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## *Oświęcim ring road development as UNESCO world cultural heritage site buffer zone protection case study*

### *Introduction*

The Convention concerning the Protection of the World Cultural and Natural Heritage, adopted in Paris on 16 November 1972 by the General Conference of the United Nations Educational, Scientific and Cultural Organisation (UNESCO), and ratified by Poland on 6 May 1976 [1], and the operational guidelines for its implementation [2] still remain the primary documents defining the principles of protecting world heritage sites. Both documents place a particular emphasis on the proper delineation of boundaries of areas entered in the World Heritage List [3, p. 128] and their buffer zones. Throughout the implementation of the Convention, the protection of the “environs” or “surroundings” was considered a significant component of conservation strategies for both cultural and natural heritage sites [4, p. 9], and taken account of as an important element of the recommendation made.

There is no obligation to draw a buffer zone at the nomination stage, nevertheless it is recommended by the World Heritage Committee. The principles for delineating and designating such a zone are precisely described in the operational guidelines<sup>1</sup>. The document specifies that the buffer zone should encompass the immediate surroundings of the nominated site, serve as its additional protective layer, preserve important panoramas and/or attributes of functional significance for its protection [2, Chapter II.F, Par. 103–107].

However, a serious problem arises in Poland, where the establishment of a buffer zone does not guarantee its

effective protection under Polish law. The protection of buffer zones has not been incorporated into the provisions of the Act on heritage protection<sup>2</sup> [5], the Act on spatial planning and management [6], and the Construction Law [7]. Meanwhile, any activities with a potential significant impact on the appearance and panorama of a World Heritage site, and thereby contributing to the loss of its value, undertaken in such an area are subject to the special supervision of UNESCO experts. Therefore, this article attempts to answer the question whether there are systemic solutions in the Polish legal system that allow for the control of activities in the UNESCO buffer zones and, consequently, their effective protection. The subject has not yet been comprehensively researched, even if the question of the need to create buffer zones for world heritage sites and the lack of legal grounds for their establishment was addressed in publications of Bogusław Szmygin [8] and Katarzyna Zalaśńska [3].

This article intends to address the issue of the identified gaps in this area by analysing a linear investment project under the name of Oświęcim Ring Road: Option E. Its construction started late in October 2022, and its corridor runs through the designated UNESCO buffer zone surrounding the former German Nazi Concentration and Extermination Camp Auschwitz-Birkenau, being a world

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<sup>1</sup> The document contains by-laws for the Convention that specify the principles, criteria, and procedures for entering sites on the World Heritage List, as well as the principles for monitoring, accompanied by site submission form templates.

<sup>2</sup> In Article 7, the Act on heritage protection specifies the following forms and methods of heritage protection: entry into the register of heritage, entry on the List of Heritage Treasures, recognition [of a site or object] as historical heritage, establishment of a cultural park and entering its protection into the local zoning plan, into a decision on the location of a public investment, into a decision on conditions for development, into a decision permitting a road investment, into a decision determining the location of a railway line, or into a decision on the development of a public airport. The provisions of the act do not specify the method of protecting buffer zones of UNESCO World Heritage sites. Therefore, the term “buffer zone” lacks a legal definition in the Polish system.



Fig. 1. Ruins of the crematorium, Auschwitz II-Birkenau Museum (photo by D. Długosz)

Il. 1. Ruiny krematorium, Muzeum Auschwitz II-Birkenau (fot. D. Długosz)



Fig. 2. Pławy. Residential buildings located directly at the western boundary and fence of Auschwitz II-Birkenau Museum (photo by D. Długosz)

Il. 2. Pławy. Zabudowa mieszkalna zlokalizowana bezpośrednio przy zachodniej granicy ogrodzenia Muzeum Auschwitz II-Birkenau (fot. D. Długosz)

heritage site. The materials gathered, including the documents serving as guidelines for drafting the construction design required for carrying out the road development, are presented in the light of the author's personal experiences related to her professional work in the field of cultural heritage protection.

