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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

Fortieth session

**Istanbul, Turkey
10 – 20 July 2016**

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

11. Revision of the *Operational Guidelines*

SUMMARY

The World Heritage Committee at its 39th session (Bonn, 2015) adopted a revision to the *Operational Guidelines*. The revised 2015 text is available on the World Heritage Centre webpage <http://whc.unesco.org/document/137843>.

However, following an extensive debate, the Committee did not find a consensus concerning the revision of Paragraph 61. Therefore, in its Decision **39 COM 11**, the Committee decided “to extend the mandate of the ad hoc working group extended by one extra regional group representative who is not a member of the World Heritage Committee, established at the 38th session (Doha, 2014) to be convened by Turkey, to further discuss and make recommendations on Paragraph 61 as well as on the sustainability of the World Heritage Fund”. In the same Decision, the Committee decided on an exceptional basis to re-examine Paragraph 68 as well as Annex 2A of the *Operational Guidelines*.

The present document contains a proposal for revision of Paragraph 61 of the *Operational Guidelines* which will have to be addressed jointly with the outcomes of the ad hoc working group (see Document WHC/16/40.COM/13A).

This document also contains a proposal for the revision of Paragraph 68 and addresses Annex 2A.

Draft Decision: 40 COM 11, see Section III.

I. INTRODUCTION

1. The Committee, at its 39th 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 **39 COM 11** (Bonn, 2015).
2. However, while a large consensus was found within the Working Group on the Revision of the *Operational Guidelines* concerning the revision of Paragraph 61 – particularly with regard to reducing the number of nominations per State Party to one per year and overall number of nominations to 25 – after an extensive plenary debate, the Committee decided that there was a need to further reflect on the question of the limitation to the number of nominations.
3. Therefore, in its Decision **39 COM 11**, the Committee decided “to extend the mandate of the ad hoc working group established at the 38th session (Doha, 2014) to be convened by Turkey, to further discuss and make recommendations on Paragraph 61 as well as on the sustainability of the World Heritage Fund”.
4. During the months between the end of the 39th session and the preparation of this document, the ad hoc working group met several times. The Secretariat was invited to participate in the meetings and closely followed the work of the group. The outcomes of the discussions held by the ad hoc working group are presented in Document WHC/16/40.COM/13A.
5. As the Committee in its Decision **39 COM 11** decided to re-examine Paragraph 68 as well as Annex 2A at its 40th session, the present document also contains a proposal for the revision of this paragraph while no amendment to Annex 2A is proposed.

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

a) Paragraph 61

6. 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.
7. The information below largely reflects the analysis on this matter that has already been presented to the Committee at its 39th session, in the framework of the Revision of the *Operational Guidelines* (document WHC-15/39.COM/11). Updates of tables and other relevant information have been made accordingly.

Background

8. 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.

9. 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.

10. 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”.

11. 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 2016.

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%)
2017	9 (21.4%)	1 (2.3%)	26 (76.1%)	42 (100%)

12. 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. While the Secretariat also actively participated in the discussions of the ad hoc working group on this matter and took note of the proposal to reduce the total number of nominations from 45 to 35, it would like to recall its analysis included in document WHC-15/COM.39/11 suggesting that the annual limit of the number of nominations examined by the Committee to 25 appears to be the most practical solution to face the heavy budget constraints and the likely continued decline in financial resources for the next biennium. The sustainability of the World Heritage Fund is addressed in Document WHC/16/40.COM/15 which presents to the Committee the current financial situation, including the need to address the financial shortfall for evaluation of nominations during the current biennium, namely for the cycle 2017-2018. In this regard, the proposal of the Secretariat for an entry into force of the revised Paragraph 61, as of 2 February 2017 (i.e. will be applicable for all nominations submitted by 1 February 2018) reflects the current financial situation. In case the shortfall in 2017 cannot be addressed otherwise, it will be necessary to apply the prioritization under Paragraph 61 (c) for the nominations received by 1 February 2017 and a certain number of nominations may have to be postponed.

13. 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.
14. 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 2015. 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.
15. The proposal for a revised Paragraph 61 is included as Annex I of this document. It takes into account the analysis above, as well as the deliberations of the Working Group on the *Operational Guidelines* at the 39th session, the plenary discussion of the Committee on this matter, as well as largely the deliberations of the ad hoc working group to which the Secretariat was kindly invited to contribute.
16. It is suggested that the proposal for a revised Paragraph 61, as contained in Annex 1 to this document, be examined by the Committee in conjunction with the outcomes of the ad hoc working group on this subject, as outlined in working document WHC/16/40.COM/13A.

b) Paragraph 68

17. 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”. At the 39th session, the Working Group on the Revision of the *Operational Guidelines* could not reach a consensus on the proposed amendment and the Committee in its Decision **39 COM 11** decided to re-examine Paragraph 68 as well as Annex 2A at its 40th session.
18. The information below reflects the analysis and proposal on this matter that have already been presented to the Committee at its 39th session, in the framework of the Revision of the *Operational Guidelines* (document WHC-15/39.COM/11). 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.
19. 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.
20. 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.
21. A proposal for a revision of Paragraph 68, in accordance with the above, is included as Annex II of this document.
22. The Secretariat has also reviewed Annex 2A to the *Operational Guidelines* as requested by the Committee and does not suggest a Revision of this Annex at this stage.

