



UNESCO WORLD HERITAGE CENTRE
Secretariat of the Intergovernmental Committee for the Protection of the
Cultural and Natural Heritage of Outstanding Universal Value
(WORLD HERITAGE COMMITTEE)

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France.

Marià Serra Planells, acting on behalf of the Institut d'Estudis Eivissencs, an NGO devoted to the study and defence of the cultural heritage of the island of Eivissa, officially recognized by local institutions as the main advisory entity on cultural heritage, hereby requests the opening of a Reactive Monitoring process by the UNESCO World Heritage Centre in relation to ***Ibiza, Biodiversity and Culture***, inscribed in 1999 as a mixed site by the 23rd Session of the Committee

We believe the following **FACTS AND CIRCUMSTANCES** to be relevant to a possible inscription of ***Ibiza, Biodiversity and Culture*** on the List of World Heritage in Danger:

1. The Spanish Government, through its Regional Ports Authority, is about to launch a project to modify the port of Eivissa, which we believe can seriously breach the Operational Guidelines for the Implementation of the World Heritage Convention, threatening the conditions of authenticity and integrity and, possibly, the loss of exceptional universal value and the characteristics that determined the inscription of the site in the World Heritage List.
2. The construction of a new harbour, for industrial and commercial uses, as well as for passengers, in the bay where the city of Eivissa is located, which we consider to be the worst possible solution among all available alternatives, seriously affects the natural environment and landscape of the listed site.
3. We believe criteria like economic returns in the operating of the new port have overruled values such as sustainability or preservation of the historical and natural values of the island, particularly of the sites listed as World Heritage.
4. The natural values referred in the decision to inscribe the site (criteria ii and iv) could be jeopardized as a result of this new infrastructure. Particularly, the prairies of oceanic Posidonia (sea grass) and coral reefs, which are abundant in the Natural Park of ses Salines, could be seriously

damaged by the spill of circa 660,000 cubic meters of polluted materials obtained through dredging the bay and rests of *Caulerpa Racemosa*, a highly invading tropical alga that can be found in the waters of the city port.

5. The EIA of the project admits that the projected intervention will cause the disappearance of the existing prairie of *Oceanic Posidonia* and *Caulerpa prolifera* in the port of Eivissa, which will inflict an irreparable damage to the quality of waters inside the port bay. The project allegedly proposes to compensate the negative impact on the oceanic *Posidonia* and the destruction of this ecosystem with the plantation of new prairies, a measure that has proven to be absolutely nonviable. In fact, it does not anticipate the place of plantation, the period of execution nor any other information required to take this proposal seriously.
6. In addition to the total destruction of the existing prairie of *Posidonia* inside the port, the spill of dredged mud somewhere in the North West of the island of Formentera will mean, due to its volume and the content of polluting agents or rests of *Caulerpa Racemosa*, a real and very serious threat for the prairies of the Natural Park of ses Salines. This fact is diminished and almost ignored in the construction project.
7. **The project about to be launched would involve the construction of between 75,000 and 85,000 square meters of new concrete platforms inside the bay of Eivissa, where a two-story terminal for passengers (of about 8,000 sq. m.) would be newly built, and parking space for vehicles and buses as well as an area to store containers would be located.**
8. Quite strikingly, this new port is about to be developed without a global plan of action for the port of Eivissa, which would allow to weigh the different options and ensure that the chosen alternative is the one with less environmental impact and with less adverse effects on the properties listed as World Heritage and its buffer zones. In fact, the preparatory works of the port project mention other alternatives with less negative impacts (i.e., alternatives that would ensure the survival of the *Posidonia* prairie inside the port, - in addition to not putting in danger the ones in the Natural Park of ses Salines - and a greater quality of waters), but these options are misestimated without no type of valid argumentation.
9. *Oceanic Posidonia* is a species that faces clear danger of extinction across the Mediterranean Sea. Most of the prairies have disappeared in last the 50 years, and it is precisely in the islands of Eivissa and Formentera where the best of them are to be found. This is reflected in the criteria used to inscribe the site in the World Heritage List on the basis of its natural values. The construction of the new port could

possibly cause a reduction of the extension of the prairies, and represents a serious threat to the world-wide population of this species.