### ***Protective zones of the Memorial and Museum Auschwitz-Birkenau***

The Memorial and Museum Auschwitz-Birkenau<sup>3</sup> in Oświęcim (hereinafter referred to as the Museum) was established through the efforts of former prisoners, which were validated by the Act on commemorating the martyrdom of the Polish Nation and other Nations in Auschwitz of 2 July 1947 [9]. The grounds of the Museum, which enjoys the legal status of a cultural institution, encompass within its boundaries the buildings and remnants of the former KL Auschwitz-Birkenau. These include the ruins of gas chambers and crematoria (Fig. 1), several kilometres of the camp's barbed-wire fencing, internal roads, and a railway ramp (in Birkenau) [10]. In this case, protection extends over a unique area as all these elements are material evidence of crime [11, p. 40]. Thus, protection extends not only to its material and architectural elements (blocks, wooden barracks, fences), railway sidings, ramps, roads, technical infrastructure installations, and drainage ditches but also to the areas surrounding the Memorial as they are

a particular proof of the scale of genocide, as, according to eyewitness accounts, this is where human ashes were scattered. In such circumstances, the establishment of additional protective zones around the Memorial seemed necessary to ensure long-term preservation also to this part of heritage of utmost importance. Unfortunately, from the start, attempts to delineate these zones sparked major controversy within the local community. The residents of Oświęcim, Brzezinka, and Pławy began exerting pressure on local authorities already shortly after the liberation of the camp, as they demanded the possibility of building homes and running farm activity on the areas directly adjacent to the Museum [12, p. 17]. The effects of that pressure can still be seen particularly well on the western side of the Museum's perimeter, where the sprawling developments have almost reached its fence (Fig. 2).

The original boundaries of the "Memorial to Martyrdom" were established by a regulation of the Minister of Culture and Art in December 1957<sup>4</sup> [13]. That, however, did not solve the problem of uncontrolled development in the vicinity of the Museum. To prevent such developments, in 1961, the management of the Museum appealed to the Board of Museums and Heritage Protection in Warsaw to establish additional protective areas for KL Auschwitz-Birkenau. These efforts resulted in a decision on the detailed location of a protective zone in Brzezinka issued by the Department of Construction, Urban Planning, and Architecture of the Regional National Council in Kraków on 19 April 1962 [14, p. 30]. Its boundaries were defined precisely in the graphic attachment (Fig. 3). It was only in

<sup>3</sup> Listed as Auschwitz-Birkenau. German Nazi Concentration and Extermination Camp (1940–1945) by UNESCO, in its history the camp has also been known as Auschwitz-Birkenau Memorial of Extermination, State Museum Auschwitz-Birkenau, and now uses the name Memorial and Museum Auschwitz-Birkenau. All the names, though used in different contexts and in different times, denote the same entity, which is often called "the Museum" throughout the text for the sake of brevity.

<sup>4</sup> The Regulation [13] sets the area of the Memorial of Extermination at 191.9724 ha, of which KL Auschwitz I covers 20,3578 ha (in the cadastres of Oświęcim and Brzezinka municipalities), while KL Auschwitz II (Brzezinka) covers 171.6146 ha (in the cadastres of Brzezinka and Pławy municipalities) of the former Oświęcimski County in the Kraków Voivodeship (Region).



1972 that such an area was delineated around the Museum in the former KL Auschwitz.

Sixteen years after the establishment of the original protective zones, the extent of the investment pressure and sprawling development in the area were grave enough for Poland to request the inclusion of the Museum's grounds on the UNESCO World Heritage List from the World Heritage Committee. The documents delivered to the Committee defined the boundaries of the Museum and its protective zones, including the previously advocated "quiet zone" [14, p. 32]. The zones were included in the contemporary planning guidelines, yet were not echoed in later legal acts.

In 1979, "Auschwitz-Birkenau. German Nazi Concentration and Extermination Camp (1940–1945)"<sup>5</sup> was entered on the World Heritage List. The justification for the inclusion also pointed to the surrounding protective zones that, already at the time, were intended to function as buffer zones [15]. The World Heritage Committee understands to this day that they exist formally as they had been submitted by the State (which is a party to the Convention) and as areas of observation and interest of bodies of international experts associated with the World Heritage Centre. Nevertheless, they have no legal grounds in Polish law. Both the Act on the protection of the former Nazi extermination camp sites from 1999 [16], whose Article 3 establishes a protective zone around "Memorials of Extermination", which is "a strip of land no wider than 100 m from the boundaries of the Memorial of Extermination", and the decision to register the former concentration camp site as a monument/a heritage site<sup>6</sup> only mention the protection of the narrowed down boundaries of the Memorial and Museum Auschwitz-Birkenau and do not encompass the buffer zones indicated in the application for entry. The term "buffer zone of a UNESCO World Heritage Site" is also missing from the provisions of the local zoning (spatial development) plan for Oświęcim. As much the surroundings of the Auschwitz-Birkenau Memorial of Extermination are protected through the regulations of the local zoning plan adopted by the Oświęcim City Council in 2011 [17], this applies exclusively to the boundaries of the protective zone around the Memorial of Extermination set in the Regulation of 27 May 1999 [18]<sup>7</sup>. The lack of legal protection for buffer zones results in exempting developers operating in these areas from the obligation to obtain administrative decisions permitting construc-

