLUSTRATED Principles was published in 2005.

4



The living heritage, cultural tradition, community and social participation has to be concerned. Conservation is not only for protecting historic testimony or beautiful things, but also promoting sustainable development of communities.

With this change, conservation needs law or regulations to support the concept and methodology of practice. However, revising the conservation law is a very difficult and long process.

7

### 中国文物古迹保护准则

(2015年修订)

Principles for the Conservation of  
Heritage Sites in China (Revised 2015)

文物出版社



中国文物保护协会  
中国文物学会  
联合发布  
Approved by ICOMOS China

Approved by the State Administration of Cultural Heritage

In 2015, ICOMOS-China established “Principles for Conservation of Heritage Sites in China (revised 2015)” to meet the new requirements of the transformation from cultural relics to cultural heritage. It not only covers traditional cultural relics, but also cultural landscapes, cultural routes and heritage canals which are new types of cultural heritage.

8

## Article 2 Purpose

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The purpose of the Principles is to ensure good practice in the conservation of heritage sites. Conservation refers to all measures carried out to preserve a site, its setting and associated elements. The aim of conservation is to preserve and protect the authenticity and integrity of the site, its historic information and values, using both technical and management measures.

## Article 3 Values

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The heritage values of a site are its historic, artistic, and scientific values, as well as its social and cultural values. Social value encompasses memory, emotion and education. Cultural value comprises cultural diversity, the continuation of traditions, and essential components of intangible cultural heritage. Cultural landscapes and heritage routes and canals may also have important natural values.

9

## Article 6 Use

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Use of a heritage site must comply with the principle of appropriate use while ensuring its protection. Use of a site for the benefit of society is important, but such use should not diminish the site's values.

## Article 8 Participation

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Conservation of heritage sites is a social undertaking that requires broad community participation. The public should derive social benefit from heritage conservation.

10

## The Conservation Principles

- 1. Preserving historic condition;**
- 2. Authenticity;**
- 3. Integrity;**
- 4. Minimal intervention;**
- 5. Cultural traditions:**

When a heritage site's values depend on the continuation of associated cultural traditions, consideration needs to be given to preserving these traditions along with the site itself.

- 6. Appropriate technology;**
- 7. Disaster preparedness.**

11

“Principles for Conservation of Heritage Sites in China (revised 2015)” meet the new requirements of protection for cultural heritage in China. Since last year, the revision of the “Law of the People’s Republic on the Protection of Cultural Relics” is in process.

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## Conclusion

Law is the most important basis of cultural heritage protection. The protection of cultural heritage must be carried out under the legal framework. However, with development of cultural heritage protection, the legal system can not fully cover the new content of cultural heritage. At this time, soft regulation tool such as the “Principles” can play a very important role.

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## Recommended readings

The Principle for Conservation of Cultural Heritage Sites in China (2015) :

<http://www.doc88.com/p-9465604473444.html>

[https://www.getty.edu/conservation/publications\\_resources/pdf\\_publications/pdf/china\\_prin\\_heritage\\_sites\\_2015.pdf](https://www.getty.edu/conservation/publications_resources/pdf_publications/pdf/china_prin_heritage_sites_2015.pdf)

14



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# Sustainable Heritage Management Course

Module 3(ALR) Session B1

1

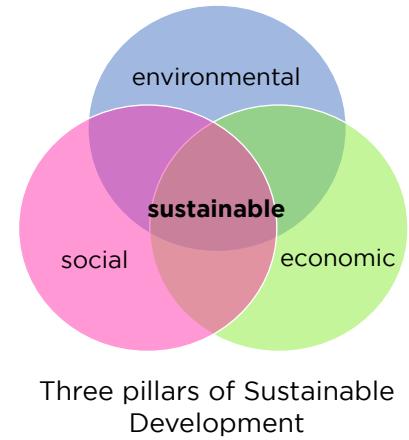
## Toolbox for Enforcing Heritage Laws and Regulations Under the SDGs



2

# United Nations and Sustainable Development

- 1987, the Brundtland Commission defined sustainable development in its “Our Common Future” Report as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”
- 1992, the UNCED adopted Agenda 21 with sustainable development as its core, and formulated an action plan to promote sustainable development worldwide.
- Three pillars: environmental, social and economic.



3

## UN SDGs

- The Sustainable Development Goals (SDGs) are a universal call to action to end poverty, protect the planet and improve the lives and prospects of everyone, everywhere.
- The 17 Goals were adopted by all UN Member States in September 2015, as part of the 2030 Agenda for Sustainable Development which set out a 15-year plan to achieve the Goals.



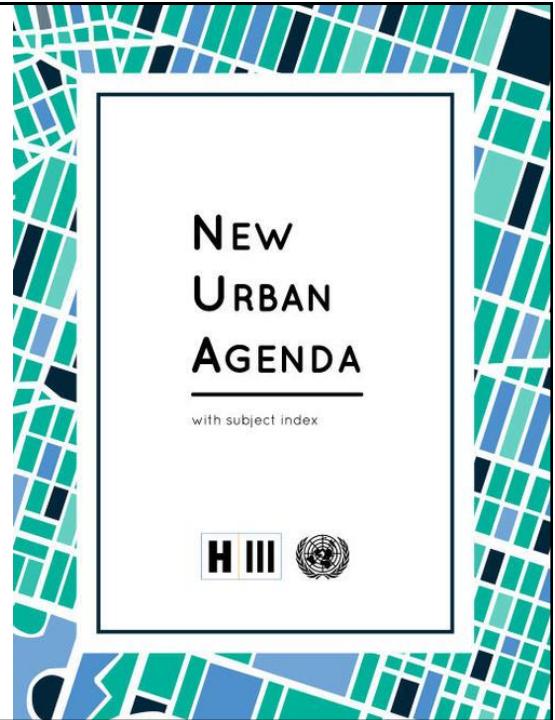
2030 Agenda for Sustainable Development

Source: United Nations

4

# Sustainable Urban Development

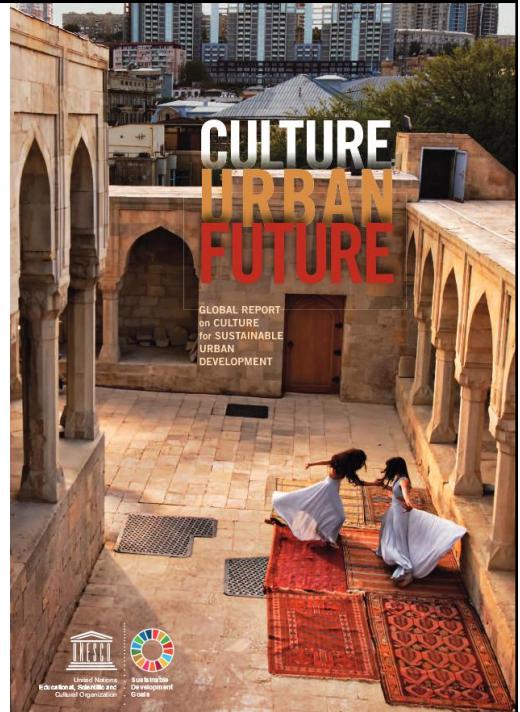
- In October 2016, Habitat III adopted the New Urban Agenda in Quito, setting the direction and goals for the sustainable development of world cities in the next 20 years.
- Transformative commitments:
  1. Sustainable urban development for social inclusion and ending poverty
  2. Sustainable and inclusive urban prosperity and opportunities for all
  3. Environmentally sustainable and resilient urban development
- Effective implementation:
  1. Building the urban governance structure: establishing a supportive framework
  2. Planning and managing urban spatial development



5

# Sustainable Urban Development

- 2016, UNESCO global report "Culture: Urban Future", pointed out that culture has the power to make cities more prosperous, safer and more sustainable:
  1. People-centered cities are culture-centered spaces.
  2. Quality urban environment are shaped by culture.
  3. Sustainable cities need integrated policy-making that builds on culture.



6

3

## Threats and challenges

- Historic cities, towns and villages are "living heritages", which have the attributes of heritage and habitat.
- Heritage attribute: it can reflect the cultural characteristics or planning concept of the the region.
- Habitat attribute: it contains daily life and is still growing and changing.



Source:  
Pingyao city

7

## Threats and challenges

Heritage attribute is destroyed and the authenticity is lost



Newly built “heritage”

8

## Threats and challenges

Habitat attribute is neglected, and the living condition is poor.



**Negative "protection"** (Source: Shao Yong)

9

## Threats and challenges

Habitat attribute is abandoned and the residential function is lost.



**"Beautiful" stage background**

10

## UNESCO Policy

- In November 2015, UNESCO published "Policy Document for the Integration of a Sustainable Development Perspective into the Processes of the World Heritage Convention", which put forward the path for the World Heritage to achieve SDGs.

