

ACCU Nara  
International Workshop  
for Senior Professionals  
2019

Community-centred Approaches  
to the Conservation  
of Cultural Heritage

Community-centred Approaches  
to the Conservation  
of Cultural Heritage

No doubt

Community-centred Approaches  
to the Conservation  
of Cultural Heritage

No doubt  
as a common ground

Community-centred Approaches  
to the Conservation  
of Cultural Heritage

No doubt  
as a common ground

Community-centred Approaches  
to the Conservation  
of Cultural Heritage

But How?

### 3. Wiang Ta, Long district



Living Heritage  
Sites Programme

information meeting 22/03/2005

No doubt  
as a common ground

Community-centred Approaches  
to the Conservation  
of Cultural Heritage

But How?

implementation  
scheme  
legal systems  
decision making system

and

What is “values to conserve”?

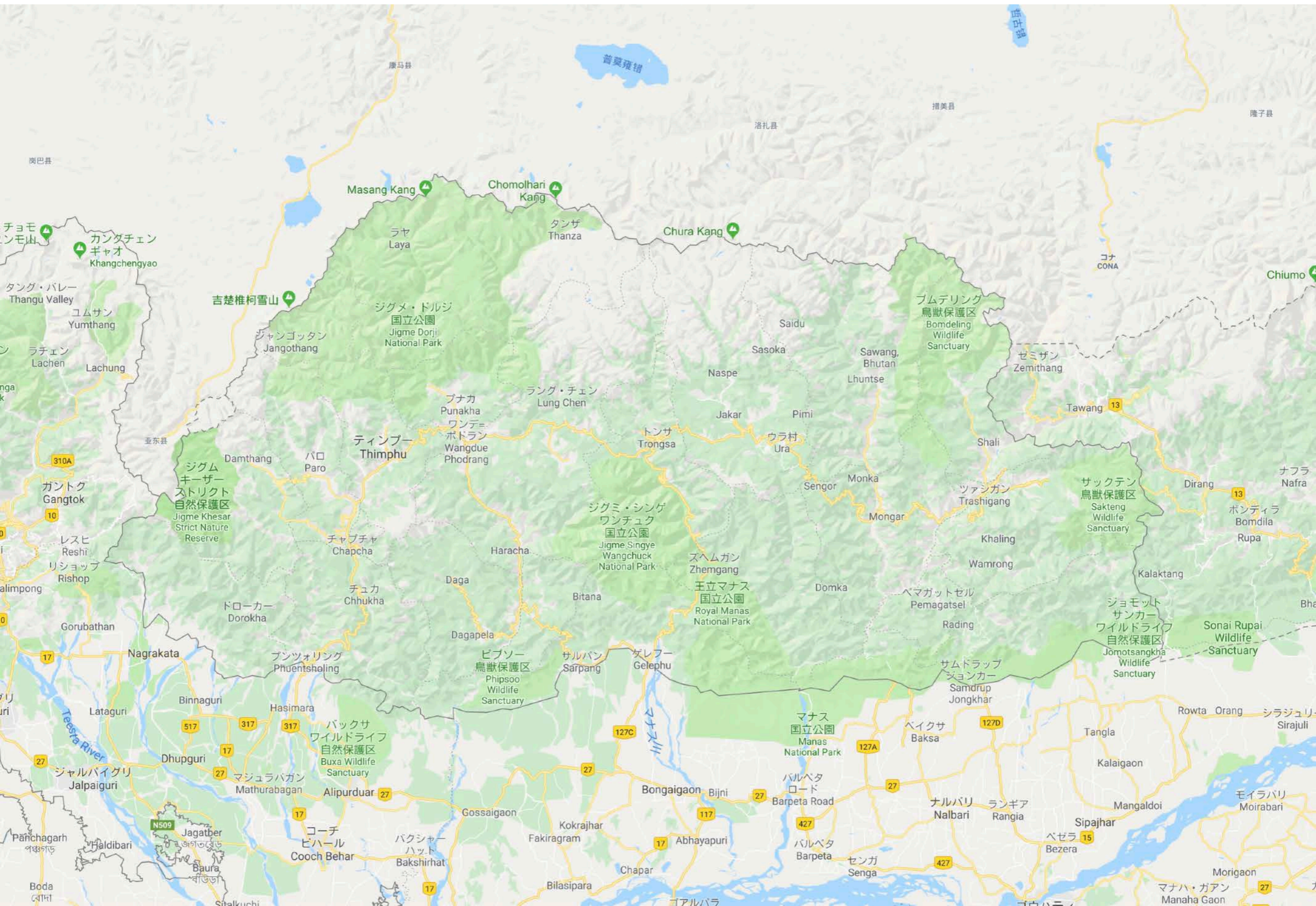


implementation  
scheme  
legal systems  
decision making system

and

What is “values to conserve”?

# A Case in Haa/Bhutan



















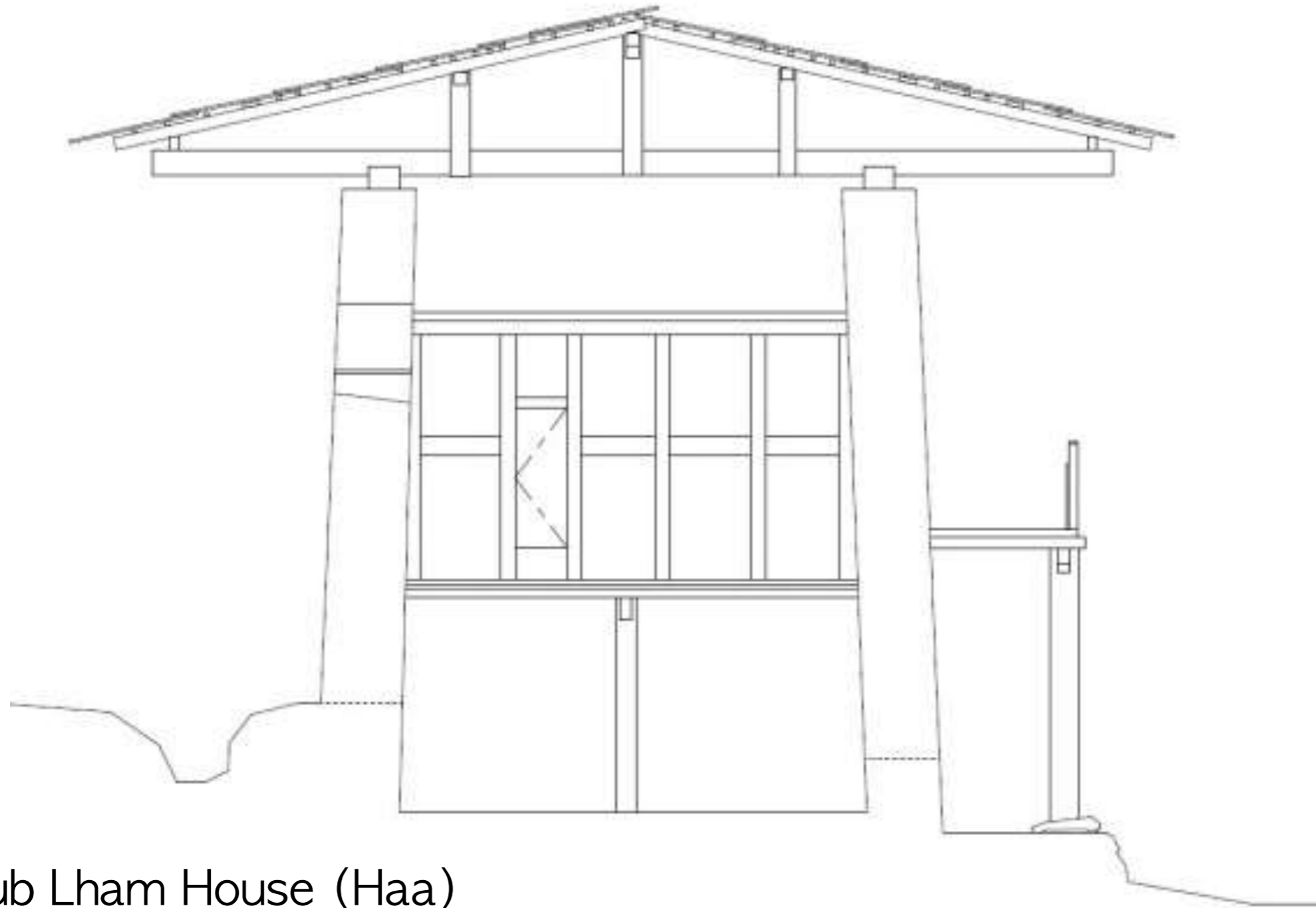
Phub Lham House (Haa)







