

Clarifications concerning the World Cultural Heritage Semmering Railway

„The landscape has never been part of the World Heritage.“ Remarks like this and similar misleading statements concerning the World Cultural Heritage Semmering Railway have necessitated the following clarifications.

The Austrian daily newspaper „DER STANDARD“(article dated July 30th, 2013) was informed by the Austrian Federal Ministry for Science, Arts and Culture (BMUKK) that: *“The landscape has never been part of the World Heritage“. It was a „regrettable misinformation“, that had started to sneak in already in the early 2000s – even into the official information brochures and teaching materials of the ministry.*

1. Nomination – Evaluation – Decision

1.1. The nomination of the „Semmering Railway – Cultural landscape“

In 1995 the **Republic of Austria** had compiled a documentation with the title „Semmering railway – cultural site – Semmeringbahn – Kulturlandschaft“ for the purpose of submitting its nomination as World Heritage Site of UNESCO (<http://whc.unesco.org/uploads/nominations/785.pdf>). In this documentation, the Semmering Railway was described on eight pages and its surrounding landscape (including villas and hotels) on 39 pages; no distinction was made between „core zone“ and „buffer zones“.

1.2. The evaluation by ICOMOS

Subsequently, **ICOMOS** (International Council on Monuments and Sites) in its capacity as advisory body to UNESCO carried out the evaluation of this potential world heritage site. The document is titled “Semmering Railway (Austria)”, however it examined the Semmering Railway as well as the surrounding landscape as to their outstanding universal value (http://whc.unesco.org/archive/advisory_body_evaluation/785.pdf). In this document ICOMOS states that the party (Republic of Austria) submitting the nomination had not made any suggestions as to the category of the world heritage site. According to article 1 of the World Heritage Convention the Semmering Railway is described as “site”. It could, however, according to ICOMOS, also be described as „*linear cultural landscape*“ as defined in the Operational Guidelines of 1995, paras. 35-39.

ICOMOS drew the conclusion that the Semmering Railway with its surrounding landscape fulfills criteria ii) and iv) for admission to the World Heritage List.

Criteria evaluating outstanding universal value

The Committee considers a property to be of outstanding universal value if it fulfills one or more of the following criteria. Submitted properties should therefore

i) represent a masterpiece of human creative genius,

- ii) exhibit an important interchange of human values over a span of time of within a cultural area of the world, on developments in architecture or technology, monumental arts, town-planning or landscape design,*
- iii) bear a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared,*
- iv) be an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history,*
- v) be an outstanding example of a traditional human settlement, land-use, or sea-use which is representative of a culture (or cultures), or human interaction with the environment especially when it has become vulnerable under the impact of irreversible change,*
- vi) be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance (The Committee considers that this criterion should preferably be used in conjunction with other criteria).*

Quote ICOMOS' description of the characteristics of the potential world heritage site:

"The railway line over the formidable Semmering Pass was the first major project of this kind in the world. Building of the line led to the creation of a cultural landscape of villas and hotels over much of its route that is an outstanding example of the sympathetic insertion of buildings of high and consistent architectural quality into a natural landscape of great beauty."

With these words ICOMOS describes the Semmering Railway and the cultural landscape developing in the course of the construction of the railway line, with villas and hotels in a natural landscape of magnificent beauty, without making a differentiated quality rating between the Semmering railway and its surrounding landscape. The railway as well as its surrounding landscape fulfill the criteria of outstanding universal value – on an equal ranking.

Accordingly, the **ICOMOS Recommendation** of October 1998 stipulates

"That this property be inscribed on the World Heritage List on the basis of criteria ii and iv:

Criterion ii: The Semmering railway represents an outstanding technological solution to a major physical problem in the construction of early railways.

Criterion iv: With the construction of the Semmering railway, areas of great natural beauty became more easily accessible and as a result these were developed for residential and recreational use, creating a new form of cultural landscape."

1.3. Decision of the UNESCO World Heritage Committee

At the end of December 1998 the **UNESCO World Heritage Committee** followed the recommendation of ICOMOS and included the Semmering Railway together with its surrounding landscape into the World Heritage List. Document WHC-98/CONF.203/18 states, under the heading „The Semmering Railway“ (N° 785) the following:

The Committee inscribed this site on the World Heritage List on the basis of criteria (ii) and (iv):

Criterion (ii): The Semmering Railway represents an outstanding technological solution to a major physical problem in the construction of early railways.

Criterion (iv): With the construction of the Semmering Railway, areas of great natural beauty became more easily accessible and as a result these were developed for residential and recreational use, creating a new form of cultural landscape.

