



WHC/23/45.COM/11.Rev Paris, 28 August 2023 Original: English

CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

INTERGOVERNMENTAL COMMITTEE FOR THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

Extended forty-fifth session Riyadh, Kingdom of Saudi Arabia 10 - 25 September 2023

Item 11 of the Provisional Agenda: Follow-up to Recommendations of Evaluations and Audits on Working Methods and outcomes of the ad-hoc working group

Summary

By Decision **44 COM 11**, the World Heritage Committee at its extended 44th session (Fuzhou/online, 2021) extended the mandate of its Ad-hoc Working Group meeting intersessionally. The group was requested to (a) Analyse and propose sustainable and innovative solutions for financing of the nomination process including the Preliminary Assessment and (b) present concrete proposals on the long-term financial sustainability of the World Heritage Convention, on the possibility of having additional service providers, and on feasible procedures related to Article 11.3 of the Convention.

This document presents the report of the Ad-hoc Working Group, including a list of recommendations and a Draft Decision. It also comprises 5 annexes presented in the language in which they were submitted to the Group.

Draft Decision: 45 COM 11, see point V

This document cancels and replaces the previous one.

I. MANDATE

- 1. Through its **Decision 44 COM 11** (Fuzhou/online, 2021), the World Heritage Committee extended the mandate of the Ad-Hoc Working Group, composed of the members of the Committee and up to two non-members per Electoral Group. The Group was divided into two sub-groups with specific mandates:
 - Sub-Group 1 was mandated to analyze and propose sustainable and innovative solutions including the cost-sharing mechanism described in Paragraph 168bis of the Operational Guidelines for financing of the nomination process including the Preliminary Assessment, with the aim to improve transparency, cost efficiency and identify possible synergies, overlaps and potential cost-saving measures to be taken into account in the reformed evaluation cycle;
 - Sub-group 2 was mandated to:
 - a) Analyze and present concrete proposals on the following:

(i) Ensuring long term financial sustainability of all current and potential new Convention funds,

(ii) Transparency, efficiency and potential cost savings on the use of Convention financial resources (World Heritage Fund, UNESCO regular budget, and voluntary contributions),

(iii) Mapping of current and potential additional advisory service providers, with a view to improving geographical balance,

(iv) The possibility of exploring the criteria and governance under which the Committee may cooperate with international and non-governmental organizations in accordance with Articles 13.7 and 14.2 of the Convention as well as Paragraph 38 of the Operational Guidelines;

- b) Continue dialogue regarding feasible procedures related to Article 11.3 of the Convention;
- The Ad-hoc Working Group commenced its work on 24 January 2022. The Ad-hoc Working Group was chaired in 2022 by H.E. Mr. Alexander Kuznetsov, Ambassador, Permanent Delegate of the Russian Federation to UNESCO, and in 2023 by H.H. Ms. Haifa Al Mogrin, Ambassador, Permanent Delegate of Saudi Arabia to UNESCO.
- 3. Subsequent meetings took place online on the 11th of February, 14th of February, 14th of March, 13th of May, 1st of June 2022, and on the 20th of March, 5th of April, 9th of May and 16th of June 2023. Mornings were dedicated to Sub-group 1 while afternoons were dedicated to Sub-group 2. Representatives of the Secretariat (World Heritage Centre, and Administrative Officer of the Culture Sector) and of the Advisory Bodies (ICCROM, ICOMOS and IUCN), participated in the meetings. Representatives of the Bureau of Strategic Planning (BSP) also attended several meetings, mainly within Sub-group 1. Minutes were distributed after each meeting. The composition and time schedule of the Working Group are contained in Annex A to this document.

II. SUBGROUP 1: FINANCING OF THE NOMINATION PROCESS, INCLUDING THE PRELIMINARY ASSESSMENT (PA)

4. Sub-group 1 met online on eight occasions in 2022 and 2023. It was chaired in 2022 by Ms. Zoya Kritskaya (Russian Federation) and in 2023 by Ms. Yara Al Ghafri (The Sultanate of Oman).

- 5. During the meetings, it was underlined on numerous occasions that the main objective of the Preliminary Assessment (PA) is to improve the nomination process by facilitating the preparation of the nomination dossiers, to decrease the costs of nominations for Member States, and to reduce the imbalance of the World Heritage List. The group was briefed about the history and background of the establishment of the Preliminary Assessment, which originates from an IOS¹ recommendation of 2013, and which was endorsed by the Committee at its extended 44th session by a consensus decision following various steps of discussions and consultation with the States Parties. The differences between the PA and upstream process were also explained to the group.
- 6. Based on the analysis made by the Advisory Bodies, the estimated cost of the Preliminary Assessment was presented and amounts to US\$ 1,181,220 for 2 years. A few States Parties expressed their concerns that the new system will add to the time for the nominating process from a minimum of 1.5 to 2.5 years and will make it more expensive, while others highlighted the benefits of the Preliminary Assessment for States Parties as it would allow for a better preparation of the nomination files. Some Member States enquired about the potential financial impact of the introduction of the Preliminary Assessment on the nomination process. It was acknowledged that the PA would not lead to major cost reduction of the nominations for the Secretariat and Advisory Bodies, but since its aim is to provide guidance to States Parties, it would probably reduce the costs for the States Parties themselves.
- 7. The diversification of funding sources was also discussed by the Group, namely on how to include the Regular Budget funding. In this regard, the World Heritage Centre underlined that funding decisions related to the World Heritage Fund are governed by the World Heritage Committee, while the Regular Program Budget is governed by the Executive Board and the General Conference of UNESCO. It was also underlined that the advisory services can only be funded from the budget lines of the World Heritage Fund.
- 8. Some States Parties made some funding proposals such as leveraging the private sector and organizing a Partners' Forum. One State Party submitted the idea of making the PA voluntary, or introducing a mechanism that allows the States Parties to nominate more than one dossier per year at a substantially higher cost, which could then be diverted into the World Heritage Fund to either subsidize the nomination of other countries or improve capacity building in those countries.
- 9. There was a consensus among the Group that all funding measures should be voluntary, as introducing mandatory measures (namely increasing assessed contributions) would entail a modification to the 1972 Convention. One State Party, however, referred to the long-lasting financial difficulties faced by the Convention and stressed the need to open a fundamental discussion on how to increase the assessed contributions (currently set as 1% maximum), starting by soliciting legal advice and examining potential implications (e.g. additional protocol).
- 10. The group recalled the different options presented in the Resolution **19 GA 8**, §7 which recommended to States Parties to make unrestricted supplementary voluntary contributions and discussed the importance of reiterating the call to States Parties to voluntarily double their assessed contributions, and to contribute to the sub-account on the evaluation of nominations, based on the cost-sharing mechanism and to settle any pending assessed contributions (basis for recommendations 1 and 2).

¹ Internal Oversight Service of UNESCO

- The Group engaged in several discussions with the Bureau of Strategic Planning (BSP) 11. to discuss potential ways to leverage extrabudgetary resources. An option was presented by BSP to develop a feasibility study for a World Heritage sites membership scheme (Annex B). However, such a study would require financial resources. The organization of a Partners' Forum to leverage extrabudgetary funds was also discussed, especially in light of the discussions that were underway with the Host Country of the extended 45th session of the World Heritage Committee – the Kingdom of Saudi Arabia - to organize a side-event for this specific purpose. The Group welcomed the idea of organizing such fora, and agreed on the importance of involving States Parties in this process, as they could assist in identifying potential donors. In this context, the Group agreed to recommend to the World Heritage Centre to collaborate with the Bureau of Strategic Planning on ways to raise extrabudgetary funding for the World Heritage Convention, including for the nomination process, and to look into ways to consider the possibility of organizing a Partners' Forum annually in dialogue with States Parties (basis for recommendations 2 and 3).
- The Group examined several presentations related to the financial situation of the World 12. Heritage Centre, including the IOS Performance Audit of the UNESCO World Heritage Centre; the financial report of the World Heritage Fund (2020-2021)²; an analysis of funding under the World Heritage Fund (WHF), the Regular Budget and Extrabudgetary Funds; a presentation on various budget lines of the WHF; and a presentation of the different existing reserves under the WHF. Within this context, three funding scenarios of the Preliminary assessment were presented by the World Heritage Centre: (i) to reduce the number of files reviewed per year, (ii) to use the sub-account for the evaluation of nominations; (iii) to decrease budget lines for advisory services. There was a consensus among the Group not to reduce the number of files nor decrease budget lines, particularly those pertaining to International Assistance and capacity building. In this respect, and as no potential synergies were identified, the Group decided to recommend to use up to 100% of the amount in the sub-account on evaluations of nominations to contribute to the financing of the nomination process, particularly the Preliminary Assessment, as from September 2023, and to complement, if necessary, the financing needs of the World Heritage Centre related to the Preliminary Assessment. with funds from the operating reserve, as the other reserves under the Fund are restricted (basis for recommendations 5 and 6).
- 13. The Group also decided to continue discussions in view of further exploring sustainable solutions for financing the nomination process, including the Preliminary Assessment, in the framework of the next Ad-hoc Working Group, to be established for 2023-2024 (recommendation 7).

III. SUBGROUP 2: FINANCIAL SUSTAINABILITY, ADVISORY SERVICES AND DIALOGUE ON ARTICLE 11.3

- 14. Subgroup 2 met online on five occasions in 2022 and 2023. It was chaired in 2022 by Mr. Tommaso Giordano (Italy) and in 2023 by Ms. Chiara Franco (Italy).
- 15. During the meetings, the Working Group analyzed the issue of the long-term financial sustainability of all current and potential new Convention funds. The States Parties acknowledged that the Convention's resources are limited and that in the face of an ever greater relevance attached to the Convention and of the new and increasing

² See Annex 1 of Document WHC/23/45.COM/15

challenges facing it - there is a growing difficulty to adequately finance all necessary activities. Therefore, the Working Group agreed on the need to explore ways to, on the one hand, reducing the costs linked to the implementation of the various activities envisaged by the Convention, and, on the other hand, increasing the resources available through new funding.

- 16. The Working Group therefore examined the scenarios for possible cost-savings presented over the last years by the Secretariat, including the reduction of the annual limit of nominations that can be evaluated; the reduction of state of conservation reports to be examined annually; the reduction of the frequency of the meetings of the World Heritage Committee.
- 17. As requested by a State Party, the Secretariat provided to the Working Group updated estimates on the eight cost-savings scenarios that had been presented to the Word Heritage Committee at its 39th session, following a request by the Committee at its 38th session. It was illustrated how, with reference to the budget 2022-2023, each scenario would entail cost-savings ranging from a minimum of US\$ 76,621 (reducing the number of state of conservation reports examined annually by the Committee from 150 to 120) to a maximum of US\$ 532,395 (organizing one Committee meeting every 2 years and reducing the number of nominations from 45 to 22 and the number of state of conservation reports from 150 to 75).
- 18. None of the possible scenarios was agreed upon by the Working Group. Regarding, for example, the possibility to further lower the ceiling to the number of nominations that can be evaluated every year (currently established at 35), the Working Group considered that, on the one hand, a moderate reduction of this ceiling (for instance establishing it at 30) would probably not entail significant cost-savings due to the fact that the actual ceiling of 35 is almost never reached on the other hand, a significant lowering of the ceiling (for instance establishing it at 25) would not be desirable.
- 19. One State Party suggested, on the contrary, that States Parties should be allowed to present up to two nominations per year, while providing additional financing in this case.
- 20. Another State Party proposed that the possibility of presenting up to two nominations (one new nomination and one nomination previously deferred) be given only to States Parties which are currently underrepresented in the World Heritage List.
- 21. Furthermore, the Working Group discussed other possible cost-saving measures, such as, as proposed by a State Party, the introduction of a temporary moratorium on the evaluation of nominations from States Parties which have not regularly paid assessed contributions, without detriment for States Parties which cannot pay for causes beyond their control.
- 22. However, the Working Group could not find an agreement on potential cost-saving measures that could be adopted and considered that further debate on this matter would be necessary.
- 23. The Advisory Bodies also provided the Working Group information on their budgets, costs and resources, stressing that significant additional resources to serve the needs of the Convention were being provided.
- 24. The Working Group acknowledged with conviction the growing need for improved geographical balance in the Convention, which was deemed as a crucial and priority issue for the credibility and the future of the Convention itself, especially following its 50th anniversary and the necessity to build on achievements to create even better perspectives. It was recalled by the Director of the World Heritage Centre that so far there are still 27 States Parties to the Convention which have never submitted nominations.