Criteria for the inscription of properties on the List of World Heritage in Danger:

The proposed project represents a danger for the cultural values of the site. In terms of its inclusion in the List of World Heritage in Danger, we believe that the following criteria contained in article 179 of the Operational Guidelines are met:

a) *ASCERTAINED DANGER - The property is faced with specific and proven imminent danger, such as:*

- iii) serious deterioration of architectural or townplanning coherence;*
- iv) serious deterioration of urban or rural space, or the natural environment;*
- v) significant loss of historical authenticity*

and

b) *POTENTIAL DANGER - The property is faced with threats which could have deleterious effects on its inherent characteristics.*

- ii) lack of conservation policy;*
- iii) threatening effects of regional planning projects;*
- iv) threatening effects of town planning;*

The proposed project also represents a danger for the natural values of the site. In terms of its inclusion in the List of World Heritage in Danger, we believe that the following criteria contained in article 180 of the Operational Guidelines are met:

a) *ASCERTAINED DANGER - The property is faced with specific and proven imminent danger, such as:*

- i) A serious decline in the population of the endangered species or the other species of outstanding universal value for which the property was legally established to protect, either by natural factors such as disease or by man-made factors such as poaching.*
- ii) Severe deterioration of the natural beauty or scientific value of the property, as by human settlement, construction of reservoirs which flood important parts of the property, industrial and agricultural development including use of pesticides and fertilizers, major public works, mining, pollution, logging, firewood collection, etc.*
- iii) Human encroachment on boundaries or in upstream areas which threaten the integrity of the property.*

b) *POTENTIAL DANGER* - The property is faced with major threats which could have deleterious effects on its inherent characteristics.

i) a modification of the legal protective status of the area;

ii) planned resettlement or development projects within the property or so situated that the impacts threaten the property;

iv) the management plan or management system is lacking or inadequate, or not fully implemented.

Breaches of the Operational Guidelines for the Implementation of the World Heritage Convention:

1. – **Buffer Zone:** The project will be executed inside the buffer zone, in front of the old city walls (Dalt Vila). In addition to the impact on the landscape, it will involve a serious threat for the wetlands of Ses Feixes of Talamanca, since the project itself contemplates a volume of operations and traffic which is unlikely to be absorbed by current roads. The Regional Port Authority has already stated that there will be a need to create new access roads to the new port, and there is no option that would avoid cutting through wetlands in some way. If such project went ahead, it would like cause an inevitable degradation and loss of integrity of the property. These facts are at odds with the obligation to implement all the necessary measures of protection around the buffer zone, as a zone close to the listed site affected by restrictions in order to reinforce the protection. As established in the Operational Guidelines (104):

“For the purposes of effective protection of the nominated property, a buffer zone is an area surrounding the nominated property which has complementary legal and/or customary restrictions placed on its use and development to give an added layer of protection to the property. This should include the immediate setting of the nominated property, important views and other areas or attributes that are functionally important as a support to the property and its protection. The area constituting the buffer zone should be determined in each case through appropriate mechanisms. Details on the size, characteristics and authorized uses of a buffer zone, as well as a map indicating the precise boundaries of the property and its buffer zone, should be provided in the nomination.”

The report made by the experts for the inscription of the site established:

SES FEIXES.

Consolidation et restauration de ses structures culturelles originales et traitement du Paysage culturel.

PARCELLE URBAINE AU NORD OUEST DE LA BAIE

Elle est assumée comme étant l'Environnement de la Ville historique. C'est un terrain urbanisable et son aménagement définitif respectera, surtout dans la zone de contact avec la mer, le **souvenir de zone rurale** qu'elle a eu pendant des siècles (FEIXES fut des vergers de tradition arabe), en veillant à entourer de jardins les alentours des Portales de Huertas qui subsistent encore, dûment restaurés, pour ne pas perdre le **souvenir historique** de son usage et de sa **vision à partir de la Ville** ou à partir de ses Murailles.

At the moment the Port Authority is sponsoring a new Usages Plan for the port zone, which contemplates the creation of a new access road through these wetlands. The document is being studied at the moment and still has not been definitively approved.

2. - **On the legal protection of the site and its surroundings:**

“Legislative and regulatory measures at national and local levels should assure the survival of the property and its protection against development and change that might negatively impact the outstanding universal value, or the integrity and/or authenticity of the property. States Parties should also assure the full and effective implementation of such measures.” (Operational Guidelines, 98)

Both the Island Urban Plan (PTI) of Eivissa, passed in 2005, and the municipal city-planning law (still being discussed and pending its final approval) completely ignore the necessity to regulate the uses and activities that can threaten the physical integrity, environmental values or landscape of the site listed as World Heritage. This allows the execution of projects that are absolutely incompatible with the protection of the sites, as is the case with the project that motivates this report.

