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**UNITED NATIONS EDUCATIONAL, SCIENTIFIC
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**CONVENTION CONCERNING THE PROTECTION OF
THE WORLD CULTURAL AND NATURAL HERITAGE**

WORLD HERITAGE COMMITTEE

Thirty-ninth session

Bonn, Germany

28 June – 8 July 2015

Item 11 of the Provisional Agenda: Revision of the *Operational Guidelines*

11: Revision of the *Operational Guidelines*

SUMMARY

The World Heritage Committee at its 37th session (Phnom Penh, 2013) adopted a revision to the *Operational Guidelines* available on the World Heritage Centre webpage <http://whc.unesco.org/archive/opguide13-en.pdf>. The present document contains proposals for revision of the *Operational Guidelines* addressing specific requests of the Committee at its 37th and 38th sessions as well as a number of other proposals prepared by the World Heritage Centre and the Advisory Bodies on certain paragraphs. It is proposed that the Committee, at its 39th session, establishes a Consultative Body on the *Operational Guidelines* to consider the proposed revision. In order to facilitate the work of the Consultative Body and the Committee, the proposed changes are integrated in a marked-up version of the *Operational Guidelines* (Annex I) available at: <http://whc.unesco.org/document/135620/>

The Draft Decision **39 COM 11** (see Section V) will be finalized by the Consultative Body on the *Operational Guidelines* during the 39th session of the World Heritage Committee. **Draft Decision: 39 COM 11**, see Section V.

I. INTRODUCTION

1. The Committee, at its 37th session, took note of the results of the Working Group on the Revision of the *Operational Guidelines for the Implementation of the World Heritage Convention* established as a Consultative Body and adopted a revision to the *Operational Guidelines* in its Decision **37 COM 12.II** (Phnom Penh, 2013).
2. In the same decision, as well as in other decisions of the Committee adopted at its 37th and 38th sessions, it made specific requests to the World Heritage Centre and the Advisory Bodies to review certain issues and report or present proposals for examination by the Committee at its 39th session, in the framework of the agenda item on the Revision of the *Operational Guidelines*.
3. These issues included, among others, requests for examination of proposals from the Expert Meeting on the UNESCO Recommendation on the Historic Urban Landscape and World Heritage (Brazil, September 2013), a revision of Annex 5 of *Operational Guidelines* in the light of establishing further synergies with the Second Protocol (1999) to the 1954 Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict, a revision of the procedure concerning Tentative Lists in the *Operational Guidelines*, a proposal for further integration of the upstream process in the *Operational Guidelines*, as well as incorporating provisions on Advisory missions, not addressed so far by the *Operational Guidelines*.
4. The present document addresses each of these issues, with respective background, comments and reference to the paragraphs proposed for revision.
5. Following Decision **35 COM 8B.61**, an evaluation of the Cairns-Suzhou decision was foreseen for 2015. In accordance with Paragraph 61 of the *Operational Guidelines*, “the impact of this decision will be evaluated at the Committee's 39th session (2015)”. A proposal in this regard is included in the present document.
6. In addition to the above, the document presents a number of proposals for revision, developed by World Heritage Centre and the Advisory Bodies, to reflect previous Committee decisions, outcomes of meetings, such as “The World Heritage Convention: Thinking Ahead”, feedback from States Parties further to implementation of statutory processes, auditors’ recommendations, as well as changing rules and regulations which have an impact of the *Operational Guidelines*. These include, among others, proposed revision related to Reactive Monitoring, management provisions, Statements of Outstanding Universal value, use of the emblem, revised or new Annexes, including a revised Annex 6 on the evaluation procedures of ICOMOS and IUCN, new Annex 13 on the format for submission of state of conservation reports by the State Parties, new

Annex 14 which includes a “Table of Uses of the World Heritage Emblem”.

7. A number of minor modifications are included in the marked-up version, for the purpose of ensuring consistency, cross-referencing and streamlining of processes. Factual update of information, such as contact details information, updated bibliography etc., has also been done and is included in the marked-up version of the *Operational Guidelines*, for information.
8. It is to be noted as well that the *Operational Guidelines* contain some outdated Chapters and Annexes, such as Chapter V (Periodic Reporting on the implementation of the World Heritage Convention), as well as Annex 7 (Format for the Periodic Reporting on the application of the World Heritage Convention). It is proposed that these be updated further to the outcomes of the Periodic Reporting Reflection Period. The rationale is included in the second part of Document WHC-15/39.COM/10B (General reflection on Periodic reporting further to the Second cycle). Therefore, no revision is proposed at this stage.
9. It is to be noted that any recommendations which may be made by the *ad hoc* Working group on the working methods of the Committee and Advisory Bodies, organised by Germany, and which may be relevant to the revision of the *Operational Guidelines*, were not available at the time of preparation of this document. In case any such recommendations are made, it is suggested that they be discussed in conjunction with the current proposal, by the Consultative Body and the Committee.

II. REVISION TO THE *OPERATIONAL GUIDELINES* REQUESTED BY THE WORLD HERITAGE COMMITTEE

10. Newly proposed text is presented in a marked-up version of the *Operational Guidelines*, included as Annex I to this document and available at the following address: <http://whc.unesco.org/document/135620/>, with the proposed additions underlined and text to be deleted in ~~strikethrough~~.