- 25. The Advisory Bodies shared detailed information and statistics on their geographical diversity and on their ongoing efforts to tackle the issue of geographical balance. They also illustrated future strategies and made additional proposals for possible future improvements (Annex C).
- 26. Among the proposals presented to the Working Group, ICOMOS suggested for example inviting experts from underrepresented regions and countries to participate in Advisory missions or evaluation missions as observers; inviting experts who are not ICOMOS members to participate in the ICOMOS World Heritage Panel; develop ICOMOS' relationships with Universities in Africa and other underrepresented regions; develop capacity-building programs focused on supporting the development and revision of Tentative Lists in Africa; contribute to the implementation of the Preliminary Assessment through development of guidance and related training courses at the regional level.
- 27. IUCN illustrated as well its commitment to strengthen regional diversity of IUCN experts, as recommended in the outcome of its external Strategic Review. It also made the Working Group aware of the importance of its open global call for World Heritage experts, applications to which are particularly encouraged for experts from underrepresented and priority regions.
- 28. The changes already implemented by the Advisory Bodies with the objective of addressing geographical balance were commended by the Working Group, in particular with reference to the change in the composition of ICOMOS' panels, replacing a system in which the composition of the panels reflected the geographical repartition of nominations submitted with a system in which all regions of the world are equally represented, which was particularly commended.
- 29. Additional changes and improvements in the procedures aimed at enhancing geographical balance were also encouraged by the members of the Working Group.
- 30. The Working Group agreed on the need of enhancing capacity-building activities, specifically targeting experts from underrepresented regions and countries, as a crucial way to reach the objective of improving geographical balance. The Working Group acknowledged, at the same time, that such activities would require additional funding, in a context in which there are already important financial constraints.
- 31. The Secretariat recalled capacity-building activities already ongoing, including the mentorship programme and the review of the World Heritage capacity strategy conducted by ICCROM.
- 32. In the context of the debate on advisory services, and with reference to the specific mandate of the Ad-hoc Working Group, there were several discussions on the preliminary mapping (presented by the Secretariat as a follow-up to Decision 44 COM 14) of potential additional advisory services, which could integrate the pool of advisory services providers together with the current three Advisory Bodies, in line with articles 13.7 and 14.2 of the Convention, as well as Paragraph 38 of the Operational Guidelines.
- 33. The preliminary mapping which was examined included 271 entities falling within six main categories: organizations contracted by UNESCO in 2020-2021 in support of the implementation of the World Heritage Convention; organizations associated with the implementation of the World Heritage Convention through the UNITWIN/UNESCO Chairs Programme; Category 2 Institutes and Centres; non-governmental organizations and foundations in official partnership with UNESCO; registered organizations to the World Heritage Committee sessions in the past 5 years; UN bodies and other intergovernmental organizations with expertise relevant to the implementation of the Convention; other organizations of potential interest.

- 34. The Working Group examined also the possible selection criteria proposed by the Secretariat, namely proven competence, expertise and experience on World Heritage; sub-regional, regional or global scope/nature; objectives in line with the spirit and letter of the 1972 Convention; established domicile and legal personality for at least 5 years; operational and staffing capacities; capacity to fully comply with UNESCO rules and regulations on procurement; absence of conflict of interest.
- 35. The Working Group agreed that this preliminary mapping, as well as the list of possible criteria to select potential additional service providers, cannot be considered as exhaustive and finalized, but that further debate on this matter would be needed. Additional discussion would be particularly necessary with reference to the criteria to be used, as well as to the type of services that such organizations could be asked to provide in the context of the Convention.
- 36. A document on Article 11.3 of the World Heritage Convention was presented to the Working Group by the Secretariat, with reference also to the two legal advice already asked and provided in 2021 (Annex D). With regards to Article 11.3, a State Party reiterated the wish to introduce new procedures to face possible nominations in contested territories, suggesting also considering the possible extension of the mechanism to notify a contestation recently agreed upon for sites of memory. The Working Group decided to continue exploring possible solutions to operationalize Article 11.3.
- 37. The Working Group finally considered a set of possible recommendations proposed by a State Party with the purpose of strengthening the dialogue between States Parties, the World Heritage Centre and the Advisory Bodies within the framework of the Reactive Monitoring Process, with particular reference to recommendations of inscription in the List of World Heritage in Danger, and reducing possible divergences between the Advisory Bodies' advice and World Heritage Committee's decisions.
- 38. The importance of the proposal was broadly recognized by the members of the Working Group, who expressed wide support. However, a consensus could not be reached on whether this issue could be included within the mandate of the Ad-hoc Working Group. Therefore, it was decided to postpone the debate on this issue, including it within the mandate of the next Ad-hoc Working Group.

IV. RECOMMENDATIONS

A- RECOMMENDATIONS ISSUED BY SUBGROUP 1

- 39. A drafting working group led by Ms. Kristin Karlsen (Norway), was created to draft the recommendations, based on the discussions of the group. These recommendations were subsequently shared and finalized by Sub-group 1 on 16th of June 2023.
 - 1. Recommends that the Secretariat reiterates, whenever possible, the call for States Parties to contribute to the World Heritage Fund, namely by
 - doubling their assessed contributions;
 - contributing to the sub-account on the evaluation of nominations, reminding States Parties who have submitted a nomination, following the completeness check, of the expectation to make a voluntary contribution towards funding evaluation of nominations by the Advisory Bodies, as per the rules described in §168bis of the Operational Guidelines;
 - providing secondments to the World Heritage Centre;
 - settling any pending assessed contributions.

2. Recalls **Resolution 19 GA 8**, §7 which recommended to States Parties willing to make unrestricted supplementary voluntary contributions to apply one of the options developed by the Secretariat and presented to the Committee in Document WHC-13/37.COM/15.Rev as well to the General Assembly in Document WHC-13/19.GA/8 as follows:

Option 1: Increasing the standard percentage used in the calculation of the contributions to the World Heritage Fund from 1% to 2%,

Option 3.1: Increasing the contributions by a flat rate of US\$3,300 per property inscribed,

Option 3.2: Increasing the contributions by an additional 4% of the current assessed contribution per property inscribed,

Option 3.3: Increasing the contributions by an additional amount per property inscribed, according to a percentage increasing with the number of properties inscribed,

Option 3.4: Increasing the contributions by an additional amount per property inscribed, according to a percentage decreasing with the number of properties inscribed,

Option 4: Increasing the contributions on the basis of the number of tourists arrivals at World Heritage Sites,

Option 5: Contributing per activity.

- 3. Recommends the World Heritage Centre to collaborate with the Bureau of Strategic Planning on ways to raise extrabudgetary funding for the World Heritage Convention, including for the nomination process.
- 4. Recommends the Secretariat to consider the possibility of organizing a Partners' Forum annually in dialogue with States Parties and ensuring appropriate followup and implementation of the outcomes.
- 5. Recommends to use up to 100% of the amount in the sub-account on evaluations of nominations to contribute to the financing of the nomination process, particularly the Preliminary Assessment, as from September 2023.
- 6. Recommends to complement, if necessary, the financing needs of the World Heritage Centre related to the Preliminary Assessment, with funds from the operating reserve.
- 7. Recommends to continue discussions in view to find sustainable solutions for financing the nomination process including the Preliminary Assessment, in the framework of the next Ad-hoc Working Group to be established for 2023-2024.

B- RECOMMENDATIONS ISSUED BY SUBGROUP 2

- 40. A drafting working group led by the Chair of subgroup 2 was created to draft the recommendations, based on the discussions of the group. These recommendations were subsequently shared and finalized by Sub-group 2 on 16th of June 2023.
 - 8. Recommends that BSP, in cooperation with the World Heritage Centre, present a long-term fund-raising strategy on the financial sustainability of the Convention.

- 9. Recommends to welcome the changes already implemented by the Advisory Bodies in the procedures and working methods in order to improve the geographical balance, commending especially the change in the geographical composition of ICOMOS' evaluation panels, and to encourage other proposals aimed at reaching this objective.
- 10. Recommends that the World Heritage Centre and the Advisory Bodies further promote capacity-building activities, specifically targeting experts from underrepresented regions and countries, with the main purpose of improving the geographical balance of the Convention.
- 11. Recommends to call upon States Parties to contribute to the World Heritage Fund, through supplementary voluntary contributions, for the financing of capacity-building activities.
- 12. Recommends to continue to explore the possibility of using additional service providers for the activities carried out within the Convention, according to art. 13.7 and 14.2 of the Convention, as well as paragraph 38 of the Operational Guidelines.
- 13. Recommends to continue exploring possible solutions to operationalize Article 11.3 of the World Heritage Convention.
- 14. Recommends to extend the mandate of the Ad-hoc Working Group, including the issue of enhancing the dialogue between States Parties, the World Heritage Centre and the Advisory Bodies in the context of the reactive monitoring process, and taking into account the proposal from Japan as included Annex E to this document.

V. DRAFT DECISION

Draft Decision: 45 COM 11

The World Heritage Committee,

- 1. <u>Having examined</u> Document WHC/23/45.COM/11.Rev,
- 2. <u>Expresses its appreciation</u> to the Ad-hoc Working Group for its work and recommendations;
- 3. <u>Endorses</u> the recommendations as presented by the Ad-hoc Working Group;
- 4. <u>Decides</u> to extend the mandate of the Ad-hoc Working Group, to be composed of members of the Committee and up to two non-members per Electoral Group, giving consideration to out-going members of the Committee in 2023, to:
 - a) Identify sustainable solutions for financing the nomination process including the Preliminary Assessment;
 - b) Explore options to improve the geographical balance, with particular reference to capacity building activities;
 - c) Explore the possibility of using additional service providers;

- d) Discuss concrete proposals to enhance the dialogue between States Parties, the World Heritage Centre and the Advisory Bodies in the context of the reactive monitoring process;
- e) Continue dialogue regarding feasible procedures related to Article 11.3 of the World Heritage Convention.
- 5. <u>Further decides</u> that the Ad-hoc Working Group shall work in consultation with the World Heritage Centre, Advisory Bodies and, as appropriate, relevant stakeholders, and submit its report and recommendations to the 46th session of the Committee.

