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UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

WORLD HERITAGE COMMITTEE

Extended forty-fourth session

Fuzhou (China) / Online meeting 16 – 31 July 2021

<u>Item 8 of the Provisional Agenda</u>: Establishment of the World Heritage List and of the List of World Heritage in Danger

8. Nomination Process

SUMMARY

This document presents overall topics concerning the nomination process for inscription on the World Heritage List.

The document is divided into seven parts:

- Part I Reflection on the reform of the nomination process
- Part II Reflection on Sites Associated with Memories of Recent Conflicts and other negative and divisive memories
- Part III Analysis of the Global Strategy for a Representative, Balanced and Credible World Heritage List
- Part IV Criteria to be used to assess the impact of decision 40 COM 11 (Paragraph 61 of the Operational Guidelines)
- Part V Buffer zones
- Part VI Protecting sites of potential Outstanding Universal Value in marine areas beyond national jurisdiction

Draft Decision: 44 COM 8, see part VII.

I. REFLECTION ON THE REFORM OF THE NOMINATION PROCESS

- 1. At its 42nd session (Manama, 2018), the World Heritage Committee decided to review the nomination process, bearing in mind the Global Strategy. Its Decision 42 COM 12A took into account the recommendations of the 2017-2018 ad-hoc Working Group. It also made a specific reference to Recommendation N°3 of the IOS Comparative Mapping Study of Forms and Models for Use of Advisory Services by International Instruments and Programmes (Document WHC/17/41.COM/INF.14.II) which had recommended that the World Heritage Committee take action to address the deviations between recommendations of the Advisory Bodies and decisions made by the Committee.
- 2. In Decision 42 COM 12A, in view of providing the reflection with the widest possible range of comments and suggestions, the Committee, at its 42nd session, had requested the Secretariat to "consult with States Parties and other relevant stakeholders of the Convention on the matters that should be addressed at the reflection meeting". A survey on the nomination process was prepared by the World Heritage Centre in consultation with the Advisory Bodies and was launched online on the World Heritage Centre's website.
- 3. The Committee also considered that a reform would benefit from further reflection by a representative panel of experts drawn from the ad-hoc Working Group, the World Heritage Centre, the Advisory Bodies and other experts, to feed into the work of the ad-hoc Working Group. In this regard, a reflection meeting of experts was held in Tunis from 23 to 25 January 2019 (Document WHC/19/43.COM/INF.8) and, in February 2019, the outcomes were presented to the ad-hoc Working Group. During its following meetings, the ad-hoc Working Group, under the Chairmanship of Azerbaijan and guided by the set of principles and recommendations of the expert meeting, further debated, refined and elaborated on the relevant aspects of the reform.
- 4. At its 43rd session (Baku, 2019), following the set of recommendations coming from the principles on which the reform should be based, the Committee examined the outcomes of the work on the reform of the Nomination Process, and reaffirmed that the most appropriate means for restoring and enhancing the credibility and balance of the World Heritage List is the development of high quality nominations for sites which have a strong potential to succeed, through enhanced dialogue between the States Parties and the Advisory Bodies from a very early stage. It therefore decided to endorse the principle of a two-phase Nomination Process, with the "Preliminary Assessment" (PA) as a first phase of the Nomination Process, and with the current mechanism as described in paragraph 128 of the Operational Guidelines as a second phase.
- 5. In its Decision **43 COM 12**, the Committee endorsed the principles and modalities outlined in the Document WHC/19/43.COM/12, on which the reform should build, namely:
 - a) the Preliminary Assessment (PA) shall be the first stage of the Nomination Process and would involve enhanced dialogue between States Parties and Advisory Bodies;
 - b) the PA shall be a mandatory process for all nominations;
 - c) the PA shall be undertaken for a specific site on the State Party's Tentative List, further to a request by the State Party;
 - d) the PA shall be conducted exclusively on the basis of a desk study;
 - e) the decision whether to pursue or not a nomination, regardless of the outcomes of the preliminary assessment, would fall within the States Parties' prerogative;
 - f) the PA shall be introduced with a transition period to aid States Parties, the Advisory Bodies and the Committee to apply the reform effectively.
- 6. In the same decision, the Committee agreed that Phase II of the reform should focus on operationalization and, being mindful of the need of careful alignment with existing processes and ensuring consistency, requested the World Heritage Centre, in consultation with the Advisory Bodies, to organize the work of this phase, through necessary research and