Several delegates supported this inscription as it reflected the inclusion on the World Heritage List of new categories of properties.

Thus, the UNESCO World Heritage Committee painstakingly followed the recommendations of ICOMOS and stated that a new category of properties has found entry into the World Heritage List.

Prof. Dr. Bernd von Droste zu Hülshoff, at that time Director General of the UNESCO World Heritage Centre, later, in the context of the book „Weltkulturerbe Semmeringbahn“ spoke of an „outstanding railway landscape as world heritage“ and of the Semmering Railway with its surrounding harmonious recreational landscape as the first UNESCO Railway World Heritage Site“.

1. Summary clarification:

In 1995, the Semmering Railway with its surrounding landscape was nominated by the Republic of Austria as a potential UNESCO World Heritage site, consequently evaluated by ICOMOS accordingly and, in 1998, inscribed into the World Heritage List by the World Heritage Committee – under the short title „The Semmering Railway“. This, however, does not mean – as is now being stated by the Federal Ministry of Education, Arts and Culture – that the surrounding „*landscape had never been part of the Heritage Site*“.

2. Various designations

2.1. The initiative „World Cultural Heritage Semmering Railway“

Before and after the declaration of the Semmering Railway and its surrounding landscape various designations have been used. The Landscape Protection Organization „Alliance For Nature“ as initiator of this new kind of world heritage properties, called its initiative „**Weltkulturerbe Semmeringbahn**“. The initiative’s aim was to protect the Semmering region from massive technical interventions by the construction of the Semmering Base Tunnel with the help of the UNESCO World Heritage status. Thus, the initiative „Weltkulturerbe Semmeringbahn“ acted in the spirit of the World Heritage Convention and was supported by the Austrian Ministry of Culture and the Province of Lower Austria.

2.2. The most frequently used designation

As the Semmering Railway as well as its surrounding landscape had been declared a world heritage site by UNESCO the designation „**Semmering railway with surrounding landscape**“ became more and more popular. For example, the German National Commission for UNESCO had used this designation between 1999 and 2013 in its list of world heritage sites. The UNESCO publication „Das Welterbe – Die vollständige, von der UNESCO autorisierte Darstellung der außergewöhnlichsten Stätten unserer Erde“ (The World Heritage – The complete description of the world’s most outstanding sites authorized by UNESCO) also uses this designation. Even the Austrian Ministry of Culture had been using this designation or the very similar formulation „**Semmering railway and surrounding landscape**“ for quite some time. The same goes for the Austrian National Commission for UNESCO and its publication „World Heritage for young people – Austria“, informing young people on Austrian Heritage sites.

2.3. Short designation

On UNESCO’s homepage however, only the short designation „Semmering Railway“ is being used, the title that had already been used in the evaluation document of ICOMOS, nevertheless symbolizing the railway line and its surrounding railway landscape.

2. Summary clarification:

The title and/or designations „World Cultural Heritage Semmering Railway“, „Semmering Railway with surrounding landscape“ or simply „Semmering Railway“ do not necessarily say much about the scope ,the kind or the composition of the World Heritage Site. In fact a property is only a Heritage Site after it has been evaluated by the advisory bodies ICOMOS and/or IUCN according to the criteria of the World Heritage Convention and inscribed into the World Heritage List by the UNESCO World Heritage Committee. And this goes for the Semmering Railway as a railway line and the surrounding region as a railway cultural landscape according to criteria (ii) and (iv).

3. The dismantling of the World Heritage

3.1. The political background

For many years, various designations have been used for the railway world heritage site and it is evident that all these designations meant the entire Semmering region. On all the stations along the Semmering Railway one can find UNESCO World Heritage panels „Semmering Railway with surrounding landscape“. Only when, in 2005, in the course of the Styrian electoral campaign the national decision on the governmental level was taken to build the much disputed “Semmering Base Tunnel” (SBT), as a double-tube tunnel with a length of 28 km between Gloggnitz (Lower Austria) and Mürzzuschlag (Styria), the step-by-step dismantling of the World Heritage took place – on the national and international levels.