### DIMENSIONS OF SUSTAINABLE DEVELOPMENT



Source: UNESCO

11

## UNESCO Policy

### Inclusive social development:

- (1) Contributing to inclusion and equity.
- (2) Enhancing quality of life and well-being.
- (3) Respecting, protecting and promoting human rights.
- (4) Respecting, consulting and involving indigenous peoples and local communities.
- (5) Achieving gender equality.



Source: UNESCO

12

## UNESCO Policy

- **Inclusive economic development:**

- (1) Ensuring growth, employment, income and livelihoods
- (2) Promoting economic investment and quality tourism
- (3) Strengthening capacity-building, innovation and local entrepreneurship



Source: UNESCO

13

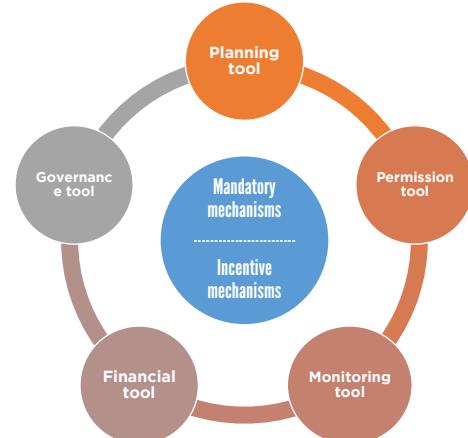
## UNESCO Policy

- It emphasized that the improvement of living conditions is as important as the protection of cultural heritage, so that to achieve the three goals of livability, vitality and equality, and finally to achieve the overall goal of "sustainable development".
  - I. Improve living conditions and residents' happiness.
  - II. Develop innovative economy, increase employment and enhance vitality.
  - III. Create equal dialogue mechanism and promote community participation.
- Not only consider heritage attribute, but also consider habitat attribute

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## Tools for enforcing the heritage laws and regulations

- Planning tool
- Permission tool
- Monitoring tool
- Financial tool
- Governance tool

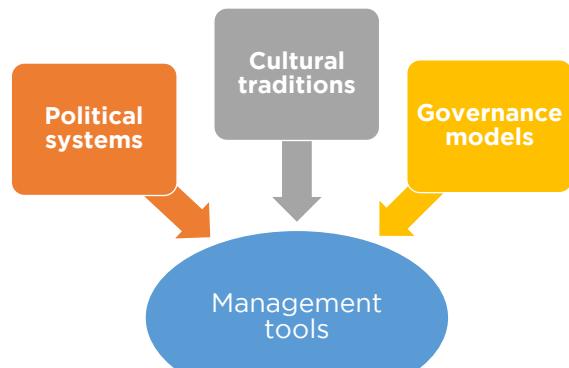


Tools for heritage management

15

## Tools for enforcing the heritage laws and regulations

- The political systems and cultural traditions of different countries are different, and the realities and governance models of different heritage sites are different.
- It is necessary to use different tools suitable for the context of heritage sites.



Adjust tools according to contexts

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## Question

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What are the political systems, cultural traditions and governance models of your heritage site?



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# Sustainable Heritage Management Course

Module 3(ALR) Session B2

1

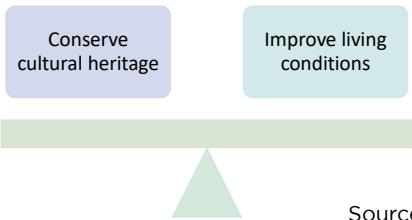
## Sticks: Mandatory Mechanisms



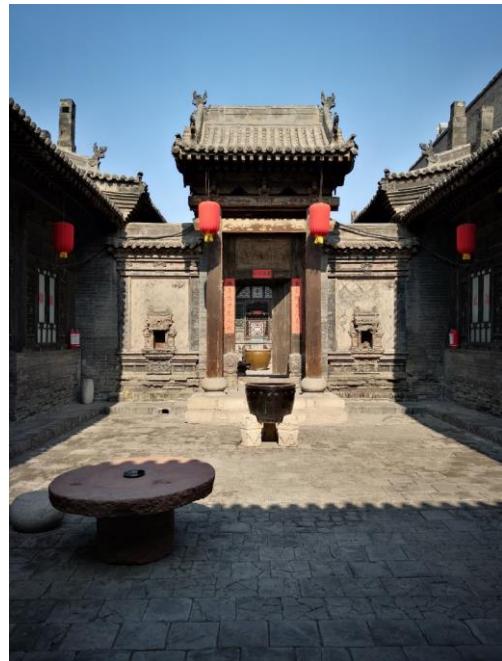
2

## Planning tool

- Incorporate the mandatory contents of heritage conservation in the urban master plan and/or conservation plan.**



Source: Shao Yong



3

## Planning tool

- Regional level: urban development model, land use planning, space corridor control and other regulations.**

Source: Shao Yong

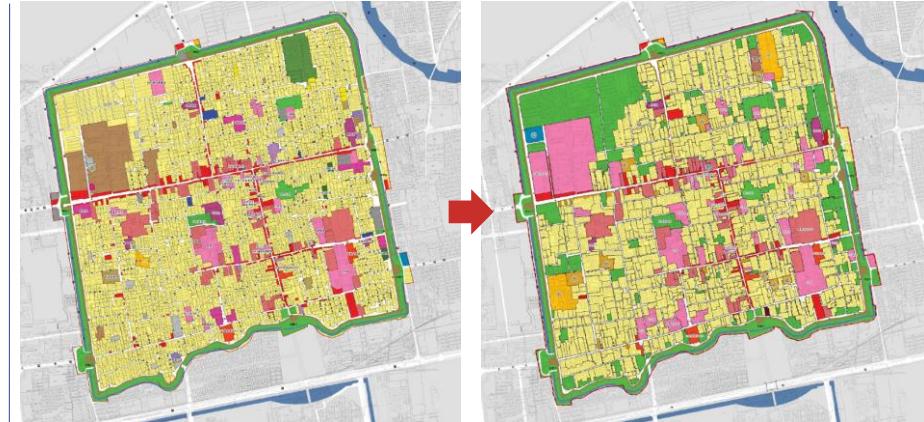


Analysis of land use and vision corridor of inside and outside of the site  
*"Conservation and Management Plan for the World Cultural Heritage of Pingyao Ancient City"*

4

## Planning tool

- City level: land use planning, public facilities, transportation, infrastructure, disaster prevention and environmental protection, etc.**



Land use planning

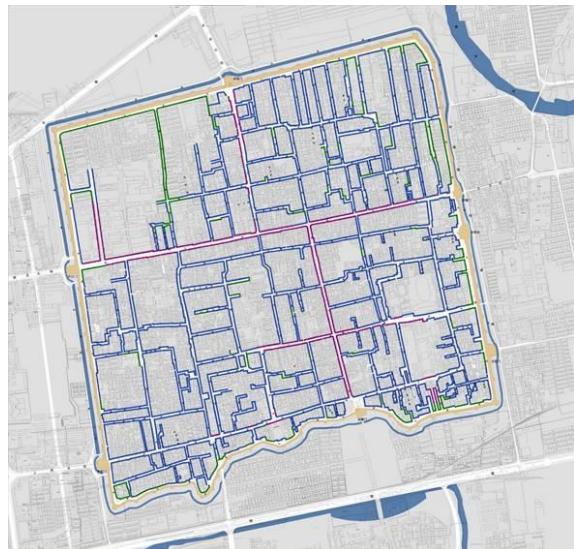
*"Conservation and Management Plan for the World Cultural Heritage of Pingyao Ancient City"*

Source: Shao Yong

5

## Planning tool

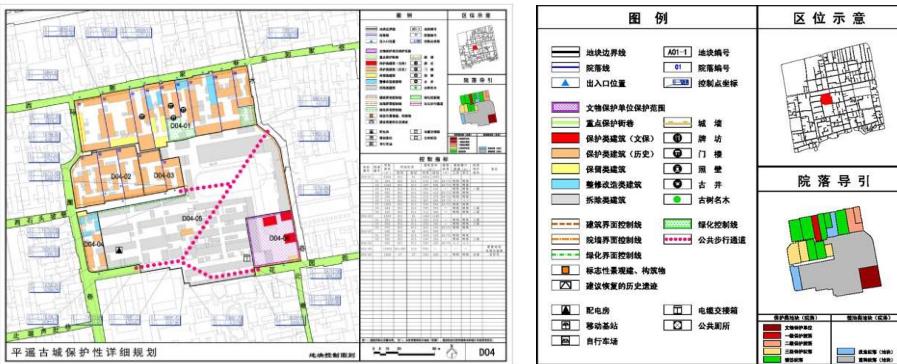
- Neighborhood level: conservation of the interface of streets and lanes, open spaces, courtyard division and layout, so as to protect traditional texture.**