Historic Urban Landscape

11. The World Heritage Committee, at its 37th session (Phnom Penh, 2013), in its Decision **37 COM 12.II**, paragraph 6 considered that further examination of proposed revisions on this subject may be brought to its 38th session after the “International Expert Meeting on the mainstreaming of the methodological approach related to the Recommendation on the Historic Urban Landscape in the *Operational Guidelines*” (Rio, Brazil, September 2013, full report available at <http://whc.unesco.org/document/135630/>). This meeting aimed at reflecting upon the identification of urban heritage within the categories of the *Convention*. It proposed revisions of relevant provisions of the *Operational Guidelines*, and also proposed that the relevant sections of Annex 3 (Guidelines on the inscription of specific types of properties on

the World Heritage List) be revised to reflect the guidance required for the nomination, evaluation and management of urban heritage. It also suggested that, in the future, it would be preferable for historic cities, towns and urban areas to be nominated as “sites” rather than “groups of buildings” within the definition of cultural heritage provided in Article 1 of the *Convention*. Further to the Rio meeting, a consultation meeting was organized at UNESCO Headquarters on 13 December 2013 to reflect on the progress made in the global implementation of the UNESCO Recommendation on the Historic Urban Landscape. The discussion centred on the identification of future actions towards the reinforcement of the application of the Recommendation on the Historic Urban Landscape approach for the conservation of urban heritage in the context of sustainable development (full report available at <http://whc.unesco.org/document/133228>).

12. The World Heritage Centre and the Advisory Bodies, with the participation of experts, thoroughly reviewed the Rio meeting recommendations and fully concur that the Historic Urban Landscape approach is an extremely important tool for the management of urban properties and that it is important to mainstream the Historic Urban Landscape approach. They also note that the Historic Urban Landscape is often mistaken for a heritage category, which it is not, and fully share the view expressed in the meeting recommendations that in the future, it would be preferable for historic cities, towns and urban areas to be nominated as “sites” rather than “groups of buildings” within the definition of cultural heritage provided in Article 1 of the *Convention*.
13. As recommended by the Rio meeting, a series of proposed modifications were included in the marked-up text of the *Operational Guidelines* with a view of mainstreaming the social, cultural, economic and environmental parameters based on the Historic Urban Landscape approach into the *Operational Guidelines*. However it was felt that a reference to specific types of heritage such as “urban heritage” within the text of the *Operational Guidelines* was premature and merited further reflection.
14. A considerable amount of work was undertaken to revise Annex 3. However, the World Heritage Centre and the Advisory Bodies felt that more work is required before it is proposed for examination and adoption by the Committee. The World Heritage Centre, the Advisory Bodies and the experts consider that Annex 3 would need a thorough rewriting and reworking in order to update its content, as definitions pertaining to urban heritage and other types and categories¹ need to be carefully crafted and/or reviewed. In this regard, it is suggested to look at an all-

¹ See also Recommendation from the International Conference on Archaeological Parks and Sites (Oman, February 2015): <http://whc.unesco.org/en/news/1256>

inclusive approach rather than an approach by categories and types of heritage.

15. Furthermore, if the relevant annexes to the *Operational Guidelines* are to be revised in relation to the Historic Urban Landscape approach, it will be essential that any new text provides maximum clarity for States Parties with regard to nominations, conservation and management. In this regard, it has also been discussed that Annex 3 of the *Operational Guidelines* could possibly be transformed into a guidance document, as this could allow for more explanations and the possibility of more frequent revisions to reflect emerging trends.
16. Thus the World Heritage Centre and the Advisory bodies suggest to continue the work undertaken and further reflect on a new structure of Annex 3, and accordingly continue the revision of the *Operational Guidelines*. They also recommend to continue working on the definition of urban heritage, in view of providing further guidance for States Parties and equally propose that a guidance document on urban heritage (definition, identification, conservation and management) be produced, based on the Historic Urban Landscape approach.
17. A proposal for revision of paragraphs 80, 82, 98, 99, 102, 111 and 112, in accordance with the above, is included in the marked-up text of the *Operational Guidelines*.

Synergies between the World Heritage Convention and the 1954 Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict

18. In its Decision **37 COM 12.II**, the World Heritage Committee has already noted Decisions **7.COM 3** and **7.COM 6** adopted by the Committee for the Protection of Cultural Property in the Event of Armed Conflict at its 7th meeting in December 2012, and welcomed reflections on the interaction between the World Heritage Convention and the Second Protocol (1999) to the 1954 Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict (hereinafter referred to as “Second Protocol”). By the same decision, it requested “the World Heritage Centre and the Advisory Bodies to develop, in cooperation with the Secretariat of the Hague Convention (1954), a revision of Annex 5 of the *Operational Guidelines* (Format for the Nomination of Properties for Inscription on the World Heritage List) in order to allow Parties to the Second Protocol (1999) to request, if they so wish, the inscription of the nominated property on the List of Cultural Property under Enhanced Protection”.
19. Meetings between the Chairperson of the Committee for the Protection of Cultural Property in the Event of Armed Conflict and the Secretariat took place in 2013 and 2014 to review options for a potential revision to the *Operational Guidelines*. In these meetings, the Secretariat was consistent in its view that it is advisable to further develop synergies through the option of a

revision of the Periodic Reporting Format rather than a revision of the nomination format, for the following reasons:

- (a) The Periodic reporting applies to all States Parties of the World Heritage Convention which are also parties to the Second Protocol (1999), while nominations would be limited only to nominating States;
 - (b) This would avoid submission of additional nomination files which may potentially not be inscribed as well as critical issues of transfer of files from one Convention to another during the limited timeframe of completeness check;
 - (c) A revised nomination format/procedure will concern only a limited number of properties as it would not be applicable to natural heritage but only to a limited number of types of cultural heritage, excluding large-scale cultural landscapes or serial sites;
20. In 2014, Belgium submitted a proposal to the Committee for the Protection of Cultural Property in the Event of Armed Conflict, which was examined by this Committee at its 9th Meeting (UNESCO, December 2014). The document CLT-14/9.COM/CONF.203/13, which presents the Belgian proposal, is available on-line at http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/9COM_Synergies_Belgianproposals_13_ENG_FINAL.pdf and is also included as Annex II to this document. The Secretariat informed the Committee of the considerations indicated in the previous paragraph during the 9th Meeting.
21. The 9th Meeting of the Committee for the Protection of Cultural Property in the Event of Armed Conflict took Decision **9. COM 13** (http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/images/9_COM_Decisions_EN.pdf) encouraging “all the States Parties to the Hague Convention and its Second Protocol to lend support in the appropriate circles to the Committee's proposed amendments”. Furthermore it requested “its Chairperson and the Committee's Bureau to take the necessary steps to make the World Heritage Committee aware of the importance of lending support to these proposed amendments” and also requested “the Director-General to forward all the relevant documents for consideration by the 39th session of the World Heritage Committee”.
22. It finally requested “the Director-General to propose to the World Heritage Committee to consider, within the framework of the preparation of the third periodic reporting cycle on the implementation of the World Heritage Convention, the synergies to develop between sections I and II and the national reports required by the Hague Convention and the Second Protocol.”
23. It is to be noted as well that, further to the 9th Meeting of the Committee for the Protection of Cultural Property in the Event of Armed Conflict, comments on the strengthening of synergies

between the 1999 Second Protocol to the 1954 Hague Convention and the 1972 World Heritage Convention were sent by Japan to the Secretariat of the Second Protocol to the Hague Convention, which are available at the following address <http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/JapanComment-BelgiumProposal-En.pdf>. At the time of preparation of this document, no comments from other States Parties have been received.

24. While deliberating on the best possible options for addressing the question of synergies between the World Heritage Convention and the Second Protocol, the Committee may wish to take into account the considerations of the Advisory Bodies and the World Heritage Centre on this matter presented in the following paragraph.
25. There are substantial differences between the 1954 Hague Convention and its 1999 Second Protocol and the 1972 World Heritage Convention in terms of the criteria for assessing the 'greatest importance of humanity' (for the Second Protocol) and 'Outstanding Universal Value' (for the World Heritage Convention). Differences exist in the way these instruments define places and recognise their value, partly arising out of the fundamental reasons why each of the instruments came into being. The Hague Convention sets out to protect centres containing a large amount of immovable or movable cultural property; this is in recognition of the need to protect historic areas that contain particular concentrations of museums, galleries, archives, libraries, archaeological remains or historic buildings. The World Heritage Convention does not recognise the concept of 'centres' or of protecting movable heritage. Many types of properties inscribed on the World Heritage List under the World Heritage Convention do not fall within the Hague Convention Second Protocol's definitions. These are natural sites, mixed sites, extensive cultural landscapes, both rural and urban, and places that are valued for their associations, such as spiritual or religious associations, or for their ongoing traditional processes, such as types of agricultural activities. Furthermore, the Second Protocol Committee will only include on the Enhanced Protection List immovable cultural property if the State Party has declared that it is not, nor will ever be, used for military purposes or to shield military sites. The World Heritage Convention does not contain these parameters, and certain World Heritage properties even contain military elements as attributes of their Outstanding Universal Value. In terms of protection, the Second Protocol emphasises the need for preparedness to ensure cultural property is protected during military conflict and specifies the need for protective mechanisms to be put in place during peacetime and for civilian and military training in such protective measures. In terms of documentation required under the Second Protocol, the level of detail included in extensive World Heritage nominations might not be adequate to show the precise location of individual buildings or sites to enable their effective protection or monitoring.

26. Taking into account all factors and considerations, the World Heritage Centre and the Advisory Bodies consider that at this stage it is not possible to present a specific proposal for revision of the *Operational Guidelines* with regard to the synergies between the World Heritage Convention and the 1954 Convention and its Second Protocol. It is therefore suggested to the Committee to examine all different options for further developing these synergies (amendment of paragraphs related to nominations and Annex 5 of the *Operational Guidelines*; amending and adapting the Periodic reporting format; other possible options) and to provide instructions and guidance for the drafting of a future revision, depending on the option retained.
27. It is to be noted as well that Working document WHC-15/39.COM/10B (General reflection on Periodic reporting further to the Second cycle) presented to the Committee for examination at its 39th session makes a specific reference to the Hague Convention and the Second Protocol, while addressing possible improvements of format and process, including with regard to strengthening synergies and possible coordinated reporting.