AD HOC WORKING GROUP MEMBERS (2022-2023)

Committee Members

ARGENTINA	BELGIUM
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BULGARIA	EGYPT
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ETHIOPIA	GREECE
dl.ethiopia@unesco-delegations.org	dl.greece@unesco-delegations.org
INDIA	ITALY
dl.india@unesco-delegations.org	dl.italy@unesco-delegations.org
JAPAN	MALI
dl.japan@unesco-delegations.org	dl.mali@unesco-delegations.org
MEXICO	NIGERIA
dl.mexico@unesco-delegations.org	dl.nigeria@unesco-delegations.org
OMAN	QATAR
dl.oman@unesco-delegations.org	dl.qatar@unesco-delegations.org
	and at a for a second
RUSSIAN FEDERATION	RWANDA
dl.russia@unesco-delegations.org	dl.rwanda@unesco-delegations.org
SAINT VINCENT AND THE GRENADINES	SAUDI ARABIA
dl.st-vincent@unesco-delegations.org	dl.saudi-arabia@unesco-delegations.org
SOUTH AFRICA	THAILAND
dl.south-africa@unesco-delegations.org	dl.thailand@unesco-delegations.org
ZAMBIA	
dl.zambia@unesco-delegations.org	

Non Committee Member States as per the Electoral Groups

Electoral Group I	
FRANCE	NORWAY
dl.france@unesco-delegations.org	dl.norway@unesco-delegations.org
Electoral Group II	
SLOVAKIA	SLOVENIA
dl.slovak-republic@unesco-delegations.org	dl.slovenia@unesco-delegations.org

Electoral Group III	
COLOMBIA	PANAMA
dl.colombia@unesco-delegations.org	dl.panama@unesco-delegations.org
Electoral Group IV	
AUSTRALIA	CHINA
dl.australia@unesco-delegations.org	dl.china@unesco-delegations.org
Electoral Group Va	
KENYA	NAMIBIA
dl.kenya@unesco-delegations.org	dl.namibia@unesco-delegations.org
Electoral Group Vb	
MOROCCO	SYRIAN ARAB REPUBLIC
dl.morocco@unesco-delegations.org	dl.syria@unesco-delegations.org

SCHEDULE OF MEETINGS

1 st meeting of the Ad-hoc working group (inception)
2 nd meeting of the Ad-hoc working group (both Sub-groups)
3 rd meeting of the Ad-hoc working group (both Sub-groups)
4 th meeting of the Ad-hoc working group (Sub-group 1)
5 th meeting of the Ad-hoc working group (Sub-group 1)
6 th meeting of the Ad-hoc working group (Sub-group 1)
7 th meeting of the Ad-hoc working group (relaunch)
8 th meeting of the Ad-hoc working group (both Sub-groups)
9 th meeting of the Ad-hoc working group (both Sub-groups)
10 th meeting of the Ad-hoc working group (both Sub-groups)

Preliminary Terms of Reference for developing a feasibility study for a World Heritage sites membership scheme

1. Introduction

This ToR outlines the key objectives and processes to be followed in developing a feasibility study for a proposed World Heritage Site Membership Scheme. This scheme is a proposed initiative where World Heritage Sites authorities will pay a membership fee to the UNESCO World Heritage Fund for the preservation and conservation of World Heritage sites worldwide.

2. Objective of the Feasibility Study

The objective of the feasibility study is to assess the viability of the proposed scheme and to outline the key elements and actions required to establish and implement it.

The consultant in charge of the feasibility study will be required to undertake the following:

- Market Analysis: The consultant will assess the potential market size for the scheme, specifically focusing on the number of World Heritage sites that could potentially join and their capacity to pay the proposed membership fee. This analysis will involve conducting research, collecting relevant data, and analyzing market trends and potential demand for the scheme.
- Stakeholder Analysis: The consultant will identify and engage with key stakeholders involved in the implementation of the scheme. This includes local and tourism authorities, WH sites managers and relevant institutions. The consultant will conduct interviews, hold meetings and gather insights from stakeholders to understand their perspectives, willingness, and capacity to contribute to the World Heritage Fund.
- Implementation Strategy: The consultant will propose a comprehensive implementation strategy for the scheme. This will involve developing a management structure that outlines the roles and responsibilities of various stakeholders. The consultant will also assess the human resources needed for successful implementation and make recommendations regarding the recruitment, training and capacity building of staff. Additionally, the consultant will evaluate the technological infrastructure required to effectively manage the scheme, such as database systems, online platforms and communication tools.
- Financial Analysis: The consultant will develop a financial model for the proposed scheme. This
 will include analyzing potential pricing strategies for membership fees, assessing revenue
 projections based on market demand and identifying costs associated with setting up and
 operating the scheme. The financial analysis will provide insights into the financial viability and
 sustainability of the scheme, helping UNESCO to make informed decisions regarding its
 feasibility.
- Risk Analysis: The consultant will identify potential risks and challenges associated with the implementation of the scheme. These risks and challenges may include image and reputation, regulatory hurdles, political considerations, operational risks, as well as effective governance issues and credibility of the World Heritage system. The consultant will assess the probability and potential impact of these risks and propose mitigation strategies to minimize their effects.

Throughout the engagement, the consultant will collaborate closely with UNESCO to ensure a thorough understanding of the project goals and requirements. The final deliverable will be a comprehensive report that encompasses all the analyses, strategies and recommendations mentioned above.

4. Deliverables

The consultant will deliver a comprehensive feasibility study report containing an executive summary, a detailed analysis as per the scope of work, and conclusions and recommendations for the implementation of the scheme.

5. Timeframe

The feasibility study is to be completed within 6 months from the date of contract signing.

6. Qualifications of the Consultant

The consultant should demonstrate the following qualifications and skills:

- a. Extensive experience in conducting feasibility studies, with a specialization in the fields of cultural management, heritage conservation, tourism or marketing;
- b. Deep understanding of cultural management and proficiency in marketing strategies, especially within the context of cultural and heritage sites. This should include knowledge of market segmentation, targeting and positioning for cultural, tourism or heritage services. Experience in digital marketing, including social media and content marketing, will be highly beneficial;
- c. Knowledge and experience in related areas such as sustainable tourism, cultural tourism, heritage interpretation, audience development and stakeholder engagement;
- d. Prior experience working with heritage sites, or in sectors related to heritage conservation and management, would be a valuable asset;
- e. Experience in risk analysis.

7. Evaluation criteria

Proposals will be evaluated based on the consultant's demonstrated understanding of the project, proposed methodology, relevant experience, and cost-effectiveness.

8. Submission of proposals

Interested consultants (who may be individuals or companies) should submit a technical and financial proposal outlining their understanding of the task, proposed methodology, timeline and cost.

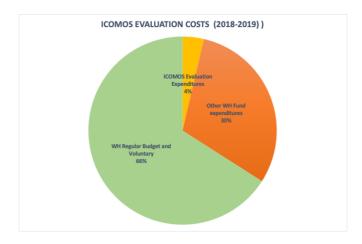
Paris, 8 March 2022 Revised version 24 April 2023

ICOMOS' ADDITIONAL INFORMATION ON EVALUATION COSTS AND EVALUATION PANELS

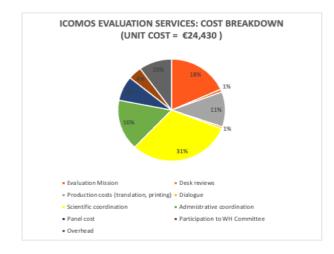
Following the invitation expressed to the Advisory Bodies at the 14 February meeting of the Ad-hoc Working Group - Sub Groups I and II to present additional information on its evaluation costs and evaluation panels, ICOMOS is pleased to put forward the following to contribute to the reflection.

A/ EVALUATION COSTS

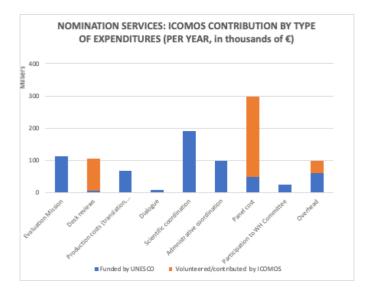
While the evaluation of nominations by independent bodies is one of the specific and substantial characteristics of the World Heritage Convention, intended to ensure the quality not only of the inscriptions but also of the subsequent monitoring and protection of the sites inscribed, the costs of the evaluation process represent a limited fraction of the total funding allocated by UNESCO to World Heritage activities. As regards ICOMOS, and on the basis of the information provided (https://whc.unesco.org/archive/2021/whc21-44com-14-en.pdf, Annex II attachment 1), the cost of its evaluation services represents 4% of total funding.



The average individual cost of evaluating a nomination by ICOMOS, <u>as funded by UNESCO</u>, can be estimated at \$25,000. This can clearly vary according to the specifics of the file (in particular, whether the nomination comprises a single or serial property) but as the detailed figures provided in APPENDIX 1 - which had been shared during the 40th session of the World Heritage Committee <u>https://whc.unesco.org/archive/2016/whc16-40com-15-EN.pdf</u> ANNEX V - show, deviations from this average are limited and mostly in the costs of the evaluation missions. Based on the costs tracked for the 2015-2016 cycle, the average cost structure by expenditure category is presented below:



- 2. This breakdown reflects only the fraction of the evaluation costs that are funded by UNESCO. As previously noted in its observations on the Background Document provided by the Secretariat, ICOMOS, as well as the two other Advisory Bodies, provides a significant contribution to the Convention from its own resources and networks. This contribution results both from services that are paid at rates significantly below standard and below the rates used by UNESCO itself for other activities and from services that are not paid at all and are therefore volunteered by ICOMOS experts.
- As illustrated by the graph below, and on the basis of the information provided (<u>https://whc.unesco.org/archive/2016/whc16-40com-15-EN.pdf</u> ANNEX V and <u>https://whc.unesco.org/archive/2021/whc21-44com-14-en.pdf</u>, Annex VIII - ICOMOS 2022-2023 proposed budget), the ICOMOS evaluation costs that remain unpaid by UNESCO are in the vast majority of cases those related to:
 - Working time (preparation and attendance) and travel expenses of panel members;
 - Desk reviews from international experts.



- 4. For all the reasons mentioned above, the introduction of the Preliminary Assessment might not easily translate into savings for the World Heritage Fund during the second evaluation stage.
 - a. It is undeniable that the implementation of a preliminary review will facilitate the second stage: desk reviews and increased dialogue with national experts in particular will allow the identification of the strong points and weaknesses of the nomination dossier at an earlier stage as well as the formulation of responses to any pending questions.
 - b. Therefore, it is highly probable, for instance, that the length of panel meetings (currently 6 to 8 days for the November panel and 2 to 3 days for the March panel, see process map in APPENDIX 2) could be reduced. It can also be expected that for some nominations, fewer desk reviews could be needed in the second stage.
 - c. However, it remains difficult to quantify potential changes as of today, while the Preliminary Assessment has not yet been implemented and we have no tangible experience of how it could impact the second evaluation stage. Besides, and importantly, it must be noted that, in some cases, the Preliminary Assessment will likely lead to a significant reorganization and reframing of the initial nomination file. One of the objectives and expected benefits of the reform is precisely that it will allow the reworking and redesigning of a nomination dossier during the pre-preparation phase rather than permitting files to proceed to the end of the evaluation process with little chance of success. As such, it must be stressed that the second step of the Preliminary Assessment.

- 5. Last but not least, from a financial point of view, it appears that the main items of expenditures to be potentially alleviated by the Preliminary Assessment (the panels and desk reviews as mentioned in point 4 above) are precisely those that are not compensated by UNESCO. As these costs are largely almost entirely volunteered, a reduction in the length of the panel or in the number of desk reviews would not translate into financial savings for the World Heritage Fund.
- 6. In a more constructive perspective, ICOMOS considers that the introduction of the Preliminary Assessment could most likely allow its staff, with a constant team size (of 3 people), to coordinate a higher number of nomination files in the second evaluation stage. ICOMOS' coordination work will indeed be facilitated by the knowledge of the context, of the authorities and of the national experts it acquires through the dialogue engaged in the preliminary step.