Interface conservation for the streets and lanes  
*Conservation and Management Plan for the World Cultural Heritage of Pingyao Ancient City*

6

## Planning tool

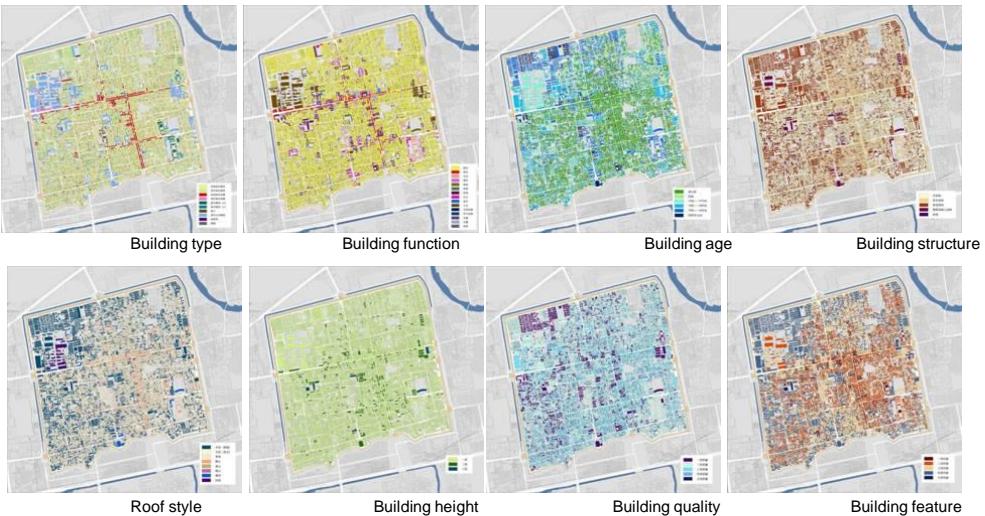


Source: Shao Yong

7

## Planning tool

Source: Shao Yong



Analysis of current buildings

*"Conservation and Management Plan for the World Cultural Heritage of Pingyao Ancient City"*

8

## Planning tool

- Architectural level: guidance of restoration and rehabilitation of traditional courtyard and buildings, form, scale and materials, as well as the living condition improvement measures, etc.

院落信息表																		
地块	院落编号	门牌号		地块性质 (户名)	原委	地块面积 (m²)	房产证号	住户户数	户籍人口	地块类型	二进院							
		麻家街 18 号	居住								保护措施	现状						
院落	II-70	保护等级	格局	院落	院落	院落	大门式样											
		II-70	二级	一	差	无	拆转	否										
建筑	序号	空间位置	类别	使用性质	权属	年代	结构	风格式	质量	后数	预算形式	改造状况	开间	檐高	屋面	墙面	门	窗
	1	正房	传统居住	居住	116.9 公有	清以前	木	二类	丙类	1	维修	主体	维修	—	—	—	—	—
	2	正房	传统居住	居住	49.8 私有	清以前	砖木	三类	丙类	1	维修	主体	维修	—	—	—	—	—
	3	廊房	传统居住	居住	48.2 私有	清以前	砖木	三类	丙类	1	维修	主体	维修	—	—	—	—	—
	4	廊房	传统居住	居住	34.2 私有	清以前	砖木	三类	丙类	1	维修	主体	维修	—	—	—	—	—
	5	廊房	传统居住	居住	36.0 公有	清以前	砖木	三类	丙类	1	维修	主体	维修	—	—	—	—	—
	6	倒座	传统居住	居住	100.6 公有	清以前	砖木	三类	丙类	1	维修	主体	维修	—	—	—	—	—
	7	其它	现代居住	居住	53.3 公有	80s	砖混	四类	一类	1	平顶	辅助	维修	—	—	—	—	—
	8	其它	现代居住	居住	71.5 公有	80s	砖混	四类	一类	1	平顶	主体	维修	—	—	—	—	—
	9	其它	现代居住	居住	49.9 公有	90s	钢混	四类	一类	1	曲顶	主体	维修	—	—	—	—	—
	10	其它	现代居住	居住	64.4 公有	90s	钢混	四类	一类	1	曲顶	主体	维修	—	—	—	—	—
	特殊构件																	
院落平面示意图																		

## Planning tool

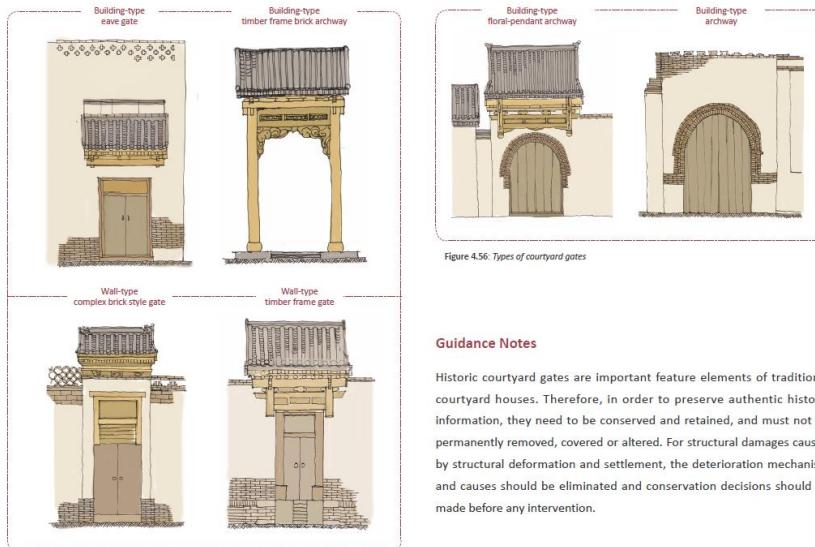


Figure 4.56: Types of courtyard gates

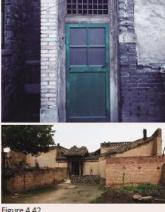
### Guidance Notes

Historic courtyard gates are important feature elements of traditional courtyard houses. Therefore, in order to preserve authentic historic information, they need to be conserved and retained, and must not be permanently removed, covered or altered. For structural damages caused by structural deformation and settlement, the deterioration mechanism and causes should be eliminated and conservation decisions should be made before any intervention.

Source: Shao Yong

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## Planning tool

Material	Material
<ul style="list-style-type: none"> <li>Build the exterior face of all the walls and the gable walls with plain grey bricks and the inner face with adobe brick walls with lime rendering. Build the courtyards boundary walls with plain brick walls without plastering.</li> </ul>  <p>Figure 4.36</p> <ul style="list-style-type: none"> <li>Finish the adobe brick walls with lime rendering. The walls can be decorated with thin and bold lines applied with black ink.</li> </ul>  <p>Figure 4.40</p> <ul style="list-style-type: none"> <li>Use modern materials such as red bricks and concrete bricks to build brick walls.</li> </ul>	<ul style="list-style-type: none"> <li>Use traditional materials such as gray bricks, adobe bricks and mortars for wall conservation.</li> </ul>  <p>Figure 4.38</p> <ul style="list-style-type: none"> <li>For severely damaged or missing adobe brick walls with grey-brick covering on the outside, use new bricks to replace the inside adobe bricks if necessary. New replacement material should not be exposed.</li> </ul>  <p>Figure 4.41</p> <ul style="list-style-type: none"> <li>Use red bricks as surface replacement materials to repair grey brick walls.</li> </ul>  <p>Figure 4.42</p>
 <p>Figure 4.37</p>	 <p>Figure 4.39</p>

Source: Shao Yong

12

# Planning tool

## 5.3. Guidance Notes for Living Facilities Upgrade

### 5.3.1. Bathroom and Kitchen

Recommended	Not Recommended
<ul style="list-style-type: none"> <li>When the location and size of the original bathroom and kitchen meet modern requirements without negative effects on the traditional courtyard houses, they can be renovated in the original location.</li> </ul>	<ul style="list-style-type: none"> <li>Change the location and size of the original bathroom and kitchen even when they meet modern requirements.</li> </ul>
<ul style="list-style-type: none"> <li>When the location and size of the original bathroom and kitchen do not meet modern requirements, they can be changed in accordance with the requirements included in this section.</li> </ul>	<ul style="list-style-type: none"> <li>Install bathroom or kitchen at inappropriate location and thus affect the feature elements of courtyard.</li> </ul>
<ul style="list-style-type: none"> <li>Install mechanical ventilation in bathroom and kitchen.</li> <li>Separate wet and dry areas in bathroom.</li> <li>Install enclosed shower.</li> <li>Add a waterproof layer to the walls and floors of bathroom and kitchen.</li> </ul>	<ul style="list-style-type: none"> <li>Not equipping the walls and floors of bathroom and kitchen without any ventilation equipment.</li> <li>Not have ventilation equipment in bathroom or kitchen.</li> <li>Have open shower.</li> </ul>
<ul style="list-style-type: none"> <li>Use existing exhaust systems and/or chimneys for kitchen exhaust.</li> </ul>	<ul style="list-style-type: none"> <li>Discharge smoke directly into central yard.</li> <li>Exhaust smoke to wall for kitchen exhaust.</li> </ul>

Table 5.4. Guidance notes for bathroom and kitchen of traditional courtyard houses

Figures 5.4-5.6 show some recommended models of bathroom and kitchen.

