

## 6 A CONCLUSIONS

The mission recognized considerable progress, both in the amendment of the legal framework and regulations and in the realization of previous mission recommendations. The State Party implemented the large majority of relevant measures in response to the previous recommendations and Committee decisions, and the implementation of the partially remaining ones is also in progress.

The recommendations of the 2017 Reactive Monitoring mission were scrupulously followed by the Ukrainian authorities. Promising tendencies perceived during the 2017 mission and ongoing implementation of all relevant measures attested by the 2020 Reactive Monitoring Mission, permit the retention of the OUV of the property. Its inscription on the List of World Heritage in Danger is not warranted – it is neither necessary nor justified.

–The mission provides further brief details below, following the main objectives of the Reactive Monitoring mission:

1. Assess the overall state of conservation of the property and evaluate factors and conservation issues that could potentially impact on its OUV, including particularly its conditions of authenticity and integrity;

**The mission concluded that the general state of conservation of the property, composed of Saint-Sophia Cathedral and Related Monastic Buildings, Kyiv-Pechersk Lavra and the Church of the Saviour at Berestove, is to a great extent satisfactory.**

**Its inscription on the List of World Heritage in Danger is not warranted.**

2. Analyse the planning situation for all major construction projects in the property and its setting, whether proposed, approved or contracted, and the processes under which they are assessed and approved; consider the impact or potential impact of construction projects that have been carried out or are planned within the property or in its setting, in terms of impact or potential impact on OUV;

**No new negative phenomena affecting the state of conservation could be observed; rather some improvement compared to the previous ones.**

3. Review previous Committee Decisions, the recommendations of the 2009, 2010, 2013 and 2017 reactive monitoring missions and 2019 ICOMOS Advisory mission, and identify those recommendations which are yet to be implemented and which remain relevant to the conservation of the OUV of the property and, where appropriate, provide additional advice or further recommendations;

**Recommendations of the 2017 Reactive Monitoring mission were scrupulously followed by the Ukrainian authorities (although some of them are still in progress).**

**Although it has not yet been possible to achieve 100% of the objectives set since**

**the previous mission, promising trends perceived during the 2017 mission and the ongoing implementation of all relevant measures attested by the 2020 Reactive Monitoring mission, permit the retention of the OUV of the property.**

4. Also review progress made regarding the finalization and adoption of the Master Plan of Kyiv, which should incorporate an Urban Development Concept, and the Zoning Plan of Kyiv Central;

and

5. Evaluate the progress made in the introduction by the State Party of all relevant provisions regarding World Heritage into national legislation, including an OUV-based policy that would prevent inappropriate developments at the planning stage;

and

6. Review progress made regarding the finalization, in consultation with ICOMOS, of the Management Plan for the property and its setting, including the clear identification of attributes of OUV, the use of HIAs and the overall management System;

**The most significant - still existing - shortfall is the delay in the preparation and entry into force of the new *Management Plan* (Cf. recommendation N° 2);**

**It is necessary to accelerate the adoption and implementation of the not yet fully operational regulations (Cf.: recommendations N° 3-4-5-6-7 and 9);**

7. Consider how the *Master Plan*, *Management Plan* and other legislative provisions interrelate and support each other and where any improvements might be made to the overall system of governance;

**Following the changes in the legal context and the institutional structure that have taken place in the meantime, work on the preparation of the Management Plan continues, on a renewed basis. The first two chapters have been completed and the draft of the third chapter is in the final phase of drafting. Further chapters will be prepared in accordance with the new Law on Cultural Heritage.**

**Implementation and authority within the statutory controls that already apply to the property of the Management Plan will be regulated by the amendments introducing a legal definition of World Heritage within the (newly revised and amended) Law of Ukraine on the Protection of Cultural Heritage.**

**The parallel and inter-related development of different legal and administrative tools seem to be assured; the discrepancy between the date of entry into force is a challenge for their consistent application.**

8. Consider any other conservation issues currently affecting the property.

The mission team should ensure that a comprehensive inspection of all parts of the

property occurs and should hold working meetings and consultations with the Ukrainian authorities at national and local levels and all other relevant stakeholders, including the representatives of the religious community and NGOs.

**A detailed evaluation is provided above. In general, no new negative phenomena affecting the state of conservation could be observed, rather some improvement compared to the previous ones.**

9. Based on the results of the above-mentioned assessment and discussion with the State Party representatives, and where relevant, other information and technical advice, including all Technical Reviews submitted by ICOMOS, the mission team should propose recommendations to the State Party and the World Heritage Committee to improve the conservation and management of the property and to facilitate the finalization of its Management Plan.