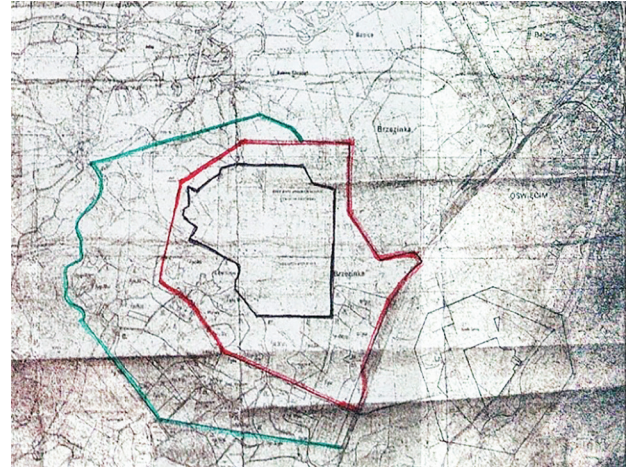


Fig. 3. Graphic attachment to the decision of 19 April 1962 concerning the establishment of a protective zone for the Brzezinka Museum (reproduction).

The border of the zone is marked in red (source: [14, p. 30])

Il. 3. Załącznik graficzny do decyzji z 19.04.1962 r., dotyczącej ustanowienia strefy ochronnej dla Muzeum w Brzezince (reprodukcja).

Granicę strefy oznaczono kolorem czerwonym (źródło: [14, s. 30])

tion work and/or other activities near the heritage site that are issued by the relevant conservation authorities. At the same time, all construction projects intended in this area generate significant interest among expert groups dealing with the cultural heritage protected by the Museum. Taken together, all these lead to significant tensions among local communities and municipal authorities who plan strategic investments within the buffer zone.

### ***The S1 express-way from the Kosztowy II interchange in Mysłowice to the Suchy Potok interchange in Bielsko-Biała and its impact on buffer zones***

The continuous development of the city of Oświęcim, driven by the increasing number of visitors to the Memorial and Museum Auschwitz-Birkenau, and the traffic studies conducted have demonstrated that establishment of connections convenient for visitors and taking over traffic burden from the DK44 national road has become a key task for the proper functioning of both the Museum and the local community. Considered a priority for these reasons<sup>8</sup>, the actual construction of the S1 express-way from the Kosztowy II interchange in Mysłowice to the Suchy Potok interchange in Bielsko-Biała, including the construction of two bridges over the Vistula and Soła rivers and engineering infrastructure, has been strategically

<sup>5</sup> Originally registered as "Auschwitz Concentration Camp". UNESCO World Heritage Committee arrived at the decision to change the name to the current one in 2007.

<sup>6</sup> The area of the former concentration and extermination camp, along with historical fences, all buildings, and facilities related to the operation of the camp, were entered into the register of heritage the Bielsko-Biała Voivodeship under No. A-714/95 by the decision of the voivodeship heritage preservation officer on 2 August 1995, and is currently listed at A-959/M in the register of the Małopolska Region.

<sup>7</sup> The provisions of the Act on the protection of the former Nazi extermination camp areas [16] indicate both the municipality's duty to draft a local zoning plan for the area of the Memorial of Extermination and its buffer zone (Art. 5) and the principles of conducting economic activities and construction works in the area (Art. 8 and Art. 10).

<sup>8</sup> The planned section of the S1 Road complements European Corridor No. VI of the TEN-T network running from Gdańsk in the north to Podwarpie in the south along the A1 Motorway, then the S1 Express Road from Podwarpie to the Kosztowy II interchange in Mysłowice, and further, along a newly designed section of the S1 Express Road from the Kosztowy II interchange to the Suchy Potok interchange in Bielsko-Biała, and along the S69 Route to Zwardoń.