Indigenous Peoples

28. The results of the International Expert Workshop on the World Heritage Convention and Indigenous Peoples (Copenhagen, 2012, <http://whc.unesco.org/en/events/906/>) were presented to the World Heritage Committee at its 37th session, including proposed changes to the *Operational Guidelines* with regard to issues related to free, prior and informed consent, human rights and indigenous peoples.
29. The Committee decided “to re-examine the recommendations of this meeting following the results of the discussions to be held by the Executive Board on the UNESCO Policy on indigenous peoples for further steps” (Decision **37 COM 12.II**, paragraph 7). The Policy is currently in its final stages of development and will be completed in 2016 for presentation to the Executive Board and General Conference in 2017.
30. While taking into account that a more thorough revision of the *Operational Guidelines* on issues related to indigenous peoples will take place further to the adoption the UNESCO Policy in 2017, the present document proposes a limited revision, in view of aligning the World Heritage Convention and its implementation with other international instruments. A proposal is included in the present document to consider the established international norm of free, prior and informed consent (FPIC), in particular in relation to nominations. This will ensure consistency with the established policies of other culture conventions of UNESCO, for example by the Operational Directives for the Implementation of the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage in relation to inscription of elements of intangible heritage, where one of the criteria requires that “the element has been nominated following the widest possible participation of the

community, group or, if applicable, individuals concerned and with their free, prior and informed consent”, in Chapter I(1)(U.4).

31. Proposed amendments of paragraphs 40 and 123 are included in the marked-up text of *Operational Guidelines*.

Paragraph 61

32. At its 35th session, the Committee decided that the impact of the mechanism applied with regard to number and type of nominations (Paragraph 61) should be evaluated at the Committee’s 39th session.

Background

The Committee at its 24th session (Cairns, 2000) established two separate limits on the number of nominations to be examined each year, for different reasons;

(i) A limit of one new nomination per State Party (with exceptions for States Parties without properties on the World Heritage List) was established in an attempt to improve the geographic distribution of new nominations;

(ii) An annual limit on the number of new nominations the Committee would review annually (originally set at 30 nominations per year) was established on an interim basis to manage the workload of the World Heritage Committee, Advisory Bodies, and the World Heritage Centre.

Both these limits made up the "Cairns Decision" that, throughout the years, has changed several times. The table below summarizes these amendments to the limitations from the year 2000 onwards.

Table 1: Chronology of the limits on nominations decided by the Committee

Session / Year	Overall limit	Description of the limit	Exemptions	Limit per State Party	Exemptions
24 th session, 2000	30	New Nominations	Deferrals, referrals, Extensions and Nominations on an Emergency Basis	1 New Nomination	States Parties with no sites on the List
25 th session, 2001	30	New Nominations	Deferrals, referrals, Extensions, Nominations on an Emergency Basis + Transboundary/Transnational Nominations	1 New Nomination	States Parties with no sites on the List

28 th session, 2004	45	New Nominations, Deferrals, referrals, Extensions, Nominations on an Emergency Basis + Transboundary/Transnational Nominations	none	2 Nominations	Provided that at least 1 of the two nominations concerns a natural property
29 th session, 2005	45	New Nominations, Deferrals, referrals, Extensions, Nominations on an Emergency Basis	none	2 Nominations	Provided that at least 1 of the two nominations concerns a natural property Transboundary/Transnational Nominations (count only under 1 country's quota)
31 st session, 2007	45(*)	New Nominations, Deferrals, referrals, Extensions, Nominations on an Emergency Basis	none	2 Nominations	Transboundary/Transnational Nominations (count only under 1 country's quota)
35 th session, 2011	45	New Nominations, Deferrals, referrals, Extensions, Nominations on an Emergency Basis	none	2 Nominations	Provided that at least 1 of such nominations concerns a natural property or a cultural landscape Transboundary/Transnational Nominations (count only under 1 country's quota)

(*) A new priority system (para.61.c of the *Operational Guidelines*) was set up to apply in case the overall annual limit of 45 nominations was exceeded.

33. At its 31st session (Christchurch, 2007), the Committee adopted Decision **31 COM 10** in which, while strongly recommending that the current practice of examining up to two complete nominations per State Party per year be maintained, provided that at least one of such nominations concerns a natural property, decided, nevertheless, on an experimental basis of 4 years, that a State Party be permitted to decide on the nature of the nomination, whether natural or cultural, as per its national priorities, its history and geography therefore allowing the examination of two cultural site nominations per year by the same State Party. The last amendment to the limitations system was made at the 35th session of the Committee (UNESCO, 2011) where in its Decision **35 COM 8B.61** the Committee decided “to re-establish the practice of examining two complete nominations per State Party per year provided that at least one of such nominations concerns a natural property or cultural landscapes”.
34. The practice of examining up to two complete nominations per State Party per year, provided that at least one of such nominations concerns a natural property, was meant to favor submissions relating to this category. However, the period of application of this particular measure was too short and it is difficult to establish a definite trend. Table 2 below shows the category breakdown of all nominations received (irrespective of their completeness) between 2002 and 2015.

Table 2: Summary table of Nominations received for examination between 2002 and 2015. The first column, “Session examination”, indicates the year of the session for which the nominations are pending.