- convening of a small expert drafting group which would reflect regional balance, to discuss and propose concrete changes to be introduced into the *Operational Guidelines*.
- 7. The World Heritage Centre, in consultation with the Advisory Bodies, convened a geographically and gender balanced small expert drafting group (see Document WHC/21/44.COM/12). The Drafting Group met twice (7-8 November 2019 and 13-15 January 2020). On 17 February 2020, an additional meeting was organized between the Centre and the Advisory Bodies. In between and following these face-to-face meetings, the experts continued their work through online exchanges.
- 8. While the exceptional circumstances related to the COVID-19 pandemic affected the last segment of the work with the result of slowing down the process, the expert Drafting Group prepared a revised version of the *Operational Guidelines* including specific amendments to integrate the principles endorsed by the Committee as new provisions. In order to ensure alignments of different processes, the work of Drafting Group involved a comprehensive review of all sections of the *Operational Guidelines* to ensure that the insertion of the two-phase Nomination Process be consistently reflected in all possibly related paragraphs.
- 9. In February 2021, the revised version of the *Operational Guidelines* including amendments proposed by the Drafting Group was presented to the ad-hoc Working Group for its further comments, review, amendments and endorsement. The resulting revised version of the Operational Guidelines from this process is presented in Document WHC/21/44.COM/12 while the report of the ad-hoc Working Group is presented in Document WHC/21/44.COM/11.

II. REFLECTION ON SITES ASSOCIATED WITH MEMORIES OF RECENT CONFLICTS AND OTHER NEGATIVE AND DIVISIVE MEMORIES

- 10. In view of the increasing number of nominations submitted or under preparation related to sites associated with memories of recent conflicts, the World Heritage Committee at its 42nd session (Manama, 2018) in three of its decisions requested to convene an Expert Meeting on sites associated with memories of recent conflicts. These decisions are presented in chronological order here below.
- 11. In its Decision 42 COM 5A (Manama, 2018), the World Heritage Committee, noting the discussion paper by ICOMOS on Evaluations of World Heritage Nominations related to Sites Associated with Memories of Recent Conflicts, decided to convene an Expert Meeting on sites associated with memories of recent conflicts to allow for both philosophical and practical reflections on the nature of memorialization, the value of evolving memories, the inter-relationship between material and immaterial attributes in relation to memory, and the issue of stakeholder consultation, and to develop guidance on whether and how these sites might relate to the purpose and scope of the World Heritage Convention, provided that extrabudgetary funding is available and invited the States Parties to contribute financially to this end.
- 12. In its Decision 42 COM 8B.24 (Manama, 2018), while recalling the reservations it has expressed concerning the inscription of sites related to negative memories, the World Heritage Committee decided to adjourn consideration of the nomination of the Funerary and Memorial sites of the First World War (Western Front), Belgium and France, until a comprehensive reflection has taken place and the World Heritage Committee at its 44th session has discussed and decided whether and how sites associated with recent conflicts and other negative and divisive memories might relate to the purpose and scope of the World Heritage Convention and its Operational Guidelines. In the same decision the Committee noted that the nomination of the Funerary and Memorial sites of the First World War (Western Front), could only be considered by the Committee upon further review by the Advisory Bodies in light of the Committee decision referred to above and upon receipt of additional information to be provided by the States Parties concerned.
- 13. Finally, in its Decision **42 COM 8** (Manama, 2018), the Committee also decided that the evaluation of "sites associated with recent conflicts" shall be undertaken once a comprehensive reflection has taken place and the Committee at its 44th session has