The Guidelines on the inscription of specific types of properties on the World Heritage List, when referring to the inscription of historic town specifically state that *“its surroundings, ... must also be protected”*.

Initially the City Council of Eivissa raised a number of objections to the new harbour project, which among other things pointed out its enormous and

irreversible impact on the integrity and authenticity of the listed site and its surroundings. At the moment, the project being almost exactly the same, the City Council, the Island Council and the Port Authority seem to be all in agreement, after some of the governments changed colour.

3.- **The Committee may have not been duly informed.** Guideline 172: *“The World Heritage Committee invites the States Parties to the Convention to inform the Committee, through the Secretariat, of their intention to undertake or to authorize in an area protected under the Convention major restorations or new constructions which may affect the outstanding universal value of the property. Notice should be given as soon as possible (for instance, before drafting basic documents for specific projects) and before making any decisions that would be difficult to reverse, so that the Committee may assist in seeking appropriate solutions to ensure that the outstanding universal value of the property is fully preserved.*

This obligation was reflected in the report of ICOMOS about to the inscription of Ibiza in the World Heritage List:

Quoi qu'il en soit, on tiendra compte du Point n° 56 des Orientations du Comité du Patrimoine mondial de l'UNESCO, en vertu duquel les Etats Membres de la Convention s'engagent à

“informer, à travers le Secrétariat de l'UNESCO, sur ses intentions d'entreprendre ou d'autoriser, dans une zone protégée par la Convention, des restaurations importantes ou de nouvelles constructions qui pourraient modifier la valeur du Patrimoine mondial du Bien. La Notification devra être faite au plus tôt, par exemple avant la rédaction de documents de base nécessaires pour les projets et avant de prendre des décisions difficilement réversibles afin que le Comité puisse participer à la recherche de solutions appropriées pour assurer la conservation intégrale de la valeur du site comme Patrimoine mondial”.

We are not aware of whether this communication to the Committee has taken place or not, but the lack of attention the impact of the project on the World Heritage sites has received leads us to believe that it probably hasn't. This would be particularly striking if we take into account that there are other alternatives to the project now about to be launched. These alternatives could have been studied by the Committee in order to advise as to which one was the most compatible with the preservation of the listed sites.

The project is NOT the one reviewed by the IUCN before the inscription of the sites was decided in 1999. It is very important to stress this, because the report of the 23rd Session of the WHC states that *“The Committee noted that since the twenty-third session of the Bureau, IUCN was informed about an EC-funded proposal to modify the port of Ibiza. IUCN has reviewed the EIA for this project and noted that it will not impact on the natural values of the site”*.

This reason for this is the fact that during the nomination process, IUCN received information related to the approval by the EC of a project to reform and expand the port of Ibiza. That project implied the construction of a dike to regulate coastal dynamics, offering greater protection to port facilities and operations.

The technical evaluation of **IBIZA, BIODIVERSITY AND CULTURE** concluded that the project could have a negative impact on the conditions of integrity and diminish the natural values of the marine area. Therefore, it recommended to defer the nomination until clarification about *“the potential impact that the project to expand the port of Ibiza can have on the integrity of the nominated site. The Bureau is recommended to defer this nomination until this clarification is received.”*

Then the City Council was compelled to submit a report, which asserted the following:

“the need to reform the port comes from the urgency of improving the inner security, reducing the water agitation inside the bay and, by no means, due to a commercial expansion that will not happen”

In addition, it clarified that:

“Even though there was initially a relatively ambitious Plan to restructure the whole port, the current project has been reduced dramatically, and it is now limited to the expansion of the protection dike. It is important to note that the new project does not imply in any way the expansion of the port activity, and therefore it does not imply a change in the current situation nor any other variation with regard to the nominated site.”

Hence, it was only after the local institutions clarified that there was no intention to expand the port facilities and that the initial “ambitious” project to restructure the port had been ruled out that the WHC decided to inscribe the site. Now, ten years later, the project about to be launched is not in any way a variation of the rejected one. It is a much more ambitious project in terms of expansion of the capacity of the port, and has a much deeper impact on the protected sites: it



implies the building of a concrete platform inside the bay which is about 2 times larger than in the discarded version of the project and two new 200 meter-long docks next to that platform.

The new port facilities would be built entirely in the surroundings of the listed cultural site, and would severely impact the natural landscape which ought to be protected as a result of the inscription in the World Heritage List. We believe that if the old project was in a position to jeopardize the nomination, the current one should be reviewed carefully, as it represents a more serious threat to the integrity of the site.