III. DRAFT DECISION

The Committee may wish to adopt the following decision, taking into account the revised proposal that may be presented by the ad hoc working group whose mandate was extended to further discuss and make recommendations on Paragraph 61 as well as on the sustainability of the World Heritage Fund.

Draft Decision: 40 COM 11

The World Heritage Committee,

1. *Having examined Document WHC/16/40.COM/11,*
2. *Recalling Decision **39 COM 11**, adopted at its 39th session (Bonn, 2015),*
3. *Taking into account the deliberations of the Consultative Body established at the beginning of the session under Rule 20 of the Rules of Procedure,*
4. *Adopts the proposed revision of Paragraph 61 of the Operational Guidelines, as presented in Annex 1 of Document WHC/16/40.COM/11;*
5. *Also adopts the proposed revision of Paragraph 68 of the Operational Guidelines as presented in Annex 2 of Document WHC/16/40.COM/11.*

Proposed Amendments on Paragraph 61 of the Operational Guidelines

61. The Committee has decided to apply the following mechanism:

- a) examine up to ~~two~~ **one** complete nominations per State Party, ~~provided that at least one of such nominations concerns a natural property or a cultural landscape~~ and,
- b) set at ~~45~~ **25** the annual limit on the number of **complete** nominations it will review, 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,
- c) the following order of priorities will be applied in case the overall annual limit of ~~45~~ **25** nominations is exceeded:
 - i) nominations of properties submitted by States Parties with no properties inscribed on the List,
 - ii) nominations of properties submitted by States Parties having up to 3 properties inscribed on the List,
 - iii) nominations of properties that have been previously excluded due to the annual limit of ~~45~~ **25** nominations and the application of these priorities,
 - iv) nominations of properties for natural heritage,
 - v) nominations of properties for mixed heritage,
 - vi) nominations of transboundary/transnational properties,
 - vii) nominations from States Parties in Africa, the Pacific and the Caribbean,
 - viii) nominations of properties submitted by States Parties having ratified the *World Heritage Convention* ~~during over~~ the last ~~ten~~ **twenty** years,
 - ix) nominations of States Parties, former Members of the Committee, who accepted on a voluntary basis not to have a nomination examined by the Committee during their mandate (this priority will be applied for 4 years after the end of their mandate on the Committee),
 - x) nominations of properties submitted by States Parties that have not submitted nominations ~~for ten~~ **over the last five** years or more,
 - xi) when applying this priority system, date of receipt of full and complete nominations by the World Heritage Centre shall be used as a secondary factor to determine the priority between those nominations that would not be designated by the previous points.
- d) the States Parties co-authors of a transboundary or transnational serial nomination can choose, amongst themselves and with a common understanding, the State Party which will be bearing this nomination; and this nomination can be registered exclusively within the ceiling of the bearing State Party.

The impact of this decision will be evaluated at the Committee's ~~39th~~ **44th** session (~~2015~~ **2020**). This paragraph takes effect on 2 February ~~2012~~ **2017**, in order to ensure a smooth transition period for all States Parties.

68. Upon reception of the Tentative Lists from the States Parties, the World Heritage Centre checks for ~~compliance of the documentation with Annex 2~~ completeness of the documentation in compliance with Annex 2A or, for transnational / transboundary future nominations, with Annex 2B. If the documentation is not considered ~~in compliance with Annex 2, complete,~~ the World Heritage Centre refers it back to the State Party. When the new submission to the Tentative List is considered complete, the World Heritage Centre publishes it on its related public web page. In case 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, 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. 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. 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. When all information has been provided, the Tentative List is registered by the Secretariat and transmitted to the relevant Advisory Bodies for information. A summary of all Tentative Lists is presented annually to the Committee. The Secretariat, in consultation with the States Parties concerned, updates its records, in particular by removing from the Tentative Lists the inscribed properties and nominated properties which were not inscribed.

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)

Table A - Breakdown of properties inscribed on the World Heritage List in the year **2000**.

REGION	CULTURAL	NATURAL	MIXED	TOTAL
Africa	21 (39.6%)	29 (54.7%)	3 (5.7%)	53 (8 %)
Arab States	50 (94.4%)	2 (3.8%)	1 (1.8%)	53 (8 %)
Asia and the Pacific	90 (66.6%)	36 (26.7%)	9 (6.7%)	135 (20 %)
Europe and North America	301 (85.7%)	41 (11.7%)	9 (2.6%)	351 (51 %)
Latin America and the Caribbean	68 (69.4%)	27 (27.5%)	3 (3.1%)	98 (14 %)
Total	530 (76.8%)	135 (19.6%)	25 (3.6%)	690 (100%) Inscribed in 123 States Parties

Table B - Breakdown of properties inscribed on the World Heritage List in the year **2005**.