- discussed and decided how these sites might relate to the purpose and scope of the World Heritage Convention and its Operational Guidelines.
- 14. The expert meeting was held in Paris from 4 to 6 December 2019 (for its Report see Document WHC/21/44.COM/INF.8.1) and was organized by the UNESCO World Heritage Centre thanks to the financial support of the governments of Australia, France, Kuwait, Republic of Korea and UNESCO, as well as in-kind support from the African World Heritage Fund. The meeting brought together 29 experts from different constituencies and backgrounds from all regions of the world, including representatives of the Advisory Bodies, UNESCO Category 2 Centres, World Heritage Centre as well as the Communication and Information Sector, Education Sector and Science Sector of UNESCO. Ms Isabelle Longuet (France) was chosen as Chairperson of the meeting and Ms Eugene Jo (ICCROM), as Rapporteur.
- 15. Beyond the expert meeting, the reflection is enriched by an independent study on sites associated with recent conflicts and other negative and divisive memories, which was prepared at the request of the World Heritage Centre, with the financial support of the Republic of Korea. This study benefitted from the discussions of the expert meeting in December 2019 and further review by some members of the expert group. The study draws on background documents and relevant studies related to sites of recent conflicts and the use of World Heritage inscription criterion (vi), as well as literature related to public history and memorialization. The study is presented as Document WHC/21/44.COM/INF.8.2.
- 16. Additionally, ICOMOS has added to the reflection and prepared a second discussion paper on "Sites associated with memories of Recent Conflicts and the World Heritage Convention". Encouraged by the World Heritage Committee to further deepen its analysis and broaden the participation of experts in this new reflection, ICOMOS's second discussion paper considers the purpose and scope of the World Heritage Convention, as well as its key concepts, and how sites assorted with memories of recent conflicts relate to these. It has been prepared on the basis of extensive consultation, with ICOMOS National Committees and International Scientific Committees, but also with several international experts, from all regions of the world, which together reflected a wide variety of expertise. The updated ICOMOS Paper is available at the following web link: https://whc.unesco.org/en/memoryreflection.

III. ANALYSIS OF THE GLOBAL STRATEGY FOR A REPRESENTATIVE, BALANCED AND CREDIBLE WORLD HERITAGE LIST

- 17. World Heritage Committee's Decision **43 COM 8** (Baku, 2019) and General Assembly's Resolution **22 GA 9** (2019) recommend using the opportunity of the 50th anniversary of the World Heritage Convention in 2022 to undertake a reflection on the Global Strategy. As a follow-up, the World Heritage Centre has commissioned an independent study to analyse the impact of the Global Strategy on the World Heritage List.
- 18. The findings of the independent study (https://whc.unesco.org/en/documents/187906) are based on an analysis undertaken in February 2021, of past decisions, relevant documents (i.e. thematic studies, gap analysis, international experts meetings, World Heritage papers), reports, audits and of the World Heritage List and Tentative Lists databases. The study concludes with proposed possible definitions of the key terminology ('credibility', 'balance' and 'representativity') which could serve as basis for further discussions:
- 19. Finally, the study brings forward topics that might contribute towards the reflection on the Global Strategy towards the 50th anniversary of the World Heritage Convention. Among them:
 - a) The Global Strategy has had an impact on the number of properties inscribed on the World Heritage List avoiding a progression towards an "unreasonable number of inscriptions" (Document WHC-96/CONF.201/INF.8), but not necessarily on underrepresented categories or on improving the conservation or promoting international cooperation, which are key elements of the World Heritage Convention.
 - b) Currently there are more sites included on the Tentative Lists of States Parties than those inscribed on the World Heritage List. Highest numbers of Tentative List sites are