**The finalization of the Management Plan unfortunately remains an issue of a high level of urgency; therefore, it remains necessary for ICOMOS to be involved in this as much as possible.**

## **6 B RECOMMENDATIONS**

### **6.1 RECOMMENDATIONS FOR ANY ADDITIONAL ACTION TO BE TAKEN BY THE STATE PARTY**

#### **2020 Recommendations - following the rationale and order used in the 2017 mission report**

##### **Legal framework:**

A special process has been included into the newly amended Cultural Heritage Law in order to report on large-scale restoration works (i.e. restoration of complete buildings) and new development projects according to Paragraph 172 of the *Operational Guidelines*. This amendment of the legal framework could promote a more effective implementation of protective measures, therefore it is a favourable step forwards in strengthening the preservation of the OUV of the property.

The urgent need for the adoption and implementation of the Management Plan has been repeatedly highlighted by the Decisions and requests of the World Heritage Committee. The State Party submitted an enhanced version of the Draft Management Plan to the World Heritage Centre by 1st December 2016. Further preparation works (on the basis of enhanced content and structure) for the final version are in progress, in close cooperation with ICOMOS experts within the framework of an ICOMOS Advisory assistance. Adoption of the Management Plan was expected in the first half of 2017. However, because of insufficient financial resources, the process of preparation is behind the planned programme. Following the institutional changes that have taken place in the meantime, work on the preparation of the Management Plan continues, on a new basis. The first two chapters have been completed (I. Introduction; II. General description of the Property - 2.1. Location - 2.2. Content of the World Heritage Property components 2.3. Historical review - 2.4. Natural characteristic - 2.5. Anthropogenic characteristics) and the draft of the third chapter (III. Analysis and evaluation of the

Outstanding Universal Value of the World Heritage Property) is being finalized. Further chapters will be prepared in accordance with the new Law on Cultural Heritage. The planned process for completion and entry into force of the full Management Plan has a deadline of the end of the year 2020.

**Recommendation 1:**

The effectiveness of the amendment of the legal framework should be evaluated and presented for examination by the World Heritage Committee at its next session.

**Recommendation 2:**

The process of the preparation of the **Management Plan** should be accelerated, and the finalised Management Plan should be submitted to the World Heritage Centre as early as possible, preferably in the year 2020, for review by the Advisory Bodies, prior to its formal adoption as quickly as possible.

**Plans**

The mission identified significant progress in developing and coordinating the various planning tools and development strategies; however, the management of the property still needs to give effective priority to the protection of the World Heritage property's attributes and their setting.

**Recommendation 3:**

The **"Historical and Architectural Key Plan of Kyiv"** (Part of the Draft Kyiv Master Plan) should be finalised urgently, submitted to the World Heritage Centre for review by the Advisory Bodies and adopted as soon as possible, in order to make the new Master Plan of Kyiv and the Zoning Plan of Kyiv Central Area operational.

**Recommendation 4:**

Strict monitoring of the application of the new zone-by-zone protection regime is required, and it is recommended that the World Heritage Committee be fully informed of its implementation, first time in the second year after its introduction (predictably 2022).

**Buffer zone issues**

The mission welcomes and recognizes with satisfaction the elaborated proposal of the unification of the two previously separated parts of the buffer zone and the definition of differentiated protection regimes within it.

As recommended by the 2017 mission, the Ukrainian authorities introduced a legal definition of "buffer zone" of World Heritage properties, which allows for different levels and regimes of protection to be included inside a "buffer zone". The unified buffer zone of the World Heritage property "Kyiv: Saint Sophia Cathedral and Related Monastic Buildings, Kyiv-Pechersk Lavra" was declared. A request for a minor boundary modification was submitted to the World Heritage Centre and will be presented for evaluation by the World Heritage Committee at its 44th session in 2020.

**Recommendation 5:**

The different levels and regimes of protection for the buffer zone should be entered into force as soon as possible and their implementation should be strictly enforced and monitored.

### Protection of the integrity from negative visual impact

The Mission highlighted that all potential projects should be evaluated through a comprehensive Heritage Impact Assessment (HIA), prepared in accordance with the ICOMOS 2011 'Guidance on Heritage Impact Assessments for Cultural World Heritage Properties', including reference to 3D visual simulations so that the effects of the proposed developments on the Outstanding Universal Value (including integrity and authenticity) of the World Heritage property can be properly understood and considered.

The mission noted the strong and definite political will to implement necessary measures, including the introduced moratorium (still in force), as well as to use the means and tools – new open-ended Kyiv Development Master Plan (soon to be accepted), update of the "Historical and Architectural Key Plan of Kyiv" (Part of the Draft Kyiv Master Plan) and the (not yet adopted) Zoning Plan of Kyiv Central Area as well as the adoption of the Management Plan and practicing HIA – will be available to protect and enhance the property's Outstanding Universal Value.