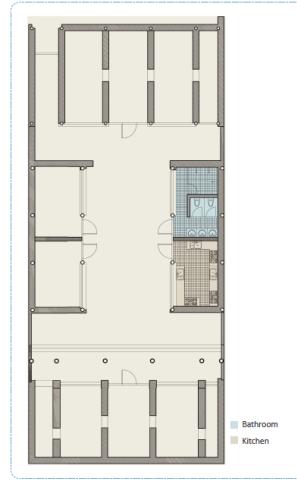


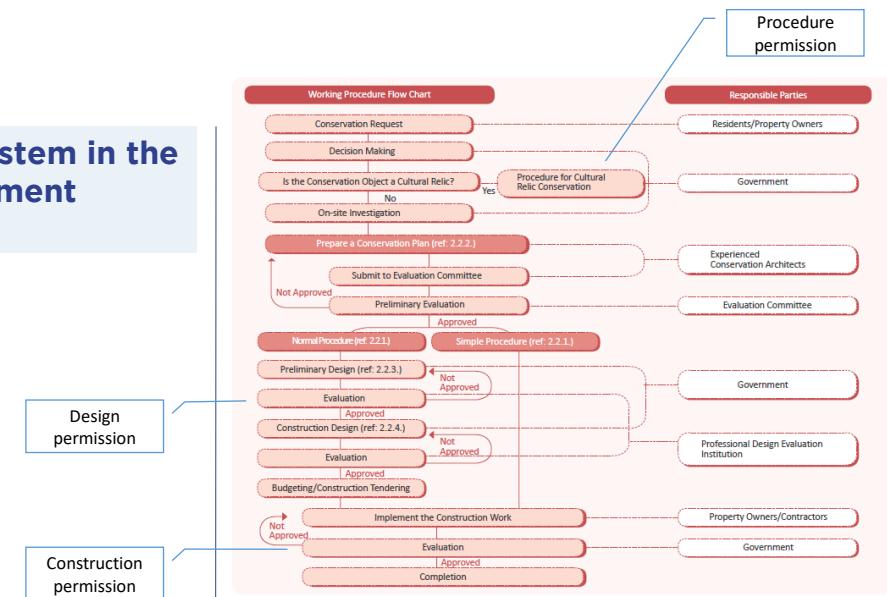
Figure 5.4. Recommended model for public/shared bathroom and kitchen within a courtyard building

Source: Shao Yong

13

# Permission tool

- Permission system in the daily management mechanism.



Source: Shao Yong

14

## Permission tool

- HIA (Heritage Impact Assessments)  
To evaluate impacts of change/development on OUV of cultural World Heritage properties.
- Objective:
  - (1) protect the “value” of heritage sites from the negative influence of spatial developments.
  - (2) improving heritage management.

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## Permission tool

- Method: A defendable system for assessing/evaluating impact

VALUE OF HERITAGE ASSET	SCALE & SEVERITY OF CHANGE/IMPACT				
	No Change	Negligible change	Minor change	Moderate change	Major change
For WH properties Very High – attributes which convey OUV	SIGNIFICANCE OF EFFECT OR OVERALL IMPACT (EITHER ADVERSE OR BENEFICIAL)				
	Neutral	Slight	Moderate/Large	Large/very Large	Very Large
For other heritage assets or attributes	SIGNIFICANCE OF IMPACT (EITHER ADVERSE OR BENEFICIAL)				
Very High	Neutral	Slight	Moderate/Large	Large/very Large	Very Large
High	Neutral	Slight	Moderate/Slight	Moderate/Large	Large/Very Large
Medium	Neutral	Neutral/Slight	Slight	Moderate	Moderate/Large
Low	Neutral	Neutral/Slight	Neutral/Slight	Slight	Slight/Moderate
Negligible	Neutral	Neutral	Neutral/Slight	Neutral/Slight	Slight

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## Monitoring tool

- Monitoring and early warning, deleted from the heritage list.



Datong  
2009.04



Datong  
2020.04

17

## Financial tool

- Increase penalties for violations of laws and regulations.



Historic building in Julu RD, Shanghai

Punishable by a fine of 5 times the replacement price of the historic building, amounting to 30.5 million RMB

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## Question

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Big stick mechanisms are to protect public interest, and need to be adjusted according to the political system, cultural traditions and heritage governance model of each country. What kind of stick mechanisms do you have in your country? Are they working? If not, why?



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# Sustainable Heritage Management Course

Module 3(ALR) Session B3

1

## Carrots: Incentive Mechanisms

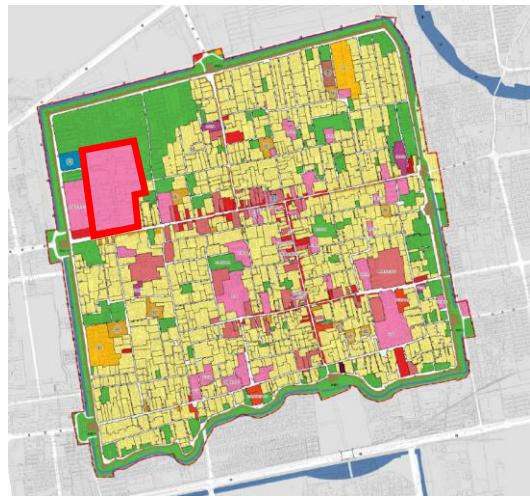


2

# Planning tool

- Encourage mixed use of land

Source:  
Shao Yong



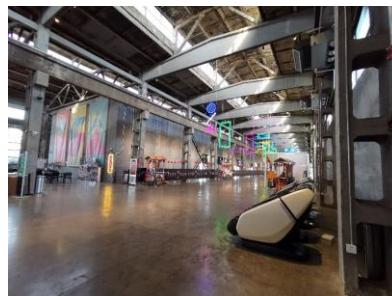
Land use planning  
“Conservation and Management Plan for the  
World Cultural Heritage of Pingyao Ancient City”

3

# Planning tool

- Encourage mixed use of land

Source:  
Shao Yong



Diesel engine  
factory changed  
to cinema

4

## Planning tool

- Transfer of Development Rights (TDR)



Source: <https://conservationtools.org/guides/12-transfer-of-development-rights>



Tian zi fang

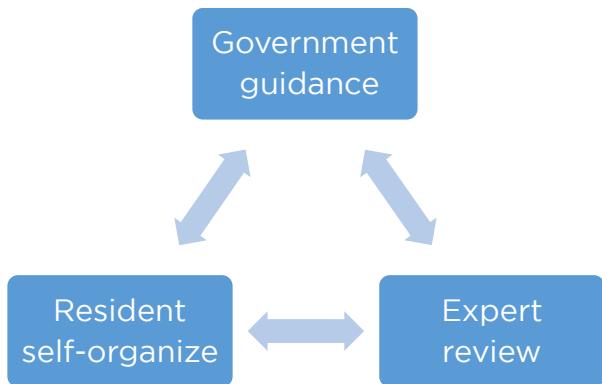
5

## Financial tool

- Public-private partnership (PPP)

- "Funds subsidy implementation measures for traditional courtyard protection and restoration project of Pingyao ancient city (2012)"

  1. Government establish protection funds (tourism tickets feedback);
  2. Residents independently restore their own buildings in accordance with the "conservation plan" and "guidelines";
  3. Expert committee review design and restoration projects.



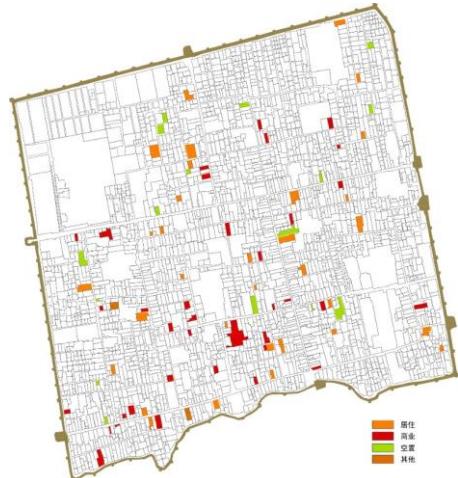
6

## Financial tool

- Public-private partnership (PPP)



Fund subsidy agreement of residential restoration and rehabilitation



Restored and rehabilitated courtyards by PPP

Source:  
Shao Yong

7

## Financial tool

- 5 groups, 104 courtyards and 1,000 buildings have been restored, with subsidy of more than 15 million RMB.