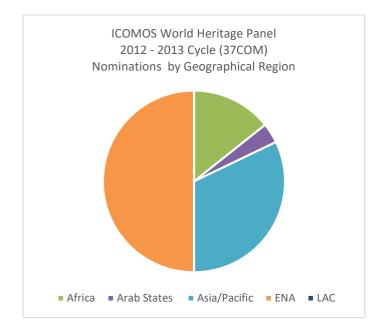
B/ EVALUATION PANELS

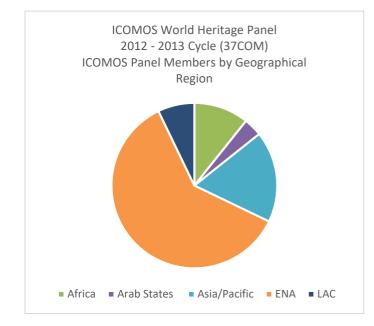
- 7. The graphs below compare over the period 2012-2021 the geographical composition of the nomination dossiers evaluated by ICOMOS each year with that of the ICOMOS evaluation panels. The composition of the panels for each year of the period in question is detailed in Appendix 3.
- 8. It can be seen that the geographical balance of the panels closely mirrors that of the nomination dossiers, since it is precisely in this sense that the concept of geographical balance has so far been understood and implemented by ICOMOS.
- 9. Ongoing reflections and discussions could lead ICOMOS to revisit the concept of the balance of the panel with a more balanced representation of each region of the world regardless of the composition of the set of nomination dossiers to be evaluated. <u>This change has already been implemented for the 2022-2023 ICOMOS Panel</u>

Statistics on the geographical spread of ICOMOS World Heritage Panel Members

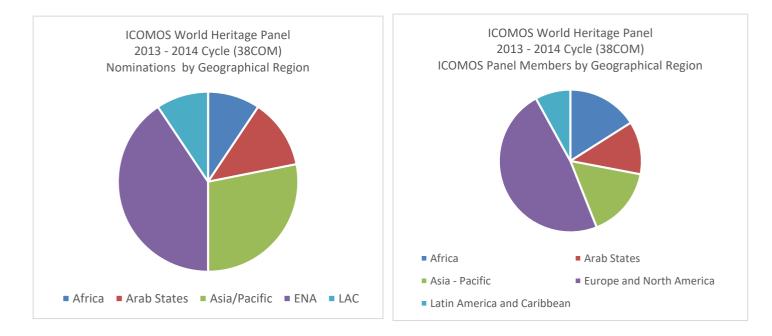
The present document provides data on the geographical spread of the experts involved in the ICOMOS World Heritage Panel in the framework of its mandate as Advisory Body to the World Heritage Convention in the period 2012-2021.

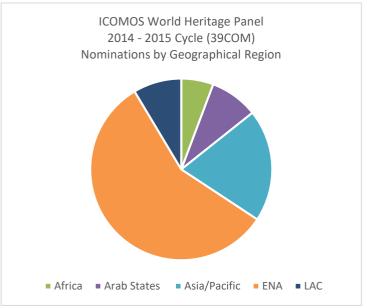
1. 2012 – 2013 World Heritage Cycle





2. 2013 – 2014 World Heritage Cycle



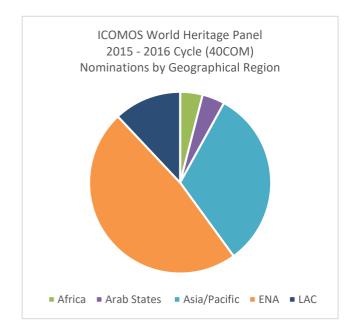


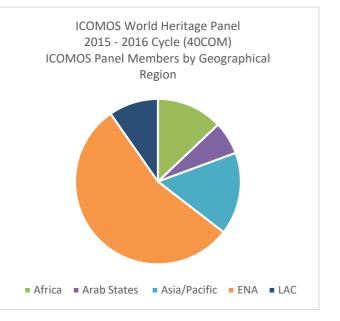
3. 2014 – 2015 World Heritage Cycle

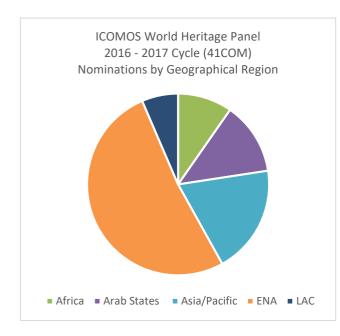
ICOMOS World Heritage Panel 2014 - 2015 Cycle (39COM) ICOMOS Panel Members by Geographical Region

Africa Arab States Asia/Pacific ENA LAC

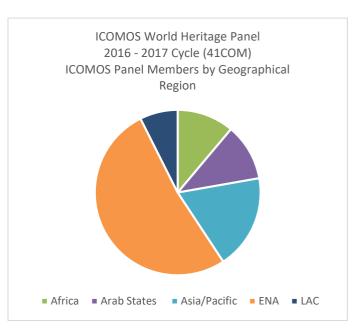
4. 2015 – 2016 World Heritage Cycle



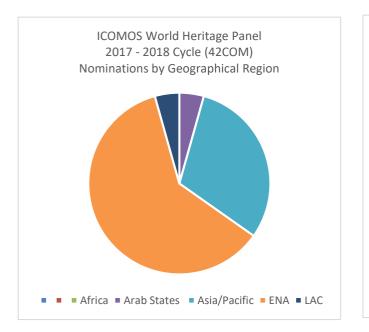


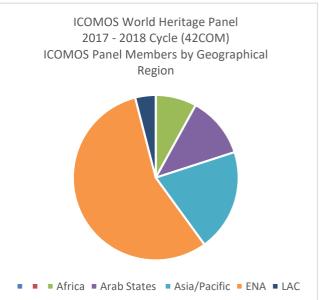


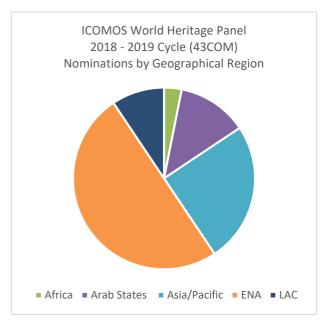
5. 2016 – 2017 World Heritage Cycle

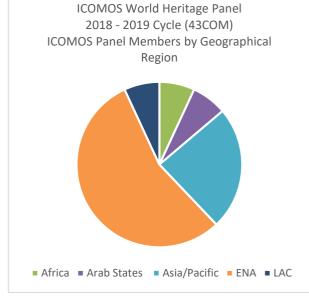


6. 2017 – 2018 World Heritage Cycle



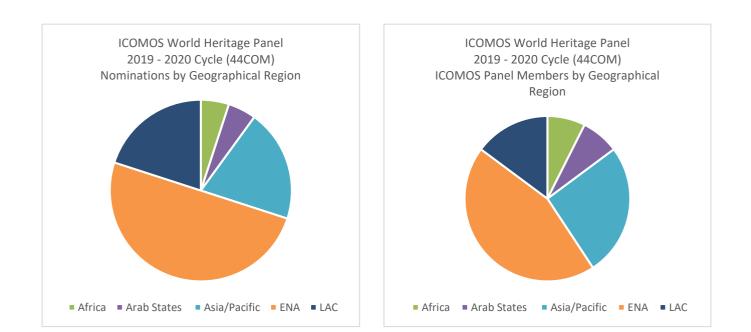




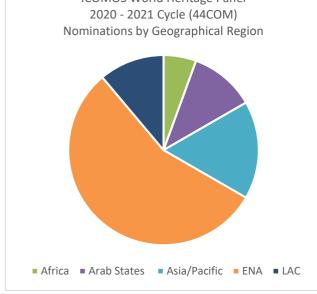


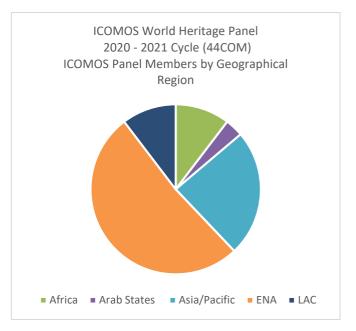
7. 2018 – 2019 World Heritage Cycle

8. 2019 – 2020 World Heritage Cycle

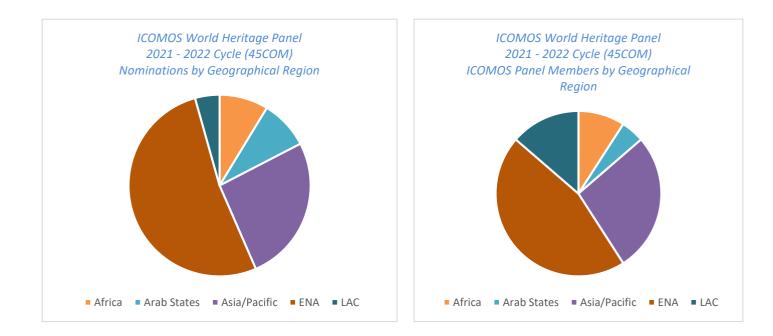




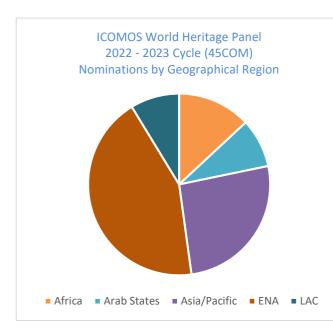


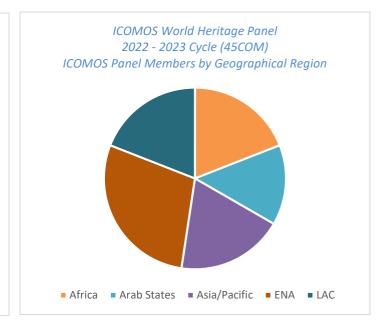


10. 2021 - 2022 World Heritage Cycle



11. 2022 – 2023 World Heritage Cycle





APPENDIX 1

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Nominations - Cost analysis cycle 2016 All Figures in Euros

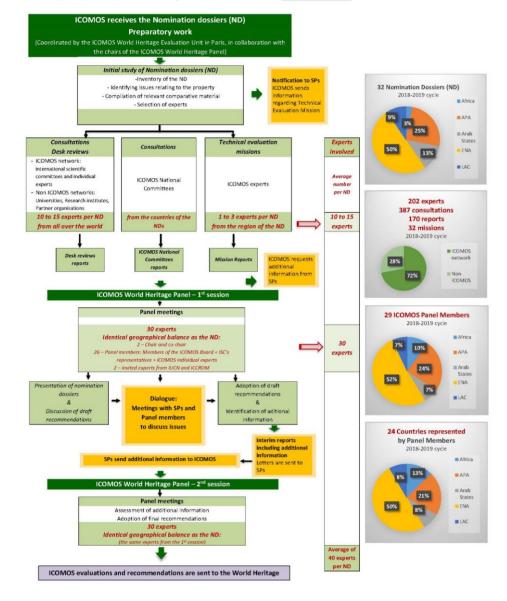
Follow-up to Recommendations of Evaluations and Audits on Working Methods WHC/23/45.COM/11.Rev, p.25 and outcomes of the ad-hoc working group

24429,60806

APPENDIX 2

ICOMOS EVALUATION PROCEDURE - PROCESS MAP

The ICOMOS procedure is described in Annex 6 of the Operational Guidelines for the implementation of the World Heritage Convention. It is regulated by the Policy for the implementation of the ICOMOS World Heritage mandate (latest revision in October 2015). <u>www.international.icomos.ora</u>.