3.2. Reduction of national protection

Decimation of protection of the Semmering Railway

To begin with the stations Gloggnitz and Mürzzuschlag were removed from monuments protection – after the nomination of the Semmering Railway as World Heritage site by the Republic of Austria in 1995, however before the evaluation of the Semmering Railway by ICOMOS in 1998. In the Notification of monument protection issued by the Austrian Federal Office for Monuments Protection of March 17th, 1997, the Semmering Railway (beginning in the station Gloggnitz and ending in the station Mürzzuschlag) is described, but only the stretch between railway kilometers 75,650 and 114,820 put under monument protection. The stations Gloggnitz and Mürzzuschlag were thus removed from monument protection, probably because the planned Semmering Base Tunnel will be looping-in in these areas. Whether ICOMOS has been informed accordingly, seems doubtful. Because ICOMOS had evaluated the entire Semmering Railway – including the stations Gloggnitz and Mürzzuschlag. Whether the UNESCO World Heritage Committee was been informed on this “setting of the course” is equally doubtful.

Decreased landscape protection

Not only the Semmering Railway lost part of its protection, but also the surrounding landscape had to experience losses in the landscape protection to the benefit of the project „Semmering Base Tunnel new“ (SBTn). The Styrian landscape protection area “Stuhleck-Pretul”, decreed in 1981, was reduced to approximately one third of its original size in 2007, after the governmental decision(2005) to build the “Semmering Base Tunnel new” – in the area of the planned building site of the SBTn (Fröschnitzal).

3.3. Management plan in conflict with the World Heritage Convention

It is the purpose of the UNESCO World Heritage Convention to protect natural landscapes and cultural monuments of outstanding universal value from decay and/or destruction. Thus it has been possible to prevent massive technical incursions to particularly important natural landscapes and cultural ensembles with the help of the World Heritage Convention.

The Management Plan „World Heritage Semmering Railway“, that was to offer an administrative foundation for the protection and safeguard of this important and worldwide exemplary world heritage site, however serves the enforcement of the construction project „Semmering Base Tunnel new“ (SBTn). Although commissioned by the “Association of the Friends of the Semmering Railway”, the management plan was elaborated by the Ministry of Culture, the ÖBB Infrastruktur AG (Austrian Railways Infrastructure Society), builder of the disputed Semmering Base Tunnel, the Governments of Lower Austria and Styria and other institutions; it seems to welcome the construction of the “Semmering Base Tunnel new”, although this will lead to massive incursions into the World Heritage area Semmering.

Part of this management plan is a map on which the World Heritage Semmering Railway is divided into a “core zone” and a “buffer zone”, in spite of the fact that buffer zones are, as a rule, not part of the World Heritage Site according to the Guidelines of the World Heritage Convention (Para. 107). Buffer zones can surround a heritage site for its better protection but they can by no means subdivide or form the predominant part of a heritage site.

3. Summary clarification

National protection is the precondition for the international protection of a UNESCO World Heritage Site. At the time of the nomination of the Semmering Railway and its surrounding landscape this precondition was met. But to the advantage of the project “Semmering Base Tunnel new” the monuments and landscape protection was reduced bit by bit and, on the other hand, the management plan was abused to enforce the base tunnel project.

4. „Retrospective Inventory“ or new nomination?

4.1. Communication from the Austrian National Commission for UNESCO

As the Austrian Commission for UNESCO communicated by the end of July 2013, Austria at her own discretion had carried out the zoning of the World Cultural Heritage Semmering Railway in the framework of the „*Retrospective Inventory Project*“ in 2008. This meant that on a map the Semmering railway was indicated as „core zone“ while the surrounding landscape is shown as „buffer zone“ (with four different grades of significance). This map was then presented to the 33rd Session of the World Heritage Committee (Sevilla, June 2009) when it was included into document WHC-09/33.COM/8D.

On the basis of this document Austrian institutions now argue that UNESCO has agreed to the division of the formerly 8861 ha large world heritage site „Semmering Railway and surrounding landscape“ into a „core zone“ of 156 ha (The Semmering Railway) and a „buffer zone“ (four different grades of significance) with a total of 8581 ha. Based on this argumentation the Environmental Impact Proceedings concerning the project „Semmering Base Tunnel new“ (SBTn) has been carried out since 2010; in these proceedings, certified experts and official assessors almost exclusively dealt with the „core zone“.

4.2. Obligation for new nomination

According to para. 165 of the Operational Guidelines of UNESCO the Republic of Austria ought to have submitted a new nomination, as it now considers only the Semmering Railway as world heritage and spreads the opinion that the surrounding „landscape was never part of the world heritage“.

§ 165 of the UNESCO Guidelines stipulates:

“If a State Party wishes to significantly modify the boundary of a property already on the World Heritage List, the State Party shall submit this proposal as if it were a new nomination. This re-nomination shall be presented by 1 February and will be evaluated in the full year and a half cycle of evaluation according to the procedures and timetable outlined in Para. 168. This provision applies to extensions as well as reductions.”