- Public-private partnership (PPP)



Source: Pingyao Urban Planning Bureau

8

## Financial tool

- Public-private partnership (PPP)

In 2015, the project won the "Award of Merit" for UNESCO Asia-Pacific Award for Cultural Heritage conservation.



9

## Financial tool

- Subsidy and tax reduction to Immaterial heritage and creative industry



Intangible Cultural Heritage and creative products in Pingyao Ancient City

10

# Governance tool

- Participatory planning model



"Pingyao co-construction" mode

Source: Shao Yong

11

# Governance tool

- Participatory planning model



Pingyao community workshops



Source:  
Shao Yong

12

## Reflection

- Worldwide: OUV

Criteria ii : The urban layout of Pingyao Ancient City shows the architectural style and the development of urban planning of Chinese Han nationality cities from 14th to 20th century. At the same time, it shows the development of the city in social, economic, cultural, artistic, scientific, technological and industrial aspects to a certain extent.

Criteria iii: From 19th century to early 20th century, Pingyao Ancient City was the center of China's financial industry. The commercial shops and traditional dwellings in Pingyao ancient city are historical witnesses of the economic prosperity and development of Pingyao ancient city during this period.

Criteria iv: Pingyao Ancient City is a complete group of ancient buildings, which is a rare and outstanding example of Han nationality city in Ming and Qing Dynasties in China.

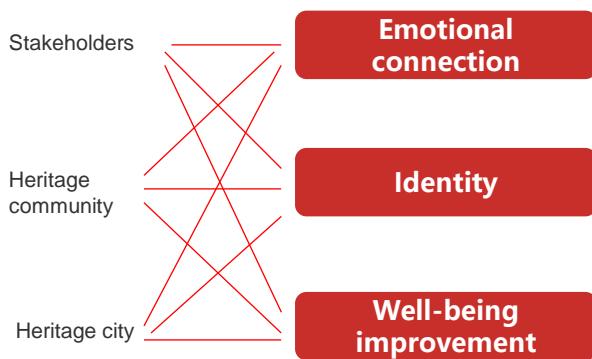


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## Reflection

- Local: Economy, society benefit

In 2018, when Tongji University team compiled “Evaluation on the Implementation of the Conservation Plan of Pingyao Ancient City”, it conducted a survey on residents through WeChat, and obtained 376 valid questionnaires.



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## Reflection

- Insist on "value-based" protection, insist on "people-centered" development, insist on multi-participation, co-governance model.
- To improve living environment through measures such as rehabilitation, transportation and infrastructure improvement.
- To increase employment and realize the goal of inclusive economy by promoting the creative industry through heritage.
- To encourage public participation and achieve the goal of inclusive society through the "Co-governance" model to "protect our common heritage".

**Question:** What kind of carrot mechanisms have you established?  
Are they working? If not, why?

15

### Recommended readings

- Policy For The Integration Of A Sustainable Development Perspective Into The Processes Of The World Heritage Convention. <https://www.wochmoc.org.cn/home/upload/file/201907/1563354943617049741.pdf>
- International Council on Monuments and Sites (ICOMOS) (2011). Guidance on Heritage Impact Assessments for Cultural World Heritage Properties. [https://www.international.icomos.org/world\\_heritage/HIA\\_20110201.pdf](https://www.international.icomos.org/world_heritage/HIA_20110201.pdf)
- International Council on Monuments and Sites (ICOMOS) (2005). Threats to World Heritage Sites 1994-2004: An Analysis. [https://www.international.icomos.org/world\\_heritage/Analysis%20of%20Threats%201994-2004%20final.pdf](https://www.international.icomos.org/world_heritage/Analysis%20of%20Threats%201994-2004%20final.pdf)
- Patiwaal, P., Groote, P. and Vanclay, F. (2018). Improving Heritage Impact Assessment: an Analytical Critique of ICOMOS Guidelines. International Journal of Heritage Studies. <https://doi.org/10.1080/13527258.2018.1477057>
- <https://whc.unesco.org/en/hul/>
- Practical conservation guidelines for traditional courtyard houses and environment in the ancient city of Pingyao. <https://unesdoc.unesco.org/ark:/48223/pf0000234622> <https://unesdoc.unesco.org/ark:/48223/pf0000234621>

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United Nations  
Educational, Scientific and  
Cultural Organization**thinkCITY**  
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# Sustainable Heritage Management Course

Module 3(ALR) Session C1

1

## Challenges in Large-scale Heritage Conservation: Balancing Heritage Authenticity, Daily Life and Economic Growth



2

## Conservation dilemma

**One of the first historic cities in China**

VS

**A typical declining city**



Declining urban landscape in Datong

Source: Documentary movie "The Chinese Mayor"

3

## Criticism

**"The authenticity of the ancient city was destroyed."**

- Demolishing the old and building the new
- Relocating large numbers of residents



City walls being rebuilt and houses being demolished

Source: Poster for the documentary "The Chinese Mayor"

4

# What happened in Datong ?

## Reconstruction plan

- The plan of “**Building an ancient city and a new district**” began in 2008.

“This is Datong's only opportunity.”

—Mayor Geng



Datong and Geng Yanbo

Source: Poster for the documentary "The Chinese Mayor"

5



Source: Internet

6

## What did the plan bring to the city?

### Massive demolition

- **Thousands of houses** have been demolished.
- **500,000 residents** (30% of Datong's population) were relocated.



Progress of the reconstruction program

Source: Documentary movie "The Chinese Mayor"

7

## What did the plan bring to the city?

### Destroyed heritage authenticity

- Nara Document on Authenticity
- Evidence for repair



Historical photos of Datong City Wall

Source: <https://www.tuyouhuaxia.com>

8

## What did the plan bring to the city?

### Destroyed heritage authenticity

- Nara Document on Authenticity
- Evidence for repair



Reconstructed Datong City Wall

Source: Documentary movie "The Chinese Mayor"

9

## What did the plan bring to the city?

### Destroyed heritage authenticity

- Nara Document on Authenticity
- Evidence for repair



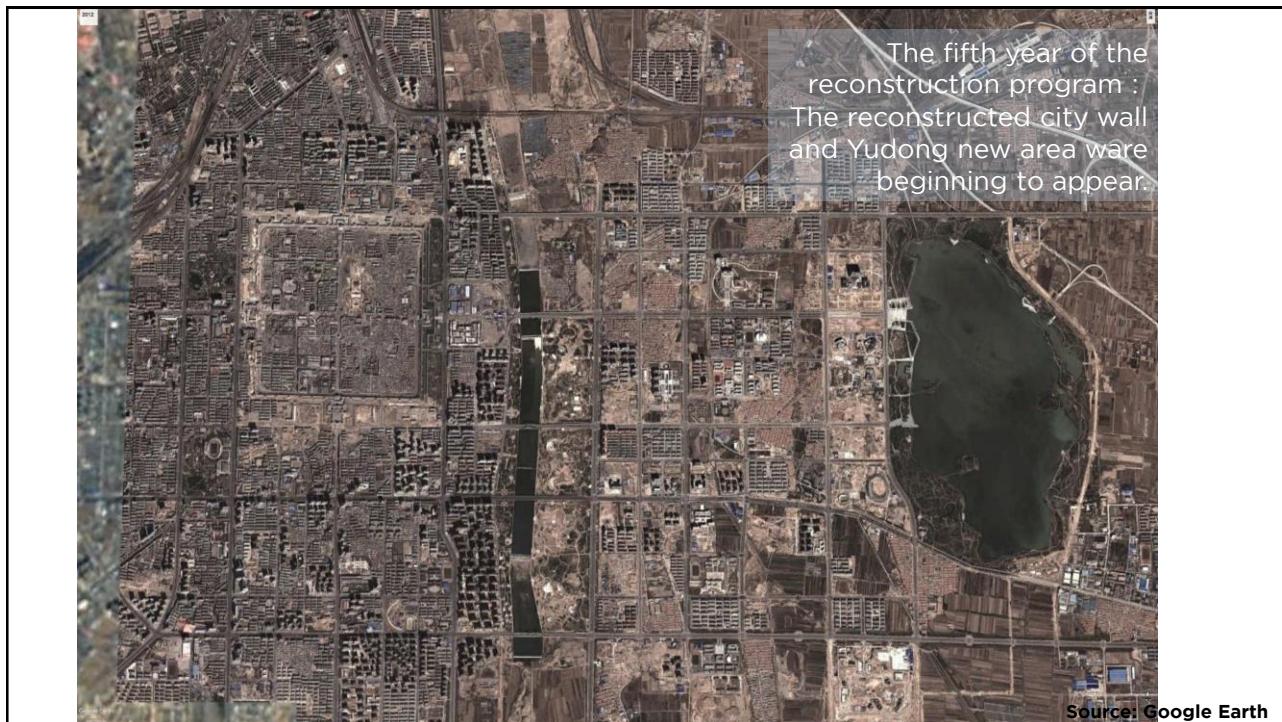
Construction site

Source: Documentary movie "The Chinese Mayor"