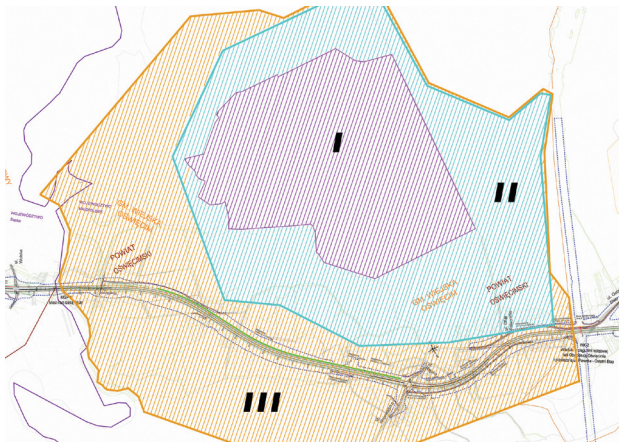


Fig. 4. Planned route of the S1 road in the vicinity of the museum's protective zones of the:  
I. Boundaries of Auschwitz II-Birkenau Museum,  
II. The Silent Zone, III. UNESCO Buffer Zone  
(source: Site plan, technical solution No. 1, attachment to the Report, [19])

- II. 4. Projekt przebiegu drogi S1 w pobliżu stref ochronnych muzeum:  
I. Granice Muzeum Auschwitz II-Birkenau, II. Strefa Czysta,  
III. Strefa buforowa UNESCO  
(źródło: Plan sytuacyjny, rozwiązanie techniczne nr 1, załącznik do Raportu, [19])

planned and enshrined in strategic documents and through local acts ahead of the intended construction<sup>9</sup>.

The need for this road investment, strategic for the city of Oświęcim, was strongly promoted by local authorities and has attracted the interest of World Heritage Committee experts as its route intersects what is known as the buffer zone (Fig. 4) declared in the documentation submitted for inclusion on the World Heritage List. Since 2008, when project drafts were presented, the experts have indicated its potentially negative impact on both the Museum and the declared protective zones, including the “quiet zone”<sup>10</sup>. The reason behind their concern are remnants of the former camp in Harmże, sub-camp – farm in Pławy, and numerous historical objects<sup>11</sup>, all of which define the identity of the area, define its *genius loci*, and lie within the corridor designated for the road. The unique nature of the site made experts emphasise the need for additional detailed studies to determine the potential impact of the investment on the surroundings of the world heritage site from the very start<sup>12</sup>.

<sup>9</sup> The key documents include *Spatial development concept for Poland 2030*, *Country development strategy 2020*, *National road construction programme for 2014–23*, *Strategy for the development of southern Poland in the Małopolskie and Śląskie regions until 2020*, *Oświęcim strategic governmental programme – stage V 2016–20*, and the *Spatial Development Plan for the Małopolskie Region*.

<sup>10</sup> The designed road corridor runs less than 800 m from its boundary.

<sup>11</sup> The main spatial elements of landscape are not only constructions but also the graves of victims, identified dumps of remains and ashes from the crematorium, historical roads and paths, most characteristic elements of landscape, and historical vegetation.

<sup>12</sup> The first reports and draft designs were consulted with international experts as early as in 2008. Subsequent ones were presented to them in 2013 and 2021.