APPENDIX 3 List of ICOMOS World Heritage Panel Attendees

1. 2012 - 2013 Cycle*

Semia Akrout Yaiche – Tunisia Gustavo Araoz – USA Sofia Avgerinou Kolonias - Greece Susan Balderstone - Australia Stefan Belishki - Bulgaria Kristal Buckley - Australia Dinu Bumbaru - Canada Francesco Caruso - Italy Alfredo Conti – Argentina Michel Cotte – France Susan Denyer – UK Fatima Fall- Senegal Pamela Jerome - USA Rohit Jigyasu - India Toshiyuki Kono - Japan Gideon Koren - Israel Kirsti Kovanen - Finland Philippe La Hausse - Maurice Wilfried Lipp - Austria Olga Orive - Mexico Michael Petzet - Germany Hae Un Rii – Korea Britta Rudolff - Germany Laura Robinson - South Africa Grellan Rourke – Ireland Nathan Schlanger - France Christoph Machat - Germany Guo Zhan – Chine

2. 2013 - 2014 Cycle*

Semia Akrout Yaiche – Tunisia Sofia Avgerinou Kolonias – Greece Susan Balderstone – Australia Kristal Buckley – Australia Dinu Bumbaru – Canada Alicia Leonor Cahn Behrend Francesco Caruso - Italy Amel Chabbi – UAE Alfredo Conti – Argentina Michel Cotte – France Luisa De Marco - Italy Susan Denver – UK Claus-Peter Echter – Austria Pamela Jerome – USA Donatius Kamamba – Tanzania Toshiyuki Kono - Japan Gideon Koren - Israel Kirsti Kovanen - Finland

Philippe La Hausse – Maurice Monica Luengo – Spain Christoph Machat – Germany Olga Orive – Mexico Michael Petzet – Germany Hae Un Rii – Korea Grellan Rourke – Ireland Laura Robinson – South Africa Britta Rudolff – Germany Nathan Schlanger – France Abdoul Sow – Senegal Guo Zhan – Chine

3. 2014 - 2015 Cycle*

Gustavo Araoz (United States of America) Sofia Avgerinou-Kolonias (Greece) Susan Balderstone (Australia) Amel Chabbi (United Arab Emirates) Alfredo Conti (Argentina) Alissandra Cummins (Barbados) Luisa De Marco (Italy) Susan Denver (United Kingdom) Claus-Peter Echter (Germany) Gordon Fulton (Canada) Geoffroy Heimlich (France) Stephen Hughes (United Kingdom) Kirsti Kovanen, Secretary General (Finland) Toshiyuki Kono, Vice-President (Japan) Gideon Koren, Vice-President (Israel) Mónica Luengo (Spain) Ntsizi November (South Africa) Olga Orive (Mexico) Vasu Poshyanandana (Thailand) Laura Robinson (South Africa) Cees van Rooijen (Netherlands) Grellan Rourke, Vice-President (Ireland) Britta Rudolff (Germany) Leo Schmidt (Germany) Guo Zhan (China)

4. 2015 - 2016 Cycle*

Samir Abdulac (France) George Abungu (Kenya) Gustavo Araoz, President (United States of America) Susan Balderstone (Australia) Stefan Belishki (Bulgaria) Jae Heon Choi (Korea) Alfredo Conti (Argentina) Alissandra Cummins (Barbados) Luisa De Marco (Italy) Susan Denyer (United Kingdom) Alpha Diop (Mali)

Tamas Fejerdy (Hungary) Carole Fritz (France) Marcela Hurtado (Chile) Mustapha Khanoussi (Tunisia) Albino Jopela (Mozambique) Joseph King (USA) Toshiyuki Kono (Japan) Kirsti Kovanen, Secretary General (Finland) Gideon Koren, Vice-President (Israel) Monica Luengo (Spain) Susan Macdonald (USA) Hossam Mahdy (Egypt) Peter Phillips (Australia) Nancy Pollock-Ellwand (Canada) Laura Robinson (South Africa) Cees van Rooijen (Netherlands) Grellan Rourke (Ireland) Britta Rudolff (Germany) Herman Van Hoff (The Netherlands) Guo Zhan (China)

5. 2016 - 2017 Cycle*

Jean-Yves Andrieux - France Gustavo Araoz – USA Kristal Buckley – Australia Jae-Heon Choi – Korea Douglas Comer - USA Alfredo Conti - Argentina Luisa De Marco - Italy Susan Denyer - UK Alpha Diop – Mali Claus-Peter Echter – Germany Tamas Fejerdy – Hungary Mohammed Hamdouni – Morocco Toshiyuki Kono – Japan Gideon Koren – Israel Kirsti Kovanen - Finland Hossam Mahdy – Egypt James Molnar - Canada Peter Phillips – Australia Nancy Pollock-Ellwand - Canada Bakonirina Rakotomamonjy - Madagascar Mario Rivera - Chile Laura Robinson - South Africa Grellan Rourke – Ireland Britta Rudolff – Germany Nathan Schlanger – France Anan Soufan - Syria

6. 2017 - 2018 Cycle*

Nasser Al-Jahwari (Oman) Kristal Bucklev (Australia) Douglas Comer (USA) Alfredo Conti (Argentina) Luisa De Marco (Italy) Susan Denyer (UK) Nathalia Dushkina (Russia) Claus-Peter Echter (Allemagne) Abdoul Aziz Guissé (Sénegal) Geoffroy Hemlich (France) Albino Jopela (Mozambique) Toshiyuki Kono (Japan) Kirsti Kovanen (Finlande) Hossam Mahdy (Egypt) James Molnar (Canada) Peter Phillips (Australie) Navin Piplani (Inde) Nancy Pollock-Ellwand (Canada) Massimo Preite (Italie) Grellan Rourke (Irlande) Britta Rudolff (Germany) Hee Kwon Shin (Korea) Nathan Schlanger (France) Anas Soufan (Syria) Stefan Wessman (Finlande)

7. 2018 - 2019 Cycle*

Samir Abdulac (Syria) Riin Alatalu (Estonia) Jiang Bo (China) Kristal Buckley (Australia) Adriana Careaga (Uruguay) Mariana Correia (Portugal) Gabriel Cooney (Ireland) Michel Cotte (France) Luisa De Marco (Italy) Susan Denyer (UK) Mette Eggen (Norway) Geoffroy Hemlich (France) Toshiyuki Kono (Japan) Hossam Mahdy (Egypt) Duncan Marshall (Australia) Patricia O'Donnell (USA) Teresa Patricio (Belgium) Peter Phillips (Australia) Nancy Pollock-Ellwand (Canada) Massimo Preite (Italy) Laura Robinson (South Africa) Nelly Robles (Mexico) Britta Rudolff (Germany) Hatthaya Siriphatthanakun (Thailand) Hee-kweon Shin (Korea) Nathan Schlanger (France) Ibrahima Thiaw (Senegal) Stefan Wessman (Finland)

8. 2019 - 2020 Cycle*

Gabriel Cooney (Ireland) Michel Cotte (France) Luisa De Marco (Italy) Susan Denyer (UK) Suk Young Han (Korea) Marcela Hurtado (Chile) Toshiyuki Kono (Japan) Leticia Leitao (Portugal) Ana Luengo (Spain) Hossam Mahdy (Egypt) Duncan Marshall (Australia) Peter Phillips (Australia) Nancy Pollock-Ellwand (Canada) Massimo Preite (Italy) Alkiviadis Prepis (Greece) Clara Rellensmann (Germany) Laura Robinson (South Africa) Grellan Rourke (Ireland) Britta Rudolff (Germany) Mario Santana (Belgium/Canada/Venezuela) Niklas Schulze (Germany/Mexico) Assaad Seif (Lebanon) Ibrahima Thiaw (Senegal) Matthew Whincop (Australia) Barbara Arroyo (Guatemala) Eric Zerrudo (Philippines) Jun Zheng (China)

9. 2020 - 2021 Cycle*

Maria Eugenia Bacci (Vénézuela) Kristal Buckley (Australie) Amel Chabbi (Emirats Arabes Unis) Gabriel Cooney (Irlande) Michel Cotte (France) Luisa De Marco (Italie) Susan Denyer (Royaume-Uni) Cynthia Dunning (Suisse) Abdoul Aziz Guissé (Sénégal) Sharif Shams Imon (Bangladesh) David Jacques (Royaume-Uni) Pamela Jerome (USA) Toshiyuki Kono (Japon) Marie-Laure Lavenir (France) Leticia Leitao (Portugal) Trevor Marchand (Royaume-Uni/Canada) Duncan Marshall (Australie) Rusudan Mirzikhasvili (Géorgie) Peter Phillips (Australie) Nancy Pollock-Ellwand (Canada) Laura Robinson (Afrique du Sud) Christophe Sand (Nouvelle-Calédonie) Niklas Schulze (Mexique) Jean-Christophe Simon (France)

*From 2012 to 2021 list include non-voting ICOMOS Advisors

10. 2021 – 2022 Cycle

Note: The list of names of Panel members will be made public after the delivery of the Evaluation texts to World Heritage Centre.

Argentina Australia Belgium China Colombia Estonia France Hungary India Ireland Italy Lebanon Netherlands Nigeria Philippines Poland Portugal Thailand USA Venezuela Zimbabwe

11. 2022 – 2023 Cycle

Note: The list of names of Panel members will be made public after the delivery of the Evaluation texts to World Heritage Centre.

Argentina Barbados Belgium China Ethiopia France Jordan Mali Morocco New Caledonia New Zealand Philippines South Africa Thailand UK United Arab Emirates Uruguay USA Venezuela Zimbabwe

Paris, 11 February 2022 Revised version 24 April 2023

ICOMOS' ADDITIONAL INFORMATION AND PROPOSALS

Following the invitation expressed to the Advisory Bodies at the 4 February meeting of the Ad-hoc Working Group - Sub Group II to present additional information and proposals, ICOMOS wishes to put forward the following to contribute to the reflection.

A/ ICOMOS' REGIONAL DIVERSITY

- 1. Since its creation in 1965, ICOMOS has developed a global network of 11,000 experts from 150 countries, with a wide variety of professional backgrounds, and has been keen to strengthen its presence in all regions of the world (list of countries in Annex I).
- 2. Nevertheless, ICOMOS' geographical balance is still in need of strengthening. With this goal in mind, ICOMOS has made a special effort in recent years to move to a stronger regional balance through the creation of ICOMOS National Committees in countries in the Africa and Arab States regions where we did not yet have an institutional presence. Since 2014, National Committees have been created or are in the process of being created in the following countries:

Africa:

- Burkina Faso
- Cameroon
- Comores
- Ethiopia
- Ivory Coast
- Mozambique

Arab States:

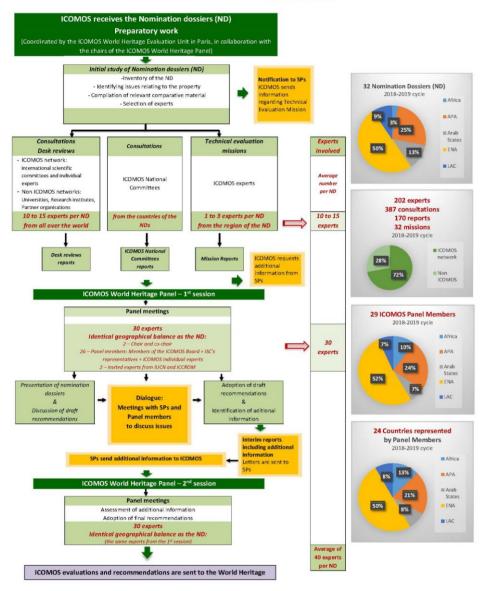
- Jordan
- Lebanon
- Oman

- Niger
- Nigeria
- Tchad
- Togo
- Kenya
- Zambia
- Palestine
- Syria

- 3. Thanks to the size of its network and its worldwide presence, ICOMOS is able to ensure that all regions are adequately represented in its evaluation and monitoring work as Advisory Body, as described in detail in Annex VI of the Operational Guidelines for the Implementation of the World Heritage Convention (https://whc.unesco.org/document/190976; see p. 116)
 - Experts sent to a property on mission always belong to the same region as the property (subject occasionally to exceptional circumstances such as those experienced due to the Covid-19 pandemic).
 - As regards the ICOMOS World Heritage Panel, we ensure each year that the geographical breakdown of Panel members corresponds very closely to that of the nomination dossiers. Annex II provides detailed evidence of this. *In this regard, a change has already been implemented for the 2022-2023 ICOMOS Panel, see 7.1*
 - With respect to the evaluation process as a whole, it is an extremely collegial process that involves a wide variety of experts from all professional and geographic backgrounds, as shown in the Process Map below.