- continuously held by the Europe and North America region and the imbalance between cultural and natural properties has increased on the List and is maintained on the Tentative Lists. However, it should be noted that inscriptions are to be based on the Outstanding Universal Value of sites and not on quantitative distribution.
- c) In terms of regional representation, all regions are represented on the World Heritage List, and 86% of States Parties to the Convention have properties inscribed on the List. In terms of representativity of categories, categories that were under-represented in 1994 are now represented on the World Heritage List and the Tentative Lists of States Parties. However, the imbalance between representation of categories persists.
- d) The cultural landscape category represents about 10% of properties inscribed. However, this category could not fully address the lack of representativity and especially, regional balance. Therefore, the trend of cultural landscapes nominations appears to follow a similar trend that the current composition of the World Heritage List, yet with a small decrease from Europe and North America and an increase from Africa on the Tentative Lists. The understanding of this outcome requires further analysis and study.
- e) The number of transboundary/transnational sites on the Tentative Lists represents only 2.6%, and more than half of these in Europe and North America. Mixed sites are still under-represented on the List but they are increasing in numbers on the Tentative Lists.
- f) Outcomes of the Periodic Reporting exercise and assessments such as IUCN's World Heritage Outlook consistently indicate that the protection and management regimes of World Heritage properties need to be strengthened.
- g) Indicators for the impact of the Global Strategy, for example the content of Tentative Lists, categories of nominations submitted, which States Parties put forward nominations, would support the World Heritage Committee in monitoring the progress and deviations from the goals of the Global Strategy.
- 20. The World Heritage Centre and Advisory Bodies note that this study provides a basis of data to consider the strategy needed on how to act to achieve a more balanced and representative World Heritage List. The findings of the study require further reflection and a clear priority could be established to launch from the 50th anniversary year of the Convention a new global strategy focused on addressing the remaining (and significant) challenges in moving to a balanced and representative World Heritage List.

IV. CRITERIA TO BE USED TO ASSESS THE IMPACT OF DECISION 40 COM 11 (PARAGRAPH 61 OF THE OPERATIONAL GUIDELINES)

- 21. In its Decision **40 COM 11** (Istanbul / UNESCO Headquarters, 2016) the Committee decided to include in the draft Agenda of the 44th session an item in view to preparing the criteria to be used to assess the impact of the same decision amending Paragraph 61 of the Operational Guidelines in view its examination at the 45th session.
- 22. Taking into account the recommendations of the 2015-2016 ad-hoc Working Group regarding Paragraph 61 (Document WHC/16/40.COM/13A) and further debates of the Consultative Body (i.e. Operational Guidelines Working Group) established at the 40th session under Rule 20 of the Rules of Procedure, there are three relevant considerations through which an analysis of the effects of Decision 40 COM 11 could be undertaken. These include: 1) the heavy budget constraints of the World Heritage Centre and the Advisory Bodies; 2) the need for proactive management of the increasing size of the World Heritage List (including more manageable sessions of the World Heritage Committee); and 3) the call for a more balanced World Heritage List. These three considerations should be used as parameters to measure the effectiveness of the limitations.
- 23. However, it is important to acknowledge that the period of 4 years application of the mechanism foreseen in Paragraph 61 of the *Operational Guidelines* appears too short to establish a trend.

V. BUFFER ZONES

- 24. In recent years, during the examination of the State of Conservation of World Heritage properties, the Committee's discussions have often focused on developments within the setting of properties. Such discussions bring sharply into focus the purpose, design, function and management of defined buffer zones as well as their benefits for the conservation of properties.
- 25. While noting that, currently, the establishment of defined buffer zones around nominated properties is not a requirement, their effectiveness in terms of protecting the setting of properties and thus supporting their Outstanding Universal Value has been demonstrated. Whereas the concept of buffer zones is well recognized, guidance on what constitutes an effective buffer zone and how it should be protected and managed should be reviewed and updated.
- 26. Considering that buffer zones are relevant both in terms of conservation, as well as in the process of nominating a site, more detailed information on this matter can be found in Document WHC/21/44.COM/7.