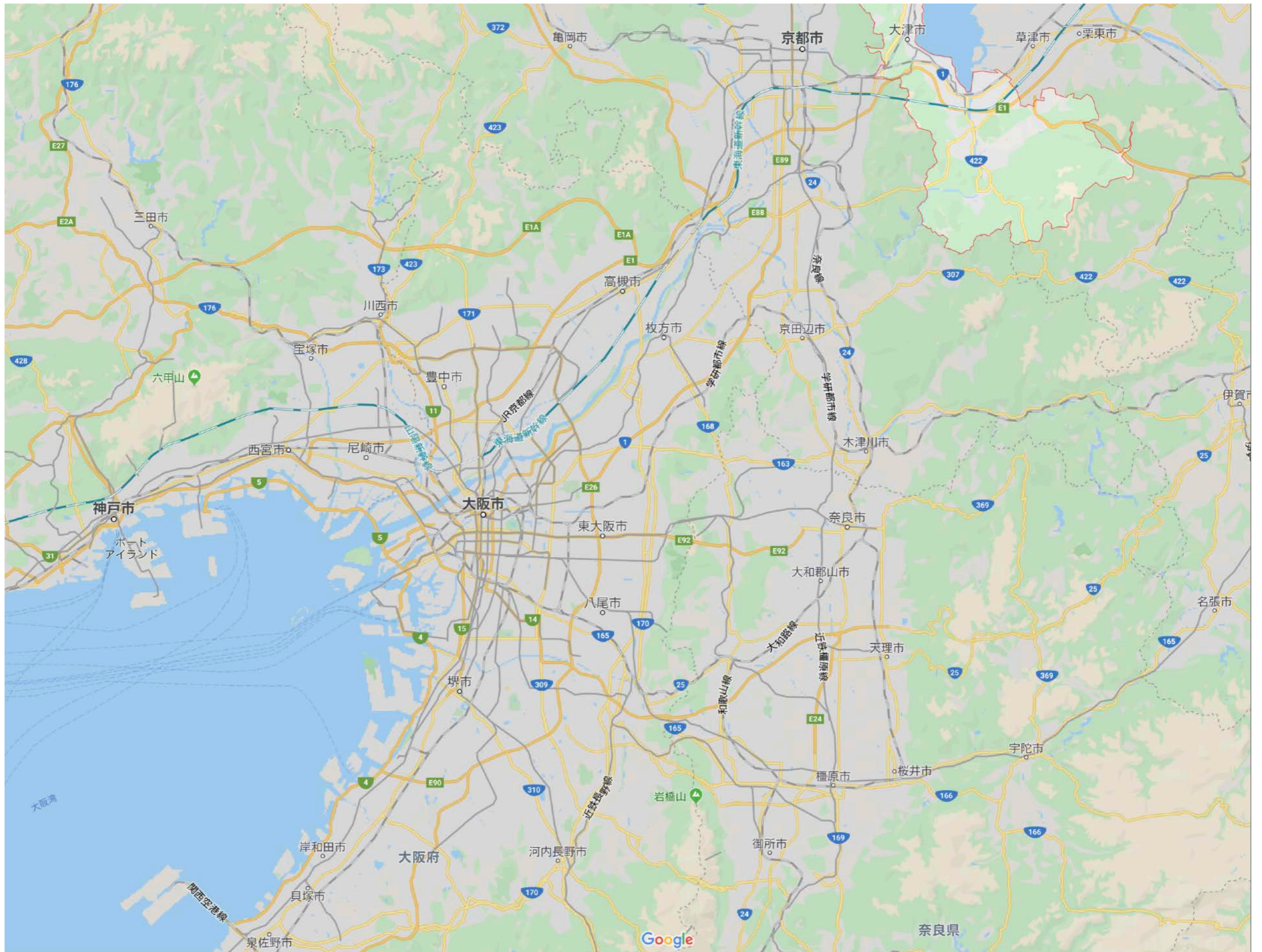




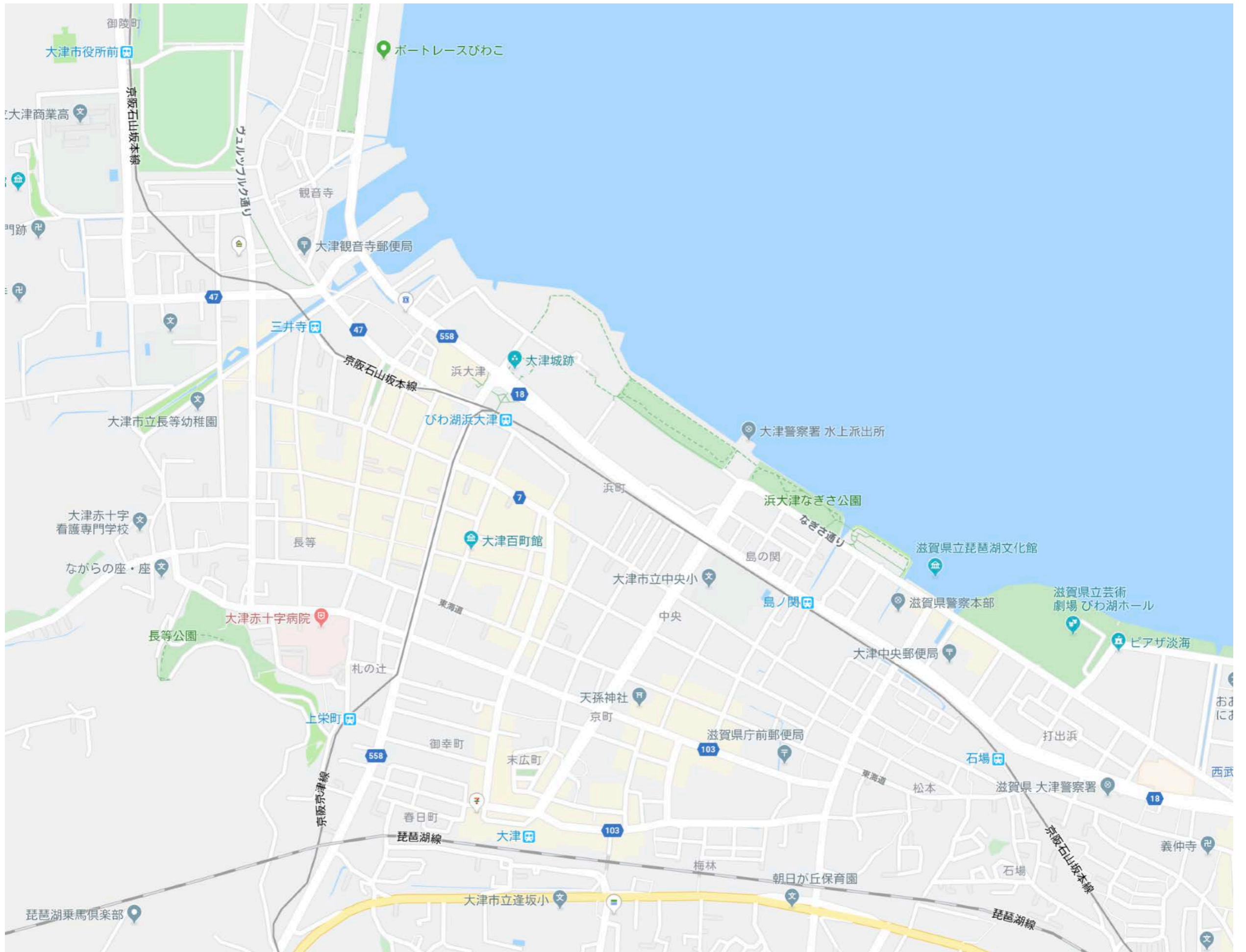
Phub Lham House (Haa)

Another Case in Otsu/ Japan





(Google Map)



(Google Map)



(報告者撮影)



(報告者撮影)



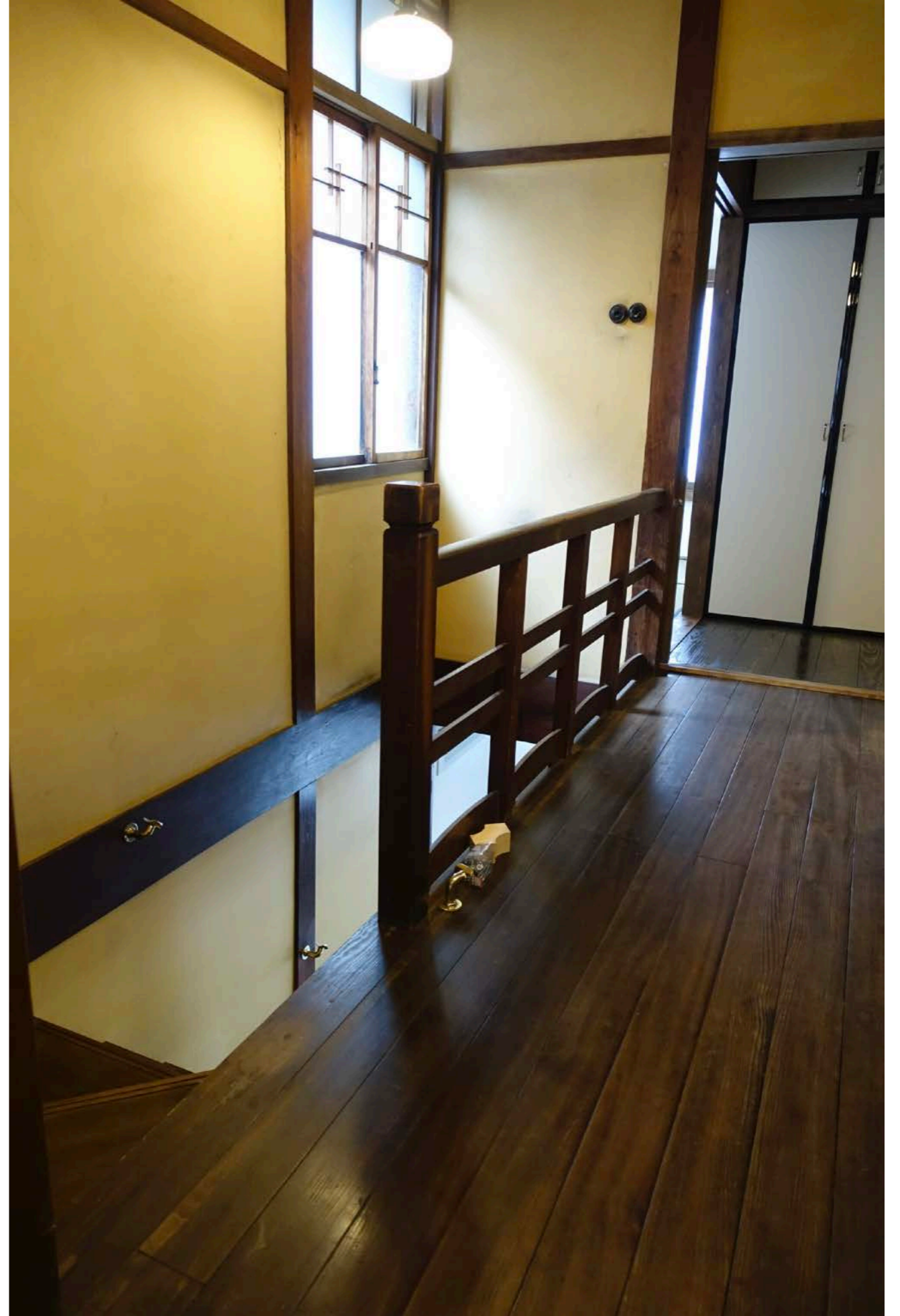
(報告者撮影)