Session examination	Natural	Mixed	Cultural	Total
2003	16 (24.6%)	4 (6.15%)	45 (69.25%)	65 (100%)
2004	14 (20%)	1 (1.4%)	55 (78.7%)	70 (100%)
2005	13 (21.3%)	10 (16.4%)	38 (62.3%)	61 (100%)
2006	12 (23.5%)	5 (9.8%)	34 (66.7%)	51 (100%)
2007	11 (24.4%)	1 (2.2%)	33 (73.3%)	45 (100%)
2008	17 (31.5%)	1 (1.8%)	36 (66.7%)	54 (100%)
2009	8 (17.8%)	6 (13.3%)	31 (68.9%)	45 (100%)
2010	11 (21.2%)	5 (9.6%)	36 (69.2%)	52 (100%)
2011	9 (20.45%)	4 (9.1%)	31 (70.45%)	44 (100%)
2012	5 (10.4%)	5 (10.4%)	38 (79.2%)	48 (100%)
2013	12 (26.1%)	5 (10.9%)	29 (63%)	46 (100%)
2014	10 (21.3%)	2 (4.2%)	35 (74.5%)	47 (100%)
2015	8 (16.3%)	3 (6.1%)	38 (77.6%)	49 (100%)
2016	10 (23.8%)	6 (14.3%)	26 (61.9%)	42 (100%)

35. According to para.61.b of the *Operational Guidelines* the current limitation is 45 nominations, inclusive of nominations deferred and referred by previous sessions of the Committee, extensions except minor modifications of limits of the property - transboundary and serial transnational nominations. In relation to this overall annual limit, given the current situation, which the World Heritage Fund is undergoing and the heavy budget constraints, the limit of up to 45 nominations appears unrealistic to maintain. In its Decision **38 COM 12** (Paragraph 22), the World Heritage Committee “further recognizes the necessity to urgently achieve the sustainability of the World Heritage Fund and calls on the Secretariat and the Advisory Bodies to propose, in consultation with States Parties, to the Committee for consideration at its 39th session a comparative analysis of options for further efficiency and cost saving measures and resource mobilization that could contribute to the sustainability of the Fund.” Reducing the annual limit on the number of nominations examined by the Committee from 45 to 25 appears the most realistic and practical solution to face the heavy budget constraints and the likely continued decline in financial resources for the next biennium. This proposal is also addressed in part III of Document WHC-15/39.COM/15, which presents the comparative analysis requested by the Committee.

36. As for the priority system to be applied in case the overall annual limit is exceeded (set up in Paragraph 61.c of the *Operational Guidelines*), although so far it had to be applied only once, it has proved to be effective.
37. Allowing the examination of two nominations per State Party at each session (together with the possibility to increase them to three taking into account the exemption for transboundary or serial transnational nominations that count only under one State Party's quota) increases the gap between most and less represented States Parties on the World Heritage List and thus, does not allow any improvement of the geographical distribution of new nominations. A series of tables presented as Annex III to this document provides some statistical data that may serve as a basis for discussion. Tables A to D presented in the Annex demonstrate that the breakdown in terms of regional representation on the World Heritage List did not change largely between 2000, 2005, 2010 and 2014. Tables E, F and G demonstrate that the States Parties that submit nominations regularly (especially those that are in position to submit more than one nomination per year) are also those which have the highest numbers of properties inscribed on the World Heritage List.
38. A proposal for revision of Paragraph 61, in accordance with the above, is included in the marked-up text of the *Operational Guidelines*.

Paragraph 68

39. The World Heritage Committee, at its 38th session, by Decision **38 COM 8A** requested "the World Heritage Centre to present a proposal for revising the procedure of registration of Tentative Lists in the *Operational Guidelines*, for examination by the World Heritage Committee at its 39th session".
40. The submission of Tentative Lists by States Parties to the World Heritage Convention and their registration process by the World Heritage Centre are regulated in Chapter II.C of the *Operational Guidelines*, paragraphs 62 to 76. Paragraphs 62, 65 and 66 define the nature and function of Tentative Lists, while the functions of the Secretariat are spelled out in Paragraph 68.
41. The functions of the World Heritage Centre include the completeness check, the registration of the Tentative Lists, the management of their records and their presentation to the World Heritage Committee. The World Heritage Centre, as Secretariat of the World Heritage Committee, does not have the task of evaluating the Tentative Lists, nor can it refer them back to the State Party, except where the information provided is not complete. The World Heritage Centre cannot change or adjust the names of the sites, or any other element, included in the Tentative Lists without being specifically authorized to do so by the submitting State Party. In particular, no mechanism exists for processing Tentative Lists where issues of inconsistency with the

established World Heritage List or related to internationally disputed areas are raised by third States Parties.

42. In order to fill this gap, the World Heritage Committee may wish to consider instituting a new modality in the registration mechanism in the case where a third State Party notifies the World Heritage Centre that the new submission raises an issue in terms of inconsistency with the established World Heritage List or relates to an internationally disputed area, namely:
 - a) The World Heritage Centre informs the Chairperson of the World Heritage Committee, who could take the decision to refer the proposal back to the State Party for clarification;
 - b) Once the clarification by the State Party is received, the proposal is examined again by the Chairperson. If the clarification is considered satisfactory, the new submission to the Tentative List is registered and published by the World Heritage Centre.
 - c) If the clarification is not considered satisfactory, the case is presented to the World Heritage Committee, which takes a decision on the matter at its following session.
43. A proposal for a revision of Paragraph 68, in accordance with the above, is included in the marked-up text of the *Operational Guidelines*.