10



11



12



13



14

## What did the plan bring to the city?

### People's livelihood and urban landscape

- Improved living standard
- Progressively sound infrastructure
- Improved landscape



Urban landscape after construction

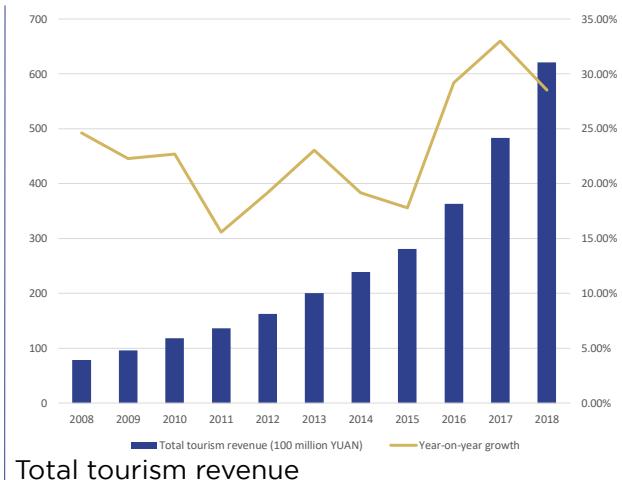
Source: SOHU.com

15

## What did the plan bring to the city?

### Tourism development

- Rapid development of tourism
- Continuous increase in total tourism revenue



Source: Datong Municipal People's Government

16

## **Core concern 1: Insufficient rigidity of conservation rules**

## Too broad and elastic

- “Preserve the features of historic urban areas”
  - “Restore the function of the cultural area”
  - “Preserve the planar form of the historic urban area”



<Master planning of Datong (2006-2020)>  
including "Datong Historical and Cultural  
City Special Protection Plan"

**Source: <Master planning of Datong (2006-2020)>**

17

### **Core concern 1: Insufficient rigidity of conservation rules**

## Too broad and elastic

- “Integrated protection”
  - “Key restoration”
  - “Scientific planning”
  - “Step-by-step implementation”

# Decision on the Protection and Restoration of the Ancient City of Datong, Datong Municipal People's Congress, 2008

## **Source: Decision on the Protection and Restoration of the Ancient City of Datong**

18

## Core concern 2 : Lack of complete procedures

### Serious planning lag

- Expert review?
- Public comment solicitation?
- Filed with the State Administration of Cultural Heritage?



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## Core concern 3 : Balance between conservation and economic growth

- Heritage authenticity
  - Sustainable development
- VS
- Livelihood improvement
  - Economic growth

### Opponents

"In terms of **heritage authenticity**, the authenticity of the ancient city and structure of life in the ancient city was destroyed."  
"In terms of **sustainable development**, building too fast creates many pitfalls."

### Proponents

"For the sake of **people's livelihood and urban landscape**, the shabby houses should be demolished."  
"For the sake of **urban development**, it can create **economic growth**."

Different voices about the reconstruction program

20

## Core concern 3 : Balance between conservation and economic growth

- People's material living conditions were improved.

VS

- "People and memories" in the ancient city disappeared.



Residential houses in demolition

Source: Documentary movie "The Chinese Mayor"

21

## Core concern 3 : Balance between conservation and economic growth

- To what extent should laws and regulations be constrained in order to balance the relationship between conservation and development?

Concept and principles	Balance	Specific strategies
------------------------	---------	---------------------



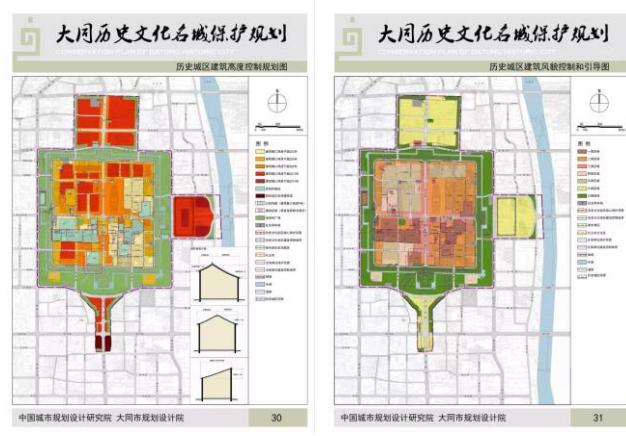
**Urban development & Heritage authenticity**

Thinking diagram of the degree of constraint of laws and regulations

22

## Subsequent progress

- In 2016, Shanxi Provincial People's Government approved **<Conservation Plan of Datong Historic City (2014-2020)>**.



<Conservation Plan of Datong Historic City (2014-2020)>

Source: <Conservation Plan of Datong Historic City (2014-2020)>

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## Questions

- How to balance Heritage Authenticity, Livelihood Improvement and Economic Growth?**
- How to set up heritage conservation rules for declining cities, especially in a large-scale?**
- How to understand the importance of procedural justice in heritage conservation?**

24



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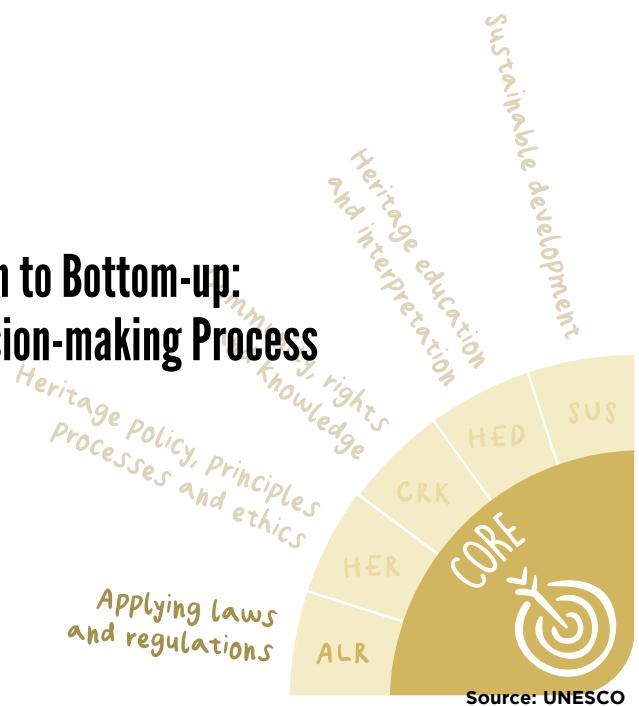


# Sustainable Heritage Management Course

Module 3(ALR) Session C2

1

## From Top-Down to Bottom-up: Transforming Decision-making Process



2

# Conservation dilemma

## Declining districts

### Conservation VS Development

- In 2006, five districts were demolished because of poor housing and inadequate infrastructure.



South of the old city of Nanjing

Source: School of Architecture, Southeast University

3

# Conservation dilemma

## Top-down mode

- A large number of relocations
- Massive demolition
- Culture rupture



Nanjing Laomendong Historical and Cultural District

Source: PConline

4

2

## From Top-down to Bottom-up

- Originally two similar historical sites in the same area
- Top-down mode : Laomendong
- Bottom-up mode : Xiaoxihu



Location map

Source: School of Architecture, Southeast University

5

## From Top-Down to Bottom-up

### Operation pattern

- “Integrated protection”
- “Step-by-step renewal”
- “Government-led”
- “Careful use of the market”



Nanjing Xiaoxihu Historical and Cultural District

Source: Nanjing Municipal Planning and Natural Resources Bureau

6

## Core concern 1: Multiple stakeholders

- Government departments
- Community
- Residents
- Investors and project managers
- Research and design team



Source: Nanjing Municipal Planning and Natural Resources Bureau

7

## Core concern 1: Multiple stakeholders

- Government departments
- Community
- Residents
- Investors and project managers
- Research and design team

Stakeholders	Function
<b>Government departments</b>	Responsible for the establishment and management of the five party platform and the approval of the construction plan
<b>Community</b>	Responsible for the publicity and liaison of residents and the execution of community building
<b>Residents</b>	Refers to the neighborhood residents who submit renewal applications or are associated with renewal projects
<b>Investors and project managers</b>	Make clear the feasibility of the reconstruction plan and the rationality of the new format
<b>Research and design team</b>	Supervise the implementation and management of planning intentions, participate in the update of project planning, design, construction and follow-up development and maintenance

Function of multiple stakeholders

Source: School of Architecture, Southeast University

8

## Core concern 2 : Property rights as the basis

### Determine the number of property plots

- Based on the 2018 land line ownership map
- Take "courtyard or building" as the unit



Property rights distribution map

Source: School of Architecture, Southeast University

9

## Core concern 2 : Property rights as the basis

### Clear property rights

- Land use right
  - Private
  - Corporate
  - State
- House-ownership
  - The owner of a private house
  - Public tenant
  - Actual tenant



Property rights distribution map

Source: Nanjing Municipal Planning and Natural Resources Bureau

10

## Core concern 3 : Dynamic decision-making process

### Relocation mode

- “independent relocation”
- “dynamic relocation”

### A typological map

- Name of property owner
- Property rights boundary
- Actual living condition
- .....