4. Summary clarification:

Because of this zoning, carried out by the Ministry for Culture, and its statement that the landscape surrounding the Semmering railway had never been part of the world heritage, a significant decrease of the formerly 8861 ha large world heritage site „Semmering Railway with surrounding landscape“ was carried out, reducing it to „The Semmering Railway“ with a size of just 156 ha. Upon request of the Austrian National Commission for UNESCO the German Commission for UNESCO has now changed its German-language World Heritage List from up to now „Semmering Railway with surrounding landscape“ to „The Semmering Railway“ (see the two annexed World Heritage Lists).

According to para. 165 of the UNESCO Guidelines the Republic of Austria would have had to submit a new nomination, re-submitting the Semmering Railway with a size of 156 ha (without the surrounding landscape). Instead, the authorities refer to document WHC-09/33.COM/8D and state that UNESCO has thereby accepted the reduction.

Note: The reduction of the formerly 8861 ha of the world heritage site „Semmering Railway with surrounding landscape“ to presently „The Semmering Railway“ with 156 ha constitutes a reduction to 1.76 per cent of the original area – this is by more than 98 per cent ! When the Wildlife Reserve in Oman was reduced by 90 per cent in favor of the extraction of crude oil and natural gas, the site was deleted from the World Heritage List.

Summary:

While the Republic of Austria in 1995 nominated the Semmering Railway with its surrounding cultural landscape as cultural site according to article 1 of the World Heritage Convention, had it evaluated by ICOMOS and unanimously inscribed into the World Heritage List, it now practices a kind of child abandonment in favor of the project „Semmering Base Tunnel new“, the construction of which had been decided in 2005.

In 2009 the Republic of Austria has submitted to the World Heritage Committee the controversial map that shows the former world heritage site „Semmering Railway with surrounding landscape“ as „The Semmering Railway“ as core zone with an area of 156 ha and a „buffer zone“ of 8581 ha.

After this map has been published in document WHC-09/33.COM/8D of the UNESCO World Heritage Centre, the Republic of Austria interprets the zoning as acceptance by UNESCO. Thus the path was clear for the environmental assessment report (UVP) to the project “Semmering Base Tunnel new” that was started in May 2010 and ended with a positive report for the project. Complaints against the UVP-report and other related reports are presently pending with the Supreme Administrative Court of the Republic of Austria – i.e. also in connection with the world cultural heritage Semmering Railway.

In July 2013 the Ministry for Culture stated that the „*landscape surrounding the Semmering Railway had never been part of the world heritage*“ and that all publications that had appeared since then were based on a „*regrettable misinformation*“. Also the German Commission for UNESCO was informed by the Austrian National Commission for UNESCO that henceforth only the Semmering Railway is considered a world heritage, so that the German-language World Heritage List was altered accordingly.

Hence, there is a grave discrepancy between the nomination, the evaluation and the declaration of the Semmering Railway with surrounding cultural landscape as UNESCO World Heritage Site on the one hand and, on the other hand, the present opinion of the Republic of Austria that only the Semmering Railway constitutes the the world heritage site.

The author of this specialized opinion, however, is convinced that the Semmering Railway with its surrounding landscape still constitutes the UNESCO world heritage and that the Republic of Austria intends to formally reduce the world heritage to the Semmering Railway with regard to the project „Semmering Base Tunnel new“, using the cunning method of zoning in order to avoid problems with the environmental assessment proceedings; at the moment some complaints are still pending with the Superior Administrative Court. One made use of the disputed management plan and its objectionable map with which one now attempts to convince the public of UNESCO’s acceptance.

In fact it seems that ICOMOS as advisory body had not been involved in assessing this management plan and its map as it is entirely conflicting to the evaluation results of ICOMOS – a fact that ICOMOS would certainly have noticed.

Besides, the Republic of Austria would have had to submit a new nomination according to para. 165 of the UNESCO Guidelines, should „The Semmering Railway“ alone constitute the world heritage. Because, according of Para. 107 of the Guidelines buffer zones are not part of world heritage sites; they can only surround the nominated world heritage site (Para. 103) and offer additional protection to the site. In no way can buffer zones sub-divide or replace nominated and/or existing world heritage sites.

If the Republic of Austria really intends to reduce its world heritage site „Semmering Railway with surrounding landscape“ to „The Semmering Railway“ only, it will have to forward by its own accord a new nomination according to para.165 of the UNESCO Guidelines.