Upstream support

44. In its Decision **38 COM 9A** the Committee requested the World Heritage Centre and the Advisory Bodies to draft a proposal in view of including the upstream process in the *Operational Guidelines* and specify the implementation modalities, in the light of the outcomes of the Director General's meeting "World Heritage Convention: Thinking Ahead."
45. According to the outcomes of the first meeting "World Heritage Convention: Thinking Ahead" in October 2013 and subsequent follow-up meetings, it was agreed that Tentative Lists should be developed through a rigorous screening process, to ensure that only sites that have the potential of justifying Outstanding Universal Value and that contribute to filling the gaps on the World Heritage List are added to national Tentative Lists. Consequently, it was agreed that, upon request of the States Parties, the Advisory Bodies be engaged in the preparation and assessment of Tentative Lists.
46. It was also discussed and agreed that the upstream process is meant to provide States Parties with assistance by the Advisory Bodies and the World Heritage Centre during early stages in the nomination process, with a view to establishing the feasibility and robustness of nominations. "Upstream" should be seen as a phased approach, in which early assistance is followed by

guidance, mentoring and capacity-building throughout the process of preparing the nomination dossier.

47. Further to the recommendation of States Parties during the first “Thinking Ahead” meeting, a first revision of the *Operational Guidelines* was already made to include the carrying out of initial preparatory work (Paragraph 122 of the *Operational Guidelines*, July 2013).
48. Further to the request of the Committee at its 38th session, the integration of new provisions into the *Operational Guidelines* is proposed to incorporate and regulate the upstream process in the nomination process and therefore amendments are proposed to several paragraphs. In order to streamline and harmonise the upstream support for Tentative Lists and nominations, requests for such support should be addressed to the World Heritage Centre and the relevant Advisory Body.
49. It is however to be noted, that upstream support to States Parties requires additional work on behalf of the Advisory Bodies and the World Heritage Centre, and therefore needs additional funding, where appropriate. While as a rule, such support requested by States Parties has to be covered by the State Party which has requested it, it is also recalled that the rules of the International Assistance mechanism allow for funding to be granted for relevant provision of advice, including through advisory missions, both for preparatory assistance and state of conservation matters. Eligible States Parties which would wish to use such services, including upstream support on Tentative Lists and nominations, could be encouraged to make use of the International Assistance mechanism, in compliance with the existing rules, procedure and format as set out in the *Operational Guidelines* (Paragraphs 223-257).
50. In addition, it is also recalled that at its 38th session, the Committee approved a new budget line for Advisory missions under the World Heritage Fund (2.0 “Advisory Missions” under “Action 2: Identification, management and promotion of World Heritage”) to be used to the benefit of States Parties falling within the category of Least developed countries, Low-income and Lower middle income countries.
51. A proposal for revision of paragraphs 62, 71, and 122 in accordance with the above, is included in the marked-up text of the *Operational Guidelines*.

Advisory Missions

52. The Committee addressed the question of Advisory missions at its 37th session when it requested the World Heritage Centre (Decision **37 COM 15**, paragraph 20) “to prepare guidelines, in consultation with the Advisory Bodies, for consideration during the 38th session of the World Heritage Committee on the funding of Advisory missions and the provision of advice as specified in Paragraph 18 (a) to (c), in order to safeguard the integrity of the

advice provided by the Advisory Bodies”, as well as its 38th session, within a different context and in a more general manner, in working documents WHC-14/38.COM/5C and 5F. Finally, a decision on funding of Advisory missions was adopted by the Committee at its 38th session in Decision **38 COM 12**, paragraph 21, as indicated in the last paragraph of the preceding section.

53. The role of Advisory missions is to provide expert advice to a State Party on specific matters. While Advisory missions often concern provision of “upstream” support and advice on identification of sites, Tentative Lists or nomination of sites for inscription on the World Heritage List, the number of Advisory missions providing advice related to the state of conservation of World Heritage properties is increasing, e.g. advice in addressing a specific threat to a property, advice on evaluating possible impact of a major development project on the Outstanding Universal Value of the property, as per Paragraph 172 of the *Operational Guidelines*, advice in the preparation/revision of a conservation or management plan for the property, or in the progress achieved in the implementation of specific mitigation measures, etc.
54. The Advisory missions, unlike Reactive Monitoring missions, should not be considered as part of the strict statutory and mandatory processes as long as they are voluntarily initiated by States Parties, or are sometimes suggested by the World Heritage Committee in its decisions, and depend on the considerations and judgment of the respective States Parties requesting them.
55. It is proposed that the invitations for Advisory missions are to be addressed directly, or via the World Heritage Centre, to the relevant Advisory Body or another organization. The terms of reference in the case of Advisory mission should be proposed by the State Party and consolidated in consultation with the World Heritage Centre and the relevant Advisory Body or another organization. The costs of Advisory missions, including travel, per diem, fees, peer review, administrative costs, will be borne by the State Party which has requested the mission except where the State Party is eligible for relevant International Assistance or funding from the budget line for Advisory missions approved by Decision **38 COM 12** paragraph 21.
56. A proposal for revision of paragraphs 28, 31, 159, 160, 176 and 184 in accordance with the above, is included in the marked-up text of the *Operational Guidelines*.