#### **Recommendation 6**

In order to establish a more efficient system of the protection of the integrity from visual impacts on the skyline, visual fields and vistas from the most characteristic viewpoints, an overarching solution should be introduced in the urban regulation documents which are under preparation (being the Kyiv Development Master Plan, updated "Historical and Architectural Key Plan of Kyiv" and the Zoning Plan of Kyiv Central Area). Detailed timing of the process leading to adoption of urban regulation documents should be submitted to the World Heritage Centre for review by the Advisory Bodies.

#### **Recommendation 7:**

With the new delimitation of the buffer zone and the differentiated protection regime, there is still a strong need to protect the setting of the **World Heritage property**. This requirement should be included in a clear and detailed manner in the Zoning Plans of the Master Plan of Kyiv, and should apply not only to the perimeters of the World Heritage property or its buffer zone, but for all other "district" and "landscape protection" areas (determined in the document: СХЕМА МЕЖ ПЛАНУВАЛЬНИХ УТВОРЕНЬ = "Scheme between Planning Formations").

### Tall buildings

Taking into account the problems of tall buildings that have emerged during previous years and a number of Committee decisions that have been addressed, the mission's recommendation is the following:

### ***Recommendation 8:***

An updated, comprehensive inventory of tall buildings should be established, in order to enable evaluation of their possible visual impact on the integrity of the World Heritage property. This inventory should contain all existing high-rise buildings and also the already-issued building permissions related to tall building projects, showing separately those where construction has already started. This document should be submitted to the World Heritage Centre for further consideration.

## **Reconstructive interventions**

In the context of the spirituality and practice of orthodox Christianity, the use of traditional architecture and decorative arts is a living approach, therefore in this context “reconstruction” is well-known and largely accepted (especially if the given object is not a protected building). Reconstruction can only be accepted in exceptional cases in which the aim of the intervention is to eliminate damage and shortages in the integrity of the ensembles caused by the preceding unfavourable periods of history and, in addition, if all the conditions required by the 2000 Riga Charter are met.

The mission did not encounter any new reconstruction efforts but, nevertheless, reiterates the previous mission's recommendation related to this issue.

### ***Recommendation 9:***

In cases of considerable reconstruction, the principles and requirements laid down in the doctrinal documents – such as the Nara Document on Authenticity (1994) and The Riga Charter (2000) – should be respected and followed.

## **Management issues**

### ***Recommendation 10:***

Necessary and sufficient funding should be secured by the State Party for the urgent completion and immediate and consequent implementation of the Management Plan, as well as for the implementation of the mission recommendations.

### ***Recommendation 11:***

The mission noted the progress achieved by the State Party in defining appropriate procedures for creation of a "Supervisory Board of a World Heritage site" in line with the 2019 Decree No. 805. The State Party should implement all relevant readjustments following the change of the name of the property by the Committee and establish, as a matter of urgency, a Supervisory Board of the World Heritage property "Kyiv: Saint-Sophia Cathedral and Related Monastic Buildings, Kyiv-Pechersk Lavra".

## **6.2 RECOMMENDATION AS TO WHETHER THE LEVEL OF THREATS TO THE PROPERTY WARRANTS THE PROPERTY BEING PLACED ON OR REMOVED OF THE LIST OF WORLD HERITAGE IN DANGER**

The issue of the possible inscription of the property on the List of World Heritage in Danger

has been raised lastly by the World Heritage Committee, by Decision 43 COM 7B.92:

9. “Finally requests the State Party to submit to the World Heritage Centre, by 1 February 2020, an updated report on the state of conservation of the property and the implementation of the above, for examination by the World Heritage Committee at its 44th session in 2020, noting that inscription of the property on the List of World Heritage in Danger may be considered should the longstanding threats to the Outstanding Universal Value of the property remain.”

This issue was already previously raised subsequently: by Decision 41 COM 7B.53 and Decision 40 COM 7B.61:

9. “Requests furthermore the State Party to submit to the World Heritage Centre, by 1 February 2017, an updated report on the state of conservation of the property and the implementation of the above, for examination by the World Heritage Committee at its 41st session in 2017, with a view to considering, in the case of confirmation of the ascertained or potential danger to Outstanding Universal Value, the possible inscription of the property on the List of World Heritage in Danger.”

The 2020 mission recognized considerable progress, both in the amendment of the legal framework and regulations and in the realization of previous recommendations. The State Party implemented the large majority of all relevant measures in response to the previous recommendations and Committee decisions, and the implementation of the partially remaining recommendations is also in progress.

All recommendations of the 2017 Reactive Monitoring mission were scrupulously followed by the Ukrainian authorities. Promising trends perceived during the 2017 mission and the ongoing implementation of all relevant measures attested by the 2020 Reactive Monitoring mission, permit the retention of the OUV of the property.

**The inscription on the List of World Heritage in Danger is not warranted – it is neither necessary nor justified.**