ICOMOS EVALUATION PROCEDURE - PROCESS MAP

The ICOMOS procedure is described in Annex 6 of the Operational Guidelines for the Implementation of the World Heritage Convention. It is regulated by the Policy for the implementation of the ICOMOS World Heritage mandate (latest revision in October 2015). <u>www.international.icomos.org</u>



B/ GEOGRAPHICAL IMBALANCE OF THE WORLD HERITAGE LIST

- 4. The geographical imbalance of the World Heritage List remains a major shortcoming of the implementation of the Convention. While the 50th anniversary of the Convention serves as an opportunity to assess not only its main achievements but also its weaknesses, ICOMOS, like many others, considers regional imbalance to be one of the main challenges to be overcome. Little progress has been made since the adoption of the Global Strategy in 1994, as some regions remain very underrepresented on the World Heritage List, such as the Africa and the Arab States regions, which respectively compose 8.6% and 7.7% of inscribed properties as of 2021 (in this regard, note Exploring Cultural Heritage in the Arab Region: Potential offered for a more balanced World Heritaae List. published jointly ICOMOS and ARC-WH: by http://openarchive.icomos.org/id/eprint/2525/). Moreover, it is important to note that some countries (for instance, Comoros, Somalia, Equatorial Guinea) have no sites inscribed as yet.
- 5. This persistent failure is an incentive to correctly define the imbalance and analyze the situation: it should be noted that the imbalance is not firstly a matter of imbalance of <u>inscriptions</u>, but a matter of imbalance of the <u>nominations that are submitted</u>. Therefore, the imbalance of the World Heritage List can be said to be a direct consequence of the imbalance of nominations. The first pie chart on the process map above shows this very clearly for the 2018-2019 cycle: out of 32 nomination dossiers transmitted to ICOMOS for evaluation, only 1 (i.e. 3%) is from Africa. Figures would not be significantly different for previous or following years.
- 6. Consequently, it is essentially capacity building that can provide relevant solutions, and it is up to all stakeholders to devise such programs. In this perspective, ICOMOS is willing to be proactive and make some proposals. As the timeframe is very short, the following suggestions are the product of a brainstorming exercise that deserves to be further developed.

C/ PROPOSALS

7.

- 7.1. Change to the geographical breakdown of the ICOMOS World Heritage Panel, to ensure a more balanced representation of each region (20% of Panel Members from each of the 5 regions, instead of matching the geographical breakdown of Panel Members with the geographical breakdown of the nominations dossiers received for evaluation) <u>THIS CHANGE</u> <u>HAS BEEN IMPLEMENTED FOR THE 2022-2023 ICOMOS WORLD HERITAGE PANEL.</u> See Annex 2.2 (page 14)
- 7.2. Invite experts from underrepresented regions/countries to participate in Advisory missions or Evaluation missions as observers:
 - This could be a very effective capacity building action by familiarizing new experts with World Heritage processes.
 - Implementation of this action requires the agreement of the State Party to be visited as well as an additional budget to cover the costs of the second expert.

8. Invite experts who are not ICOMOS members to participate in the ICOMOS World Heritage Panel:

- It should first be recalled that ICOMOS membership is not exclusive. Therefore, a great number of ICOMOS experts are simultaneously affiliates or employees of many of the organizations listed as potential service providers in the Background Document.
- ICOMOS has previously invited non-ICOMOS Members to participate in its World Heritage Panel deliberations (members of TICCIH or DOCOMOMO, for example), but on an occasional basis.
- Indeed, the primary method used by ICOMOS to involve external experts in its evaluation process is through written consultations. As shown in the above Process Map, roughly one third of desk reviews come from external experts.
- However, including external experts in the Panel on a regular basis, according to modalities to be determined, could contribute to increased geographical diversity.

9. <u>Develop ICOMOS' relationships with universities in Africa and other unrepresented regions:</u>

- The development of its relationships with universities all over the world is one of ICOMOS' current strategic priorities. It is currently implemented as the 'ICOMOS UNIVERSITY FORUM'. This initiative, aimed at bringing together universities and other academic institutions that wish to collaborate in accomplishing the mission of ICOMOS, was first raised in 2015. ICOMOS is currently developing a pilot project to structure such a network, starting with the Latin American and Caribbean Region.
- Expanding this pilot initiative to other regions, with Africa and other unrepresented regions as a priority, would accelerate the creation and development of our network of National Committees and facilitate capacity building of experts in these regions.
- 10. <u>Develop capacity-building programs focused on supporting the development and revision of</u> <u>Tentative Lists in Africa</u>:
 - ICOMOS welcomes the new initiatives launched by the World Heritage Centre in Africa, one with the support of the Sultanate of Oman, and the other with the support of the Government of Japan. Within the framework of these two initiatives, ICOMOS, jointly with IUCN, has designed a capacity-building program focused on supporting the development and revision of Tentative Lists, the preparation of robust nomination dossiers and the strengthening of national capacities to implement the World Heritage Convention. This proposed project is currently being reviewed by the World Heritage Centre and ICOMOS hopes to be able to implement it rapidly. *Unfortunately, no final answer to this proposal has been given by World Heritage Centre. ICOMOS and IUCN remain available to implement this project when possible.*
 - ICOMOS is keen to strengthen its participation in the AWHF's Upstream Support Initiative, which aims at broadening the network of professionals from the Africa region in the field of World Heritage. The resumption of workshops cancelled due to the pandemic is expected in the coming weeks. In this regard, ICOMOS participated to the workshop organised by the AWHF in South Africa in May 2022.

- Based on its experience of an ongoing project in the Democratic Republic of the Congo, ICOMOS strongly desires to develop training on national cultural heritage inventories in other countries of the region. It is ICOMOS' view that the implementation of inventories is not only a key element for the development of Tentative Lists in Africa but is, more broadly, the foundation of any heritage policy. ICOMOS is currently approaching potential funders to be able to implement this inventory project in other African Countries.
- 11. <u>Last, but not least, contribute to the successful implementation of the Preliminary Assessment</u> (PA) through development of guidance and related training courses at the regional level:
 - The main objective of the PA is to improve the quality of nominations and increase the efficiency of their preparation by States Parties (reducing human/financial costs and long delays, as well as reinforcing dialogue).
 - The time and workload needed for States Parties to prepare a PA request will be limited. As an example, with a cap of about 15,000 words, <u>a PA request will be 30 to 50 pages in length, compared to 965 pages for a nomination dossier (average number of pages of cultural nomination dossier evaluated by ICOMOS in 2019).</u>
 - As shown in the information provided on the PA costing, the implementation modalities leave much room for dialogue between the experts of the States Parties and those of the Advisory Bodies.
 - Therefore, it is ICOMOS' strong belief that the PA will be a significant tool to improve the geographical balance of the List. *The first Preliminary Assessments that will be proceeded in 2023-2024 will hopefully provide evidence of this.*
- 12. Given the short timeframe, this document is succinct. We remain available to provide further information as needed.

Annexes

Annex I: List of countries with ICOMOS members

Africa

- Benin
- Burkina Faso
- Cameroon
- Comores
- Congo
- Eritrea
- Ethiopia
- Côte d'Ivoire
- Kenya
- MadagascarMalawi

Kuwait

Lebanon

Morocco

Palestine

Oman

- Mali

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- Arab States
- Algeria
- Bahrain
- Egypt
- Iran
- Iraq
- Jordan

Asia and the Pacific

- Australia
- Azerbaijan
- Bangladesh
- Cambodia
- China
- India

- Indonesia
- Japan
 - Kazakhstan
 - Korea (Rep.
 - of)Malaysia
 - Maldives

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- **Europe and North America**
- Albania
- Andorra
- Armenia
- Belarus
- Belgium
- Bosnia and Herzegovina
- Bulgaria
- Canada
- Croatia
- Cyprus
- Czech Republic

- Denmark •
- Estonia
- Finland
- FranceGeorgia
- Georgia
 Greece
- Greece
- Hungary
- Iceland
- IrelandIsrael
- Israel
- ItalyLatvia

- Mauritius
- Niger
- Nigeria
- Senegal
 - Seychelles
- South Africa
- Qatar
- Saudi Arabia
- Syria
- Tunisia
- United Arab Emirates
- Mongolia
- Myanmar
- Nepal
- New Zealand
- Pakistan

 - Lithuania
 - LuxembourgNorth
 - North Macedonia
 - Malta
 - Moldova
 - Monaco
 - Montenegro
 - Netherlands
 - Norway
 - Poland
 - Portugal

Tanzania

Tchad

Uganda

Zambia

Zimbabwe

- _
 - Philippines
 - Singapore
 - Sri Lanka
 - Thailand
 - Uzbekistan
 - Vietnam
- Romania
- Russian Fed.

Slovakia

Slovenia

Sweden

Türkiye

Ukraine

Switzerland

United Kingdom

United States

Spain

• Serbia

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Latin America and the Caribbean

- Argentina •
- Barbados •
- Bolivia •
- Brazil •
- Chile •
- Colombia •
- Costa Rica
- Cuba
- •
- Dominican Republic
- Ecuador
- El Salvador •
 - Guatemala •

- Haiti •
- Honduras •
- Jamaica •
- Mexico •
- Nicaragua
- Panama

- Paraguay •
- Peru •
- Trinidad and • Tobago
- Uruguay •
- Venezuela •

Annex II: Statistics on the geographical spread of ICOMOS Experts

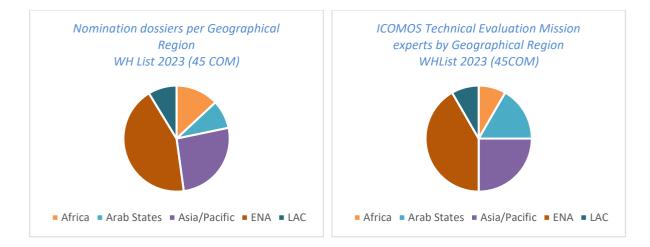
The present document provides data on the geographical spread of the experts involved in the main activities of ICOMOS within its mandate as Advisory Body to the World Heritage Convention in the period 2017-2020.

This is presented in two categories: (1) **ICOMOS missions**, including (a) Technical Evaluation missions for the assessment of sites presented for inscription on the World Heritage List and (b) Advisory and Monitoring missions related to properties already inscribed on the World Heritage List and (2) **The composition of the ICOMOS World Heritage Panel** for the assessment of sites presented for inscription on the World Heritage List.

(1) ICOMOS Missions

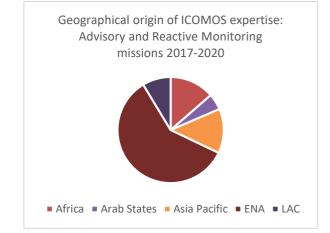
(a) Technical Evaluation Missions



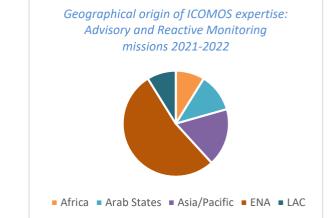


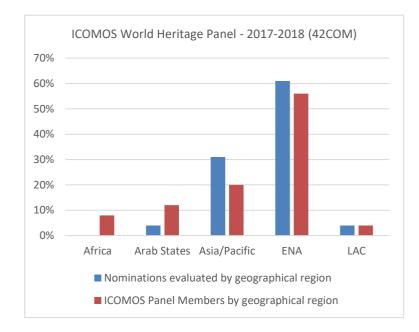


(b) Advisory and Monitoring Missions

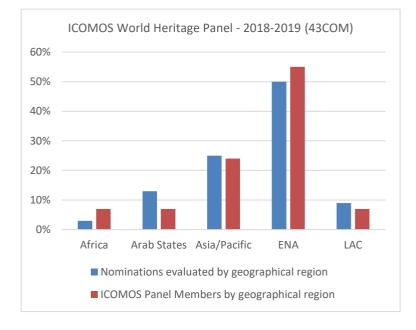


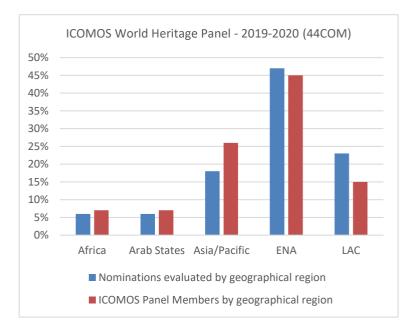


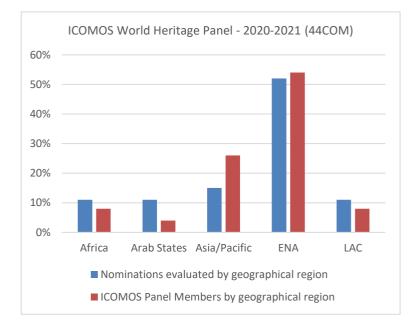


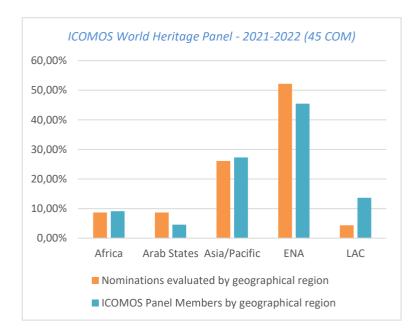


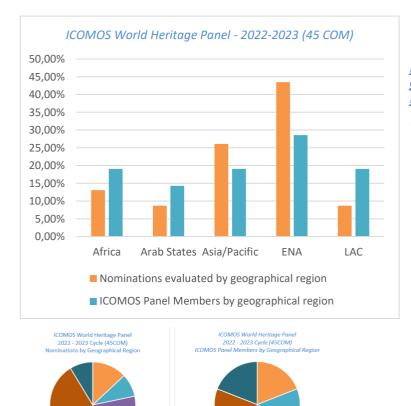
(2) ICOMOS World Heritage Panel Composition