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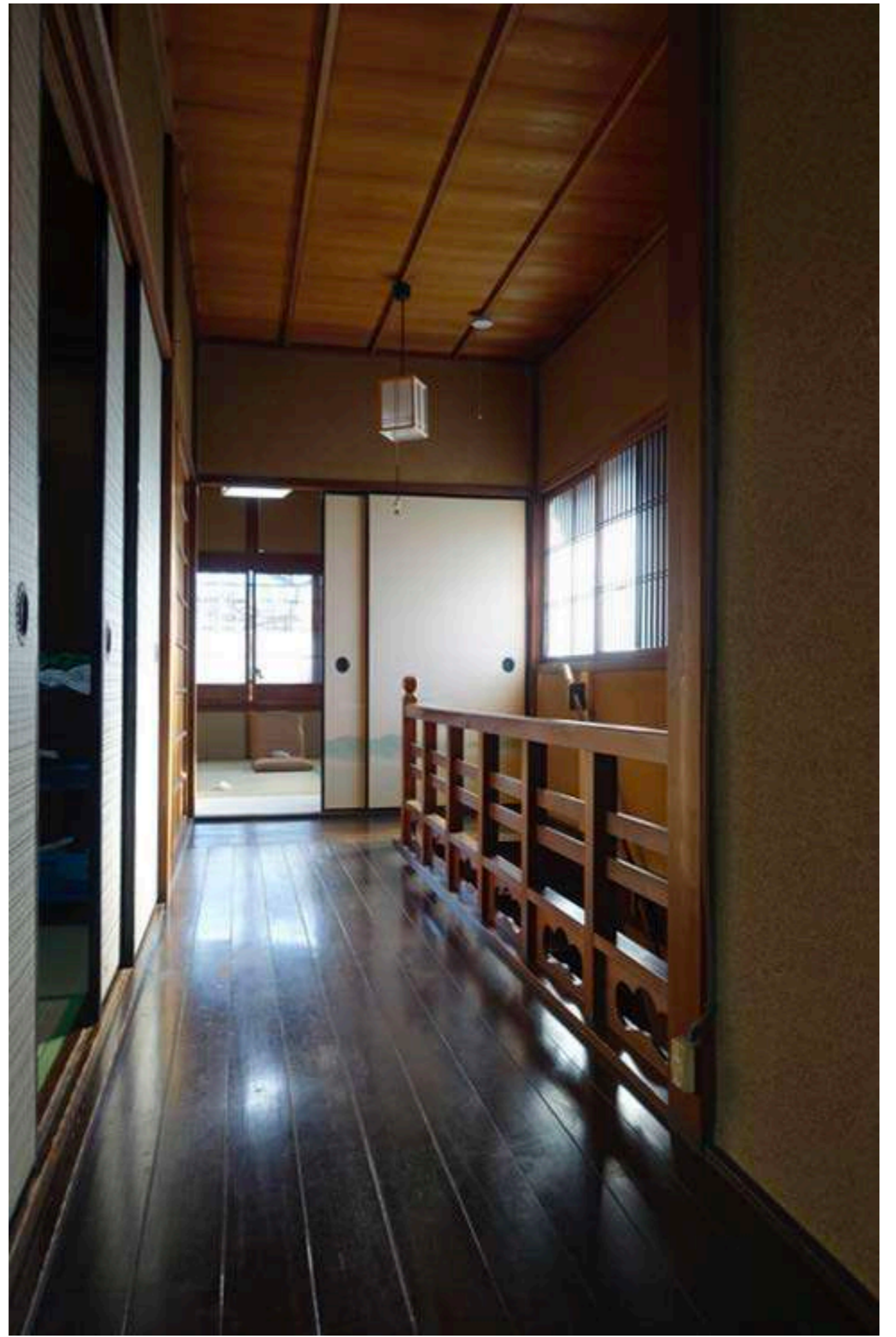
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(報告者撮影)



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(報告者撮影)



Balance between “values to conserve” and  
other needs

social, economic etc.

The other issue

definition of the term community

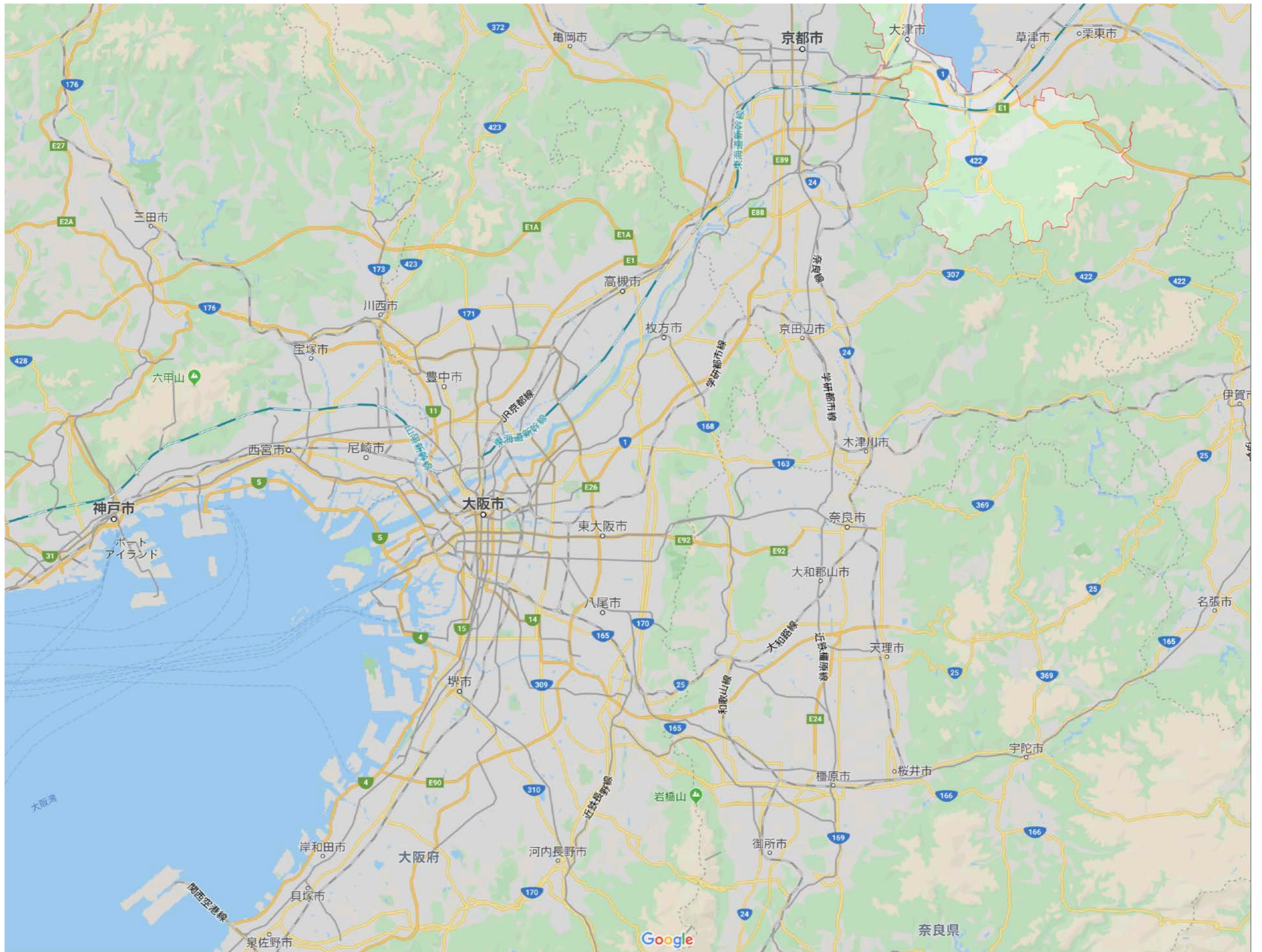
Local residence?

Stakeholders?

Community which have certain interest?

International community.....