To accommodate these concerns, the Polish side prepared a document that complements the multi-year and multi-stage process of developing the linear investment: *Report on the Impact Assessment on the World Heritage Property – Auschwitz-Birkenau German Nazi Concentration and Extermination Camp (1940–1945) for the project: Construction of the S1 express-way from the Kosztowy II interchange in Mysłowice to the Suchy Potok interchange in Bielsko-Biala* [19], which largely concerns the part of the area surrounding the former German Nazi Concentration Camp Auschwitz-Birkenau that is protected by the Museum. Its preparation followed numerous expert consultations with the Secretary-General of UNESCO in Poland, a team of experts from the National Heritage Institute, the Małopolska Regional Officer for Heritage Preservation in Kraków, the management and experts from the Memorial and Museum Auschwitz-Birkenau, and representatives of the local communities: the starost of Oświęcimski County, the mayor of Oświęcim, and the headman of the Oświęcim commune [19, p. 42]. The document was developed by an expert team under the aegis of Multiconsult Polska sp. z o.o., commissioned by the Katowice branch of the General Directorate for National Roads and Motorways in accordance with the guidelines of the Polish National Committee of the International Council on Monuments and Sites (ICOMOS). Its development was based on the expert opinions received, legal documents gathered, and scientific studies<sup>13</sup>. The preparation of the report followed in-depth research and focused studies conducted to identify risks for the former German Nazi Concentration and Extermination Camp Auschwitz-Birkenau ensuing from threats associated with the planned investment. Acoustic analyses were conducted, the noise impact on the quiet zone generated by the road was assessed, and the impact of lights on the Museum area was studied. A comprehensive inventory of greenery was carried out, along with an analysis of the possibility of using vegetation as a natural shield for the road [19, p. 7]. Archaeological research in the area designated for the bypass was conducted prior to

<sup>13</sup> A comprehensive interdisciplinary study on the buffer zones of the Memorial and Museum Auschwitz-Birkenau and methods of its protection was conducted by the team of Jadwiga and Marek Rawecki. In the late 1990s, they worked with the museum on an attempt to define the extent of its buffer zones. Studies were also undertaken by the National Centre for Research and Documentation of Heritage (KOBiDZ) in 2008–2013. Continuing its work as the National Heritage Institute, the institution issued documents such as *Auschwitz Birkenau, niemiecki nazistowski obóz koncentracyjny i zagłady (1940–1945). Strategia konserwatorska dla miejsca Światowego Dziedzictwa. Część I–II*, ed. by A. Siwek, O. Dyba, A. Laskowski, R. Marcinek, and T. Śledzikowski, consulted by A. Marconi-Betka and K. Piotrowska-Nosek [20] and *Auschwitz Birkenau – niemiecki nazistowski obóz koncentracyjny i zagłady (1940–1945). Strategia konserwatorska dla miejsca Światowego Dziedzictwa. Część III – krajobraz*, ed. by B. Furmanik and G. Młynarczyk (graphic editor), consulted by A. Marconi-Betka and A. Siwek [21]. Another important document is *Studium krajobrazowo-konserwatorskie, Droga Ekspresowa S-1, odcinek węzeł “Kosztowy II” w Mysłowicach – węzeł “Suchy Potok” w Bielsku-Białej w ciągu korytarza europejskiego No. VI*, by eM4 Pracownia Architektury Brataniec under the supervision of Z. Myczkowski by U. Forczek-Brataniec, M. Brataniec, A. Siwek, B. Grajner, and P. Byrski [22]. It was used as the basis for making further recommendations for the protection of the area during the planned development.



its construction to identify locations where ashes from the crematoria might have been scattered so as to minimise interventions into such areas. Eventually, the report served as the basis for the drafting of construction documentation incorporating the conclusions and studies. The project uses mitigating and compensating solutions to reduce the adverse impact of the construction on the surroundings and the UNESCO buffer zone. The road's impact on the panorama was addressed by running it at the lowest possible level, introducing earth embankments and berms, and installation of green screens. The construction of pylons for the bridge over the Soła was abandoned, and the crossing with the railway line was designed as an underpass, which eliminated the need for additional viaducts. The number of intersections was reduced to the bare minimum, and even the height of street lamps was reduced. The last change was possible thanks to the introduction of a special type of lighting (with less dispersion) and deployment of fixtures only at intersections with local roads. Vertical marking was also reduced, and a "low-noise asphalt" surface was used to minimise the noise. The final version of the document was presented to experts, along with the works project incorporating all these solutions, during a joint advisory mission of the World Heritage Centre/ICOMOS in Oświęcim in October 2021. Representatives of ICOMOS, local stakeholders (territorial authorities), representatives of the government, and conservation services also participated in the meeting. The experts approved the presented solutions and proposals, despite limitations related to the blueprint of the ring road and lack of a plan for managing a world heritage site<sup>14</sup> that could clearly define the course of protective actions for the areas surrounding the Museum. They also addressed the need to redefine the boundaries of the protective zone leading to the establishment of a buffer zone encompassing the "quiet zone" together with a wider area. In mid-October 2022, a decision allowing the commencement of the road project (ZRID) for the construction of the Oświęcim bypass in the course of the S1 express-way from the Kosztowy II interchange in Myslowice to the Suchy Potok interchange in Bielsko-Biała was issued. Budimex was named the contractor, and the estimated project cost is approximately PLN 486 million. It is worth noting that the "Report" is a pioneering work among linear investments in protective zones in the country not only in terms of the number of conducted studies and consultations but also thanks to the identification of design solutions that minimise the impact of the investment on a world heritage site. It must be emphasised that the creation of this report did not result explicitly from the provisions of the law Act on environmental information and protection [23, Art. 59, Par. 1], which imposes the requirement of conducting an assessment and preparing an environmental impact study for the project before commencing linear investments. It should also be noted that there was no requirement to obtain an administrative