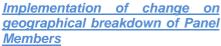








Africa Arab States Asia/Pacific ENA LAC



Africa Arab States Asia/Pacific ENA LAC



April 2023 update on IUCN Observations/Comments:

Ad-hoc Working Group - Decision 44 COM 14 / BACKGROUND DOCUMENT

Following the invitation by the Ad-hoc Working Group (AHWG) at its meeting of 5 April 2023, IUCN is pleased to offer the following update of its background note on geographic diversity and measures taken over the past year. IUCN welcomes the mandate of the AHWG to look specifically at the improvement of regional balance in the advice provided to its work. This is a need that IUCN both fully recognises and has been acting on over many years. These observations and comments are provided in accordance with **Decision 44 COM 14 §22** on the matters a) to d) under **§21** of the same Decision. IUCN notes previous analysis has been provided to the AHWG and the present paper updates that work.

Summary Updates

- 1. IUCN commissioned an independent **external Strategic Review** of IUCN's engagement with the World Heritage Convention in 2022, as mentioned in the previous meetings of the Ad-hoc Working Group. IUCN is grateful to State Party representatives for having provided their views in this process. The eight recommendations of the Strategic Review are to:
 - a) Strengthen regional diversity of IUCN experts particular to improve representation from the Global South;
 - b) Strengthen inclusion and participation of Indigenous Peoples and Local Communities;
 - c) Advocate for strengthened inclusion and participation of civil society in the Convention;
 - d) Develop a funding strategy for IUCN's Advisory Body work;
 - e) Develop a strategy for IUCN's World Heritage programme of work which positions World Heritage to deliver the post-2020 Global Biodiversity Framework of the Convention on Biological Diversity;
 - f) Develop a communications strategy for IUCN's World Heritage work;
 - g) Support the World Heritage Centre to strengthen governance of the Convention

The findings of the Review have been approved by the IUCN Executive Board. Based on the findings of this review, IUCN is currently developing a **strategy to shape IUCN's future engagement** with the Convention which will be **inherently based on a regionally equitable approach**. The strategy will be available by the time of the 45th session of the Committee and IUCN will happy to provide further information on the Review and the strategy to the AHWG.

IUCN has also completed a comprehensive **reorganisation process** of its global and regional Secretariat, which has included the review of its previous World Heritage Programme, to become a unit within a new thematic team for Heritage and Culture, within a new IUCN Centre for Society and Governance. This offers, for instance to accelerate IUCN's work supporting the linkage of nature and culture and the opportunity to embrace Indigenous & Local Knowledge (ILK)¹ in IUCN's World Heritage work.

2. IUCN is implementing its commitment to enhancing the regional diversity of its World Heritage experts and has already diversified the expert inputs into the evaluation and monitoring processes: Within the last year, IUCN has appointed **10 new experts with nationalities previously not represented.** The current nationalities of the voting

¹ English, French and Spanish versions of the following white paper available at

https://www.iucnredlist.org/resources/ilk: IUCN. 2022. Application of Indigenous & Local Knowledge (ILK) in IUCN Red List assessments: White paper. Version 1. Adopted by the IUCN SSC Red List Committee and IUCN CEESP-SSC Sustainable Use & Livelihoods Specialist Group Steering Committee.

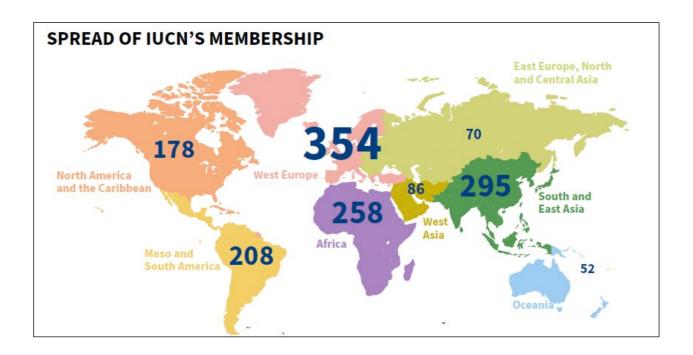
members of the 2023 Panel are (*updates in italics*): **USA**, *Cameroon*, Germany *Guatemala*, Kenya, Malaysia, *Mauritius* and Senegal (see also Annex 1 for all nationalities since 2016). IUCN leverages its globally unparalleled network of over **18,000 nature conservation experts** and over **1,400 member organisations from over 170 countries**. IUCN has 46 offices in 40 countries (see Annex). IUCN is a highly decentralized and diverse organisation and in addition, we already hold relationships with a large number of other competent organisations across the globe.

3. To further support a regional balance, IUCN is launching a *global call for World Heritage experts* to (a) fill vacant IUCN World Heritage Panel positions, (b) appoint experts for the new Preliminary Assessment process and the ICOMOS-IUCN Preliminary Assessment Panel, and (c) expand IUCN's cadre of field mission experts. This call represents a major opportunity to improve the regional balance of World Heritage experts. Applications are particularly encouraged for experts from underrepresented and priority regions. In line with IUCN's Youth Strategy released last year, applications from young and mid-career experts as well as reciprocal mentoring and capacity-building are also strongly encouraged. IUCN is grateful for any support in disseminating this call as widely as possible.

Annex

IUCN Regional Directors:

- Boris Erg European Regional Office, Bonn, Germany and Brussels, Belgium
- Dindo Campilan Asia Regional Office, Bangkok, Thailand
- Gabriel Quijandría South America Regional Office, Quito, Ecuador
- Hany El Shaer West Asia Regional Office, Amman, Jordan
- Luther Bois Anukur Eastern and Southern Africa Regional Office, Nairobi, Kenya
- Maher Mahjoub, Director Mediterranean Cooperation Center, Málaga, Spain
- Mason Smith Oceania Regional Office, Suva, Fiji
- Nana Oumou Touré West and Central Africa Regional Office, Dakar, Senegal
- Tracy Farrell North America Office, Washington DC, USA
- Ursula Parrilla Mexico, Central America and the Caribbean Regional Office, San José, Costa Rica
- Vacant Eastern Europe and Central Asia Regional Office, Belgrade, Serbia







NATIONALITIES ON THE IUCN WORLD HERITAGE PANEL SINCE 2016

(updated 04/2023)

IUCN has ensured that all regions have been represented on the IUCN World Heritage Panel and in evaluation and monitoring missions in the past years. The new call for World Heritage experts to fill World Heritage Panel positions that become vacant is an opportunity to achieve a regionally balanced composition of the Panel. IUCN has also continued to move towards a stronger regional balance of the experts deployed and remains committed to supporting capacity building and to further expanding its expert networks. IUCN also endeavours to send more than one experton each mission, whenever this is possible, to support exchange and capacity building withinmission teams. However, budgetary constraints are an impediment to this effort.

IUCN has ensured that all regions have been represented on the IUCN World Heritage Panel and in the evaluation process. *Updates since 2021 in italics*.

AFR:

- Burundi
- Cameroon
- Kenya
- Mauritius
- Senegal

APA:

- Australia
- Japan
- Malaysia

ARB:

Jordan

EUR/NA:

- Canada
- France
- Germany
- Iceland
- United Kingdom
- United States

LAC:

- Cuba
- Guatemala
- Uruguay

Dialogue regarding Article 11.3 of the World Heritage Convention

This document is prepared pursuing from Decision **44 COM 11** by which, the World Heritage Committee, at its 44th Extended Session (Fuzhou/online, July 2021), decided to extend the mandate of the Ad-hoc Working Group in two sub-groups and, in the context of Sub-group 2, requested to *"continue dialogue regarding feasible procedures related to Article 11.3 of the Convention"*.

Article 11.3 of the World Heritage Convention states that:

The inclusion of a property in the World Heritage List requires the consent of the State concerned. The inclusion of a property situated in a territory, sovereignty or jurisdiction over which is claimed by more than one State shall in no way prejudice the rights of the parties to the dispute.

1) First proposal for a new provision made by China

In the context of the 2021 ad-hoc Working Group it was discussed a first proposal for a new provision to be included as paragraph 122.d) and 122.e) of the *Operational Guidelines*. The proposal put forward by China was the following (see text highlighted in yellow):

122.d) ...check for completeness (in compliance with Annex 3) and register them. The Secretariat will make names and coordinates information of the properties requested for Preliminary Assessment available online for Stats Parties review and forward, according to the timetable set in paragraph 168, complete Preliminary Assessment requests to the relevant Advisory Body(ies) for desktop assessment.

122.e) In the event that a written objection by a State Party is received concerning a proposed Preliminary Assessment request during the States Parties' review period mentioned above, the request will not proceed to evaluation of Advisory Bodies and it will be up to the States Parties concerned to seek a resolution to the issue.

2) Legal Advice on the first proposal made by China

A Legal Advice on this proposal was sought by the ad-hoc Working Group. The advice stated the following:

LA not having been involved in the preparation of the draft Operational Guidelines nor in prior discussions of the Ad Hoc Working Group, the advice below is solely based on the text of the proposed amendments and the summary of the 4th meeting of the Ad Hoc Working Group, as provided by the World Heritage Centre.

Proposed amendment to para. 122(d)

We understand that an amendment is being proposed to para. 122(d), which would add a phrase pursuant to which the Secretariat "will make names and coordinates information of the properties requested for Preliminary Assessment available online for States Parties review".

The Preliminary Assessment is a new process not provided for in the Convention or the current Operational Guidelines. By asking the Secretariat to make names and coordinates information of properties under Preliminary Assessment available online, the new proposed amendment to para. 122(d) appears to add a new requirement to this process. Indeed, the only current requirement in the draft Operational Guidelines is for the list of Preliminary Assessment requests to be provided at each session of the World Heritage Committee (para. 122 (h)). Unlike what is foreseen for Tentative Lists and nomination dossiers, the draft Operational Guidelines do not specify that the Secretariat shall publish on its website the Preliminary Assessment requests. Therefore, the Ad Hoc Working Group should determine whether it wishes such information to be made available online in the framework of the Preliminary Assessment process, and for which purpose.