In the case of “Mozu-Furuichi Kofun Group:  
Mounded Tombs of Ancient Japan”



(Google Map)



(Google Map)





(報告者撮影)







(報告者撮影)





(報告者撮影)



(報告者撮影)

In the texts of conventions, charters etc.....

World Heritage convention (1972)  
Nara document on Authenticity (1994)  
Intangible Cultural Heritage convention (2003)  
The Hoi An Declaration (2003)  
The Burra Charter (1979 / 2013 rev.)  
Nara +20 (2014)

and more

# World Heritage convention(1972)

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and more



## Article 5

To ensure that effective and active measures are taken for the protection, conservation and presentation of the cultural and natural heritage situated on its territory, each State Party to this Convention shall endeavor, in so far as possible, and as appropriate for each country:

- (a) to adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programmes;
- (b) to set up within its territories, where such services do not exist, one or more services for the protection, conservation and presentation of the cultural and natural heritage with an appropriate staff and possessing the means to discharge their functions;
- (c) to develop scientific and technical studies and research and to work out such operating methods as will make the State capable of counteracting the dangers that threaten its cultural or natural heritage;
- (d) to take the appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage; and
- (e) to foster the establishment or development of national or regional centres for training in the protection, conservation and presentation of the cultural and natural heritage and to encourage scientific research in this field.

# in Operational Guidelines.....



## **EVALUATION CRITERIA OF THE ADVISORY BODIES FOR INTERNATIONAL ASSISTANCE REQUESTS**

The following considerations are to be taken into account by the Advisory Bodies, World Heritage Centre, and the relevant Decision-maker (the Chairperson of the World Heritage Committee, the World Heritage Committee or the Director of the World Heritage Centre) when assessing International Assistance requests.

These items do not constitute a checklist, and not every item will be applicable to every International Assistance Request. Rather the appropriate items are to be considered together in an integrated manner in making balanced judgments concerning the appropriateness of allocating the limited financial support available through the World Heritage Fund.

### **A. Eligibility requirements**

1. Is the State Party in arrears for payment of its contribution to the World Heritage Fund?
2. Is the request coming from an authorized organization/institution of the State Party?

### **B. Priority considerations**

3. Is the request from a State Party on the list of the Least Developed Countries (LDCs), Low Income Economies (LIEs), Small Island Developing States (SIDS) or post-conflict countries?
4. Is the property on the List of World Heritage in Danger?
5. Does the request further one or more of the Strategic Objectives of the World Heritage Committee (Credibility, Conservation, Capacity building, and Communication)?
6. Does the request respond to needs identified through the Periodic Reporting process at the property and/or regional levels?
7. Is the request linked to a regional or sub-regional capacity building programme?
8. Is there a capacity building aspect to the activity (no matter what type of assistance sought)?
9. Will the lessons learned from the activity provide benefits to the larger World Heritage system?

### **C. Considerations linked to the specific content of the proposed activity**

10. Are the objectives of the request clearly stated and achievable?
11. Is there a clear work plan for achieving the results, including a timeline for its implementation? Is the work plan reasonable?
12. Does the agency/organization responsible for implementing the proposal have the capacity to do so, and is there a responsible person identified for ongoing contacts?
13. Are the professionals proposed to be used (whether national or international) qualified to carry out the work being requested? Are there clear terms of reference for them, including adequate period of their involvement?
14. Is the involvement of all relevant parties taken into account in the proposal (for example stakeholders, other institutions, etc.)?
15. Are the technical requirements clearly expressed and are they reasonable?

# in Operational Guidelines.....

## *b) Preparatory Assistance Requests*

### For requests for preparation of nomination files

24. Is the property on the State Party's Tentative List?
25. Does the State Party already have properties inscribed on the World Heritage List? If yes, how many?
26. Is the type of property proposed for World Heritage listing un-represented or under-represented in the World Heritage List?
27. Is sufficient attention paid to necessary elements, such as the preparation of the management plan, comparative analysis, Statement of Outstanding Universal Value, mapping, etc.?
28. Is sufficient attention given to community involvement?

World Heritage convention(1972)

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Nara +20(2014)

and more

8. It is important to underline a fundamental principle of UNESCO, to the effect that the cultural heritage of each is the cultural heritage of all. Responsibility for cultural heritage and the management of it belongs, in the first place, to the cultural community that has generated it, and subsequently to that which cares for it. However, in addition to these responsibilities, adherence to the international charters and conventions developed for conservation of cultural heritage also obliges consideration of the principles and responsibilities flowing from them. Balancing their own requirements with those of other cultural communities is, for each community, highly desirable, provided achieving this balance does not undermine their fundamental cultural values.

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## Article 15

### Participation of communities, groups and individuals

Within the framework of its safeguarding activities of the intangible cultural heritage, each State Party shall endeavour to ensure the widest possible participation of communities, groups and, where appropriate, individuals that create, maintain and transmit such heritage, and to involve them actively in its management.

# in Operational Directives.....

## 1.2 Criteria for inscription on the Representative List of the Intangible Cultural Heritage of Humanity

2. In nomination files, the submitting State(s) Party(ies) is (are) requested to demonstrate that an element proposed for inscription on the Representative List of the Intangible Cultural Heritage of Humanity satisfies all of the following criteria:

- R.1 The element constitutes intangible cultural heritage as defined in Article 2 of the Convention.
- R.2 Inscription of the element will contribute to ensuring visibility and awareness of the significance of the intangible cultural heritage and to encouraging dialogue, thus reflecting cultural diversity worldwide and testifying to human creativity.
- R.3 Safeguarding measures are elaborated that may protect and promote the element.
- R.4 The element has been nominated following the widest possible participation of the community, group or, if applicable, individuals concerned and with their free, prior and informed consent.
- R.5 The element is included in an inventory of the intangible cultural heritage present in the territory(ies) of the submitting State(s) Party(ies), as defined in Articles 11 and 12 of the Convention.



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**The Hoi An Declaration(2003)**

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and more

## **The Hoi An Declaration on Conservation of Historic Districts of Asia**

Meeting in Hoi An, Vietnam, from the 13th to the 15th of September 2003, to take part in the International Symposium on the Conservation of Cultural Heritage Sites and International Cooperation organized to commemorate the 30th anniversary of the establishment of diplomatic relations between Japan and Vietnam,

Benefiting from the particular context provided by the international recognition of the universal significance of Hoi An, an ancient port town inscribed on the World Heritage List in 1999 as an illustration of historical relations between countries in Asia and peaceful international cooperation,

Taking note of the efforts made by the authorities of the Government of Vietnam, of the Quang Nam Province and the City of Hoi An to improve the state of conservation of this site exposed to severe environmental conditions of heat and high humidity and termite infestation, particularly challenging for numerous historic wooden buildings in the town,

Thanking the organizers for their efforts in providing an opportunity for the fruitful sharing of knowledge and exchange amongst specialists, managers and researchers from Vietnam, Japan and other countries as well as representatives of International organizations,

The participants of this International Symposium adopt the following Declaration of principles and recommendations, addressing them to National and Local authorities as well as institutions and international organizations.

### **1. Conserving Asia's Historic Districts**

Historic Districts, including historic villages and city quarters, constitute a major part of the living cultural heritage of Asian countries. These are often the expression of a rich and fruitful history of cultural exchange between the regions of Asia and their various peoples over centuries. Yet, many historic districts of Asia are facing irreparable damage or loss of identity and character for lack of adequate conservation measures, development or vehicular access controls and adequate financial support. Experiences such as Hoi An provide useful lessons and examples that should be shared amongst authorities and professionals of the various disciplines involved in the management of historic districts.

### **2. Involving Inhabitants in the Conservation of Historic Districts**

Inhabitants and users of historic districts are key actors in conservation efforts. Their role should be recognized and welcomed in the planning, the implementation and the review phases of that process. Public awareness, information, consultation and participation help the inhabitants understand, share and care for both the heritage values of the historic district, and the necessary conservation measures including the restrictions they might impose on their daily life. Owners and users should be encouraged to use traditional knowledge and ingenuity to provide continuous care of historic buildings and neighborhoods. Voluntary and proactive participation of inhabitants and associations in cooperation of the government should be promoted and supported.

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Nara +20(2014)

and more

## Article 12. Participation

Conservation, interpretation and management of a place should provide for the participation of people for whom the place has significant associations and meanings, or who have social, spiritual or other cultural responsibilities for the place.

## Article 13. Co-existence of cultural values

Co-existence of cultural values should always be recognised, respected and encouraged. This is especially important in cases where they conflict.

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and more

**NARA + 20:  
ON HERITAGE PRACTICES, CULTURAL VALUES,  
AND THE CONCEPT OF AUTHENTICITY**



**Recalling** the achievements of the 1994 Nara Document on Authenticity in setting principles of respect and tolerance for cultural and heritage diversity around the world, and in expanding the concepts of cultural value and authenticity in heritage practices;

**Affirming** the importance of community participation, social inclusion, sustainable practices and intergenerational responsibility in the conservation of heritage;

**Recognizing** present challenges to the conservation and appreciation of cultural heritage resulting from globalization, urbanization, demographic changes and new technologies;

**Acknowledging** the rights of communities to maintain and transmit their particular forms of tangible and intangible cultural expressions;

**Building** on international conventions and charters, and the work done in academic and professional fora since the drafting of the Nara Document that have helped to expand the scope of cultural heritage and underscore the importance of cultural context and cultural diversity;

The Agency for Cultural Affairs (Government of Japan), in celebrating the 20<sup>th</sup> anniversary of the Nara Document initiated a series of meetings of experts in cooperation with Kyushu University to evaluate and learn from the practical experiences of applying the Nara Document to the identification and management of heritage sites over the last 20 years. This Nara+20 text, building on the Himeji Recommendation identifies five key inter-related issues highlighting prioritized actions to be developed and expanded within global, national and local contexts by wider community and stakeholder involvement. These texts will be complemented by the proceedings of the 20<sup>th</sup> Anniversary of the Nara Document Meeting.