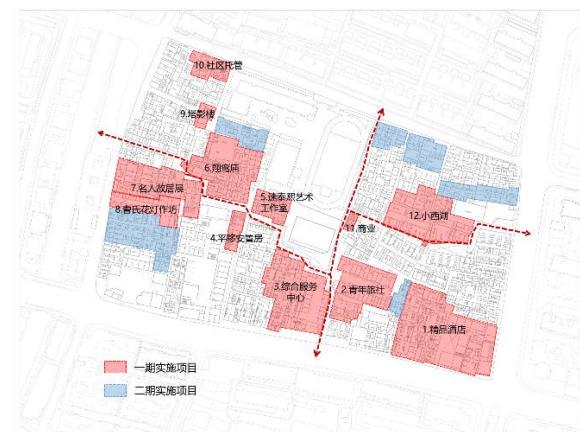
Source: School of Architecture, Southeast University

11

## Core concern 3 : Dynamic decision-making process

### Clear implementation stages

- 12 sites have been relocated as a phase I implementation projects
- 6 sites will soon be relocated as phase II implementation projects



Implementation stages

Source: School of Architecture, Southeast University

12

# Core concern 4 : Self-renewal guide

## Small scale and step-by-step system

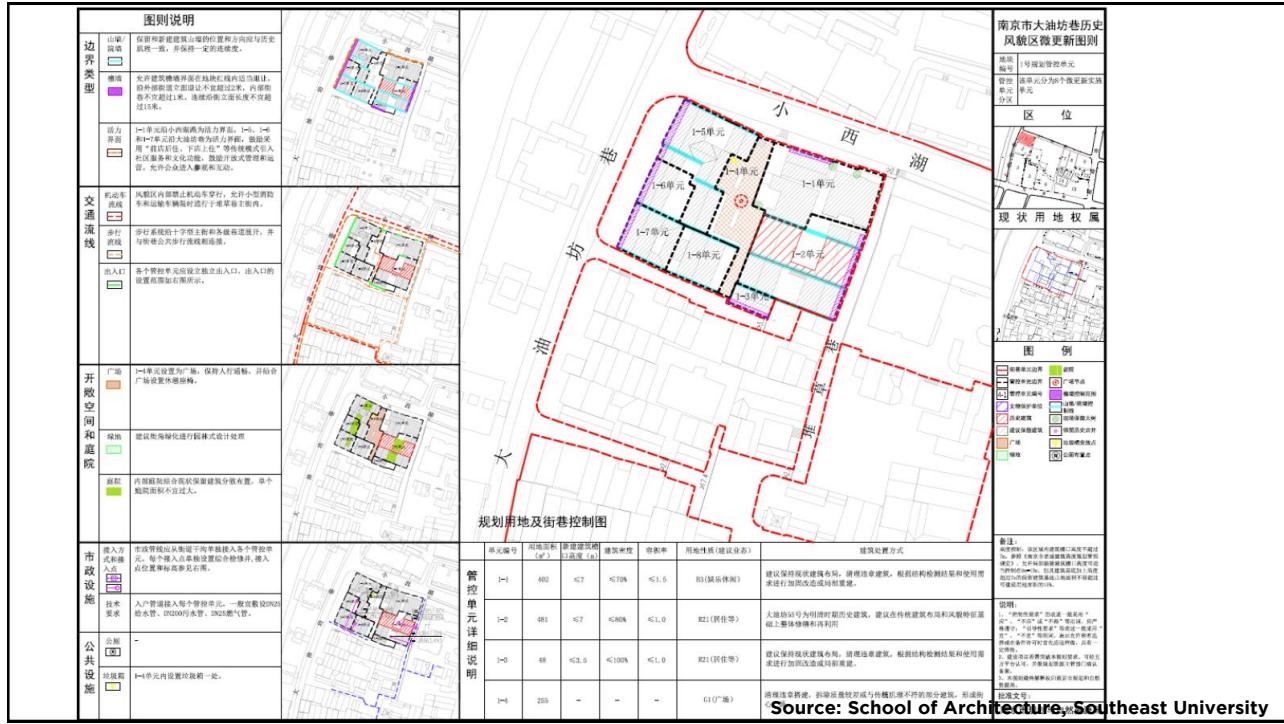
- 15 "Planning control Unit"
- 127 "Micro Update Implementation Unit"



Self-renewal guide

Source: School of Architecture, Southeast University

13

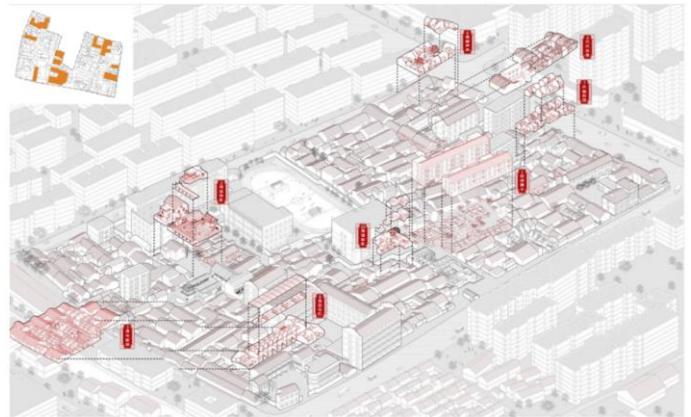


Source: School of Architecture, Southeast University

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## Core concern 5 : System results

- Classified land transfer system
- Classified land approval system
- Community Planner System
- Implementation path of different land use
- Declaration procedure for private houses renewal



Nanjing Xiaoxihu Historical and Cultural District

**Source:** Nanjing Municipal Planning and Natural Resources Bureau

15

## Summary

Transformation occurs throughout the decision-making process.

- **Stakeholders**
- **Decision-making units**
- **Decision-making process**
- **Decision-making strategies**

An entire renovated system is formed throughout the process.

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## Reflection

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As the heritage conservation becomes more refined, we need to think more about sustainable development.

- **How do laws and regulations coordinate multiple stakeholders?**
- **How does the program coordinate the general principles with the specific requirements of each unit?**
- **How to establish a management method for the "small scale, step-by-step and still positive" conservation pattern?**



United Nations  
Educational, Scientific and  
Cultural Organization



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# Sustainable Heritage Management Course

Module 3(ALR) Session C3

1

## Interact with People: Understanding Stakeholders' Responsibilities and Obligations



2

## Conservation dilemma

**Still in use**

**Multiple stakeholders**

- Owner
- User
- Manager

**Inability to recognize value**

**Improper use**



Cases of overuse of historic buildings

Source: Knews

3

## Administrative measures for Notification of Protection of Nanjing Historical Buildings

- Released in June 2020
- The national first
- Issued by Nanjing Historic City Protection Commission
- Led by Nanjing Municipal Bureau of Planning

南京市历史文化名城保护委员会

宁名城委〔2020〕1号

关于印发《南京历史建筑保护通知书》  
制度管理办法的通知

市名城委各成员单位：  
经市政府同意，现将《南京历史建筑保护通知书》制度管理办法印发给你们，请认真遵照执行。



- 1 -

Progress of the reconstruction program

Source: Nanjing Municipal Planning and Natural Resources Bureau

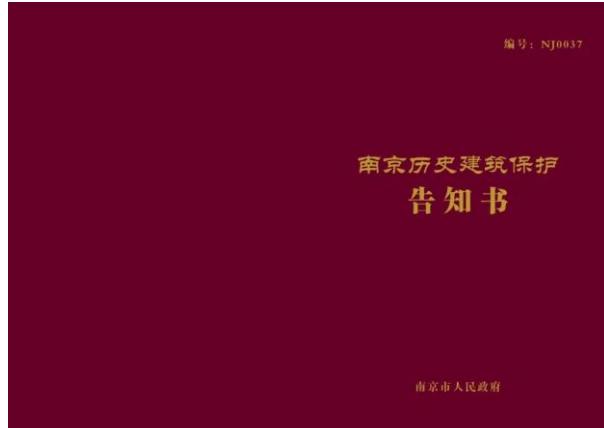
4

2

## **Contents of the Notification**

## Cover page

- “Notification of Protection of Nanjing Historical Buildings”
  - Numbering of the historic building
  - "Nanjing Municipal People's Government"