III. OTHER RECOMMENDATIONS AND REVISIONS TO THE *OPERATIONAL GUIDELINES*

57. The World Heritage Centre and the Advisory Bodies propose, as in the past, a number of modifications to the *Operational Guidelines* to improve and streamline processes, ensure consistency, reflect previous decisions of the Committee,

outcomes of meetings, feedback from States Parties further to implementation of statutory processes, auditors' recommendations, as well as changing rules and regulations which have an impact of the *Operational Guidelines*.

Paragraphs related to Tentative Lists and Nominations

58. In order to improve the consistency of the text of the *Operational Guidelines*, to add missing cross-references and to streamline the text of the provisions related to Tentative Lists and Nominations, the Secretariat is proposing minor modifications of the following paragraphs of the *Operational Guidelines*: 66, 128, 132, 141, 143, 148.h, 164, 165, 166, as well as Annex 2B and Annex 5 (specifically related to the section on the map within the Executive Summary).
59. The proposed modifications are included in the marked-up version of the *Operational Guidelines*.

Use of gender-neutral language

60. In the framework of the Gender Equality Priority of UNESCO, the Secretariat proposes modifications to a number of paragraphs to ensure gender-neutral language throughout the *Operational Guidelines*.
61. In accordance with the above, proposals for modification of the following paragraphs are included in the marked-up version of the *Operational Guidelines*:
 - in both languages: paragraphs 116, 181, 192 and 241, as well as of point 2 of Annex 5;
 - in English only: paragraph 180;
 - in French only: paragraphs 168, 253, point 7 and flowchart in Annex 8, as well as the preamble in Annex 9.

Paragraph 115 (Protection and Management)

62. Further to the findings of the external audit of the World Heritage Convention, the World Heritage Centre and the Advisory Bodies propose a deletion of Paragraph 115 regarding exceptional situations where a management plan or documented management system is not required in a nomination. The findings of the External Auditor have already been presented to the General Assembly and the Committee. Furthermore, this paragraph leads to confusion, since the existence of a management plan or other management system is a requirement for nominations and thus, Paragraph 115, as it currently stands, is contradictory to the provisions of paragraphs 108 and 132.
63. Therefore, a proposal for deletion of Paragraph 115 is included in the marked-up version of the *Operational Guidelines*.

Paragraph 155 (Statements of Outstanding Universal Value)

64. Further to concerns expressed by States Parties about the lack of a procedure for update and revision of Statements of Outstanding Universal Value (SOUV), and taking into account the time-bound nature of the Protection and Management Section of the SOUVs, the World Heritage Centre and the Advisory Bodies propose a revision of Paragraph 155 of the *Operational Guidelines*, which would allow for updates and revisions. It would be advisable that any such updates are done periodically on the basis of outcomes of Periodic Reporting Cycles but a possibility is proposed also for individual updates further to requests of States Parties. Based on the experience of the retrospective SOUVs process, same procedure is proposed to be applied with regard to updates of the Protection and Management Section of SOUVs.
65. The proposed modifications are included in the marked-up version of the *Operational Guidelines*.

Paragraph 169 (Reactive Monitoring)

66. At its 38th session, by Decision **38 COM 7**, the Committee adopted a new deadline for the submission of state of conservation reports by States Parties, in the framework of the Reactive Monitoring process and requested the World Heritage Centre to draft a proposal in view of including this new statutory deadline in the *Operational Guidelines*, for examination by the World Heritage Committee at its 39th session, in 2015.
67. To reflect the decision adopted by the Committee, a revised version of Paragraph 169 is proposed in the marked-up version of the *Operational Guidelines*.

Paragraph 232 (Mobilization of resources and partnerships)

68. It is proposed to revise Paragraph 232 to replace the outdated reference to UNESCO regulations with regard to external fund-raising and partnerships, with the ones currently in force.
69. A revised version of Paragraph 232 is included in the marked-up version of the *Operational Guidelines*.

Paragraph 252 (International Assistance)

70. With a view of streamlining the process of evaluation of International Assistance requests, it is proposed to revise Paragraph 252.
71. A revised version of Paragraph 252 is included in the marked-up version of the *Operational Guidelines*.

Chapter VIII (The World Heritage Emblem)

72. Changes to this Chapter are proposed as follow up to Decisions **33 COM 13**, **34 COM 13** and **35 COM 13A**, as well as to the findings of the Informal Working Group on the World Heritage

Emblem which met in 2009, 2010 and 2011. In line with the above-mentioned decisions and recommendations of the Informal Working Group, a table with detailed complementary guidance on the use of the World Heritage Emblem and its derivatives in different situations, by different users and with different requirements, further called a “Table of Uses”, is proposed as Annex 14 to the *Operational Guidelines*. The Annex was prepared on the basis of the principles contained in Chapter VIII of the *Operational Guidelines* and those in the UNESCO 2007 Directives on the use of the name, acronym and logo and Internet domain names of UNESCO. It was elaborated by the Secretariat in cooperation with the Informal Working Group, the Advisory Bodies, the UNESCO Department for Public Information and the UNESCO Legal Advisor and circulated for comments to States Parties in 2012 and 2013. It also takes into account the comments received from States Parties.