### **1. Diversity of heritage processes**

Just as the Nara Document indicates that authenticity varies according to the cultural context, the concept of cultural heritage itself assumes diverse forms and processes. In the last 20 years, heritage management and conservation practices have increasingly taken into consideration the social processes by which cultural heritage is produced, used, interpreted and safeguarded. In addition, social processes and perceptions of authenticity have been affected by emerging modes and technologies for accessing and experiencing heritage.

Further work is needed on methodologies for assessing this broader spectrum of cultural forms and processes, and the dynamic interrelationship between tangible and intangible heritage.



# NARA + 20: ON HERITAGE PRACTICES, CULTURAL VALUES, AND THE CONCEPT OF AUTHENTICITY



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### **3. Involvement of multiple stakeholders**

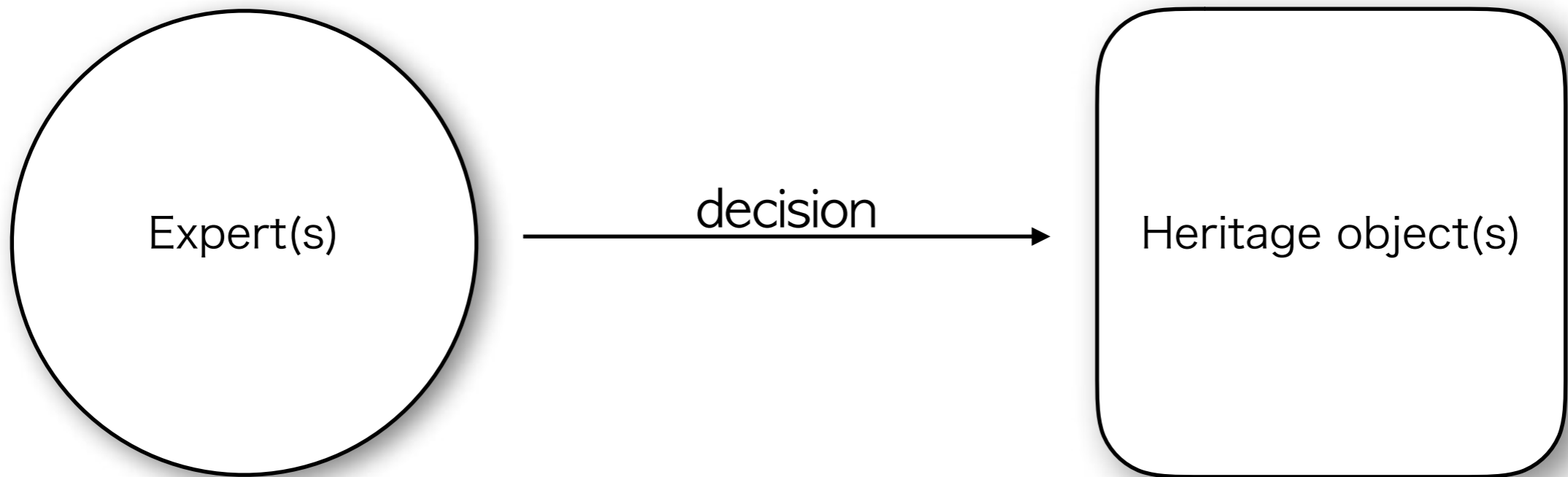
The Nara Document assigns responsibility for cultural heritage to specific communities that generated or cared for it. The experience of the last 20 years has demonstrated that cultural heritage may be significant in different ways to a broader range of communities and interest groups that now include virtual global communities that did not exist in 1994. This situation is further complicated by the recognition that individuals can be simultaneously members of more than one community and by the imbalance of power among stakeholders, often determined by heritage legislation, decision-making mechanisms, and economic interests. Those with authority to establish or recognize the significance, value, authenticity, treatment and use of heritage resources have the responsibility to involve all stakeholders in these processes, not forgetting those communities with little or no voice. Heritage professionals should engage in community matters that may affect heritage.

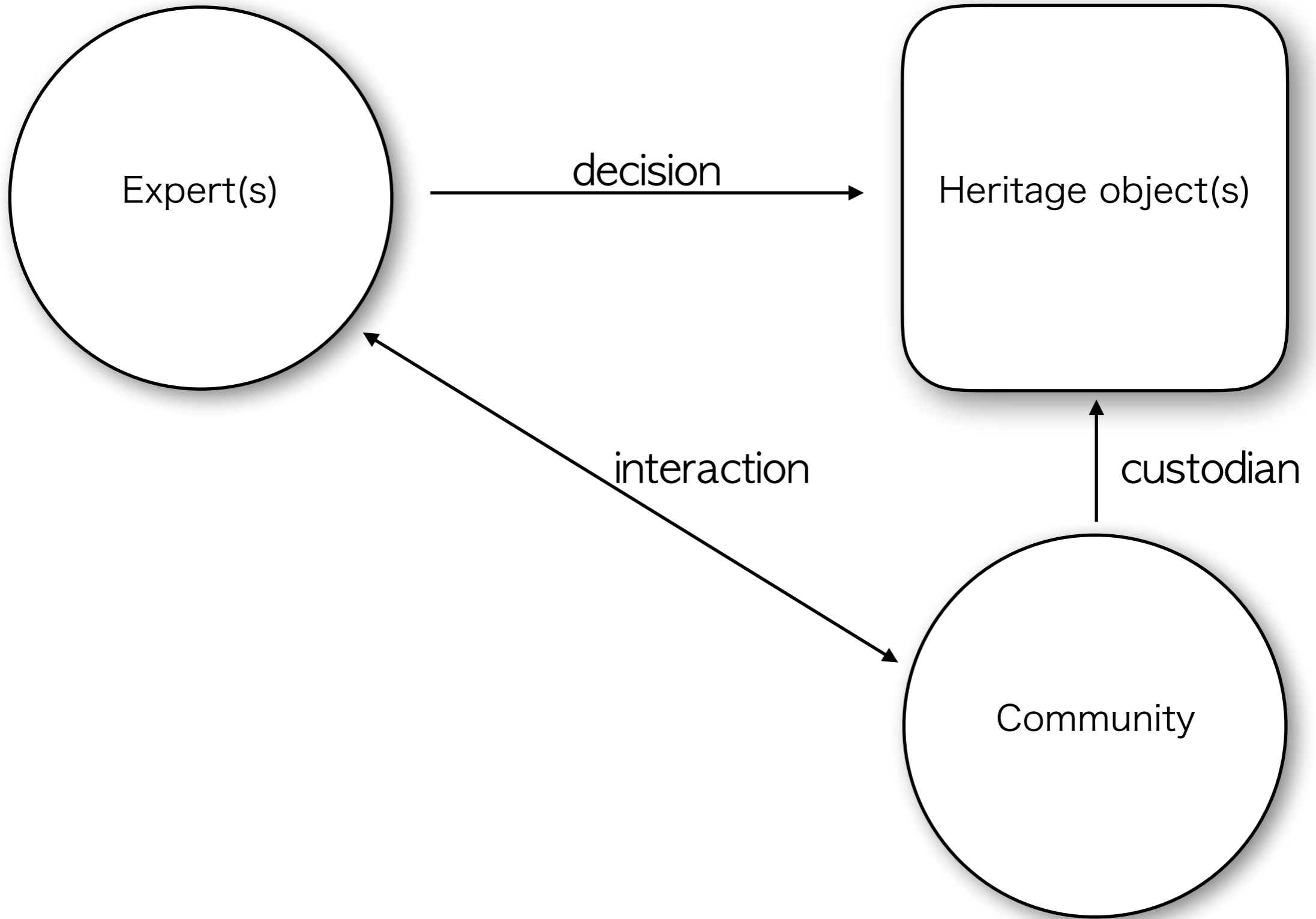
Further work is needed on methodologies to identify the rights, responsibilities, representatives, and levels of involvement of communities.