SUMMARY:

In this report we request the immediate intervention of the World Heritage Committee, through its Secretariat, opening a monitoring process and requesting the Advisory Bodies (ICOMOS, IUCN) to forward comments on the new port project about to be launched. We believe that the threat to the integrity and authenticity of the sites inscribed in 1999 may justify the inclusion of ***Ibiza, Biodiversity and Culture*** in the List of World Heritage in Danger.

- We enclose the following documents:

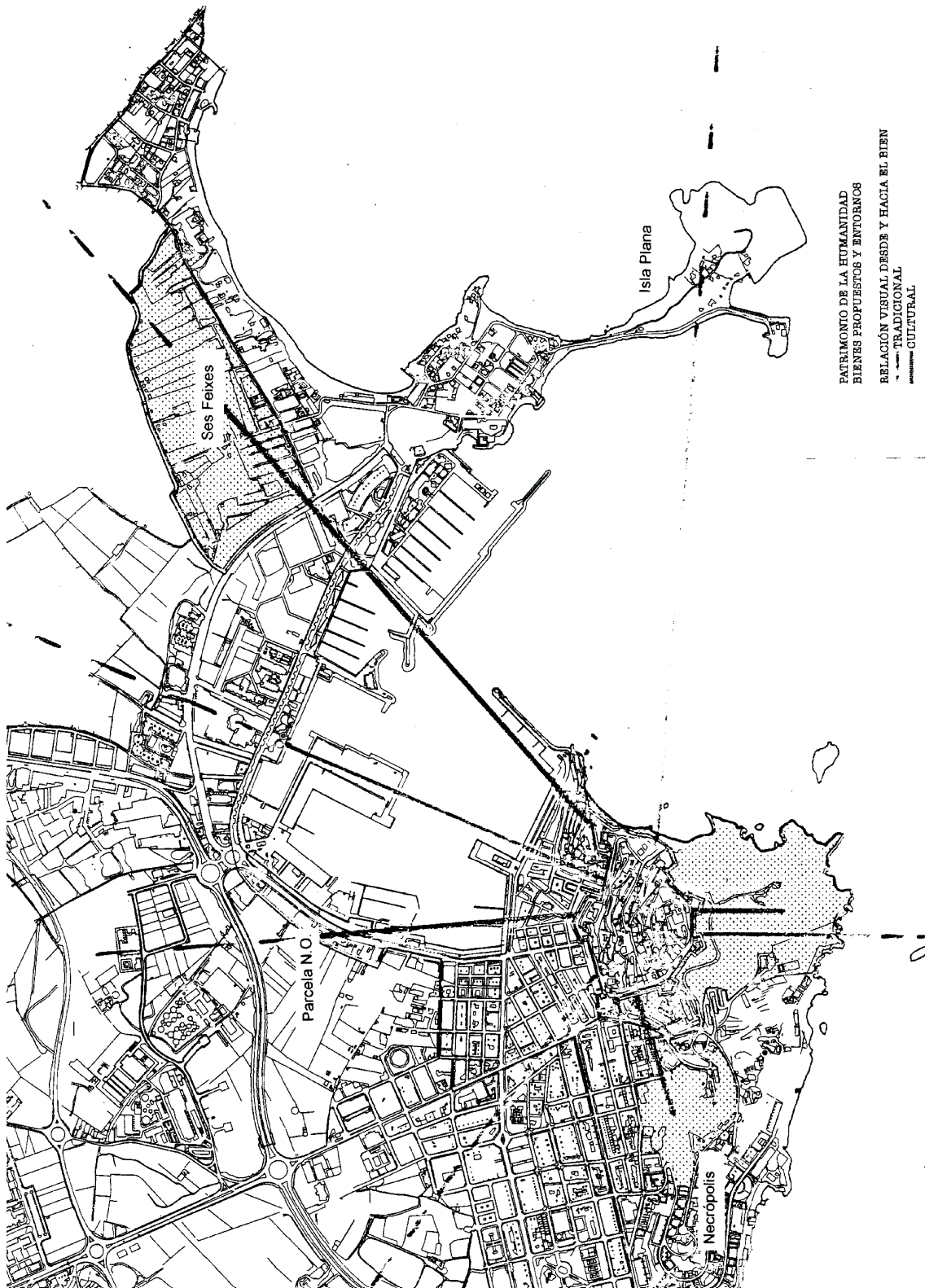
- 1- Map of the lines of vision for the walled city inscribed as World Heritage in 1999.
- 2- Plan of the configuration projected for the new port of Eivissa, which we believe threatens the integrity of the protected sites.
- 4- Plan of the constructions projected above the concrete platform.
- 5- Plan of the current benthonic in the port of Eivissa.