It is noted that the proposed amendment does not specify the means and timeline of the online publication of such information. In particular, it is unclear: whether this information should be made available to States Parties only through restricted online access or also to the general public; whether the Secretariat is subject to any particular deadlines in making such information available; and whether such information should be made available for a certain period of time prior to transmission of the Preliminary Assessment request to the Advisory Bodies.

Lastly, the proposed amendment indicates that online publication serves the purpose of "review" by States Parties. Some additional information in this regard is contained in the new proposed para. 122(e), which refers to a possible "written objection by a State Party" and to a "review period". However, the proposed amendment is unclear as to the scope, timeline, procedure and possible outcomes of such review.

New proposed para. 122(e)

We also understand that a new para. 122(e) is being proposed, which would read as follows: "In the event that a written objection by a State Party is received concerning a proposed Preliminary Assessment request during the States Parties' review period mentioned above, the request will not proceed to evaluation of Advisory Bodies and it will be up to the States Parties concerned to seek a resolution to the issue".

As indicated above, the scope, timeline, procedure and possible outcomes of such review are not specified in the proposed amendment. In particular, no other references to the "review period" appear to be included in the proposed amendments. It is also not clear from the text what could be the possible grounds for a State Party's objection to a proposed Preliminary Assessment request, and what would be the timeline and applicable procedures for the submission of such an objection and for the resolution of the issue.

From the proposed text, it would seem that the immediate effect of an objection would be that the Preliminary Assessment request would not be assessed by the Advisory Bodies as long as no resolution is found to the issue. Insofar as the Preliminary Assessment is "*a mandatory desk based process for all sites that may be nominated to the World Heritage List*" (see chapeau of para. 122 of the draft Operational Guidelines), this seems to imply that the State Party concerned would be barred from submitting a nomination dossier for consideration by the World Heritage Committee.

Reference has been made, in the discussions at the Ad Hoc Working Group, to Article 11 of the Convention, which in part reads as follows:

"1. Every State Party to this Convention shall, in so far as possible, submit to the World Heritage Committee an inventory of property forming part of the cultural and natural heritage, situated in its territory and suitable for inclusion in the list provided for in paragraph 2 of this Article. This inventory, which shall not be considered exhaustive, shall include documentation about the location of the property in question and its significance.

2. On the basis of the inventories submitted by States in accordance with paragraph 1, the Committee shall establish, keep up to date and publish, under the title of "World Heritage List," a list of properties forming part of the cultural heritage and natural heritage, as defined in Articles 1 and 2 of this Convention, which it considers as having outstanding universal value in terms of such criteria as it shall have established. An updated list shall be distributed at least every two years.

3. The inclusion of a property in the World Heritage List requires the consent of the State concerned. The inclusion of a property situated in a territory, sovereignty or jurisdiction over which is claimed by more than one State shall in no way prejudice the rights of the parties to the dispute."

In this regard, we draw the attention of the Ad Hoc Working Group to a legal opinion submitted by the then-UNESCO Legal Adviser in 2004, which notably read as follows:

"15. It is ... clear that, under Article 11, paragraph 2, the Committee has an obligation to establish, keep up to date and publish the World Heritage List on the basis of the inventories submitted by States Parties. It follows from this that, once an inventory has been submitted by States Parties in accordance with Article 11, paragraph 1 of the Convention, those States Parties have a right to have the inventory examined by the Committee for possible inclusion in the World Heritage List. In examining the properties of States Parties, the Committee must give equal and objective consideration to the properties of all States Parties, in accordance with the general principles of law.

16. The right of States Parties to have their properties considered by the Committee for possible inclusion in the World Heritage List is exercised through the act of 'nominations' introduced in the Operational Guidelines, as one of the procedural steps to be taken between the submission of the inventory by States Parties and the process of establishment of the World Heritage List by the Committee as defined under Article 11 of the Convention.

...

19. Thus, the submission of nominations by States Parties constitutes the exercise of the right to have their inventory considered by the Committee, a right which stems from the terms of Article 11, paragraph 2. It is also the means by which States Parties express their consent, which is required for the inclusion of the properties under Article 11, paragraph 3 of the Convention." (WHC-04/7 EXT.COM/4B.Add, Annex III, 26 November 2004, emphasis omitted.)

The interpretation of Article 11 by which States Parties have a right to have their properties considered by the World Heritage Committee for inclusion in the World Heritage List is confirmed by the subsequent practice of the Committee.

In examining the proposed amendment, the Ad Hoc Working Group may wish to consider to what extent the review process may infringe upon the right of States Parties to have their properties considered by the Committee, as enshrined in Article 11 of the Convention. This assessment may require clarification of the

precise procedure and implications of the States Parties' review and possible objections, as foreseen in the proposed amendment.

3) Proposal for a new provision as revised by China

Following the first legal advice, China provided a slightly revised version of the new provision to be included as paragraph 122.d) and 122.d-bis) of the *Operational Guidelines*. The proposal put forward by China was the following (see text highlighted in green):

122. d) ...check for completeness (in compliance with Annex 3) and register them. The Secretariat will release the names and coordinates information of the properties online for 1 month and forward, according to the timetable set in paragraph 168, complete Preliminary Assessment requests to the relevant Advisory Body(ies) for desktop assessment.

122. d-bis) Within this 1-month publicity period, in the event that a territory-related written objection by a State Party concerned is received concerning a proposed Preliminary Assessment request, the PA request will not proceed to evaluation of Advisory Bodies and it will be up to the States Parties concerned to seek a resolution to the issue. When a consensus is reached between the States Parties, they shall notify the Center to resume the PA process.

4) Legal Advice on the Proposal for a new provision as revised by China and on Article 11.3

As a reminder, in the prior legal advice provided on 4 May 2021 at the Working Group's request, it was noted that the proposed amendments to paragraph 122 of the Operational Guidelines were not specific on several aspects, including the means and timeline of the proposed online publication of information, as well as the scope, timeline, procedure and possible outcomes of the proposed review by States Parties of the Preliminary Assessment Request. Reference was also made to prior legal advice, rendered in 2004, which underlined that "the submission of nominations by States Parties constitutes the exercise of the right to have their inventory considered by the Committee, a right which stems from the terms of Article 11, paragraph 2," of the Convention. This legal advice therefore invited the Ad Hoc Working Group to consider, once clarification was provided on the precise aspects of the proposal, whether the proposed review process infringes upon the right of States Parties to have their properties considered by the Committee, as enshrined in the Convention.

With respect to Article 11, paragraph 3, it is preliminarily noted that the above-mentioned 2004 legal advice already referred to this provision, by stating that the submission of nominations by States Parties was also "the means by which States Parties express their consent, which is required for the inclusion of the properties under Article 11, paragraph 3".

Article 11, paragraph 3, reads as follows:

"The inclusion of a property in the World Heritage List requires the consent of the State concerned. The inclusion of a property situated in a territory, sovereignty or jurisdiction over which is claimed by more than one State shall in no way prejudice the rights of the parties to the dispute."

The first sentence of this provision enshrines the principle that the consent of the State concerned is needed for the inclusion of a property in the World Heritage List. The reference to the "inclusion of a property in the World Heritage List" needs to be read in conjunction with Article 11, paragraph 2, which provides that it is the responsibility of the World Heritage Committee to establish, keep up to date and publish such a List. As to the expression "the State concerned", it is to be understood as referring to the State on the territory of which the property is situated, in light of Article 11, paragraph 1 ("Every State Party to this Convention shall, in so far as possible, submit to the World Heritage Committee an inventory of property forming part of the cultural and natural heritage, situated in its territory ...").

The second sentence of the provision underlines that, when the property is situated in a territory, sovereignty or jurisdiction over which is claimed by more than one State, its inclusion in the List "shall in no way prejudice the rights of the parties to the dispute". The provision therefore explicitly contemplates that the World Heritage Committee may include in the List properties situated in a territory, sovereignty or jurisdiction over which is contested, but underlines in absolute terms ("shall in no way") that such inclusion does not have any bearing on the rights of the parties to the dispute. Indeed, inclusion in the List is intended to serve solely the purposes of the Convention to protect the world cultural and natural heritage. The World Heritage Centre should be able to provide information on the practice of the Committee with respect to the inclusion in the List of properties situated in contested territories.

5) Article 5.4 (iv) of the Operational Guidelines of the Geoparks Programme

The provision proposed by China draws direct inspiration from article 5.4 (iv) on "Applications review" in the Statutes and Operational Guidelines of the International Geoscience and Geoparks Programme of UNESCO. Article 5.4 (iv) states that:

"In the event that a written objection by a Member State is received concerning a proposed Global Geopark during the periods or events mentioned under (ii) and (iii) above, the nomination will not proceed to scientific evaluation and it will be up to the Member States concerned to seek a resolution to the issue."

6) Conclusion of the 2021 ad-hoc Working Group

The 2021 ad-hoc Working Group reviewed the proposed new provision, however it considered that it was impinging on matters out of its mandate and it consensually decided to not entertain further debate on it.

Japan's proposal to improve dialogues between the State Parties and the Advisory Bodies

1. Objective

The World Heritage Committee decided to introduce Preliminary Assessment to the nomination process at its 44th extended session, which is expected to reduce divergences between the Advisory Bodies' advice and Committee decisions. In the same session, however, disagreements between the views of the Advisory Bodies and the Committee's decisions were also observed for many files in the examination of the state of conservation of the already inscribed properties. Japan therefore considers it important that the Committee also work on the process of monitoring of state of conservation with a view to enhancing dialogues between the States Parties and the Advisory Bodies and the Advisory Bodies and reducing divergences between the two sides.

Scientific and technical expertise provided by the Advisory Bodies is valuable to the State Parties and it underpins the system of the Convention. Nevertheless, the State Parties need to harmonize recommendations and requests made from experts' viewpoints with their domestic policies such as economic development or climate change policies. In addition, conservation of properties will not be successful or sustainable unless there are understanding and support from communities and public opinion in the State Parties concerned.

In this light, transparency of the process of monitoring the state of conservation of the inscribed properties is crucial for the State Parties. Japan also emphasizes the importance for the State Parties to ensure dialogues with experts in order to coordinate the views of the two sides before the recommendations of the Advisory Bodies are published.

Against this backdrop, Japan proposes revisions of the Operational Guideline in order to enhance dialogues between the State Parties and the Advisory Bodies and to increase transparency of monitoring, regarding the following two cases in which the evaluation of the Advisory Bodies has particular importance to the State Parties:

- 1) Cases in which an expert mission is sent to properties and the report of the mission is published
- 2) Cases in which inscription on the list of World Heritage in danger is recommended in a draft decision prepared by the Secretariat

- 2. Proposed revision of the Operational Guideline
- Specify the importance of maintaining close consultation between the Advisory Bodies and the State Parties and transparency of the process in the monitoring and reporting of the state of conservation of properties. (Operational Guideline para. 171bis)
- 2) Include the following steps into the process of the monitoring of the state of conservation of properties;
- a) Reports of missions (Operational Guideline para.174bis)
 - Whenever a mission* is sent and the report of the mission is published, the report of the mission should be shared to the concerned State Party prior to its finalization and publication.
 - The concerned State Party may request for consultations on the report, regardless of reasons on technical, factual or other grounds, with the Advisory Bodies/ experts who conducted the mission.
 - In the event that the views of the concerned State Party and the relevant Advisory Bodies/experts do not converge in the consultations, the State Party's view should be also referred to in the report by the Advisory Bodies/experts.

* "mission" is not limited to Reactive Monitoring missions and Advisory missions but include any mission conducted by experts.

- b) Inscription of properties on the List of World Heritage in Danger (Operational Guideline para. 185)
 - The report or the working document produced by the Secretariat to be examined by the Committee should be shared to the concerned State Party prior to its submission to the Committee.
 - The concerned State Party may request consultations on the report, regardless of reasons on technical, factual or other grounds, with the relevant Advisory Bodies.
 - In the event that the views of the concerned State Party and the relevant Advisory Bodies do not converge in the consultations, the State Party's view should be also referred to in the report.