73. The revised paragraphs 260, 265, 275.f and 275.g, 276 and 278.b include references to the “Table of Uses” mentioned above.
74. The revised Paragraph 262 refers to the 2007 Directives concerning the Use of the Name, Acronym, Logo and Internet Domain Names of UNESCO as well as to the use of the linked logo block and the World Heritage emblem alone.
75. The revised Paragraph 263 refers to the registration of the World Heritage Emblem under Article 6ter of the Paris Convention.
76. The revised paragraphs 275.g and 275.i refer to the integration of emblem-related clauses in the framework of UNESCO/WHC partnerships and provide reference to the UNESCO strategy for partnerships and the PACT strategy adopted by the 37th session of the World Heritage Committee.
77. The revised Paragraph 275.j provides a definition of “commercial use”.

Annexes

Revised Annex 6

78. Annex 6 includes a description of the evaluation procedures of the two Advisory Bodies – ICOMOS and IUCN. Further to the changes introduced in the respective evaluation procedures, particularly that of ICOMOS, the Advisory Bodies propose that the current Annex 6 is replaced by an entirely new version, which outlines the current evaluation procedures, in a harmonised way.
79. In view of the above, the current Annex 6 is entirely deleted by ~~striking through~~, and a new Annex 6 is included in the marked-up version of the *Operational Guidelines*.

New Annex 13

80. Furthermore, with a view of streamlining and standardizing the information provided by States Parties regarding the state of conservation of properties (in conformity with Paragraph 169), of facilitating their processing and comparison, as well as their presentation through the World Heritage Centre' state of conservation database, the World Heritage Centre and the Advisory Bodies propose that the Committee considers a new standard format for submission of State of conservation reports, presented in Annex 13 (new). The rationale for this new mandatory standard format is also presented more in-depth in Document WHC-15/39.COM/7, to be examined by the Committee at its 39th session.
81. The proposed standard format is also included as new Annex 13 in the marked-up text of the *Operational Guidelines*.

New Annex 14

82. A new Annex 14, a "Table of Uses of the Emblem" is included in the marked-up text of the *Operational Guidelines*. Its rationale is explained in paragraph 72 of the present document.

Bibliography

83. The current Bibliography is entirely deleted by ~~striketrough~~, and an updated Bibliography is included in the marked-up version of the *Operational Guidelines*.

IV. STRATEGY AND METHODOLOGY FOR FUTURE REVISIONS OF THE OPERATIONAL GUIDELINES

84. Furthermore, it is recalled that the World Heritage Committee at its 35th session (UNESCO, 2011) decided to "establish a four-year cycle for updating the *Operational Guidelines* and that the *Operational Guidelines* should be restricted to operational guidance, and that a new document, 'Policy Guidelines', be developed as a means to capture the range of policies that the Committee and the General Assembly adopt" (Decision **35 COM 12B**, point 11). In this regard, please note that Document WHC-15/39.COM/12 presents for examination to the Committee at its 39th session a progress report on the advancement of the 'Draft Policy Guidance' document and does not, at present, have an implication related to a revision of the *Operational Guidelines*. Please also see document WHC-15/39.COM/5D concerning the policy on World Heritage and sustainable development, which proposes that changes be introduced in the future in the *Operational Guidelines* further to the adoption of the policy.

V. DRAFT DECISION

85. The Committee may wish to adopt the following decision, taking into account the revised proposal that may be presented by the Consultative Body.

Draft Decision: 39 COM 11

The World Heritage Committee,

1. *Having examined Document WHC-15/39.COM/11,*
2. *Recalling Decision **37 COM 12.II**, adopted at its 37th session (Phnom Penh, 2013),*
3. *Decides to establish a Consultative Body under Rule 20 of the Rules of Procedure during its 39th session;*
4. *Adopts the proposed revision of the Operational Guidelines, as presented in the marked-up version attached to this Decision;*
5. *Requests the World Heritage Centre and the Advisory Bodies, to produce, subject to extra-budgetary funding, a guidance document on urban heritage, including its definition, identification, conservation and management, based on the Historic Urban Landscape approach;*
6. *Welcomes the reflections on the interaction between the World Heritage Convention and the Second Protocol (1999) to the 1954 Hague Convention and also requests the World Heritage Centre and the Advisory Bodies to consider options for further developing synergies and coordinating reporting mechanisms between the World Heritage Convention and the Second Protocol (1999) of the Hague Convention (1954) while revising the Periodic Reporting Format during the Reflection Period towards the Third Cycle of Periodic Reporting;*
7. *Further requests the World Heritage Centre to proceed with the corrections of language consistency between the English and French versions of the Operational Guidelines;*

ANNEX I

Operational Guidelines (marked-up text)

<http://whc.unesco.org/document/135620/>

ANNEX II

Proposal of Belgium on synergies between WH Convention and the Second Protocol (1999) to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict (Document CLT-14/9.COM/CONF.203/13)

<http://whc.unesco.org/document/135622/>

ANNEX III

Statistics on the submission of nominations and on the inscriptions of properties on the World Heritage List (in relation to the revision of Paragraph 61 of the Operational Guidelines)

<http://whc.unesco.org/document/135624/>