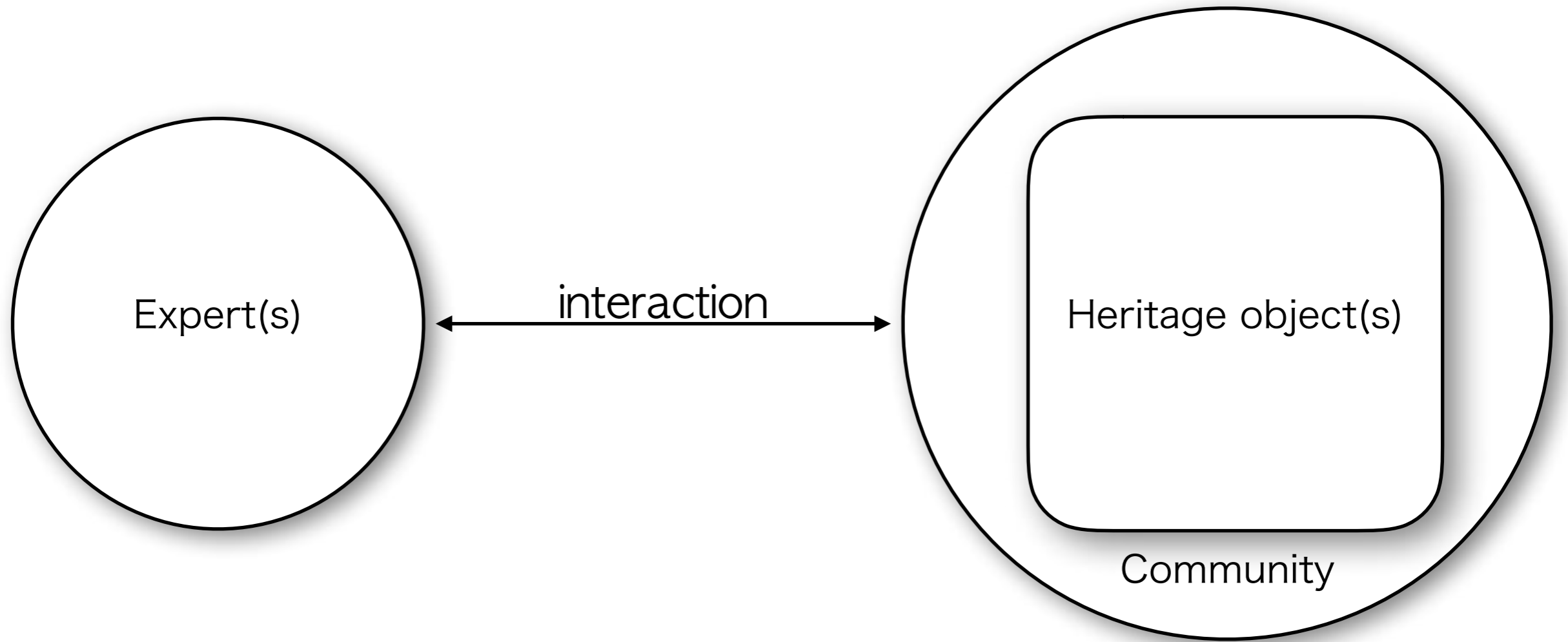
### **4. Conflicting claims and interpretations**

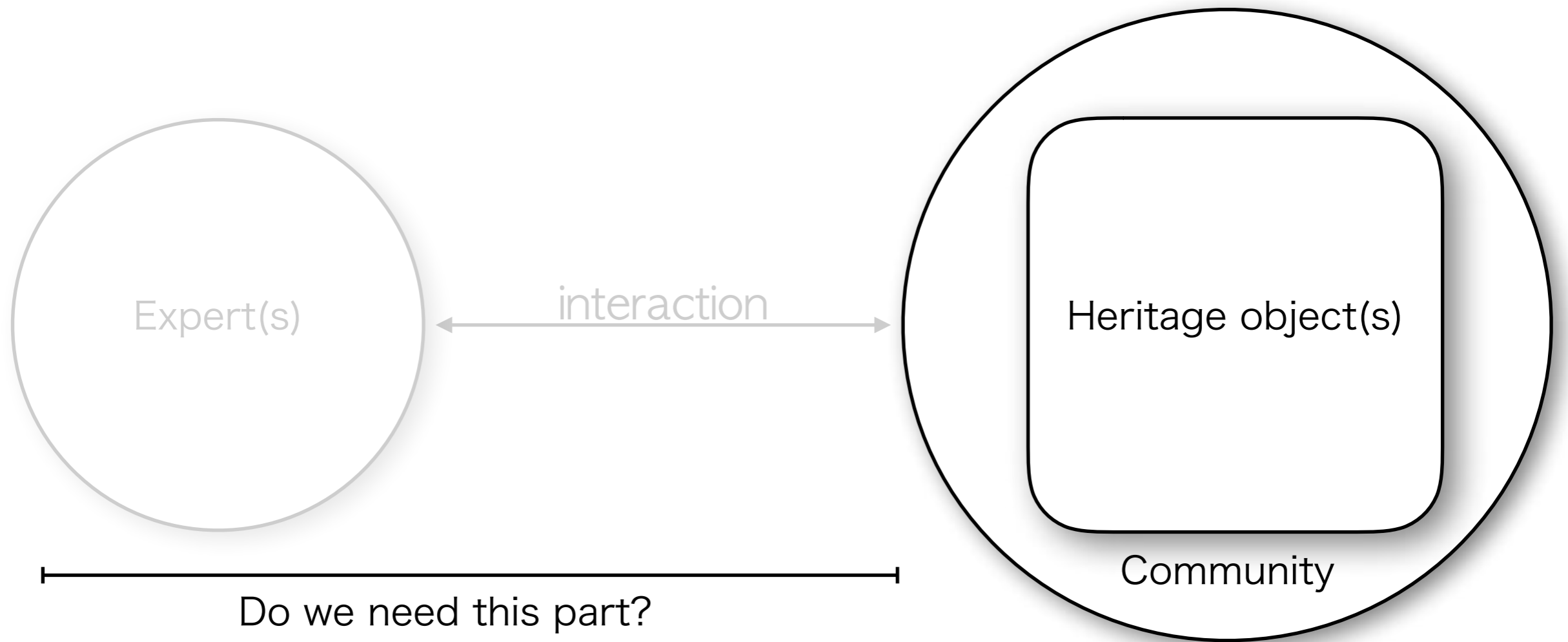
The Nara Document calls for respect of cultural diversity in cases where cultural values appear to be in conflict. In the last 20 years it has become evident that competing values and meanings of heritage may lead to seemingly irreconcilable conflicts. To address such situations, credible and transparent processes are required to mediate heritage disputes. These processes would require that communities in conflict agree to participate in the conservation of the heritage, even when a shared understanding of its significance is unattainable.

Further work is needed on consensus-building methods to heritage practice.









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**and more**

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# Faro Convention (2005)

(Convention on the Value of Cultural Heritage for Society)

and more

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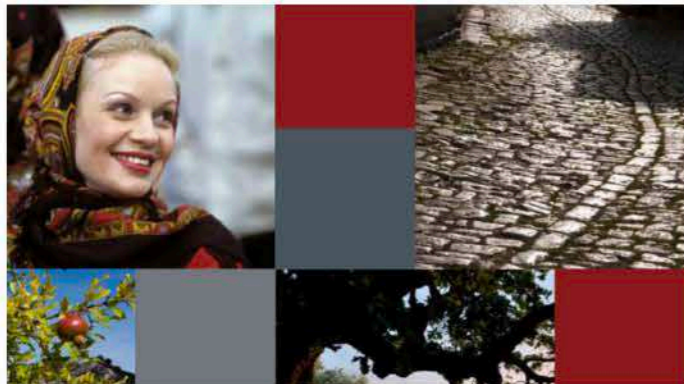


# Europe





# Convention on the Value of Cultural Heritage for Society (Faro Convention, 2005)



The [Faro Convention](#) emphasizes the important aspects of heritage as they relate to human rights and democracy. It promotes a wider understanding of heritage and its relationship to communities and society. The Convention encourages us to recognize that objects and places are not, in themselves, what is important about cultural heritage. They are important because of the meanings



## THE FARO CONVENTION

- ▶ [Text of the Faro Convention](#)
- ▶ [Explanatory report](#)
- ▶ [Parties to the Convention](#)

and uses that people attach to them and the values they represent.

The Faro Convention is a “framework convention” which defines issues at stake, general objectives and possible fields of intervention for member States to progress. Each State Party can decide on the most convenient means to implement the Convention according to its legal or institutional frameworks, practices and specific experience. Compared to other conventions, the “framework convention” does not create specific obligations for action. It suggests rather than imposes.

The Convention was adopted by the Committee of Ministers of the Council of Europe on 13 October 2005, and opened for signature to member States in Faro (Portugal) on 27 October of the same year. It entered into force on 1 June 2011. To date, 17 member States of the Council of Europe have ratified the Convention and five have signed it.

(<https://www.coe.int/en/web/culture-and-heritage/faro-convention>)

# Preamble

The member States of the Council of Europe, Signatories hereto,

Considering that one of the aims of the Council of Europe is to achieve greater unity between its members for the purpose of safeguarding and fostering the ideals and principles, founded upon respect for human rights, democracy and the rule of law, which are their common heritage;

Recognising the need to put people and human values at the centre of an enlarged and cross-disciplinary concept of cultural heritage;

Emphasising the value and potential of cultural heritage wisely used as a resource for sustainable development and quality of life in a constantly evolving society;

Recognising that every person has a right to engage with the cultural heritage of their choice, while respecting the rights and freedoms of others, as an aspect of the right freely to participate in cultural life enshrined in the United Nations Universal Declaration of Human Rights (1948) and guaranteed by the International Covenant on Economic, Social and Cultural Rights (1966);

## **Section I – Aims, definitions and principles**

### **Article 1 – Aims of the Convention**

The Parties to this Convention agree to:

- a) recognise that rights relating to cultural heritage are inherent in the right to participate in cultural life, as defined in the Universal Declaration of Human Rights;
- b) recognise individual and collective responsibility towards cultural heritage;
- c) emphasise that the conservation of cultural heritage and its sustainable

## **Article 7 – Cultural heritage and dialogue**

The Parties undertake, through the public authorities and other competent bodies, to:

- a) encourage reflection on the ethics and methods of presentation of the cultural heritage, as well as respect for diversity of interpretations;
- b) establish processes for conciliation to deal equitably with situations where contradictory values are placed on the same cultural heritage by different communities;
- c) develop knowledge of cultural heritage as a resource to facilitate peaceful co-existence by promoting trust and mutual understanding with a view to resolution and prevention of conflicts;
- d) integrate these approaches into all aspects of lifelong education and training.