Eivissa, 9 june 2009

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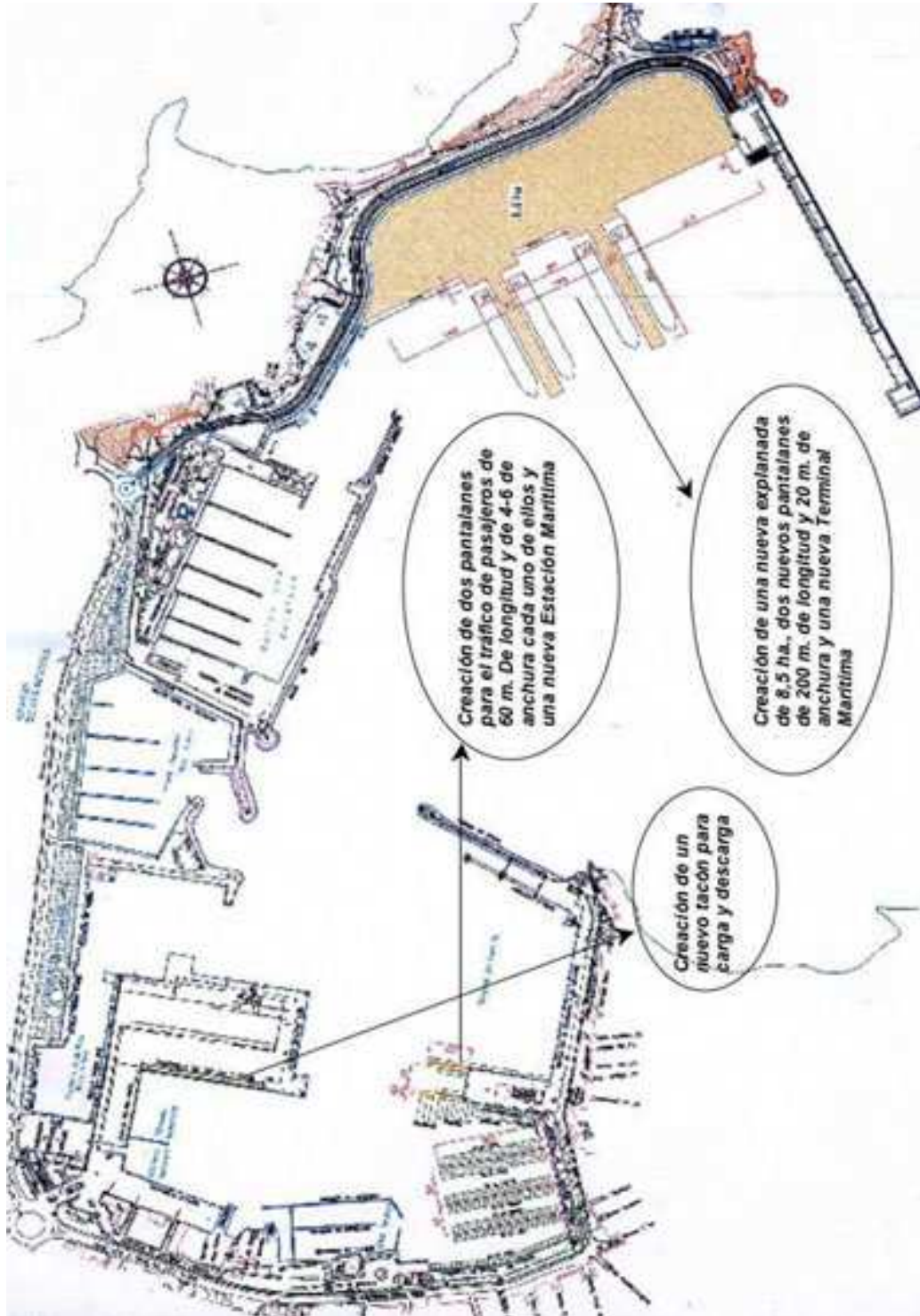
PATRIMONIO DE LA HUMANIDAD
BIENES PROPUESTOS Y ENTORNOS
RELACION VISUAL DESDE Y HACIA EL BIEN
TRADICIONAL
PROTECCION CULTURAL

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