decision of competent heritage conservation services for carrying out construction works [7, Art. 5, Par. 1, Item 7] that, in this case, consisted in the construction of a ring road in a UNESCO buffer zone<sup>15</sup>. It is evident that, in this case, all the actions taken by the Polish party and the involvement of all stakeholders overseeing the implementation of the project in question had a positive effect, which cannot be said about many other initiatives conducted in buffer zone areas<sup>16</sup>.

## Conclusions

The example presented demonstrates in detail how crucial it is to fine-tune the provisions regarding the protection of the surroundings of world heritage sites that exist in Polish legislation. A study of existing solutions allows us to identify the tools that can be helpful in ensuring more efficient protection of designated buffer zones.

One of such tools could be the inclusion of a designated zone, being the surroundings of a heritage item or site, cultural landscape, or – should there be suitable grounds for that – a historic urban landscape, in the register of heritage<sup>17</sup>. Extending such a form of protection to a buffer zone provides professional services, including the competent regional heritage preservation officers, with statutory authority to supervise and control activities conducted in areas thus protected. Unfortunately, experience shows that the administrative procedure for such proceedings is extremely tedious and complex. Furthermore, it very often encounters resistance from the local community, who fear additional hurdles and restrictions on the development of the areas they inhabit. Efficient tools for the proper protection of the buffer zone can also be provisions specifying the manner of local development in detail, and included in the study of conditions and directions for zoning (spatial development) of the municipality and/or in local zoning plans. These provisions can be defined by designers while drafting the project or by the relevant authorities participating in the administrative procedure, notably by the relevant regional heritage preservation officer<sup>18</sup>.

<sup>15</sup> In the case of designing a construction, the Polish building law [7] indicates the need to ensure protection of architectural objects entered into the register of heritage. Yet the defined buffer zone area has not been entered as such into the register, which exempts the developer from the need to obtain permits from heritage preservation services.

<sup>16</sup> The decision to construct glass pavilions for managing tourist traffic in Bulwar Filadelfijski in Toruń proved the significance of this challenging problem. Numerous heritage preservation experts believe that their location in the immediate vicinity of the Old City, listed as a UNESCO World Heritage site, may disrupt its panorama, thereby altering the historical cultural landscape.

<sup>17</sup> Art. 3, Pt. 14 and Pt. 15 of the Heritage protection act defines the terms "cultural landscape" and "surroundings" in the following way: [...] 14) *Cultural landscape* – a space that is construed by people as containing elements of nature and works of civilisation, shaped in history by natural factors and human activity, 15) *Surroundings* – the area around or near an element of heritage, designated in the decision to register such an area as heritage so as to preserve the scenic values of such heritage and protecting it from harmful external impact [5].

<sup>18</sup> The competencies of the regional heritage preservation officer for consulting zoning plans and studies are enshrined in Art. 11, Pt. 5, sub-point c, and Art. 17, Pt. 6, sub-point b of the Act on spatial planning

<sup>14</sup> The need to develop a plan or another system for managing a UNESCO World Heritage site is indicated in the guidelines [2, Chapter III.B, Par. 132, Item 5].

Recommendations provided by such regional heritage preservation officer for the local zoning plans can define the method of protecting the area, the conditions for carrying out development activities, conditions (incl. height and dimensions) for new developments in buffer zones, and even the methods of managing a world heritage site.