## **Article 8 – Environment, heritage and quality of life**

The Parties undertake to utilise all heritage aspects of the cultural environment to:

- a) enrich the processes of economic, political, social and cultural development and land-use planning, resorting to cultural heritage impact assessments and adopting mitigation strategies where necessary;
- b) promote an integrated approach to policies concerning cultural, biological, geological and landscape diversity to achieve a balance between these elements;
- c) reinforce social cohesion by fostering a sense of shared responsibility towards the places in which people live;
- d) promote the objective of quality in contemporary additions to the environment without endangering its cultural values.

## **Article 12 – Access to cultural heritage and democratic participation**

The Parties undertake to:

a) encourage everyone to participate in:

–the process of identification, study, interpretation, protection, conservation and presentation of the cultural heritage ;

–public reflection and debate on the opportunities and challenges which the cultural heritage represents;

b) take into consideration the value attached by each heritage community to the cultural heritage with which it identifies;

c) recognise the role of voluntary organisations both as partners in activities and as constructive critics of cultural heritage policies;

d) take steps to improve access to the heritage, especially among young people and the disadvantaged, in order to raise awareness about its value, the need to maintain and preserve it, and the benefits which may be derived from it.



## Chart of signatures and ratifications of Treaty 199

*Council of Europe Framework Convention on the Value of Cultural Heritage for Society*

Status as of 23/09/2019

<b>Title</b>	Council of Europe Framework Convention on the Value of Cultural Heritage for Society
<b>Reference</b>	CETS No.199
<b>Opening of the treaty</b>	Faro, 27/10/2005 - Treaty open for signature by the member States and for accession by the European Union and by the non-member States
<b>Entry into Force</b>	01/06/2011 - 10 Ratifications.

State who signed  State who ratified  State who neither signed nor ratified  State who suspended  State who denounced

	Signature	Ratification	Entry into Force	Notes	R.	D.	A.	T.	C.	O.
<b>Members of Council of Europe</b>										
Albania	27/10/2005									
Andorra										
Armenia	27/10/2005	22/08/2012	01/12/2012							
Austria	05/06/2014	23/01/2015	01/05/2015							
Azerbaijan										
Belgium	25/06/2012									
Bosnia and Herzegovina	15/10/2008	30/04/2009	01/06/2011							
Bulgaria	27/10/2005									
Croatia	27/10/2005	06/06/2007	01/06/2011							
Cyprus										
Czech Republic										
Denmark										
Estonia										
Finland	01/06/2017	31/05/2018	01/09/2018							
France										
Georgia	01/09/2010	04/02/2011	01/06/2011							
Germany										
Greece										
Hungary	08/06/2012	27/11/2012	01/03/2013							
Iceland										
Ireland										
Italy	27/02/2013									
Latvia	27/10/2005	26/04/2006	01/06/2011							
Liechtenstein										
Lithuania										
Luxembourg	31/01/2006	18/05/2011	01/09/2011							
Malta										
Monaco										
Montenegro	21/09/2007	11/03/2008	01/06/2011							
Netherlands										
North Macedonia	24/09/2010	08/07/2011	01/11/2011							
Norway	27/10/2008	27/10/2008	01/06/2011							
Poland										
Portugal	27/10/2005	28/08/2009	01/06/2011							
Republic of Moldova	11/01/2008	01/12/2008	01/06/2011			D.				
Romania										
Russian Federation										
San Marino	19/05/2006									
Serbia	21/09/2007	29/07/2010	01/06/2011							
Slovak Republic	23/05/2012	16/08/2013	01/12/2013							
Slovenia	19/01/2006	17/09/2008	01/06/2011							
Spain	12/12/2018					D.				
Sweden										
Switzerland	10/04/2019									
Turkey										
Ukraine	31/10/2007	09/01/2014	01/05/2014							
United Kingdom										

<b>Total number of signatures not followed by ratifications</b>	7
<b>Total number of ratifications/accessions</b>	18

a: Accession s: Signature without reservation as to ratification su: Succession r: Signature "ad referendum".  
R.: Reservations D.: Declarations, Denunciations, Derogations A.: Authorities T.: Territorial Application C.: Communication O.:  
Objection.  
Source : Treaty Office on <http://conventions.coe.int> - \* [Disclaimer](#).

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<a href="#">Austria</a>	05/06/2014	23/01/2015	01/05/2015							
<a href="#">Azerbaijan</a>										
<a href="#">Belgium</a>	25/06/2012									
<a href="#">Bosnia and Herzegovina</a>	15/10/2008	30/04/2009	01/06/2011							
<a href="#">Bulgaria</a>	27/10/2005									
<a href="#">Croatia</a>	27/10/2005	06/06/2007	01/06/2011							
<a href="#">Cyprus</a>										
<a href="#">Czech Republic</a>										
<a href="#">Denmark</a>										
<a href="#">Estonia</a>										
<a href="#">Finland</a>	01/06/2017	31/05/2018	01/09/2018							
<a href="#">France</a>										
<a href="#">Georgia</a>	01/09/2010	04/02/2011	01/06/2011							
<a href="#">Germany</a>										
<a href="#">Greece</a>										

Greece									
Hungary	08/06/2012	27/11/2012	01/03/2013						
Iceland									
Ireland									
Italy	27/02/2013								
Latvia	27/10/2005	26/04/2006	01/06/2011						
Liechtenstein									
Lithuania									
Luxembourg	31/01/2006	18/05/2011	01/09/2011						
Malta									
Monaco									
Montenegro	21/09/2007	11/03/2008	01/06/2011						
Netherlands									
North Macedonia	24/09/2010	08/07/2011	01/11/2011						
Norway	27/10/2008	27/10/2008	01/06/2011						
Poland									
Portugal	27/10/2005	28/08/2009	01/06/2011						
Republic of Moldova	11/01/2008	01/12/2008	01/06/2011			D.			
Romania									
Russian Federation									
San Marino	19/05/2006								
Serbia	21/09/2007	29/07/2010	01/06/2011						
Slovak Republic	23/05/2012	16/08/2013	01/12/2013						
Slovenia	19/01/2006	17/09/2008	01/06/2011						
Spain	12/12/2018					D.			
Sweden									
Switzerland	10/04/2019								
Turkey									
Ukraine	31/10/2007	09/01/2014	01/05/2014						
United Kingdom									

<b>Total number of signatures not followed by ratifications</b>	7
<b>Total number of ratifications/accessions</b>	18

([https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/199/signatures?p\\_auth=dg2WfyCT](https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/199/signatures?p_auth=dg2WfyCT))

# 文化財保護法及び地方教育行政の組織及び運営に関する法律の一部を改正する法律の概要

## 趣旨

過疎化・少子高齢化などを背景に、文化財の滅失や散逸等の防止が緊急の課題であり、未指定を含めた文化財をまちづくりに活かしつつ、地域社会総がかりで、その継承に取り組んでいくことが必要。このため、地域における文化財の計画的な保存・活用の促進や、地方文化財保護行政の推進力の強化を図る。

## 概要

### 1. 文化財保護法の一部改正

#### (1) 地域における文化財の総合的な保存・活用

① 都道府県は、文化財の保存・活用に関する総合的な施策の**大綱**を策定できる

【第183条の2第1項】

② 市町村は、都道府県の大綱を勘案し、文化財の保存・活用に関する総合的な**計画**（文化財保存活用地域計画）を作成し、**国の認定**を申請できる。計画作成等に当たっては、住民の意見の反映に努めるとともに、**協議会**を組織できる（協議会は市町村、都道府県、文化財の所有者、文化財保存活用支援団体のほか、学識経験者、商工会、観光関係団体などの必要な者で構成）

【第183条の3第1項、同条第3項、第183条の9】

#### 【計画の認定を受けることによる効果】

【第183条の5、第184条の2】

・国の登録文化財とすべき物件を提案できることとし、未指定文化財の確実な継承を推進  
・現状変更の許可など文化庁長官の権限に属する事務の一部について、都道府県・市のみならず認定町村でも行うことを可能とし、認定計画の円滑な実施を促進

③ 市町村は、地域において、文化財所有者の相談に応じたり調査研究を行ったりする民間団体等を**文化財保存活用支援団体**として指定できる

【第192条の2、第192条の3】

#### (2) 個々の文化財の確実な継承に向けた保存活用制度の見直し

① 国指定等**文化財の所有者**又は**管理団体**（主に地方公共団体）は、**保存活用計画**を作成し、国の認定を申請できる

【第53条の2第1項等】

#### 【計画の認定を受けることによる効果】

【第53条の4等（税制優遇は税法で措置）】

・国指定等文化財の現状変更等にはその都度国の許可等が必要であるが、認定保存活用計画に記載された行為は、許可を届出とするなど手続きを弾力化  
・美術工芸品に係る**相続税の納税猶予**（計画の認定を受け美術館等に寄託・公開した場合の特例）