Cover page

Source: Nanjing Municipal Planning and Natural Resources Bureau

5

## **Contents of the Notification**

Title page

- Definition of a historic building
  - Speech by Xi Jinping
  - Basic information about the historic building



## Title page

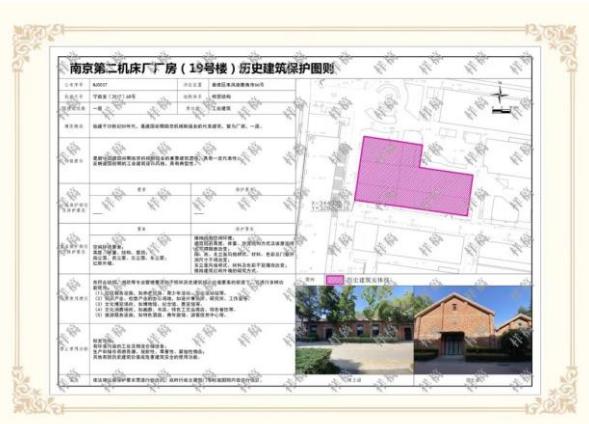
Source: Nanjing Municipal Planning and Natural Resources Bureau

6

# Contents of the Notification

## Protection plan

- General Description
- Value information
- Protection requirements
- Proper use suggestions
- Prohibited items



Protection plan

Source: Nanjing Municipal Planning and Natural Resources Bureau

7

# Contents of the Notification

## Body content

- Right of the owners, users and managers
- Conservation and use requirements
- Transfer and lease requirements
- Relevant legal liability
- Term



Body content

Source: Nanjing Municipal Planning and Natural Resources Bureau

8

# Contents of the Notification

## Letter of commitment

- Commitment required in the transfer and lease process
- For the assignor and assignee or the lessor and the lessee



Letter of commitment

Source: Nanjing Municipal Planning and Natural Resources Bureau

9

# Advantage 1 : Implement the responsibilities of all parties

- Define the rights, obligations and legal responsibilities of **the owners, users and managers**
- Helpful for **the assignors, lessors, assignees and lessees** to continue their responsibility



Owner



User



Manager



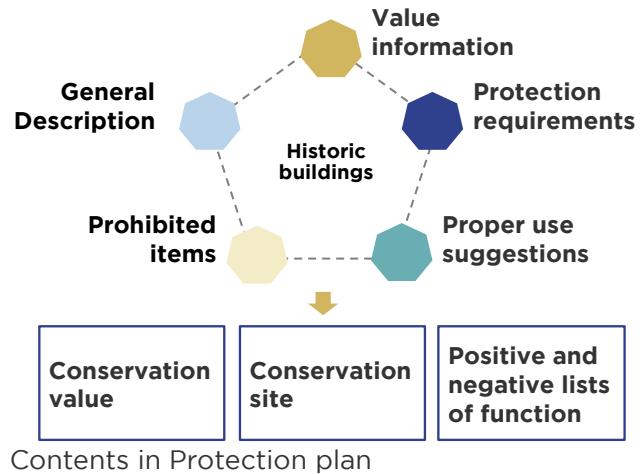
Assignor and assignee      Lessor and Lessee

Multiple stakeholders

10

## Advantage 2 : Enhance people's knowledge of protection

- Convenient for the owners, users and managers to protect, repair, reconstruct and make rational use according to laws and regulations

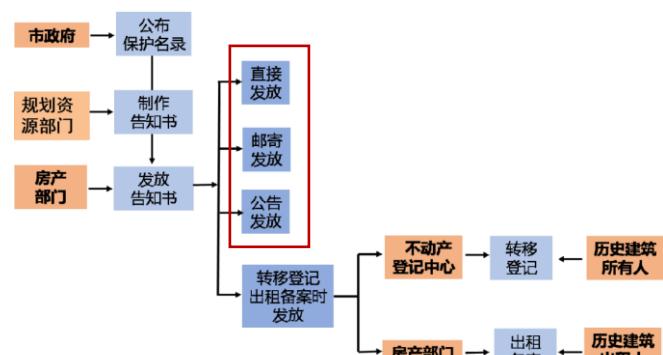


11

## Advantage 3 : Enhance protection effectiveness

### Various ways of issuance

- Direct issuance
- Mailed issuance
- Announcement issuance



Distribution progress

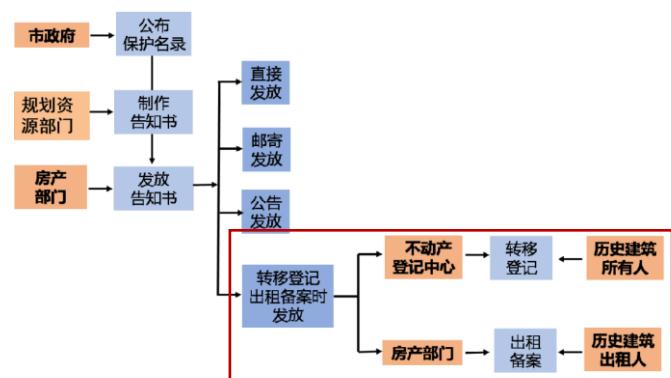
Source: Nanjing Municipal Planning and Natural Resources Bureau

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## Advantage 3 : Enhance protection effectiveness

### Strengthen management of transfers and leases

- Real estate Registration Agency for transfer registration
- Real estate administration department for lease record



Distribution progress

Source: Nanjing Municipal Planning and Natural Resources Bureau

13



Source: Nanjing Municipal Planning and Natural Resources Bureau

14

编号	所在区	公布序号	建筑名称	所在位置 (门牌号)	建筑年代
190	溧水	NJ258	下街村 18、20 号民居	溧水区晶桥镇下街村 18 号、20 号	1950s
191	溧水	NJ259	拳头庵	溧水区晶桥镇下街村村中	清代
192	溧水	NJ260	荷塘村周氏宗祠	溧水区晶桥镇荷塘村村中	清代
193	溧水	NJ261	徒家村司徒氏民居	溧水区晶桥镇徒家村村中	民国
194	高淳	NJ262	徐家巷 5 号民居	高淳区徐家巷 5 号	民国
195	高淳	NJ263	蒋家巷 4 号民居	高淳区蒋家巷 4 号	清代
196	高淳	NJ264	高淳影剧院	高淳区蒋家巷	1960s
197	高淳	NJ265	高淳纺织厂车间	高淳区蒋家巷	1960s
198	高淳	NJ266	津桥村 156 号	高淳区津桥镇津桥村 156 号	清代
199	高淳	NJ267	津桥村 447—448 号民居	高淳区津桥镇津桥村 447 号、448 号	清代
200	高淳	NJ268	津桥村孔氏祖联阁	高淳区津桥镇津桥村 409 号北侧	明代
201	高淳	NJ269	津桥村民居 01 ( 津桥村老宅 7 号 )	高淳区津桥镇津桥村 389 号南侧	明代
202	高淳	NJ270	津桥村 377 号 ( 孔氏三合院 )	高淳区津桥镇津桥村 377 号	民国
203	高淳	NJ271	津桥村民居 02 ( 津桥村老宅 1 号 )	高淳区津桥镇津桥村 334 号附近	民国
204	高淳	NJ272	津桥村商店 ( 津桥村老宅 3 号 )	高淳区津桥镇津桥村 287 号南侧	1950s
205	高淳	NJ273	沧浪街老加工厂	高淳区阳江镇沧溪社区沧浪街 29 号旁	1950s
206	高淳	NJ274	沧浪街 026 - 028 号	高淳区阳江镇沧溪社区沧浪街 026 - 028 号	民国

To be continued.  
Notifications will be issued to all historic buildings.

Source: SOHU.com

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## Summary and Reflection

Nanjing's historical building protection notification system clearly stipulates the division of responsibilities of historical building protection departments and the requirements for the production, issuance and publication of notices.

For initiative and refinement of laws and regulations, we need to think more about:

- **How to establish laws and regulations to protect the heritage sites that are still in use more effectively, more practically and a little more humanely?**

16

## **Recommended readings**

- The Chinese Mayor, BBC Documentary Movie, Directed by Hao Zhou, 2015, 89 Minutes
- Nara Document on Authenticity, ICOMOS, 1994.  
<https://whc.unesco.org/archive/nara94.htm>
- The Cultural Heritage Protection Law (Macau, 2013)  
[http://legismactext.safp.gov.mo/2013/S1/2013\\_36/LEI11XX13.pdf](http://legismactext.safp.gov.mo/2013/S1/2013_36/LEI11XX13.pdf)