What also seems appropriate is considering the option to amend the provisions of the Act on heritage protection and heritage care in such a way that it would expand the

catalogue of heritage protection forms by adding a “buffer zone”. The regulations contained in normative acts allow increasing the effectiveness of protection through administrative decisions issued by qualified heritage preservation services. It is extremely important to note that, as results from the provisions arising from the inclusion of a particular site with its protective zones on the UNESCO World Heritage List, all the tools described above should form an integral whole. Introduction of coherent solutions into the national legal system would enable effective control of cases in which investment pressures and improper decisions regarding the environment of a world heritage site could lead to striking such a site off the UNESCO list.

and development [6] and also in Art. 19, Pt. 1, sub-point 3, and Art. 20 of the Act on heritage protection [5].

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## **Abstract**

### ***Oświęcim ring road development as UNESCO world cultural heritage site buffer zone protection case study***

Studying the case of the construction of the ring road of Oświęcim in the vicinity of the former German Nazi concentration and extermination camp Auschwitz-Birkenau (1940–1945), being a UNESCO World Heritage site, the article indicates the need for effective legal protection of an area known as its buffer zone. As current Polish regulations do not provide for such legal protection beyond ad hoc solutions (e.g., provisions included in local zoning plans), the article discusses legal solutions existing in Polish legislation and recommends new ones that can be helpful in ensuring effective protection of designated buffer zones.

Listing a site as World Heritage sparks recognition yet entails numerous responsibilities. Since the list includes cultural and natural heritage sites of “outstanding value” to humanity, the prerequisite to preserve their authenticity and integrity is of utmost importance. This also applies to their surroundings. In many cases, the intrusion of such major engineering structures as bridges and highways constructed in the vicinity of a World Heritage site ruins the view and has a negative impact on the cultural landscape developed throughout history. To avoid such cases, in recent years, the UNESCO World Heritage Committee has taken action to promote the mandatory designation of an additional protective, or buffer, zone around the sites to be listed. At the same time, establishing legal protection of such zones in Polish law would make it possible to supervise and control investment activities in such zones.

**Key words:** UNESCO, Memorial and Museum Auschwitz-Birkenau, buffer zone, ring road, Oświęcim

## **Streszczenie**

### ***Prowadzenie obwodnicy Oświęcimia przykładem ochrony strefy buforowej miejsca kultury, pomnika UNESCO***

Na przykładzie budowy obwodnicy Oświęcimia w sąsiedztwie byłego niemieckiego nazistowskiego obozu koncentracyjnego i zagłady Auschwitz-Birkenau (1940–1945), wpisanego na Listę Światowego Dziedzictwa UNESCO w artykule wskazano potrzebę skutecznej ochrony prawnej obszaru zwanego strefą buforową. Ponieważ obecne polskie przepisy nie przewidują takiej ochrony prawnej poza rozwiązaniami doraźnymi (np. zapisami zawartymi w miejscowych planach zagospodarowania przestrzennego), w pracy omówiono rozwiązania prawne istniejące w polskim ustawodawstwie oraz zaproponowano nowe, które mogą być pomocne w zapewnieniu skutecznej ochrony wyznaczonych miejsc strefy buforowej.

Umieszczenie obiektu na Liście Światowego Dziedzictwa wiąże się z uznaniem, ale wiąże się też z wieloma obowiązkami. Ponieważ na liście znajdują się obiekty dziedzictwa kulturowego i naturalnego o wyjątkowej wartości dla ludzkości, warunek wstępny zachowania ich autentyczności i integralności jest sprawą najwyższej wagi. Dotyczy to również ich otoczenia. W wielu przypadkach wtargnięcie tak ważnych obiektów inżynierskich, jak mosty i autostrady w pobliżu obiektów światowego dziedzictwa kulturowego psuje widok i ma negatywny wpływ na krajobraz kulturowy rozwijający się na przestrzeni dziejów. Aby uniknąć takich przypadków, w ostatnich latach Komitet Światowego Dziedzictwa UNESCO podjął działania promujące obowiązkowe wyznaczenie dodatkowej strefy ochronnej wokół obiektów, które mają zostać umieszczone na liście. Jednocześnie ustanowienie w prawie polskim ochrony prawnej takich stref umożliwiłoby nadzór i kontrolę działalności inwestycyjnej w tych strefach.

**Słowa kluczowe:** UNESCO, Auschwitz-Birkenau, strefa buforowa, obwodnica, Oświęcim