② 所有者に代わり文化財を保存・活用する**管理責任者**について、選任できる要件を拡大し、高齢化等により所有者だけでは十分な保護が難しい場合への対応を図る

【第31条第2項等】

#### (3) 地方における文化財保護行政に係る制度の見直し

① 下記2.により地方公共団体の長が文化財保護を担当する場合、当該地方公共団体には**地方文化財保護審議会**を必置とする

【第190条第2項】

② 文化財の巡視や所有者への助言等を行う**文化財保護指導委員**について、都道府県だけでなく**市町村**にも置くことができることとする

【第191条第1項】

#### (4) 罰則の見直し

① 重要文化財等の損壊や毀棄等に係る罰金刑の引き上げ等

【第195条第1項等】

### 2. 地方教育行政の組織及び運営に関する法律の一部改正

地方公共団体における**文化財保護の事務**は教育委員会の所管とされているが、条例により**地方公共団体の長**が担当できるようにする

【地教行法第23条第1項】

The latest revision of the Law for the protection of cultural properties (2019 into effect)

施行期日

平成31年4月1日

- ② **市町村**は、都道府県の大綱を勘案し、文化財の保存・活用に関する総合的な**計画**（文化財保存活用地域計画）を作成し、国の認定を申請できる。計画作成等に当たっては、住民の意見の反映に努めるとともに、**協議会**を組織できる（協議会は市町村、都道府県、文化財の所有者、文化財保存活用支援団体のほか、学識経験者、商工会、観光関係団体などの必要な者で構成）  
【第183条の3第1項、同条第3項、第183条の9】

【計画の認定を受けることによる効果】

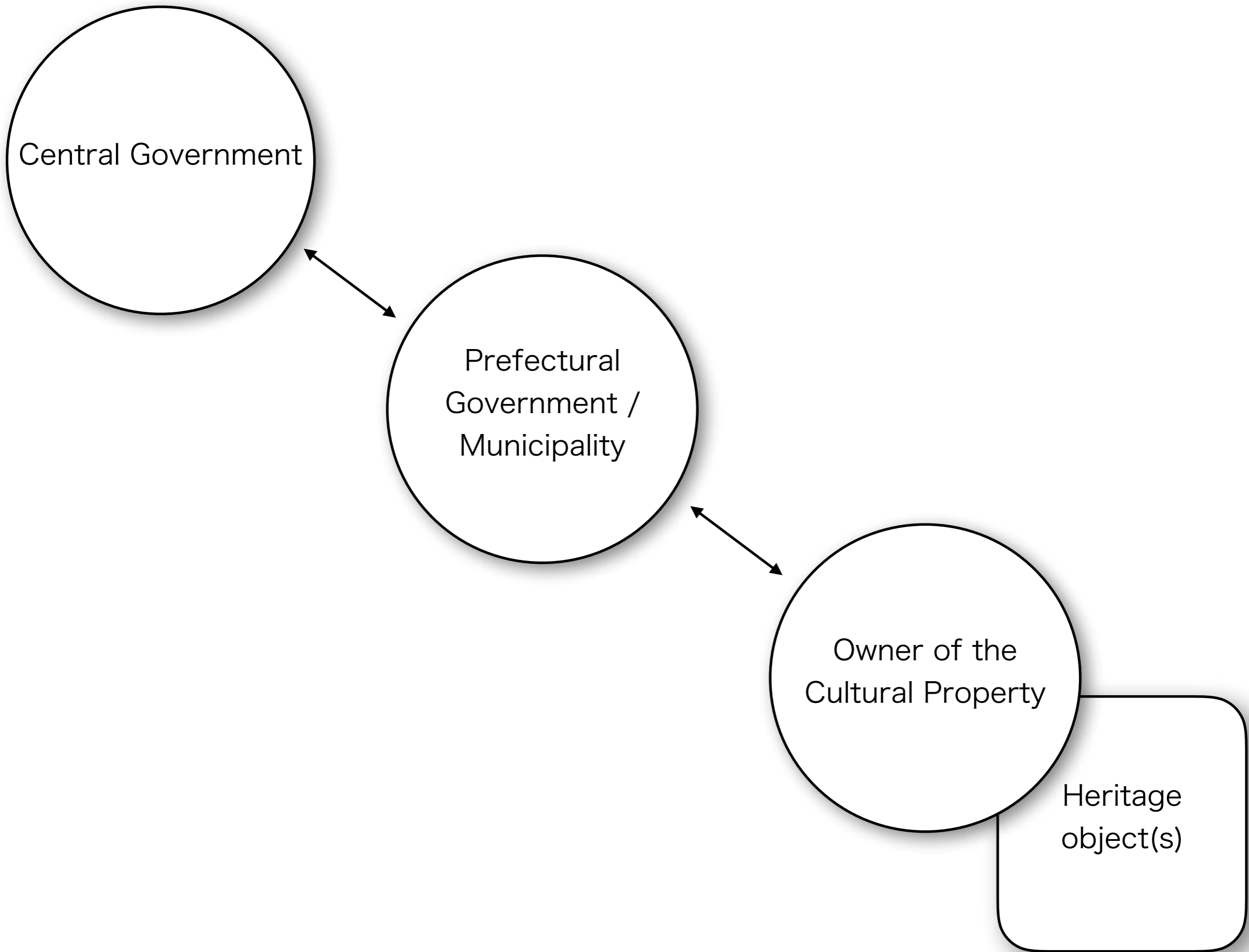
【第183条の5、第184条の2】

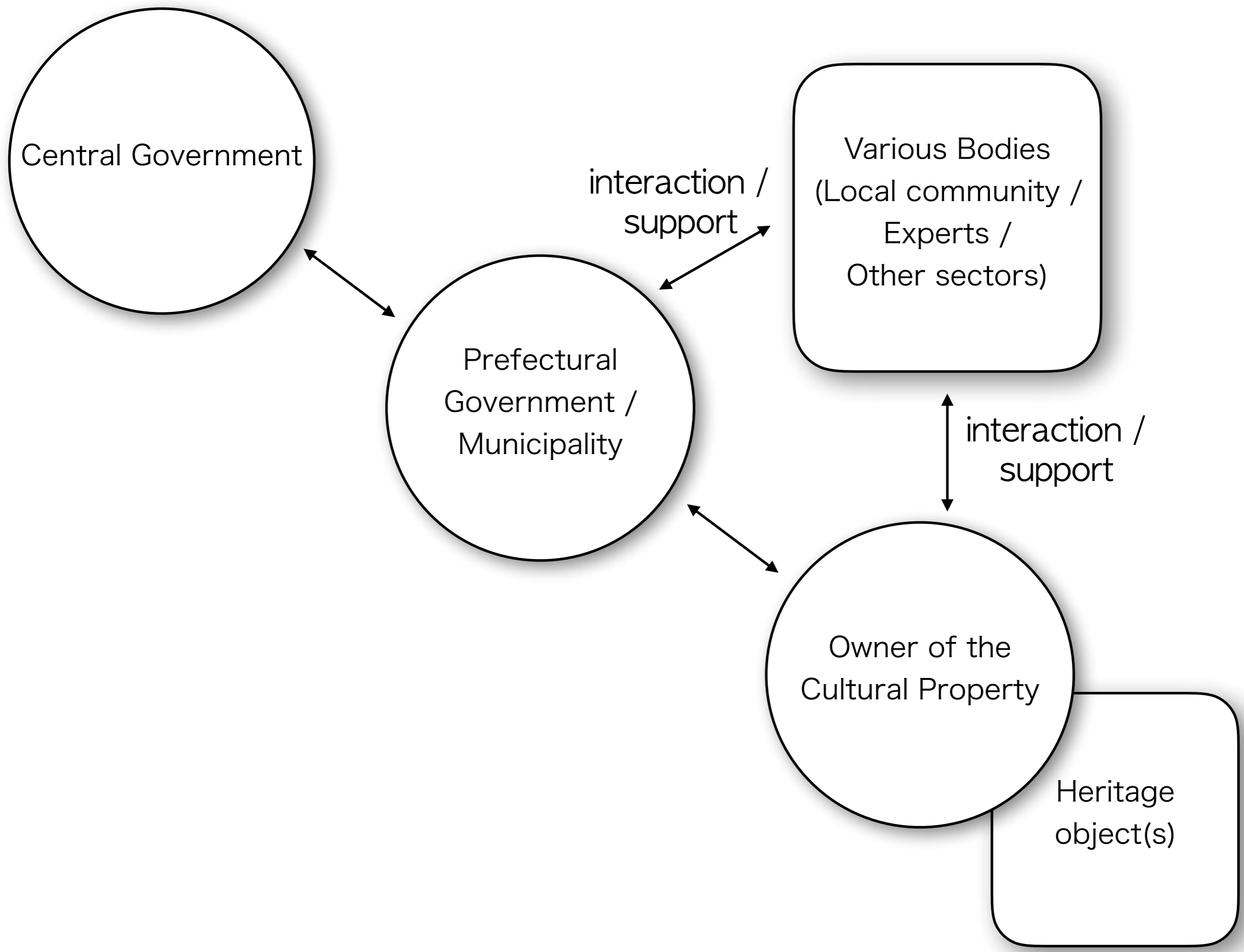
- ・ 国の登録文化財とすべき物件を提案できることとし、未指定文化財の確実な継承を推進
- ・ 現状変更の許可など文化庁長官の権限に属する事務の一部について、都道府県・市のみならず認定町村でも行うことを可能とし、認定計画の円滑な実施を促進

Municipality (ies) can develop a master plan.  
For this development process, “the council”  
can be established.

- ③ 市町村は、地域において、文化財所有者の相談に応じたり調査研究を行ったりする民間団体等を文化財保存活用支援団体として指定できる【第192条の2、第192条の3】

“A supporting party for preservation and utilisation of cultural properties” can be designated in a municipality.







Thank you

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西和彦

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