VI. PROTECTING SITES OF POTENTIAL OUTSTANDING UNIVERSAL VALUE IN MARINE AREAS BEYOND NATIONAL JURISDICTION

- 27. In 2011, the UNESCO External Auditor undertook an Independent Evaluation on the Implementation of the Global Strategy for a Credible, Representative and Balanced World Heritage List and the Partnerships for Conservation Initiative. Its fifth recommendation was to "reflect upon appropriate means to preserve sites that correspond to conditions of outstanding universal value, which are not dependent on the sovereignty of States Parties" (cf. paragraphs 88 to 90). The Independent Evaluation is available at https://whc.unesco.org/archive/2011/whc11-35com-INF9Ae.pdf.
- 28. Following Decision **35 COM 9A** and Resolution **18 GA 8**, the 2012-2022 Strategic Action Plan for the Implementation of the World Heritage Convention has been approved and included activity A.2.1.4 "Develop options for means to preserve sites that are outside of the sovereignty of States Parties responding to the conditions of Outstanding Universal Value" (see https://whc.unesco.org/archive/2012/whc12-36com-12A-en.pdf).
- 29. Consequently, the World Heritage Centre mobilized extrabudgetary resources to convene a UNESCO-IUCN expert meeting (October 2015, UNESCO Headquarters), bringing together a gender balanced group of experts on policy, international law, the ecology and geology of marine areas beyond national jurisdiction, and World Heritage (see http://whc.unesco.org/en/news/1367/).
- 30. Building on discussions at the expert meeting, the joint UNESCO-IUCN report *World Heritage in the High Seas: An Idea Whose Time Has Come* was published in August 2016. The report identified five sites in marine areas beyond national jurisdiction that potentially could meet Outstanding Universal Value and provided initial reflections on options to enable protection of such sites through the World Heritage Convention. The report is available in English, French and Spanish. https://unesdoc.unesco.org/ark:/48223/pf0000245467.
- 31. In December 2018, a second expert meeting was organized in Monte Carlo, Monaco, to explore practical modalities needed for the potential nomination, management and protection of sites with potential Outstanding Universal Value in marine areas beyond national jurisdiction. The summary of the meeting is available at http://whc.unesco.org/document/181721.
- 32. The World Heritage Centre, in collaboration with IUCN, prepared a paper which summarizes all the work undertaken on this topic (see https://whc.unesco.org/en/highseas).

VII. DRAFT DECISION

Draft Decision: 44 COM 8

The World Heritage Committee,

- 1. <u>Having examined</u> Document WHC/21/44.COM/8,
- 2. Recalling Decisions 35 COM 9A, 40 COM 11, 42 COM 5A, 42 COM 8, 42 COM 8B.24, 43 COM 8 and 43 COM 12 adopted at its 35th (UNESCO Headquarters, 2011), 40th (Istanbul/UNESCO Headquarters, 2016), 42nd (Manama, 2018) and 43rd (Baku, 2019) sessions respectively, as well as Resolutions 18 GA 8 and 22 GA 9 adopted by the General Assembly at its 18th (UNESCO, 2011) and 22nd (UNESCO, 2019) sessions respectively,

REFLECTION ON SITES ASSOCIATED WITH MEMORIES OF RECENT CONFLICTS AND OTHER NEGATIVE AND DIVISIVE MEMORIES

- 3. <u>Expresses</u> its appreciation for the work of experts from all regions that participated in the Meeting in Paris, to the experts that have prepared the independent study, the Advisory Bodies and the World Heritage Centre for their work on the reflection on sites associated with recent conflicts and other negative and divisive memories;
- 4. <u>Taking note</u> that some properties associated with memories of recent conflicts have been previously inscribed on the World Heritage List on an exceptional basis and <u>taking full account</u> of the outcome of the detailed reflection process in which experts considered that sites associated with recent conflicts and other negative and divisive memories do not relate to the purpose and scope of the World Heritage Convention and its Operational Guidelines;
- 5. <u>Takes note</u> that experts also suggested that other international fora could be more suitable and encouraged States Parties to explore potential solutions towards this end;
- 6. <u>Decides</u> ...

ANALYSIS OF THE GLOBAL STRATEGY

7. <u>Welcomes</u> the independent study analysing the impact of the Global Strategy on the World Heritage List and <u>notes</u> its findings, which serve as a basis for a reflection on the Global Strategy to be undertaken on the occasion of the 50th anniversary of the World Heritage Convention in 2022:

CRITERIA TO ASSESS THE IMPACT OF PAR. 61 OF THE OPERATIONAL GUIDELINES

8. <u>Endorses</u> the proposed criteria to be used to assess the impact of the application of the mechanism foreseen in Paragraph 61 of the Operational Guidelines in view of its examination at its 45th session;

BUFFER ZONES

9. <u>Urges</u> States Parties to ensure that well designed, effectively legally protected and managed buffer zones are considered when submitting nominations;

PROTECTING SITES OF POTENTIAL OUTSTANDING UNIVERSAL VALUE IN MARINE AREAS BEYOND NATIONAL JURISDICTION

10. <u>Also takes note</u> of the ongoing reflection on means to preserve sites of potential Outstanding Universal Value in marine areas beyond national jurisdiction.