REGION	CULTURAL	NATURAL	MIXED	TOTAL
Africa	31 (47.7%)	31 (47.7%)	3 (4.6%)	65 (8%)
Arab States	56 (91.8%)	4 (6.5%)	1 (1.7%)	61 (7%)
Asia and the Pacific	112 (68.3%)	43 (26.2%)	9 (5.5%)	164 (20%)
Europe and North America	352 (86.1%)	48 (11.7%)	9 (2.2%)	409 (50%)
Latin America and the Caribbean	77 (68.1%)	33 (29.3%)	3 (2.6%)	113 (14%)
Total	628 (77.3%)	159 (19.6%)	25 (3.1%)	812 (100%) Inscribed in 137 States Parties

Table C - Breakdown of properties inscribed on the World Heritage List as of **2010**.

REGION	CULTURAL	NATURAL	MIXED	TOTAL
Africa	42 (53.8%)	32 (41%)	4 (5.1%)	78 (9%)
Arab States	61 (92.4%)	4 (6.1%)	1 (1.5%)	66 (7%)
Asia and the Pacific	138 (69.7%)	51 (25.7%)	9 (4.6%)	198 (21%)
Europe and North America	377 (84.7%)	58 (13%)	10 (2.2%)	445 (49%)
Latin America and the Caribbean	86 (77.4%)	35 (28.2%)	3 (2.5%)	124 (14%)
Total	704 (77.3%)	180 (19.7%)	27 (2.7%)	911 (100%)
				Inscribed in 151 States Parties

Table D - Breakdown of properties inscribed on the World Heritage List as of **2015**.

REGION	CULTURAL	NATURAL	MIXED	TOTAL
Africa	48 (53.9 %)	37 (41.5%)	4 (4.4%)	89 (8.6%)
Arab States	73 (92.5%)	4 (5%)	2 (2.5%)	79 (7.6%)
Asia and the Pacific	168 (70.6%)	59 (24.8%)	11 (4.6%)	238 (23%)
Europe and North America	420 (85.6%)	61 (12.4%)	10 (2%)	491 (47.8%)
Latin America and the Caribbean	93 (69.4%)	36 (26.8%)	5 (3.8%)	134 (13%)
Total	802 (77.8%)	197 (19.1%)	32 (3.1%)	1031 (100%)
				Inscribed in 163 States Parties

Table E - List of Nominations received to be examined by the Committee at its sessions between 2000 and 2015. Detail of States Parties having submitted more than 9 nominations.

IN DESCENDING ORDER BY NUMBER OF NOMINATIONS RECEIVED

State Party	Nominations received ⁽¹⁾	Cultural Heritage	Natural Heritage	Mixed Heritage
China	38	25	12	1
India	38	29	8	1
Germany	34	31	3	0
Russian Federation	33	17	15	1
France	29	23	6	0
Italy	29	23	5	1
Spain	26	20	5	1
Mexico	25	14	7	4
Iran (Islamic Republic of)	25	22	3	0
Israel	24	22	2	0
Ukraine	18	11	7	0
United Kingdom of Great Britain and Northern Ireland	18	15	2	1
Kenya	16	10	6	0
Brazil	16	9	4	3
Poland	16	14	2	0
Indonesia	15	10	4	1
Japan	15	13	2	0
Portugal	14	10	3	1
Turkey	14	13	1	0
Switzerland	13	7	6	0
Austria	13	10	2	1
Slovakia	12	7	5	0
Uzbekistan	11	9	2	0
Czech Republic	10	9	1	0
Mongolia	10	5	5	0
United Republic of Tanzania	10	6	3	1

State Party	Nominations received ⁽¹⁾	Cultural Heritage	Natural Heritage	Mixed Heritage
Viet Nam	10	2	7	1

(1) Please note that transboundary and transnational nomination are counted under all States Parties participating.

[Data source: World Heritage List Database]

Table F – States Parties having submitted 2 or more nominations by the same deadline at least twice between 2003-2016

State Party	Submitted more than 1 nomination by the same deadline
China	14 times
India	11
France	10
Germany	8
Italy	8
Spain	7
Russian Federation	7
Iran (Islamic Republic of)	7
Mexico	4
Israel	4
South Africa	4
Slovakia	3
Indonesia	3
Switzerland	3
Poland	3
Brazil	3
Vietnam	3
Turkey	3
Austria	2
Belgium	2
Belarus	2
Gabon	2
United Republic of Tanzania	2

State Party	Submitted more than 1 nomination by the same deadline
Denmark	2
Canada	2
Mongolia	2
Uzbekistan	2

Table G – States Parties with more than 9 properties inscribed on the World Heritage List

States Parties	Properties Inscribed
Italy	51
China	48
Spain	44
France	41
Germany	40
Mexico	33
India	32
United Kingdom of Great Britain and Northern Ireland	29
Russian Federation	26
United States of America	23
Japan	19
Iran (Islamic Republic of)	19
Brazil	19
Australia	19
Greece	17
Canada	17
Turkey	15
Sweden	15
Portugal	15
Poland	14
Republic of Korea	12

States Parties	Properties Inscribed
Peru	12
Czech Republic	12
Switzerland	11
Belgium	11
Netherlands	10